

Introduction

*Congress, the Rise of Sectionalism,
and the Challenge of Jacksonian Democracy*

IN 1815 THE United States was a proud and confident nation. Its second war with England had come to a successful conclusion. As they had four decades earlier, the plucky Americans had somehow managed to fight the most powerful nation in the world to a standstill. It is true that the nation's new capital, Washington, D.C., had been captured and partially burned, but that temporary defeat did not force an unfavorable peace treaty. Moreover, that humiliation was avenged by Andrew Jackson's spectacular victory at New Orleans in January 1815. It did not matter to Americans that the Battle of New Orleans took place after the war was technically over. No one in America knew about the peace treaty yet, and so the great victory boosted national morale, even though it did not influence the outcome of the conflict.

After the war, Americans seemed united as never before. The Federalist party had virtually destroyed itself by opposing the war. With the exception of the chief justiceship, Republicans held all important offices in the government. The virtual end of party politics led to a reexamination of public policy issues that had previously been tainted by party competition.

Illustrative of the changing nature of politics was the creation of the Second Bank of the United States. In 1791 James Madison had strenuously opposed Alexander Hamilton's proposed Bank of the United States. Madison considered the Bank to be bad policy then. He also believed it was unconstitutional for Congress to charter a bank. By 1814, however, his views had changed. The Bank was no longer a party issue because the Federalist party

was virtually defunct. Thus, in 1814 Congress passed legislation chartering a new bank. In January 1815 James Madison, now President Madison, vetoed this bill because he felt it did not “answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the Treasury” in collecting taxes. In his veto message Madison made it clear that he was not rejecting the bill on policy grounds. He clearly wanted a national bank—the government had been embarrassed by not having such an institution during the War of 1812. He simply felt the 1815 bill did not create what the government needed. Nor did he veto the bill on constitutional grounds. Indeed, Madison declared he was “waiving the question of the Constitutional authority of the Legislature to establish an incorporated bank as being precluded in my judgment by repeated recognitions under varied circumstances of the validity of such an institution in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation.”¹

Congress quickly complied with Madison’s request for a different and better bank bill that would answer America’s need for a stable financial institution that could operate in all the states. The chairman of the House Committee on Currency, John C. Calhoun of South Carolina, introduced this bill. Calhoun would ultimately become the symbol of Southern sectionalism and nullification, as well as a relentless opponent of the Bank. But in 1816 this future states’ rights champion found no constitutional or political objections to the Bank. With relative ease the Congress, in 1816, chartered the Second Bank of the United States.²

Calhoun’s support for the new bank symbolizes the sectional harmony within the nation as the War of 1812 came to an end. For a brief moment—no more than five years—sectional competition seemed to have disappeared. Slavery was not a pressing moral issue for most white Americans, and the controversy over the status of slavery in the territories was not yet on the horizon. Politicians from all sections supported the Bank and federal funding of internal improvements. Madison vetoed a bill funding internal improvements only because he felt it was unconstitutional. In principle he liked the idea of

¹James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, 10 vols. (Washington, D.C., 1897), 1:540.

²An Act to Incorporate the Subscribers of the Bank of the United States, ch. 44, 3 Stat. 266 (1816).

the national government playing an active role in economic development, but he did not think Congress had the power to do this. Thus, he urged Congress to send a constitutional amendment to the states that would allow the national government to use its surplus funds to build roads, bridges, canals, and other public works. In the House and Senate were young men who would soon come to dominate Congress—and symbolize sectional and political strife. But, in the aftermath of the War of 1812, these men—Henry Clay, Daniel Webster, and John C. Calhoun—were all nationalist members of the same party.

This harmony—what historians once called the “Era of Good Feeling”—was not illusory. But it was also not stable. One-party government could not persist for long in a vibrant democracy full of ambitious politicians. Sectional harmony was possible only as long as no one asked any hard questions about slavery, race, western expansion, or economic development. The chapters in this book illustrate how things would fall apart when the glow of postwar harmony and nationalism wore off. Within a decade slavery would emerge as a central issue of politics; western expansion would lead to internal political fights over slavery and the future of American Indians; and political parties would reemerge, coalescing around economic development, the Bank of the United States, and Indian policy. Politics would center on Congress in the 1820s. In the 1830s a new kind of politics would emerge when, for the first time, Congress challenged presidential authority and simultaneously the president challenged Congress. As much as anything else, the disharmony between Congress and the president symbolize the Age of Jackson.

