

## Jackson and Federal Power

Learning Objective 4.H: Explain the causes and effects of continuing policy debates about the role of the federal government from 1800 to 1848.

### New Political Parties

KC-4.1.1.C: By the 1820s and 1830s, new political parties arose—the Democrats, led by Andrew Jackson, and the Whigs, led by Henry Clay—that disagreed about the role and powers of the federal government and issues such as the national bank, tariffs, and federally funded internal improvements.

- Democrats vs. Whigs
  - Democrats rose out of the D-R party after 1824 election
  - Whigs out of opposition to Jackson
    - Henry Clay & \_\_\_\_\_
    - Nationalists D-R faction
- Powers of the Federal Government
  - Jackson \_\_\_\_\_ more bills than previous presidents
  - Left abolition to the states - intervened in Abolitionist mail
- \_\_\_\_\_
  - Jackson had always opposed the bank
  - Clay makes it election issue in 1832 with recharter bill, Jackson vetoes
  - Jackson re-elected, transfers federal deposits to “\_\_\_\_\_”
  - Bank War and \_\_\_\_\_ policy led to \_\_\_\_\_
- Tariffs
  - Meant to protect domestic industries
  - \_\_\_\_\_ challenged by SC in \_\_\_\_\_
    - Congress passes Force Bill, Jackson readies troops
- Internal Improvements
  - Jackson would not fund projects located in only one state - \_\_\_\_\_
  - Whigs favored spending federal money on improvements

### Expansion and American Indians

KC-4.3.1.B: Frontier settlers tended to champion expansion efforts, while American Indian resistance led to a sequence of wars and federal efforts to control and relocate American Indian populations.

- White settlers expansion
  - Movement from East to West to reach Mississippi - trans-Mississippi to come later

- American Indian Resistance
  - Attempts at Confederacy by \_\_\_\_\_ Tenskwatawa - ends during War of 1812
  - \_\_\_\_\_ (1832) - States cannot make laws that affect Natives
  - \_\_\_\_\_ (1830) to exchange Western land for Indian Ancestral lands, not all take deal
  - Removal 1831 and 1842 affected Choctaw, Creek, \_\_\_\_\_, Chickasaw, Seminoles - 60,000 moved, ~15,000 die (\_\_\_\_\_)

**Recap**

- Voting rights expanded for adult white men nationwide, more people participate in politics
- New Two-Party System between Whigs and Democrats
- Jackson's presidency included issues over tariffs, the Bank of the U.S. and Indian Removal
- The Trail of Tears was due to coerced removal of Southeastern tribes

**Part II**

Short Answer Questions

Answer the following in AT LEAST three sentences.

1. Explain the causes of continuing policy debates about the role of the federal government from 1800 to 1848.

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2. Explain the effects of continuing policy debates about the role of the federal government from 1800 to 1848.

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### Davy Crockett on the removal of the Cherokees, 1834

Retrieved from: <http://ap.gilderlehrman.org/resource/davy-crockett-removal-cherokees-1834?period=4>

David Crockett to Charles Schultz, December 25, 1834 (Gilder Lehrman Collection)



#### Excerpt

I have almost given up the Ship as lost. I have gone So far as to declare that if he martin vanburen is elected that I will leave the united States for I never will live under his kingdom. before I will Submit to his Government I will go to the wildes of Texas. I will consider that government a Paridice to what this will be. In fact at this time our Republican Government has dwindled almost into insignificancy our [boasted] land of liberty have almost Bowed to the yoke of Bondage. Our happy days of Republican principles are near at an end when a few is to transfer the many.

1. Provide an Attribution to this document.
2. Use the document to support the thesis: "The role and size of the federal government expanded greatly during the period of 1800-1848 as it navigated American Indian relations"
3. Provide 2 sentences of analysis from one category of HAPP for this document.
4. Give an A-C-E response on a piece of outside evidence that is relevant to the document and topic of the thesis.

### Andrew Jackson to the Cherokee Tribe, 1835

Retrieved from: <http://ap.gilderlehrman.org/resource/andrew-jackson-chokeee-tribe-1835?period=4>

Andrew Jackson, "To the Cherokee Tribe of Indians East of the Mississippi" [circular], March 16, 1835 (Gilder Lehrman Collection)



I have no motive, my friends, to deceive you. I am sincerely desirous to promote your welfare. Listen to me, therefore, while I tell you that you cannot remain where you now are. Circumstances that cannot be controlled, and which are beyond the reach of human laws, render it impossible that you can flourish in the midst of a civilized community. You have but one remedy within your reach. And that is, to remove to the West and join your countrymen, who are already established there. And the sooner you do this, the sooner you will commence your career of improvement and prosperity. . . .

