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**Age of Jackson Summary Chart**

| Issue (define in space provided)     | Belief of Jackson and supporters | Belief of Jackson's Opponents |
|--------------------------------------|----------------------------------|-------------------------------|
| Jacksonian Democracy                 |                                  |                               |
| The Spoils System                    |                                  |                               |
| The Nullification Crisis             |                                  |                               |
| The Second Bank of the United States |                                  |                               |
| Indian Removal                       |                                  |                               |

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### Jacksonian Democracy Student Worksheet

#### Introduction:

Jackson's victory over John Quincy Adams in the election of 1828 represented for many a victory for the "common man" over the Northeastern "aristocracy." In this lesson, you'll read two documents from right around the time of Jackson's inauguration.

#### Directions:

**An Eyewitness Account of Jackson's Inauguration: Margaret Bayard Smith, 1829**

[http://www.socialstudies.com/article.html?article@smith\\_jacksoninauguration](http://www.socialstudies.com/article.html?article@smith_jacksoninauguration)

Read the document, then answer the following questions:

1. What does Smith mean when she describes the "thousands and thousands of people" at the inauguration as being "without distinction of rank"? How does she describe the crowd and its behavior while waiting for Jackson to appear and take the oath of office?

2. Why do you think she claimed that "...even Europeans must have acknowledged that...[the well-behaved crowd] was majesty"?

3. Go to the paragraph that begins "At the moment the General entered the Portico..." What happened when Jackson had finished his inaugural speech?

4. How does Smith describe the scene outside the President's house immediately after the inauguration?

5. Smith returns home from the President's house, then returns later. Why does she say that then "The *Majesty of the People* had disappeared"? Describe in your own words the scene that she witnessed.

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6. Smith laments what happened at the President's house, but says that "it was the People's day, and the People's President and the People would rule." What does she mean by this? Is she optimistic or pessimistic about "the People" getting "the Power in their hands"? Use evidence from the document to support your answer.

**Daniel Webster Anticipates Jackson's Arrival in Washington, D.C., 1829**

[http://www.socialstudies.com/article.html?article@webster\\_jacksonarrival](http://www.socialstudies.com/article.html?article@webster_jacksonarrival)

Read the document, then answer the following questions:

7. Describe Webster's tone in this letter. Does he seem happy or unhappy about having Jackson as president?

8. What does Webster mean when he says "My opinion is, that when he comes he will bring a breeze with him. Which way it will blow I cannot tell"?

9. What does Webster fear Jackson will do? How does he hope Jackson acts instead?

10. What do you think "upper class" people like Smith and Webster feared most about Jackson becoming president? Write a well-reasoned paragraph in which you explain your answer.

## A letter of Margaret Bayard Smith to Mrs. Kirkpatrick.

[Washington] March 11th, Sunday [1829.]

...Thursday morning. I left the rest of this sheet for an account of the inauguration. It was not a thing of detail of a succession of small incidents. No, it was one grand whole, an imposing and majestic spectacle and to a reflective mind one of moral sublimity. Thousands and thousands of people, without distinction of rank, collected in an immense mass round the Capitol, silent, orderly and tranquil, with their eyes fixed on the front of that edifice, waiting the appearance of the President in the portico. The door from the Rotunda opens, preceded by the marshals, surrounded by the Judges of the Supreme Court, the old man with his grey locks, that crown of glory, advances, bows to the people, who greet him with a shout that rends the air, the Cannons, from the heights around, from Alexandria and Fort Warburton proclaim the oath he has taken and all the hills reverberate the sound. It was grand,—it was sublime! An almost breathless silence, succeeded and the multitude was still,—listening to catch the sound of his voice, tho' it was so low, as to be heard only by those nearest to him. After reading his speech, the oath was administered to him by the Chief Justice. The Marshal presented the Bible. The President took it from his hands, pressed his lips to it, laid it reverently down, then bowed again to the people—Yes, to the people in all their majesty. And had the spectacle closed here, even Europeans must have acknowledged that a free people, collected in their might, silent and tranquil, restrained solely by a moral power, without a shadow around of military force, was majesty, rising to sublimity, and far surpassing the majesty of Kings and Princes, surrounded with armies and glittering in gold. But I will not anticipate, but will give you an account of the inauguration in mere detail. The whole of the preceding day, immense crowds were coming into the city from all parts, lodgings could not be obtained, and the newcomers had to go to George Town, which soon overflowed and others had to go to Alexandria. I was told the Avenue and adjoining streets were so crowded on Tuesday afternoon that it was difficult to pass...

We stood on the South steps of the [Capitol] terrace; when the appointed hour came saw the General and his company advancing up the Avenue, slow, very slow, so impeded was his march by the crowds thronging around him. Even from a distance, he could be discerned from those who accompanied him, for he only was uncovered, (the Servant in presence of his Sovereign, the People). The south side of the Capitol hill was literally alive with the multitude, who stood ready to receive the hero and the multitude who attended him. "There, there, that is he," exclaimed different voices. "Which?" asked others. "He with the white head," was the reply. "Ah," exclaimed others, "there is the old man and his gray hair, there is the old veteran, there is Jackson." At last he enters the gate at the foot of the hill and turns to the road that leads round to the front of the Capitol. In a moment every one who until then had stood like statues gazing on the scene below them, rushed onward, to right, to left, to be ready to receive him in the front. Our party, of course, were more deliberate, we waited until the multitude had rushed past us and then left the terrace and walked round to the furthest side of the square, where there were no carriages to impede us, and entered it by the gate fronting the Capitol...

At the moment the General entered the Portico and advanced to the table, the shout that rent the air, still resounds in my ears. When the speech was over, and the President made his parting bow, the barrier that had separated the people from him was broken down and they rushed up the steps all eager to shake hands with him. It was with difficulty he made his way through the Capitol and down the hill to the gateway that opens on the avenue. Here for a moment he was stopped. The living mass was impenetrable. After a while a passage was opened, and he mounted his horse which had been provided for his return (for he had walked to the Capitol) then such a cortege as followed him! Country men, farmers, gentlemen, mounted and dismounted, boys, women and children, black and white. Carriages, wagons and carts all pursuing him to the President's house...

[w]e set off to the President's House, but on a nearer approach found an entrance impossible, the yard and avenue was compact with living matter. The day was delightful, the scene animating, so we walked backward and forward at every turn meeting some new acquaintance and stopping to talk and shake hands. . . . We continued promenading here, until near three, returned home unable to stand and threw ourselves on the sofa. Some one came and informed us the crowd before the

President's house, was so far lessen'd, that they thought we might enter. This time we effected our purpose. But what a scene did we witness! The *Majesty of the People* had disappeared, and a rabble, a mob, of boys, negros, women, children, scrambling fighting, romping. What a pity what a pity! No arrangements had been made no police officers placed on duty and the whole house had been inundated by the rabble mob. We came too late. The President, after having been *literally* nearly pressed to death and almost suffocated and torn to pieces by the people in their eagerness to shake hands with Old Hickory, had retreated through the back way or south front and had escaped to his lodgings at Gadsby's. Cut glass and china to the amount of several thousand dollars had been broken in the struggle to get the refreshments, punch and other articles had been carried out in tubs and buckets, but had it been in hogsheads it would have been insufficient, ice-creams, and cake and lemonade, for 20,000 people, for it is said that number were there, tho' I think the estimate exaggerated. Ladies fainted, men were seen with bloody noses and such a scene of confusion took place as is impossible to describe,—those who got in could not get out by the door again, but had to scramble out of windows. At one time, the President who had retreated and retreated until he was pressed against the wall, could only be secured by a number of gentlemen forming round him and making a kind of barrier of their own bodies, and the pressure was so great that Col Bomford who was one said that at one time he was afraid they should have been pushed down, or on the President. It was then the windows were thrown open, and the torrent found an outlet, which otherwise might have proved fatal.