The chapters in this book explore these themes. These chapters are not a summary of the period. They do not take us over the familiar highlights of this period, even though many deal with themes—such as the Missouri Compromise, the Bank War, slavery and politics, the Tariff of Abominations, nullification, and Indian removal—that are the standard signposts for American history from 1815 to the late 1830s. Each author, while dealing with a well-known and well-studied topic, offers us new insights, new understandings, and new information about the subject. Some of the material will surprise readers and surely all readers will learn much from what is here. Part 1 deals with Congress and the emergence of sectionalism in the aftermath of the War of 1812 through the end of the 1820s. Part 2 follows this story into the Age of Jackson.

Sectionalism

Looming underneath the Era of Good Feeling were deep conflicts that had been smoothed over by prosperity and patriotism, but they had not been buried. Sectionalists were more than politicians who supported policies that favored their state or region; that sort of political behavior is expected in a republic, especially in one as large as the United States. Sectionalism implies a willingness to undermine national policy, or even the nation itself, in order to protect a narrow interest that is not only tied to one part of the nation but also seen as detrimental to the rest of the nation. Slavery, and Southern demands for its special protection, is the most important example of antebellum sectionalism. In the end, Southerners were willing to leave the Union and destroy the nation in order to gain unlimited security for slavery.

Southern threats of disunion over slavery began almost as soon as the Union was established. In debating the Articles of Confederation, Benjamin Franklin and South Carolina's Thomas Lynch sparred over slavery. When James Wilson of Pennsylvania suggested that slaves be taxed as free people were, the South Carolinians at the Congress were adamant that slaves should not be counted for taxation because they were property and taxes were only based on people. Thomas Lynch of South Carolina flatly declared: "If it is debated, whether their slaves are their property, there is an end of the confederation. Our slaves being our property, why should they be taxed more than the land, sheep, cattle, horses, &c.?" Benjamin Franklin both wisely and sarcastically answered that "slaves rather weaken than strengthen the State, and there is therefore some difference between them and sheep; sheep will never make any insurrections."³ This brief little discussion symbolized the way slavery would affect the Union, at least until the mid-1830s. The debate here was not about the morality of slavery. Rather, the essence of this debate was about money and the distribution of power and responsibility in the new nation. However, the undertones of both Lynch and Franklin suggest the huge moral problems that slavery imposed on the nation. Lynch understood that some people were uncomfortable with the idea that people could be held as property—even though all the states at this time allowed

³Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789*, 34 vols. (Washington, D.C., 1904–37), 6:1080.

slavery. Franklin noted the political dangers of slavery—that it made the nation unstable. Already, slaves were flocking to the British army to fight against their masters. Moreover, Franklin acknowledged the threat that slavery posed to the body politic because of the inherent contradiction of holding people in bondage in a nation that had just asserted its right to independence on the grounds, as proclaimed in the Declaration of Independence, that “all Men are created equal” and that they were all entitled to the rights of “Life, Liberty, and the Pursuit of Happiness.” If the Americans could revolt against their British rulers, then slaves might also revolt against their American rulers. The moral condemnation of slavery was implicit in the American founding, as Franklin and others well knew.

As an economic, political, and ultimately moral issue, slavery was at the root of sectionalism. Although slavery was legal in all of the thirteen colonies that fought against the British, by 1812 every state north of Delaware had either ended slavery outright or was doing so through gradual abolition. As Jan Lewis’s chapter in this book shows, well before 1812 slavery had been an issue at the Constitutional Convention.⁴ The three-fifths clause bedeviled Northerners, who saw it as giving the South an unfair and powerful political advantage. New Englanders fully understood that their candidate in 1800, John Adams, would have been reelected president if the three-fifths clause had not given Thomas Jefferson extra electoral votes based on the number of slaves in the South.⁵ The Hartford Convention listed the three-fifths clause as one of the reasons why New England should consider leaving the Union. The War of 1812 ended any talk of disunion in that region—at least until the 1830s, when William Lloyd Garrison’s radical abolitionist society adopted the slogan “No Union with Slaveholders”—but dissatisfaction with the three-fifths clause remained strong.