As certain as the sun shines to guide you in your path, so certain is it that you cannot drive back the laws of Georgia from among you. Every year will increase your difficulties. Look at the condition of the Creeks. See the collisions which are taking place with them. See how their young men are committing depredations upon the property of our citizens, and are shedding their blood. This cannot and will not be allowed. Punishment will follow, and all who are engaged in these offences must suffer.

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### Cherokee Women's Petition, 1831

Retrieved from: <https://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/Vol4/no18/cherokee-phoenix-page-2-column-1b-5b.html>

To the Committee and Council.

We the females, residing in Saleqouyee and Pine Log, believing that the present difficulties and embarrassments under which this nation is placed demands a full expression of the mind of every individual, on the subject of emigrating to Arkansas, would take upon ourselves to address you. Although it is not common for our sex to take part in public measures, we nevertheless feel justified in expressing our sentiments on any subject where our interest is as much at stake as any other part of the community.

We believe the present plan of the General Government to effect our removal west of the Mississippi, and thus obtain our lands for the use of the State of Georgia, to be highly oppressive, cruel and unjust. And we sincerely hope that is no consideration which can induce our citizens to forsake the land of our fathers of which they have been in possession from time immemorial, and thus compel us, against our will, to undergo the toils and difficulties of removing with our helpless families hundreds of miles to unhealthy and unproductive country. We hope therefore the Committee and Council will take into deep consideration our deplorable situation, and do everything in their power to avert such a state of things. And we trust by a prudent course their transactions with the General Government will enlist in our behalf the sympathies of the good people of the United States.

October 17th

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### Cherokee Petition Protesting Removal, 1836

Retrieved from: <http://www.americanyawp.com/reader/manifest-destiny/cherokee-petition-protesting-removal-1836/>

The undersigned representatives of the Cherokee nation, east of the river Mississippi, impelled by duty, would respectfully submit, for the consideration of your honorable body, the following statement of facts: It will be seen from the numerous subsisting treaties between the Cherokee nation and the United States, that from the earliest existence of this government, the United States, in Congress assembled, received the Cherokees and their nation in to favor and protection; and that the chiefs and warriors, for themselves and all parts of the Cherokee nation to be under the protection of the United States of America, and of no other sovereign whatsoever: they also stipulated, that the said Cherokee nation will not hold any treaty with any foreign power, individual State, or with individuals of any State; that for, and in consideration of, valuable concessions made by the Cherokee nation, the United States solemnly guaranteed to said nations all their lands not ceded, and pledged the faith of the government, that "all white people who have intruded, or may hereafter intrude, on the lands reserved for the Cherokees, shall be removed by the United States, and proceeded against, according to the provisions of the act, passed 30th March, 1802," entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." The Cherokees were happy and prosperous under a scrupulous observance of treaty stipulations by the government of the United States, and from the fostering hand extended over them, they made rapid advances in civilization, morals, and in the arts and sciences. Little did they anticipate, that when taught to think and feel as the American citizen, and to have with him a common interest, they were to be despoiled by their guardian, to become strangers and wanderers in the land of their fathers, forced to return to the savage life, and to seek a new home in the wilds of the far west, and that without their consent. An instrument purporting to be a treaty with the Cherokee people, has recently been made public by the President of the United States, that will have such an operation if carried into effect. This instrument, the delegation aver before the civilized world, and in the presence of Almighty God, is fraudulent, false upon its face, made by unauthorized individuals, without the sanction, and against the wishes of the great body of the Cherokee people. Upwards of fifteen thousand of those people have protested against it, solemnly declaring they will never acquiesce. The delegation would respectfully call the attention of your honorable body to their memorial and protest, with the accompanying documents, submitted to the Senate of the United States, on the subject of the alleged treaty, which are herewith transmitted....

House Documents, Otherwise Publ. as Executive Documents: 13th Congress, 2d Session-49th Congress, 1st Session. United States congressional serial set. Doc. No. 286, pp. 1-5.

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### **Tecumseh Calls for Pan-Indian Resistance, 1810**

Retrieved from: <https://www.americanyawp.com/reader/the-early-republic/tecumseh-letter-to-william-henry-harrison-1810/>

It is true I am a Shawnee. My forefathers were warriors. Their son is a warrior. From them I take only my existence; from my tribe I take nothing. I am the maker of my own fortune; and oh! that I could make of my own fortune; and oh! that I could make that of my red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the universe. I would not then come to Governor Harrison to ask him to tear the treaty and to obliterate the landmark; but I would say to him: "Sir, you have liberty to return to your own country."