This concourse had not been anticipated and therefore not provided against. Ladies and gentlemen, only had been expected at this Levee, not the people en masse. But it was the People's day, and the People's President and the People would rule. God grant that one day or other, the People, do not put down all rule and rulers. I fear, enlightened Freemen as they are, they will be found, as they have been found in all ages and countries where they get the Power in their hands, that of all tyrants, they are the most ferocious, cruel and despotic. The noisy and disorderly rabble in the President's House brought to my mind descriptions I had read, of the mobs in the Tuileries and at Versailles, I expect to hear the carpets and furniture are ruined, the streets were muddy, and these guests all went thither on foot.

## Daniel Webster Anticipates Jackson's Arrival in Washington, D.C., 1829

Washington, January 17, 1829.

Dear Ezekiel,—The enclosed will give you a brief of all that is to be said of the state of things here.

I came here on the 12th, after a severe cold journey. But three judges are yet here; we expect a fourth to-night, and I must go into court on Monday. Not much is doing in the Senate. . . .

[Enclosed in letter dated January 17, 1829]

General Jackson will be here about 15th February. Nobody knows what he will do when he does come.

Many letters are sent to him; he answers none of them.

His friends here pretend to be very knowing; but he assured, not one of them has any confidential communication from him.

Great efforts are making to put him up to a general sweep, as to all offices; springing from great doubt whether he is disposed to go it.

Nobody is authorized to say, whether he intends to retire after one term of service.

Who will form his cabinet is as well known at Boston as at Washington.

The present apparent calm is a suspension of action, a sort of syncope, arising from ignorance of the views of the President elect.

My opinion is, that when he comes he will bring a breeze with him. Which way it will blow I cannot tell.

He will either go with the party, as they say in New York, or go the whole hog, as it is phrased elsewhere, making all the places he can for friends and supporters, and shaking a rod of terror at his opposers.

Or else he will continue to keep his own counsels, make friends and advisers of whom he pleases, and be President upon his own strength.

The first would show boldness where there is no danger, and decision where the opposite virtue of moderation would be more useful. The latter would show real nerve, and if he have talents to maintain himself in that course, true greatness.

My fear is stronger than my hope.

Mr. Adams is in good health, and complains not at all of the measure meted out to him.

Mr. Clay's health is much improved, and his spirits excellent. He goes to Kentucky in March, and, I conjecture, will be pressed into the next House of Representatives. His chance of being at the head of affairs is not better, in my judgment, than ever before.

Keep New England firm and steady, and she can make him President if she chooses.

Sundry important nominations are postponed, probably to know General Jackson's pleasure.

The above contains all that is know here, at this time.

Daniel Webster

From Daniel Webster, *Private Correspondence of Daniel Webster*. Vol. I, Fletcher Webster, ed., Boston: Little, Brown and Company, 1857, p. 466-68.

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### The Spoils System Student Worksheet

“They see nothing wrong in the rule that to the victors belong the spoils of the enemy.”  
William L. Marcy (1786–1857): *Speech in the United States Senate, January, 1832.*

#### Introduction:

In 1829, Jackson announced a policy he called “rotation in office,” but which later came to be known as the “spoils system.” On the surface, the idea of rotation in office is somewhat similar to “term limits” laws we have today: periodically, new people should assume government offices so that government as a whole doesn’t become isolated from the “will of the people.” Proponents of such systems defend them as a way of infusing “new blood” and enthusiasm into government and making sure that officials keep in touch with the needs and wants of the electorate. Opponents used the term “spoils” to compare Jackson’s rotation in office policy to a conquering army looting those whom they had defeated (“spoils” is a term referring to property of the enemy taken in battle). Many felt that Jackson would use rotation in office as an excuse to fire all those who opposed him and replace them with his own loyal supporters.

#### Directions:

#### **Jackson Announces His Policy of Rotation in Office, 1829**

[http://www.socialstudies.com/article.html?article@jackson\\_officerotation](http://www.socialstudies.com/article.html?article@jackson_officerotation)

Read the entire document, and then answer the following questions:

1. Why does Jackson claim that holding “office and power” for a “great length of time” ultimately makes a person less fit to “serv[e] the people”?
2. What does Jackson say the problem is with considering office as a “species of property”?
3. One argument that people use today against term limits is that it’s best to have people in office who have a great deal of experience in government because they know how the system works and therefore can get thing done more effectively. How does Jackson try to refute this idea?
4. What does Jackson mean when he says “Offices were not established to give support to particular men...No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is a matter of right”?
5. At the end of the document, Jackson says that rotation in office was “a leading principle in the republican creed” and would “give healthful action to the system.” Do you agree or disagree with this? Is rotation in office democratic in nature and good for the country as a whole, or is it undemocratic and harmful? Explain your reasoning.



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**“Letter from Mrs. Barney to Gen. Jackson. Baltimore. June 13th, 1829”**

[http://www.socialstudies.com/article.html?article@barney\\_jacksonletter](http://www.socialstudies.com/article.html?article@barney_jacksonletter)

This letter is from a woman whose husband lost his position because of “rotation in office.” Go to this Web page and use the information in the document to answer the following questions:

6. Go to the second paragraph, which begins “The Office Harpies...” What is Mrs. Barney’s basic objection to the system of rotation in office?
  
7. Go to the third paragraph, which begins “Your Official Organ...” Mrs. Barney says that Jackson led the public to believe that rotation in office would be based on “the Jeffersonian rule of honesty and capacity [fitness for office].” How does she claim that Jackson had unfairly used this “rule” to justify removing from office those who opposed him?
  
8. In the first sentence of the first paragraph, Mrs. Barney makes reference to an earlier letter from Jackson in which he claimed that “rules” which he had felt “bound to adopt” had led him to fire her husband from his position. In the third paragraph, why does she claim that Jackson’s “rule” is not the noble “Jeffersonian rule of honesty and capacity”? What does she say Jackson’s “secret rule” really is?
  
9. Go to the paragraph that begins “But I boldly declare...” Why does she claim that Jackson’s “rule” is “altogether unworthy of the Presidential office of a magnanimous nation”?
  
10. Go to the paragraph that begins “My husband, sir, never was your *enemy*.” According to Mrs. Barney, what was the “offence” for which her husband lost his job? Why does she go on to claim that this “offence” was “one of the best acts of his life”? Do you think her husband deserved to lose his job?
  
