

The Jacksonian Revolution

by Robert V. Remini

Over the forty years following the establishment of the American nation under the Constitution, the US had experienced many profound changes in virtually all phase of life. Following the War of 1812, the industrial revolution took hold and within thirty years all the essential elements for the creation of an industrial society in America were solidly in place. At the same time, a transportation revolution got underway with the building of canals, bridges, and turnpikes, reaching a climax of sorts in the 1820s with the coming of the railroads. The standard of living was also improved by numerous new inventions. Finally, many of the older eastern states began to imitate newer western states by democratizing their institutions, for example amending their constitutions to eliminate property qualifications for voting and holding office, thereby establishing universal white manhood suffrage.

The arrival of many thousands of new voters at the polls in the early 19th century radically changed American politics. In the past, only the wealthy and better educated were actively involved in government. Moreover, political parties were frowned upon by many of the Founding Fathers. Parties stood for factions or cliques by which greedy and ambitious men, who had no interest in serving the public good, could advance their private and selfish purposes. John Adams spoke for many when he declared that the "division of the republic into two great parties... is to be dreaded as the greatest political evil under our Constitution." But times had changed. An entirely new generation of politicians appeared at the outbreak of the War of 1812, men like Henry Clay, John C. Calhoun, Martin Van Buren, and Daniel Webster, who regarded political parties more favorably. Indeed, the party structure that had emerged before the end of President Washington's administration had been their corridor to power, since none of them could offer to their constituents a public record to match what the founders had achieved.

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Jackson himself was fiercely committed to democracy. And by democracy he meant majoritarian rule. "The people are the government," he wrote, "administering it by their agents; they are the Government, the sovereign power." In his first message to Congress as president, written in December 1829, Jackson announced: "The majority is to govern." To the people belonged the right of "electing their Chief Executive." He therefore asked Congress to adopt an amendment that would abolish the College of Electors. He wanted all "intermediary" agencies standing between the people and their government swept away, whether erected by the Founding Fathers or not. "The people are sovereign," he reiterated. "Their will is absolute."

So committed was Jackson to the principle of popular self-rule that he told historian-politician George Bancroft that "every officer should in his turn pass before the people, for their approval or rejection." And he included federal judges in this sweeping generalization, even justices of the Supreme Court. Accordingly, he introduced the principle of rotation, which limited government appointments to four years. Officeholders should be regularly rotated back home and replaced by new men, he said. "The duties of all public officers are... so plain and simple that men of intelligence may readily qualify themselves for their performance." Otherwise abuse may occur. Anyone who has held office "a few years, believes he has a life estate in it, a vested right, & if it has been 20 years or upwards, not only a vested right, but that it ought to descend to his children, & if no children then the next of kin- This is not the principles of our government. It is rotation in office that will perpetuate our liberty." Unfortunately, hack politicians equated rotation with patronage and Jackson's enemies quickly dubbed his principle "the spoils system."

But it was never meant to be a spoils system. Jackson wanted every office of government, from the highest to the lowest, within the reach of the electorate, arguing that "where the people are everything... there and there only is liberty." Perhaps his position was best articulated by Alexis de Tocqueville, the French visitor in the 1830s whose *Democracy in America* remains one of the most profound observations about American life in print. "The people reign in the American political world," declared Tocqueville, "as the Deity does in the universe. They are the cause and aim of all things; everything comes from them, and everything is absorbed in them." The "constant celebration" of the people, therefore, is what Jackson

and the Democratic Party provided the nation during his eight years in office. It is what Jacksonian Democracy was all about.

As President, Jackson inaugurated a number of important changes in the operation of government. For example, he vetoed congressional legislation more times than all his predecessors combined, and for reasons other than a bill's presumed lack of constitutionality. More importantly, by the creative use of his veto power he successfully claimed for the chief executive the right to participate in the legislative process. He put Congress on notice that they must consider his views on all issues *before* enacting them into law or run the risk of a veto. In effect he assumed the right to initiate legislation, and this essentially altered the relationship between the executive and the Congress. Instead of a separate and equal branch of the government, the president, according to Jackson, was the head of state, the first among equals.

Jackson also took a dim view of the claim that the Supreme Court exercised the final and absolute right to determine the meaning of the Constitution. When the court decided in *McCulloch v. Maryland* that the law establishing a national bank was constitutional, Jackson disagreed. In his veto of a bill to recharter the Second National Bank in 1832, he claimed among other things that the bill lacked authority under the Constitution, despite what the high court had decided. Both the House and Senate, as well as the president, he continued, must decide for themselves what is and what is not constitutional before taking action on any bill. The representative of Congress ought not to vote for a bill, and the president ought not to sign it, if they, in their own good judgment, believe it unconstitutional. "it is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision." Jackson did not deny the right of the Supreme Court to judge the constitutionality of a bill. What he denied was the presumption that the Court was the final or exclusive interpreter of the Constitution. All three branches should rule on the question of constitutionality, Jackson argued. In this way the equality and independence of each branch of government is maintained. "The authority of the Supreme Court, he declared, "must not, therefore, be permitted to control the Congress, or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve." What bothered Jackson was the presumption that four men could dictate what 15 million people may or may not do under their constitutional form. To Jackson's mind that was not democratic but oligarchic. But that was precisely the intention of the Founding Fathers: to provide a balanced mix of democratic, oligarchic, and monarchical forms in the Constitution.

