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THE LOUISIANA PURCHASE

Muhammad bin Abdul Rahman bin Muhammad Al-Qahtani*

كلية العلوم الإنسانية و الاجتماعية جامعة الملك سعود alqahtanim@ksu.edu.sa

Abstract:

This research deals with the largest commercial deal in modern history, as on April 30, 1803, the United States of America signed a contract to purchase the Louisiana Territory, and completed a major deal, which included the purchase of the lands located between the Mississippi River and the Alpache Mountains from Spain, which are lands that today are within an American state. .

This deal ended the disputes that erupted between the United States of America and Spain from time to time.

Although the deal met with opposition, the treaty was concluded during the reign of President Jefferson and Louisiana was transferred to the ownership of the United States.

key words:

Louisiana--Spain--United States of America--Jefferson

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Introduction

In the history of United States, the Louisiana Purchase is considered to be the greatest achievement. The Purchase is classified as the biggest real estate deal in history as it involved the purchase of the Louisiana Territory by United States from France. In this deal, the US spent approximately \$15 million or about four cents for one acre. In exchange, the US attained land of approximately 827,000 square miles of land. The land was situated west of Mississippi River. The Purchase was formalized by the signing of the Louisiana Purchase Treaty while doubling the size of the US and opening up the American continent westward. The expansion placed US in the rank of a nation among the first world super powers. The area beyond the Mississippi river included vast plains, rich forests, and craggy mountains that could one day result in crucial resources that categorized it as the world's most prosperous and most powerful nation on earth. Though President Jefferson planned to purchase the Port of New Orleans at \$10 million, during negotiation it was realized that the entire territory could only cost \$15 and without any doubt, President Jefferson realized that the offer was a wise decision.

In April 30, 1803, a Saturday, the Louisiana Purchase Treaty was signed in Paris by James Monroe, Robert Livingstone, and Barbe Marbois. The American public was informed of the treaty by Jefferson on July 4th 1803. The announcement awakened the public dividing people into those that supported the treaty and those that opposed the move.³ The opposition was way too much with the argument that the signing of the treaty was not strictly constitutional, and President Jefferson was aware of it. In order to counter the opposition, President Jefferson wrote a letter to rationalize the treaty and directed it to the then US Attorney General. The justification was that the move was the case of guarding investing money to buy a crucial territory that is adjacent affirming that the purchase was done for the American dependents' good. However, the move did not satisfy the opponents especially the New England Federalists.⁴ This paper seeks to evaluate why some federalists oppose the Louisiana Purchase as unconstitutional a thing that President Jefferson was aware. The House called for a vote to reject the purchase request, but fall short by two with 59-57 votes.⁵ The purchase treaty was then ratified on October 20, 1803. Jefferson was then authorized to take possession of the territory and start a provisional military government. The signing permanently altered the course of history and the shape of the nation.

Background

Since the 1762, the land between the Mississippi River and the Appalachians was a territory owned by Spain. This land today constitutes of the 15 US states situated between the Rocky Mountains

and the Mississippi River. When under the ownership of Spain, the Louisiana area led to disputes between the US and Spain regarding navigation. The tension arouses from the US western and Southern borders that led to tension between the two nations. While the US Western border extended to the Mississippi River, the US Southern border remained within the Spanish Territory. The US wanted to access its Southern border for trade and settlement reasons, but the Spanish officials were reluctant to encourage such trade moves despite the area being a strategic frontier. Consequently, Spain closed the Mississippi River, thus closing American shipping. The closing of the River Blocked US' access to the crucial port of New Orleans on Mississippi River. Additionally, the New American settlements in the west relied upon river transport to get their produce and other commodities to the market given that using land transport was impractical and expensive. Efforts to negotiate and resolve the dispute between Spain and the US had previously ended inconclusively and territorial disputes remained. The Spanish government stood firm and retained several fonts within the disputed territories, and also depended on the indigenous resistance to U.S. efforts to encroach or survey Native lands belonging to the US. However, the American population living in the southern states and frontier areas were unhappy with the restrictive Spanish policies and required their government to renegotiate its positions.

