**Manasseh Cutler Position Paper – Megan Pham-Quan**

**Position:** Manasseh Cutler

**Committee:** Eighth Congress of the United States of America

Manasseh Cutler, a proud member of the Federalist Party, has served as a member of the U.S. House of Representatives from the eleventh district of Massachusetts in his first term from March 4th, 1801 to March 3rd, 1803. He returns to the 8th Congress representing the third district of Massachusetts. Prior to his political career, Cutler graduated from Yale College and contributed to his community as a school teacher, a merchant, a lawyer, and a clergyman. During the American Revolution, he was a committed patriot. He served in the U.S. Continental Army as chaplain for several military units in 1776 and 1778. Cutler has a deeply ingrained respect for the Constitution and the role that it plays in the governance of the United States. He will be looking to demonstrate his patriotism and employ his wealth of knowledge and experience to reach amicable resolutions to the urgent issues that face the 8th Congress.

Manasseh Cutler has experience in legislating new territory of the United States of America. He was a key player in drafting the Ordinance of 1787 which was passed by Congress to create the Northwest Territory, the first organized territory with a strong central government. This piece of legislation was essential in that it provided a precedent of the exercising of sovereignty by the federal government in admitting new states into the Union. However, as a Federalist, Cutler is strongly opposed to the unconstitutional purchase of Louisiana proposed by President Thomas Jefferson. Jefferson, as a strict constructionist, is acting in a hypocritical fashion by stretching the constitutional power of the presidency to negotiate treaties to encompass the power to purchase new territory. In the case of the Northwest Territory, the vast expanse of land was claimed by the United States of America after the Treaty of Paris (1783) and the American Revolutionary War. Therefore, the land was already retained by the United States when the Ordinance of 1787 was passed. However, it is unconstitutional for President Jefferson to attempt to purchase Louisiana because it has not been claimed and it is not retained currently by the United States. Cutler maintains that the negotiations and ensuing purchase of Louisiana would be a “flagrant violation of the principles of the Constitution.”[[1]](#footnote-1) In addition, the consequences of the new territory would throw the United States into political turmoil. As the economy of New Orleans and the surrounding regions depends upon the slave trade, the admission of the territory into the Union would increase the number of slave-holding states and intensify divisions between the North and South. This would set the stage for the potential of a dissolution of the United States. The admission of new states from the Louisiana territory would also require the granting of citizenship to a population of vast racial diversity. These foreigners, including French, Spanish and Native Americans, do not understand the American concept of democracy and thus, do not deserve a place in our Union. Finally, considering that French proprietorship of Louisiana is contested, any transaction between France and the United States concerning the territory is invalid. When France purchased the land from Spain in the 3rd Treaty of San Ildefonso, France was bound by its promise of the recognition of the King of Etruria by major European powers. This promise has not come to fruition and therefore, the sale which would have placed Louisiana in French control is null. During the time of this treaty, France also promised in a written note to refuse the alienation of the land to a third party. Therefore, France does not have the authority to sell Louisiana on two counts: France did not render the treaty of purchase valid and France would be reneging its assurance to not alienate the territory.[[2]](#footnote-2) Cutler is adamant that the Louisiana Purchase would betray the trust of the American people by violating their Constitution, create irreparable damage to the political environment of the Union and involve the United States in a unlawful transaction.

Manasseh Cutler believes that it was essential to explore the role that the judicial branch should play in law-making. However, Cutler considers the matter settled in the Judiciary Act of 1801. Many large-scale problems which had become rampant in the federal judiciary were solved by this act. For example, circuit riding, the colloquial name for the need for Supreme Court justices to travel from town to town leaving little to no time for Supreme Court cases, was put to an end by the Judiciary Act of 1801 as these justices were no longer required to decide federal cases in districts. Cutler is aware of the opinion of the Jeffersonian Republicans that the Judiciary Act of 1801 was simply a partisan political attempt by Federalists in Congress and former president John Adams to pack the federal courts with Federalists. He resents and rejects this fabrication as slanderous stories spread by political opponents of the Federalists. During the first session of the 6th Congress in 1799, President Adams insisted that the revision of the judiciary system was “indispensably necessary”[[3]](#footnote-3) and appointed a committee of the House to create a bill to address the systematic problems existing in the federal judiciary at the time. This committee later reported a bill which formed the foundation of the Judiciary Act of 1801. Despite bipartisan support for federal judicial reform, the House of Representatives which was controlled by the Anti-administration, a faction led by James Madison and Thomas Jefferson, voted to postpone the bill. Thus, the Judiciary Act of 1801 was a response to the necessity for reform which had been identified earlier by President Adams and addressed by a bill prior to the Federalist defeat. Secondly, Cutler rightfully asserts that the extent of the ‘midnight appointments’, the term designating President Adams’ last appointments before he left office, were grossly exaggerated. The Judiciary Act of 1801 added five new judicial districts for a total of 22 districts. Four of these districts were created simply by dividing old districts, like New York, Pennsylvania, Virginia, and Tennessee, and no provision was made for the appointment of these new judgeships. The final district was created out of territories of Ohio and Indiana where territorial courts had already been established and once again, no provision was made for the appointment of these new judgeships. In respect to the district judgeships, neither former president Adams nor President Jefferson ever made direct appointments. The Judiciary Act of 1801 did allow sixteen circuit judgeships to be filled by President Adams’ appointment. However, the actions of the Congress and President Adams’ administration in passing the reform act was lawful and constitutional. The Constitution provides that “no Senator or Representative shall, during the Time for which he was elected, be appointed to any civil office under the Authority of the United States.”[[4]](#footnote-4) President Adams did not appoint any members of the legislative or executive branches as circuit judges. However, in his haste to expedite the replacement of former president Adams’ appointees, President Jefferson violated the spirit of the Constitution. Representative Otis of Massachusetts and Representative Kittera of Pennsylvania were appointed to the places of district attorneys by President Jefferson. He also appointed Senator Green, Senator Paine, Senator Read, and Representative Hill to district judgeships in Rhode Island, Vermont, South Carolina, and North Carolina respectively.[[5]](#footnote-5) The Judiciary Act of 1801 addressed and resolved many problems created by the Judiciary Act of 1789, and Cutler maintains that it is the only judicial reform needed in the United States at present.

