

Broad constructionism vs strict constructionism



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Through the development and drafting of the constitution, two political parties were born. One labeled as strict constructionists, the Jeffersonian Republicans, and the other labeled as broad constructionists, the Federalists. The Democratic-Republicans such as Thomas Jefferson, were first labeled as anti-federalists and believed the states should have the most power in the government and most vowed not to sign the constitution without the addition of a Bill of Rights.

They believed that if a power was not specifically stated in the constitution, then it could not be acted upon. The Federalists such as Alexander Hamilton, believed that they could exercise whichever powers on the basis that, even if a power was not physically stated, it could be interpreted from the specified powers. During the presidencies of Washington and Adams these characterizations of the two parties remained evident, but during the presidencies of Republicans, such as Jefferson and Madison, the line between strict and broad constructionism became a little more unclear.

After the election of 1800 both the Federalist and Democratic-Republican party began to back down on their views of constructionism when faced with the task of deciding what would benefit the nation most. From the years of 1801-1817 the Democratic-Republicans held back on their strict views of the constitution but did hold true to some of their basic beliefs. This can be seen during the presidency of Thomas Jefferson. Before being elected president, in a letter to one of his future cabinet members, Gideon Granger, Jefferson explained that, " the country was too large" to be " directed by a single government" (A).

Jefferson also stated that it was best for the nation if the “ states are independent” (A). Jefferson did not believe that the federal government should hold the most power in the nation and feared the birth of a monarchy. This letter demonstrates that Jefferson was true to his beliefs during this time in that he believed the states should hold the most power and the federal government should not. Towards the end of Jefferson’s presidency, in a letter to Samuel Miller, a Presbyterian minister, Jefferson stated that “ no power to prescribe any religious discipline, has been delegated to the general government” (B).

Staying true the nature of his party Jefferson believed this power belonged to the states and that the federal government had no authority to act on issues such as religion, which was not clearly stated in the constitution itself. The sources provided from both ends of the Jefferson presidency show that, even if Jefferson did change some of his beliefs as a Republican, he did hold on to the basic morals his party was founded on. President Jefferson, perhaps the largest proponent of strict constructionism of his time, did, in some cases, make executive decisions during his terms that would be considered those of a strict constructionist.

During Jefferson’s presidency, the United States purchased land west of the Mississippi from Napoleon, known as the Louisiana Purchase. The only issue with this was that Jefferson did not know if he had the authority under the constitution to buy land from a foreign nation. However, Jefferson went along with this deal, contradicting his views as a strict constructionist. This “ loose” act, even though against his morals, was a decision made for the betterment

of the nation. He believed purchasing this land would expel all nearby French presences and open up New Orleans for trade.

Another act made by Jefferson during his presidency was the Embargo Act. One main foreign dispute of the time was whether to stay on the side of the British or the French, who were enemies at war at the time. Both nations thought America's allegiance was towards their enemy so to stop both sides from getting angry he passed the Embargo Act. This act closed all trade with all foreign nations. In 1808, in response to the Embargo Act, Alexander Anderson created a cartoon depicting a man trying to make a trade with a nearby British ship, but being held back by an "Ograbme" or "The American Snapping Turtle."

From the picture it can be concluded that the "ograbme" is embargo spelled backwards and it shows that this act really hurt many Americans, especially in the Northern states. Jefferson may have saw this a way of helping the nation, but nonetheless, it was an act of loose constructionism. Others saw this as Jefferson completely changing his views and in 1816, in a letter to Samuel Kercheval, Jefferson tried to explain his actions. He stated, "Manners and opinions change with the change of circumstance" (G).

Jefferson was trying to show that as president the decisions he made were for the bettering of the nation, regardless of his personal views on how certain issues were resolved. Seen as Jefferson's apprentice in many ways, James Madison, also held on to some of the beliefs of the Democratic-Republicans throughout his presidency. This can be seen in Madison's vetoing of the Internal Improvements bill in 1817. Madison stated that the

constitution does allow the federal government to regulate commerce, but did not give the authority to the building of such things as roads and canals (H).

This example shows how Madison stayed true to his word as a strict constructionist. The Republicans believed that the government could not exercise powers not directly written in their constitution. This statement made my Madison was a clear example of the beliefs of the Democratic-Republicans at the time. Even though seen in the vetoing of the internal improvements bill, James Madison did not always use these strict constructionist ideals throughout his whole presidency. During his presidency, Madison was plagued with the issue of whether to go to war with Great Britain or not.

When the War of 1812 came and there was no going back, he realized just how ill prepared the nation was. This was seen in the small numbers of the army. To fix this issue, Madison issued a draft, under the Conscription Bill, and it did not sit well with many of the Republican's enemies. As stated by Daniel Webster, a Federalist from New Hampshire, to the House of Representatives, " Where is it written in the constitution... that you may take children from their parents... and compel them to fight...? " (D). Webster went right after the ideals of the Republicans.

As a Republican, Madison was said to be a strict constructionist, which meant he would never assert any power not clearly written in the constitution. However, when faced with the dilemma of trying to protect his nation, Madison had to hold back on his beliefs and make a decision even if the

constitution did not give him the power to do so. This bill shows that Madison did sometimes make decisions against his strict constructionist ideals. Just as the Republicans did, the Federalists also changed their constructionist views at certain points during this time period.

When Madison was trying to pass the conscription bill, Federalist, Daniel Webster, spoke out against the bill, stating that Madison had no right under the constitution to draft the young into war (D). This strict constructionist view may have just been argued because it was the opposing view of the Republicans at the time, but is still an example of a flip-flop on the Federalist's side. Another example of this was the Federalist's stance against the War of 1812. Many met in Hartford, Connecticut to discuss this topic and even hinted on succession from the union.

They took on a strict constructionist stance in that they tried to make new amendments to the constitution that the government would have to follow and there would be no use of implied powers (G). It seemed that even the Federalists, during the years of 1801-1817, changed their constructionist views, even if it was just to go against the Republican's. In conclusion, Thomas Jefferson and James Madison both held back on their strict constructionist views during their presidencies and showed a loose interpretation of the constitution when faced with certain issues.

The two presidents did keep true to some of their prior beliefs, but the events of their presidencies that they are remembered for like the Louisiana Purchase and the War of 1812, were all acts of loose constructionism. Just as the Democratic-Republicans, the Federalists also changed some of their

constructionist values. This may have only been to create an argument against the Republicans, but these actions were nonetheless, contradictions of the party's beliefs. Even though these contradictions might have seemed odd or even crazy at the time, they were decisions these founding fathers thought had to be done for a better change.