

UNITED STATES SENATE

**Trial of Thomas Jefferson, President of the United States,
On Motions of Impeachment by the United States House of Representatives**

BRIEF FOR THE MANAGERS OF THE HOUSE OF REPRESENTATIVES

**The Honorable Lady for the State of Virginia, Aimee Brooke Bennett
The Honorable Gentleman for the State of New York, Frederic Gilles Sourgens
Managers for the Trial on Motion of Impeachment of the House of Representatives**

Articles of Impeachment

Resolution Impeaching Thomas Jefferson, President of the United States, for high crimes and misdemeanors.

Resolved, that Thomas Jefferson, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Thomas Jefferson, President of the United States of America, in maintenance of support of its impeachment against him for high crimes and misdemeanors.

Article I: Admission of new state = dereliction

Thomas Jefferson, President of the United States, admitted to the Union a new state unconstitutionally and in dereliction of his duties as President of the United States of America.

(1) Basis for responsibility -- Thomas Jefferson, President of the United States, in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the laws of this Union be faithfully executed.

(2) Action towards Impeachment -- On the 30th day of April in the year of our Lord 1803 at Washington in the District of Columbia, Thomas Jefferson, President of the United States, in

knowing breach of his oath of office, Article, II Section 2 of the Constitution of the United States, and Article IV, Section 3 of the Constitution of the United States, signed on behalf of the United States and as President of the Union, a Treaty between the United States of America and France concerning the Purchase of the Louisiana Territory conferring the promise of statehood on the Province of Orleans.

On April 30th, Thomas Jefferson, President of the United States, affixed his signature to the Louisiana Purchase Treaty between the United States and France, Article III of which provides that all citizens of those territories shall become citizens of the United States and that the territories are accepted into statehood. .

(3) Basis for Claim – Article III of this Louisiana Purchase Treaty is in breach of Article IV, Section 3 of the Constitution of the United States, which explicitly removes the territorial recognition of statehood entirely from the Presidential Treaty Power as defined in Article II Section 2 of the Constitution. Thomas Jefferson knew of the violation of the Constitution as exhibited in his letter of August 12th, 1803 to one John Breckenridge and persevered on his course recommending the Louisiana Purchase Treaty for Senate consent.

In so doing, Thomas Jefferson committed high misdemeanors against the United States, putting his Person before the Office of the Presidency of the United States of America and its constitutional mandate, knowingly betraying his oath of office and, raising the specter of lawlessness and disrepute over his office.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article II

Thomas Jefferson willfully annexed to the Union new territory in breach of the Constitution of the United States by purchase and stands in dereliction of his duties as President of the United States.

(1) Basis for responsibility -- Thomas Jefferson, in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the laws of this Union be faithfully executed.

(2) Action towards Impeachment -- On the 30th day of April in the year of our Lord 1803 at Washington in the District of Columbia, Thomas Jefferson, in knowing breach of his oath of office did, in breach of Article II Section 2 of the Constitution of the United States, sign on behalf of the United States and as President of the Union, a Treaty between the United States of America and France concerning the Purchase of the Louisiana Territory acquiring the Territory of Louisiana by purchase from the French Republic in excess of his presidential powers as enumerated under Article II of the Constitution of the United States.

On April 30th, Thomas Jefferson, President of the United States, affixed his signature to the Louisiana Purchase Treaty between the United States and France, Article I of which provides that the cessation of new territory from France to the United States not under its full and sovereign control.

(3) Basis for Claim – Article I of this Louisiana Purchase Treaty is in breach of Article II, Section 2 of the Constitution of the United States, which was drafted to govern the existing citizens of the United States and not to enlarge it further beyond its boundaries as established in 1791. Thomas Jefferson knew of the violation of the Constitution as exhibited in his letter of August 12th, 1803 to one John Breckenridge and persevered on his course recommending the Louisiana Purchase Treaty for Senate consent.