Although the three-fifths clause would never again determine the outcome of a presidential election, it certainly had a dramatic affect on congressional politics. As the North’s population growth outstripped the South’s, the three-fifths clause became more significant. Had congressional apportionment been based entirely on the free population, the South would have

⁴See also Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, 2d ed. (Armonk, N.Y., 2001).

⁵Paul Finkelman, “The Proslavery Origins of the Electoral College,” *Cardozo Law Review* 23 (2002):1145–57.

been overwhelmed in the House of Representatives. But, the South's rapidly growing slave population gave the region a significant number of congressmen to help fend off total dominance by the North. The Missouri Compromise, discussed by Robert P. Forbes in this volume, illustrates the importance of the three-fifths clause. Without that clause it is hard to imagine how the South could have successfully negotiated the Compromise, which brought Missouri into the Union as a slave state over the objection of most Northern members of the House. The 1820 Compromise set the stage for other compromises and other congressional acts strengthening slavery. In each one of these—Texas annexation, the Compromise of 1850, the Kansas-Nebraska Act—the congressional seats created by the three-fifths clause were essential for the South in gaining new slave states and new territories where slavery was allowed.

Slavery was not the only major sectional interest. Tariff policy and Indian policy were also essentially sectional, although they were tied at least indirectly to slavery. Because of slavery the South understood itself to be at an economic disadvantage in trade, commerce, and manufacturing. Hence, most Southerners reflexively opposed high tariffs, or even tariffs at all. This Southern understanding of commerce was articulated in the Constitutional Convention when Gen. Charles Cotesworth Pinckney of South Carolina declared that "it was the true interest of the S. States to have no regulation of commerce."⁶ In that speech Pinckney then declared that he would support allowing Congress to regulate commerce because the New England states had supported his demand for protection of the African slave trade. But, despite this support, the reality was that the South was wary of economic regulations that raised the price of imported goods. By the 1820s Northerners, as Peter Onuf explains, equated protectionist tariffs with patriotism, because they saw a direct connection between domestic production and what we would today call national security. As one proponent of high tariffs, Alexander Everett, noted, "The home market," which had to be protected by tariffs, was "the palladium of home itself in all its most endearing and ennobling political and social relations; without which we have no common country, but should be reduced to the condition of dismembered and defenceless provinces."⁷ There may have been a great deal of truth to this argument,

⁶Max Farrand, *The Records of the Federal Convention of 1787*, 2 vols. (New Haven, 1966), 2:449.

⁷[Alexander Everett], *Address of the Friends of Domestic Industry, Assembled in Convention, at New York, October 26, 1831, To the People of the United States* (Baltimore, 1831), p. 39.

but as a matter of economics such policies favored one section—the North—and disfavored the South. Thus, tariff policy continued to exacerbate internal stresses of the nation even as it may have made the nation economically, militarily, and diplomatically stronger.

Another great sectional tension concerned the status—and fate—of American Indians. By 1820 most Indians in the Northeast had died out, become assimilated, been forced west, or been isolated on reservations. The Indian was no longer a threat to most Americans in the Northeast or Mid-Atlantic. Illustrative of the Indian in the Northeast was James Fenimore Cooper's best-selling novel *The Last of the Mohicans*, published in 1826. The Indian was no longer a living threat; he was a quaint heroic figure of a novel, entertaining Americans as his people—the Mohicans—disappeared. In the Ohio valley, Indians had more recently been a threat, but the War of 1812 eliminated the Indians in Ohio and Indiana as a force. The rapid settlement of the lower Midwest in this period underscored the impotency of the native population.

In the South—Georgia, Tennessee, the new state of Alabama, and Mississippi—the situation was very different. In the aftermath of the War of 1812 and the Creek War, Gen. Andrew Jackson managed to persuade, coerce, and bribe most of the bands of the Creeks, Choctaws, and Chickasaws to move west into present-day Oklahoma.⁸ The First Seminole War did not defeat that tribe, but it did force most of the Seminoles to retreat into the swamps of Florida or to accept removal. But the Cherokees, based mostly in northern Georgia, were disinclined to give up their lands and their way of life. The most acculturated of the five civilized tribes, they avoided conflict with the United States.

