

APPENDIX

Content:

Speech selection guidelines: pp. 2

First Inaugural Address

Speech: pp. 4

Rubrics: pp. 7

Acceptance of A Gold Medal from Colombia, Special Message to Congress

Speech: pp. 19

Rubric: pp. 20

Message Regarding Indian Relations

Speech: pp. 25

Rubric: pp. 31

Bank Veto

Speech: pp. 38

Rubrics: pp. 56

Message Regarding South Carolina Nullification of Federal Legislation

Speech: pp. 69

Rubrics: pp. 93

Message on the Constitutional Rights and Responsibilities of the President

Speech: pp. 110

Rubric: pp. 111

Sixth Annual Message to Congress

Speech: pp. 117

Rubric: pp. 126

Farewell Address

Speech: pp. 134

Rubrics: pp. 151

Criteria for Selecting Speeches April 2013

Generally, we need a speech that is at least 2-3 pages long, or about 2,000 words, in order to have enough text to analyze. We will use an extremely long speech (>5 pages) if it is the only one available in the category or is clearly the right speech for that category (as in the case of a famous speech), but given a choice, we prefer something shorter to make your work a little easier. We will also use an extremely short speech (1 page or less), but only if it is the *only* one available. Where the leader has been in office several years (say, because this is the last year in a 6-year term) and there are a variety of speeches available for a category, we generally prefer the most recent ones because they are the easiest to find. And to ensure comparability of coding across speeches and leaders, we need to have transcriptions rather than video recordings.

Campaign

Here we ask for a speech given during this chief executive's latest campaign for office. Keep in mind the above criteria, especially length. Campaign speeches are often the hardest to find because they were given before the person was elected, and so they are usually not recorded on any government website. Be prepared to call the political party or the office of the chief executive to speak to someone who was involved in the campaign. If it is impossible to get a speech for the person's own campaign, we will take a speech that he/she gave for some other candidate's campaign (for example, for members of the legislature during a mid-term election). If several speeches are available, we prefer the closing speech of the campaign to the opening speech, and a speech given to a large public audience over one given at a party convention.

Ribbon-cutting

This is a speech given at some kind of public ceremony dedicating a government building or project, typically a road, park, or building. You will probably find a number of these on the government website. Given a choice, look for a speech that is given to a small, local audience rather than a national one, and to a domestic audience rather than an international one—we prefer something obscure in order to see whether the chief executive uses a populist discourse in settings with little apparent significance. If you have a lot to choose from, pick the most recent.

International

Here we are looking for a speech whose primary audience, or a significant part of the audience, consists of citizens from other countries—leaders, diplomats, or even ordinary people. There will be quite a few international speeches available, including on websites besides those of the government. For consistency, we encourage you to look for a speech given outside the country, with as small a domestic audience as possible. UN speeches are especially good as long as they are long enough.

Famous or most-popular

In this category, we seek for a speech that is widely regarded as one of the best-known and most-popular speeches given by this leader. Of course, some leaders don't give very popular speeches, but we at least want one of their best-known ones. As someone who knows this country well, you are in a good position to pick what you think is a particularly appropriate speech here. But as

a check on your decision, we encourage you to contact the office of the chief executive or the political party and ask them for a recommendation. They will often suggest an inaugural speech (when the chief executive actually took office) or an annual report to the nation, but not necessarily, and you should not feel obliged to use one of these particular speeches if you know of another one that is more famous (or notorious). Talk to a couple of people if you feel unsure.

March 4, 1829: First Inaugural Address

Transcript

Fellow-Citizens:

About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins.

While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the Federal Constitution it will devolve on me for a stated period to execute the laws of the United States, to superintend their foreign and their confederate relations, to manage their revenue, to command their forces, and, by communications to the Legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties it is now proper for me briefly to explain.

In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.

The management of the public revenue--that searching operation in all governments--is among the most delicate and important trusts in ours, and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will

counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable aegis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of 'reform', which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.

Name of politician: Andrew Jackson
Title of Speech: First Inaugural Address
Date of Speech: March 4, 1829
Category:
Grader: Coder 1
Date of grading: November 6, 2017

Final Grade (delete unused grades):

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	.6	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues . The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system.

And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

		<p>country the object of His divine care and gracious benediction.</p>	
<p>Populist notion of the people</p>	<p>.8</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>Fellow-Citizens: About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>

	<p>express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.</p> <p>But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. <i>As long as our Government is administered for the good of the people, and is regulated by their will;</i> as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending;</p> <p>The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally.</p>	
--	---	--

		<p>With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.</p>	
<p>Evil elite</p>	<p>0</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>
<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority’s continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p> <p>In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office</p>

	without transcending its authority.
--	-------------------------------------

Overall Comments: Here, Jackson sets forth his goals and vision for his presidency. There is a strong notion of a unified will of the people, all Americans united, with Jackson as their representative. There is a redemptive, cosmic significance assigned to Jackson's presidency, building on the foundation of noble presidential predecessors and founders. A dualistic, Manichaeian quality is lacking, however, along with a notion of an evil elite; Jackson mentions no conspiring group. For these reasons, this speech earns a score of .4.

Name of politician: Andrew Jackson
Title of Speech: First Inaugural Address
Date of Speech: March 4, 1829
Category:
Grader: Coder 2
Date of grading: 12/15/17

Final Grade (delete unused grades): 0.2

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	0.2 (0)	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues . The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of “history.” At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

*a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy
He will continue to make our beloved country the object of His divine care and gracious benediction*

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

<p>Populist notion of the people</p>	<p>0.8 (1)</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p><i>the choice of a free people to watch over and to promote their interests generally</i> <i>As long as our Government is administered for the good of the people, and is regulated by their will</i></p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p> <p><i>observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people</i></p>
--------------------------------------	----------------	--	---

<p>Evil elite</p>	<p>0.0 (0)</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p> <p><i>placed or continued power in unfaithful or incompetent hands</i></p>
		<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.

Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.

look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system

Definitely a romanticized version of the people, specifically with what it means to be a citizen, and attribution of citizenship rights to deity. But there is no Manichean divide and no reference to an elite with any sort of malicious intent.

GENTLEMEN: The accompanying gold medal, commemorative of the delivery of the Liberator President of the Republic of Colombia from the daggers of assassins on the night of the 25th of September last, has been offered for my acceptance by that Government. The respect which I entertain as well for the character of the Liberator President as for the people and Government over which he presides renders this mark of their regard most gratifying to my feelings; but I am prevented from complying with their wishes by the provision of our Constitution forbidding the acceptance of presents from a foreign state by officers of the United States, and it is therefore placed at the disposal of Congress.

The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Boltvat have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate. The favorable estimate which I have formed of the nature of the services rendered by him, and of his personal character, impresses me with the strongest confidence that his conduct in the present condition of his country will be such as may best promote her true interest and best secure his own permanent fame.

I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig *Josephine* and her cargo and the schooner *Ranger* and part of her cargo. An official copy of the convention subsequently entered into between Mr. Moore and the secretary of foreign affairs, providing for the final settlement of those claims, has just been received at the Department of State. By an additional article of this convention the claim in the case of the brig *Morris* is suspended until further information is obtained by the Colombian Government from the Court at Carracas; and Mr. Moore anticipates its early and satisfactory adjustment. The convention only waited the ratification of the Liberator President, who was at the time absent from Bogota, to be binding upon the Colombian Government. Although these claims are not, comparatively, of a large amount, yet the prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entitles its conduct to our approbation, and promises well for the future relations of the two countries.

It gives me pleasure to add an expression of my entire satisfaction with the conduct of Mr. Moore since his arrival at Bogota. The judgment and discretion evinced by him on occasions of much interest and delicacy, the assiduity displayed in bringing so nearly to a conclusion within five weeks after his arrival claims which had been pending for years, and the promptitude and capacity with which he has entered upon other and more important portions of his official duty are calculated to inspire strong confidence in his future usefulness.

ANDREW JACKSON

Name of politician: Andrew Jackson

Title of Speech: Acceptance of a Gold Medal from Colombia, Special Message to Congress

Date of Speech: January 19, 1830

Category: International

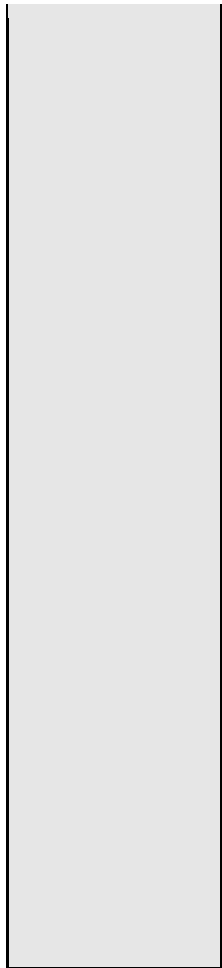
Grader: Coder 1

Date of grading: 10/28/17

Final Grade (delete unused grades):

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision		It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p> <p>I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy</p>

		<p>extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig <i>Josephine</i> and her cargo and the schooner <i>Ranger</i> and part of her cargo.</p>
		<p>The moral significance of the items mentioned in the speech is heightened by ascribing cosmic proportions to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of “history.” At the same time, the speaker will justify the moral significance of his or her ideas by tying them to national and religious leaders that are generally revered.</p>

		<p>The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Boltvat have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate.</p>	
<p>Populist notion of the people</p>		<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p> <p>yet the prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entities its conduct to our</p>

			<p>approbation, and promises well for the future relations of the two countries.</p>
<p>Evil elite</p>		<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>
<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority’s continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p>

Overall Comments: In this short speech, President Jackson describes a gold medal of gratitude awarded to himself by the country of Colombia. Though he does describe the liberal cause, and the US and Colombia uniting in it in a way that could be cosmic or Manichaeian, there is no sense of a popular will, and he only briefly mentions the needs of citizens. There is no evil elite identified in the speech. Therefore, it receives a real score of 0 (no decimal score needed).

