

twenty ships of war in the gulf of Mexico, they sail over those seas as sovereigns, whilst our affairs in St. Domingo have been growing worse every day since the death of Leclerc. [Charles Leclerc, Napoleon's brother-in-law, violently suppressed a Haitian rebellion led by Toussaint L'Ouverture, then died of yellow fever in 1802.] The conquest of Louisiana would be easy, if they only took the trouble to make a descent there. I have not a moment to lose in putting it out of their reach. I know not whether they are not already there. It is their usual course, and if I had been in their place, I would not have waited. I wish, if there is still time, to take from them any idea that they may have of ever possessing that colony. I think of ceding it to the United States. I can scarcely say that I cede it to them, for it is not yet in our possession. If, however, I leave the least time to our enemies, I shall only transmit an empty title to those republicans whose friendship I seek. They only ask of me one town in Louisiana, but I already consider the colony as entirely lost, and it appears to me that in the hands of this growing power, it will be more useful to the policy and even to the commerce of France, than if I should attempt to keep it. . . .

Perhaps it will also be objected to me, that the Americans may be found too powerful for Europe in two or three centuries: but my foresight does not embrace such remote fears. Besides, we may hereafter expect rivalries among the members of the Union. The confederations, that are called perpetual, only last till one of the contracting parties finds it to its interest to break them, and it is to prevent the danger, to which the colossal power of England exposes us, that I would provide a remedy. . . .

This accession of territory . . . strengthens for ever the power of the United States; and I have just given to England a maritime rival, that will sooner or later humble her pride.

2. *Thomas Jefferson Alerts Robert Livingston (1802)*

Rumors of the secret treaty of 1800, under which Spain agreed to cede Louisiana to France, filled President Jefferson with apprehension. The extent of his concern is betrayed in this remarkable letter, addressed to the American minister in Paris, Robert R. Livingston. A distinguished lawyer and diplomat, Livingston was also famous as the financial backer of Robert Fulton's successful steamboat in 1807. Why did Jefferson feel that French occupancy of Louisiana would force the United States to reverse its "political relations"?

The cession of Louisiana . . . by Spain to France works most sorely on the United States. On the subject the Secretary of State has written to you fully. Yet I cannot forbear recurring to it personally, so deep is the impression it makes in my mind. It completely reverses all the political relations of the United States and will form a new epoch in our political course.

²P. L. Ford, *The Writings of Thomas Jefferson* (New York: G. P. Putnam's Sons, 1897), vol. 8, pp. 144–146 (April 18, 1802).

Of all nations of any consideration, France is the one which hitherto has offered the fewest points on which we could have any conflict of right, and the most points of a communion of interests. From these causes we have ever looked at her as our natural friend, as one with which we never could have an occasion of difference.* Her growth therefore we viewed as our own, her misfortunes ours.

There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce and contain more than half our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance.

Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us. And it would not perhaps be very long before some circumstances might arise which might make the cession of it to us the price of something of more worth to her.

Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character . . . render it impossible that France and the United States can continue long friends when they meet in so irritable a position. They, as well as we, must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis.

The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high grounds; and having formed and cemented together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations.

This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us, as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her. For however greater her force is than ours compared in the abstract, it is nothing in comparison of ours when to be exerted on our soil. But it is from a sincere love of peace, and a firm persuasion that, bound to France by the interests and the strong sympathies still existing in the minds of our citizens, and holding relative positions which ensure their continuance, we are secure of a long course of peace. Whereas the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case, France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her. . . .

*Jefferson conveniently overlooked the undeclared naval war of 1798–1800.

She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace. And in war she could not depend on them because they would be so easily intercepted [by the British navy]. . . .

If France considers Louisiana, however, as indispensable for her views, she might perhaps be willing to look about for arrangements which might reconcile it to our interests. If anything could do this, it would be the ceding to us the Island of New Orleans and the Floridas. This would certainly in a great degree remove the causes of jarring and irritation between us, and perhaps for such a length of time as might produce other means of making the measure permanently conciliatory to our interests and friendships.

3. Jefferson Stretches the Constitution to Buy Louisiana (1803)

In early 1803, Jefferson dispatched James Monroe to Paris to consummate the purchase of Louisiana for the United States. Monroe was instructed to pay up to \$10 million for New Orleans and as much land to the east as he could obtain. To the surprise of Americans, Napoleon offered to sell all of Louisiana, including the vast territory to the west and north of New Orleans. The Americans readily agreed, though Jefferson worried that he was exceeding his constitutional mandate. When he had earlier opposed Hamilton's bank (see p. 198), Jefferson had argued that powers not conferred on the central government were reserved to the states. The Constitution did not specifically empower the president—or the Congress, for that matter—to annex foreign territory, especially territory as large as the nation itself. But the bargain acquisition of Louisiana seemed too breathtaking an opportunity to pass up. In the following letter to Senate leader John Breckinridge, Jefferson defends his action. Is his “guardian” analogy sound?