Of course Jackson was merely expressing his own opinion about the right of all three branches to pass on the constitutionality of all legislation, as opinion the American people ultimately rejected. The great fear in a democratic system- one the Founding Fathers knew perfectly well- was the danger of the majority tyrannizing the minority. Jackson would take his chances. He believed the American people were virtuous and would always act appropriately. "I for one do not despair of the republic," he wrote. "I have great confidence in the virtue of a great majority of the peoples and I cannot fear the result. The republic is safe, the main pillars [of] virtue, religion, and morality will be fostered by a majority of the people." But not everyone shared Jackson's optimism about the goodness of the electorate. And in time- particularly with the passage of the 14th Amendment- it fell to the courts to guard and maintain the rights of the minority.

Jackson summed up his assertion of presidential rights by declaring that he alone- not Congress, as was usually assumed- was the sole representative of the American people and responsible to them. After defeating Henry Clay in the 1832 election, he decided to kill the Second National Bank by removing federal deposits because, as he said, he had received a "mandate" from the people to do so. The Senate objected and formally censured him, but Jackson, in response, merely issued another statement on presidential rights and the democratic system that had evolved over the last few years.

By law, only the secretary of the treasury was authorized to remove the deposits, so Jackson informed his secretary, William Duane, to carry out his order. Duane refused pointblank. And he also refused to resign as he had promised if he and the president could not agree upon a common course of action with respect to the deposits. Thereupon, Jackson sacked him. This was the first time a cabinet officer had been fired, and there was some question whether the president had this authority. After all, the cabinet positions were created by Congress and appointment required the consent of the Senate. Did that not imply that removal also require senatorial consent- particularly the treasury secretary, since he handled public funds that

were controlled by Congress? The law creating the Treasury Department never called it an “executive” department, and it required its secretary to report to the Congress, not the president. None of this made a particle of difference to Andrew Jackson. All department heads were *his* appointees and they would obey *him* or pack their bags. The summary dismissal of Duane was seen by Jackson’s opponents as a presidential grab for the purse strings of the nation. And in fact presidential control over all executive functions gave the chief executive increased authority over the collection and distribution of public funds.

By the close of 1833 many feared that Andrew Jackson was leading the country to disaster. Henry Clay regularly pilloried the president on the Senate floor. On one occasion he accused Jackson of “open, palpable and daring usurpation” of all the powers of government. “We are in the midst of a revolution,” Clay thundered, “hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the Government.”

A “revolution”- that was how the opposition Whig Party characterized Jackson’s presidency. The nation was moving steadily away from its “pure republican character” into something approaching despotism. What the nation was witnessing, cried Clay, was “the concentration of all power in the hands of one man.” Thereafter Whig newspapers reprinted a cartoon showing Jackson as “King Andrew the First.” Clad in robes befitting an emperor, he was shown wearing a crown and holding a scepter in one hand and a scroll in the other on which was written the word “veto.” Democrats, naturally, read the “revolution” differently. They saw it as the steady progress of the country from the gentry republic originally established by the Founding Fathers to a more democratic system that mandated broader representation in government and a greater responsiveness to popular will. Andrew Jackson did not take kindly to Clay’s verbal mauling. “Oh, if I live to get these robes of office off me,” he snorted at one point, “I will bring the rascal to a dear account.” He later likened the senator to “a drunken man in a brothel,” reckless, destructive, and “full of fury.”

Other senators expressed their opposition to this “imperial” president and seconded Clay’s complaints. John C. Calhoun, who by this time had deserted to the enemy camp, adopted the Kentuckian’s “leading ideas of revolution” and charged that “a great effort is now making to choke and stifle the voice of American liberty.” And he condemned Jackson’s insistence on taking refuge in democratic claims. The president, “tells us again and again with the greatest emphasis,” he continued, “that he is the immediate representative of the American people! What effrontery! What boldness of assertion! Why, he never received a vote from the American people. He was elected by electors... who are elected by Legislatures chosen by the people.”

Sen. Daniel Webster and other Whigs chimed in. “Again and again we hear it said,” rumbled Webster, “that the President is responsible to the American people!... And this is thought enough for a limited, restrained, republican government!... I hold this, Sir, to be a mere assumption, and dangerous assumption.” And connected with this “airy and unreal responsibility to the people,” he continued, “is another sentiment... and that is, that the President is the direct representative of the American people.” The sweep of his language electrified the Senate. And “if he may be allowed to consider himself as the sole representative of all the American people,” Webster concluded, “then I say, Sir, that the government... had already a master. I deny the sentiment, and therefore protest against the language; neither the sentiment nor the language is to be found in the Constitution of this Country.”

Jackson’s novel concept that the president served as the people’s tribune found immediate acceptance by the electorate, despite the warnings of the Whigs. In effect, he altered the essential character of the presidency. He had become the head of government, the one person who would formulate national policy and direct public affairs. Signed Senator Benjamin W. Leigh of Virginia: “Until the President developed the faculties of the Executive power, all men thought it inferior to the legislature- he manifestly thinks it superior: and in his hands [it]... has proved far stronger than the representatives of the States.”