**Position Paper for 8th United States Congress**

Student: Matthew O'Connell - Oakville Trafalgar High School

Character: Joseph Bryan, Representative from Georgia

The topics before the 8th Congress of the United States are as follows: Barbary Wars, Federal Judiciary System and the Louisiana Purchase.

**1. Barbary Wars**

War has returned to America, but this time it’s far away from home. The scourge of the Mediterranean, Tripoli, continues its quest of harassing American commerce and capturing our sailors. This is not a recent issue. The history of piracy on the coast of North Africa is a long one dating back to the 15th century but, it is only in the last 20 years that the effects of this are being felt by American nationals. The four primary Barbary States: Tripoli, Algiers, Tunis and Morocco, started their raids on American shipping when the United States lost its protection on account of the expiration of the Treaty of Alliance (a French-American treaty that declared mutual support during revolution). It began on October 11, 1984 when Moroccan pirates seized the U.S brigantine Betsy. This event spurred an American reaction that led Thomas Jefferson, the Minister to France, to purchase protection through treaties from Morocco and Algeria. It was this decision that lead to the current treaties in place with Morocco in 1786 and Algeria in 1789. However, on May 10, 1801, the Pasha in Tripoli declared war on the United States in typical Barbary fashion by cutting down the flagpost in front of the U.S Consulate in Tripoli in response to the refusal on the part of the United States to pay a $225,000 tribute. It would be the first time America would get a chance to defeat a hostile state on foreign soil.

The current situation is a stable one. The U.S Navy at its present strength (6 frigates, a few schooners and brigs and a captured ketch) is unchallenged in the Mediterranean while a blockade is in place on Tripolian ports. President Jefferson continues to search for an expanded mandate (and expanded funding) in the conflict with Tripoli, holding firm to his claim that the only way to reach a treaty is through decisive victory in war. It is both the issue of cost when it comes to all out war and the fear that Tunis and Morocco will come to the aid of their Barbary ally that creates the need for Congress to design a path through this conflict.

A conflict such as this, where American trade interests and sailors are directly threatened by a foreign rogue state, is clearly a bipartisan issue. The current U.S Navy is sufficient for the current conflict but there is no clear indication about whether or not Morocco, Tunis and/or Algiers will join their Barbary friend in this conflict against the United States which may disrupt the balance of forces. While anti-navlist sentiment is a strong foundation of the Democratic-Republican Party it is clear that it is a necessary evil in a conflict that takes place in foreign waters. Therefore, a bill must be passed by Congress with the following objective: give the executive the power to expand the navy only after applying for consent from Congress. Each expansion project request should be placed on the floor and voted on as soon as possible after the application from the executive. This would allow the country to benefit from the practicality of a navy while ensuring the fiscally conservative principles of the Republican party and this nation are protected. The navy should continue to be effectively utilized by the executive without oversight. Tributes to other Barbary states should remain in place only until the end of this conflict, and payments should be automatically stopped to all of the North African states following a future peace treaty with Tripoli. It is time to uphold one of the founding principles of the nation and the Democratic-Republican Party which is that the United States needs no foreign friends and should not have to fear any foreign enemy.

**2. Federal Judiciary System**

Perhaps one of the most complex questions that has arisen during this time of growth for our young nation is who is the ultimate arbiter of the Constitution. In the past, Congress has passed multiple acts to define and organize the government's third government branch: the judiciary. In 1789, the first Judiciary Act was passed which for the first time legislatively expanded the power of the highest courts in the land that had been established in the Constitution to issue writs of *mandamus.* The legislation also created the district and circuit court as well as the Supreme Court and the composition and jurisdiction of each. Finally in 1801, the second Judiciary Act was passed and was the first effective law at conveniently organizing the upper courts in the United States, something that hadn’t been attempted since the Constitution in 1788. Now it is time for Congress to deal with this all important question since this is the next step in solidifying this third governmental branch’s position in the federal government and ensuring its purpose represents the best interests of the Union.

Recently, *Marbury v. Madison,* a case in which the concept of judicial review has been introduced, has sparked significant debate in the political world. In this case, the Supreme Court essentially declared section 13 of the Judiciary Act of 1789 unconstitutional and could therefore not use it as a legal basis from which to administer writs of *mandamus*. The party lines on this issue have been drawn. Jefferson has made it clear he believes, along with many Democratic-Republicans, that democracy and its very fabric are threatened by a government branch that can mold the constitution to its will since it impacts branches with actual elected officials and the legislation that they pass. Federalists, on the other hand, believe a strong judiciary branch that can act as an effective check on the other branches, as was intended, is the only way to preserve the federal government in such a manner where tyranny is avoided and the Republic can thrive. These conflicting ideologies are the basis for the tense debate over judicial review and the extent of the powers of the judicial system.