February 22, 1831: Message Regarding Indian Relations

Transcript

To the Senate of the United States:

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers, passed the 30th of March, 1802, have been fully complied with on the part of the United States Government, and if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act," and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the benefit of a range upon them, or of traveling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The authority to the President, however, is not imperative. The language is:

It shall be lawful for the president to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon.

By the nineteenth section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the

troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the Articles of Confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided. As early as the year 1782 the Journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them free from intrusion, and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

Resolved, That it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said legislature in their wisdom may think fit. Here is no assertion of the right of Congress under the Articles of Confederation to interfere with the jurisdiction of the States over Indians within their limits, but rather a negation of it. They refused to interfere with the subject, and referred it under a general recommendation back to the State, to be disposed of as her wisdom might decide.

If in addition to this act and the language of the Articles of Confederation anything further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language:

The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State.

And again:

Resolved, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States or their legislative rights within their respective limits.

It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the individual States of this Union, and if such

was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist ?

Amongst the enumerated grants of the Constitution that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power we ought certainly to be guided by what had been the practice of the Government and the meaning which had been generally attached to the resolves of the old Congress if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to and the uniform practice of the Government it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where tribes of Indians have resided, and where a few of them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them. The Southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced farther to the west than the authority of the State to enforce an obedience of its laws. Others were in a similar condition. The necessities, therefore, and not the acknowledged principles, of the Government must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances the first treaties, in 1785 and 1790, with the

Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and security of the western frontier. But they can not be understood as changing the political relations of the Indians to the States or to the Federal Government. To effect this would have required the operation of quite a different principle and the intervention of a tribunal higher than that of the treaty-making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States without benefiting in the least degree the Indians. The Indians thus situated can not be regarded in any other light than as members of a foreign government or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country--a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with; but they have not been. In an order which was issued to me from the War Department in September, 1814, this language is employed:

All the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws; their friendship and services should be secured without delay. The friendly Indians must be fed and paid, and made to fight when and where their services may be required.

To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone--one which the Government would not have assumed if they had considered them in that light. Again, by the Constitution the power of declaring war belongs exclusively to

Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has on this principle forbore to spread her legislation farther than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts and administering justice. To disarm such an anomalous invasion of her sovereignty she has declared her determination to execute her own laws throughout her limits--a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the South and the Southwest are not only "surrounded by settlements of the citizens of the United States," but are now also "within the ordinary jurisdiction of the individual States." They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. These States have each a right to claim in behalf of their position now on this question the same respect which is conceded to the other States of the Union.

Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation and a year's support after they

reach their new homes--a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority can not fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, inclosing the orders which proceeded from that Department, and a letter from the governor of Georgia.

Name of politician: Andrew Jackson
Title of Speech: Message Regarding Indian Relations
Date of Speech: February 22, 1831
Category:
Grader: Coder 1
Date of grading: November 6, 2017

Final Grade (delete unused grades):

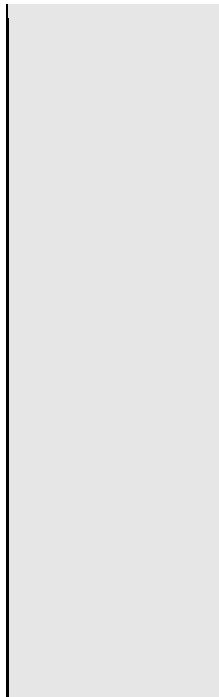
0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	.6	<p>It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.</p> <p>My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws.</p> <p>It is not believed that there is a single instance in the legislation of the country in which the Indians</p>	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p>

	<p>have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided.</p>	
	<p>The moral significance of the items mentioned in the speech is heightened by ascribing cosmic proportions to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to national and religious leaders that are generally revered.</p>	<p>The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.</p>

<p>Populist notion of the people</p>	<p>0</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p> <p>The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and</p>
--------------------------------------	----------	--	---

			<p>cattle the benefit of a range upon them, or of traveling through them without a written permission;</p>
<p>Evil elite</p>	<p>0</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p> <p>It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the</p>

		<p>individual States of this Union, and if such was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution.</p>
		<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p> <p>If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them.</p> <p>If an independent people, they should as such be consulted and advised with; but they have not been.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p> <p>Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West.</p>
---	---

Overall comments: In this speech, Jackson argues that it is unnecessary for him to use the power of the executive branch to enforce a law that Congress has passed with regard to Indian Affairs. He shows that Indians naturally fall under the authority of the states in which they reside, and thus Congress has no jurisdiction over them. In this speech, there is kind of a veiled antagonism towards Congress in Jackson's refusal to comply with its request. There is also a

sense of denying Indians rights, and viewing them almost as an enemy; yet this is tempered by an almost patriarchal condescension towards them, and they clearly aren't really considered a threat. There is a very vague notion of the people in the sense of non-Indian citizens and non-governmental workers. But Jackson does not present himself as embodying, representing, or fighting for the will of the people. He is very dualistic in his language, but likely because his is attempting to make a persuasive argument. He doesn't connect the specific policy issue to any larger redemptive struggle. Because there is no sense of a conspiring elite, only a misguided Congress and inconvenient Indians, and because there is no sense of the people, this speech earns a .1 overall.

July 10, 1832: Bank Veto

<https://millercenter.org/the-presidency/presidential-speeches/july-10-1832-bank-veto>

Transcript

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.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in

any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of \$200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. 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. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least \$42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is \$17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of \$200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. 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. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our Government must sell monopolies, it would seem to be its duty to take nothing less than their full value, and if gratuities must be made once in fifteen or twenty years let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me upon these points I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force is to admit that the bank ought to be perpetual, and as a consequence the present stockholders and those inheriting their rights as successors be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government.

The modifications of the existing charter proposed by this act are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively

of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall nevertheless be received by the said corporation at the bank or at any of the offices of discount and deposit thereof if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen be in like circumstances he can not by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the treasurer of any State shall make out and transmit to such treasurer a list of stockholders residing in or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by

themselves. In some States that tax is now 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock held in the States and not that employed within them which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will therefore be 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 per cent more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, \$8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is \$140,200, and in the four Southern States is \$5,623,100, and in the Middle and Eastern States is about \$13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about \$3,455,598; of this there accrued in the nine Western States about \$1,640,048; in the four Southern States about \$352,507, and in the Middle and Eastern States about \$1,463,041. As little stock is held in the West, it is obvious that the debt of the people in that section to the bank is principally a debt to the Eastern and foreign stockholders; that the interest they pay upon it is carried into the Eastern States and into Europe, and that it is a burden upon their industry and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden and equalize the exchange operations of the bank, the amount of specie drawn from those States through its branches within the last two years, as shown by its official reports, was about \$6,000,000. More than half a million of this amount does not stop in the Eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act the Western States find no adequate compensation for this perpetual burden on their industry and drain of their currency. The branch bank at Mobile made last year \$95,140, yet under the provisions of this act the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis, and such, in a greater or less degree, is the condition of every Western State. The tendency of the plan of taxation which this act proposes

will be to place the whole United States in the same relation to foreign countries which the Western States now bear to the Eastern. When by a tax on resident stockholders the stock of this bank is made worth 10 or 15 per cent more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision in its practical effect deprive the Eastern as well as the Southern and Western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. 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? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become centered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty

years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

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. So abundant is domestic capital that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for \$200,000,000 could be readily obtained. Instead of sending abroad the stock of the bank in which the Government must deposit its funds and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the

precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as 4 to 1. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. 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. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court 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.

But in the case relied upon the Supreme Court have not decided that all the features of this corporation are compatible with the Constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress; but taking into view the whole opinion of the court and the reasoning by which they have come to that conclusion, I understand them to have decided that inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the Constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "necessary" in the Constitution means "needful," "requisite," "essential," "conducive to," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the Government's "fiscal operations," they conclude that to "use one must be within the discretion of Congress" and that "the act to incorporate the Bank of the United States is a law made in pursuance of the Constitution" "but," say they, "where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would

be to pass the line which circumscribes the judicial department and to tread on legislative ground."

