The "Spoils System"

The term "spoils system" was used by Jackson's opponents to describe Jackson's policy of removing political opponents from federal offices and replacing them with party loyalists. Jackson's predecessors had removed federal officeholders on a limited scale, but not nearly as extensively as did President Jackson starting in 1829. To Jackson (and all presidents that followed him), partisan loyalty was a more important job-qualification than competence or merit. A merit-based civil service system would not be implemented by the federal government until the 1880s.

From *Andrew Jackson: Good, Evil, & the Presidency* located at: http://www.pbs.org/kcet/andrewjackson/glossary/#spoilssystem
Rotation in Office and The Spoils System

Jackson entered the White House with an uncertain policy agenda beyond a vague craving for "reform" and a determination to settle relationships between the states and the Indian tribes within their borders. On these two matters he moved quickly and decisively.

During the campaign, Jackson had charged the Adams bureaucracy [government administration] with fraud and with working against his election. As President, he initiated sweeping removals among high-ranking government officials -- Washington bureau chiefs, land and customs officers, and federal marshals and attorneys. Jackson claimed to be purging [ridding] the corruption, laxity, and arrogance that came with long tenure, and restoring the opportunity for government service to the citizenry at large through "rotation in office." But haste and gullibility did much to confuse his purpose. Under the guise of reform, many offices were doled out as rewards for political services. Newspaper editors who had championed Jackson's cause, some of them very unsavory characters, came in for special favor. His most appalling appointee was an old army comrade and political sycophant [person who wins favor by flattering influential people] named Samuel Swartwout. Against all advice, Jackson made him collector of the New York City customhouse, where the government collected nearly half its annual revenue. In 1838, Swartwout absconded [took off] with more than $1 million, a staggering sum for that day.

Jackson denied that political criteria motivated his appointments, claiming honesty and efficiency as his only goals. Yet he accepted an officeholder’s support for Adams as evidence of unfitness, and in choosing replacements he relied exclusively on recommendations from his own partisans. A Jackson senator from New York, William L. Marcy, defended Jackson’s removals by proclaiming frankly in 1832 that in politics as in war, “to the victor belong the spoils of the enemy.” Jackson was never so candid – or so cynical. Creating the “spoils system” of partisan manipulation of the patronage was not his conscious intention. Still, it was his doing.

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Location: Miller Center of Public Affairs at the University of Virginia, *The American President: An Online Reference Resource.* “Domestic Affairs,” located at http://millercenter.org/academic/americanpresident/jackson/essays/biography/4
First Annual Message to Congress (December 8, 1829)
Andrew Jackson

….While members of Congress can be constitutionally appointed to offices of trust and profit it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank the best talents and political experience should, perhaps, except these from the exclusion.

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…. 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. …

…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…

….In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long retain the sanction of a people whose active patriotism is not bounded by sectional limits nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendancy, the North, the South, the East, and the West should unite in diminishing any burden of which either may justly complain.

Location: Miller Center of Public Affairs at the University of Virginia, The American President: An Online Reference Resource, “First Annual Message to Congress (December 8, 1829),” located at http://millercenter.org/scripps/archive/speeches/detail/3632

Baltimore, June 13th, 1829.
Sir—Your note of the 22d April, addressed to me through you 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;” ... you insinuate a cause; you hint at a binding rule, and lament that my husband is within its operation. ... I ask you...Why should the President of a free country be governed by secret rules? ... 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, ... 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?... Supposing you serious when you say you are controlled by a rule, ... there remains, however, but one motive which could possibly have governed you—“punishment of your political opponents, and rewards for your friends, ... 

... 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? ... 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? ...

... 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 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! ... 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. ... 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. ... 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 I made... my husband returned to the bosom of his family. ... The president was not the monster he had been represented. ... 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, 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 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. ... 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.
Curtis, Pa.
SUMMARY: A satire on Andrew Jackson's campaign to destroy the Bank of the United States and its support among state banks. Jackson, Martin Van Buren, and Jack Downing struggle against a snake with heads representing the states. Jackson (on the left) raises a cane marked "Veto" and says, "Biddle thou Monster Avaunt!! avaount I say! or by the Great Eternal I'll cleave thee to the earth, aye thee and thy four and twenty satellites. Matty if thou art true...come on. if thou art false, may the venomous monster turn his dire fang upon thee..." Van Buren: "Well done General, Major Jack Downing, Adams, Clay, well done all. I dislike dissensions beyond every thing, for it often compels a man to play a double part, were it only for his own safety. Policy, policy is my motto, but intrigues I cannot countenance." Downing (dropping his axe): "Now now you nasty varmint, be you imperishable? I swan Gineral that are beats all I reckon, that's the horrible wiper wot wommits wenemous heads I guess..." The largest of the heads is president of the Bank Nicholas Biddle's, which wears a top hat labeled "Penn" (i.e. Pennsylvania) and "$35,000,000." This refers to the rechartering of the Bank by the Pennsylvania legislature in defiance of the adminstration's efforts to destroy it.