The Georgia Cherokees were certainly no military threat to anyone, but they were a cultural threat to the people of Georgia, who coveted their land and desperately wanted to remove this large, free, and increasingly prosperous nonwhite population from their midst. The reality of nonwhites controlling their own destiny, profitably farming their own lands, and maintaining their own government posed an unacceptable challenge to the white supremacy that was the basis of Southern society. Removal was about land, but it was also about racial hierarchy and racial control. Georgia simply would not tolerate large numbers of free nonwhites living in the state. Many Northerners,

⁸See generally Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York, 2001).

however, vigorously opposed Indian removal. They were shocked at this apparently brutal land grab against a peaceful minority in an isolated part of the state. Thus, as Tim Garrison shows in his essay, the Indian removal, while taking place only in the South, was a variant of the growing sectional crisis.

Garrison begins his chapter with a long quotation from Congressman Wilson Lumpkin of Georgia, who denounced Northern opponents of removal as “intermeddlers and disturbers of the peace and harmony of society” who unfairly “depicted his constituents, the people of Georgia, as ‘Atheists, Deists, Infidels, and Sabbath-breakers, laboring under the curse of slavery.’” Lumpkin denounced this sectionalism but blamed it squarely on the “*cant and fanaticism*, emanating from the land of steady habits; from the boasted progeny of the Pilgrims and Puritans.”⁹

The papers in the first part of this volume illustrate the nature of sectionalism as it emerged in the 1820s. While we normally think of antebellum sectionalism as a fight over slavery, these essays show that slavery was not the only issue driving sectional rift. The only great debate over slavery in that decade was over the admission of Missouri into the Union. The other conflicts—over the tariff and Indian removal—were not essentially about slavery.

Other sectional debates in the period support this notion. Members of Virginia’s states’ rights elite, known as the “Richmond Junto,” were deeply hostile to the Supreme Court’s nationalist jurisprudence. The Virginians particularly despised their neighbor, Chief Justice John Marshall. Just after the War of 1812 Virginia’s highest court adamantly refused to accept that the U.S. Supreme Court could review its opinions. In *Fairfax’s Devisee v. Hunter’s Lessee*,¹⁰ the U.S. Supreme Court had ordered that certain lands once owned by Thomas, Lord Fairfax, be returned to his heirs. In 1815 the Virginia Court of Appeals refused to follow this decision, declaring instead that the U.S. Supreme Court lacked the power to review its cases. A year later Justice Joseph Story wrote one of the strongest nationalist opinions in Court history in *Martin v. Hunter’s Lessee*,¹¹ once again overruling Virginia’s highest court. Eventually Virginia partially accepted some of this outcome, and the parties themselves negotiated a settlement.

⁹Quoted in Garrison, chapter 4, note 1.

¹⁰*Fairfax’s Devisee v. Hunter’s Lessee*, 11 U.S. (7 Cranch) 603 (1813).

¹¹*Martin v. Hunter’s Lessee*, 14 U.S. (1 Wheat.) 304 (1816).

Virginia's states' rights advocates were equally appalled by Chief Justice Marshall's opinion in *McCulloch v. Maryland*,¹² which upheld the constitutionality of the Second Bank of the United States. Marshall found expansive powers for Congress in the "necessary and proper clause" of Article I of the Constitution. Judge Spencer Roane and John Taylor of Caroline,¹³ a former U.S. senator from Virginia, denounced Marshall, and Marshall defended himself in essays that he signed "A Friend of the Constitution." An aging Thomas Jefferson privately said that Chief Justice Marshall was like a miner, "constantly working underground to undermine the foundations of our confederated fabric." Similarly, James Madison complained that the decision would "convert a limited into an unlimited Government."¹⁴ Two years later Marshall further antagonized the Virginia sectionalists by reviewing the prosecution of two men for selling lottery tickets, in *Cohens v. Virginia*.¹⁵ Here the court affirmed the Virginia decision. But the very act of reviewing a Virginia state case infuriated Virginians. Once again Roane and Taylor attacked Marshall in print, while privately Jefferson called the court an "irresponsible body."