11. Although he is credited with being the first president to use the spoils system, during his two terms in office Jackson replaced no more than 10 to 20 percent of people in government positions. Do you think this fact reflects positively or negatively on Jackson?
  
12. Look back at William L. Marcy’s quote from the beginning of this lesson, before the introduction. Do you agree with it? Should a new president be able to replace government officials and reward loyal followers with the “spoils” that their jobs represent? Or do you agree with Mrs. Barney that the spoils system is just a form of “tyranny”? Explain your reasoning.

# Jackson Announces his Policy of Rotation in Office, 1829

## FIRST ANNUAL MESSAGE.

*Fellow-Citizens of the Senate and House of Representatives: . . .*

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a species of property, and government rather as a means of promoting individual interests than as an instrument created solely for the service of the people. Corruption in some and in others a perversion of correct feelings and principles divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is a matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system. . . .

Andrew Jackson.

*From A Compilation of the Messages and Papers of the Presidents, Vol. III, Bureau of National Literature, 1897, p. 1005, 1011-1012.*

## LETTER FROM MRS. BARNEY TO GEN. JACKSON.

Baltimore, June 13th, 1829.

Sir—Your note of the 22d April, addressed to me through your private Secretary, accompanying the return of my papers, which expresses your "*sincere regret that the rules which you had felt bound to adopt for the government of such cases, did not permit the gratification of my wishes;*" affords no palliation of the injury you have inflicted on a meritorious officer and his helpless family. It is dark and ambiguous. Knowing that the possession was not alone sufficient justification for the exercise of power; unwilling that your character for firmness should suffer by the imputation of caprice, or that your reputation for humanity should be tarnished by an act of wanton cruelty, you *insinuate* a cause; you *hint* at a *binding rule*, and *lament* that my husband is within its operation. If it were not unworthy the character of *Gen. Jackson*, I ask you was it not beneath the dignity of the **President** of these United States to *insinuate*, if bold assertion had been in his power. When you had adopted for your government this *inexorable rule*, was it not cruel in you to conceal it from those on whom it was to operate the most terrible calamities? Why should the President of a free country be governed by *secret rules*? Why should he wrap himself up in the black robes of mystery, and, like a volcano, be seen and felt in his effects, while the secret causes which work the ruin that surrounds, are hid within his bosom? Is this *rule* of which you speak a law of the land; is it a construction drawn from any article of the Constitution, or is it a section of the articles of war? Is it a rule of practice, which having been acted upon by any of your illustrious predecessors, comes down with the force of *authority* upon you? Did it govern the conduct of that great man in whose mould (according to your flatterers) you were formed? If so, why should you conceal it? The Constitution and the laws, civil and military, will justify you, and all who obey *them*; and the robes of power which you wear cannot be stained by an act which finds a precedent in the conduct of any of your predecessors. Is it any old principle of new application in the art of government which, having escaped the searching mind of Washington, and the keen vision of succeeding presidents has been grasped by your gigantic mind? Or is a new, wholesome principle patented to you, and for which you alone are to receive all the rewards (of glory at least) which succeeding ages never fail to bestow on the first inventor of a public blessing?

The Office Harpies who haunted your public walks and your retired moments, from the very dawn of your administration, and whose avidity for office and power made them utterly reckless of the honorable feelings and just right of others, cried aloud for *Rotation* in office.—Is that magical phrase, so familiar to the demagogues of all nations, and of times, your great and much vaunted principle of *Reform*? If it be, by what kind of rotary motion is it, that men who have been but a few years, or a few months in office, are swept from the boards while others (your friends) remain, who date their official Calends, perhaps, from the time of Washington? What sort of adaptation of skill to machinery is that which brushes away those only who were opposed to your election, and leaves your friends in full possession?

Your official Organ would impose upon the public the belief that you had adopted the Jeffersonian rule of honesty and capacity, and that incumbents, as well as applicants, were tested by that infallible touchstone.—The alleged delinquencies of one or two public officers have for this been made a color, and the dye of their avowed iniquity has been spread with industrious cunning over the skirts of every innocent victim.—Even of those few who have been thus charged, their misconduct (reported) was unsuspected, until the prying eyes of their *successors* came to inspect the official records of their proceedings, when *their delegated ingenuity*, as in duty bound, could do no less than find them guilty, and therefore could not have been the *cause* of their dismissal. Yours, therefore, is not the Jeffersonian rule. You ask, respecting incumbents and applicants, *other* questions than, "is he *honest*, is he *capable*?" and the answer to your questions decides the applicability of your rule. By thus ascertaining what your secret rule is *not*, we may easily come to the discovery of what it is.—Supposing you serious when you say you are *controlled by a rule*, and that you do not move blindly like other storms, but that you have eyes which see, and ears which hear, and hence that I have not yet described your rule; there remains, however, but one motive which could possibly have governed you—" *punishment of your political opponents, and rewards for your friends.*"—This is your rule, and however you may wish to disguise it, or to deceive the world into the belief that your secret principle is something of a nobler sort, the true one is visible to every eye, and, like a red meteor, beams through your midnight administration, portending and working mischief and ruin. It was prescribed to you before you had the power to pursue it, by one to whom you are allied by a happy congeniality; whom you have neither the ability nor the wish to disobey, before whose omnipotent breath your Presidential strength lies nerveless as infancy; who, while he suffers your heart to pursue its wonted palpitations, seems to have locked up the closet which confines your intellect. In this imprisonment of your mental powers, you see with his eyes, and hear with his ears. It is a misfortune for this great nation that

*you* were born for him, and *he* for you. At one and the same time he is your minion and your monarch, your priest and your demon—your public counsellor and your bosom friend. I blush for my country when I see such unnatural formations, such a cancerous excrescence fastened upon the body politic, and the footstool of the President converted into a throne for slave.

The injustice of your new principle of "Reform" would have been too glaring had it been at once boldly unfolded; and hence is it that it was brought out by degrees. At first it was pretended that those only who had made use of office as an engine for electioneering purposes were to be "reformed away." But when it was discovered that there were in place very many of your own friends who had been guilty of this unconstitutional impropriety; as you have been pleased to call it, who, contrary to any feeling of gratitude or sense of duty, had stung the bosom which warmed, and the hand which fed them, making use of their office in the gift of Mr. Adams, as the means of furthering your designs upon the Presidency to his exclusion, and that *your rule* was a "two-edged sword," which, if honestly borne, would "cut upon both sides," it was soon carefully withheld, and finally gave way to a much more comprehensive scheme of *reform*.

It was not declared that those in office who, in violence of opposition, had offended you in one particular, (I need not name it,) should meet with *condign punishment*. Indeed you intimated in private conversation with my husband, that those who had passed that Rubicon had sealed their destruction. But the misfortune attending this rule was, that there were none in office upon whom it *could* operate. Has the charge alluded to been fixed upon any individual of the multitude of those who have *reformed* away? Was it ever even whispered in regard to my unfortunate husband? You know that it was not.

