

THE WHITE HOUSE HISTORICAL ASSOCIATION

Classroom: Grades 9-12

President as Visionary: "Others Ask Why Not?"

Activity - Jeffersonian Sound-Off: The Constitutional Construction Debate

The Constitutional Construction Debate Though the Louisiana Purchase, supported by President Jefferson, seemed like one sweet deal, not everyone was impressed. Federalist Joshua Green called it a "shameful gross speculation, pretending to bring we knew not what, situated we knew not where, and [with] no more right to it than . . . to land on the moon."² President Jefferson wasn't sure it was constitutional to purchase land by treaty. He also had a question about whether communities of people living in the Louisiana Territory could be organized into states and its citizens brought into the country on an equal footing with other U.S. citizens. Despite his worries about whether constitutional amendments should be added to grant this permission, he recommended that the Senate ratify the terms of the treaty without further talk of amendments. He later defended his decision on these grounds:

A strict observance of the written laws is doubtless one of the highest duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving the country when in danger are of higher obligation. To lose our country by a scrupulous adherence to written laws, would be to lose the law itself . . . thus absurdly sacrificing the end to the means. . . . It is incumbent on [the duty of] those only who accept great charges, to risk themselves on great occasions, when the safety of the nation, or some of its very high interests are at stake. An officer is bound to obey orders; yet he would be a bad one who should do it in cases for which they were not intended, and which involve the most important consequences. The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his peril; and throw himself on the justice of his own country, and the [rightness] of his own motives.³

Activity:

Review the U.S. Constitution, Article I, section 8, last paragraph; Article II, section 1; and Article IV. Then write a two-minute Sound Off choosing either one of the statements below as inspiration for your remarks. Pick an "honorable opponent" and have a Sound Off Stand Off, drawing lots to determine who speaks first. Each of you has exactly two minutes to make your arguments. Ask your classmates to choose a winner by applauding wildly the speaker with the best arguments. Then bask in your triumph, or admit defeat!

Position 1:

Who is President Jefferson kidding? This argument is nothing but an effort on his part to circumvent the Constitution. What it means is that if he doesn't want to be hemmed in by the Constitution, he and the Congress can simply choose not to obey it. This time it's "crucial" because of a worthless expanse of grass and woods? What next? Why, it's an absolute recipe for tyranny!

Position 2:

This is a fine example of President Jefferson having the good sense not to lose a wonderful opportunity! We're going to have the French off our backs, and someone wants to protest his taking a few liberties with the language of the Constitution? The Constitution is supposed to be a flexible document. Besides why wouldn't we assume that the president and the Senate could make a treaty to buy some land? I don't see any rule against it—what's the big deal?