The responses to these cases, like the responses to the tariff and to those who opposed Indian removal, indicate the growing problem of sectionalism in the 1820s. These areas—tariff policy, Indians, court jurisdiction, or the Bank—do not on their face have anything to do with the great sectional issue—slavery. But, slavery was at the root of all of these. Southerners understood that a strong national government could, and ultimately would, threaten slavery, in part because they understood that the population of the North was growing far more rapidly than that of the South and that the North soon would be able to outvote the South in Congress and in presidential elections. Thus, a strong national government that could build banks, tax imports to protect domestic industries, review state court decisions, or extensively regulate commerce, could also threaten slavery. Thus in his book-length attack on the Marshall Court, *Construction Construed and Constitutions*

¹²*McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819).

¹³Taylor's name was so common that he always added a reference to his home county—"of Caroline"—so everyone could know which John Taylor was writing.

¹⁴Jefferson and Madison quoted in Melvin I. Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States*, 2d ed., 2 vols. (New York, 2002).

¹⁵*Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264 (1821).

Vindicated (1820), Virginia's John Taylor of Caroline argued that if Congress had the power to incorporate a bank, as Marshall claimed, then it would also have the power to free the slaves in the South. Sectionalism was about many things, but ultimately it would be about slavery.

Congress in the Age of Jackson

The controversial issues of the 1820s did not disappear in the next decade. Indeed, they reemerged and were fought over once again. The outcomes, however, were different as the politics changed. Thomas Jefferson called his election the "Revolution of 1800," but it was surely a minor revolution compared to the election of 1828. Jefferson and Adams may have had different political agendas, but both were from the elite of society and traveled in the same circles. They were equally cultured, well educated, and refined. By contrast, John Quincy Adams, the loser in 1828, and Andrew Jackson, the winner, had almost nothing in common. John Quincy, like his father, was a Harvard graduate and a worldly man. He was a sophisticated intellectual who had been to Europe, spoke foreign languages, and understood the intricacies of banking, taxation, and international law. John Quincy was the last of the patrician founders.

Andrew Jackson was a new kind of president—barely educated, uncouth, rough, poor from birth, and self-made. As William W. Freehling points out in this volume, Jackson was "the first president with a nickname," and he stood for "egalitarianism." He was our first commoner to be president. Although born in South Carolina, he was raised on the frontier, and when elected president he lived in Tennessee, making him the first president from west of the Appalachians. He had been a soldier, lawyer, and Indian fighter. Like Adams he had been a diplomat, but even here the differences were striking. Adams negotiated treaties and agreements with other diplomats and heads of state in European capitals, at state dinners, and in fancy drawing rooms and palaces. Jackson met with Indian chiefs at campgrounds or rough-hewn cabins to hammer out treaties using gifts, threats, his mercurial temper, and, when necessary, outright bribes, to force the Creek, Choctaw, Seminole, and Chickasaw to give up their lands. During the Monroe administration Jackson had pursued British agents into Spanish Florida, where he captured and summarily hanged them. He left it to the secretary of state—ironically,

his future rival, John Quincy Adams—to find a rule of international law that convinced the British not to use this as a pretext to once again go to war with the United States.

John Quincy Adams, refined and dignified, had been a lawyer, senator, and secretary of state before running for president. Although Jackson was also an attorney and had held public office, his real profession was as a soldier. He also made money as a land speculator and planter. Jackson had a long and distinguished career as a soldier and was the hero of the Battle of New Orleans. He was quick-tempered and capable of verbal and physical violence. Other presidents—Washington and Monroe—had seen violent death close-up during the Revolution. But only Jackson had killed a man with his own hands while fighting a duel, had personally presided over executions, or had led troops in battle and supervised the killing of the enemy at close range. Like all other presidents, except the Adamses, he was a Southern slave owner. But, unlike the other early slaveholding presidents, he had acquired his many slaves and his plantation through hard work and cunning, not through inheritance. Unlike all other slaveholding presidents, Jackson had no doubts about the propriety or good policy of bondage.¹⁶

Jackson was not only a common man from a common background but also the voice, the spirit, and the hero of ordinary Americans. Jackson's support came from small farmers all over the country, particularly from western settlers. His policies would in part reflect their needs and goals. As Jenny Wahl's chapter reminds us, Jackson's war on the Bank of the United States may indeed have led to disastrous economic consequence, but it was politically very popular.