The being within, communing with past ages, tells me that once, nor until lately, there was no white man on this continent; that it then all belonged to red men, children of the same parents, placed on it by the Great Spirit that made them, to keep it, to traverse it, to enjoy its productions, and to fill it with the same race, once a happy race, since made miserable by the white people, who are never contented but always encroaching. The way, and the only way, to check and to stop this evil, is for all the red men to unite in claiming a common and equal right in the land, as it was at first, and should be yet; for it never was divided, but belongs to all for the use of each. For no part has a right to sell, even to each other, much less to strangers — hose who want all, and will not do with less.

The white people have no right to take the land from the Indians, because they had it first; it is theirs. They may sell, but all must join. Any sale not made by all is not valid. The late sale is bad. It was made by a part only. Part do not know how to sell. All red men have equal rights to the unoccupied land. The right of occupancy is as good in one place as in another. There can not be two occupations in the same place. The first excludes all others. It is not so in hunting or traveling; for there the same ground will serve many, as they may follow each other all day; but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins which he has thrown upon the ground; and till he leaves it no other has a right.

Samuel G. Drake, *The Book of the Indians; or, the Biography and History of the Indians of North America, from its first discovery to the year 1841* (Boston: 1836), 121-122.

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### Secondary Source Document Analysis

Read the essay and fill in the chart below. Identify one claim for each subsection of the essay and provide a piece of evidence that corresponds to the claim.

Title:	
Author:	
Historical Period and Topic:	
Thesis:	
Claims	Evidence
Identify an alternative viewpoint to the author's thesis.	
Does the author address this viewpoint by refuting or conceding to it?	



### Andrew Jackson and the Constitution

In 1860, biographer James Parton concluded that Andrew Jackson was “a most law-defying, law obeying citizen.” Such a statement is obviously contradictory. Yet it accurately captures the essence of the famous, or infamous, Jackson. Without question, the seventh president was a man of contradictions. To this day, historians have been unable to arrive at accepted conclusions about his character or impact on the nation. Was he, as Robert Remini has argued across the pages of more than a dozen books, the great leader and symbol of a burgeoning mass democracy? Or was Jackson merely a vainglorious bully with no vision for the nation, reacting in response to his own sensitive pride, as Andrew Burstein and others have insisted?

There is much that one can look at in Jackson’s life when attempting to arrive at conclusions. In particular, his relationship with the law and Constitution offer a significant window into his worldview. Whether it was illegally declaring martial law in New Orleans, invading Spanish Florida and executing British citizens, removing federal deposits from the Bank of the United States, or questioning the Supreme Court’s authority in *Worcester v. Georgia*, Jackson acted in a manner that was at times distinctly illegal yet widely hailed by supporters as being in the nation’s best interest. And before we conclude that this support was partisan banter bestowed by his own Democratic Party, we must remember that historians and legal scholars to this day have wrestled with the larger ideological and constitutional meaning of Jackson’s beliefs and actions. One thing is certain: Jackson had no qualms about overstepping the law, even the Constitution, when he believed that the very survival of the nation required it. Moreover, this perspective remains at the heart of debate in a post-9/11 America. The essential question stands—can a leader violate the law in order to ultimately save it and the nation?

Andrew Jackson’s fame came with the Battle of New Orleans in 1814 and 1815, where he demolished a seasoned British army with virtually no loss to his troops. The victory launched the general to national stardom and ultimately the presidency. Yet there were looming, constitutionally delicate issues that roiled beneath the surface of this victory, namely Jackson’s suspension of the writ of habeas corpus and declaration of martial law. The first was authorized by the Constitution, but the Supreme Court had determined that only Congress could suspend the privilege of the writ, which allowed a judge to “bring a body” before the court thus making it impossible for an arresting authority (the police or military) to hold a person indefinitely without filing charges. Jackson suspended the writ anyway, and went even further by imposing martial law, which canceled all civilian authority and placed the military in control. The act was wholly illegal. There existed no provision in the Constitution authorizing such an edict. The rub was that martial law saved New Orleans and the victory itself saved the nation’s pride. After several years of dismal military encounters during the War of 1812 and the burning of the nation’s capitol to the ground in the summer of 1814, no one, especially President Madison, was in the mood to investigate, let alone chastise, the victorious General Jackson’s illegal conduct. Thus Jackson walked away from the event with two abiding convictions: one, that victory and the nationalism generated by it protected his actions, even if illegal; and two, that he could do what he wanted if he deemed it in the nation’s best interest.