Up until 1789, Spain focused on minimizing the American settlement and trade in frontier areas, and this made it difficult for any American negotiations with neither Spanish policymakers nor colonial officials successful since they had lost interest in granting the US negotiators' concessions. However, Spanish stand changed upon their defeat by France, and negotiations proceeded with the arrival of Pinckney. Pinckney assisted in resolving the navigation conflict of the Mississippi where Spain recognized the US' right to use the river and leave their goods in New Orleans for transfer to vessels on transit.⁶ Pinckney was aware that Spain's status politically and military-wise had been weakened under the defeat and war expenses upon France defeat. Additionally, Spain's position had weakened with the increasing population in Tennessee and Kentucky as well as shortage of European ships to uphold trade with Louisiana. Consequently, Spanish officials changed the restrictive trade policies and this made the American statesmen comfortable that the US' Westward expansion would not be restricted in future. However, the US vision to expand westward was short-lived with the presence of much powerful France Napoleon Bonaparte with whom the Spain signed a decree to have the territory transferred. Napoleon revoked Spain's agreement to have the US access the New Orleans port's warehouses, and this outraged the US. However, France under Napoleon suffered huge financial difficulties after failure to prevent Haitian slave revolution before its war with Great Britain. The financial difficulties could have prompted France to give in to US proposal to purchase Louisiana. ⁷ In

fact, France increased the proposal to selling the entire of Louisiana territory to the US. The negotiations proceeded swiftly with payment involving payment for land and claims of American citizens against France totaling to \$15 million.⁸

With Napoleon giving up his plans for Louisiana, and the news of the sale of Louisiana territory to US, President Jefferson was at cross-roads given that he advocated for and practiced strict adherence to the letter of the constitution. He understood well that there was no provision in the Constitution allowing him to purchase the Louisiana territory. Being the president and with the much support from the public, Jefferson was convinced that purchasing Louisiana Territory was valuable for the US future growth and therefore he ignored the legal interpretation of the Constitution and validated the purchase. It was this decision that contributed to the principle of implied powers of the federal government and the much opposition from some federalists.⁹

Louisiana Purchase: Reasons for Opposition

Following the Louisiana Purchase validation by President Jefferson, controversial issues arose that could have led to US disunion. First, some New England Federalists felt that the move would dramatically reduce their political power. Consequently, they launched talks to secede from the US. The Louisiana Purchase had defined the moment for the US and President Thomas Jefferson. However, the purchase was a move of growth to the Democratic - Republican Party under the leadership of President Jefferson. The party had gained strong popularity in the US and had become an inevitable political force. The popularity of the Democratic - Republican Party offended the federalists who made strong accusations on Jefferson and what his party was doing, and the looming war with France created an atmosphere that spelt the rapturing of the Democratic-Republican Party. The Federalists led by Alexandra Hamilton were political rival of Jefferson and constantly criticized the policies by the Democratic - Republican Party in the hope of restoring the Federalists back into power. The criticisms created anxiety in the Democratic - Republican Party but this did not restore the Federalists grip on the government.

On the contrary, they country swayed more towards the Jeffersonian party. The elections in 1804 confirmed the strength of the Democratic-Republicans party with the increase in the seats in the House and Senate in the election of 1804. Despite the mocking from Jefferson, the federalists would never leave so easily, the federalists mocked Jefferson and his idealism while citing his ignorance of the French Revolution and the rise of Napoleon to be child-like. Federalist's decision not to leave US despite the growing popularity of the Republican Party was to protect their long-lived and healthy relationship with Great Britain with the aim of maintaining a huge economy. Jefferson was aware of

their intentions and he together with the republican scoffed at those notions. On the contrary, Jefferson and the Republicans believed that they were indebted to France for its aide during the American Revolutionary War and the similarity of the French revolution to the American Revolution.

