

## JEFFERSON AS AN EXPANSIONIST.

The recent extension of American sovereignty is quite different, in many particulars, from former acquisitions of territory. To better appreciate this, an inquiry into Jefferson's idea of expansion and his conception of the attitude the government should assume toward the people of new acquisitions is quite helpful. He did not attempt a confidence game, but acted only after consulting with and obtaining the sanction of congress.

## Approval of Congress.

The purchase of Louisiana was discussed in congress and by the people several years before the final acquisition was made. Jefferson first refers to it in his second annual message, December 15, 1802, and again January 11, 1803. In his third annual message, October 17, 1803, he said: "The provisional appropriation of \$2,000,000 to be applied and accounted for by the president of the United States, intended as a part of the price, was considered as conveying the sanction of congress to the acquisition proposed." A marked contrast to the procedure of those who manipulated the purchase of our oriental possessions.

## Duty of the Government.

In the same message Jefferson expresses his opinion of the duty of the government toward the people of the newly acquired territory. He said: "With the wisdom of congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country, for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property."

In his message of January 16, 1804, he said: "On this important acquisition, so favorable to the immediate interests of our western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to congress and our country my sincere congratulations."

## Modern Mercenary Motive.

Congressman Grosvenor of Ohio, the personal representative of the president on the floor of the house, thus stated our duty: "We have got the Philippines, and I will tell you what we shall tell the people of this country: we are going to make all the money out of the transaction we can by enlarging our trade with oriental countries. And we are going to embalm the doctrines of the declaration of independence upon the statute books of the Philippines just as quickly as we think the time has

come to do it, and we are not going to do it one minute before."

Jefferson left it to the wisdom of congress to devise those measures for "rendering the change of government a blessing to our newly adopted brethren," and, "enable them to partake of the blessings of freedom and self-government."

McKinley tells the American people, "we are going to make all the money out of the transaction we can," and, "embalm the declaration of independence," and apply it to them when we get ready and "not one minute before!" What a marked contrast in personal character is indicated by these radically different conceptions of public duty.

## Not An Imperialist.

These quotations from messages of Jefferson show that he looked upon the new acquisitions as an extension of the territory of the United States and that the constitution applied to them as it did to any other portion of American territory. This view is supported by references elsewhere in his messages. In his fourth annual message he said: "I know that the acquisition of Louisiana has been disapproved by some from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federal principle may operate effectively?" He regarded the enlargement of the Union as co-existent with enlargement of territory.

## Religious Freedom.

In the same message he continues: "In matters of religion I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it, but have left them where the constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies." If one provision of the constitution extends to territories independent of the general government, then the principle is established for all. The expression, "Constitution found them," is significant and indicates that the constitution extended to them.

## Upheld By the Supreme Court.

This view of the constitution, as taken by Jefferson, and the precedent he sought to establish, has been uniformly observed by the supreme court of the United States.

In the case of *Loughborough vs. Blake*, (Wheaton 5, 315,) Chief Justice Marshall delivered the following opinion:

"The 8th section of the 1st article gives to congress the 'power to lay and collect taxes, duties, imposts and excises,' for the purpose thereafter mentioned. This grant is general, without

limitation as to place. It consequently extends to all places over which the government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, 'but all duties, imposts and excises shall be uniform throughout the United States.' It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises, may be exercised and must be exercised throughout the United States. Does this term designate the whole or any portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great republic, which is composed of states and territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary on the principle of our constitution, that uniformity in the imposition of imposts, duties and excises, should be observed in the one than in the other."

## Limitations of Congress.

This clearly establishes the principle of the extension of the constitution and the right of congress to legislate for territories. Is the authority of congress supreme or subject to the limitations of the constitution? In the same opinion the court says:

"The extent of the grant being ascertained, how far is it abridged by any part of the constitution? The 20th section of the first article declares, 'that representatives and direct taxes shall be apportioned among the several states which may be included within this union according to their respective numbers.'"

The court explains the object of this regulation to be, "to furnish a standard by which taxes are to be apportioned." The method of exercising the grant of power is not left discretionary with congress but is prescribed. In another place in the decision the court says:

"If it be said that the principle of uniformity, established in the constitution, secures the district from oppression in the imposition of indirect taxes, it is not less true that the principle of apportionment, also established in the constitution, secures the district from any oppressive exercise of the power to lay and collect direct taxes."

Marshall justifies the equity of levying the tax on territories, taxation without representation, only on the ground of the constitutional limitation. The modern interpreters of the constitution would avoid this limitation of the constitution and thereby destroy the only equity of this species of legislative control.

## Implied Restrictions.

This rule was followed in the case of *Murphy vs. Ramsey*, (114, U. S. 15, 44,) in which the court said:

"The people of the United States, as sovereign owners of the national territories, have supreme power over them and their inhabitants. In the exercise