Jackson’s convictions came into play only three years later in 1818, when the indomitable general exceeded his orders to protect the Georgia frontier by crossing into Spanish Florida, where he invaded two towns and executed two British citizens for making war on the United States. Once again, Jackson’s actions were questionable, if not outright illegal. He essentially made war on Spain without congressional approval, overstepped his own boundaries as a commander, and summarily executed two men, which could very well have incited legal and military difficulties with Great Britain and Spain. However, Jackson’s conduct was once again seen by many, including himself, as a necessary defense of the nation. The Spanish had done nothing to stop the marauding Seminole Indians from crossing the border and attacking American farms. The general’s actions were therefore justified as national self-defense by Secretary of State John Quincy Adams, the sole member of President Monroe’s cabinet to support Jackson. Adams used the turmoil over the incident to convince Spain that they should sell Florida for a measly \$5 million.

Unlike Jackson’s use of martial law in New Orleans, Congress debated Jackson’s rogue behavior in Florida, with Henry Clay announcing that the

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general was a “military chieftain” and dangerous to a young republic. Although legislators wrangled over the matter, nothing significant resulted except that Jackson became a more and more polarizing figure, particularly because of his political aspirations. When he ran for president in 1824, critics unleashed a torrent of abuse, much of it focused on his lawless ways. Jackson was forced to respond, and commented specifically on his violations of the Constitution. He noted that some in the nation believed him to be “a most dangerous and terrible man. . . . and that I can break, & trample under foot the constitution of the country, with as much unconcern & careless indifference, as would one of our backwoods hunters, if suddenly placed in Great Britain, break game laws.” He continued, “it has been my lot often to be placed in situations of a critical kind” that “imposed on me the necessity of Violating, or rather departing from, the constitution of the country; yet at no subsequent period has it produced to me a single pang, believing as I do now, & then did, that without it, security neither to myself or the great cause confided to me, could have been obtained.”

Jackson’s ideological conviction about the flexible nature of the law and Constitution in the face of dangers confronting the still-fledgling nation can be seen in many subsequent Jacksonian battles. When President Jackson confronted the Bank of the United States in 1832, he did so with the belief that it was a corrupt fiscal monster threatening the nation’s economic security. He not only vetoed the Bank’s recharter, which was within his right as chief executive, but went a step further by removing federal deposits even after Congress had deemed them safe. Jackson transferred one secretary of the treasury and fired another in order to secure the deposit removals. His actions were questionable, if not completely illegal, and the Senate censured him by making a notation in their journal. They didn’t attempt impeachment for lack of support.

Other legal conflicts surfaced. Jackson allegedly defied the Supreme Court over *Worcester v. Georgia* (1832), announcing, “John Marshall has made his decision now let him enforce it.” The case revolved around Georgia’s attempt to apply state laws to Cherokee lands. The Court had ruled against Georgia’s authority to do so and Jackson, dedicated to Indian removal, allegedly challenged Marshall. Although there is little evidence to support the above quotation, it certainly sounds like Jackson. Nonetheless, the case required nothing of Jackson and was ultimately settled out of court. The fact remained, however, that in this case and in *McCulloch v. Maryland* (1819), when it was ruled that the Bank of the United States was in fact constitutional, Jackson challenged the Court’s authority as the final arbiter. As president, Jackson believed that his authority to deem what was constitutional equaled the Supreme Court’s.

Jackson’s views regarding American Indians also challenged the law. Treaties were and continue to be legal agreements among sovereign nations. However, Jackson refused to believe that Native American tribes were sovereign and thus viewed Indian treaties as an absurdity. Ultimately, he forcibly removed a number of tribes, most notoriously the Cherokee, from their homes. The Trail of Tears is one of Jackson’s most infamous legacies. Yet even removal and issues of tribal sovereignty fit within a larger context of Jackson’s convictions regarding national security and state sovereignty. The general’s rise was due to his success as an Indian fighter on the frontier. He always, and to some extent legitimately, viewed American Indians as a serious threat to settlers. As president, Jackson understood the sentiment of southern states and their conception that states could not be erected within sovereign states such as Georgia. All of this, of course, revolved around the larger issue of Native American dispossession and who rightfully owned of the land. This ideological—and to some extent legal—issue remains unresolved.

A variety of other incidents in Jackson’s life and career expose the nature of his relationship with the law and Constitution: the fact that he was a lawyer who engaged in dueling; his actions during the Nullification Crisis; and his failure as president to follow federal guidelines concerning mail delivery of abolitionist propaganda. Most fit within his larger conception of duty, honor, and what was necessary for the sanctity of the Union. Jackson’s ideology remains as controversial now as it was in his own time. There are few easy answers. Yet this is what makes Jackson’s views and conduct so relevant today. When presented with Jackson’s history, students invariably split down the middle over whether he was justified in his conduct, regardless of legality. In this sense, Jackson continues to serve as an important source of reflection when considering how America should and should not act when it comes to matters of national security.

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