But I boldly declare that such a rule is altogether unworthy of the Presidential office of a magnanimous nation!. What! wield the public vengeance for your private wrongs! Hurl from the armory of the nation the bolt of destruction on your private foes! Was the power, dignity, and wealth of the Union consecrated in your person to be so misused? Had a foreign Prince or Minister committed a like offence, with the same propriety might of public quarrel, and sent from the ocean and the land hecatombs of appeasing ghosts.

The whole circumference of your *rule* at length expanded itself full to the public view; the reign of terror was unfolded, and a principle unprecedented even in the annals of tyranny, like a destroying angel ranged through the land, blowing the breath of pestilence and famine into the habitations of your enemies. Your *enemies*, sir?—No; your political opponents. You called them *enemies*; but were they so? Can there be no difference of opinion without enmity? Do you believe that *every man* who voted for Mr. **Adams**, and who had not received from you some personal injury, preferred him because he hated you? Think, you sir, that there is no medium between idolatry and hate? It is not because you think there is no such medium, but because your *elevated* ambition will allow of none. This makes you look upon all those who voted against at you, as your bitter foes. I most firmly believe, that, saving those whom you had personally made your enemies, every honest man, in giving his suffrage to Mr. **Adams**, obeyed the dictates of his judgment, and that many? did so in violence to their warmer feelings towards you.

My husband, sir, never was your *enemy*. In the overflowing patriotism of his heart, he gave you the full measure of his love for your *military* services. He preferred Mr. **Adams** for the presidency, because he thought him qualified, and you unqualified, for the station. He would have been a traitor to his country, he would have had even my scorn, and have deserved yours, had he supported you under such circumstances. He used no means to oppose you. He did a patriot a duty, in a patriot's way. For this he is prescribed—*punished!* Oh, how punished! My heart bleeds as I write. Cruel sir, did he commit any offence worthy of punishment against God, or against his country, or even against you? Blush while you read this question; speak not, but [*text illegible*] the crimson negative mantle on your cheek! No, sir, on the contrary, it was one of the best acts of his life. When he bared his bosom to the hostile bayonets of his enemies, he was not more in the *line of his duty*, than when he voted against you; and had he fallen a martyr on the field of fight, he would not more have deserved a monument, than he now deserves for having been worse than martyred in support of the dearest privilege and chartered right of American freemen. Careless as you are about the effects of your conduct, it would be idle to inform you of the depth and quality of that misery which you have worked in the bosom of my family. Else would I tell a tale that would provoke sympathy in any thing that had a heart, or gentle drops of pity from every eye not accustomed to look upon scenes of human cruelty "with composure." Besides, you were apprised of our poverty; you knew the dependence of eight little children for food and raiment upon my husband's salary. You knew that, advanced in years as he was, without the means to prosecute any regular business, and without friends able to assist him, the world would be to him a barren hath, an inhospitable wild. You were able, therefore, to anticipate the heart-rending scene which you may now realize as the sole work of your hand. The sickness and debility of my

husband, *now call upon me to vindicate* his and his children's wrongs. The natural timidity of my sex vanishes before the necessity of my situation; and a spirit, sir, as proud as yours, although in a female bosom, demands justice: At your hands I ask it: Return to him what you have rudely torn from his possession; give back to his children their former means of securing their food and raiment; show that you can relent, and that your rule has had at least one exception. The severity practised by you in this instance is heightened, because accompanied by a *breach of your faith, solemnly pledged to my husband*. He called upon you, told you frankly that he had not voted for you. What was your reply? It was, in substance, this, "that every citizen of the United States had a right to express his political sentiments by his vote; that no charges had been made against Maj. Barney; if any should be made, he should have justice done; he should not be condemned unheard." Then, holding him by the hand with *apparent* warmth, you concluded—"be assured, sir, I shall be particularly cautious how I listen to assertions of applicants for office." With these assurances from you, sir, the president of the U. States, my husband returned to the bosom of his family. With these rehearsed, he wiped away the tears of apprehension. The president was not the monster he had been represented. They would not be reduced to beggary—haggard want would not be permitted to enter the mansion where he had always been a stranger. The husband and the father had done nothing in violation of his duty as an officer. If any malicious slanderer should arise to pour his poisonous breath into the ears of the president, the accused would not be condemned unheard, and his innocence would be triumphant—they would still be happy. It was presumable also, that, possessing the confidence of three successive administrations (whose testimony in his favor I presented to you) that he was not unworthy the office he held, besides the signatures of a hundred of our first mercantile houses, established the fact of his having given *perfect satisfaction* in the manner he transacted the business of his office. In this state of calm security, without a moment's warning—like a clap of thunder in a clear sky, your dismissal came, and, in a moment, the house of joy was converted into one of mourning. Sir, was not this the refinement of cruelty? But this was not all—The wife whom you have thus agonized, drew her being from the illustrious Chase, whose voice of thunder early broke the spell of British allegiance, when, in the American senate, he swore by Heaven that he owed no allegiance to the British crown—one, too, whose signature was broadly before your eyes, affixed to the charter of our independence. The husband and the father whom you have thus wronged, was the first born son of a hero, whose naval and military renown brightens the page of your country's history, from '76 to 1815, with whose achievements posterity will not condescend to compare yours; for he fought amidst greater dangers, and he fought for independence.

By the side of that father, in the second British war, fought the son; and the glorious 12th of September bears testimony to his unshaken intrepidity. A wife, a husband, thus derived; a family of children drawing their existence from this double revolutionary fountain, you have recklessly, causelessly, perfidiously, and therefore inhumanly, cast helpless and destitute upon the icy bosom of the world; and the children and grand children of Judge Chase and Commodore Barney are poverty stricken upon the soil which owes its freedom and fertility, in part, to their heroic patriotism.

Sir, I would be unworthy the title of an American matron, or an American wife, if I did not vindicate his, and my children's wrongs. In this happy land, the panoply of liberty protects all without distinction of age or of sex. In the severity practised towards my husband, (confessedly without cause,) you have injured me and my children—you have grievously injured them without achieving any correspondent good to individuals, to your country, or yourself. Silence, therefore, would be criminal even in me; and when the honest and regular feelings of the People of this country (who cannot be long deluded) shall have been restored, and when party frenzy, that poison to our national happiness, liberties and honor, shall have subsided, I have no doubt that the exterminating system of "Reform" will be regarded, as the greatest tyranny, though now masked under specious names, and executed with some of the formalities of patriotism and of liberty. It is possible this communication from an unhappy mother, and from a female, who until now had many reasons to love her country, will be regarded by you as unworthy of notice; if otherwise, and your inclination corresponds with your power, you have still the means of repairing the injury you have done. I am, Sir, your obedient servant,

MARY BARNEY.