In many ways Jackson was our first modern president. The essays in this section suggest the development of an independent presidency led by a charismatic leader disdainful of Congress and impatient with the cumbersome process of legislation. Jackson used the veto in a new way. Other presidents had vetoed legislation rarely and with care. Madison, for example, had

¹⁶Washington, a lifelong slave owner, refused to buy and sell slaves and freed his own slaves at his death; Madison refused to sell slaves throughout most of his life and did so only as an old man when he could no longer afford to maintain his many slaves on his small landholding. Jefferson sold slaves frequently, defended the necessity of slavery, and articulated the first "scientific" arguments that justified the enslavement of blacks on the grounds of racial inferiority. However, he also expressed his doubts about the safety and fundamental morality of slavery. See generally, Finkelman, *Slavery and the Founders*.

vetoed the first bill to create a Second Bank of the United States because he thought the bill did not accomplish what was needed. But in his Bank War Jackson's aggressive use of the veto was a frontal attack on Congress and the commercial interests in the nation that supported the Bank. As Daniel Feller shows, his Bank veto and his other vetoes, his subsequent removal of federal deposits, and his use of interim appointments to his cabinet, including Secretary of the Treasury Roger B. Taney, led to an ongoing war with the Senate. Jackson's actions illustrate a new kind of politics that prefigured, in some ways, the modern presidency. But, for his opponents, he was, perhaps with good reason, seen as "King Andrew." His use of interim appointments to avoid Senate confirmations he could not win rightly infuriated members of Congress, who saw Jackson as flouting the Constitution to further his narrow partisan agenda. He was haughty, imperious, and disdainful of the traditional relationship of the president to Congress. As a general he had never deferred to anyone (except perhaps the president), and he surely did not think he needed to defer to a Congress full of politicians who could never match his life experiences. But, however imperious, Jackson, unlike a king, had been overwhelmingly elected by the people. And he was one of them. He was truly a commoner, even if his opponents accused him of being King Andrew.

The causes of Jackson's turbulent relationship with Congress were complicated by personalities, egos, and politics. Jackson always blamed his loss in the 1824 presidential election on Henry Clay. Jackson had led in the popular and electoral votes but lacked a majority of the electoral votes. Thus the election was decided by the House of Representatives. Clay, who ran fourth and was thus not eligible to be considered by the House, used his influence in the House of Representatives to secure the presidency for Adams. As long as Clay remained a leader in the Senate, it was probably impossible for the quick-tempered and often angry Jackson to get along with that body. Similarly, at least in his first term, most of the leaders in the Congress probably underestimated Jackson's political skills and his fearless brinksmanship. A different president and a different Congress might have worked out a compromise over the Bank of the United States. Such a compromise might have led to an end to the Bank and even a withdrawal of federal deposits, but in a more orderly manner. Jackson, the general and Indian fighter, however, was not accustomed to compromise, and the leaders of Congress believed they could force the politically inexperienced Jackson to sign the bank bill

because on the eve of a presidential election he could not afford an economic catastrophe that would follow a veto. The leaders of Congress were of course wrong. Whether the Bank issue caused the Panic of 1837 or only exacerbated it, the Bank's demise, in the manner in which it took place, was surely a major fiasco for Americans, even if it enhanced Jackson's popularity with his constituents.

Despite historians' interest in the Bank, most modern Americans probably do not remember the Bank veto. Even fewer Americans recall Roger B. Taney's role in Jackson's administration and in the Bank crisis. Taney served as attorney general and drafted Jackson's veto message for the bank bill, earning him the enmity of many in the Congress. After the veto, Jackson ordered Secretary of the Treasury Louis McLane to remove all federal deposits from the Bank. McLane refused to do this, and Jackson replaced him with William Duane, who was fired when he too refused to remove the deposits. Jackson then turned to Taney, giving him a recess appointment to the Treasury. Taney dutifully began to remove federal money from the Bank, an act that led to economic chaos.