This treaty must, of course, be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to the nation for an additional article [amendment] to the Constitution, approving and confirming an act which the nation had not previously authorized.

The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them, unauthorized, what we know they would have done for themselves had they been in a situation to do it.

It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; and saying to him when of age, “I did this for your

³A. A. Lipscomb, ed., *Writings of Thomas Jefferson* (Washington, D.C.: Thomas Jefferson Memorial Association, 1904), vol. 10, pp. 410–411 (August 12, 1803).

good. I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you.”

But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines.

4. Representative Roger Griswold Is Unhappy (1803)

Jefferson summoned Congress into special session because the Senate had to approve the Louisiana Purchase treaties, and the House and Senate had to vote the money. The New England Federalists fought the acquisition, largely because “the mixed race of Anglo-Hispano-Gallo-Americans” would ultimately outvote the charter-member states of the Union and, they feared, cause its dismemberment. Representative Griswold of Connecticut, perhaps the ablest Federalist spokesman in the House, had already attained notoriety in 1798 by caning Representative Matthew Lyon of Kentucky after the latter had spat in his face. On what terms would Griswold, in the following speech, have accepted Louisiana?

It is, in my opinion, scarcely possible for any gentleman on this floor to advance an opinion that the President and Senate may add to the members of the Union by treaty whenever they please, or, in the words of this treaty, may “incorporate in the union of the United States” a foreign nation who, from interest or ambition, may wish to become a member of our government. Such a power would be directly repugnant to the original compact between the states, and a violation of the principles on which that compact was formed.

It has been already well observed that the union of the states was formed on the principle of a co-partnership, and it would be absurd to suppose that the agents of the parties who have been appointed to execute the business of the compact, in behalf of the principals, could admit of a new partner without the consent of the parties themselves. . . .

The incorporation of a foreign nation into the Union, so far from tending to preserve the Union, is a direct inroad upon it. It destroys the perfect union contemplated between the original parties, by interposing an alien and a stranger to share the powers of government with them. . . .

A gentleman from Pennsylvania, however (Mr. Smilie), has said that it is competent for this government to obtain a new territory by conquest, and if a new territory can be obtained by conquest, he infers that it can be procured in the manner provided for by the treaty.

While I admit the premises of the gentleman from Pennsylvania, I deny his conclusion. A new territory and new subjects 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. The objection to the third article is not that the province of Louisiana could not have been purchased, but that neither this nor any other foreign nation can be incorporated into the Union by treaty or by a law. And as this country

⁴*Annals of Congress*. 8th Congress, 1st Sess., 461–462, 463, 465.

has been ceded to the United States only under the condition of an incorporation, it results that, if the condition is unconstitutional or impossible, the cession itself falls to the ground. . . .

This subject was much considered during the last session of Congress, but it will not be found . . . that any individual entertained the least wish to obtain the province of Louisiana. Our views were then confined to New Orleans and the Floridas, and, in my judgment, it would have been happy for the country if they were still confined within those limits. The vast and unmanageable extent which the accession of Louisiana will give to the United States; the consequent dispersion of our population; and the destruction of that balance which it is so important to maintain between the Eastern and the Western states, threatens, at no very distant day, the subversion of our Union.

5. Senator John Breckinridge Supports the Purchase (1803)

Virginia-born senator John Breckinridge of Kentucky, then the ablest spokesman for the West, had sponsored Jefferson's secretly prepared Kentucky resolutions of 1798–1799 in his state legislature. Alert both to western interests and partisan politics, he urged the Louisiana Purchase in this noteworthy speech. He took sharp issue with the Federalist senators, including Senator Samuel White of Delaware, who held that Louisiana would "be the greatest curse that could at present befall us." Breckinridge noted particularly the disagreement of the Federalists among themselves concerning the extravagance of the price, the validity of the title, and the unconstitutionality of acquiring foreign territory. He then launched into his argument, as follows. How effectively did he meet the Federalist objections, especially with reference to the problem of the westerners?

As to the enormity of price, I would ask that gentleman [Senator White], would his mode of acquiring it [by war] through 50,000 men have cost nothing? Is he so confident of this as to be able to pronounce positively that the price is enormous? Does he make no calculation on the hazard attending this conflict? Is he sure the God of battles was enlisted on his side? Were France and Spain, under the auspices of Bonaparte, contemptible adversaries? Good as the cause was, and great as my confidence is in the courage of my countrymen, sure I am that I shall never regret, as the gentleman seems to do, that the experiment was not made. . . .

To acquire an empire of perhaps half [once again] the extent of the one we possessed, from the most powerful and warlike nation on earth, without bloodshed, without the oppression of a single individual, without in the least embarrassing the ordinary operations of your finances, and all this through the peaceful forms of negotiation, and in despite too of the opposition of a considerable portion of the community, is an achievement of which the archives of the predecessors, at least, of those now in office cannot furnish a parallel.

The same gentleman has told us, that this acquisition will, from its extent, soon prove destructive to the confederacy [Union]. . . .

⁵*Annals of Congress*, 8th Congress, 1st Sess., 60–62, 65.