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THE COLONY-MAKING POWER OF CONGRESS PRICED IN THE PURCHASE OF ALASKA

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ABSTRACT.
There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, Our Constitutional Logic paraphrases the immediate cause of the Civil War, with citation to Dred Scott’s case at 60 U.S. 393, 446 (1857). That, however, is not the only defect in the purchase of Alaska from the Czar of the Russias. Our Constitutional Logic investigates the non-Euclidean geometry pertinent to the treaty’s boundaries such as they might appear on the sphere near you.


“Allow me,” Secretary of State William Henry Seward presents his credentials, “to click off a smart Verbeugung.”

“We’re glad to see you made it,” Jimmy and Dolley lead our greetings.

“And Baron de Stoeckl –?”

“The accredited representative of Czar Alexander II accompanies Mrs. Seward,” the Secretary waives the pomp. “But the story is really convoluted.”

“Our time,” Alaska’s First Apothecary, he of gubernatorial whites, insists, “is your time.”

“The year was 1867,” the Baron bows, salutes the ladies, and commences. “A year the Boston Red Sox did not win the World Series.”

“Quite so,” Jimmy rocks on his heels. “It’s a fact.”

“So I was stuck for a plot. You know, for my play cycle.”

“Great Ministers,” Governor Palin consults the available leather-bounds, “of Foreign Affairs.”

“Which leads his narrative, and naturally so, to the Ross Ice Shelf,” Mme. Seward adds.

“All our woe may be laid,” the Secretary blurts, “at the feet of Euclid the Geometer.”
“He was only two years old,” I gasp, “when Aristotle the Peripatetic died.”

“That explains a lot,” Governor P. adds.

“Euclid asserted, without empirical investigation, that two parallel lines cannot meet,” Mrs. Seward declares. “It is the foundation of his deductive reasoning.”

“We have prohibit the teaching of Attic Greek in our public schools,” Governor Egan chimes in. “What else do people want from us?”

“The point came up in the negotiations,” Seward continues. “I asked, ‘where do these lines meet?’ We were drinking at the time.”

“I tendered assurances,” the Baron assures us. “In the northwards direction.”

“I assumed we were merely speaking of Wrangell Island. Or perhaps Barter Island. You know, where Roald Amundsen completed his Northwest Passage.”

“I can see that spherical trigonometry,” Jimmy shuffles his feet, “has always been a longstanding thorn in Alaska’s twisted history.”

“We all know about the arbitralional fraud of 1906,” Governor Egan reminds the assembly. “By which misdeed Alaska lost its Lisière in the Southeast. It is the only piece of sovereign United States territory ever to be bargained away. And to a people so enthralled with violence that their idea of sport is clubbing baby seals!”

“But the Ross Ice Shelf?” I ask.

“More champagne was laid on,” the Baron continues.

“The Night They Invented Alaska,” Governor P. hums the theme from Gigi n’ Lowe.

“But the sticking point, of course, was the Sandwich Islands,” Mme. Seward points out.

“They professed to be a kingdom,” I put in. “At the time.”

“And the archipelago blocked Alaska’s embrace of Antarctica,” Governor E sets up another round of sodas, “or as we like to call it, our Ant’alaska.”

“We are the only republic in the world,” I consult a nearby globe, “with dual boundaries that parallel each other to the ends of the earth. Excepting, of course, the Grand Republic of the Colorado River.”

“If the world were flat,” Governor P points out, “we wouldn’t have this problem. I mean, it’s hard to know where Alaska ends. Or begins. Why, an argument could be made that our President was born in Alaska!”
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“Honolulu itself,” Secretary Seward points out, “practically lies in southern Kodiak County.”

“Who can we blame?” Governor E. asks. “Or, in the alternative, whom?”

“You rang?” a gaunt figure in choir-boy silk enters. “Doesn’t anyone recognize Roger B.,” he adds. “As in Taneytown?”

“The Dredscottsboro case,” I exclaim.

“Do the quote,” Governor P. urges me on.

“ ‘There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure … .’ 60 U.S. 393, 446 (1857),” I add the citation.

“Any questions?” Taney raises his hands, palms up. “I mean, how do you like your colony system? You are Alaskans. There must be opinion on this point.”

The assembly falls silent.

“Would you buy a used colony from this man?” Taney points to the Baron. “Come back here, you faux-Russian in echt-Austrian clothing.”

“I thought this would come back to haunt Alaskans,” the Baron confesses. “You would discover that the One Hundred and Forty-First and One Hundred and Eightieth Degrees of Longitude are not parallel, as Euclid decreed, but indeed meet, in the sense that you can see one from the other, given a near-antipodean perspective.”

“And you mocked me!” the Governor crows. “Me and Tina were right!”

“So we really do own the Sandwich Islands!” Governor E cries out. “We could move the legislature to Waikiki Beach! And the Supreme Court could dance their rhymes to Happy Feet.”

“So you do have colonies,” The Taney gloats. “Since everything in The Dred case is now turned inside out.”

“But that means you owe them. You know,” Dolley reasons. “Schools, highways, bridges.”

“Wasn’t that your objection?” I ask the Chief Justice. “The cost of maintaining colonies?”

“Thanks for asking, Professor,” The Taney responds. “People call me an inveterate racist, which is true. But I also pointed out that the Articles of Confederation did not confer power to establish colonies. And Madison said
that the Philadelphia constitution gave the federal government even less power in that regard.”

“If I may,” the Russian Ambassador speaks up, “as I have volume 60 here. At page 447 you wrote that in ‘the Federalist No. 38, written by Mr. Madison, he speaks of the acquisition of the Northwestern Territory by the confederated States ... as an exercise of power not warranted by the Articles of Confederation, and dangerous to the liberties of the people. And he urges the adoption of the Constitution as a security and safeguard against such an exercise of power’.”

“But Maryland has much to answer for,” Governor P. counters. “After all, its ratification of our first constitution –”

“The Constitution of the Year Four,” I ahem the citation.

“Was conditional. Maryland’s statute (authorizing ratification, February 2, 1781) threatened the already-ratifying states that Maryland did ‘not relinquish, or intend to relinquish, any right or interest she hath with the other United or Confederated States to the back country ...’.”

“That’s a dilemma right there,” Governor Egan polishes his glassware. “Without Maryland’s ratification, there would be no Articles of Confederation. But thanks to Maryland’s ratification, a national patrimony is conjured into existence – billions of acres of ‘back country’ including half and whole continents of ice – over which the federal government has no constitutional authority.”

“That’s really what I had in mind,” the Chief dusts the chevrons on his sleeve. “The Free State started it all.”

“It is the apotheosis of sectionalism,” Secretary declares. “The will of one state exacts its due from forty-nine others.”

“My native state’s conditional ratification was a defiance thrown into the teeth of all others.” Taney, C.J. bows low. “I just had no idea there would be so many others.”

“And who’d have guessed that history would be such an expensive mistress?” The soda-master signals his wares, shimmering on the counter-top. “And who’s picking up the tab?” our gubernatorial druggist asks the assembly.

“Can anyone cash a check?” Baron de Stoeckl reaches for his billfold. “Seven million two hundred thousand dollars should buy a lot of ice-cream follies.”
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