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# When the Ends Justify the Means: Thomas Jefferson and the Louisiana Purchase

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## Abstract

*The Louisiana Purchase was undoubtedly the single greatest achievement of Thomas Jefferson's presidency. Yet many critics have seen Jefferson's purchase of Louisiana as a "sell out" of his most cherished political principles—states' rights and strict constructionism. This paper argues that Jefferson desired to achieve a greater end in the case of the Louisiana Purchase—i.e., the survival of Republican government in the United States. Thus, Jefferson temporarily relented on the means for achieving Republican government—states' rights and strict constructionism—in order to take advantage of an extraordinary opportunity to secure the ends of Republicanism.*

The Louisiana Purchase was a watershed event in the history of the United States. By this one act the size of the nation was more than doubled and a formidable potential enemy—France—was removed from among the major actors in North America. More than simply a coup for the United States, however, the Louisiana Purchase was the greatest achievement of Thomas Jefferson's presidency. With the addition of this virgin territory to the patrimony of the United States, Jefferson secured for the nation "for generations, if not centuries to come," a necessary guarantor of Republicanism—landed and commercial expansion.<sup>1</sup> Moreover, Jefferson felt that the purchase of Louisiana would ensure the pastoral nature of the United States and forestall the degeneration which had befallen classical Republican governments. Jefferson was confident that the Louisiana territory would promote the development of a virtuous Republican citizenry.

In purchasing the Louisiana territory, however, Thomas Jefferson called into question his most cherished political convictions. He was a strict constitutional constructionist and a strong supporter of states' rights. The former position, as understood by Jefferson, meant that ". . . the general government has no powers but such as the constitution has given it. . . ."<sup>2</sup> The latter position, as Jefferson's biographer Dumas Malone points out, was deeply inbred in Jefferson. He was "a Virginian before he became anything else, and he never ceased to be one."<sup>3</sup> Yet by purchasing Louisiana, Jefferson's adherence to both strict constructionism and to states' rights were called into question. As John Quincy Adams wrote, the purchase of Louisiana entailed "an assumption of implied power greater in itself and more

comprehensive in its consequence, than all the assumptions of implied power in the twelve years of the Washington and Adams Administrations put together.”<sup>4</sup> Echoing this criticism, Henry Adams added, “The principle of strict constructionism was the breath of his [Jefferson’s] political life. The Pope could as easily trifle with the doctrine of apostolic succession as Jefferson with the limits of Executive power.”<sup>5</sup> Why, then, did Jefferson undertake to purchase Louisiana, an act that he understood to be contrary to the principles of strict constructionism and states’ rights?

In answering this question, it is important to recognize the underlying conviction that directed all of Jefferson’s actions—i.e., Republicanism. For Jefferson and many of his contemporaries, Republicanism was the only form of government suitable to the United States. However, as historical republics had demonstrated, the passage of time was a republic’s worst enemy as growth and urbanization eventually led to centralized governmental power and societal decay. Republican government could thus only survive in an atmosphere of limited government and in a society of virtuous and moral citizens. As such, Republicanism relied on the aid of selected defenses aimed at forestalling decay. In general, Jefferson believed that states’ rights and strict constructionism provided such defenses, though he understood that time would inevitably wear them away.

Understood in this light, the Louisiana Purchase was a case of the ends justifying the means; that is, in order to secure the desired end of Republicanism, Jefferson temporarily set aside its most dependable guarantors—states’ rights and strict constructionism—by stepping for a time outside the bounds of the Constitution. This abandonment of the standard defenses of Republicanism was necessary in order to grasp an opportunity that provided for the long-term security of Republicanism—in this case the new frontiers provided by the Louisiana territory. Once secured, Jefferson returned to the normal protection of Republicanism provided by state’s rights and strict constructionism. As Henry Adams noted in this regard, Jefferson believed that “in the hands of true Republicans the constitution, even though violated, was on the whole safe; the precedent, though alarming was exceptional.”<sup>6</sup>

Other writers have recognized Jefferson’s dilemma in the case of the Louisiana Purchase. Drew McCoy (1980), for example, provided an excellent discussion of Jefferson’s Republican ideals and suggests that they directly influenced his decision to purchase the Louisiana territory. Robert Tucker and David Hendrickson (1990) also suggest that in the case of Louisiana Jefferson sacrificed his constitutional scruples in order to achieve his end of an “Empire of Liberty.” Neither of these works, however, adequately relate Jefferson’s abandonment of his traditional means—states’ rights and strict constructionism—to his end—Republicanism.

This paper will demonstrate that Jefferson was consistent in his purchase of the Louisiana territory—that there was no “sell out” of his political ideals. In the first part of this paper, an examination of Jefferson’s states’ rights and strict constructionist views will be undertaken so that we can understand why charges that he had abandoned his political principles were leveled against him in the wake of the Louisiana Purchase. Jefferson’s Republican views, and his principles and theories of individualism and political economy, will also provide crucial insights into his motivations

for purchasing the Louisiana territory. The paper will then examine specific criticisms of the Louisiana Purchase and Jefferson's own misgivings about the treaty. It will be shown that Jefferson was not the only proponent of states' rights and strict constructionism to compromise his principles. Indeed, many prominent Jeffersonians both in the administration and outside of it supported the Purchase, despite its seeming violation of states' rights and strict constructionism. Finally, it will be shown that Jefferson's action in the case of Louisiana was justified by what he perceived to be a higher good—Republicanism.