The principle here affirmed is that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional, but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption is "necessary and proper" to enable the bank to discharge its duties to the Government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are necessary and proper in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional, or unnecessary and improper, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: Provided, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole \$6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitution. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it

expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "necessary" or "proper" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "necessary" to the efficiency of the bank, nor is it "proper" in relation to themselves and their successors. They may properly use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional.

In another point of view this provision is a palpable attempt to amend the Constitution by an act of legislation. The Constitution declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia and increase their capital at will is unlimited and uncontrollable by any other power than that which gave authority to the Constitution. Yet this act declares that Congress shall not increase the capital of existing banks, nor create other banks with capitals exceeding in the whole \$6,000,000. The Constitution declares that Congress shall have power to exercise exclusive legislation over this District "in all cases whatsoever," and this act declares they shall not. Which is the supreme law of the land? This provision can not be "necessary" or "proper" or constitutional unless the absurdity be admitted that whenever it be "necessary and proper" in the opinion of Congress they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Out of this express delegation of power have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of

Congressional power there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers is equivalent to a legislative amendment of the Constitution, and palpably unconstitutional.

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.

The several States reserved the power at the formation of the Constitution to regulate and control titles and transfers of real property, and most, if not all, of them have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to aliens stockholders in this bank an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "necessary" to enable the bank to perform its public duties, nor in any sense "proper," because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and even for these objects only "by the consent of the legislature of the State in which the same shall be." By making themselves stockholders in the bank and granting to the corporation the power to purchase lands for other purposes they assume a power not granted in the Constitution and grant to others what they do not themselves possess. It is not necessary to the receiving, safe-keeping, or transmission of the funds of the Government that the bank should possess this power, and it is not proper that Congress should thus enlarge the powers delegated to them in the Constitution.

The old Bank of the United States possessed a capital of only \$11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is \$35,000,000--at least twenty-four more than experience has proved to be necessary to enable a bank to perform its public functions. The public debt which existed during the period of the old bank and on the establishment of the new has been nearly paid off, and our revenue will soon be reduced. This increase of capital is therefore not for public but for private purposes.

The Government is the only "proper" judge where its agents should reside and keep their offices, because it best knows where their presence will be "necessary." It can not, therefore, be "necessary" or "proper" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the General Government. By the same principle a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government and for other than public purposes, is not "necessary" to the due execution of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession upon the face of the act that the powers granted by it are greater than are "necessary" to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed by this act are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place within the United States or the Territories thereof, and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years, as aforesaid." It is therefore for "exclusive privileges and benefits" conferred for their own use and emolument, and not for the advantage of the Government, that a bonus is exacted. These surplus powers for

which the bank is required to pay can not surely be "necessary" to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be "proper."

It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of *McCulloch* against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against Federal encroachment. Banking, like farming, manufacturing, or any other occupation or profession, is a business, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all of our States possessed the right until the State legislatures deemed it good policy to prohibit private banking by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the State legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the Constitution the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States

officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands are exacted when they are admitted into the Union. Horses, wagons, any beasts or vehicles, tools, or property belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter it is just as absolute, unlimited, and uncontrollable as if the Constitution had never been adopted, because in the formation of that instrument it was reserved without qualification.

The principle is conceded that the States can not rightfully tax the operations of the General Government. They can not tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the General Government would exempt the State banks and their ordinary business from State taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from taxation? It is not their public agency or the deposits of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument--those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There

is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought more pertinaciously to cling.

It can not be necessary to the character of the bank as a fiscal agent of the Government that its private business should be exempted from that taxation to which all the State banks are liable, nor can I conceive it "proper" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our Constitution ever imagined that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that as a means of executing other powers it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in the hands of our agents and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call it was obviously proper that he should confine himself to pointing out those prominent features in the act presented which in his opinion make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and

settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicious are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated there was enough to induce a majority of the committee of investigation--a committee which was selected from the most able and honorable members of the House of Representatives--to recommend a suspension of further action upon the bill and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so there seems to be an additional reason why the functionaries of the Government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branch of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the Government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society--the farmers, mechanics, and laborers--who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves--in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. 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.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through His abundant goodness and their patriotic devotion our liberty and Union will be preserved.

Name of politician: Andrew Jackson

Title of Speech: Bank Veto

Date of Speech: July 10, 1832

Category: Famous

Grader: Coder 1

Date of grading: 10/28/17

Final Grade (delete unused grades):

- 1 A speech in this category includes strong, clearly populist elements but either does not use them consistently or tempers them by including non-populist elements. Thus, the discourse may have a romanticized notion of the people and the idea of a unified popular will (indeed, it must in order to be considered populist), but it avoids bellicose language or references to cosmic proportions or any particular enemy.

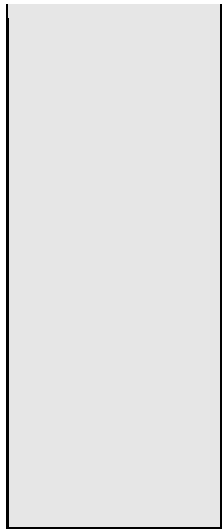
	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	1	<p>It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.</p> <p>There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide</p>	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p> <p>It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress</p>

	<p>and unnecessary departure from these just principles.</p> <p>By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union.</p>	<p>have established a mint to coin money and passed laws to regulate the value thereof.</p>
	<p>The moral significance of the items mentioned in the speech is heightened by ascribing cosmic proportions to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to national and religious leaders that are generally revered.</p>	<p>The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.</p>

		<p>In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen.</p>	
<p>Populist notion of the people</p>	<p>.4</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>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</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>

		<p>composed exclusively of our own citizens,</p> <p>In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society--the farmers, mechanics, and laborers--who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.</p>	
<p>Evil elite</p>	<p>1.2</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

	<p>The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. 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.</p> <p>It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes.</p> <p>Many of our rich men have not been content with equal protection and equal benefits, but have</p>	
--	---	--

	<p>besought us to make them richer by act of Congress.</p>	
	<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p> <p>the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution.</p> <p>the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

competition in the purchase of this monopoly

This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people

the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p> <p>I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p>
---	--

Overall Comments: In this speech, President Jackson gives his reasons for rejecting the attempt to renew the charter of the Bank of the United States. His bank veto is one of the actions that he is most known and remembered for. Though he does identify a sort of evil elite in this speech--it is primarily the wealthy, bank stockholders and directors, but also includes foreigners--it is a little bit general, not extremely specific. Though he does imply that they are or could use their power and wealth corruptly to serve their own ends, in this speech, Jackson does not identify a strong notion of the people who are being oppressed, other than a general notion of citizens. Yet these are juxtaposed against the monied interests of the wealthy. He focuses on specific policy concerns, spending lots of time determining whether the bank should even be constitutional or not as dictated by the charter proposal, rather than indicating that he is acting on behalf of some popular mandate. Though he does invoke some sense of a Manichaeian, good vs. evil, justice must prevail kind of struggle, this is not a strong theme. I give it a solid .8 for these reasons, though the sense of popular will is lacking.

Name of politician: Andrew Jackson

Title of Speech: Bank Veto

Date of Speech: July 10, 1832

Category:

Grader: Coder 2

Date of grading: 12/15/17

Final Grade (delete unused grades): 0.9

1 A speech in this category includes strong, clearly populist elements but either does not use them consistently or tempers them by including non-populist elements. Thus, the discourse may have a romanticized notion of the people and the idea of a unified popular will (indeed, it must in order to be considered populist), but it avoids bellicose language or references to cosmic proportions or any particular enemy.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	0.9 (1)	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues . The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of “history.” At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

*let us firmly rely on that kind
Providence which I am sure
watches with peculiar care over the
destinies of our Republic
Through His abundant goodness
and their patriotic devotion our
liberty and Union will be preserved.*

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

<p>Populist notion of the people</p>	<p>1.2 (1)</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p><i>dangerous to the liberties of the people</i> <i>Every monopoly and all exclusive privileges are granted at the expense of the public</i> <i>does this act exclude the whole American people</i> <i>consistent with the rights of the States or the liberties of the people</i> <i>it will make the American people debtors to aliens</i> <i>the humble members of society – the farmers, mechanics, and laborers</i></p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>
--------------------------------------	----------------	--	--

<p>Evil elite</p>	<p>0.7 (1)</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p> <p><i>the residue is held by a few hundred of our own citizens, chiefly of the richest class</i></p> <p><i>the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution.</i></p> <p><i>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</i></p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>
		<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p> <p><i>This restriction on themselves</i></p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

<p><i>[Congress] and grant of a monopoly to the bank is therefore unconstitutional.</i></p> <p><i>it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in a time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence</i></p>	
<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p> <p><i>the rich and powerful too often bend the acts of government to their selfish purposes</i></p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p>

A clearly populist notion of the people, but the evil elite is harder to specifically identify. At some points it seems to be Congress, at others it is foreign governments, and sometimes it is the rich class in America (though this is often through hypotheticals). The difficulty in assigning malicious intent to a specific elite or actor is largely due to the act in itself being the object of the criticism; this makes sense given the context.

