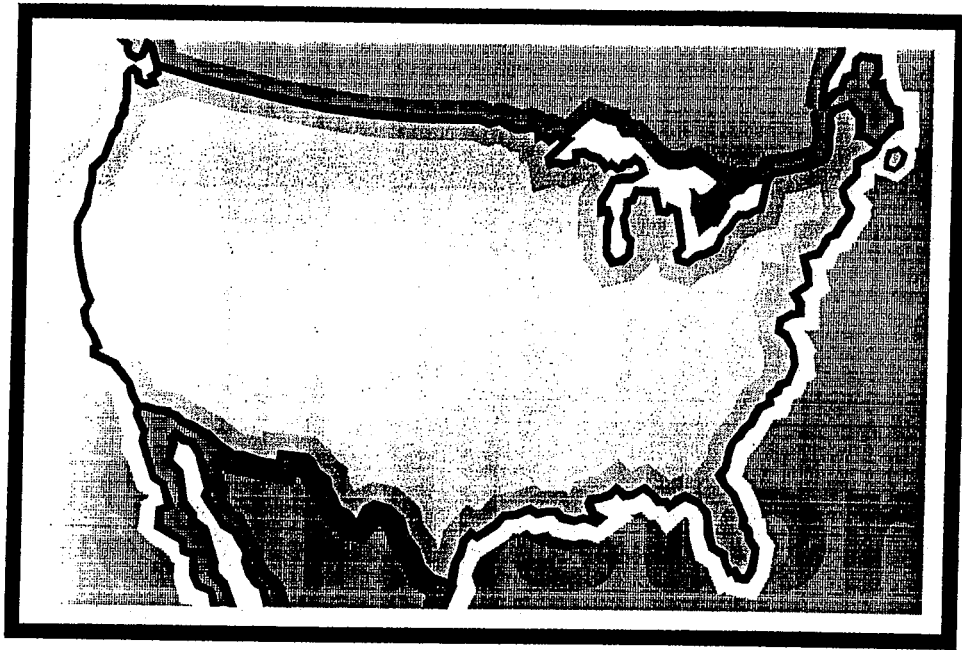


US History



Chapter 7: Balancing Nationalism and Sectionalism 1815-1840

Section 1: Regional Economies Create Differences

Section 2: Nationalism at Center Stage

Section 3: The Age of Jackson

Section 4: Jackson, States' Rights, and the National Bank

Henry Clay + American System

Balancing Nationalism + Sectionalism

Erie Canal + National Rd.

