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## Jefferson's Expansionist Ambitions: How and Why The Third President Expanded Both Our Territory, And Government.

Debates on the proper scope of government have been a constant throughout the political history of the United States. Many of our elections, judicial decisions, and legislative debates can be summarized as a conflict between freedom and authority, between centralized and decentralized power. Historical framing of these conflicts, however, risk becoming oversimplified, particularly when they refer to the various leaders who have waged these conflicts. Many American leaders have decreased the size of the government in some respects, while expanding it in other respects. Thomas Jefferson, for example, is widely regarded as a promoter of limited government. And this reputation is, in many ways, justified. throughout his presidential administration, Jefferson did apply many limitations to his government and generally gave deference to the constitutional rule of law. Still, there were other actions the third president took that greatly expanded the perceived scope of presidential authority. The Jefferson Administration's 1802 purchase of Louisiana in particular was originally seen by many Americans – including Jefferson himself – as unconstitutional. Regardless of its constitutionality, however, it is clear that the Louisiana Purchase was to the great benefit of the young United States. Jefferson gave his country a tremendous gift, even as giving it betrayed his strict ideals.

And I believe his willingness to do so is part of his greatness. In this essay, I will argue that Jefferson's purchase of Louisiana demonstrated both his high regard of the constitution, and his willingness to skirt at its edges to serve the American people; I will further argue that his approach to purchasing Louisiana serves as a specific representation of his general habits as president.

The President purchasing territory via treaty has become, since the Louisiana Purchase, a relatively common and uncontroversial procedure, but Jefferson's purchase of Louisiana was unprecedented, and founded on, what seemed at the time to be, shaky constitutional grounds. Jefferson himself was deeply aware of this. Historian Charles Cerami writes in his book *Jefferson's Great Gamble: The Remarkable Story Behind Jefferson, Napoleon And the Men Behind The Louisiana Purchase*, remarks that Jefferson "was gripped by the suspicion that 'he had gone beyond the constitution'."<sup>1</sup> This suspicion, Cerami further explains, was due to Jefferson's strict belief that the federal government did not have the authority to take any action that was not explicitly allotted to them in the Constitution. Jefferson "abhorred" the opposing belief, that the federal branch could do anything that was not strictly forbidden in the constitution.<sup>2</sup> To Jefferson's point, there was no explicit passage in the constitution granting the federal government the right to expand territory via treaty. Although, it does sanction the president's right to sign treaties generally.<sup>3</sup> Surely many leaders in American history would have been happy to extrapolate from this general sanction a more specific one, but Jefferson appeared unconvinced by it. His cabinet appealed to the purchase's constitutionality. Albert Gallatin, Jefferson's Secretary of the Treasury, wrote a lengthy and detailed letter to Jefferson that

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<sup>1</sup> Charles Cerami, *Jefferson's Great Gamble*. 210.

<sup>2</sup> Charles Cerami, *Jefferson's Great Gamble*. 211.

<sup>3</sup> U.S Constitution. Article II, Section 2, Clause 2.

provided a thorough defense of the purchase. He argued that territorial expansion via treaty is a natural right every nation has, and notes that individual states are expressly forbidden from making treaties in the constitution. From these two facts, Gallatin deduced that the right to territorial expansion via treaty fell on the federal government.<sup>4</sup> Just a few weeks later, Jefferson's Administration did sign the treaty to purchase the Louisiana Territory, but there is strong evidence that Jefferson signed it *without* being convinced of its constitutionality.

In two letters Jefferson wrote after the Louisiana Purchase was signed, Jefferson admitted that he considered the treaty to be unconstitutional; he justified his signing of it on grounds largely unrelated to the constitution. To John Dickinson he wrote, “the general [IE: Federal] government has no powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, & still less of incorporating it into the Union.” He further wrote that his administration must “rely on the nation to sanction an act done for it’s great good, without it’s previous authority.”<sup>5</sup> This line of thinking may be very convincing for some, but it does sound strange coming from as convinced a constitutionalist as Jefferson was. In another letter written to John Breckinrige, Jefferson provided more intricate argument that, paradoxically, sought to rationalize the unconstitutional purchase on the grounds that it would *help* the constitution. He again argued that, even if the purchase was, by his standards, unconstitutional, it was still in the nation’s best interests.<sup>6</sup> He then states that the legislature would have surely made the purchase themselves “had they been in a situation to do it.”<sup>7</sup> Implicit in this statement may be a very reasonable critique that, under Jefferson’s standards for

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<sup>4</sup> Letter From Albert Gallatin to Thomas Jefferson. January 13, 1803.

<sup>5</sup> Letter From Thomas Jefferson to John Dickenson. August 9, 1803.

<sup>6</sup> Letter From Thomas Jefferson to John Breckinridge. August 12, 1803.

<sup>7</sup> Ibid.

constitutional interpretation, there was no sanctioned way for the federal government to purchase land. Jefferson finished by writing that the purchase will “confirm & not weaken the constitution, by more strongly marking out its lines.”<sup>8</sup> Inevitably, an American leader would have had to set the precedent for how land purchases were made. Given the constitution’s relative silence on the matter, such a precedent would inevitably be founded on somewhat murky constitutional grounds. A constitutionalist, then, should be very grateful that the one to set this precedent was Jefferson – a man honest enough to acknowledge this murkiness, and confront it in a manner intended to strengthen, not weaken, the constitution. Jefferson’s cabinet, even when they disagreed with Jefferson, also acknowledged the murkiness present with the signing. At the end of the previously referenced letter Gallatin wrote to Jefferson, Gallatin qualified his entire argument and extolled the administration to think through the issue carefully. He wrote, “I must, however, confess that after all, I do not feel myself perfectly satisfied: the subject must be thoroughly examined; and the above observations must be considered as hasty & incomplete.”<sup>9</sup> These writings portray an administration that was deeply aware of the complex grounds they were treading, and willing to think through things slowly and carefully. Jefferson may have bended his ideals in signing the Louisiana Purchase, but the painstakingly slow and cautious way he did so reveals just how committed he remained to them.