January 16, 1833: Message Regarding South Carolina Nullification of Federal Legislation

Transcript <https://millercenter.org/the-presidency/presidential-speeches/january-16-1833-message-regarding-south-carolina-nullification>

Gentlemen of the Senate and House of Representatives.

In my annual message at the commencement of your present session I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union; and although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect from and after the 1st February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him the authorities of South Carolina might be

induced to retrace their steps. In this hope I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the Administration to modify the laws complained of, are too well calculated both in their positive enactments and in the spirit of opposition which they obviously encourage wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the legislature, and it will be perceived that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the headquarters of the State announced his determination to accept the services of volunteers and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defense. Under these orders the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the city of Charleston, within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual

outrage. In the present instance aggression may be regarded as committed when it is officially authorized and the means of enforcing it fully provided.

Under these circumstances there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit shall be seasonably provided, and that it may be thereby understood that while the Government is disposed to remove all just cause of complaint as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws it was deemed advisable that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties and enjoining upon each a firm and vigilant but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions and of the letter addressed to the district attorney, requesting his cooperation. These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the Constitution and without resorting in any event to force or violence, the measures of its advocates would be taken in conformity with that profession, and on such supposition the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains--

That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States, and more especially "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true intent and meaning thereof, and are null and void and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

It also ordains--

That it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of the State from and after the 1st of February next; and it shall be the duty of all other constituted authorities and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this ordinance and such acts and measures of the legislature as may be passed or adopted in obedience thereto.

It further ordains--

That in no case of law or equity decided in the courts of the State wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court.

It likewise ordains--

That all persons holding any office of honor, profit, or trust, civil or military, under the State shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned. And no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office or be in any respect competent to discharge the duties thereof until he shall in like manner have taken a similar oath; and no juror shall be empaneled in any of the courts of the State in any cause in which shall be in question this ordinance or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

The ordinance concludes:

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience, but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and to do all other acts and things which sovereign and independent states may of right do.

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self-defense which the paramount duty of the Federal Government requires, but upon the adoption of which that State will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the Union.

On the 27th of November the legislature assembled at Columbia, and on their meeting the governor laid before them the ordinance of the convention. In his message on that occasion he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this Confederacy and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government within the authorized grants of power to be drawn in question when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people in their highest sovereignty to take care that within the limits of this State their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified."

He proceeds:

That you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods seized under the existing imposts on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively

surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept for the defense of Charleston and its dependencies the services of 2,000 volunteers, either by companies or files," and that they be formed into a legionary brigade consisting of infantry, riflemen, cavalry, field and heavy artillery, and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized "to accept the services of 10,000 volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades, the officers to be selected by the commander in chief, and that this whole force be called the State guard. "

A request has been regularly made of the secretary of state of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance, but up to the date of the latest advices that request had not been complied with, and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress are:

First. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained under pretense of securing the duties, or for the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the ordinance may be recovered by the owner or consignee by "an act of replevin;" that in case of refusing to deliver them, or removing them so that the replevin can not be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods, and if any attempt shall be made to retake or seize them it is the duty of the sheriff to recapture them; and that any person who shall disobey the process or remove the goods, or anyone who shall attempt to retake or seize the goods under pretense of securing the duties, or for nonpayment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offense involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any Federal court for duties shall be entitled to the benefit secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages, and that if any estate shall be sold under such judgment or decree the sale shall be held illegal. It also provides

that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and anyone who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides that if the Government of the United States or any officer thereof shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same and to order into service the whole or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the governor is authorized to accept the services of such volunteers and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers and organizing the militia, embracing all free white males between the ages of 16 and 60, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers, and declares it to be the duty of the governor in every such case to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations and cause the laws of the State to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof, and directs the time and manner of taking it by the officers of the State civil, judiciary, and military.

It is believed that other acts have been passed embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander in chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures can not be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away at once and without exception every act and every part of every act imposing any amount whatever of duty on any foreign merchandise, and virtually every existing act which has ever been passed authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown, and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign states may import any description or quantity of merchandise into the ports of South Carolina without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the Constitution. In point of duration, also, those aggressions upon the authority of Congress which by the ordinance are made part of the fundamental law of South Carolina are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws and by abstaining from the collection of any duties and imposts whatsoever.

It is true that in the address to the people of the United States by the convention of South Carolina, after announcing "the fixed and final determination of the State in relation to the protecting system," they say "that it remains for us to submit a plan of taxation in which we would be willing to acquiesce in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures." In the opinion of the convention, an equitable plan would be that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States."

The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes that he "can not but think that on a calm and dispassionate review by Congress and the functionaries of the General Government of the true merits of this controversy the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention nor those alluded to in the message of the governor would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on they present an alternative which the General Government of itself can by no possibility grant, since by an express provision of the Constitution Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention that the conditions on which it is said in the address of the convention they "would be willing to acquiesce" form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention, in no binding or practical form; one is the act of the State, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance the execution of the laws of the Union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency that amid changing events and increasing excitement the sentiments of the present members of the convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people as to be almost hopeless of attainment. The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be reenacted at any future time or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Executive as the true basis of taxation, yet it is very certain that South Carolina alone can not be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them and the judicial proceedings for carrying them into effect, yet as the full action and operation of the ordinance are to be suspended until the 1st of February the interval may be assumed as the time within which it is expected that the most complicated portion of the national

legislation, a system of long standing and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so as far as his agency is concerned. He can not either embrace or lead to the performance of the conditions. He has already discharged the only part in his power by the recommendation in his annual message. The rest is with Congress and the people, and until they have acted his duty will require him to look to the existing state of things and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same, since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that under them the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when

constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

That a State or any other great portion of the people, suffering under long and intolerable oppression and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government and appeal to the last resort, needs not on the present occasion be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the ultima ratio, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure by all means in their power the blessings of liberty and happiness; but when for these purposes any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view it is a right dependent upon the power to enforce it. Such a right, though may be admitted to preexist and can not be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil government, involving the liberties and happiness of millions of mankind, the obligation can not be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal or social or national, it is sufficient that it must be admitted to be a compact and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States and ratified by the people thereof, respectively; a compact by which the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government, and by which the Federal Government is bound to the several States and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent, and to the whole and

every part of it they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the Constitution, for the common defense and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation, and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government and every department thereof. It will be freely conceded that by the principles of our system all power is vested in the people, but to be exercised in the mode and subject to the checks which the people themselves have prescribed. These checks are undoubtedly only different modifications of the same great popular principle which lies at the foundation of the whole, but are not on that account to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive and the authority of the judiciary, which is to extend to all cases in law and equity arising under the Constitution and laws of the United States made in pursuance thereof, are the obvious checks, and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the Government can affect the obligations of the parties, it can not even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of Congress laying duties and imposts, and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports without the consent of Congress, and can not become a party under these laws without importing in her own name or wrongfully interposing her authority against them. By thus interposing, however, she can not rightfully obstruct the operation of the laws upon individuals. For their disobedience to or violation of the laws the

ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offense against the laws, he could not set up in justification of his act a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State can not authorize the commission of a crime against the United States or any other act which, according to the supreme law of the Union, would be otherwise unlawful; and it is equally clear that if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation or to procure relief by an amendment of the Constitution. But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried, and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a government of unlimited powers," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but in effect has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound by the import of oaths previously taken to treat the Constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion and to the remedy of amendment; for without waiting to learn whether the other States will consent to a convention, or if they do will construe or amend the Constitution to suit her views, she has of her own authority altered the import of that instrument and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the

happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

There is in the present instance no such cause, either in the degree of misrule or oppression complained of or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even palliate, such a resort can be justly imputed either to the present policy or past measures of the Federal Government.

The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American Revolution, have continually gone hand in hand, and at all times and in every instance no tax of any kind has been imposed without their participation, and, in some instances which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the Government. Up to the present period no revenue has been raised beyond the necessary wants of the country and the authorized expenditures of the Government; and as soon as the burthen of the public debt is removed those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system thus pursued has resulted in no such oppression upon South Carolina needs no other proof than the solemn and official declaration of the late chief magistrate of that State in his address to the legislature. In that he says that--

The occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of Human Events; that tributes of grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health almost beyond former precedent has blessed our homes, and that there is not less reason for thankfulness in surveying our social condition.

It would indeed be difficult to imagine oppression where in the social condition of a people there was equal cause of thankfulness as for abundant harvests and varied and multiplied blessings with which a kind providence had favored them.

