

Topic: Westward Expansion - Constitutional Interpretations

Historical Thinking Skills Assessed: Critical Reading, Corroboration

Grade Level: Middle

National History Standards

Era 4: Expansion and Reform (1801-1861)

Standard 1: United States territorial expansion between 1801 and 1861, and how it affected relations with external powers and Native Americans

Using the Item: The question assesses students' abilities to apply the skills of critical reading to identify claims and corroboration in order to synthesize two sources on the same topic.

Background: In these two letters to U.S. Senators, President Thomas Jefferson presents his views on the Louisiana Purchase. The purchase of Louisiana from France in 1803 set the young United States on the path to becoming a great continental power. It nearly doubled the land area of the nation, secured permanent access to the all-important Mississippi River, and obtained vast natural resources for the economy. However, for all the Louisiana Purchase accomplished, the transaction was surrounded by controversy. President Jefferson and Congress had intended to purchase only New Orleans and West Florida from France, but, when Napoleon offered to sell all of Louisiana, the U.S. representatives in France quickly agreed despite having no authorization. When Jefferson learned of the bargain, he recognized his difficulty. The Constitution made no provisions for the purchase of foreign territory, and even Jefferson himself, as a strict constructionist, doubted the executive's power to make such a purchase. He argued, though, that, in this case, the good of the nation outweighed constitutional theories.

In order to use this source to assess students' historical thinking skills, students should understand the aspiration for the United States to become a continental power, the changes to the American frontier in the late eighteenth and early twentieth centuries, and Thomas Jefferson's role in the debate on a strict versus a loose construction of the Constitution.

Source 1

Thomas Jefferson to John Breckinridge [Senator], 12 August 1803

This treaty must of course be laid before both Houses, because both have important functions to exercise [apply] respecting it. They, I **presume** [believe], will see their duty to their country in **ratifying** [approving] & 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** [ask] to the nation for an additional article to the Constitution, approving & confirming an act which the nation had not previously authorized.

The Constitution has made no **provision** [prearrangement] for our holding foreign territory, still less for **incorporating** [admitting] foreign nations into our Union.

Source: Jefferson, Thomas to John Breckinridge, August 12, 1803. Thomas Jefferson Papers. Library of Congress. Washington, D.C. Accessed 5/18/14. <http://memory.loc.gov/cgi-bin/ampage?collId=mtj1&fileName=mtj1page028.db&recNum=1042>

Source 2

Thomas Jefferson to Wilson Cary Nicholas [Senator] 7 September 1803

. . . Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constitution to Congress to admit new states into the Union, without **restraining** [limiting] the subject to the territory then **constituting** [making up] the U.S. But when I consider that the limits of the U.S. are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the U.S., I cannot help believing the intention was to permit Congress to admit into the Union new states which should be formed out of the territory for which, and under whose authority alone, they were then acting.

Source: Jefferson, Thomas to Wilson Cary Nicholas, January 26, 1802. Founders Online, National Archives and Records Administration, Washington, D.C. Accessed 5/18/14. <http://founders.archives.gov/documents/Jefferson/01-36-02-0280>

Based on these two sources, what did Thomas Jefferson believe about the constitutionality of the Louisiana Purchase?

- A. He believed that the Constitution was flexible enough to allow for situations not anticipated by the founders, like the Louisiana Purchase. (0)
- B. He believed that the United States must return Louisiana to France since the Constitution intended to limit the creation of new states to those territories existing in 1783. (2)
- C. He believed that the purchase of Louisiana was unconstitutional but that the future benefits it presented required the amendment of the Constitution to allow it. (4)
- D. He believed that the Constitution left it entirely up to Congress to decide whether to permit the purchase of Louisiana. (1)

Explanation

As a strict constructionist, Jefferson believed that the Constitution offered no flexibility in interpretation and must be followed exactly as written. Answer “A” is, therefore, totally invalid. There is some merit in “B” since Jefferson did state his belief that the founding fathers had written the constitutional provisions about the creation of new territories and states with only the lands belonging to the United States at that time in mind; however, Jefferson declared explicitly that he believed that the merits of the purchase required Congress to find a way to approve the purchase despite the constitutional difficulty. For those reasons, answer “C” is the best response. Answer “D” is not entirely invalid, as Jefferson did believe that Congress had the power to legitimize the purchase, but only through a Constitutional amendment. As the Constitution then existed, Jefferson believed it did not grant the federal government the power to acquire foreign territories. **[Critical Reading, Corroboration]**

HISTORICAL THINKING SKILLS ASSESSMENT

Directions: Analyze the two primary sources below, and circle the response that best answers the question.

Source 1

Thomas Jefferson to John Breckinridge [Senator], 12 August 1803

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. . . Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constitution to Congress to admit new states into the Union, without **restraining** [limiting] the subject to the territory then **constituting** [making up] the U.S. But when I consider that the limits of the U.S. are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the U.S., I cannot help believing the intention was to permit Congress to admit into the Union new states which should be formed out of the territory for which, and under whose authority alone, they were then acting.

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Based on these two sources, what did President Thomas Jefferson believe about the constitutionality of the Louisiana Purchase?

- A. He believed that the Constitution was flexible enough to allow for situations not anticipated by the founders, like the Louisiana Purchase.
- B. He believed that the United States must return Louisiana to France since the Constitution intended to limit the creation of new states to those territories existing in 1783.
- C. He believed that the purchase of Louisiana was unconstitutional but that the future benefits it presented required the amendment of the Constitution to allow it.
- D. He believed that the Constitution left it entirely up to Congress to decide whether to permit the purchase of Louisiana.