I believe the solution is quite clear. The federal judiciary system is an important one but the importance of its powers and jurisdiction do not override the need for a healthy democracy in which the people are connected directly or indirectly to decisions on the legislation that affects them. To allow the Supreme Court to declare laws unconstitutional and therefore invalid would be a very dangerous proposition. A more sane approach would be to pass a Constitutional amendment outlawing this concept of judicial review but expanding the reach of the court beyond what was outlined in the Judiciary Acts of 1789 and 1801. This will confirm Congress’ recognition that the judiciary branch is very important and should have the scope of jurisdiction that it deserves while limiting its power in one key area (constitutionality) that should be left to the people and their elected representatives. The medium through which these goals can be achieved is the proposal and approval of a new Judiciary Act that maintains the policies in the prior Judiciary Acts but builds on them to enhance the powers and jurisdiction of district courts, circuit courts and the Supreme Court. Only then will the future of the United States be clear with regard to this ever important third branch of government.

**3. Louisiana Purchase**

There has perhaps never been a more critical moment to the shaping of this nation’s future than now. On the brink of closing a land purchase 0f the Louisiana region that would double the size of the United States, Congress must decide upon a multitude of factors and intricacies that will be of importance after the deal as well as the actual price the government should be willing to pay. The origins of this purchase are rooted in the politics of France. The emperor Napoleon has indicated he may be wanting to focus on his European campaigns and objectives and may discount the value of his North American assets, making the land ripe for purchase but also enabling any negotiations over French land in North America to be possible at all. Once thought to be an impossible purchase, changing circumstances require a fresh analysis. Since the French claimed the Louisiana territory in 1684, that nation has spent considerable time and money building strong economic infrastructure for a vibrant fur trade and diplomatic infrastructure with surrounding native tribes, yielding social, economic and political benefits. More recently, however, the French military presence has all but disappeared and the pressures of a rapidly growing American frontier are weighing on Napoleonic France. Now is the time for this deal, and Congress must not only ensure it goes through with a sensible price, but also that the territory is organized effectively post-purchase.

Currently, Livingston and Monroe are negotiating the terms and price of the purchase of the land but it is Congress who must manage the parameters of these negotiations of price by setting a maximum amount of funds the United States should be willing to pay. The tasks before Congress are also many when it comes to the logistics and organization of the new territory after the purchase occurs and must be dealt with beforehand to ensure an efficient transfer of ownership from the French to our country. We must consider and debate the issues of political control, slavery, exploration, and the economic and social policies in order to create a prosperous future for the new region. It is a pressing matter and a time sensitive one as the results of the Louisiana negotiations are looming.

It is my opinion that first and foremost the Louisiana purchase is not just a blessing for this great nation, but is actually **necessary** if our country is to pursue its rightful place as both a global power and the dominant power in the western hemisphere. The geopolitical benefits cannot be underestimated and as such, this deal should not be taken lightly but rather debated and handled with the utmost vigilance. Before discussions can occur on the circumstance of the territory after the purchase, the deal must actually be struck first. I suggest that the future economic benefits of such a purchase outweigh any short term economic burden. Sticking with my fiscally conservative principles, I believe a maximum price should be established that this Congress would be willing to pay for the territory. President Jefferson originally gave $10 million for negotiations over the purchase of New Orleans and West Florida; therefore, I believe $20 million is a sufficient budget for the negotiations for the entire Louisiana region given France’s willingness to sell the land. This should be mandated in an act passed by Congress.

Separate from the terms of the deal, prior to the land acquisition, Congress must pass an ordinance for the region, which will outline in great detail how the new territory is to be organized. Precedence for this can be found in the Northwest Ordinance passed by the Confederation Congress that allows the federal legislative branch to decide the organization of newly acquired land. Currently, the only significantly populated region in the new territory is the immediate area surrounding the city of New Orleans. It is this region, cut off from the rest of the territory at the parallel created by the southern most border of Tennessee, that should immediately move to begin the unwritten process of becoming a state. This new state should be called the state of Louisiana. This starts with a referendum of the populace in the region on statehood and then a state constitutional convention to draft a constitution. This constitution must be subject to the framework laid out by Congress in the ordinance for the territory. Once political control is handled in this manner, the question of slavery must be considered. While the less densely populated regions can be up for debate, I firmly believe the new state of Louisiana should sponsor the slave trade as it already contains plenty of infrastructure to facilitate the trade in slaves and has the potential to become the slave processing hub in the Western Hemisphere. This is not just a key economic factor for the future prosperity of the region, but also a social one as the history of New Orleans is rooted in the business of slavery. As for the exploration of the new territory, Congress should immediately incorporate a very well funded expedition as part of the ordinance surrounding this region in order to explore this new territory and even to find a way to reach the other side of the continent using routes originating in the Louisiana region. This general framework provided by Congress will allow for the proper policies to be put in place for the health of the Union while still giving room to the people of the future State to decide their own economic and social policies. The unorganized territory north of the new State should retain similar conditions to the ones it had during the time of French control and should be used to allow the United States to expand its market share in the fur trade and improve its relations with the natives of the Southwest and Midwest of the United States. The only change would be significant federal investment into the extraction of the valuable natural resources present in the unorganized territory in order to begin to reap the massive economic benefits for the Treasury. Within these parameters, this acquisition of the new territory has the opportunity to be one of the most beneficial events in the United States’ short history so far, and it is up to Congress to maximize that potenial.

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