**John Breckinridge Position Paper**

*Topic I: Barbary Wars*

Since the dawn of the Barbary carsairs, these four states have wreaked havoc on trade through overt piracy. Despite our strongest diplomatic efforts to manage this situation so as to not impact our trade, the US has constantly been met with hostility. As a young, budding and flourishing nation, it is imperative that we Americans continue to strengthen international trade. As my great friend President Thomas Jefferson has argued so clearly, we want our trade ships “to carry as much as possible”, but this means “a protecting force on the sea” so as to not let the carsairs “dictate us”.[[1]](#footnote-1) One of these so-called dictators is the pasha of Tripoli, who has responded to our generous tribute with anger, greed and aggression.[[2]](#footnote-2) It was us who sent US consul to instigate treaty conversations. It was us who surrendered capital for security. It was us who were peaceful. They, however, have coerced and manipulated us into bending to their will at the expense of our Americans’ money. They have captured fellow Americans and stolen our tradeable goods. They instigated the violence.

I stand behind President Jefferson’s position that aggressive measures need to be taken to prove our legitimacy as a powerful nation. The reason behind this lies in economics. Through paying annual tribute to these four states, we would be spending copious amounts of money to protect our ships. This would not only take a toll on working class Americans, it would also be very unstable. As we have seen in the case of Algiers and Tripoli, these states do not seem to care about any of our treaties, having captured a plethora of our ships over the years despite our greatest peaceful efforts. This can no longer be tolerated. How can paying tribute to these states be a sustainable solution if they will constantly respond by asking for more and threatening violence. We as a country cannot tolerate being subjugated to this treatment any longer. Thus, it is crucial that we as a nation invest into our Navy. This would be a long term solution that would not only highlight our military strength, but could also serve us well in future conflicts.

We are currently at war with Tripoli. Now is not the time to back down. It is the time to strengthen our resolve and put our faith in the navy. We need the support of Congress to raise the budget dedicated to the Navy. This can be done by raising tariffs on imports so as to limit the burden on the American people while supporting domestic products in America. This is the most feasible and straightforward solution to ensure a victory against the North African Barbary States and to demonstrate our strength as a nation.

*Topic II: Federal Judiciary System*

In 1789, pursuant to Article III of our Constitution and the Judiciary Act of 1789, the Supreme Court of the United States (SCOTUS) was created with the authority to invalidate legislation or executive actions which it deems unconstitutional. This power is called judicial review. I argue that this fundamentally contradicts democracy itself. What justice is served in a group of six *appointed* judges determining the legislative actions of a democratically *elected* Congress? As I argued at the end of a Senate debate, the Constitution gives each department “exclusive authority on the subjects committed to it” and “therefore the Legislature have the *exclusive* right to interpret the Constitution, in what regards the law making power, and the judges are bound to execute the laws they make”.[[3]](#footnote-3) The power given to 6 people to deem legislation constitutional or not would, as Jefferson states, “place us under the despotism of oligarchy” and would render the Constitution nothing but a “thing of wax in the hands of the Judiciary” which they could manipulate as they please.[[4]](#footnote-4) As effective as the SCOTUS can be, it is overstepping the boundaries of democracy in partaking in judicial review, and therefore we, as a Congress, must ensure that this power be revoked in an amendment to the Constitution which clearly defines SCOTUS’s power. I believe that because the Congress was elected democratically, it should not have to bear the scrutiny of appointed Justices. Congress also runs democratically, and if it deems a bill unfit or unconstitutional, it will be democratically shot down.

Further, the Judiciary Acts of 1801 and 1802 cannot be ignored. It was appalling for former Federalist President John Adams to pass the Midnight Judges Act and nominate Federalist supporters so as to maintain the authority of Federalism. The Act also granted general federal question jurisdiction to the federal courts because Federalists doubted the objectivity of state courts.[[5]](#footnote-5) Evidently, this was but another attempt to weaken state powers. This was clearly a partisan move to reduce the power of the Jeffersonian government, but it will not be tolerated as it encroaches on the impartiality of the federal judicial branch.

As such, it is imperative that we repeal this act immediately so as to protect state judiciary powers and reduce the effect of a partisan federal judiciary system. I propose replacing this with another Judiciary Act, which would minimize the burden Justices face when riding the circuit. This could mean reducing the number of justices required to ride a circuit from two to one, or implementing a judgeship in each circuit to ride the circuit with a Justice and split the burden. Further, the Judiciary Act of 1801 did provide some improvements to the system. I support the increase in the number of circuit courts so as to increase the opportunity for cases from more regions to be heard by Justices.

*Topic III: The Louisiana Purchase*

Currently, the US is debating whether to purchase the Louisiana territory from France as an act of westward expansionism. This purchase would provide tremendous benefits for the growth of the United States as a nation politically and economically. This territory represents a more than 800,000 mile expansion of our nation, which would be an impactful gain.[[6]](#footnote-6) It would double the total land area of the US, meaning more access to fertile farming land to be given to our citizens. This would boost our agrarian economy, providing more goods to export.[[7]](#footnote-7) This increase in production of goods would be exported through our access to the Mississippi River and the New Orleans Port, a hub of international trade. Having access to this river would drastically increase the scope of our trade. Access to the Mississippi river would also strengthen connections with the indigenous tribes in the region and in Canada, which would not only give us more access to their pelt trade, but also broaden the scope of our knowledge on the Louisiana territory.

Based on these arguments, it is clear that the purchase of Louisiana from France is necessary in order to establish America as a strong nation on an international scale and strengthen our agrarian society. That being said, we would have to ensure that the acquisition of this land was at a fair price. Ideally, I would want to spend between 20-30 million dollars for the land, as its worth is substantial. That being said, if France demands more within reason (below 45 million dollars), I would still agree to this purchase as it would be a significant gain for the United States. Further, it would prevent any further tensions and possible future conflicts with France and be a protective measure for the United States.

Slave trade is also another large aspect to consider. As a senator who owns 70 slaves and has a thriving plantation, I depend upon my slaves, as many other Americans do.[[8]](#footnote-8) As New Orleans is a hub for slave trading, it would provide a large increase in the availability and access to cheap labour for our agrarian society. However, as seen in the Haitian slave revolt, these slaves are unpredictable.[[9]](#footnote-9) Just as they revolted in Haiti, they may be inclined to do the same in New Orleans and the larger region of Louisiana, as such, it would be wise to limit the use of slaves in Louisiana to domestic slaves, so as to control and minimize the possibility of a slave revolution.

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2. Ibid. [↑](#footnote-ref-2)
3. # Kermit L. Hall, *Judicial Review and Judicial Power in the Supreme Court* (New York: Garland Pub., 2000), 130.

   [↑](#footnote-ref-3)
4. <http://press-pubs.uchicago.edu/founders/documents/a1_8_18s16.html> [↑](#footnote-ref-4)
5. Jed Glickstein, "After Midnight: The Circuit Judges and the Repeal of the Judiciary Act of 1801," *Yale Journal of Law* 24, no. 2 (2013): pg. #, accessed November 8, 2016, doi:10.2139/ssrn.1809207., 545. [↑](#footnote-ref-5)
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