NAME: \_\_\_\_\_ PER#: \_\_\_\_\_ DATE: \_\_\_\_\_

## The Nullification Crisis Student Worksheet

### Introduction:

During the 1820s and 1830s, tensions arose between the North and South that centered largely around the issue of how much power the federal government had to enforce laws, and how much power the states retained for themselves. Southerners during this time felt that measures being passed in Congress tended to favor the North at the expense of the South. Many Southern leaders started to espouse the doctrine of “nullification”—the idea that a state could refuse to enforce or obey a federal law if they felt that law was unfair or unconstitutional. Philosophical battles over nullification occurred in the Senate, and then in 1832 South Carolina actually used the doctrine when it proclaimed an ordinance nullifying the tariffs of 1828 and 1832. Jackson responded to the ordinance with a proclamation to the people of South Carolina and with the so-called “Force Bill.”

### Directions:

**Liberty and Union, Now and Forever, One and Inseparable: Daniel Webster’s Reply to South Carolina Senator Robert Hayne, 1830**  
<http://www.socialstudies.com/article.html?article@webster1830>

Use the information in this document to answer the following questions:

1. Webster summarizes the pro-nullification arguments of Senator Hayne (“the honorable gentleman from South Carolina”). In your own words, briefly restate Webster’s assessment of Hayne’s position.
2. What does Webster say the “great question” is on which “the main debate hinges”?
3. What does Webster say is the only “ground” for which a state can annul a law of Congress? What does he say this “ground” amounts to?
4. Webster later poses a rhetorical question about government: “Is it the creature of the state legislatures, or the creature of the people?” In other words who created the U.S. government: the state legislatures or the people? How does he answer this question?
5. What does Webster claim the problem is with state sovereignty being controlled only by its own “feeling of justice”? In other words, what’s wrong with states deciding whether an act of Congress is fair or unfair, constitutional or unconstitutional?
6. According to Webster, what is the evidence that the “people of the United States have chosen to impose control on state sovereignties”?

NAME: \_\_\_\_\_ PER#: \_\_\_\_\_ DATE: \_\_\_\_\_

**South Carolina Ordinance of Nullification, November 24, 1832.**

This ordinance nullified the tariffs of 1828 and 1832. Go to

[http://www.socialstudies.com/article.html?article@southcarolina\\_null1832](http://www.socialstudies.com/article.html?article@southcarolina_null1832) and answer the following questions:

7. Read the first paragraph. The ordinance says that the tariffs were “in reality intended for the protection of domestic manufactures and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals...” Who were these “classes and individuals engaged in particular employments”? Who were the “other classes and individuals” the ordinance claims were hurt by the tariffs?

8. Read the second-to-last paragraph (“And we, the people of South Carolina...”). What did South Carolina threaten to do if the federal government used “military or naval force” to enforce the tariffs?

**President Jackson’s Proclamation Regarding Nullification, December 10, 1832**

[http://www.socialstudies.com/article.html?article@jackson\\_nullification](http://www.socialstudies.com/article.html?article@jackson_nullification)

Jackson responded to South Carolina’s nullification ordinance by submitting a “Force Bill” to Congress which would allow him to send federal troops to South Carolina to enforce federal laws—namely, the tariffs. Jackson also delivered this public proclamation. Read the excerpts from the proclamation, then answer the following questions:

9. Read the first and second paragraphs. What is Jackson referring to when he mentions the “two appeals from an unconstitutional act passed by Congress”? Why does he say these make “the assumed power of a state [i.e., nullification] more indefensible”?

10. Read the third and fourth paragraphs (the third paragraph begins “Look for a moment to their consequence”). According to Jackson, what would happen if South Carolina were allowed to nullify the tariffs? What does he claim would have happened had nullification “been established at an earlier day”?

11. Jackson says that “the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.” Why does Jackson claim that states do not have a constitutional right to secede? In a few sentences—and in your own words—briefly summarize his argument.

12. What does Jackson say that “disunion”—secession—essentially amounts to?

## **Liberty and Union, Now and Forever, One and Inseparable: Daniel Webster's Reply to South Carolina Senator Robert Hayne, 1830**

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, Sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing under the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist, that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution....

...What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges. The proposition, that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman.

I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say, the right of a State to annul a law of Congress cannot be maintained, but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.



This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, Sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther.

The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feeling of justice"; that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on state sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." The opinion referred to, therefore, is in defiance of the plainest provisions of the Constitution.

## **South Carolina Ordinance of Nullification, November 24, 1832.**

### **An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities.**

Whereas the Congress of the United States by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the confederacy: And whereas the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the constitution.

We, therefore, the people of the State of South Carolina, in convention assembled, do declare and ordain and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled "An act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the first day of February next, and the duties of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, that all persons now holding any office of honor, profit, or trust, civil or military, under this State (members of the legislature excepted), shall, within such time, and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and

enforce this ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same, and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military (members of the legislature excepted), shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be he any respect competent to discharge the duties thereof until he shall, in like manner, have taken a similar oath; and no juror shall be impaneled in any of the courts of this State, in any cause in which shall be in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end that it may be fully understood by the government of the United States, and the people of the co-States, that we are determined to maintain this our ordinance and declaration, at every hazard, do further declare that we will not submit to the application of force on the part of the federal government, to reduce this State to obedience, but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constitutional authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the federal government, to coerce the State, shut up her ports, destroy or harass her commerce or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States; and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do.

Done in convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Declaration of the Independence of the United States of America.

From Ford, Paul Leicester. *The Federalist : A commentary on the Constitution of the United States by Alexander Hamilton, James Madison and John Jay edited with notes, illustrative documents and a copious index by Paul Leicester Ford*. New York: Henry Holt and Company, 1898.

## President Jackson's Proclamation Regarding Nullification, December 10, 1832 <sup>1</sup>

Whereas a convention, assembled in the State of South Carolina, have passed an ordinance, by which they declare that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially "two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that State or its officers, and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State, or of the United States, to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinances:

And whereas, by the said ordinance it is further ordained, that, in no case of law or equity, decided in the courts of said State, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and that any person attempting to take such appeal, shall be punished as for a contempt of court:

And, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do.

And whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the instruction of the Union—that Union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and common cause, through the sanguinary struggle to a glorious independencethat sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations; to preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my PROCLAMATION, stating my views of the Constitution and laws applicable to the measures adopted by the Convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the Union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that anything will be yielded to reasoning and remonstrances, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional, and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution—that they may do this consistently with the Constitution—that the true construction of that instrument permits a State to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true they add, that to justify this abrogation of a law, it must be palpably contrary to the Constitution, but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory; and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous, when our social compact in express terms declares, that the laws of the United States, its Constitution, and treaties made under it, are the supreme law of the land; and for greater caution adds, "that the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." And it may be asserted, without fear of refutation, that no federative government could exist without a similar provision. Look, for a moment, to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere; for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace instead of victory and honor, if the States, who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will, unfortunately, fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defense, and before the Declaration of Independence, we were known in our aggregate character as the United Colonies of America. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts; and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would, collectively, form one nation, for the purpose of conducting some certain domestic concerns, and all foreign relations. In the instrument forming that Union, is found an article which declares that "every State shall abide by the determinations of Congress on all questions which by that Confederation should be submitted to them."

Under the Confederation, then, no State could legally annul a decision of the Congress, or refuse to submit to its execution, but no provision was made to enforce these decisions. Congress made

requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the Confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it.