In so doing, Thomas Jefferson committed high misdemeanors against the United States, putting his Person before the Office of the Presidency of the United States of American and its constitutional mandate, knowingly betraying his oath of office, and raising the specter of lawlessness and disrepute over his office.

(4) Prayer -- Wherefore by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article III

Thomas Jefferson willfully gave preferential treatment to the future state of Louisiana in matters of trading and trade duties in open breach of the Constitution of the United States

(1) Basis for responsibility -- Thomas Jefferson, in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the laws of this Union be faithfully executed.

(2) Action towards Impeachment -- On the 30th day of April in the year of our Lord 1803 at Washington in the District of Columbia, Thomas Jefferson, in knowing breach of his oath of office and Article II, Section 9 of the Constitution of the United States, signed on behalf of the United States and as President of the Union a Treaty between the United States of America and France concerning the Purchase of the Louisiana Territory acquiring the Territory of Louisiana by purchase from the French Republic in excess of his presidential powers as enumerated under Article II of the Constitution of the United States

On April 30th, Thomas Jefferson affixed his signature to a the Louisiana Purchase Treaty between the United States and France, Article VII of which provides that French and Spanish ships loaded with their own goods were to be exempted from tariff and duties laid upon foreign vessels in the ports of New Orleans and other ports in the territory. The United States currently imposes high tariffs and duties on foreign goods throughout the Union.

(3) Basis for claim -- Article VII of this Louisiana Purchase Treaty is in breach of Article I, Section 9 of the Constitution of the United States, which was drafted to establish a uniform standard of federal governance to all states of the Union. It explicitly forbids preferential treatment given to any state in the Union. Exempting the future state of Louisiana from such duties and tariffs provides it with preferential treatment from the federal government.

In so doing, Thomas Jefferson committed high misdemeanors against the United States, knowingly violating the principles of federalism, knowingly betraying his oath of office, and bringing grave harm to the several current states of the Union and disrepute over his office.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article IV

Thomas Jefferson willfully upset the uniformity of duties throughout the Union in open breach of the Constitution of the United States.

(1) Basis for responsibility -- Thomas Jefferson, in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the laws of this Union be faithfully executed.

(2) Action towards Impeachment -- On the 30th day of April in the year of our Lord 1803 at Washington in the District of Columbia, Thomas Jefferson in knowing breach of his oath of office and Article I, Section 8 of the Constitution of the United States, signed on behalf of the United States and as President of the Union a Treaty between the United States of America and France concerning the Purchase of the Louisiana Territory acquiring the Territory of Louisiana by purchase from the French Republic in excess of his presidential powers as enumerated under Article II of the Constitution of the United States.

On April 30th, Thomas Jefferson affixed his signature to the Louisiana Purchase Treaty between the United States and France, Article VII of which provides that French and Spanish ships loaded with their own goods were to be exempted from tariff and duties laid upon foreign vessels in the ports of New Orleans and other ports in the territory. The United States currently imposes high tariffs and duties on foreign goods throughout the Union.

(3) Basis for Claim -- Article VII of this Louisiana Purchase Treaty is in breach of Article I, Section 8 of the Constitution of the United States, which was drafted to establish a uniform standard of federal governance to all states of the Union. It explicitly forbids unequal duties throughout the Union. The Territory of Louisiana is part of the United States and must charge duties in accordance with its federal law.

In so doing, Thomas Jefferson committed high misdemeanors against the United States, knowingly violating the principles of federalism, knowingly betraying his oath of office, and bringing grave harm to the several current states of the Union and disrepute over his office.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article V

Thomas Jefferson willfully assumed personal legislative, executive and judicial control over the new territory in open breach of the Constitution of the United States and its principle of the Separation of Powers.

(1) Basis for responsibility – Thomas Jefferson in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the law of this Union be faithfully executed.