The federalists in the United States emerged during the 1790s. They were a coalition of individuals in support of strong national government and strong diplomatic ties with Great Britain. The federalists also supported a strong political leadership of men with experience and property. Originally, the term federalists referred to a group of people aligned with President George Washington's administration. George was known for his support of Federalist policies, and almost often avoided inclining towards partisan activity. The federalists' policies were linked to the policies of Secretary of the Treasury Alexander Hamilton. Hamilton's vision involved fiscal programs founded along the British Model. The British model supported the presence of a strong central bank and a government that encouraged wealthy investors to come on board and promote manufacturing and commerce. 11 Like Hamilton, the federalists believed that the federal government was solely responsible for the promotion and inspiration of confidence in wealthy people causing them to invest in the US, thus creating a strong national economy required to secure a republican form of government over a given geographical area. In this regard, the Federalists believed that the best investor was Great Britain which could not only invest in the US but also promote commerce. According to the Federalists, only the Great Britain was better placed as the best role model of constitutional order, as opposed to the French Revolution's approach of radicalism.

The Federalists' opposition of French's radicalized revolution reinforced and strengthened their opposition of the Louisiana Purchase. The purchase was a threat to their close relations with Britain. The threat intensified with the fact that the purchase demonstrated Jefferson's favor of Napoleon, the France Emperor. The federalists feared that with Napoleon taking over the Louisiana territory there would be an eventual French invasion that would spread throughout the United States. The fear was on the grounds that Napoleon had sent military force to secure New Orleans, causing fear to the Southerners that uprisings would occur everywhere with Napoleon releasing all Louisiana Slaves. 12

Apart from supporting strong ties between the US and the Great Britain, the Federalists believed that representative governments were undermined easily by excessive democracy. The federalists' beliefs were that the government needed to free itself from the passions of the people or keep a distance from the people's direct voice. The federalists considered the inclination of the federal government towards the voice of the people as a way of weakening its authority, thus failing to be representative as it should. Given that President Jefferson and the Republican Party were very popular among the people, to the extent of winning a second term against the Federalist Party, the federalist felt

that president Jefferson was not free from the popular pressures. The federalists felt that the presence of popular pressures contributed to pressure on President Jefferson to purchase Louisiana.

Additionally, the Federalists' perceived President Jefferson to fail in his function of maintaining order given his choice to embrace the people's direct voice, and work with a large governing elite that included elites from the newly purchased territory. Since the federalists favored working with a small governing elite, the purchase of the Louisiana Territory that would meet Jefferson's agrarian philosophy that would develop strong local governments. Jefferson's agrarian philosophy contradicted the Federalists' strong support for big cities, huge businesses, and a strong government of few elites. They did not perceive farming to be noble like Jefferson did. Through farming, Jefferson believed that farmers would be kept away from the cities in order to engage in honest daily work. Through reinforcing farmers and local governments, Jefferson openly revealed his support for a more informal form of government that was a complete opposite of the previous US governments under Washington and Adams administrations. In order to achieve in his agrarian philosophy, Jefferson pursued a strategy that would see the agriculture form an inevitable part of the nations' economy through western expansion into Mississippi River. With President Jefferson's pursuit of an agrarian economy, and the western expansion through Louisiana Purchase, the federalists, believed that the government was not safe in the hands of Jefferson. The federalists were the only "independent" individuals safe to run the US government because they were wealthy and had a social standing. The federalists believed that by creating local governments to serve narrow local interests, President Jefferson limited the authority of the federal government while increasing the authority of the states. The hope of the federalists had been to expand the authority of the federal government at the expense of the states, a form of leadership that was experienced in the Great Britain.

The Louisiana Purchase came at a time when the federalists advocated for the notion that the survival of the federal government called for restrictions on the new forms of political conduct and controls on the numerous immigrants who filled port cities and basically supported the Republican Party. One form of political conduct advocated by the federalists was that of having a king. A king could remain in power forever, unlike the US president who was to remain in power for two terms. The federalists felt that the American republican government was under threat by the frequent changes in officeholders and called for a government that would serve national interests. On the other hand, Jefferson's imperial vision was to use the purchase to make the US "an Empire of Liberty". The federalists' move to control immigrants filling port cities under the leadership of President Adams, a federalist, the US congress passed four laws with the aim of protecting the US and making it secure

from Aliens, domestic traitors, and spies. Besides securing the US from aliens, majority of the laws sought to weaken the Democratic-Republican Party led by Jefferson.