The most important among these objects, that which is placed first in rank, on which all the others rest, is "to form a more perfect Union." Now, is it possible that, even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, it can be conceived that an Instrument made for the purpose of "forming; a more perfect Union" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government, dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State? Every man, of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, *incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which It was founded, and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal, that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution, to lay and collect imposts, but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed? In how many cases are they concealed by false professions? In how many is no declaration of motive made? Admit this doctrine and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional and if all laws of that description may be abrogated by any State for that cause, then, indeed, is the federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation We have trusted to it as to the sheet-anchor of our safety, in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defense and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make

it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault; its language directly contradicts the imputation, its spirit, its evident intent, contradicts it. No, we did not err. Our Constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages, whose memory will always be revered, have given us a practical, and, as they hoped, a permanent constitutional compact. The Father of his Country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by application. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed. They are all silent—not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No, we have not erred! The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction to our posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed. The Constitution has given expressly to Congress the right of raising revenue, and of determining the sum the public exigencies will require. The States have no control over the exercise of this right other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the representatives of all the people, checked by the representatives of the States, and by the executive power. The South Carolina construction gives it to the legislature, or the convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the chief magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you—can you—be ready to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The ordinance with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness, and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections and the conclusions drawn from them once more. What are they! Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each State has a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the "supreme law of the land; that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." In vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office.

Vain provisions! Ineffectual restrictions! Vile profanation of oaths! Miserable mockery of legislation ! If a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed, there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve, in that the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States, and of all the people of all the states; but WE, part of the people of one State, to whom the Constitution has given no power on the subject from whom it has expressly taken it away—we, who have solemnly agreed that this Constitution shall be our law—we, most of whom have sworn to support it—we now abrogate this law, and swear, and force others to swear, that it shall not be obeyed—and we do this, not because Congress have no right to pass such laws; this we do not allege; but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know, from their unequal operation; although it is impossible from the nature of things that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop here. It repeals, in express terms, an important part of the Constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution and treaties, shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal; makes the State law paramount to the Constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings, the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which they say is a compact between sovereign States who have preserved their whole sovereignty, and therefore are subject to no superior; that because they made the compact, they can break it when in their opinion it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State legislatures, in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a government in which the people of all the States collectively are represented. We are ONE PEOPLE in the choice of the President and Vice President. Here the States have no other agency than to direct the mode in



which the vote shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice President, all vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a government, not a league, and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent upon a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, express or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defense, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with, or resumption of, the rights they have vested in the nation.

The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution, but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to

secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred in the first instance to the government of the United States; they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers vested in Congress. This last position has not been, and cannot be, denied. How then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offense against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have for their common interest made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate character; our opposition to its oppression began as UNITED COLONIES. We were the UNITED STATES under the Confederation, and the name was perpetuated and the Union rendered more perfect by the federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How, then, with all these proofs, that under all changes of our position we had, for designated purposes and with defined powers, created national governments—how is it that the most perfect of these several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact (which, in one sense, it is), and then to argue that as a league is a compact, every compact between nations must, of course, be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from the obligation.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifice of interest and opinions. Can those sacrifices be recalled? Can the States, who magnanimously surrendered their title to the territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State, and enormous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils, contrary to engagements solemnly made. Everyone must see that the other States, in self-defense, must oppose it at all hazards.

These are the alternatives that are presented by the convention: A repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition; and yet if this is not done in a given day, or if any attempt is made to execute the laws, the State is, by the ordinance, declared to be out of the Union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the State speaks of the submission of their grievances to a convention of all the States; which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed a call for a general convention to the other States, and Congress, if a sufficient number of them concurred, must have

called it. But the first magistrate of South Carolina, when he expressed a hope that "on a review by Congress and the functionaries of the general government of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress, nor any functionary in the general government, has authority to call such a convention, unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy has been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the Constitution points out? The assertion that they "earnestly seek" is completely negated by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM, not only that the duty imposed on me by the Constitution, "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law or of such others as the wisdom of Congress shall devise and Entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention—to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country, and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow-citizens of my native State! let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to a certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason on which you stand! First a diminution of the value of our staple commodity, lowered by over-production in other quarters and the consequent diminution in the value of your lands, were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was aroused by the assertions that a submission to these laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union and bear none of its burdens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive—it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable* in the sense in which it is here used? that which is apparent to everyone, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principles of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the

exaggerated language they address to you. They are not champions of liberty emulating the fame of our Revolutionary fathers, nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have, indeed, felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion has commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already caused a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But as apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to burly you on to the position you have now assumed, and forward to the consequences they will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part; consider its government uniting in one bond of common interest and general protection so many different States—giving to all their inhabitants the proud title of AMERICAN CITIZEN—protecting their commerce—securing their literature and arts—facilitating their intercommunication—defending their frontiers—and making their name respected in the remotest parts of the earth! Consider the extent of its territory its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, WE TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud States—her arms have defended—her best blood has cemented this happy Union! And then add, if you can, without horror and remorse this happy Union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard. And for what, mistaken men! For what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion, but be not deceived by names; disunion, by armed force, is TREASON. Are you really ready to incur its guilt? If you are, on the head of the instigators of the act be the dreadful consequences—on their heads be the dishonor, but on yours may fall the punishment—on your unhappy State will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims—its first magistrate cannot, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow-citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your Revolutionary history, will not abandon that Union to support which so many of them fought and bled and died. I adjure you, as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention—hid its members to re-assemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor—tell them that compared to disunion, all other evils are light, because that brings with it an accumulation of all—

declare that you will never take the field unless the star-spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country! –its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquility will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States! the threat of unhallowed disunion—the names of those, once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action, and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the Union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens! the momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defense, will transmit them unimpaired and invigorated to our children.

May the Great Ruler of nations grant that the signal blessings with which he has favored ours may not, by the madness of party or personal ambition, be disregarded and lost, and may His wise providence bring those who have produced this crisis to see the folly, before they feel the misery, of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate his designs, he has chosen, as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this 10th day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President  
EDW. LIVINGSTON, Secretary of State.

[1] Written by Edward Livingston. [Back](#)

From Ford, Paul Leicester. *The Federalist : A commentary on the Constitution of the United States by Alexander Hamilton, James Madison and John Jay edited with notes, illustrative documents and a copious index by Paul Leicester Ford*. New York: Henry Holt and Company, 1898

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## The Second Bank of the United States Student Worksheet

### Introduction:

The Second Bank of the United States (BUS) had been created in 1816, receiving a 20- year charter. In 1832 Nicholas Biddle, the director of the BUS, applied to get the charter renewed four years early. Jackson had always felt the BUS wielded too much power, and he and Biddle had clashed frequently during Jackson's first term. The renewal of the charter was thus largely a political move engineered by Biddle and other opponents of Jackson: if the president vetoed the renewal, he would lose the support of the many who favored the BUS; if he approved it, then the BUS, would be secure for another 20 years. Congress approved the renewal, but Jackson vetoed it. The next year, Jackson ordered that federal funds no longer be deposited in the BUS, a move that eventually doomed the BUS.