(2) Action towards Impeachment – On 31st day of October in the year of our Lord 1803 at Washington in the District of Columbia, Thomas Jefferson, in knowing breach of his oath of office and the principle of separation of powers of the Constitution of the United States requested of the Congress to grant him plenipotentiary emergency powers over the new Territory. These powers included the ability to implement the Louisiana Purchase by giving him plenipotentiary powers of appointing the government, legislative, executive and judicial of the new territory, to serve on his behalf and at his pleasure.

(3) Basis for Claim -- The United States knows no greater evil than the tyranny of one man holding the powers to make, adjudge and execute the laws as if he were King. Thomas Jefferson's request for legislation is in breach the Constitution of the United States as a whole. It indicates the high disregard which Thomas Jefferson holds for the Constitution of the United States and its esteemed foundation in republican principles.

In so doing, Thomas Jefferson committed high misdemeanors against the United States, knowingly violating the principles of federalism, knowingly betraying his oath of office, and bringing grave harm to the people of the Union and disrepute over his office.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article VI

Thomas Jefferson willfully committed treason against the Union as defined by the Constitution of the United States.

(1) Basis for Responsibility -- Thomas Jefferson in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the law of this Union be faithfully executed.

(2) Action towards Impeachment -- Thomas Jefferson from the 30th day of April to the 31st day of October in the year of our Lord 1803 at Washington in the District of Columbia, in knowing breach of his oath of office plotted to overthrow the Constitution of the United States and its republican principles by openly refusing to abide by the Constitution, by assuming dictatorial regal powers over the territory of Louisiana, and raising monies required to enlist an army sufficient to enthrone himself as emperor of the people of America akin to the recent acts of Napoleon Bonaparte.

(3) Basis for Claim -- In committing these grave crimes against the majesty of the United States of America, Thomas Jefferson committed high treason against the United States, knowingly violating the principles of democratic government, levying war on the Union as exhibited by his correspondence with many of his associates.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

Article VII

Thomas Jefferson willfully committed treason against the Union as defined at common law.

(1) Basis for Responsibility -- Thomas Jefferson in his conduct while President of the United States of America violated his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and violated his constitutional duty to take care that the law of this Union be faithfully executed.

(2) Action toward Impeachment -- Thomas Jefferson from the 30th day of April to the 31st day of October in the year of our Lord 1803 at Washington in the District of Columbia, in knowing breach of his oath of office, plotted to overthrow the Constitution of the United States and its republican principles by openly refusing to abide by the Constitution, by assuming dictatorial powers over the territory of Louisiana, and raising the monies required to enlist an army sufficient to enthrone himself as emperor of the people of America akin to the recent acts of Napoleon Bonaparte.

(3) Basis for claim -- In committing these grave crimes against the majesty of the United States of America, Thomas Jefferson committed high treason against the United States, knowingly violating the principles of democratic government, willfully plotting the demise of the democratic freedoms of the people he was charged to keep, echoing in politics the acts of Gen. Benedict Arnold in war.

(4) Prayer -- Wherefore, Thomas Jefferson by such conduct warrants impeachment and trial and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.

I. TABLE OF CONTENTS

I. Table of Contents.....ii

II. Question Presented.....1

III. Statement of Facts.....1

IV. Argument.....2

I. PRESIDENT JEFFERSON MUST BE REMOVED FROM OFFICE AS HE ANNEXED NEW TERRITORY BY WAY OF TREATY AND PROMISED ADMISSION TO THE UNION IN WILLFUL BREACH OF THE CONSTITUTION THEREBY COMMITTING THE HIGH MISDEMEANOR OF DERELICTION OF DUTY.....2

A. President Jefferson breached his obligation to uphold the Constitution by annexing new territory to the Union in breach of Article II, Section 2 of the Constitution.....2

B. President Jefferson breached his obligation to uphold the Constitution by offering statehood to the territory of Orleans in breach of Article IV, Section 3 of the Constitution.....4

C. President Jefferson had knowledge that his actions were in breach of the Constitution and purposefully proceeded in his actions making necessary the inference of willful grave dereliction of duty.....5