Given his commitment to this principle, states' rights and strict constructionism were merely means to an end. Indeed, they were *the* means which under ordinary circumstances could be seen as the chief bulwarks of Republicanism. Under extraordinary circumstances—and there is no doubt that the opportunity to double the size of the country was extraordinary—even these bulwarks might have to be set aside to seize an opportunity that might not present itself again and that could not be seized otherwise. Thus, by sacrificing the means, Jefferson was able to accomplish the ends.

### **States' Rights as a Jeffersonian Ideal**

Jefferson's ideas on states' rights were most clearly set forth in the Kentucky Resolutions of 1799. In these resolutions, Jefferson argued that the union was merely a compact among the several states. As such, certain powers had been delegated to the central government whereas others were retained exclusively by the states themselves. Jefferson wrote in this connection: "My general plan would be to make the States one as to everything connected with foreign nations, and several as to everything domestic."<sup>7</sup> In other words, Jefferson believed that the central government should have exclusive control over foreign affairs whereas the states would retain control in all domestic matters. Again, seeing the Constitution as a document which clearly limited the powers of the national government, Jefferson asserted that acts of the national government which went beyond the explicitly stated powers were "unconstitutional, void, and of no force."<sup>8</sup> Thus, since the states had not contracted to create an ultimate arbiter in the Constitution, each state had "an equal right to judge for itself, as well of the infractions as of the mode and measure of redress."<sup>9</sup>

Jefferson had written the Kentucky Resolutions, in concert with James Madison and John Breckinridge, as a response to the Adams administration's passage of the Alien and Sedition Laws. To Jefferson, these laws if not repealed posed a direct threat to Republicanism. As Jefferson intimated to Wilson Nicholas of Virginia and John Breckinridge of Kentucky, "If Republicanism was the end, states-rights was the means."<sup>10</sup> In drawing up the Kentucky Resolutions, then, Jefferson hoped to ignite a broad protest among the states against the national government, similar to the colonies' protest against Britain. The hope, of course, was to stem the tide of what Jefferson saw as the pernicious attempts of the Federalists to extend the power of the federal government and enhance the power of the Executive.

Hence, the harsh tone of the Kentucky Resolutions is understandable given Jefferson's passion for the states as the protectors of Republicanism. He even went

so far in the Regulations as to suggest that immediate nullification or resistance was the best course of action for the states:

. . . where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them . . . that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calumnies against republican government, and new pretexts for those who wish to be believed that a man cannot be governed but by a rod of iron. . . .<sup>11</sup>

Though the Kentucky legislature omitted mention of nullification or resistance, it did, together with the Virginia legislature, pass resolutions incorporating Jefferson's notion of states' rights. Much to Jefferson's disappointment, however, state legislatures elsewhere either repudiated or ignored the Resolutions. This, of course, strengthened Jefferson's belief that Republicanism was under attack and solidified his determination to run against John Adams for the presidency in 1800.

### **Strict Constitutional Constructionism as a Jeffersonian Ideal**

It is evident from the above discussion that much of Jefferson's stand on states rights flowed from his view of the Constitution as a document limiting central government power. In fact, it is clear that states' rights and strict constructionism go hand-in-hand in Jefferson's political ideology.

When the Constitution was being framed in 1787, Jefferson was the United States minister to France. James Madison, his close friend and fellow Virginian, kept him apprised of the proceedings and the debate surrounding the new Constitution. Jefferson, though certainly a sympathizer with the Anti-Federalists during the ratification debate, had only two important reservations about the Constitution as it was originally framed. These were (1) the clause allowing the president to be reelected indefinitely and (2) the absence of a bill of rights. On the first issue Jefferson stated his willingness to compromise, but as to the second, he could envision no compromise. He felt that a bill of rights was essential to protect individual liberty. This view stemmed from Jefferson's fear of centralized power and from his belief that individual rights not explicitly stated might be denied by some future government. As Jefferson saw it, "the sum of good government [is] a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."<sup>12</sup>

Thus, the ideal government for Jefferson was one which kept law and order but otherwise did not interfere with the rights of the individual. A bill of rights would secure individual liberties and keep in place the limited and defined powers of the national government accorded it by the Constitution. Government would thus

only be allowed to function in its defined realm. As it was written, the Constitution met Jefferson's criteria, but once government began to assume unto itself more power than was explicitly enumerated in the Constitution, the government was unconstitutional, illegitimate, and ripe for overthrow.

As Secretary of State during the first Washington administration, Jefferson was confronted with his worst nightmare. In early February 1791, Alexander Hamilton laid before Congress his bill proposing that the national government charter a private bank. Jefferson held that the proposed bank threatened those who toiled with their hands and lived by the sweat of their brows. It established a public debt which would be carried by unborn generations but would be owned by the few, thereby establishing a dangerous bond between the national government and the rich and well-to-do.