Independently of these considerations, it will not escape observation that South Carolina still claims to be a component part of the Union, to participate in the national councils and to share in the public benefits without contributing to the public burdens, thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union and subject to its authority, a vindication of the just power of the Constitution, the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "shall take care that the laws be faithfully executed," and in providing that he shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present the duties of the Government become the measure of its powers, and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the Constitution it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned and its laws obstructed by a single State, would neither comport with its own safety nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition as is to be commenced after the 1st of February next.

Subsequently to the date of these instructions and to the passage of the ordinance, information has been received from sources entitled to be relied on that owing to the popular excitement in the State and the effect of the ordinance declaring the execution of the revenue laws unlawful a sufficient number of persons in whom confidence might be placed could not be induced to accept the office of inspector to oppose with any probability of success the force which will no doubt be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs, and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution, and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution can not be observed in regard to the ports of Georgetown and Beaufort, each of which under the present laws remains a port of entry and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which by the existing laws they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody is the process of replevin and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress it is not perceived that the collector can interpose any resistance whatever, and against the process of replevin authorized by the law of the State he, having no common-law power, can only oppose such inspectors as he is by statute

authorized and may find it practicable to employ, and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribunals to administer the law according to their oath under the Constitution and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction is unlawful; that in such case the court of the United States having cognizance of the seizure may enforce a redelivery of the thing by attachment or other summary process; that the question under such a seizure whether a forfeiture has been actually incurred belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States can the party proceed at common law for damages in the State courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts are and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect, has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union and enforce those only of South Carolina, and thus deprived of the function essential to the judicial character of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals thus constituted can be respected consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is at once an end not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which by the replevin law of South Carolina it is his duty to exercise, it can not be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding, or the property might be seized for a violation of the revenue laws, and, being libeled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But in that case the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the county. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is nothing less than the posse comitatus in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England to enable them to defend their county against any of the King's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognized in South Carolina (and from this act it would seem they are), the power of summoning the posse comitatus will compel, under the

penalty of fine and imprisonment, every man over the age of 15, and able to travel, to turn out at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating, and even killing, such as may resist. The use of the posse comitatus is therefore a direct application of force, and can not be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form under a different name. No proceeding which resorts to this power to the extent contemplated by the act can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned are subjected to a further proceeding in the nature of a distress of their personal effects, and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than \$1,000 nor more than \$5,000 and to imprisonment not exceeding two years and not less than six months; and for even attempting to execute the order of the court for retaking the property the marshal and all assisting would be guilty of a misdemeanor and liable to a fine of not less than \$3,000 nor more than \$10,000 and to imprisonment not exceeding two years nor less than one; and in case the goods should be retaken under such process it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State (unless the latter be passively submitted to) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives would be scarcely avoidable.

Under these circumstances and the provisions of the acts of South Carolina the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured--if, indeed, it can be done in any other way--by placing the custom-house beyond the immediate power of the county.

For this purpose it might be proper to provide that whenever by any unlawful combination or obstruction in any State or in any port it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the

districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State; and in such cases it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that in such cases it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs unless by process from the ordinary judicial tribunals of the United States, and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs it should be lawful to protect the possession of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the eleventh section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the State which might thereafter be brought against them, nor would it protect their property from the proceeding by distress, and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offenses against the United States and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina against outrage and oppression of any kind who may manifest their attachment and yield obedience to the laws of the Union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the State for any act done under the laws of the United States he should be authorized to remove the said cause by petition into the circuit court of the United States without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein; and that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the 3d March, 1791, to authorize the marshals to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting as they do for the most part rather of a revival of the policy of former acts called for by the existing emergency than of the introduction of any unusual or

rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate unless the military forces of the State of South Carolina authorized by the late act of the legislature should be actually embodied and called out in aid of their proceedings and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing, and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that within the limits of such State the laws of the United States will be openly opposed and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty and to cooperate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary than in preserving the good order of society and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the Revolution and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws and a Federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their

highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of Nations may so guide your deliberations and our joint measures as that they may prove salutary examples not only to the present but to future times, and solemnly proclaim that the Constitution and the laws are supreme and the Union indissoluble.

Name of politician: Andrew Jackson

Title of Speech: Message Regarding South Carolina Nullification of Federal Legislation

Date of Speech: January 16, 1833

Category: Famous

Grader: Coder 1

Date of grading: 10/28/17

Final Grade (delete unused grades):

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	1.4	<p>It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.</p> <p>In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same, since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly</p>	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p>

		<p>defied and set aside wants only the form to be independent of the Union.</p> <p>The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain.</p>	
--	--	--	--

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

The occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of Human Events; that tributes of grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health almost beyond former precedent has blessed our homes, and that there is not less reason for thankfulness in surveying our social condition.

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

It would indeed be difficult to imagine oppression where in the social condition of a people there was equal cause of thankfulness as for abundant harvests and varied and multiplied blessings with which a kind providence had favored them.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the Revolution and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws and a Federal Union founded upon the great principle of popular representation.

After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are

		<p>called to decide whether these laws possess any force and that Union the means of self-preservation.</p>	
<p>Populist notion of the people</p>	<p>.2</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>

	<p>known opinions and interests of the great body of the American people as to be almost hopeless of attainment.</p> <p>It will be freely conceded that by the principles of our system all power is vested in the people, but to be exercised in the mode and subject to the checks which the people themselves have prescribed.</p> <p>it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people.</p> <p>The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to</p>	
--	---	--

		<p>discharge the duty which in this conjuncture is devolved upon me.</p>	
<p>Evil elite</p>	<p>.3</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p> <p>I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina which I now lay before you, and which have all and each of them finally passed after a</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p> <p>It is also true that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by</p>

	<p>knowledge of the desire of the Administration to modify the laws complained of, are too well calculated both in their positive enactments and in the spirit of opposition which they obviously encourage wholly to obstruct the collection of the revenue within the limits of that State.</p> <p>Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be to enforce her laws for preventing the collection of the duties within her limits.</p> <p>the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws</p> <p>It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is nothing less than the posse comitatus in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible,</p>	<p>force," the governor of South Carolina observes that he" can not but think that on a calm and dispassionate review by Congress and the functionaries of the General Government of the true merits of this controversy the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."</p>
--	---	--

	<p>and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means.</p>	
	<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p> <p>The whole revenue system of the United States in South Carolina is obstructed and overthrown,</p> <p>It is the acknowledged attribute of free institutions that under them the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried, and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a government of unlimited powers," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but in effect has defied them all.

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p> <p>while the Government is disposed to remove all just cause of complaint as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.</p>
--	---

Overall Comments: In this speech, Jackson responds to the South Carolina initiative to “nullify” federal legislation. His language is extremely Manichaeian and at times bellicose; as the state of South Carolina is preparing to enforce their aims with violence, he also plans to use force. He

condemns them for their insubordination, and ascribes cosmic proportions to the conflict; he invokes the past and the intent of the founding fathers in strengthening the case of the justice of the federal government as representatives of the will of all American people. There is still not a hugely strong appeal to a populist notion of the people as much more than the honest citizens of America. However, their will is more strongly identified as preserving justice and the supremacy of the laws, in this instance. The evil elite is personified in the representatives of South Carolina, who are actively subverting the general good for their own benefit. However, he does give them some credit in acknowledging that they, at least, in their rhetoric, claim to hope for a peaceful solution, and the conflict is actually pretty localized. This speech is very nationalist, and though it has populist elements, probably earns a score of .4.

Name of politician: Andrew Jackson

Title of Speech: Message Regarding South Carolina Nullification of Federal Legislation

Date of Speech: January 16, 1833

Category:

Grader: Coder 2

Date of grading: 12/15/17

Final Grade (delete unused grades): 0.8

1 A speech in this category includes strong, clearly populist elements but either does not use them consistently or tempers them by including non-populist elements. Thus, the discourse may have a romanticized notion of the people and the idea of a unified popular will (indeed, it must in order to be considered populist), but it avoids bellicose language or references to cosmic proportions or any particular enemy.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	0.2 (0)	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues . The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of “history.” At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

*To no other source can appeals for supposed wrongs be made consistently
I fervently pray that the Great Ruler of Nations may so guide your deliberations
the Constitution and the laws are supreme and the Union indissoluble*

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

<p>Populist notion of the people</p>	<p>1.0 (1)</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p><i>the people/the American people It is not the right of the State, but of the individual, and of all the individuals in the State. by the principles of our system all power is vested in the people the same great popular principle which lies at the foundation of the whole the rights of the great body of the American people</i></p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>
--------------------------------------	----------------	--	--

<p>Evil elite</p>	<p>0.2 (0)</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p> <p><i>If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States</i></p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>
		<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.

Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.

A clear populist notion of the people, though the elite as the authorities of South Carolina is sometimes weak compared to the framework set up. There is a sense that the authorities of South Carolina have subverted the true will of the people, but this is not consistent.

December 12, 1833: Message on the Constitutional Rights and Responsibilities of the President

Transcript

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct, and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government to decline a compliance with your request.

