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Please read the reply to Andrew Jackson's veto of the bill concerning the United States Bank,

Document 2: The Reply of Senator Daniel Webster, July 11, 1832

[1] Before proceeding to the constitutional question, there are some other topics, [touched upon by Jackson], which [should be replied to]. . . . Now, the powers [given to] the bank are [the same] as [those] usually [given to] similar institutions.

[2] . . . Congress passed the bill, not as a favor to the present stockholders, not to comply with any demand on their part, but to promote great public interest. Every bank must have some stockholders, . . . and if the stockholders, whoever they may be, conduct the affairs of the bank [with care], the expectation is always, of course, that they will make it profitable to themselves, as well as useful to the public. If a bank charter is not to be granted because it may be profitable, either in a small or great degree, to the stockholders, no charter can be granted [to any bank]. The objection [is] against all banks. . . .

Question #1: Why does Webster compare the Bank of the United States to other banks in the country at lower levels?

Question #2: What is Webster's position on whether a bank should be a profitable venture? What is his reason for this when it comes to the public?

[3] . . . It is easy to say that there is danger to liberty, . . . in a bank open to foreign stockholders. . . . But neither reason nor experience proves any such danger. The foreign stockholder cannot be a director. He has no voice even in the choice of directors. His money is placed entirely in the management of the directors appointed by the President and Senate, and by the American stockholders. So far as there is dependence, or influence, either way, it is to the disadvantage of the foreign stockholder.

Question #3: Does Webster believe that Jackson has a point about foreign investors?

Question #4: Why does Webster state that there is a disadvantage to foreign stockholders?

[4] . . . But if the President thinks lightly of the authority of Congress, in [interpreting] the constitution, he thinks still more lightly of the authority of the Supreme Court. He asserts a right of individual judgment on constitutional questions, which is totally inconsistent with any proper administration of the Government, or any regular execution of the laws. Social disorder, entire uncertainty in regard to individual rights and individual duties, the [end] of legal authority, confusion, the [closing] of free Government -all these are the inevitable consequences of the principles adopted by [Jackson's veto message].

Question #5: What point of Jackson's is Webster covering when he mentions a "right of individual judgement on constitutional questions"?

Question #6: Do you agree with Webster's assessment of Jackson's position in Section 4? Explain your reasoning.

[5] [Until now] it has been thought that the final decision of constitutional questions belonged to the [Supreme Court]. The very nature of free Government, [requires] this: and our constitution, moreover, has been understood so to provide [that power], clearly and expressly.

Question #7: Was this always the case that constitutional questions were decided by the Supreme Court? If not, when did this change occur?

[6] . . . [W]hen a law has been passed by Congress, and approved by the President, it is now no longer in the power, either of the same President or his successors, to say whether the law is constitutional or not. He is not at liberty to disregard it...and to nullify it if he so chooses. After a law has passed through all the [required] forms; after it has received the [required] legislative [vote] and the Executive approval, the question of its constitutionality then becomes a judicial question In the courts, that question may be raised, argued, and [declared]; it can be [declared] nowhere else. . . .

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

Question #8: Why does Webster make it a point to state that the law is already in existence? Refer back to Section 6.

[8] If these opinions of the President be maintained, there is an end of all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally [without] binding force. Such a universal power as is now claimed for him (Jackson), a power of judging over the laws, and over the decisions of the [Supreme Court], is nothing else but pure despotism. If conceded to him, it makes

him, at once, what Louis the Fourteenth proclaimed himself to be, when he said, "I am the State."

Question #9: Do you agree with Webster that there will be an end to all laws as we know it?

Question #10: Webster is comparing Jackson to the absolute monarch King Louis XIV. Do you believe that Jackson is acting like a king?

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

From: Register of Debates in Congress, 22nd Cong., 1st sess., 1221-1240.