For Jefferson's part, he continued to hold that the Constitution was a limited instrument and that the national government had no other powers than those specified in the Constitution. Thus, since there was no mention in the Constitution of any power to erect a bank, the national government did not have that power. "Any other construction," Jefferson and his supporters argued, "would leave the door wide open to ever-increasing encroachments by the general government on the sovereignties of the States—a course that must inevitably end in monarchy and tyranny."<sup>13</sup>

As Secretary of State, Jefferson was asked by Washington to render an opinion on the proposed bank. Basing his argument on the Tenth Amendment to the Constitution, Jefferson wrote:

I consider the foundation of the Constitution as laid on this ground: that "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.

The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States by the Constitution.<sup>14</sup>

Thus began a feud between Jefferson and Hamilton that was to last the remainder of their lives. For Jefferson, however, the evil beyond Hamilton and the Federalists was their supporters—the moneyed men and merchants. Members of these groups, who undoubtedly would be the major shareholders in a national bank, would naturally become the strongest supporters of government. This "hand-in-glove" partnership was almost certain to be to the detriment of the small farmer and was sure to intensify the agriculturalists' view of the moneyed classes as "oppressors." Thus, to Jefferson and his supporters it was the people of little means "who would have to pay the piper in the form of increased taxes, while the speculators and the moneyed men would reap all the profits."<sup>15</sup>

Jefferson's convictions, then, clearly were on the side of the laborer and the small farmer on the bank issue. He did not desire to see the United States become a society controlled by the rich and well-to-do. His strict interpretation of the Constitution led him to believe that "not only would the creation of a bank breach

the limits of the Constitution; it would also . . . break down the most ancient and fundamental laws of the several states,' such as those against monopoly, fraud, mortmain, and alienage."<sup>16</sup> Thus, whereas Jefferson's position on states' rights led him to be a strict constitutional constructionist, this stance also led him back to states' rights. Both of these convictions, as will be shown, followed from Jefferson's fundamental view of Republican government and Republican man.

### **Republicanism as a Jeffersonian Ideal**

To Jefferson, the security of Republican government seemed to depend upon states' rights and strict constructionism. After all, to secure the benefits of Republicanism to the new nation was the ultimate end of government, and both states' rights and strict constructionism would secure Republicanism by restraining the power of the national government. However, as Jefferson recognized, the general protection provided by states' rights and strict constructionism could not be expected to hold forever. The frontier would eventually fill up, cities would grow, and general societal decay would ensue. Therefore, if at a certain time an unprecedented opportunity to extend the period of Republican stability presented itself—and could only be grasped by moving temporarily away from the generally appropriate means for protecting Republicanism—one would necessarily have to seize the opportunity.

This, then, was Jefferson's rationale. After all, in the Jeffersonian sense Republicanism was much more than simply a form of government. Indeed, it was a way of life that was intensely concerned with the broader social and moral condition of the country. Thus, its vitality was paramount in advancing a virtuous citizenry, which ensured the continued existence of the United States. At the core of Republicanism stood two fundamental pillars: individualism and an agrarian way of life.

### **Individualism**

In drawing a distinction between Republicans and Federalists, Jefferson noted that Republicans consisted of (1) the entire body of landholders throughout the United States, and (2) the body of laborers, not being landholders, whether in husbanding or the arts.<sup>17</sup> Of particular concern for Republicans, then, was the independence accorded the individual which came through either landholding or honest labor. As Drew McCoy points out, "the abject dependence of the landless or laboring poor rendered them vulnerable to bribery, corruption, and factious dissension, a society with large numbers of these dependents was hardly suited to the Republican form."<sup>18</sup>

Land thus provided the landholder with a great measure of personal independence. The landholder need not rely on other men, or any man, for his basic existence. Such independence, Republicans believed, "permitted a citizen to participate responsibly in the political process, for it allowed him to pursue spontaneously the common or public good, rather than the narrow interest of the men—or the government—on whom he depended for his support."<sup>19</sup> Jefferson firmly believed in this principle. In his *Notes on the State of Virginia*, he said:

Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial

and genuine virtue. . . . While we have land to labour then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff.<sup>20</sup>

Farming was thus both a noble and a virtuous endeavor to Jefferson. “An industrious farmer,” he said,

occupies a more dignified place in the scale of beings, whether moral or political, than a lazy loungeur, valuing himself on his family too proud to work, and drawing out a miserable existence by eating on that surplus of other men’s labor, which is the sacred fund of the helpless poor. A pitiful annuity will only prevent them from exerting that industry and those talents which would soon lead them to a better fortune.<sup>21</sup>

Property and its wise use was necessary, therefore, to the development of a committed and responsible Republican citizenry. Moreover, this citizenry, through its productivity, would “promote industry, population and frugality, and even morality.”<sup>22</sup> In short, in landowners Republicans saw “the most valuable citizens [for they are the most vigorous, the most independent [sic], the most virtuous and they are tied to their country and wedded to its liberty and interest by the most lasting bands.”<sup>23</sup>