II. PRESIDENT JEFFERSON MUST BE REMOVED FROM OFFICE AS HE FAVORED THE NEW TERRITORY OF LOUISIANA AND THE FUTURE STATE ON ITS TERRITORY WITH REGARDS TO IMPORT TARIFFS AND DUTIES REGARDING IMPORTS FROM FRANCE AND SPAIN FOR HIS PERSONAL GAIN IN WILLFUL BREACH OF THE CONSTITUTION THEREBY COMMITTING THE HIGH MISDEMEANOR OF DERELICTION OF DUTY.....6

A. President Jefferson breached his obligation by allowing French and Spanish vessels to discharge their goods in the Port of Orleans at rates lower than those imposed by the federal government in other ports in breach of Article I, Section 8 of the Constitution.....7

B. President Jefferson breached his obligation by allowing French and Spanish vessels to discharge their goods in the Port of Orleans at rates lower than those imposed by the federal government in other ports in breach of Article I, Section 9 of the Constitution.....8

C. President Jefferson stands in reckless disregard of his duties as imposed by the Constitution and purposefully proceeded in his actions making necessary the inference of reckless and grave dereliction of duty

III. PRESIDENT JEFFERSON'S ACTIONS LEADING TO THE PURCHASE OF LOUISIANA AND ITS ENABLING LEGISLATION CONSTITUTE TREASON AGAINST THE UNITED STATES AND ITS PEOPLE AS DEFINED BY THE CONSTITUTION AND AT COMMON LAW

A. President Jefferson personally assumed dictatorial powers over the Territory of Louisiana breaching all pretense of Republican government

B. President Jefferson committed treason as defined by Article III, Section 3 of the Constitution by assuming dictatorial powers and plotting his own ascent to power as emperor in knowing breach of the Constitution and Republican values as openly admitted to more than two witnesses

C. President Jefferson committed treason as defined at common law by assuming dictatorial powers and plotting his own ascent to power as emperor in knowing breach of the Constitution and Republican values

V. Conclusion and Prayer for Relief

III. QUESTIONS PRESENTED

I. Whether President Jefferson should be convicted for his actions during the Louisiana Purchase in breach of the Constitution of the United States?

III. STATEMENT OF THE FACTS

President Thomas Jefferson was impeached by the House of Representatives for treason and high misdemeanors for his role in the Louisiana Purchase. President Jefferson signed the treaty giving rise to the acquisition between the United States and France dated April 30, 1803. TREATY BETWEEN THE UNITED STATES AND THE FRENCH REPUBLIC, 8 Stat 200 (Apr. 30, 1803)(hereinafter "*Treaty*"). The treaty provides that the Territory of Louisiana is to be ceded to the United States. *Treaty*, Art I, 8 Stat 200, 200- 202. It further elaborates that the territory is to become part of the Union as a state and that its citizens are to become full citizens of the United States. *Treaty*, Art. III, 8 Stat at 202. It finally establishes that Spanish and French vessels are to be given special status in the ports within the territory. *Treaty*, Art. VII, *id.* at 204.

In his correspondence concerning the Louisiana Purchase, President Jefferson often explained his doubts as to the constitutionality of the treaty and its provisions of Articles I and III. *See e.g.* Jefferson to Breckinridge, Aug 12, 1803; Jefferson to Smith, *mentioned in id.*

In the enabling legislation for the *Treaty*, President Jefferson also requested and was bestowed with the personal authority to appoint and direct the governor of the new territory. 13 Annals at 498. President Jefferson was given the power to exercise all military, civil and judicial powers through his agent as he saw fit and directed in this emergency bill. *Id.* Throughout his first term,

President Jefferson had amassed a budgetary surplus which did not derive from direct taxation of the several states. BOOK AT 115.