### Directions:

#### ***McCulloch v. Maryland, 1819***

<http://www.socialstudies.com/article.html?article@mcculloch>

This Supreme Court case took up the issue of whether the Bank of the United States was constitutional. Read the document, then answer the following questions:

1. What is the first question the Supreme Court took under consideration in this case?
2. The document makes reference both to "enumerated powers" (powers specifically granted to the federal government in the Constitution) and "implied powers" (powers not specifically granted). According to the document, do the "enumerated powers" in the Constitution allow the federal government to incorporate a bank? Do "implied powers" allow it to do so? Explain why or why not.
3. The document discusses the "necessary and proper" clause of the Constitution and concludes that "if it does not enlarge, it cannot be construed to restrain the powers of Congress, or to impair the rights of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the government." Explain in your own words what this means.
4. Did this Court decision find the Bank of the United States to be constitutional? Write down one sentence from the document that supports your answer.

#### **"President Jackson's Veto Message Regarding the Bank of the United States; July 10, 1832"**

<http://www.socialstudies.com/article.html?article@jacksonbank>

Read the document, then answer the following questions:

5. In the second paragraph, how does Jackson characterize "some of the powers and privileges possessed by the existing bank"?

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6. Read the third paragraph. Here, Jackson calls the bank a “monopoly” and also says that the bank’s charter increased “the value of its stock far above its par value, operated as a gratuity of many millions to the stockholders.” What does he mean by this? Paraphrase it in your own words.

7. Read the fourth paragraph. Which groups does Jackson claim hold most of the shares in the bank? In his view, what is the problem with this?

8. Why does Jackson claim the bank is a “danger to our liberty and independence”?

9. Read the paragraph that begins “This act authorizes...” Why does Jackson claim that the bank charter can’t be justified under the “necessary and proper” clause of the Constitution?

10. Read the second-to-last paragraph. Why does Jackson claim the bank charter violates the idea of equal protection under the law?

11. Read the last paragraph. Jackson here claims that the bank charter (“the results of our legislation”) has “arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union.” Do you agree with this statement? Do you think the BUS was as much of a threat as Jackson portrayed it to be?

**“King Andrew the First,” 1832**

[http://www.archives.gov/exhibits/treasures\\_of\\_congress/Images/page\\_9/30a.html](http://www.archives.gov/exhibits/treasures_of_congress/Images/page_9/30a.html)

This is a political cartoon published after Jackson’s Bank Veto. View the cartoon, then answer the following questions:

12. Describe how Jackson is portrayed in the cartoon. What is he wearing? What is he doing?

13. What does the cartoon accuse Jackson of doing? Why does the cartoonist call Jackson “King Andrew the First”?

14. Do you think Jackson abused his power in vetoing the bank charter, or did he express legitimate concerns about the BUS? Write a paragraph or two in which you explain your answer and use evidence from the documents in this lesson to support it.

## ***McCulloch v. Maryland (1819)***

Chief Justice Marshall delivered the opinion of the Court.

...The first question made in the cause is, has Congress power to incorporate a bank?

...This government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, [is] now universally admitted. But the question respecting the extent of the powers actually granted, is perpetually arising, and will probably continue to arise, as long as our system shall exist. . . .

Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described...

Although, among the enumerated powers of government, we do not find the word "bank," or "incorporation," we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies...a government, entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depends, must also be entrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution...

...To its [the Constitution's] enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States, or in any department thereof."

The result of the most careful and attentive consideration bestowed upon this clause ["necessary and proper"] is, that if it does not enlarge, it cannot be construed to restrain the powers of Congress, or to impair the rights of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the government...

...We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional...

After the most deliberate consideration, it is the unanimous and decided opinion of this Court, that the act to incorporate the Bank of the United States is a law made in pursuance of the constitution, and is a part of the supreme law of the land...



BORN TO COMMAND.

OF VETO MEMORY.



HAD I BEEN CONSULTED.

KING ANDREW THE FIRST.

*King Andrew the First*

By an unknown artist, 1832

*Courtesy of the Library of Congress*

Not to be used without permission

After his unprecedented veto of the Bank bill, President Andrew Jackson's opponents accused him of abusing his Presidential powers. This cartoon depicted him as a tyrannical king, trampling on the Constitution.

## "President Jackson's Veto Message Regarding the Bank of the United States; July 10, 1832"

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders...

...It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the American Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus...It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class...

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become centered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence...

...If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger...

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So far from being "necessary and proper" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to

impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence....

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society-the farmers, mechanics, and laborers-who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles...

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

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## Indian Removal Student Worksheet

### Introduction:

In 1828, a rumor spread that gold had been discovered in the mountains of northern Georgia—land occupied by the Cherokee Indians. “Gold-diggers” rushed to the area, much to the consternation of both the Cherokee (who obviously resented having their lands overrun) and the governor of Georgia (who disliked having the unruly miners causing trouble in his state). Both appealed to the federal government for help. Both Jackson and many members of Congress had long been advocates of Indian removal, and the situation developing in Georgia jump-started the process of displacing the Cherokee from their land. Congress eventually responded by passing the Removal Act of 1830. Jackson, who had long supported the idea of Indian removal, quickly signed the act. The Choctaw and the Chickasaw soon accepted removal under the provisions of the act; the Cherokee’s situation would play out over the decade of the 1830s.

Directions: Read the document, then answer the following questions:

### **President Jackson Reports on Indian Removal, 1830**

[http://www.socialstudies.com/article.html?article@jackson\\_indianremoval](http://www.socialstudies.com/article.html?article@jackson_indianremoval)

1. According to Jackson, what “advantages” would the U.S. gain from Indian removal?
2. According to Jackson, how would Indians benefit from removal?
3. In the third paragraph, Jackson says, “Toward the aborigines [Indians] of this country no one can indulge a more friendly feeling than myself...” Do you find this assertion convincing? Why or why not?
4. Later on in the document, Jackson says that the fact that “once powerful race[s]” or Indians have been “exterminated” or “disappeared” is “[not] to be regretted”? Why does he say that Americans should not want “to see this continent restored to the condition in which it was found by our forefathers”?
5. Why does Jackson claim that removal is a “fair exchange”? Why does he say that “many thousands of our own people [i.e., whites] would gladly embrace the opportunity of removing to the West on such conditions”?
6. Why does Jackson claim that “the policy of the General Government toward the red man is not only liberal, but generous”? Do you agree with him? Why or why not?

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**Memorial of the Cherokee Nation, 1830**

[http://www.socialstudies.com/article.html?article@cherokeememorial\\_1830](http://www.socialstudies.com/article.html?article@cherokeememorial_1830)

Read the document, then answer the following questions:

7. Were the Cherokee for or against removal? Cite evidence from the document that supports your answer.

8. Why do the Cherokee claim that “We have a perfect right to remain without interruption or molestation”?

9. Why do the Cherokee say that “if we are compelled to leave our country, we see nothing but ruin before us”?

10. Why do you think the Cherokee refer to the tribes in Arkansas territory as “wandering savages lurking for prey”? Does it undercut their overall argument to bring up these stereotypes of Indians? Explain.