In like manner those without landed property, who nonetheless engaged in productive labor, were also believed to exhibit individualism and the virtues of Republican society. Jefferson commented that

. . . carpenters, masons, [and] smiths, are wanting in husbandry: but, for the general operation of manufacture, let our workshops remain in Europe. . . . The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body.<sup>24</sup>

Jefferson extolled not only farmers, then, but also artisans who labored in support of farmers. Such a reciprocal economy, Jefferson believed, “was especially conducive to Republican virtue and the diffusion of power among the people.”<sup>25</sup> That is, Jefferson never lost his faith in the people or in their propensity to do good. He believed, however, that when congregated into large cities, the people became susceptible to manipulation by those of the higher classes. In fact, Jefferson often wrote of the superiority of rural life over urban life. Writing to a pregnant Maria Cosway in Europe in 1790, Jefferson said, “You may make children there, but this is the country to transplant them to. . . . There is no comparison between the sum of happiness enjoyed here and there. All the distractions of your great Cities are but feathers in the scale against the domestic enjoyments [sic] and rural occupations, and neighborly societies we live amidst here.”<sup>26</sup> Jefferson always urged that the people remain rural in character as it was in this state that “the manners and spirit of a people . . . preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitutions.”<sup>27</sup>



### Agrarianism and Political Economy

Accepting that individualism was at the heart of Republicanism, why was agrarianism also emphasized by the Republicans? A partial explanation is suggested immediately above. However, to fully understand Jefferson's and the Republicans' emphasis on agrarianism, it is important to understand their political economy.

With the economic and social dislocations of the 1780s, it appeared to Jefferson and others that "old age" was advancing on the United States far more rapidly than they had ever imagined. The increasing desire on the part of many Americans for "finer" manufactures and the need to employ the increasing labor surplus weighed heavily on Republican minds as more and more the United States began to exhibit the degenerative decay of England. Some Americans came to suspect "that the Revolutionary vision of a Republican society in which there would be no 'labouring poor'—where everyone would be independent and economically secure—was a chimaera."<sup>28</sup> One writer even suggested that it was the "inevitable lot" of some in society to be poor and "experience a certain degree of dependence and servility."<sup>29</sup>

This view, of course, did great violence to the Republican vision of industrious citizens. Moreover the suggestion that large-scale manufactures might alleviate unemployment and excess poverty was equally antithetical. Indeed, true Republicans, like Jefferson, had long held that household manufactures—those items produced by artisans and craftsmen in their homes or small shops—were sufficient for the country. Writing late in his life, Jefferson said:

Every family in the country is a manufactory within itself, and is very generally able to make within itself all the stouter and middling stuffs for its own clothing and household use. . . . The economy and thriftiness resulting from our household manufactures are such that they will never be laid aside; and nothing more salutary for us has ever happened than the British obstructions to our demands for their manufactures. Restore free intercourse when they will, their commerce with us will have totally changed its form, and their articles we shall in the future want from them will not exceed their own consumption of our produce.<sup>30</sup>

Thus, Jefferson and the Republicans were confident that the United States could survive on its cottage industries and its agricultural production. The latter, of course, was particularly necessary "for a healthy society of active, enterprising, hence virtuous, Republican farmers."<sup>31</sup>

To promote agrarianism, however, it was necessary to secure markets for agricultural goods. Failure to do so produced unfavorable consequences, for as the Scottish political economist Sir James Steuart warned, "agricultural surpluses that outran the capacity of available markets to absorb them created a dangerous situation; 'for if the whole be not consumed, the regorging plenty will discourage the industry of the farmer.'"<sup>32</sup>

Jefferson became keenly aware, then, that to secure his vision of virtuous citizens in an agrarian nation it was necessary to not only have an adequate supply of land but adequate markets as well. As Drew McCoy points out in this regard:

If agrarian republicans were viable only so long as there was adequate markets to absorb the fruits of their republican industry, it appeared that the rest of the world had to cooperate in creating the conditions that might permit America to remain a simple republic of virtuous farmers. The full employment and moral integrity of the mass of Americans thus depended on what was happening abroad. No foreign markets, no industrious republicans; it was that simple.<sup>33</sup>

Despite what might be its shortcomings, Jefferson's belief in agrarianism was strengthened, curiously enough, by the writings of Thomas Malthus. Malthus, who popularized the theory of population pressure on subsistence, indicated that all societies were destined to develop toward a state of overpopulation, corruption, and old age. Malthus intimated that old age might be postponed through an abundance of land available to a society, but it would not forestall the inevitable—societal decay. "Perpetual youth," Malthus concluded, was impossible for any nation, even a nation with "a vast reservoir of fertile land."<sup>34</sup> For one to expect the United States to remain a land of relatively little poverty and misery, Malthus declared, was as reasonable as expecting "to prevent a wife or mistress from growing old by never exposing her to sun and air."<sup>35</sup> "It is, undoubtedly, a most disheartening reflection," Malthus concluded, "that the great obstacle in the way to any extraordinary improvement in society, is of a nature that we can never hope to overcome."<sup>36</sup>