SUMMARY: A caricature of Andrew Jackson as a despotic monarch, probably issued during the Fall of 1833 in response to the President’s September order to remove federal deposits from the Bank of the United States. The print is dated a year earlier by Weitenkampf and related to Jackson’s controversial veto of Congress’s bill to recharter the Bank in July 1832. However, the charge, implicit in the print, of Jackson’s exceeding the President’s constitutional power, however, was most widely advanced in connection not with the veto but with the 1833 removal order, on which the President was strongly criticized for acting without congressional approval. Jackson, in regal costume, stands before a throne in a frontal pose reminiscent of a playing-card king. He holds a "veto" in his left hand and a scepter in his right. The Federal Constitution and the arms of Pennsylvania (the United States Bank was located in Philadelphia) lie in tatters under his feet. A book "Judiciary of the United States" lies nearby. Around the border of the print are the words "Of Veto Memory", "Born to Command" and "Had I Been Consulted."

Bank War

Andrew Jackson believed that the Second Bank of the United States was unconstitutional and that it posed a serious threat to the American economy and its democratic political institutions. Though its charter was not set to expire until 1836, BUS (Bank of the United States) president Nicholas Biddle requested and received a congressional recharter in 1832. Jackson decided to veto the bill. Jackson escalated this so-called "Bank War" in 1833 when he removed federal government funds that were on deposit with the BUS and distributed them to loyal state banks.

From *Andrew Jackson: Good, Evil, & the Presidency* located at:  
http://www.pbs.org/kcet/andrewjackson/glossary/#bankwar
Andrew Jackson’s Farewell Address (March 4, 1837)

… In reviewing the conflicts which have taken place between different interests in the United States and the policy pursued since the adoption of our present form of Government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. … But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency and substituted one of paper in its place…

… The paper system being founded on public confidence and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain or by the influence of those who hope to profit by it to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. … It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. … Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions, and that those who desire to engross all power in the hands of the few and to govern by corruption or force are aware of its power and prepared to employ it. … But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government to the present hour. … It asserted (and it undoubtedly possessed) the power to make money plenty or scarce at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. …

… The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States… It is one of the serious evils of our present system of banking that it enables one class of society… to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force.

… The paper-money system and its natural associations--monopoly and exclusive privileges--have already struck their roots too deep in the soil, and it will require all your efforts to check its further growth and to eradicate the evil. … In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed …

… It is one of the serious evils of our present system of banking that it enables one class of society--and that by no means a numerous one--by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force. … Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country--men who love liberty and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. …

Location: Miller Center of Public Affairs at the University of Virginia, The American President: An Online Reference Resource, “Farewell Address (March 4, 1837),” located at http://millercenter.org/scripps/archive/speeches/detail/3644
Andrew Jackson’s Fifth Annual Message to Congress  
(December 3, 1833)

…Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken on the subject, and some months before the removal I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. …

…It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its and such an exertion of its power. … It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means. …

…I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress as worthy of their serious investigation, declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. …

…Coming as you do, for the most part, immediately from the people and the States by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

Location: Miller Center of Public Affairs at the University of Virginia, The American President: An Online Reference Resource. “Fifth Annual Message to Congress (December 3, 1833),” located at http://millercenter.org/scripps/archive/speeches/detail/3640
Andrew Jackson’s Seventh Annual Address to Congress
(December 7, 1835)

… It is also incumbent on Congress in guarding the pecuniary interests of the country to
discontinue by such a law as was passed in 1812 the receipt of the bills of the Bank of the United
States in payment of the public revenue, and to provide for the designation of an agent whose
duty it shall be to take charge of the books and stock of the United States in that institution, and
to close all connection with it after the 3d of March, 1836 1836-
03-03, when its charter expires.

