

Mock Ratification Debates: Louisiana

Purchase

Fran O'Malley

I. BACKGROUND

In 1800, the Electoral College selected Thomas Jefferson to become the nation's third President. The election was a very important one in American history because it marked the first time that one political party ("Republicans") replaced the party that had always held power ("Federalists"). Many held their breath fearing that the Federalists might not surrender their power peacefully. Fortunately, they did and the two party system took root.

In his third year in office, Jefferson received word of a golden opportunity. Napoleon Bonaparte, who now ruled France and was waging war in Europe, offered to sell the territory in North America known as "Louisiana." Louisiana was much bigger in 1803 than present state is. Louisiana was about as large as the entire United States at that time! It included 828,000 square miles. Originally, Jefferson wanted to buy New Orleans only. But the deal that Napoleon offered was hard to resist.

The cost of Napoleon's war made it necessary for him to offer Louisiana at an irresistible price - \$15 million dollars or approximately \$.04 an acre.

Although the price was right, Jefferson faced a serious problem in deciding how to handle the offer. For years he had opposed the Federalists who had stretched the meaning of the Constitution to assume "implied powers." In 1791 the Federalists had used the "elastic clause" to assume the power to create a national bank. Then, in 1797, the Federalists passed the Alien and Sedition Acts which he felt violated the First amendment right to free speech. As a long-standing opponent of loose construction, Jefferson found himself in a bind knowing that the Constitution did not specifically grant the national government the right to buy land. He had always been a "strict constructionist," arguing that the national government had only those powers, which were specifically granted in the Constitution.

But the purchase of Louisiana meant a great deal to the nation. For years the Spanish had denied western farmers free use of the Mississippi. The purchase of Louisiana would give the United States control of both sides of the Mississippi River. Additionally, the money raised from the sale of the land would bring valuable income to the national government. Who knew what valuable resources would be found in the vast territory?

At first, Jefferson considered proposing an amendment to the Constitution. It reads...

"Louisiana as ceded by France to the United States is made a part of the United States. Its white inhabitants shall be citizens, and stand, as their rights and obligations, on the same footing with other citizens of the United States in analogous situations."

Knowing the amount of time that it takes to add amendments to the Constitution, President Jefferson quickly dropped the idea. He was worried that Napoleon might change his mind. His trusted friend and fellow Republican, James Madison, suggested that the power to buy land from another country could be assumed under Article II, Section 2, Clause 2 which reads...

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur;

The President has decided to submit the "treaty" to the Senate.

Activity: Mock Senate

Each of you is to play the role of United States Senators. You are to debate and vote on the proposal to ratify the treaty under which the United States will purchase the territory of Louisiana from France for \$15 million.

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8 th Congress 1803-1805			
House		Senate	
<i>Democratic-Republicans</i> 102 (72%)	<i>Federalists</i> 39 (28%)	<i>Democratic-Republicans</i> 25 (74%)	<i>Federalists</i> 9 (26%)

Arguments for

Democratic-Republicans

(most support ratification)

- Western farmers are demanding war to secure free use of the Mississippi.
- The vast resources of Louisiana will make-up for the costs of the purchase.
- Napoleon may change his mind if the nation does not act quickly.
- There is not time to seek an amendment. Congress passed the 11th Amendment on March 4, 1794. It was not ratified until January 23, 1795 (over 11 months).
- Eliminating the French from North America will make the United States safer (especially noting Napoleon's expansionist tendencies).

Arguments for

Federalists

(oppose ratification)

- The Constitution contains no provision for purchasing land.
- Jefferson has always been against loose construction.
- Jefferson has the option of seeking an amendment to the Constitution.
- Jefferson is adding to the national debt.
- States carved out of the territory will be Jeffersonian – Republicans will gain enormous power.
- The [frontier] expansion of the nation will “decivilize” the nation.
- French and Spanish speaking people live in their territory and have not consented to being incorporated into the United States.
- When people move there they will be at a great distance from the nation's capital. It will be impossible to control or meet the needs of these individuals and they will eventually want to separate.
- Knowing that Napoleon cannot maintain control over it and that he is afraid that England will take it, we should not have had to pay so much for it.