Name of politician: Andrew Jackson

Title of Speech: Message on the Constitutional Rights and Responsibilities of the President

Date of Speech: December 12, 1833

Category:

Grader: Coder 1

Date of grading: November 6, 2017

Final Grade (delete unused grades):

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	0	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p> <p>I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution</p>

		<p>of the appropriate duties confided to them.</p>
<p>The moral significance of the items mentioned in the speech is heightened by ascribing cosmic proportions to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to national and religious leaders that are generally revered.</p>		<p>The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.</p>

<p>Populist notion of the people</p>	<p>0</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>
<p>Evil elite</p>	<p>0</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p> <p>The executive is a coordinate and independent branch of the Government equally with the</p>

		<p>Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council.</p>
<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p>		<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p> <p>I have attentively considered the resolution of the Senate-</p> <p>Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them.</p>
--	---

Overall Comments: In this short speech, President Jackson relates the constitutional reasons why he does not feel compelled to give the Senate communication it has requested between himself and "the heads of Executive Departments." He affirms that the executive and legislative branches are separate branches with equal power, and that he is therefore under no obligation to provide what they wish. He does mention the People, and his duty to serve them, but he represents and is not part of them. This is a narrow policy issue and thus lacks a Manichaeian,

redemptive element. The Senate is not identified as an enemy, only as erroneous in their request. Ultimately, This speech earns a score of 0.

Sixth Annual Message

December 1, 1834

<http://www.presidency.ucsb.edu/ws/index.php?pid=29476>

Jackson references France's reaction to this speech: " Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French ministry decided to consider the conditional recommendation of reprisals a menace and an insult which the honor of the nation made it incumbent on them to resent." <http://www.presidency.ucsb.edu/ws/index.php?pid=29477>

Fellow Citizens of the Senate and of the House of Representatives:

In performing my duty at the opening of your present session it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of our North East boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783 has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark the best understanding exists. Commerce with all is fostered and protected by reciprocal good will under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances and to the wise counsels of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties to the prejudice of our navigation levied in Cuba and Puerto Rico has been transmitted to the minister of the United States at Madrid, to be communicated to the Government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits

the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long-subsisting friendship with that power affords the strongest guaranty that the balance due will receive prompt attention.

The first installment due under the convention of indemnity with the King of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment -- an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims and the anxiety displayed to fulfill at once the stipulations made for the payment of them are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances can not fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message as sanctioned by the Senate, but the ratifications of which had not been exchanged owing to a delay in its reception at Brussels and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the ground-work of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions on questions of general maritime law. Our newly established relations with the Sublime Porte promise to be useful to our commerce and satisfactory in every respect to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the Emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction as its stipulations are just and liberal and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice and their devotion to those peaceful arts the assiduous cultivation of which confers honor upon nations and gives value to human life.

In the mean time I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power will not be realized. With all these Governments and with that of Brazil no unexpected changes in our relations have occurred during the present year.

Frequent causes of just complaint have arisen upon the part of the citizens of the United States, some times from the irregular action of the constituted subordinate authorities of the maritime regions and some times from the leaders or partisans of those in arms against the established Governments. In all cases representations have been or will be made, and as soon as their political affairs are in a settled position it is expected that our friendly remonstrances will be followed by adequate redress. The Government of Mexico made known in [1833] December last the appointment of commissioners and a surveyor on its part to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated -- the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed in [1833] January to negotiate in Mexico an article additional to the pre-existing treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received that additional article to the treaty will be obtained and transmitted to this country as soon as it can receive the ratification of the Mexican Congress.

The reunion of the three States of New Grenada, Venezuela, and Equador, forming the Republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose at an early day to submit, in the proper form, the appointment of a diplomatic agent to Venezuela, the importance of the commerce of that country to the United States and the large claims of our citizens upon the Government arising before and since the division of Colombia rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil are either at or on their way to their respective posts.

From the Argentine Republic, from which a minister was expected to this Government, nothing further has been heard. Occasion has been taken on the departure of a new consul to Buenos Ayres to remind that Government that its long delayed minister, whose appointment had been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation than are those of the United States with their ancient ally and friend. This disposition is founded as well on the most grateful and honorable recollections associated with our struggle for independence as upon a well grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see without the deepest regret even a temporary interruption of the friendly relations between the two countries -- a regret which would, I am sure, be greatly aggravated if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been

characterized by a spirit so conciliatory and for bearing as to make it impossible that our justice and moderation should be questioned, what ever may be the consequences of a longer perseverance on the part of the French Government in her omission to satisfy the conceded claims of our citizens. The history of the accumulated and unprovoked aggressions upon our commerce committed by authority of the existing Governments of France between the years 1800 and 1817 has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not to a very considerable extent admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made would have been effected had not the revolution by which the negotiation was cut off taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation.

After the most deliberate and thorough examination of the whole subject a treaty between the two Governments was concluded and signed at Paris on 1831-07-04, by which it was stipulated that *"the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of 25,000,000 francs to the United States, who shall distribute it among those entitled in the manner and according to the rules it shall determine"* ; and it was also stipulated on the part of the French Government that this 25,000,000 francs should "be paid at Paris, in six annual installments of 4,166,666 francs and 66 centimes each, into the hands of such person or persons *"as shall be authorized by the Government of the US to receive it"* , the first installment to be paid *"at the expiration of one year next following the exchange of the ratifications of this convention and the others at successive intervals of a year, one after another, 'til the whole shall be paid. To the amount of each of the said installments shall be added interest at 4% thereupon, as upon the other installments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention"*.

It was also stipulated on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France on behalf of its citizens, that the sum of 1,500,000 francs should be paid to the Government of France in six annual installments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following article, viz:

The wines of France, from and after the exchange of the ratifications of the present conventions, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon (such as it is used at present for wines in the US), to wit: 6 cents for red

wines in casks; 10 cents for white wines in casks, and 22 cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced and the general rates of the tariff which went into operation 1829-01-01, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for 10 years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long-staple cottons of the United States which after the exchange of the ratifications of the present convention shall be brought directly thence to France by the vessels of the US or by French vessels the same duties as on short-staple cotton.

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratification was exchanged at the city of Washington on 1832-02-02. On account of its commercial stipulations it was in five days thereafter laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution, and France has from that period to the present been in the unrestricted enjoyment of the valuable privileges that were thus secured to her.

The faith of the French nation having been thus solemnly pledged through its constitutional organ for the liquidation and ultimate payment of the long deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done every thing that was necessary to carry the treaty into full and fair effect on their part, counted with the most perfect confidence on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnity to be paid or the commercial benefits to be secured to the United States, and the relations between the United States and that power in consequence thereof are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus wanting in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to 1832-04-08. The French Chambers were then sitting, and continued in session until 1832-04-21, and although one installment of the indemnity was payable on 1833-02-02, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and in consequence of no appropriation having then been made the draft of the United States Government for that installment was dishonored by the minister of finance, and the United States thereby involved in much controversy.

The next session of the Chambers commenced on 1832-11-19, and continued until 1833-04-25. Notwithstanding the omission to pay the first installment had been made the subject of earnest remonstrance on our part, the treaty with the United States and a bill making the necessary appropriations to execute it were not laid before the Chamber of Deputies until 1833-04-06, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no further action upon it.

The next session of the Chambers commenced on 1833-04-26, and continued until 1833-06-26. A new bill was introduced on 1833-06-11, but nothing important was done in relation to it during the session.

In 1834 April, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably greater than will be ultimately allowed by the commissioners, sufficient is, never the less, shown to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect was well known at the time -- a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required from a sincere desire to avoid further collision upon this old and disturbing subject and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about 1834-05-15, might have been considered the final determination of the French Government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation were conveyed the regrets of the King and a declaration that a national vessel should be forthwith sent out with instructions to the French minister to give the most ample explanations of the past and the strongest assurances for the future. After a long passage the promised dispatch vessel arrived.

The pledges given by the French minister upon receipt of his instructions were that as soon after the election of the new members as the charter would permit the legislative Chambers of France should be called together and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his cabinet should be exerted to accomplish the object, and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his cabinet, and, above all, that sacred regard for the national faith and honor for which the French character has been so distinguished would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on 1834-07-31, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been over-looked had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to 1834-12-29 -- a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay our minister in Paris, in virtue of the assurance given by the French minister in

the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances on the part of the executive government of France of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government, and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will at this session probably be required at your hands. But if from the original delay in asking for an appropriation, from the refusal of the Chambers to grant it when asked, from the omission to bring the subject before the Chambers at their last session, from the fact that, including that session, there have been five different occasions when the appropriation might have been made, and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government, in all its branches, to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and to my mind conclusive objections to this mode of proceeding.

We can not embarrass or cut off the trade of France without at the same time in some degree embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France the clear perception of right which will induce our own people and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just will be obscured and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal.