Jefferson read Malthus with great interest. Though he found Malthus' theories "very interesting" and of "sound logic," Jefferson nevertheless disagreed with Malthus that population pressure would be an immediate problem in America. The possibility of emigration to virgin territory, Jefferson reasoned, was always available and would forestall Malthus' predictions for many years. The United States, Jefferson argued, was a notable exception to Malthus' theories for "here," he said,

the immense extent of uncultivated and fertile lands enables every one, who will labor, to marry young, and to raise a family of any size. Our food, then, may increase geometrically with our laborers, and our births, however multiplied, become effective. Again, there the best distribution of labor is supposed to be that which places the manufacturing hands along side the agricultural; so that the one part shall feed both, and the other part furnish both with clothes and other comforts. Would that be best here? Egoism and first appearances say yes. Or would it be better that all our laborers should be employed in agriculture? . . . In solving this question . . . we should allow its just weight to the moral and physical preference of the agricultural, over the manufacturing man.<sup>37</sup>

Once again, Jefferson saw the United States as an agricultural paradise where industrious, virtuous landowners and laborers could secure for themselves and their posterity the blessings of "life, liberty, and the pursuit or happiness." Jefferson was not averse, however, to padding the agricultural advantage he perceived in the United States. Indeed, he continued to hold that a predominantly agricultural society was the best support for Republicanism. This conviction was to have important implications

during Jefferson's presidency, particularly in the case of the Louisiana Purchase which will now be considered.

### **The Louisiana Purchase**

To this point, this paper has laid the foundation for much of Thomas Jefferson's political ideology. The task at hand is to apply this ideology to the most momentous event of Jefferson's two terms as President — his purchase of the Louisiana territory from France in 1803. In undertaking this task, we are less interested in how the Louisiana territory was secured from France than in the charges brought against Jefferson, by friends and enemies alike, that this act represented betrayal of his most visible political convictions; i.e., states' rights and strict constructionism. Interestingly enough, Jefferson had serious reservations about his authority to purchase Louisiana but became curiously silent on his action before laying the treaty before Congress. The question of greatest importance, then, is whether or not Jefferson "sold out" his political ideals. Through this examination we hope to demonstrate that he did not.

### **Initial Reactions to the Treaty**

News of the treaty to secure the Louisiana territory reached Washington on the eve of the fourth of July, 1803. Many citizens were overjoyed with the treaty, hailing it as the greatest American achievement since the Declaration of Independence. Others, most notably Federalist opponents of Jefferson, criticized the treaty as a monumental blunder. Fifteen million dollars, they bellowed, was a lot to pay for a "howling wilderness."<sup>38</sup> George Cabot, in fact, saw the cession of Louisiana as chiefly advantageous to France. "It is," he said, "like selling us a ship after she is surrounded by a British fleet."<sup>39</sup> Cabot's reasoning in the case of Louisiana was that France would have been unable to exploit the territory because of its proximity to American and British interests.

In an appeal to the average citizen's pocketbook, the Federalists attempted to display graphically what Louisiana meant to the population as a whole: a stack of dollar bills one upon another that would produce a pile three miles high; twenty dollars from every taxpayer in the United States; benefits only to southern planters and western frontiersmen. All of these arguments, and others, were offered by the Federalists in opposition to the treaty.

Yet the Federalists also saw political opportunity in Jefferson's actions. His treaty with France, they reasoned, was the first step in the dismemberment of the Union; for the purchase of Louisiana irrevocably altered the relationship between the national government and the states. Moreover, it went against Jefferson's own well-stated positions of states' rights and strict constitutional construction. Thus, in Louisiana the Federalists saw an opportunity to discredit Jefferson and recapture power from the Republicans. Indeed, Louisiana was just the fodder the Federalists needed to show Americans once and for all the rashness and pomposity of Thomas Jefferson. Interestingly enough, Jefferson recognized in the Louisiana Purchase the

possibility of losing power to the Federalists, yet he proceeded with the treaty. Obviously, political tenure was not his only motivation in this case.

### Jefferson's Doubts

Of course, the cession of Louisiana posed a multitude of problems for Jefferson and the Republicans. For example, What were the boundaries of Louisiana? Was the Purchase warranted? Could the Union withstand the shock? Could the new lands be governed under the Constitution? How? As colonies subject to the will of Congress or as free and independent states? What about the French in Louisiana? Could they be assimilated?<sup>40</sup> And on and on.

