

Greetings:

My name is William H. Wells and I am a Federalist Senator from the great state of Delaware. I was a member of the Delaware House of Representatives from 1795-1799, and I have represented my state and party in the Senate from 1799 to the present day. As a devout Federalist, I believe in a strong central government and the power of the states of the Northeast. I am very excited to shape the future of this great nation, leading the Federalist party to realize our visions of a peaceful conclusion to the Barbary War, a powerful federal judicial system and restraint in regards to the possible purchase of the Louisiana territory from Napoleon's France.

Jefferson and the Democratic-Republican party's stance has been and continues to be that war with Tripoli, and potentially the other three Barbary States, is cheaper than simply paying a tribute. In the early 17<sup>th</sup> century, a naïve Europe adopted the same approach; however, in time they realized that it made more sense in consideration to money and men to pay the States their desired tribute. Two hundred years later, I, along with the Federalist Party clearly see that Jefferson has not learned from history. Even in the brief time of his own administration, we see that Jefferson has not learned this lesson through personal experience. Despite Congress granting the President \$80,000 for settling Barbary affairs in March of 1801, Jefferson again demanded money from Congress at the end of the year. This in itself exemplifies the ignorance of Jefferson and the Democratic-Republican Party and thus should usher in the peaceful solutions of mine and the entire Federalist Party. Our party recognizes that "Jefferson is a fool in the conduct of Barbary affairs", as this war is a mistake and it is now looking unlikely that we see an American victory because of the possible intervention of Algiers, Tunis and Morocco.

With this in mind, I, William H. Wells, propose to this 8<sup>th</sup> Congress the following two-point plan to put an end to the Barbary War and ensure a lasting peace in the region that is beneficial for American trade.

1. Remove all military presence in the region. This entails putting an end to the practice of "sinking, burning, or destroying ships and vessels" and blockading ports, and the retreat of Commodore Dale's squadron of three frigates and one schooner to the United States.
2. Organize a Conference with Tripoli, Algiers, Tunis and Morocco. A diplomat would be sent to the negotiation site with the intention of writing a treaty guaranteeing peace between the United States and the four Barbary States as well as the indefinite right to free trade in the region without Pirate harassment. The diplomat would receive a reasonable amount of money from Congress for negotiation. In the unlikely case that a deal is not made (as the war started only because Jefferson refused to pay further tribute), the US would then negotiate secretly with various European nations on a compromise that would allow American ships to fly under the flag of that nation in exchange for American contribution to the nation's tribute and therefore guaranteeing American protection from the Pirates. Obviously, this would be a matter of back-channel politics so that the Barbary States are entirely oblivious to our deception and so that another war with the Barbary States is not triggered.

The issue of the Federal Judiciary System comes down to one fundamental question posed by Chief Justice John Marshall in his decision of *Marbury v. Madison*: “can an Act repugnant to the Constitution become the law of the land?” Marshall continues; “there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it [...] certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation” I, along with my party, believe in the uniqueness of the Constitution of this great country and wish to ensure its lasting power. Therefore, it is imperative that bills that are not in accordance with the Constitution do not become law. There is a reason that Article V of the Constitution makes the document very difficult to alter by requiring a two-thirds majority from each house and a three-quarter majority from each state. And there is a reason that Article VI states that “this Constitution, and the Laws of the United States which shall be made in Pursuance thereof [...] shall be the supreme Law of the Land” This is because the Constitution a truly special creation designed to govern this nation for the entirety of America’s existence. Hence, it is imperative that this Congress recognizes the threat to the Constitution it would pose by disallowing judicial review. Someone must protect the Constitution, and as Chief Justice John Marshall states, “it is emphatically the province and duty of the judicial department to say what the law is [... as] this is the very essence of the judicial duty”.

It is for these reasons that I, as long as the rest of my party, believe in protecting the right to judicial review, the Judiciary Act of 1801 and ensuring a significant role for the federal courts. Ultimately, Jefferson and the Democratic-Republicans wish to undermine the Constitution, and therefore, in order to protect it from the attack of some members of this Congress, my party and I propose that the allowance of the Supreme Court to be the arbiter of the Constitution. This can be done through my plan, nicknamed “Save the Fifth and Sixth”. Details are as following:

1. Protect the Fifth Article of the Constitution. This article clearly outlines the Constitution as unchangeable due to its importance in governing the nation. The only way to ensure this protection is judicial review via the Supreme Court.
2. Protect the Sixth Article of the Constitution. This article states that “a law repugnant to the Constitution is void”. The only way this Congress can ensure this is by protecting the process of judicial review in order to ensure that legislative and executive acts do not outweigh the Constitution and the original vision of the United States, unless that change is desired by all people and hence expressed in a ratification of the Constitution.
3. In the likely scenario that this cannot be resolved in this manner as a result of party lines, I would propose a compromise: in exchange for judicial review, our party would offer the Democratic-Republicans, who desire further state power, state jurisdiction for all matters that were transferred to federal jurisdiction as a result of the Judiciary Act of 1801.

Lastly, it is evident that if these United States and this Congress are to purchase Louisiana from France, there is no turning back – our country as we know it will be no longer, expansionism will

dominate our agenda and greed will be the symbol of our government to the rest of the world. Doubling the size of this country, the economic potential and the increased global prestige this purchase could award is tempting, however I as well as the rest of my party believe that the risks outweigh the potential benefits. We worry of conflict with Natives and Europeans in the territory, a conflict of cultures and the future threat of a clash over unclear borders. The economic uncertainty is also unsettling; the land will be expensive to maintain, protect and govern with money this Congress does not have, and if we do not have buyers to settle the land there will be no economic benefit and it will leave half of our country unoccupied and vulnerable to attack. Politically, it will simply be impossible to keep government close to the people, we have devised no plan on how to use this land and the dispute that will arise over the topic of slavery will divide our states and our nation. This purchase is also an overextension of the powers of the executive – the federal government cannot legally acquire the Louisiana Territory without approval of each state, which would be virtually impossible because of the detriment Louisiana would have on the power of the Eastern seaboard. That being said, because the Federalist Party and I believe in timely expansion and the growth of this great nation, we do not wish to rule out expansion. We seek to expand in a way that is not quick, rash and unrestricted, and do so in a way that maximizes potential benefits for the United States and the American people while eliminating all potential risks. In this scenario, there is only one way forward: as opposed to the “Louisiana Purchase”, I propose this Congress opts to exercise caution and implement my resolution, entitled the “New Orleans, Louisiana Purchase”. This will involve:

1. The purchase of only the Port of New Orleans and unrestricted access to the Mississippi River from the French Republic. This will give this nation the economic benefits of access to the Mississippi, which will be beneficial to our economy and our trade. We will maximize our economic benefit, as the rewards of the fur trade would be next to impossible to realize given the activity of the Spanish, French and English as well as our poor relations with the Natives, and this Congress does not have the funds to invest in the capital necessary to profit from the potential national resources available. This move will ensure that the actions of Juan Ventura Morales never occur again, as the threat of taxation for use of the Mississippi will be a matter of history. Trade will prosper.
2. The allowance of the trade of African Slaves in the Port of New Orleans. A significant tax would be levied and paid to the Federal Government.
3. No allowance of the trade of Native Slaves in the Port of New Orleans. Our proper treatment of Natives will improve our relations and thus increase our ability to expand into their land in the future. As well, it will preserve relations with the Spanish, as they forbade Indian slavery in the territory in 1769.
4. Saving our government millions of dollars, as we will presumably be paying a desperate Napoleon significantly less for only the Port of New Orleans than the entire Louisiana Territory.

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