IV. ARGUMENT

Impeachment is the guardian of the Constitution. *See* Wrisley Brown, *The Impeachment of the Federal Judiciary*, 26 Harv. L. Rev. 684, 703 (1913). It protects the people of the United States against the excesses and abuses of power by its elected officials. In a Presidential Republic, it is the only means by which to hold the President accountable between electoral cycles. It must be brought to bear where the will of the political community as a whole is shaken to its foundations. *See id.* High crimes or misdemeanors of state rise to such a level. They are defined as an offense prejudicial to the public interest flowing from willful conduct or as the consequence of reckless disregard of duty. *Id.* President Jefferson is guilty of such conduct. He set himself over the Constitution of the United States and above the will of the American people. Such deeds can only have one outcome: removal from office.

I. PRESIDENT JEFFERSON MUST BE REMOVED FROM OFFICE AS HE ANNEXED NEW TERRITORY BY WAY OF TREATY AND PROMISED ADMISSION TO THE UNION IN WILLFUL BREACH OF THE CONSTITUTION THEREBY COMMITTING THE HIGH MISDEMEANOR OF DERELICTION OF DUTY

A. President Jefferson breached his obligation to uphold the Constitution by annexing new territory to the Union in breach of Article II, Section 2 of the Constitution.

The Constitution of the United States does not provide for the annexation of new territories by treaty or otherwise. U.S. Constitution Art. 2, §2. The treaty power given to the president is given to him as steward of the people. He must protect them from harm and aid them in trade. To this end, the president is given the power to make peace, or to sign treaties of friendship. These treaties do not endanger the welfare and the political stability of the Union or the sovereignty of

the several states. Territorial expansion is different. It is an act which changes the make up of the Union. Such territorial changes can bring about the most profound divisions and endanger the status quo, as is clear from the question whether slavery should be allowed in the new territory. *SEE BOOK AT 111*. Because of these deep seated problems, the President cannot act alone or on his own initiative on issues of acquisition of new territory but must do so after the legislature has given him a mandate to do so.

President Jefferson himself established in the 1790s that the treaty power must be limited severely. Wilbur Howell, ed., *Jefferson's Parliamentary Writings* 420 (1988). It could not be used where Congress or the States had been granted the right to legislate. *Id.* Since Congress has the right to declare war as well as the right to admit new states, Congress clearly must be construed to be the first actor on the stage of federal acquisition of territory. U.S. Constitution Arts. I., § 8(11), IV § 3. The treaty power was hence used beyond its scope by President Jefferson.

As President of the United States, Thomas Jefferson swore an oath to uphold the Constitution of the United States. U.S. Constitution, II § 1(7). Under the guidelines which he himself authored, the acquisition of territory by treaty in excess of Congressional mandate violated that oath. Wilbur Howell, ed., *Jefferson's Parliamentary Writings* 420 (1988); *see also* 2 Stat 202 (Feb. 26, 1803)(appropriating two million dollars for the purchase of strategic territories along the Mississippi). He acted in excess of Congressional mandate and in dereliction of his duty to uphold the Constitution by further pushing for the inclusion of vast territories in the Union without prior debate in the Congress.

B. President Jefferson breached his obligation to uphold the Constitution by offering statehood to the territory of Orleans in breach of Article IV, Section 3 of the Constitution.

Article III of the *Treaty* is a further violation of President Jefferson's constitutional duties. It provides that

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible [...] to the enjoyment of all rights, advantages and immunities of citizens of the United States." *Treaty*, Art. VII, 8 Stat at 202.

This provision flies in the face of Congressional and state authority to deal with questions concerning the admission of new states to the Union. U.S. Constit. Art. IV § 3. The federal constitution is a compromise between states with varying interests and policies. To allow the executive or even the Congress alone to make such decisions without the consent of the several states would seriously endanger the political balance between the eastern and the southern states. To avoid such strife, the Founding Fathers made the several states an important part of the admission of new states to the Union. President Jefferson did not.