For instance, the Naturalization Act sought to extend the number of years immigrants had to live in the US before becoming citizens. For Jefferson and the Republican Party, the duration was a stumbling block to the growth of the party and he opposed the federalist by supporting the rights of immigrants, craftsmen, and poor farmers. A second law supported by the federalists but not President Jefferson was that of Alien Enemies Act. 14 The act declared the arrest, detention, and deportation of all male citizens from enemy nation in the event that the US went into war. On the contrary, instead of war against the US, Napoleon, the French Ruler waged war against England and it was through the search for money for war that France sold the Louisiana Territory to the US, opening up the port cities in territory. Thirdly, the Federalists call for regulating the number of immigrants led their support for the Alien Friends' Act that gave powers to the president to authorize the deport of any non-citizen suspected to conspire war against the federal government during peacetime or war time. Finally, the federalist opposed the purchase of Louisiana because of its failure to support the Sedition Act that sought to punish those that spoke against the Federalists, where President Jefferson was the leader of the democratic republic party that openly spoke against the federalists. For the federalist, the purchase of Louisiana by Jefferson undermined their efforts to curb any form of opposition as declared in the Alien and Sedition Acts, and to strengthen the older forms of politics that embraced deference toward officeholders.

Since the Louisiana Purchase was made during the reign of President Jefferson, the Alien and Sedition Acts could not hold as he stood for the right of immigrants, poor farmers, and craftsmen. Consequently, the federalists feared that the Purchase only opened up New Orleans to immigrants of Spanish and French origins, as well as free black men. The federalist feared that the increased number of immigrants would weaken their powers further given that they all supported Jefferson and the Republican Party that advocated for democracy. Additionally, the Louisiana Purchase Treaty stated that upon the purchase, the Louisiana inhabitants would immediately acquire the rights of US citizens. The New England Federalists knew very well that Louisiana was to be a part of the US, and not an independent territory with no vote to the US or statehood prospect. With the provision of US citizenship to the Louisiana inhabitants, the Federalists foresaw further weakening of their powers and bitterly opposed the move. They argued that each Louisiana individual needed to vote for the territory to become a state. The opposition to the Louisiana Purchase subjected the Federalists to strenuous antagonism.

The Federalists were strict constitutionalists. They knew that the Louisiana Purchase could allow immigrants into New Orleans against the Alien and Sedition Acts. Additionally, they knew that the congress members, Napoleon, Madison, and Jefferson knew that the San IIdefonso Treaty of 1800 between France and Spain prohibited France from selling Louisiana to US or any other third party. According to the federalists, the purchase was illegal as it was characterized by parties that ignored the fact that it was illegal and against the US constitution, yet went ahead with the purchase. Some federalists termed the purchase of the Territory as invalid because it was neither French property nor Spain property. For Napoleon selling and handing over Louisiana Territory to the US meant establishment of an eternal maritime rival to England which they had failed to conquer. Napoleon affirmed that the US would remain a super power that could calm down the pride of Great Britain. Even so, the federalists felt that the sale was invalid for it was not part of the US constitution. There was no place in the US where the purchase of Louisiana was stated. The federalists also felt that Jefferson was not fair to the constitution since he had been a strict constitutions himself. He believed in the constitution and in State rights. Jefferson believed that the Constitution also regulated the power of the congress by delegating only the powers needed to perform the delegated responsibilities. Jefferson thus knew that the treaty allowing for the incorporation of foreign territory violated the US Constitution. Due the guilt of being disloyal to the Constitution that he had dearly supported and believed in, Jefferson sought for time to amend the constitution prior to the purchase action. However, he was disloyal to the constitution when he realized there was no time to amend the constitution because the purchase proposal by France presented a grave moment that called for immediate action. For some statesmen who shared similar opinions as his, the purchase was constitutional.

The Louisiana Purchase Treaty gave the French and Spain vessels special privileges at New Orleans. Despite the constitution requiring that all vessels remit equal duties, the Spanish and French vessels were exempted from high duties under the claim that Louisiana had been purchased by the US in their federal capacity and is US is in the nature of a colony whose commerce could be managed and controlled without any constitutional references. Having read and understood the US Constitution, the federalists believed that nowhere in the Constitution was the executive branch of the government authorized to spend public funds to expand the nation's boundaries. Jefferson was fixed because during his election, he had emphasized on a government that sought for small government, strict constitution, and low taxes. Basically, Jefferson vowed allegiance to the Tenth Amendment that held that "powers that were not delegated o the US by the constitutions were reserved to the people or respective states.