In 1834 the Senate, furious at the withdrawal of the deposits from the Bank, refused to confirm Taney as secretary of the Treasury, and Taney returned to his private law practice. In early 1835 Jackson nominated Taney for the Supreme Court, but the Senate once again refused to confirm him to office. Jackson, never one to run from a fight, nominated Taney as chief justice in December of that year, and a few months later the Senate finally confirmed him. If Jackson had had better relations with Congress, the Senate might have confirmed Taney to the Treasury, and that is where he would perhaps have remained when the Supreme Court positions opened up. Had the Senate confirmed Taney to the Court in the first round, he would probably not have been elevated to chief justice the next year. Thus, Jackson's ongoing war with Congress helped lead to Taney's becoming chief justice. This book goes to press at the 150th anniversary of Taney's decision in *Dred Scott v. Sandford* (1857). As we remember that almost universally condemned decision, it is worth recalling that one of the costs of Jacksonian Democracy, and perhaps a by-product of Jackson's stormy relationship with Congress, was Chief Justice Taney.¹⁷

¹⁷For a discussion of the general condemnation of that case, see Paul Finkelman, *Dred Scott v. Sandford: A Brief History with Documents* (Boston, 1995).

Debates over slavery, sectionalism, and states' rights did not end with the Missouri Compromise. In the 1820s a number of small events set the stage for the great debates over slavery in the next three decades. In the early part of the decade South Carolina began to arrest free black sailors whose ships entered the state. In *Elkison v. Deliesseline*,¹⁸ U.S. Supreme Court Justice William Johnson condemned this practice but was unable to stop it. South Carolina put the nation on notice that it would not respect the Constitution, the Supreme Court, or Congress if the state's leaders felt that slavery or the state's racial order might be undermined by any policy, law, or constitutional provision. In 1829 Southerners were deeply shaken by the appearance of David Walker's *Appeal to the Colored Citizens of the World*, in which this almost unknown black activist urged slaves to revolt against their masters. Two years later the modern abolitionist movement began, with the publication of William Lloyd Garrison's *Liberator*. Southerners were further shaken by Nat Turner's Rebellion that summer, which led to the death of more than a hundred blacks and whites in rural Virginia. On the heels of these events came the nullification crisis.

Nullification was ostensibly about tariffs. In reality, as William W. Freehling taught us some forty years ago,¹⁹ and as he and Michael Les Benedict remind us in this volume, nullification was rooted in slavery, fears of abolition, and a declining slave-based economy in South Carolina. Jackson's response to nullification was his shining moment. As Freehling notes, "Jackson's anti-nullification performance featured all the elements that define presidential greatness (and were missing in his banking performance): a major crisis, fully solved; superb tactics, perfectly designed to achieve pristine goals; a disinterested initiative, risking trouble for his class and party; and a long-term impact, bolstering the best of his civilization." Here Jackson suppressed a direct assault on the nation and the Constitution, and as Michael Les Benedict shows, he helped redefine the meaning of federalism. Jackson's success was of course not complete. Nullification and secessionist tendencies would not disappear. Ironically, Jackson's own chief justice would have a hand in unleashing nullification forces with his opinion in *Dred Scott v. Sandford*, which in effect "nullified" the Missouri Compromise. The crisis of the 1850s was about more than just *Dred Scott*, and it would be wrong to blame it all on Taney. However, Taney's decision certainly set the stage for Lincoln's victory in 1860,

¹⁸*Elkison v. Deliesseline*, 8 F. Cas. 493 (C.C.D.S.C. 1823) (No. 4,366).