Manasseh Cutler has become increasingly worried about the state of the Barbary War waged against Tripoli. Over the course of his time in office, Cutler has prescribed to the popular Federalist mantra, “Millions for defense, but not one cent for tribute”[[6]](#footnote-6) originally stated by Senator Robert Goodloe Harper. Piracy attacks have hindered American trade, increased maritime insurance rates and bankrupt merchant houses along the Eastern coast. Cutler believes that the payment of tributes is no longer a viable solution. Piracy attacks on American ships first became a problem after the American Revolution due to the loss of the protection of French tributes from the Treaty of Alliance. Since then, tributary costs have increased exponentially. Recently, the Pasha of Tripoli, Yusuf Karamanli, has demanded an additional $225,000 from Jefferson’s new administration. Cutler asserts that this type of extortion will only continue unless the United States develops a strong naval presence in the region. Throughout history, naval forces have proven their necessity. Despite President George Washington’s long and costly struggle to build the foundation of a navy under the Act to Provide a Naval Armament of 1794, the resulting three frigates became essential in defending U.S. trade routes and protecting U.S. ports in the Quasi-War which took place years later. Cutler believes that any investment made by Congress into naval forces now will prove its necessity similarly in future conflicts. In addition, the Barbary War has thus far been a “good war” with small casualty lists and consistent victories at sea. Cutler maintains that, though a navy might seem like a considerably expensive obligation, its present utility and potential future contribution to the defense of the United States reinforces the necessity for a strong navy.

Manasseh Cutler is a dedicated representative of the people who is prepared to defend his values and his vision for the future of the United States of America. In the 8th Congress, he will pursue a resolution to these imperative issues with fervour in order to attain a safer, more prosperous and just Union.

**Bibliography**

Brown, Everett Somerfield. *The Constitutional History of the Louisiana Purchase: 1803-1812*. Cosimo, 2005.

Dillon, Diane. “Louisiana Purchase.” *Encyclopedia Britannica*, 1 Apr., 2014. Web. 6 Nov., 2016.

Farrand, Max. “The Judiciary Act of 1801.” *The American Historical Review*, 16 Aug., 2002. Web. 2 Nov., 2016.

“Manasseh Cutler.” *Ohio History Central*, 25 Sept. 2014. Web. 5 Nov., 2016.

Martin, Ron. “U.S. Naval Power, 1775-1815.” *National History Education Clearinghouse*, 2014. Web. 7 Nov., 2016.

Ragsdale, Bruce A. “Debates on the Federal Judiciary: A Documentary History.” *Federal Judicial History Office*, 2013. Web. 7 Nov., 2016.

Smith, Gary. “Robert Goodloe Harper.” *The Federalist*, 3 Feb., 2013. Web. 7 Nov., 2016.

Urofsky, Melvin. “Judiciary Act of 1801.” *Encyclopedia Britannica*, 5 Jun., 2016. Web. 1 Nov., 2016.

1. Everett Somerfield Brown, The Constitutional History of the Louisiana Purchase: 1803-1812 (New York: Cosimo, 2005) 33. [↑](#footnote-ref-1)
2. Jesse Greenspan, “8 Things You May Not Know About the Louisiana Purchase,” *History in the Headlines*, last modified April 30, 2013, Web. [↑](#footnote-ref-2)
3. Max Farrand, “The Judiciary Act of 1801,” *The American Historical Review*, last modified August 16, 2002, Web. [↑](#footnote-ref-3)
4. Farrand, “The Judiciary Act of 1801”. [↑](#footnote-ref-4)
5. Bruce A. Ragsdale, “Debates on the Federal Judiciary: A Documentary History,” *Federal Judicial History Office*, last modified 2013, Web. [↑](#footnote-ref-5)
6. Gary Smith, “Robert Goodloe Harper,” *The Federalist*, last modified February 3, 2013, Web. [↑](#footnote-ref-6)