In admitting a new state, the President and the Congress of the United States of America must consult and receive the consent of the several states, as such an action is tantamount to a change in the Constitution of the United States. This is especially the case where such new states are received into the Union from a foreign state rather than by exploration. The principles of federalism require the Union not to interfere with the interests in republican government of several states. In acting without mandate and in breach of the Constitution, President Jefferson acted to the gravest prejudice of the several states and their people. He did so in dereliction of his duty as President of the United States. In so acting, the President Jefferson has raised the specter of nationalism and dictatorship so rightly decried in his earlier pronouncement over the office of

the presidency. He must therefore be removed from office by a conviction of the Senate to protect the Union as a whole against a coup d'etat initiated from its center of power.

C. President Jefferson had knowledge that his actions were in breach of the Constitution and purposefully proceeded in his actions making necessary the inference of willful grave dereliction of duty

On both counts, the annexation of new territory and the admission of a new state to the Union, President Jefferson knew that they breached the Constitution of the United States. His correspondence at and around the time of the Louisiana Purchase clearly speaks to this effect. *See e.g.* Jefferson to Breckinridge, Aug 12, 1803; Jefferson to Smith, *mentioned in id.* Further, his writings and speeches on the political order of the United States make clear that he did not himself perceive his actions as lawful. WILBUR HOWELL, ED., JEFFERSON'S PARLIAMENTARY WRITINGS 420 (1988). The actions which he took leading to the Purchase of the Louisiana territory therefore were in taken in willful breach of his constitutional mandate. Wrisley Brown, *The Impeachment of the Federal Judiciary*, 26 Harv. L. Rev. 684, 703 (1913).

This intent to breach the Constitution is the hallmark of an impeachable offense. *Id.* As the this Senate decided in 1797 in the case of Sen. Wm. Blount, a high misdemeanor is an act entirely inconsistent with the public duty of an official. *BOOK AT 536*. The public duty of the President of the United States is set out in his oath of office. U.S. Constitution, II § 1(7). The oath establishes that the President must faithfully protect the constitution and remain within the limitations it imposes on the executive power. *See id.* The president can therefore not fulfill his public duty wherever he means to breach his mandate. It is an act inconsistent with the public duty of the presidency to willfully overstep the bounds of the Constitution. *Id.* Yet, President

Jefferson committed himself to exactly such willful conduct by presenting to the Senate a treaty for its approval he knew to be in breach of the Constitution.

Even if his actions were deemed to be in the outer reaches of the Constitution, President Jefferson still must be removed from office. He has made his willing disregard for the Constitution visible for all to see. *See e.g.* Jefferson to Breckinridge, Aug 12, 1803; Madison to Livingston & Monroe, Jul 29, 1803. Such willingness to cast aside the Constitution brings great peril to the public now at the mercy of the executive unbound of checks and balances. It brings into disrepute the office of the Presidency by the open and notorious dereliction of duty committed by the President. For these reasons, President Jefferson is no longer fit to serve as President of the United States and must forthwith be removed from office.

II. PRESIDENT JEFFERSON MUST BE REMOVED FROM OFFICE AS HE FAVORED THE NEW TERRITORY OF LOUISIANA AND THE FUTURE STATE ON ITS TERRITORY WITH REGARDS TO IMPORT TARIFFS AND DUTIES REGARDING IMPORTS FROM FRANCE AND SPAIN FOR HIS PERSONAL GAIN IN WILLFUL BREACH OF THE CONSTITUTION THEREBY COMMITTING THE HIGH MISDEMEANOR OF DERELICTION OF DUTY

The United States Constitution clearly establishes that tariffs and duties must be indiscriminately applied throughout the Union to guarantee to each state an equal chance to compete for trade. U.S. Constitution, Art. I, §§8, 9. Article VII of the *Treaty* is in clear breach of this constitutional rule. *Treaty*, 8 Stat at 204. It provides that Spanish and French vessels are to be given special status in the ports within the territory. *Id.* In agreeing to Article VII of the *Treaty*, President Jefferson showed himself in reckless disregard of his duty as president. For this reason he must be removed from office.