The Louisiana Purchase should not be understood as a one-off event in Jefferson’s administration, but rather as a particularly poignant example of Jefferson’s consistent willingness to wield power in clever ways. Jefferson’s public rhetoric was ever focused on decrying the abuse of power; he once retorted that he swore “eternal hostility” upon tyrannical powers.<sup>10</sup> Still,

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<sup>8</sup> Ibid.

<sup>9</sup> Letter From Albert Gallatin to Thomas Jefferson. January 13, 1803.

<sup>10</sup> Letter from Thomas Jefferson To Benjamin Rush. September 23, 1800.

Jefferson was not hostile to all power. He used it expertly throughout his presidency. Jefferson biographer Jon Meacham, in his book *Thomas Jefferson: The Art of Power*, noted that Jefferson, upon securing the presidency, “was eager to wield the power he had long sought.”<sup>11</sup> He summarized Jefferson’s administration by noting that, with regards to war-making, economics, federal spending, subpoenas, and information sharing, Jefferson’s administration “maintained or expanded the authority of the presidential office” – this despite the widespread expectations people had of his administration to shrink the government.<sup>12</sup> Now, in other meaningful ways, Jefferson did shrink the government. Meacham also noted how Jefferson also cut government spending and taxes<sup>13</sup> – two hallmark small-government policies. In total, Jefferson’s legacy was complex and multilayered. He was wary of power, but knew how to wield it. He “embraced ultimate power subtly but surely.”<sup>14</sup> Power, for Jefferson, could even be legitimately used for imperial ends. Historian Peter S. Onuf, in his book *Jefferson’s Empire: The Language of American Nationhood*, characterizes Jefferson as having a vision of a “benign imperial order,”<sup>15</sup> which would expand across the world spreading freedoms. Such a vision, Onuf notes, was criticized in its time for being over-idealistic and out of touch with republican ideals.<sup>16</sup> But Jefferson believed that the consensual, decentralized and egalitarian nature of America’s government, along with freedom-loving zeal of its populous, would make an expansive and dynamic nation feasible.<sup>17</sup> Jefferson did not see an inherent contradiction between a small federal government, and a strong nation.

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<sup>11</sup> Jon Meacham. *Thomas Jefferson: The Art of Power*. 350.

<sup>12</sup> Ibid. 351.

<sup>13</sup> Ibid. 352.

<sup>14</sup> Ibid. 352.

<sup>15</sup> Peter, Onuf. *Jefferson’s Empire*. 53.

<sup>16</sup> Ibid. 55.

<sup>17</sup> Ibid. 53-54.

Jefferson's willingness to wield power did earn him some political enemies, even among those of his own party, who believed his actions were betraying his ideals. David Carson, in his essay, "That Ground Called Quiddism: John Randolph's War with the Jefferson Administration," detailed the political history of one of President Jefferson's chief political opponents: U.S representative John Randolph. Randolph initially supported Jefferson, but slowly grew to dislike the president for his supposedly unprincipled policies. In his essay, Carson specifically explicates on the staunch opposition Randolph had towards Jefferson's endeavors to purchase Florida in 1805-6. Jefferson, as the constitution dictates, consulted congress to ask for funds for the purchase. For rhetorical reasons, however, Jefferson only made an implicit call for funds, while publicly suggesting the U.S might take the territory through conquest.<sup>18</sup> While many members of congress supported this strategy, Randolph was vehemently opposed to it. So principled were Randolph's constitutional convictions that he would not pass any requests for funds that were not explicit.<sup>19</sup> Randolph's shark rhetoric directed against the attempted Florida purchase cemented his break with the administration he once supported.<sup>20</sup> While Jefferson's legacy was carved up by his willingness to skirt at the edges of what his principles allowed, we would do well to remember that this tactic earned him many enemies. Carson summarizes Randolph's conflicts with Jefferson; he writes, "[Jefferson]... allowed himself vastly more power in office than he had ever dreamed of granting to his presidential predecessors. Jefferson saw these tendencies in himself and considered them concessions to practicality in the national interest. Randolph saw the same tendencies and considered them the corruption of true Republicanism."<sup>21</sup> The disputes between Jefferson and Randolph present a common case of principles clashing with effective

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<sup>18</sup> David Carson. "That Ground Called Quiddism." 81-82.

<sup>19</sup> Ibid. 84

<sup>20</sup> Ibid. 90.

<sup>21</sup> Ibid. 92.

strategy. Both men clearly did have deeply held ideals, but Jefferson was willing to, if not break, at least bend his ideals to be an effective leader. There is always something unappealing about seeing leaders compromise on their principles, but one still must confront the many gifts Jefferson's gave us through his compromises.

In this essay, I have argued that Jefferson's political strategy throughout his presidency was multilayered: he certainly was invested in promoting liberty and limiting the government in important ways, but was willing to expand its scope and authority in other areas. I referred to his purchase of the Louisiana Territory, in particular, to show his willingness to skirt at the very edges of his constitutional jurisdiction. His willingness to do so, however, was not due to a betrayal of his constitutionalist principles; rather, he sought to define and set the exact limits of the constitution. This approach not only greatly benefited his country, but it also set a necessary precedent for how to handle matters not directly touched by the constitution.

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U.S Constitution, Article II, Section 2, Clause 2.