King Cotton IN South

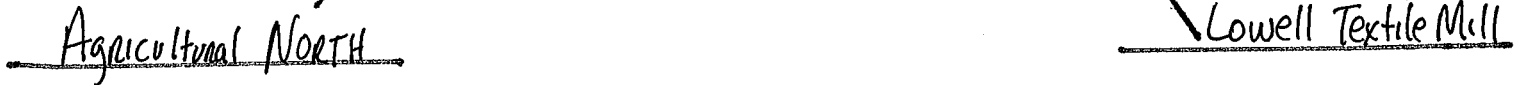
Regional Economics
CREATE
Differences

The North Industrialized

Two Economic Systems Develop

Agricultural North

Lowell Textile Mill



Chapter 7: Balancing Nationalism and Sectionalism, 1815-1840

Section 1: Regional Economies Create Differences

Eli Whitney: _____

interchangeable parts: _____

mass production: _____

Industrial Revolution: _____

cotton gin: _____

Henry Clay: _____

American System: _____

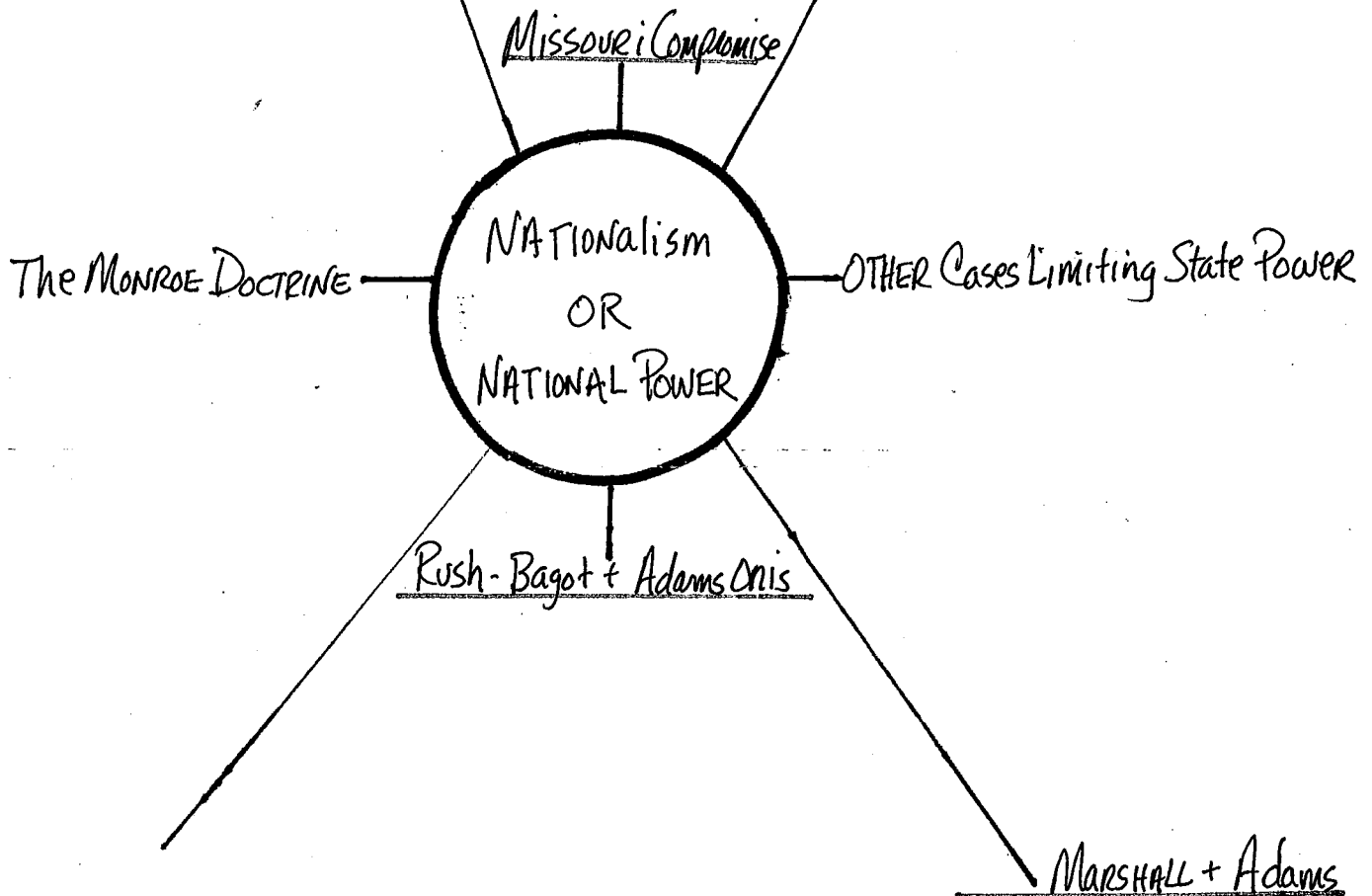
National Road: _____

Erie Canal: _____

Tariff of 1816: _____

Nationalism Moves West

Supreme Court Boosts National Power



Section 2: Nationalism at Center Stage

McCulloch v. Maryland _____

John Quincy Adams _____

nationalism _____

Adams-Onís Treaty _____

Monroe Doctrine _____

Missouri Compromise _____

Cherokee Exodus

Andrew Jackson + John Q. Adams

Trail of Tears

The Cherokee Fight

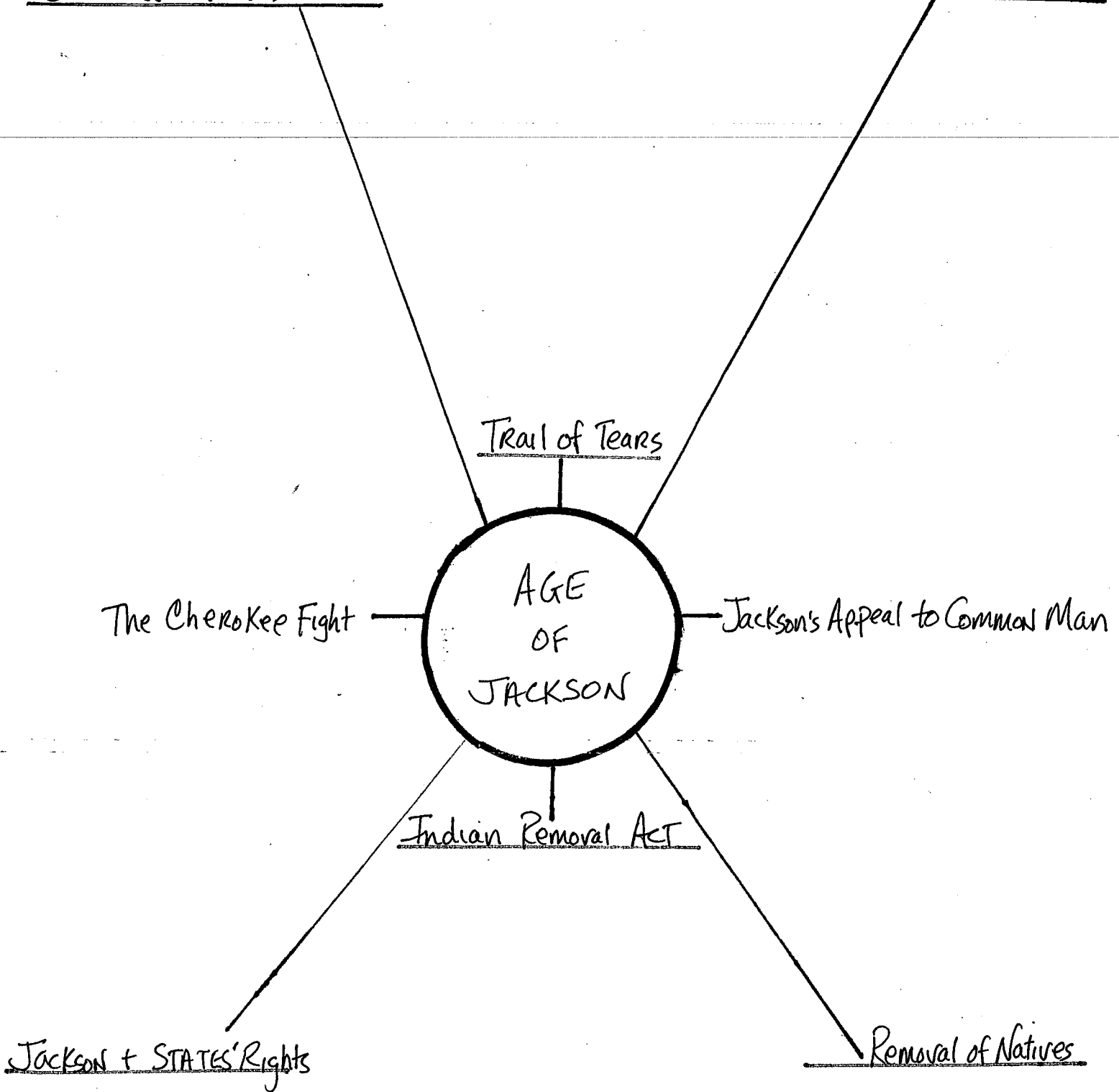
AGE
OF
JACKSON

Jackson's Appeal to Common Man

Indian Removal Act

Jackson + STATES' Rights

Removal of Natives



Section 3: The Age of Jackson

Andrew Jackson _____

Democratic-Republican Party _____

spoils system _____

Indian Removal Act _____

Trail of Tears _____

Whig Party

Tariffs + States' Rights Issue

Harrison + Tyler

Biddle Fights Back

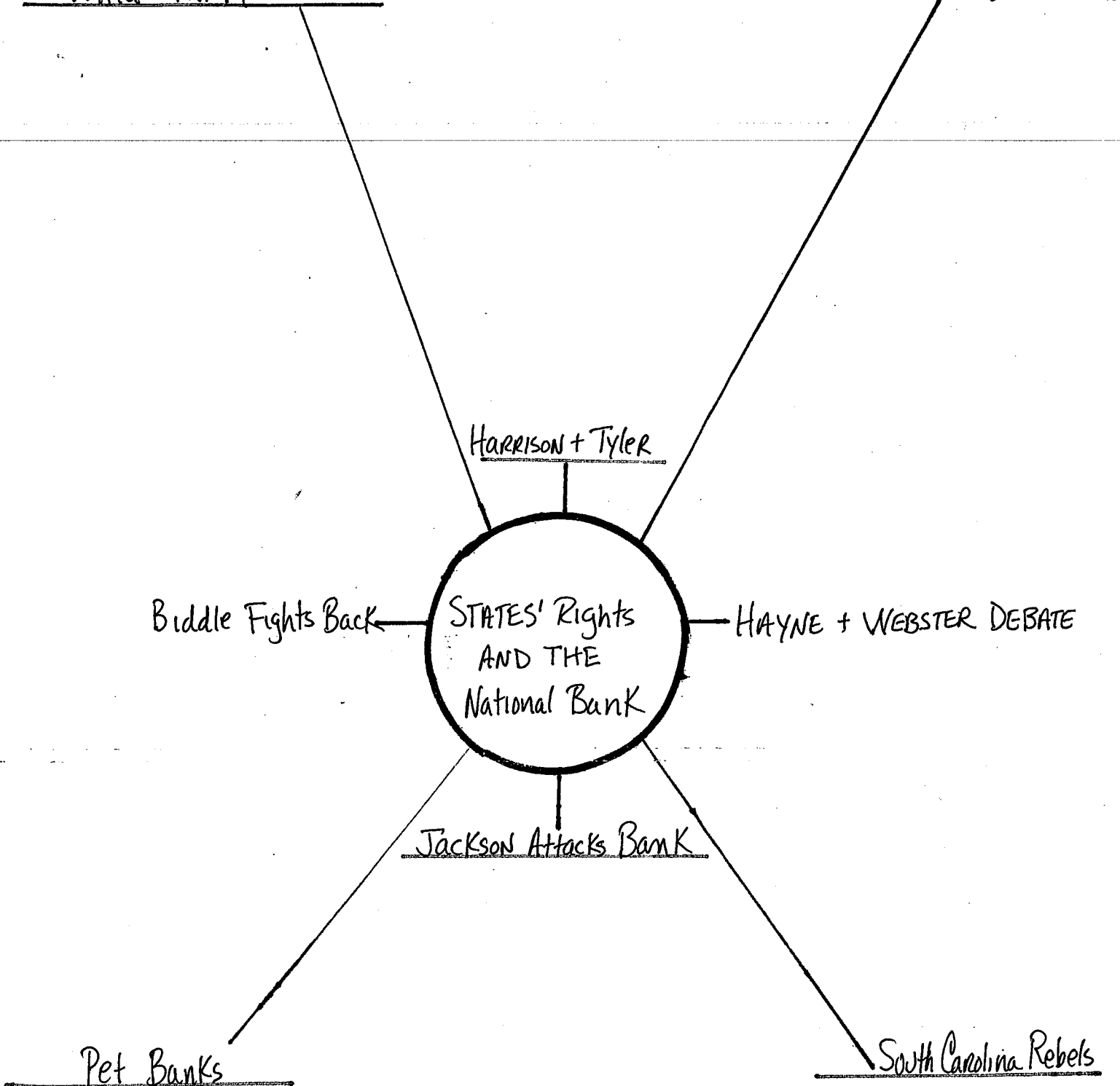
STATES' Rights
AND THE
National Bank

HAYNE + WEBSTER DEBATE

Jackson Attacks Bank

Pet Banks

South Carolina Rebels



Section 4: Jackson, States' Rights, and the National Bank

Daniel Webster _____

John C. Calhoun _____

Tariff of Abominations _____

Bank of the United States _____

