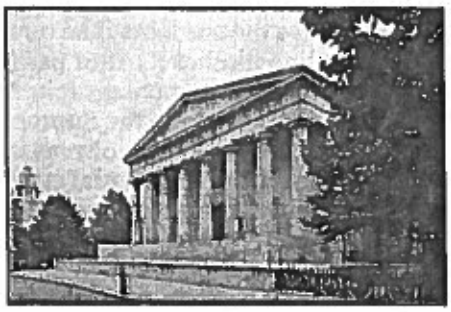
Document 1: Andrew Jackson's Veto Message Against the Re-chartering of the Bank of the United States, July 10, 1832



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[1] To the Senate: 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, . . . with my objections.

[2] . . . It [the Bank] 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. . . .

[3] . . . 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 citizens, chiefly of the richest class. . . .

Suffrage-voting

[4] . . . 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. . . . The entire control . . . would necessarily fall into the hands of a few citizen stockholders. . . . 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 . . . . 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.

Forbearance-allowing

[5] 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 concentered, as it may under . . . such an act as this, in the hands of a self-elected directory whose interest are identified with 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? . . . But if any private citizen or public functionary should interpose to curtail its powers . . . it can not be doubted that he would be made to feel its influence.

[6] . . . 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. . . .

[7] . . . 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. . .

[8] . . . 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. . . .

[9] . . . There is nothing in its [the Bank's] legitimate functions which makes it necessary or proper. . . .

[10] . . . 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. . . .

From: James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1908* (Washington, DC: Government Printing Office, 1908), II: 576-591.

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

[1] Before proceeding to the constitutional question, there are some other topics, treated in the message, which ought to be noticed. . . . Now, sir, the truth is, that the powers conferred on the bank are such, and no other, as are usually conferred on similar institutions. They constitute no monopoly, although some of them are, of necessity, and with propriety, exclusive privileges. . . .

[2] . . . Congress passed the bill, not as a bounty or a favor to the present stockholders, not to comply with any demand of right on their part, but to promote great public interest, for great public objects. Every bank must have some stockholders, . . . and if the stockholders, whoever they may be, conduct the affairs of the bank prudently, 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. The objection lies against all banks. . . .

[3] . . . From the commencement of the Government it has been thought desirable to invite, rather than to repel, the introduction of foreign capital. Our stocks have all been open to foreign subscriptions, and the State banks, in like manner, are free to foreign ownership. Whatever State has created a debt, has been willing that foreigners should become purchasers, and desirous of it . . . . 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.

[4] . . . But if the President thinks lightly of the authority of Congress, in construing 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 cessation of legal authority, confusion, the dissolution of free Government -all these are the inevitable consequences of the principles adopted by the message, whenever they shall be carried to their full extent.

[5] Hitherto it has been thought that the final decision of constitutional questions belonged to the supreme judicial tribunal. The very nature of free Government, it has been supposed, enjoins this: and our constitution, moreover, has been understood so to provide, clearly and expressly.

[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; he is not at liberty to feel or to affect "constitutional scruples," and to sit in judgment himself on the validity of a statute of the Government, and to nullify it if he so chooses. After a law has passed through all the requisite forms; after it has received the requisite legislative sanction and the Executive approval, the question of its constitutionality then becomes a judicial question . . . . In the courts, that question may be raised, argued, and adjudged; it can be adjudged nowhere else. . . .

[7] It is to be remembered, sir, that it is the present law, it is the Act of 1816, it is 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 solemn 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.

[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 destitute of binding force. Such a universal power as is now claimed for him, a power of judging over the laws, and over the decisions of the tribunal, 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."

[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.