¹⁹William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1836* (New York, 1966).

which in turn led to secession. The further irony is that in his early career Lincoln was a Whig and a fervent supporter of Henry Clay. When he faced the secessionists, however, Lincoln found his model in Jackson, whose face he immediately put on a postage stamp, elevating Jackson to the iconic level of Washington, Jefferson, and Benjamin Franklin.²⁰

If Jackson is most praised for his actions in the nullification crisis, he is surely most condemned for his Indian policy. Yet, as Tim Garrison points out, Jackson's Indian policy is profoundly complex. Had he been the genocidal Indian hater his fiercest critics claim he was, it is doubtful there would be large number of Indians in Oklahoma today living on tribal lands with a good deal of autonomy, operating businesses, and serving in public office, including the U.S. Congress. Jackson was, if nothing else, an efficient and ruthless military commander capable of obliterating all of the Indians he fought. But, as it turns out, Jackson was not the prototype of the late-nineteenth-century cavalry that massacred women and children at Sand Creek and Wounded Knee. He was something else. He was surely a white supremacist who owned slaves and removed Indians from the Southeast. But he was also a paternalist, operating under a code of honor that led him to ally with Indians, to adopt an Indian orphan whom he raised as his only son, and to work hard to make sure the Indians had a place to live away from white society. While modern critics might accuse him of ethnic cleansing, his was not the cleansing of the Bosnian killing fields. He removed Indians to Oklahoma, not Auschwitz.

Jackson surely wanted the Indians out of the Southeast. He believed they were a military threat to the nation. During the War of 1812 a number of Indians had sided with the British. Moreover, in the Southeast, Jackson had to fight two wars, one against the British and the other against the Creek. His experience in the Creek War convinced him that the Indians might ally with Britain if another war with the mother country took place.²¹ And he believed their fertile land would be best farmed by whites. He also believed that if Indians stayed in the East they would be either decimated physically

²⁰Before the Civil War all postage stamps had borne the images of Franklin, Washington, and Jefferson. When the Civil War began, the U.S. Post Office demonetized all existing stamps because so many were in Confederate hands. The Lincoln administration issued a new set of stamps that included one with Jackson for sending mail within the same city, a common use of the post office at the time. The message was clear: Jackson had stood up to the nullifiers, and Lincoln was standing up to the secessionists.

²¹Similarly, while the Lincoln administration was occupied with fighting the Confederacy, the president also had to send troops to suppress Indians in Minnesota.

or culturally absorbed so that they would cease to be Indians. His paternalistic admiration for Indian culture led him to want a third alternative: Indians safely removed from the East, where they could neither help an invading British army nor be harmed by white Southerners who wanted their land.

The more interesting question, perhaps, is what would have happened if Jackson had supported the Cherokee treaties and met Georgia's challenge. Could he have mustered the political and military power to protect the Cherokee in Georgia? It seems unlikely he could have done so. Jackson was able to defeat South Carolina's nullification because the nullifiers had no support outside the Palmetto State, and because Jackson had support from Georgia and Tennessee. That support was tied to the promise of removal. But, a reverse strategy would probably not have worked. Had Jackson stood up to Georgia, it is likely that South Carolina and other Southern states would have come to Georgia's defense, in part on states' rights grounds, but also because they wanted Indian removal as well.

It is unlikely that Jackson anticipated the rough and brutal Trail of Tears that implemented the final removal. As Tim Garrison reminds us (and as so many historians forget), he was not president when the removal actually took place. His successor, Martin Van Buren, was president during the removal, and Van Buren understood little about Indians or the way the army operated. This is just one more irony of Jackson and his era. If we take him at his word, as Garrison points out, Jackson thought removal would protect and save Indians from cultural annihilation or physical destruction at the hand of Southern whites who were hungry for land and unconcerned about the rights of nonwhites. In the end, however, Jackson failed to put in place any conditions that might have prevented the horrible suffering and death of the Trail of Tears. That, too, is part of his legacy.

The essays in this book explore the emerging sectionalism of the 1820s and the political issues of the Jacksonian era. The authors revisit, in important new ways, the role of the three-fifths clause in the Constitution, the politics of the Missouri Compromise, the nature of the tariff debates, Jackson's legacy on the Bank, nullification, and Indian removal. Together, these essays help us better understand the relationship between Congress, the executive branch, and the states from the end of the War of 1812 through the Age of Jackson. It was an era of complexity, confusion, and great national growth. It set the stage for territorial expansion in the next decade and a final crisis of the Union in the 1850s and 1860s.