Outwardly, Jefferson was exuberant about the Purchase. In writing to General Horatio Gates only a week after the treaty was made public he said:

I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana; for it is a subject of mutual congratulation, as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri and the Mississippi, has more than doubled the area of the United States, and the new part is not inferior to the old in soil, climate, productions and important communications. . . .<sup>41</sup>

While Jefferson was thus convinced of the utility and quality of the new land, he was nevertheless consumed by doubts about the constitutionality of the treaty and its implications for expanding the power of the national government. Jefferson's Attorney General, Levi Lincoln, anticipated Jefferson's qualms and wrote to him before the treaty was secured. In his letter, he attempted to frame the treaty "in such a language as to make [Louisiana] appear not as adding new territory to the United States, but as extending already existing territory by an alteration of its boundary."<sup>42</sup> In reply, Jefferson wrote:

If the acquisition of territory is not warranted by the Constitution, it is not more legal to acquire for one State than for the United States. . . . What could, on this construction, prevent the President and the Senate, by treaty, annexing Cuba to Massachusetts, or Bengal to Rhode Island, if ever the acquirement of colonies should become a favorite object with governments, and colonies should be acquired?<sup>43</sup>

Jefferson was very conscious, then, of the implications that the Louisiana Purchase had for states rights and strict constructionism; for (1) by acquiring Louisiana, Jefferson was strengthening the national government and the executive office, which naturally infringed on states' rights; and (2) the accession of Louisiana went beyond the enumerated powers given the national government in the Constitution.

Critics of Jefferson, particularly Federalists, recognized these implications and chided Jefferson for being more Federalist than they. For if Jefferson's favorite phrase was true—"that the Federalist differed from the Republican only in the shade more or less of power given to the Executive—it was hard to see how any President could

be more Federalist than Jefferson himself.”<sup>44</sup> Albert Fried, a later commentator on Jefferson’s actions, says,

. . . if Jefferson succeeded in Republicanizing the Federalists, he succeeded even more in Federalizing the Republicans. Hamilton had anticipated this possibility in 1800 when, in supporting Jefferson over Burr, he wrote: “It is a fact which I have frequently mentioned that while we were in the administration together, he [Jefferson] was generally for a large construction of the Executive authority. . . .”<sup>45</sup>

For a party that boasted of constitutional morality, then, the dilemma of Louisiana posed real challenges to its credibility, even more so to its guide and mentor Jefferson.

Jefferson’s first reaction to this dilemma was to propose a Constitutional amendment. Though one of his close advisors, Albert Gallatin, advised Jefferson that the United States had an inherent right to acquire territory and that Congress had the power either to admit such territory into the Union as a state or annex this territory to the states, Jefferson nevertheless concluded: “I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution.”<sup>46</sup>

When the treaty with France was concluded, Jefferson immediately drafted an amendment wherein he intended to sanction the treaty retroactively. “The Constitution,” he said, “has made no provision for our holding foreign territory, still less of incorporating foreign nations into our Union.” Adopting an amendment, Jefferson thought, would “confirm and not weaken the Constitution by strongly marking out its lines.”<sup>47</sup> Given Jefferson’s dispositions to states’ rights and strict constructionism, an amendment seemed to him to be the only honorable course to follow.

But many of Jefferson’s closest friends advised against an amendment to the Constitution. Senator Wilson Cary Nicholas of Virginia suggested that it was “very probable if the treaty should be by you declared to exceed the constitutional authority of the treaty making power that it would be rejected by the Senate, and if that should not happen, that great use would be made of this willful breach of the Constitution.”<sup>48</sup> Nicholas’s latter fear, of course, was realized.

In his reply to Nicholas in early September, however, Jefferson plainly stated his case:

When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise. I had rather ask an enlargement of power from the nation where it is found necessary, than to assume by a construction which would make our powers boundless. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no constitution. . . . Let us go on then perfecting it, by adding by way of amendment to the constitution, those powers which time and trial show are still wanting. . . .<sup>49</sup>

This defense of strict constructionism was the ideal — what Jefferson would have proposed had there not been a greater end to be achieved. But near the end of his

letter to Nicholas, Jefferson hints that constitutional niceties could temporarily be set aside to secure a greater good. "I confess then," he said,

I think it important in the present case to set an example against broad construction by appealing for new power to the people. If however our friends shall think differently, certainly I shall acquiesce with satisfaction confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects.<sup>50</sup>

What Jefferson had in mind in rationalizing the Louisiana Purchase, no doubt, was the greater good he saw in securing Republican ideals for the long term. Indeed, the acquisition of Louisiana "was of crucial importance to all Americans, not just to southerners and westerners, for it pushed far into the future that dreaded day when America would become a densely populated society characterized by inequality, luxury and dependence."<sup>51</sup> As to the Purchase's threat to the Constitution and its attendant threat to states' rights and constructionism, Jefferson had stated nearly a decade earlier that the means must sometimes be sacrificed to achieve the ends. In responding to a question as to whether it was necessary for public officials to assume authority beyond the law, Jefferson replied:

A strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property, and all those who are enjoying them with us; thus absurdly sacrificing the end to the means.<sup>52</sup>

### The Treaty Goes Before Congress

With his seeming acquiescence on the Constitutional issues posed by the Louisiana Purchase implied in the Nicholas letter, Jefferson closed his mouth on the subject forever. When he went before Congress in mid-October, he made no mention of his Constitutional misgivings. Jefferson was not to be relieved of the Constitutional questions surrounding Louisiana, however. In laying the treaty before Congress, several Congressmen attempted to address what they considered to be the usurpation of the Constitution. In the House, Gaylord Griswold of New York argued that an addition to the Union of the size of Louisiana, a territory equal to the whole of the United States, "might overbalance the existing territory, and thereby the rights of the present citizens of the United States be swallowed up and lost."<sup>53</sup>