**Cherokee Letter protesting the Treaty of New Etocha, 1836**

[http://www.socialstudies.com/article.html?article@ross\\_newetocho](http://www.socialstudies.com/article.html?article@ross_newetocho)

The Cherokee were finally forced to move when some members of the tribe broke ranks and signed the Treaty of New Etocha in 1835. In the treaty, the tribe supposedly agreed to accept removal. In reality, a vast majority of the Cherokee opposed removal; Chief John Ross wrote this letter to the Senate and the House of Representatives.

11. Go to the paragraph that begins “By the stipulations of this instrument...” According to Ross, what will the treaty do to the Cherokee?

12. What evidence does Ross offer to support his assertion that the “instrument in question [the treaty] is not the act of our Nation”?

13. Do you think the Cherokee had any realistic chance of persuading the government to overturn the treaty? Was it “inevitable” that the Cherokee would eventually be removed from their lands? Why or why not?

# President Jackson Reports on Indian Removal, 1830

## SECOND ANNUAL MESSAGE.

December 6, 1830.

*Fellow-Citizens of the Senate and House of Representatives:*

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages while it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to move beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it cannot control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? It is more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. With Georgia there is an express contract; with the new States an implied one of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. They possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened. . . .

ANDREW JACKSON.

*From A Compilation of the Messages and Papers of the Presidents, Vol. III, Published by Bureau of National Literature, 1897, p. 1063, 1082-86.*

## Memorial of the Cherokee Nation, 1830

Why do the Cherokees claim that removal is not in their interest? Be prepared to state at least five reasons they saw it as against their interests.

We are aware that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal.... We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, nor because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression. We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders....The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors ...would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages lurking for prey in the neighborhood....Were the country to which we are urged much better than it is represented to be, ...still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

...We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged by the United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived ... and driven into exile.

From "Memorial of the Cherokee Nation," in *Niles Weekly Register*, 1830.



# Cherokee letter protesting the Treaty of New Etocha

## Letter from Chief John Ross, "To the Senate and House of Representatives"

[Red Clay Council Ground, Cherokee Nation, September 28, 1836]

It is well known that for a number of years past we have been harassed by a series of vexations, which it is deemed unnecessary to recite in detail, but the evidence of which our delegation will be prepared to furnish. With a view to bringing our troubles to a close, a delegation was appointed on the 23rd of October, 1835, by the General Council of the nation, clothed with full powers to enter into arrangements with the Government of the United States, for the final adjustment of all our existing difficulties. The delegation failing to effect an arrangement with the United States commissioner, then in the nation, proceeded, agreeably to their instructions in that case, to Washington City, for the purpose of negotiating a treaty with the authorities of the United States.

After the departure of the Delegation, a contract was made by the Rev. John F. Schermerhorn, and certain individual Cherokees, purporting to be a "treaty, concluded at New Echota, in the State of Georgia, on the 29th day of December, 1835, by General William Carroll and John F. Schermerhorn, commissioners on the part of the United States, and the chiefs, headmen, and people of the Cherokee tribes of Indians." A spurious Delegation, in violation of a special injunction of the general council of the nation, proceeded to Washington City with this pretended treaty, and by false and fraudulent representations supplanted in the favor of the Government the legal and accredited Delegation of the Cherokee people, and obtained for this instrument, after making important alterations in its provisions, the recognition of the United States Government. And now it is presented to us as a treaty, ratified by the Senate, and approved by the President [Andrew Jackson], and our acquiescence in its requirements demanded, under the sanction of the displeasure of the United States, and the threat of summary compulsion, in case of refusal. It comes to us, not through our legitimate authorities, the known and usual medium of communication between the Government of the United States and our nation, but through the agency of a complication of powers, civil and military.

By the stipulations of this instrument, we are despoiled of our private possessions, the indefeasible property of individuals. We are stripped of every attribute of freedom and eligibility for legal self-defence. Our property may be plundered before our eyes; violence may be committed on our persons; even our lives may be taken away, and there is none to regard our complaints. We are denationalized; we are disfranchised. We are deprived of membership in the human family! We have neither land nor home, nor resting place that can be called our own. And this is effected by the provisions of a compact which assumes the venerated, the sacred appellation of treaty.

We are overwhelmed! Our hearts are sickened, our utterance is paralyzed, when we reflect on the condition in which we are placed, by the audacious practices of unprincipled men, who have managed their stratagems with so much dexterity as to impose on the Government of the United States, in the face of our earnest, solemn, and reiterated protestations.

The instrument in question is not the act of our Nation; we are not parties to its covenants; it has not received the sanction of our people. The makers of it sustain no office nor appointment in our Nation, under the designation of Chiefs, Head men, or any other title, by which they hold, or could acquire, authority to assume the reins of Government, and to make bargain and sale of our rights, our possessions, and our common country. And we are constrained solemnly to declare, that we cannot but contemplate the enforcement of the stipulations of this instrument on us, against our consent, as an act of injustice and oppression, which, we are well persuaded, can never knowingly be countenanced by the Government and people of the United States; nor can we believe it to be the design of these honorable and highminded individuals, who stand at the head of the Govt., to bind a whole Nation, by the acts of a few unauthorized individuals. And, therefore, we, the parties to be affected by the result, appeal with confidence to the justice, the magnanimity, the compassion, of your honorable bodies, against the enforcement, on us, of the provisions of a compact, in the formation of which we have had no agency.

From *The Papers of Chief John Ross, vol 1, 1807-1839, Norman OK.* Gary E. Moulton, ed. University of Oklahoma Press, 1985

## Age of Jackson Through Primary Sources Essay Test

### **Directions:**

Read the following excerpts from Jackson's First Inaugural Address (the complete text of the address can be found at [http://www.socialstudies.com/article.html?article@jackson\\_1inaugural](http://www.socialstudies.com/article.html?article@jackson_1inaugural)).

“In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority.”

“In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.”

“The management of the public revenue...is among the most delicate and important trusts...advantage must result from the observance of a strict and faithful economy. This I shall aim at...because it will facilitate the extinguishment of the national debt...and because it will counteract the tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.”

“...it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored...”

“It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and wants which is consistent with the habits of our Government and the feelings of our people.”

“The recent demonstration of public sentiment inscribes on the list of Executive duties...the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands...I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.”

### **Essay Prompt:**

How well did Jackson live up to the goals he outlined in this address?

Write a 5 paragraph essay in which you use evidence from the documents you've read to support your argument.

# The First Inaugural Address of President Andrew Jackson

March 4, 1829

Fellow-Citizens:

About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the Federal Constitution it will devolve on me for a stated period to execute the laws of the United States, to superintend their foreign and their confederate relations, to manage their revenue, to command their forces, and, by communications to the Legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties it is now proper for me briefly to explain.

In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours, and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance. Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the

bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable aegis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.