John C. Calhoun's South Carolina Protest (December 19, 1828)

Media Worksheet

Although Andrew Jackson was a firm believer in states' rights, the beginning of his time in office was marked by a series of battles to preserve federal authority over the states. Many conflicts took place under the shadow of slavery and because the southern states were intensely concerned that the federal government would take action against that institution of slavery. The Tariff of 1828 was just such an issue. Called the "tariff of abominations" in South Carolina, it offered some protection to domestic manufacturers and raised the price of wool and iron in the South. In this essay, Vice President John C. Calhoun objected to the tariffs imposed by the federal government and in broad constitutional terms laid out his state's justification for resisting the law. The controversy over states' rights would deepen in subsequent years as proponents on both sides of the debate sharpened their arguments.

PROTEST

December 19, 1828

The Senate and House of Representatives of South Carolina, now met and sitting in General Assembly—through the Honorable William Smith, and the Honorable Robert Y. Hayne, their representatives in the Senate of the United States, do, in the name and on behalf of the good people of the said Commonwealth, solemnly protest against the system of protecting duties lately adopted by the Federal Government, for the following reasons:

1. Because the good people of this Commonwealth believe that the powers of Congress were delegated to it in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purposes is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive independent powers not granted or expressly withheld.

2. Because the power to lay duties on imports is, and in its very nature can be, only a means of effecting objects specified by the Constitution; since no free government, and least of all a government of enumerated powers, can of right impose any tax (any more than a penalty,) which is not at once justified by public necessity, and clearly within the scope and purview of the social compact, and since the right of confining appropriations of the public money to such legitimate and constitutional objects, is as essential to the liberties of the people, as their unquestionable privilege to be taxed only by their own consent.

3. Because they believe that the Tariff Law, passed by Congress at its last session, and all other acts of which the principal object is the protection of manufactures, or any other branch of domestic industry—if they be considered as the exercise of a supposed power in Congress, to tax the people at its own good will and pleasure,
and to apply the money raised to objects not specified in the Constitution—is a violation of these fundamental principles, a breach of a well defined trust and a perversion of the high powers vested in the Federal Government for Federal purposes only.

4. Because such acts considered in the light of a regulation of commerce are equally liable to objection—since although the power to regulate commerce, may like other powers, be exercised so as to protect domestic manufactures, yet it is clearly distinguishable from a power to do so *eo nomine*, both in the nature of the thing and in the common acceptation of the terms; and because the confounding of them would lead to the most extravagant results, since the encouragement of domestic industry implies an absolute control over all the interests, resources and pursuits of a people, and is inconsistent with the idea of any other than a simple consolidated government.

5. Because from the contemporaneous exposition of the Constitution, in the numbers of the Federalist, (which is cited only because the Supreme Court has recognized its authority,) it is clear that the power to regulate commerce was considered by the convention as only incidentally connected with the encouragement of agriculture and manufactures; and because the power of laying imposts and duties on imports, was not understood to justify in any case a prohibition of foreign commodities, except as a means of extending commerce by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.

6. Because that whilst the power to protect manufactures is no where expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the States by the tenth section of the first article of the Constitution.

7. Because even admitting Congress to have a constitutional right to protect manufactures by the imposition of the duties or by regulations of commerce, designed principally for that purpose, yet a Tariff of which the operation is grossly unequal and oppressive, is such an abuse of power, as is incompatible with the principles of a free government and the great ends of civil society, justice and equality of rights and protection.

8. Finally, because South Carolina, from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependant upon agriculture and commerce, not only for her prosperity, but for her very existence as a state—because the valuable products of her soil—the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects—are among the very few that can be cultivated with any profit by slave labor—and if by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile State would be poverty and utter desolation—her citizens in despair would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity be impaired and deranged, if not dissolved entirely.
Deeply impressed with these considerations, the Representatives of the good people of this Commonwealth, anxiously desiring to live in peace with their fellow citizens, and to do all that in them lies to preserve and perpetuate the union of the States and the liberties of which it is the surest pledge—but feeling it to be their bounden duty to expose and to resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do, in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the [U.S.] Senate, their protest against it as unconstitutional, oppressive, and unjust.
Document B

Source: Andrew Jackson's veto message (July 10, 1832) ... 

I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country. ... The present Bank of the United States ... enjoys an exclusive privilege of banking, ... almost a monopoly of the foreign and domestic exchange.

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.

Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. ... It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country?

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes.

Document C

Source: Daniel Webster’s reply to Jackson’s veto message (July 11, 1832)

[This message] extends the grasp of executive pretension over every power of the government. ... It appeals to every prejudice which may betray men into a mistaken view of their own interests, and to every passion which may lead them to disobey the impulses of their understanding. It urges all the specious topics of State rights and national encroachment against that which a great majority of the States have affirmed to be rightful and in which all of them have acquiesced. It sows, in an unsparing manner, the seeds of jealousy and ill-will against that government of which its author is the official head. It raises a cry that liberty is in danger, at the very moment when it puts forth claims to powers heretofore unknown and unheard of. It effects alarm for the public freedom, when nothing endangers that freedom so much as its own unparalleled pretences. This even, is not all. It manifestly seeks to inflame the poor against the rich; it wantonly attacks whole classes of the people, for the purpose of turning against them the prejudices and the resentments of the other classes. It is a state paper which finds no topic too exciting for its use, no passion too inflammable for its address and its solicitation.
Two Views of Andrew Jackson

Andrew Jackson was known as the "People's President." He owed his landslide victory in the election of 1828 to the fact that many states had by that time removed property requirements for voting. This meant that almost all white American men over the age of 21, regardless of their financial standing, could vote. Many members of the new population of voters were small farmers and frontiersmen. They were not interested in candidates who had been born into cultured and wealthy families; they were looking for someone who had a background more like their own.

Jackson was a self-made man. He had been a popular hero years before he ran for president. As a general during the War of 1812, he defeated the British in the last major battle of that war, the Battle of New Orleans. His men called him "Old Hickory" because he was as tough as that tree's hard wood. He was also known for taking good care of his soldiers. For example, he had once given his horse to a wounded man. This reputation helped convince people that he would live up to his campaign promises to defend farmers, Western settlers, and workers against the powerful and wealthy.

In trying to live up to this promise, Jackson made several decisions that roused feelings both for and against him. In 1832, he used his veto power to prevent Congress from renewing the charter of the second Bank of the United States. Set up in 1791, this bank controlled the amount of money in circulation and the amount of credit, or money, that was available to borrowers. Jackson felt that it granted loans to merchants and manufacturers more readily than it did to poorer people. Jackson also vetoed use of federal funds for internal improvements that were desired by the states. Arguing that these funds should be used to pay off the national debt, he vetoed a popular bill proposing the construction of a turnpike from Maysville to Lexington, Kentucky.
Review Questions

1. What qualities of Andrew Jackson's image did picture A illustrate?
2. Why might these qualities have appealed to voters?
3. Why did the cartoon (B) show Jackson dressed like a king?
4. What did the cartoon (B) show lying torn under Jackson's feet?
5. Why did the cartoonist show this?