Jefferson's double standards with the constitution were traced back to his criticism against Alexander Hamilton's federalist plan to charter a National Bank. In his criticism, Jefferson argued that the US constitution did not provision to the government any specific powers for bank chartering. Jefferson even went on to reject Hamilton's argument that the constitution "implied" such powers. So the federalists felt that Jefferson had set his own standards of measure against the US constitution, and his purchase of Louisiana was purely illegal. Through the Purchase, Jefferson demonstrated a tumble approach on "strict constitution" and his conduct demonstrated him as straightforwardly abandoning the principle of power. His own rationalizations for the purchase decision were in entirety less convincing and offer little to counter the people's perception that simple expediency carried the day. For the federalists, the move by Jefferson to resort to an analogy casting the Americans as ward of the state appeared dubious. This dubiousness arose in the light that the ruling Democratic - Republican Party stood to gain from the Western expansion giving the party a partisan advantage.

The unconstitutional move to Purchase Louisiana by Jefferson led to the breaking of American politics along heavy regional lines. While the federalists gained support of the north that was more commerce-oriented New England, the Democratic-Republicans gain strength from the agrarian western and southern voters. Some federalists pursued confederacy. One of the greatest challenges upon the Louisiana Purchase arose from the US senator of Massachusetts, Timothy Pickering. Pickering was so mad that he planned a separate confederacy of Northern States, to break away from the US. Pickering was a strict federalist who had served during the administrations of John Adams and George Washington.

Upon the election of Jefferson, Pickering declared that there was going to be a separation whereby he predicted that the white and black population would mark the boundary. Pickering was supported by a fellow senator James Hillhouse¹⁷ who conquered that the Eastern states would and must dissolve the union and establish their own government.¹⁸ According to Aaron Burr, who had recently switched allegiance to Federalists Party in a plot for succession warned that the Northern States would govern Virginia or be governed by Virginia, and there was no other way out of it. Among the leaders of the Federalist Party were the "Yankee Confederates" who were not an isolated band of radicals. The Yankee federalists had been involved in the Revolution War previously and had assisted in writing the US constitution. The Yankee federalists together with the New England Federalists of the younger generation had pushed for the secession. The federalists together sought to defend the principles of self-government and state's rights from an overbearing federal government. They condemned the Jefferson administration for the attributes that presented it as overbearing. The federalists also condemned Jefferson's administration for being characterized by fraud, falsehood, and treachery that

caused barbarity and oppression as well as ruin among the nations.¹⁹ The federalists also believed that the south, particularly Virginia was amassing too much power, wealth, and influence that was being used politically against the New England Federalists.

Besides pursuing for the separation of the North from the South, the New England Federalists began a succession movement upon the election of Thomas Jefferson as the American President and the Congress take over by the Republican Party. The federalists perceived such control as nothing but apocalyptic given that majority of the party leaders absolutely abhorred Jefferson and his philosophy. The most extremely influential New England clerics likened Jefferson to Beelzebub, and talked of moral putrefaction that covered the land given the rise of Jefferson into power. The implication by the Federalists was that Jefferson was a personification of evil, leave alone an opponent that had defeated them. The federalists perceived Jefferson as intolerable due to his policies, philosophy, and religious beliefs that were incompatible with the worldview of the Federalists. For instance, the Federalists believed in the virtue of separating private from public for the establishment of a successful republic. However, the Federalists believed that Jefferson was unable to separate the private virtue from the public virtue causing everything to work in the favor of the public.

The pursuit of a succession by the federalists was driven by knowledge that Jefferson was deeply hostile to the Congregational Clergy. Additionally, Jefferson was also deeply hostile to the long-rooted religious sensibilities of most of the New England's Inhabitants. One of Jefferson's values was the strict separation of the state from the church and this caused most federalists to perceive him as anti-Christ, especially the political preachers of his time. For instance, in the states that were against Jefferson like New England states, the extent of hatred was hatred with unholy hate. The hate culminated to the rise in the number of people bearing false witness against Jefferson and this exceeded any other of American publicist. Numerous federalists ostensibly could not visage the fact that Jefferson, whose Republican Party was in federal government, stood in the way of state-sponsored Puritanism.

