

[1 The Writings of Thomas Jefferson 303-304 (Lipscomb ed. 1903) (notes on cabinet meeting).]

April the 2d. Met again at the President's, on the same subject. We had all considered, and were [\*304] of one mind, first, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public: consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chair man to move the House to address the President. We had principally consulted the proceedings of the Commons in the case of Sir Robert Walpole, 13 Chandler's Debates. For the first point, see pages 161, 170, 172, 183, 187, 207; for the second, pages 153, 173, 207; for the third, 81, 173, appendix page 44; fourth, page 246. Note; Hamilton agreed with us in all these points, except as to the power of the House to call on Heads of Departments.

He observed, that as to his Department, the act constituting it had made it subject to Congress in some points, but he thought himself not so far subject, as to be obliged to produce all the papers they might call for. They might demand secrets of a very mischievous nature. [Here I thought he began to fear they would go on to examining how far their own members and other persons in the government had been dabbling in stocks, banks, &c., and that he probably would choose in this case to deny their [\*305] power; and, in short, he endeavored to place him self subject to the House, when the Executive should propose what he did not like, and subject to the Executive, when the House should propose anything disagreeable.] I observed here a difference between the British Parliament and our Congress; that the former was a legislature, an inquest, and a council (S. C. page 91.) for the King. The latter was, by the constitution, a legislature and an inquest, but not a council. Finally agreed, to speak separately to the members of the committee, and bring them by persuasion into the right channel. It was agreed in this case, that there was not a paper which might not be properly produced; that copies only should be sent, with an assurance, that if they should desire it, a clerk should attend with the originals to be verified by themselves. The committee were Fitzsimmons, Steele, Mercer, Clarke, Sedgwick, Giles and Vining.