A. President Jefferson breached his obligation by allowing French and Spanish vessels to discharge their goods in the Port of Orleans at rates lower than those imposed by the federal government in other ports in breach of Article I, Section 8 of the Constitution

Article I, Section 8 of the United States Constitution provides that duties, imposts and excises must be uniform throughout the United States. U.S. Constitution I, §8. Article VII of the *Treaty* provides in effect that the territory of Louisiana will be exempted from such equal treatment. *See Treaty*, Art. VII, 8 Stat at 204. This provision in the Louisiana Purchase treaty is therefore in excess of the powers possessed by the President or the Congress and cannot make valid treaty law. The treaty in this regard is manufactured to undermine the will of the Congress and the people of the United States imposing duties on foreign states for importation of goods. *See* U.S. Constitution Art. I, §__.

The equality of duties is a cornerstone of federalism. The federal government cannot bestow on itself or any state an advantage in trading with other nations. Such treatment would undermine the very reason for forming the Constitution, namely to provide equal and just access for all to the markets of the world as a Republican commonwealth. It would faction the states, outrivaling each other over federal trade concessions and would bring to its knees the American Republic.

As father of the nation, the Senate must hold watch that no officer of the United States undermines this tenet of federalism. To shake at it is to gnaw at the wealth of the people. It cannot be allowed to stand.

President Jefferson himself as sole steward of the new territory stands to make the gains on the back of hard working citizens in New York and Richmond. He can direct the trade with France and Spain and turn a handsome profit while those of lesser pedigree must watch their fortunes dwindle. No president should have such power or dare use it to the detriment of those he was

charged to keep. Yet, President Jefferson continued without scruples to the detriment of all. For this reason alone, he must be removed from office.

B. President Jefferson breached his obligation by allowing French and Spanish vessels to discharge their goods in the Port of Orleans at rates lower than those imposed by the federal government in other ports in breach of Article I, Section 9 of the Constitution.

Article I, Section 9 of the Constitution prohibits the federal government to grant preference to any state in regards to trade and navigation. Federalism depends on this provision. It rests on the trust the sovereign states of the Union have towards their confederate brother. Yet, trust prevails alone when all can see that none is first of equals. Trust fails when federal duties apply to the many and some are left unscathed. By allowing the future state of Louisiana to be exempt from duties, the President has violated the equality amongst the states and gnawed at the mutual trust between them.

By making it cheaper for the French and the Spaniards to bring their goods to the Port of Orleans, the future state of Louisiana is given more than its fair share of commerce. The previous ports of call will loose what Louisiana gained. Merchants will call on their governments to protect their interests. The states will stand in upheaval against their new rival, the State of Louisiana. The fragile youthful balance of the confederate powers will be called into question.

No President of the United States may be responsible of such consequences. President Jefferson diverts trade from the states in which his political opponents have a strong interest in trade to his own southern homelands. Such open acts against the sovereignty and equality of the several states and such abuse of office cannot be seen to stand. President Jefferson must be removed from office.

C. President Jefferson stands in reckless disregard of his duties as imposed by the Constitution and purposefully proceeded in his actions making necessary the inference of reckless and grave dereliction of duty

The Constitution is the framework of American government. It sets out the duties of office and separation of powers between the branches of government and the confederate authorities and the sovereign states. The President has the supreme duty to know its provisions and to uphold and enforce them in letter and spirit. U.S. Constitution, Art. II, §__. The Constitution therefore imposes a duty of knowledge and compliance on the president.

Article I, Sections 8 and 9 are simple and elegant in their phrasing and not easily misapplied. The president must as a duty of his office know and comply with them. President Jefferson ignored them. *Treaty*, Art. VII, 8 Stat at 204. In ignoring the instrument he is meant to uphold, he stands in reckless disregard of his duties. He did not pause to see the open sections of the *Treaty* in breach of the Constitution. Rather, he proceeded to bring the *Treaty* to the Senate bringing grave peril to the states he swore to protect.