There is but one point of controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus

disencumbered and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left, as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused or longer delayed take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code that where one nation owes another a liquidated debt which it refuses or neglects to pay the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself toward Portugal, under circumstances less unquestionable.

The time at which resort should be had to this or any other mode of redress is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking and refuse to pay an acknowledged debt. In that event every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens.

Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Her pride and power are too well known to expect any thing from her fears and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights.

That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.

Collision with France is the more to be regretted on account of the position she occupies in Europe in relation to liberal institutions, but in maintaining our national rights and honor all governments are alike to us. If by a collision with France in a case where she is clearly in the wrong the march of liberal principles shall be impeded, the responsibility for that result as well as every other will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether after what has taken place it will still await the further action of the French Chambers or now adopt such provisional measures as it may deem necessary and best adapted to protect the rights and maintain the honor of the country. What ever that decision may be, it will be faithfully enforced by the Executive as far as he is authorized so to do.

According to the estimate of the Treasury Department, the revenue accruing from all sources during the present year will amount to \$20,624,717, which, with the balance remaining in the Treasury on 1834-01-01 of \$11,702,905, produces an aggregate of \$32,327,623. The total expenditure during the year for all objects, including the public debt, is estimated at \$25,591,390, which will leave a balance in the Treasury on 1835-01-01 of \$6,736,232. In this balance, however, will be included about \$1,150,000 of what was heretofore reported by the Department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year \$8,002,925, and that of this sum there will not be required more than \$5,141,964 to accomplish the objects of all the current appropriations. Thus it appears that after satisfying all those appropriations and after discharging the last item of our public debt, which will be done on 1835-01-01, there will remain unexpended in the Treasury an effective balance of about \$440,000. That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign powers, the present may be hailed as the epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our Republic and secure the blessings of freedom to our citizens.

Name of politician: Andrew Jackson
Title of Speech: Sixth Annual Message to Congress
Date of Speech: December 1, 1834
Category: International
Grader: Coder 1
Date of grading: 10/28/17

Final Grade (delete unused grades):

0 A speech in this category uses few if any populist elements. Note that even if a speech expresses a Manichaeian worldview, it is not considered populist if it lacks some notion of a popular will.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	1	<p>It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.</p> <p>There is but one point of controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind.</p>	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p> <p>I propose at an early day to submit, in the proper form, the appointment of a diplomatic agent to Venezuela, the importance of the commerce of that country to the United States and the large</p>

	<p>That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.</p> <p>If by a collision with France in a case where she is clearly in the wrong the march of liberal principles shall be impeded, the responsibility for that result as well as every other will rest on her own head.</p>	<p>claims of our citizens upon the Government arising before and since the division of Colombia rendering it, in my judgment, improper longer to delay this step.</p>
--	---	---

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation than are those of the United States with their ancient ally and friend. This disposition is founded as well on the most grateful and honorable recollections associated with our struggle for independence as upon a well grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see without the deepest regret even a temporary interruption of the friendly relations between the two countries

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign powers, the present may be hailed as the epoch in our history the most favorable for the settlement of those principles in our domestic policy

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

		<p>which shall be best calculated to give stability to our Republic and secure the blessings of freedom to our citizens.</p>	
<p>Populist notion of the people</p>	<p>0</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p> <p>The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens.</p>

		<p>treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.</p> <p>In that event every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens.</p>	<p>Frequent causes of just complaint have arisen upon the part of the citizens of the United States, some times from the irregular action of the constituted subordinate authorities of the maritime regions and some times from the leaders or partisans of those in arms against the established Governments.</p>
Evil elite	0	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p> <p>The history of the accumulated and unprovoked aggressions upon our commerce committed by authority of the existing Governments of France between the years 1800 and 1817 has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not to a very considerable extent admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.</p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p> <p>The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code that where one nation owes another a liquidated debt which it refuses or neglects to pay the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt without giving just cause of war.</p>
---	---

Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.

The avowed grounds upon which the bill was rejected are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government, and further negotiation upon the subject is equally out of the question.

That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States,

Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.

I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and for bearing as to make it impossible that our justice and moderation should be questioned,

she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.

Overall Comments: In this speech, Jackson reports to Congress on the state of foreign affairs, including on a tricky situation with the government of France. France, despite continual terms of negotiation, delayed payment on a debt to the United States. Some aspects of this speech are populist; Jackson portrays the struggle in a Manichaeian way, that there is only one side that is just and righteous, while the other is clearly wrong and in a morally unjustified position. Given the circumstances, the French forfeit some of the protections of democracy. Yet, the entire government of France does not really constitute an evil elite. They are not conspiring to take advantage of or subvert the will of the people. Moreover, a populist notion of the people as anything more than simply citizens of the U.S. isn't really referenced. Overall, this speech merits a score of .4.

March 4, 1837: Farewell Address

Transcript

Fellow-Citizens:

Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I can not hope that it has at all times been free from errors; but I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve, and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will at least see in them an earnest desire to perpetuate in this favored land the blessings of liberty and equal law.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war against each other, and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these

trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called upon to put forth its whole strength without the lights of experience to guide it or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us, and if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race--the original dwellers in our land--are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them. If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness; and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just, and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary, exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects and these multiplied favors we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it, and has proved that in the union of these States there is a sure foundation for the

brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment; for when we look upon the scenes that are passing around us and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment--and he so speaks of it in his Address--but an experiment upon the success of which the best hopes of his country depended; and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and a fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States and to place party divisions directly upon geographical distinctions; to excite the South against the North and the North against the South, and to force into the controversy the most delicate and exciting topics--topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been

formed to sever the Union? **Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue.** The honorable feeling of State pride and local attachments finds a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren, and that however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics. What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe, the memory of victories won by their united valor, the prosperity and happiness they have enjoyed under the present Constitution, the proud name they bear as citizens of this great Republic--if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off, new leaders would spring up, and this great and glorious Republic would soon be broken into a multitude of petty States, without commerce, without credit, jealous of one another, armed for mutual aggression, loaded with taxes to pay armies and leaders, seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States argument will soon make them sensible of their errors, and when convinced they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the Government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people. And no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union and with it an end to the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution can not be maintained nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people, in the security it gives to life, liberty, character, and property in every quarter of the country, and in the fraternal attachment which the citizens of the several States bear to one another as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States, and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars, and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted--principles which had taken deep root in their social relations before the Revolution, and therefore of necessity influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure, and while it does not interfere with the rights of the people of other States or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference, and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism, and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens of every quarter of our country are capable of attaining a high

degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which can not always be easily allayed. Justice--full and ample justice to every portion of the United States should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed, for one evil example will lead to other measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States and to confine the action of the General Government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the taxgatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and

if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them, and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution nor in taking away the money of the people when it is not needed for the legitimate wants of the Government. Plain as these principles appear to be, you will yet find there is a constant effort to induce the General Government to go beyond the limits of its taxing power and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce and to swell the revenue beyond the real necessities of the public service, and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress, and in order to fasten upon the people this unjust and unequal system of taxation extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You can not have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government by its veto endeavored to arrest this prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people when the subject was brought before them sustained the course of the Executive, and this plan of unconstitutional expenditures for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced and is now very far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse

expenditure for the purpose of purchasing influence in other quarters; and since the people have decided that the Federal Government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice, and if persisted in will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people--from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify? It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burden of the people so far lightened.

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. The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. 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.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper, and we ought not on that account to be surprised at the facility with which laws were

obtained to carry into effect the paper system. Honest and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

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; and when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given, suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency and these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue and promote the true interests of our country; but if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils and destroy at no distant day the purity of your Government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently became depreciated or worthless, and all of it is easily counterfeited in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine note. These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business, and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to

guard themselves from these impositions, and whose daily wages are necessary for their subsistence. 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. It is more especially the duty of the United States, where the Government is emphatically the Government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth and their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests can not be effectually protected unless silver and gold are restored to circulation.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

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. Your banks now furnish your only circulating medium, and money is plenty or scarce according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although in the present state of the currency these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society, yet, from their number and dispersed situation, they can not combine for the purposes of political influence, and whatever may be the dispositions of some of them their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

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. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, 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 other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few, and this organized money power from its secret conclave would have dictated the choice of your highest officers and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

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, and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances or the hope of better promoting the public welfare to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined, and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures, and if a sufficient number of States can be induced to create such establishments the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organization by a charter from Congress.