… The great [problem] in modern times is an efficient check upon the power of banks,
preventing that excessive issue of paper whence arise those fluctuations in the standard of value
which render uncertain the rewards of labor. …

… We have felt but one class of these dangers exhibited in the contest waged by the Bank of the
United States against the Government for the last four years. Happily they have been obviated
for the present by the indignant resistance of the people, but we should recollect that the
principle whence they sprung is an ever-active one, which will not fail to renew its efforts in the
same and in other forms so long as there is a hope of success, founded either on the inattention of
the people or the treachery of their representatives to the subtle progress of its influence. …

… By the use of the State banks, which do not derive their charters from the General
Government and are not controlled by its authority, it is ascertained that the moneys of the
United States can be collected and disbursed without loss or inconvenience, and that all the
wants of the community in relation to exchange and currency are supplied as well as they have
ever been before, … Severed from the Government as political engines, and not susceptible of
dangerous extension and combination, the State banks will not be tempted, nor will they have the
power, which we have seen exercised, to divert the public funds from the legitimate purposes of
the Government. The collection and custody of the revenue, being, on the contrary, a source of
credit to them, will increase the security which the States provide for a faithful execution of their
trusts by multiplying the scrutinies to which their operations and accounts will be subjected. …

… No one can be more deeply impressed than I am with the soundness of the doctrine which
restrains and limits, by specific provisions, executive discretion, as far as it can be done
consistently with the preservation of its constitutional character. … In such a Government,
possessing only limited and specific powers, the spirit of its general administration can not be
wise or just when it opposes the reference of all doubtful points to the great source of authority,
the States and the people, whose number and diversified relations securing them against the
influences and excitements which may mis-lead their agents, make them the safest depository of
power. In its application to the Executive, with reference to the legislative branch of the
Government, the same rule of action should make the President ever anxious to avoid the
exercise of any discretionary authority which can be regulated by Congress.

Location: Miller Center of Public Affairs at the University of Virginia, The American President:
An Online Reference Resource, “Seventh Annual Address to Congress (December 7, 1835),”
located at http://millercenter.org/scripps/archive/speeches/detail/3642
"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.

...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.... 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. ... 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 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.

Modified from Social Studies School Service located at http://www.socialstudies.com/c/@0/Pages/article.html?article@jacksonbank
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...

From Social Studies School Service located at http://www.socialstudies.com/c/@0/Pages/article.html?article@mcculloch
Document 2: The Reply of Senator Daniel Webster, July 11, 1832

[1] Before proceeding to the constitutional question, there are some other topics, treated in the message, which ought to be noticed.

[2] ... Congress passed the bill, not as a bounty or a favor to the present stockholders, not to comply with any demand of right on their part, but to promote great public interest, for great public objects. Every bank must have some stockholders, ... If a bank charter is not to be granted because it may be profitable, either in a small or great degree, to the stockholders, no charter can be granted. The objection lies against all banks.

[3] ... From the commencement of the Government it has been thought desirable to invite, rather than to repel, the introduction of foreign capital. ... The foreign stockholder cannot be a director. He has no voice even in the choice of directors. ... So far as there is dependence, or influence, either way, it is to the disadvantage of the foreign stockholder.

[4] ... But if the President thinks lightly of the authority of Congress, in construing the constitution, he thinks still more lightly of the authority of the Supreme Court. He asserts a right of individual judgment on constitutional questions, which is totally inconsistent with any proper administration of the Government, or any regular execution of the laws.

[5] Hitherto it has been thought that the final decision of constitutional questions belonged to the supreme judicial tribunal. The very nature of free Government, it has been supposed, enjoins this: and our constitution, moreover, has been understood so to provide, clearly and expressly.

[6] ... When a law has been passed by Congress, and approved by the President, it is now no longer in the power, either of the same President or his successors, to say whether the law is constitutional or not. ... After a law has passed through all the requisite forms; after it has received the requisite legislative sanction and the Executive approval, the question of its constitutionality then becomes a judicial question. ... In the courts, that question may be raised, argued, and adjudged; it can be adjudged nowhere else.

[7] It is to be remembered, sir, that it is the present law, it is the Act of 1816, it is the present charter of the bank, which the President pronounces to be unconstitutional. It is no bank to be created, it is no law proposed to be passed; which he denounces; it is the law now existing, passed by Congress, approved by President Madison, and sanctioned by a solemn judgment of the Supreme Court which he now declares unconstitutional, and which, of course, so far as it may depend on him, cannot be executed.

[8] If these opinions of the President be maintained, there is an end of all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally destitute of binding force. Such a universal power as is now claimed for him, a power of judging over the laws, and over the decisions of the tribunal, is nothing else but pure despotism. If conceded to him, it makes him, at once, what Louis the Fourteenth proclaimed himself to be, when he said, "I am the State."

[9] ... If that which Congress has enacted be not the law of the land, then the reign of law has ceased, and the reign of individual opinion has already begun.

From: Register of Debates in Congress, 22nd Cong., 1st sess., 1221-1240.
## ANDREW JACKSON: Good or Evil?

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