

Resource Sheet #04

Primary Source Document Packet

Source A

Constitution of the United States

Article 4/Section 3: Powers delegated to Congress

New States may be admitted by the Congress into this Union; but no new State shall be formed or **erected** within the **Jurisdiction** of any other State; nor any State be formed by the **Junction** of two or more States, or Parts of States, without the **Consent** of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to **dispose of** and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so **construed** as to **Prejudice** any Claims of the United States, or of any particular State.

Article 2/Section 2: Powers delegated to the President

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.

Vocabulary Terms

Admitted: entered

erected: established

Jurisdiction: authority

Junction: connection

Consent: approval

dispose of: get rid of

construed: interpreted

prejudice: favor

Source: Constitution of the United States. National Archives. Accessed 5/16/14.

<http://www.archives.gov/exhibits/charters/constitution.html>

Source B

Thomas Jefferson to John Breckinridge, 12 August 1803

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** & 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 to the Constitution, approving & 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.

Vocabulary Terms

presume: believe something to be true

ratifying: formally approve something

appeal: request

provision: action taken to prepare for something

seizing: take hold of something

fugitive: fleeting, momentary, brief

metaphysical subtleties: theoretical details

Source C

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** the subject to the territory then **constituting** 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. I do not believe it was meant that they might receive England, Ireland, Holland, etc. into it, which would be the case on your construction. When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe & precise. I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. . .

Vocabulary Terms

restraining: limiting

constituting: consisting of

Boundless: limitless

Source D

Authority Given to the President to Take Possession of the Territory of Louisiana

An Act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last; and for the temporary government thereof.

Be it **enacted** by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to take possession of, and occupy the territory **ceded** by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last . . .

APPROVED, October 31, 1803.

Vocabulary Terms

Enacted: made law

Ceded: given up

Source E

John Quincy Adams to the U.S. Senate, 3 November 1803

. . . But it has been argued that the bill ought not to pass, because the treaty itself is an unconstitutional, or . . . an extra constitutional, act . . . The third article, and more especially the seventh, contain engagements placing us in a dilemma, from which I see no possible way of **extricating** ourselves but by an amendment, or rather an addition to the Constitution. . . But what is this more than saying that the President and Senate have bound the nation to engagements which require the cooperation of more extensive powers than theirs to carry them into execution? Nothing is more common, in the negotiations between nation and nation, than for a minister to agree to and sign articles beyond the extent of his powers. This is what your Ministers, in the very case before you, have confessedly done. It is well know that their powers did not authorize them to conclude this treaty; but they acted for the benefit of their country, and this House by a large majority has advised to the **ratification** of their proceedings. . . . such is the public favor attending the **transaction** which commenced by the negotiation of this treaty, and which, I hope, will **terminate** in our full, undisturbed, and undisputed possession of the **ceded** territory, that I firmly believe if an amendment to the Constitution . . . shall be proposed, as I think it ought; it will be adopted by the legislature of every State in the Union . . .

Vocabulary Terms

extricating: freeing with difficulty

ratification: approval

transaction: deal

terminate: finish

ceded: given up

Source: *Annals of Congress, Senate, 8th Congress, 1st Session, November 1803, The Louisiana Treaty*, vol.I, cols. 66-67. A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875. Accessed 5/18/14 <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=013/llac013.db&recNum=30>

Source F

Speech by Representative Roger Griswold, October 1803

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 of which that compact was formed.

The incorporation of a foreign nation into the Union, so far from tend~g 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 . . .

. . . 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 Western states, threatens, at no very distant day, the **subversion** of our Union.

Vocabulary Terms

repugnant: offensive

compact: agreement

inroad: invasion

interposing: inserting

province: administrative division of nation

vast: huge

accession: attainment

dispersion: scattering

subversion: destabilization

Source: *Annals of Congress, House of Representatives, 8th Congress, 1st Session, October 1803, The Louisiana Treaty*, vol.I, cols. 461-463, 465. A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875. Accessed 5/18/14.
<http://memory.loc.gov/cgi-bin/ampage>