Roger Griswold of Connecticut, an avowed supporter of New England's position, believed New England to have fallen prey to the whims of Virginia (since Jefferson and many of the most avid supporters of the Louisiana Purchase were Virginians). "A new territory and new subjects," he said,

may undoubtedly be obtained by conquest and by purchase; but neither the conquest nor the purchase can incorporate them into the Union. They must remain in the condition of colonies, and be governed accordingly.<sup>54</sup>

The treaty, Griswold maintained, was invalid since it committed the nation to admitting the people of Louisiana into the Union. The assumption, then, that “the President and Senate may admit at will any foreign nation into this copartnership without the consent of the States,” was, to Griswold, repugnant to the principles of the Constitution.<sup>55</sup> Griswold also asserted in his condemnation of the treaty that “the people of the States had never delegated to John Randolph or Thomas Jefferson, or to a majority of the United States Senate, the right to make a political revolution by annexing a foreign State.”<sup>56</sup> It was ironic, then, that Jefferson—the avowed states’ rights and strict constructionist advocate—was having his own rhetoric turned against him in the Louisiana debate.

Federalist members of the Senate were just as vehement in their attack on Jefferson and the Louisiana treaty as the House members had been. Senator William Plumer, for example, said that if his party had negotiated such a treaty, it would have been denounced as “monarchical.” Manasseh Cutler, too, alleged that Jefferson had become “as despotic as the Grand Turk.”<sup>57</sup> And Senator Timothy Pickering of Massachusetts asserted that neither the President nor the Congress had the authority to incorporate Louisiana into the Union; nor did Pickering believe that a Constitutional amendment would solve the dilemma. “I believe,” he said, “the assent of each individual State to be necessary for the admission of a foreign country as an associate of the Union, in like manner as in a commercial house the consent of each member would be necessary to admit a new partner into the company.”<sup>58</sup>

Thus, Pickering, together with other extreme Federalists, held that the Louisiana treaty was void, “and that the admission of Louisiana as a State in the Union was a rupture of the compact, which broke the tie and left each State free to act independently of the rest.”<sup>59</sup> Again, what is most interesting about this argument is that the Federalists were using Jefferson’s and the Republicans’ hallowed convictions to indict the Louisiana Purchase. For their part, the Federalists believed that the Republicans were impaling themselves on the horns of their own cherished doctrines—states’ rights and strict constructionism. Both, the Federalists believed, would be equally fatal to the Republicans. As they reasoned,

Either Louisiana must be admitted as a State, or must be held as a territory. In the first case the Old Union was at an end; in the second case the national government was an empire, with “inherent sovereignty” derived from the war and treaty-making powers—in either case the Virginia theories were exploded.<sup>60</sup>

### **Implications of the Louisiana Purchase**

The Louisiana Purchase, then, could be considered as both the zenith and the nadir of Jefferson’s presidency; for on the one hand it doubled the size of the United States and ensured that the country would have ample land for expansion for many years to come. But on the other hand, the Purchase brought into question fundamental Jeffersonian doctrines and exposed Jefferson to criticism that has lasted to this day. Indeed, Merrill Peterson sees the Louisiana Purchase as “a revolution in the American Union [which] became, a revolution in the Constitution. A momentous act of Jeffersonian statesmanship unhinged the Jeffersonian dogmas and opened, so

far as precedent might control, the boundless field of power so much feared. Critics then and since found the President inconsistent.”<sup>61</sup>

What did the Louisiana Purchase do to the doctrines of states’ rights and strict constructionism? Many, of course, claim that it enlarged the powers of the national government vis-à-vis the states and made, as Jefferson feared, a “blank paper of the Constitution.” The former assertion is almost certainly true; the latter an exaggeration. It is interesting to note, however, that among the supporters of the Louisiana Purchase were some of the most avid proponents of states’ rights and strict constructionism, aside from Jefferson:

In the Senate sat John Breckinridge of Kentucky, supposed to be the author of the Kentucky Resolutions, and known as their champion in the Kentucky legislature. From Virginia came John Taylor of Caroline, the reputed father of the Virginia Resolutions, and the soundest of strict constructionists. Twenty years later, his “Construction Construed” and “New Views on the Constitution” became the text books of the States-rights school. His colleague was Wilson Cary Nicholas, who had also taken a prominent part in supporting the Virginia Resolutions, and whose devotion to the principles of strict construction was beyond doubt. One of the South Carolina senators was Pierce Butler; one of those from North Carolina was David Stone; Georgia was represented by Abraham Baldwin and James Jackson, — staunch States-rights Republicans all.<sup>62</sup>

Thus, those who had been long-time supporters of states’ rights and strict constructionism sided with Jefferson on the Louisiana Purchase. The question to be asked, however, is what impact these defections had on these doctrines. States’ rights, of course, would be an important issue for another sixty years, settled only by the death of 600,000 Americans during the Civil War. Strict constructionism, on the other hand, did suffer a blow with Jefferson’s actions. Who is to say, however, that Jefferson did more than accelerate the inevitable growth of national government and the presidency given the inevitable growth of the country? That is, as the country became larger and more diverse, there was an almost instinctive need for stronger central control which Jefferson, through his actions, ensured, knowingly or not.