Despite Jefferson's pursuit for the separation of church and state, the thirteen states obtained from the purchase of Louisiana had defined state churches that were official and supported using tax. The state churches required office holders to profess a defined faith and most of the Louisiana officials supported the move as necessary for the protection of social order and morality. However, with time, the government support for official religious denomination ceased, through disestablishment. Thomas Jefferson was among those in favor of disestablishment due to the perception of the link between the church and the state as oppressive. Consequently, Jefferson pursued the establishment of a statute for

religious freedom in Virginia Assembly that first failed in 1779 only to pass upon proposal by Madison. The passing of the proposed statute meant that no public money in Virginia would support religion. In order to affirm his position against the combining the church and the state, Jefferson stated that religion was not a decision of the state but a matter of the conviction and conscience of each man, and it was the right of each man to exercise as they could wish. However, the republicans perceived Jefferson as possessing the firmness and force of a man.

Conclusion

Finally, the New England Federalists opposed the Louisiana Purchase given Jefferson's defense of the action using the Elastic Clause/necessary and proper Clause Article 1, Section 8, Clause 18 in the constitution. The necessary and proper clause authorized the congress to establish laws that would be not only be necessary, but proper in carrying into execution the foregoing powers and all powers vested in the US government by the constitution, of any other officer of department. Although the expectation by the Rules Committee was that the clause would not be used as the only basis for constitutional authorization satisfaction, Jefferson solely depended on the clause to justify the Louisiana Purchase. Although the clause provided a list of congressional powers, it was not aimed at acting as undefined grant of 'sweeping' powers, but rather a simplified declaration that congress could create such laws where such laws are necessary and proper in the implementation of an execution. This was then referred to as the Elastic Law because the congress, and then president Jefferson, had stretched it to include anything they deemed proper and necessary, while disregarding the voice of the opponents.²⁰ The use of the Elastic Clause to defend the Louisiana Purchase indicated President Jefferson's double standards because he was among the critics of President Hamilton's use of the same clause to build the first National bank. In this regard, the federalists' opposition to the purchase of Louisiana was an emphasis that the Constitution did not grant such power to buy land from other nations. Unlike the creation of the First National Bank where Hamilton's use of the Elastic Clause was opposed by the people, President Jefferson's purchase of Louisiana was agreed by the majority especially the republicans as a great move. For America today, the Louisiana Purchase was a great move, despite being acquired the wrong way, because the territory contributes immensely in making America a superpower.

Today, America's state of a superpower nation credits President Jefferson's move to purchase Louisiana outside the Constitution. Despite the opposition from the New England Federalists, the Louisiana Purchase opened up the US to trade along the ports in the territory. Though the Federalists were justified in their strict adherence to the constitution, Jefferson's decision to purchase the territory paved way for the rise of America to what it is today.

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المستخلص

شراء لويزيانا

محمد بن عبدالرحمن بن محمد القحطاني

يتناول هذا البحث أكبر صفقة تجارية في التاريخ الحديث، حيث قامت الولايات المتحدة الأمريكية يوم ٣٠ أبريل المديق عقد شراء أقليم لويزيانا، واتمام صفقة كبيرة،ضمت بنقتضاها شراء الاراضي الواقعة بين نهر الميسسبي وجبال الالباش من اسبانيا، وهي الاراضي التي اليوم ضمن ولاية امريكية.

ولقد انهت هذه الصفقة المنازعات التي كانت تتفجر بين الولايات المتحدة الامريكية وإسبانيا بين الحين والأخر

ومع ان الصفقة لاقت معارضة؛ الا ان المعاهدة تمت في عهد الرئيس جيفرسون وانتقلت لويزيانا الى ملكية الولايات المتحدة

الكلمات المفتاحية:

لويزيانا -- اسبانيا --الولايات المتحدة الأمريكية-- جيفرسون

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¹⁵ Kennedy, Mr. Jefferson's Lost, 205.

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