No president may ignore the Constitution in his actions. Such conduct brings to the fore the obligation of the Congress to remove him from office for his affront to the public order. Government must be lawful. Where the simplest duties of the law are overlooked, the only conclusion reasonable men can draw is that the officers of state are reckless. Such recklessness and disregard of duty rise to the level of a high misdemeanor as expressed by this Senate in 1797 in the trial of Sen. Blount. *BOOK AT 536*. Impeachment and removal from office are the only remedies.

III. PRESIDENT JEFFERSON'S ACTIONS LEADING TO THE PURCHASE OF LOUISIANA AND ITS ENABLING LEGISLATION CONSTITUTE TREASON AGAINST THE UNITED STATES AND ITS PEOPLE AS DEFINED BY THE CONSTITUTION AND AT COMMON LAW

President Jefferson is undermining the constitutional order of the United States. He appointed himself to the position of Viceroy over the Territory of Louisiana. 13 Annals at 498. He breached the Constitutional provisions concerning the admission of new states. He ignored the constitution on questions of tariffs. As Caesar in Gaul and Napoleon in Italy, President Jefferson seeks the crown for himself and the downfall of the Republic.

A. President Jefferson personally assumed dictatorial powers over the Territory of Louisiana breaching all pretense of Republican government

President Jefferson asked and received from the Congress plenipotentiary powers over the Territory of Louisiana. 13 Annals at 498. His request was the first part of a wholesale attempt at undermining the separation of powers as instituted in the Constitution of the United States.

The principles of the Constitution require that the legislative, executive and judicial branches of the government be in separate and equal hands. MONTESQUIEU, *L'ESPRIT DES LOIS* (1748); SPURLIN, *THE FRENCH ENLIGHTENMENT IN AMERICA: ESSAYS ON THE TIMES OF THE FOUNDING FATHERS* 93 (1984). The United States Constitution codifies the principle of separation of powers and obliges the President of the United States to uphold the principle wherever he can. U.S. Constitution, II § 1(7). President Jefferson acted in conscious disregard of this most basic principle of the constitution and democratic governance. Thereby he committed the first step towards treason against the United States: like Caesar and Napoleon before him, he holds now a most profitable province of the commonwealth under his exclusive control.

B. President Jefferson committed treason as defined by Article III, Section 3 of the Constitution by assuming dictatorial powers and plotting his own ascent to power as emperor in knowing breach of the Constitution and Republican values as openly admitted to more than two witnesses

The Constitution of the United States defines treason as levying war against the United States with the testimony of two witnesses to the same overt act or confession in open court. U.S. Constitution, Art. III §3(1). President Jefferson openly subverted the principles enshrined in the United States Constitution. He openly admitted his actions in knowing breach of the Constitution in admitting a new state to the Union to at least two witnesses. *See e.g.* Jefferson to Breckinridge, Aug 12, 1803; Madison to Livingston & Monroe, Jul 29, 1803. He openly admitted to his wish for control of the Louisiana Territory in Congress. He stands today but one step from taking the government into his own hand completely. Congress is obliged to protect the public against the French subversion of democracy. President Jefferson must be removed from office to put a hold to the death of the last democratic nation.

C. President Jefferson committed treason as defined at common law by assuming dictatorial powers and plotting his own ascent to power as emperor in knowing breach of the Constitution and Republican values.

Constructive treason against the Constitution of the United States of America defined pursuant to Black's Law Dictionary giving cause to the offense of attempting by overt acts to overthrow the government of the state to which the alleged offender owes allegiance. *Schneider v. Schlaefel*, 975 F.Supp. 1160 (E.D.Wis. 1997). President Jefferson committed treason against the Constitution by his overt action gnawing at the foundations of the Constitution itself. President Jefferson owes allegiance to the United States and its constitution. Yet, in his actions he betrayed a will to lift himself above the law and the institutions of state. Therefore, he is unfit for public office by virtue of committing treason against the United States.

Conclusion

President Jefferson must be removed from office because of his blatant disregard of the Constitution constituting a high misdemeanor of state and high treason against the United States.