One could argue, then, that in the case of Louisiana Jefferson brought to the fore those issues that would eventually have to be reckoned with in the country’s future — i.e., state vs. national power and strict vs. loose construction of the Constitution. Though the issue of state power in the U.S. federal system has been largely settled, constitutional interpretation remains an issue with no apparent resolution. Such is the inevitable consequence of being so far removed from the intent of the framers. Thus, we can only hope today that those who interpret the Constitution will do so in the same spirit as Thomas Jefferson, having always, as their ultimate end, the best interests of the United States.

### **Conclusion**

Thomas Jefferson is often hailed as one of the greatest presidents of the United States. This judgment stems from many factors, not the least of which was



Jefferson's commitment to his political ideals. The question posed at the outset of this paper, however, was whether or not Jefferson "sold out" his political ideals—i.e., republicanism, states' rights and strict constructionism—in the case of the Louisiana Purchase. The majority of conventional commentary seems to think so. Indeed, there has been great criticism heaped on Jefferson for his supposed betrayal of doctrines that defined his political life. But Jefferson was a complex man. How can we know what Jefferson's real intentions were, then? Dumas Malone at least gives us a hint when he intimates that Jefferson believed the Louisiana territory to be "essential to national security." In effect, in making the choice he did, Jefferson "relented on the 'means' he would rather have employed because his political allies insisted that his preferred means might jeopardize the end sought and thereby give an advantage to his political enemies."<sup>63</sup>

And what was the end which Jefferson sought? Undoubtedly, it was securing the "national security" in the broad sense of promoting an "Empire of Liberty" wherein would reside virtuous agrarian citizens who would secure for themselves and their posterity Jefferson's ideals of "life, liberty, and the pursuit of happiness" into the distant future. "The nation's best interests," Jefferson held, "demanded the extension of the empire for liberty. The world will here see such an extent of country under a free and moderate government as it has never yet seen."<sup>64</sup>

For Jefferson, the Louisiana Purchase secured the virtues of Republicanism in an "Empire of Liberty." As pointed out in a popular pamphlet which celebrated it:

The Purchase enhanced American security and lessened the danger of a corrupting war; it bolstered the influence of the agricultural class, always the best repository of republican virtue; and it laid the basis for a flourishing commerce in the West that would cultivate an active, industrious, and republican people.<sup>65</sup>

The Louisiana Purchase also addressed other fundamental threats that deeply concerned the Republicans—societal decay and the problems associated with agricultural surpluses. "We see in Louisiana," a prominent Republican said, "an assurance of long life to our cause. The Atlantic States, as they advance to that condition of society, where wealth and luxury tend to vice and aristocracies, will yield to that country accessions of enterprising [sic] men. The spirit of faction, which tends to concentrate, will be destroyed by this diffusion."<sup>66</sup> Jefferson echoed this optimism: "by enlarging the empire of liberty, we multiply its auxiliaries, and provide new sources of renovation, should its principles, at any time, degenerate, in those portions of our country which gave them birth."<sup>67</sup>

Louisiana filled Jefferson's political economy bill as well. By securing for industrious farmers vast amounts of land and the transportation network offered by control of the Mississippi and Missouri Rivers, the Louisiana territory assured a market for the surplus produce of American farmers. Had this market not been available, the *Kentucky Gazette* intoned, American farmers would have "degenerated into savages, because they had no incentive to industry."<sup>68</sup> Thus, "by providing the incentive to industry that shaped a republican people, it [the Louisiana Purchase] laid the necessary basis for the westward expansion of republican civilization itself."<sup>69</sup>

Did Jefferson “sell out” in the case of Louisiana? Perhaps by the letter of states’ rights and strict constructionism he did, but certainly not if one considers the spirit of those doctrines. After all, what was the ultimate end of government? For Jefferson it was securing the Republican ideal. All other doctrines were simply auxiliaries. While states’ rights and strict constructionism were, in and of themselves, important, they were ancillary to the greater good of Republicanism. When it became necessary to secure the greater good, states’ rights and strict constructionism were sacrificed, not because they were not important—they, too, promoted Republicanism—but because they were a means to an end, that end being Jefferson’s “Empire of Liberty.”

Jefferson is thus justly criticized by the apparent abandonment of his states’ rights and strict constructionist views in the case of the Louisiana Purchase. However, this criticism has been extreme to the point of suggesting that Jefferson sold out his ideals. To the contrary, we assert that Jefferson was entirely consistent given his grand design for the American Republic. His was a vision of a land of liberty which was far beyond his time, one may even say utopian. Yet few in Jefferson’s time, and even fewer today, understood the ramifications of Jefferson’s actions. All that is seen are the seeming inconsistencies, which in any politician are rarely tolerated. Thus, Jefferson was left to say sadly, “Every day proves to me more and more, that this American world was not made for me.”<sup>70</sup>

\* The author would like to thank Professor Calvin C. Sillson for his guidance.

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