

United States Constitution

Article I

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Map of Louisiana Purchase in 1803



Document Cards

Document 1: Thomas Jefferson's Proposed Amendment to the Constitution, July 1803

Context: Jefferson, who considered himself a strict constitutionalist, strongly questioned his ability to authorize the Louisiana Purchase without the addition of an amendment to the Constitution that specifically gave him the power to do so. Although it was never enacted, Jefferson wrote a draft of his proposed amendment.

Louisiana, as ceded by France to the U S. is made a part of the U S. Its white inhabitants shall be citizens, and stand, as to their rights & obligations, on the same footing with other citizens of the U S. in analogous [similar] situations. Save only that as to the portion thereof lying North of an East & West line drawn through the mouth of Arkansa river, no new State shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until authorised by further subsequent amendment to the Constitution shall be made for these purposes.

Florida also, whenever it may be rightfully obtained, shall become a part of the U S. Its white inhabitants shall thereupon be Citizens & shall stand, as to their rights & obligations, on the same footing with other citizens of the U S. in analogous situations.

Document 2: Thomas Jefferson's Letter to Washington on the Creation of a National Bank, 1791

Context: In a letter to Washington years earlier, Jefferson explains his feelings about the constitutionality of the creation of the nation's first National Bank under the Washington administration.

I consider the foundation of the Constitution as laid on this ground: That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.' [XIIth amendment.] To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition. The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States, by the Constitution.



Document Cards

Document 3: Thomas Jefferson's Letter to John C. Breckinridge, August 1803

Context: John Breckinridge was a lawyer and politician from Jefferson's home state of Virginia. He served as a U.S. Senator and was later appointed as Jefferson's Attorney General during his second term in office. In this letter to Breckinridge, Jefferson expresses both his concerns and justifications for the authorization of the purchase.

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...

...It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; & saying to him when of age, I did this for your [citizens of the United States] 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...

Document 4: Thomas Jefferson and the Louisiana Territory (secondary source article)

Context: President Jefferson believed his actions required amendments to the Constitution, yet he realized that the process was painfully slow. As his advisors had warned, by the time they were added, Napoleon might have changed his mind and withdrawn the offer. Jefferson understood the importance of Louisiana to the future of the country, and adjusted his thinking accordingly...

...Certain Federalists argued vehemently [strongly] that there was no constitutional permission for the Louisiana transfer and that it cost too much at a time when the Republicans were supposedly pledged to a small federal budget. Yet reflecting the positive sentiments of the people regarding Jefferson's move, the Senate ratified the treaty in just four days. Perhaps Jefferson was explaining his actions when, shortly after his retirement to Monticello, he wrote, "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." Jefferson believed that a French Louisiana to the west could be dangerous to the United States. To him it interfered with a clear view he had of America's destiny. An opportunity had presented itself, with implications for the nation's future that were profound; thus, the president behaved in ways that were different from his reaction to "normal events." He was willing to accept the judgment of the people as to his choice, noting, "The line of discrimination between cases is most difficult; but the good officer is bound to draw it at his peril; and throw himself on the justice of his own country." Most believed that, in this case, he had made a good decision.



Jefferson's Dilemma Document Chart

Did President Jefferson have the right to authorize the purchase of the Louisiana Territory in 1803?

Document	What does this document reveal about Jefferson's thinking at the time? Did he think that the United States had the right to purchase land?
Document 1: Thomas Jefferson's Proposed Amendment to the Constitution, July 1803	
Document 2: Thomas Jefferson's Letter to Washington on the Creation of a National Bank, 1791	
Document 3: Thomas Jefferson's Letter to John C. Breckinridge, August 1803	
Document 4: Thomas Jefferson and the Louisiana Territory	

Summarize Jefferson's dilemma:

On one side, Jefferson initially believed the government could not purchase the Louisiana Territory because

However, he modified his position and eventually authorized the purchase because
