Thomas Jefferson's Proposed Amendment to the Constitution (1803)

# Introduction

In 1803, Thomas Jefferson drafted a proposed amendment to the Constitution to address the Louisiana Purchase. This amendment, while never ratified, outlined how the newly acquired territory could be incorporated into the Union and governed. The amendment focused on the northern part of the Louisiana Territory, restricting new state establishment and land grants, except for exchanges with Native Americans. It also granted Congress specific powers related to trade, exploration, and the establishment of military posts within the territory.

Here's a more detailed breakdown of the proposed amendment's key provisions:

1. U.S. Rights:
   1. Indians. The U.S. also had the right to:
2. Exchange lands with Indians.
   1. Maintain military posts.
   2. Exercise police over non-Indian inhabitants.
   3. Work salt springs and mines.
   4. Regulate trade and intercourse with Indians.
   5. Explore the province.
   6. Open roads and navigation.
   7. Establish agencies and factories.
3. Limitations on Congress:
   1. The legislature would not have the authority to dispose of the lands in the northern portion of the territory other than through exchanges with Indians or for other purposes specified in the amendment.
4. Southern Portion:
   1. The southern portion of Louisiana, south of the latitude of 31 degrees, could be established as a territorial government by Congress, either separately or as part of a territory on the eastern side of the Mississippi River.
5. Indian Rights:
   1. Native Americans living in the territory would retain "rights of occupancy in the soil," but all areas deemed abandoned or not "rightfully occupied" by them would belong to the U.S.
6. No Land Sales:
   1. There would be no land office and no land sales, effectively barring new settlement by non-Indians in the northern part of the territory.
7. Citizenship:
   1. White inhabitants of the territory were to be considered citizens with the same rights and obligations as other citizens of the U.S.

# Language of the Amendment

## Section 1

The province of Louisiana is incorporated with the U. S. and made part thereof. The rights of occupancy in the soil, and of self-government, are confirmed to the Indian inhabitants, as they now exist. Pre-emption only of the portions rightfully occupied by them, and a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property and sovereignty in whatever is not or shall cease to be so rightfully occupied by them shall belong to the U. S.

## Section 2

The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full right for lands possessed by Indians within the U. S. on the East side of the Mississippi, to exchange lands on the East side of the river for those on the West side thereof and above the latitude of 31 degrees; to maintain in any part of the province such military posts as may be requisite for peace or safety; to exercise police over all persons therein, not being Indian inhabitants; to work salt springs, or mines of coal, metals and other minerals within the possession of the U. S. or in any others with the consent of the possessors; to regulate trade and intercourse between the Indian inhabitants and all other persons; to explore and ascertain the geography of the province, its productions and other interesting circumstances; to open roads and navigation therein where necessary for beneficial communication and to establish agencies and factories therein for the cultivation of commerce, peace and good understanding with the Indians residing there.

## Section 3

The legislature shall have no authority to dispose of the lands of the province otherwise than is hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies south of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government, either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U.S.