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. Such concert of action may sometimes be produced in a single city or in a small district of country by means of personal communications with each other, but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them who hope to grow rich without labor by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. 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. But with overwhelming numbers and wealth on their side they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them. The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges you will in the end find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

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. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your

free institutions. 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; and while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done toward the accomplishment of this most desirable object; but enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance in the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation and to avoid by every honorable means the calamities of war, and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape occasional collisions with other powers, and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will in the end be found to be the cheapest and most effectual, and now is the time, in a season of peace and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy, for your Navy will not only protect your rich and flourishing commerce in distant seas, but will enable you to reach and annoy the enemy and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force

advancing from the ocean and selecting its object, but they are indispensable to protect cities from bombardment, dockyards and naval arsenals from destruction, to give shelter to merchant vessels in time of war and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description can not be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess can not be applied in any manner more useful to the country, and when this is done and our naval force sufficiently strengthened and our militia armed we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for War.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves--from cupidity, from corruption, from disappointed ambition and inordinate thirst for power--that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my

country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

Name of politician: Andrew Jackson

Title of Speech: Farewell Address

Date of Speech: March 4, 1837

Category:

Grader: Coder 1

Date of grading: November 6, 2017

Final Grade (delete unused grades):

2 A speech in this category is extremely populist and comes very close to the ideal populist discourse. Specifically, the speech expresses all or nearly all of the elements of ideal populist discourse, and has few elements that would be considered non-populist.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	1.8	<p>It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.</p> <p>These cheering and grateful prospects and these multiplied favors we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the</p>	<p>The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues. The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.</p>

	<p>wisdom and foresight of those who formed it, and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this Union must be preserved.</p> <p>But until the law shall be declared void by the courts or repealed by Congress no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name if it had not the power to enforce the execution of its own laws within its own sphere of action.</p> <p>There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties.</p>	
--	--	--

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of "history." At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union and to which designing men would be likely to resort.

for when we look upon the scenes that are passing around us and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events and warning us of the evil to come.

Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure

		<p>hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.</p>	
<p>Populist notion of the people</p>	<p>1</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p>at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.</p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>

	<p>If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life.</p> <p>And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe, the memory of victories won by their united valor, the prosperity and happiness they have enjoyed under the present Constitution, the proud name they bear as citizens of this great Republic--if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken and this Union dissevered ?</p>	
--	--	--

Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States argument will soon make them sensible of their errors, and when convinced they will be ready to repair them.

It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. 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; and while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous

		<p>of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.</p> <p>In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me.</p> <p>from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States.</p>	
Evil elite	.9	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race--the original dwellers in our land--are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly' hastening while they remained in the States;

while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

But amid this general prosperity and splendid success the dangers of which he warned us are becoming every day more evident, and the *signs of evil* are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot.

	<p>We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States and to place party divisions directly upon geographical distinctions; to excite the South against the North and the North against the South, and to force into the controversy the most delicate and exciting topics--topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion.</p> <p>Appeals, too, are constantly made to sectional interests in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion.</p> <p>the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.</p>	
--	--	--

Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.

Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country.

The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired.

Many powerful interests are continually at work to procure heavy duties on commerce and to swell the revenue beyond the real necessities of the public service, and the country has already felt the injurious effects of their combined

The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”

influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress, and in order to fasten upon the people this unjust and unequal system of taxation extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements.

The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating

the currency throughout the United States.

We are not left to conjecture how the moneyed power, thus organized and with such a weapon in its hands, would be likely to use it.

The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States.

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p>
--	--

Overall comments: In his last address as President, Andrew Jackson reviews some of his major policy achievements and gives his analysis of the current state of the union, warning his listeners of impending dangers. This speech is extremely Manichaeian and dualistic--there is the side of liberty and the people, preserving, the union, vs. insidious men who try to destroy it. The evil elite specifically includes those who foment dissension on matters of slavery, and those who subvert the will of the people with the financial system of paper currency that Jackson has sought to destroy. Jackson sees both groups conspiring both within and outside of government, destroying the union and peace of the people as well as stripping them of their money through quasi-legal means. There is a definite will of the people, which Jackson embodies and has embodied. The will of the people will be triumphant, regardless of the challenges it encounters, and this moment is but one in the progression of freedom, the noble experiment of the U.S. that has implications for all of humanity. For these reasons, this speech earns a 1.6, rounding up to a 2.

Name of politician: Andrew Jackson

Title of Speech: Farewell Address

Date of Speech: March 4, 1837

Category:

Grader: Coder 2

Date of grading: 12/15/17

Final Grade (delete unused grades): 1.6

2 A speech in this category is extremely populist and comes very close to the ideal populist discourse. Specifically, the speech expresses all or nearly all of the elements of ideal populist discourse, and has few elements that would be considered non-populist.

	Score here (0, 1,2)	Populist	Pluralist
Manichaeian vision	0.9 (1)	It conveys a Manichaeian vision of the world, that is, one that is moral (every issue has a strong moral dimension) and dualistic (everything is in one category or the other, “right” or “wrong,” “good” or “evil”) The implication—or even the stated idea—is that there can be nothing in between, no fence-sitting, no shades of grey. This leads to the use of highly charged, even bellicose language.	The discourse does not frame issues in moral terms or paint them in black-and-white. Instead, there is a strong tendency to focus on narrow, particular issues . The discourse will emphasize or at least not eliminate the possibility of natural, justifiable differences of opinion.

The moral significance of the items mentioned in the speech is heightened by ascribing **cosmic proportions** to them, that is, by claiming that they affect people everywhere (possibly but not necessarily across the world) and across time. Especially in this last regard, frequent references may be made to a reified notion of “history.” At the same time, the speaker will justify the moral significance of his or her ideas by tying them to **national and religious leaders** that are generally revered.

*the Constitution framed by the
sages and patriots of the
Revolution
the Father of his Country
George Washington
the most sanguine hopes of the
founders of the Republic
May He who holds in His hands the
destinies of nations make you
worthy of the favors He has
bestowed*

The discourse will probably not refer to any reified notion of history or use any cosmic proportions. References to the spatial and temporal consequences of issues will be limited to the material reality rather than any mystical connections.

<p>Populist notion of the people</p>	<p>1.9 (2)</p>	<p>Although Manichaeian, the discourse is still democratic, in the sense that the good is embodied in the will of the majority, which is seen as a unified whole, perhaps but not necessarily expressed in references to the “voluntad del pueblo”; however, the speaker ascribes a kind of unchanging essentialism to that will, rather than letting it be whatever 50 percent of the people want at any particular moment. Thus, this good majority is romanticized, with some notion of the common man (urban or rural) seen as the embodiment of the national ideal.</p> <p><i>the liberties of the people Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. the pockets of the people – from the farmer, the mechanic, and the laboring classes of society this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations 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</i></p>	<p>Democracy is simply the calculation of votes. This should be respected and is seen as the foundation of legitimate government, but it is not meant to be an exercise in arriving at a preexisting, knowable “will.” The majority shifts and changes across issues. The common man is not romanticized, and the notion of citizenship is broad and legalistic.</p>
--------------------------------------	----------------	--	--

		<p><i>but equal rights and equal laws see that the wishes of the people are carried into faithful execution while the people remain, as I trust they ever will, uncorrupted and incorruptible</i></p>	
<p>Evil elite</p>	<p>1.3 (1)</p>	<p>The evil is embodied in a minority—more specifically, an elite—whose specific identity will vary according to context. Domestically, in Latin America it is often an economic elite, perhaps the “oligarchy,” but it may also be a racial elite; internationally, it may be the United States or the capitalist, industrialized nations or international financiers or simply an ideology such as neoliberalism and capitalism.</p> <p><i>Every attempt to exercise power beyond these limits should be promptly and firmly opposed Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government</i></p>	<p>The discourse avoids a conspiratorial tone and does not single out any evil ruling minority. It avoids labeling opponents as evil and may not even mention them in an effort to maintain a positive tone and keep passions low.</p>

	<p><i>leading State politicians who have friends to favor and political partisans to gratify?</i></p> <p><i>Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>incessant efforts made daily to encroach upon them</i></p>	
	<p>Crucially, the evil minority is or was recently in charge and subverted the system to its own interests, against those of the good majority or the people. Thus, systemic change is/was required, often expressed in terms such as “revolution” or “liberation” of the people from their “immiseration” or bondage, even if technically it comes about through elections.</p> <p><i>These views alone of the paper currency are sufficieint to call for immediate reform</i></p>	<p>The discourse does not argue for systemic change but, as mentioned above, focuses on particular issues. In the words of Laclau, it is a politics of “differences” rather than “hegemony.”</p>

<p>Because of the moral baseness of the threatening minority, non-democratic means may be openly justified or at least the minority's continued enjoyment of these will be seen as a generous concession by the people; the speech itself may exaggerate or abuse data to make this point, and the language will show a bellicosity towards the opposition that is incendiary and condescending, lacking the decorum that one shows a worthy opponent.</p>	<p>Formal rights and liberties are openly respected, and the opposition is treated with courtesy and as a legitimate political actor. The discourse will not encourage or justify illegal, violent actions. There will be great respect for institutions and the rule of law. If data is abused, it is either an innocent mistake or an embarrassing breach of democratic standards.</p>
--	--

Though there are other subjects mentioned, the most bellicose and clearly populist is his diatribe against the paper-money system. There is a clear belief in a pure and "uncorrupted and incorruptible" people who are held back by the malicious actions of those who wish to control the system – a corrupted aristocracy.