Whig Party _____

Martin Van Buren _____

Panic of 1837 _____

William Henry Harrison _____

John Tyler _____

McCulloch v. Maryland (1819)

Vocabulary

real property Land or buildings, real estate.

implied powers Powers of the national government that are not specified in the Constitution but are based on the "necessary and proper" clause (elastic clause), which gives Congress authority to carry out its specified functions.

delegated powers Powers specifically granted to the national government in the Constitution.

sovereignty A state or nation's authority to govern itself.

Reviewing the Case

The early 1800s were years in which the United States faced unfamiliar situations concerning federalism and the division of authority between the national government and the various state governments. Such questions were often taken to court for definition and interpretation. Some of the decisions made then have had a lasting impact on how the country is governed. One of these early landmark cases is *McCulloch v. Maryland*, which arose in 1819.

In April 1816, Congress chartered the Second National Bank of the United States. This bank was the successor to the first Bank of the United States, started through the efforts of Alexander Hamilton. The original charter had expired in 1811 and was not immediately renewed because of questions about the constitutionality of a national bank. Many people objected to both the idea and the existence of a national bank. They thought it harmed state economies and local businesses and gave the national government too much power. The Second National Bank was in Philadelphia, with branch offices in other states. One branch was in Baltimore, Maryland.

On February 11, 1818, the Maryland state assembly passed an act aimed specifically at the Second National Bank. It imposed a

"stamp tax" on the paper that banks used in printing bank notes. All banks not chartered by the state had to pay either a tax to obtain the special stamped paper or an annual state tax of \$15,000. Each violation would result in a fine of \$500 for the bank and a \$100 fine for each individual responsible.

James McCulloch, cashier of the Baltimore branch, refused to pay the tax, despite repeated notices from the state. The state of Maryland brought suit against him in the County Court of Baltimore and later appealed to the State Court of Appeals, where McCulloch lost.

On behalf of himself and the U.S. government, McCulloch then brought the case to the Supreme Court in an attempt to reverse the decision. As it came to the Supreme Court, the issue became: Does any state have the constitutional right to tax an agency of the United States government?

Some of the most famous lawyers of the time argued the case. The attorneys for the state of Maryland argued that a state did have the right to tax because it was not forbidden by Article I, Section 10, of the Constitution, which lists the powers denied to the states. The only restrictions on the state's power to tax, they said, were those specifically mentioned. Those limits concern mainly imports and exports. The state also questioned the right of the Congress to create a national bank and to place branches in the various states without legislative approval.

The lawyers for the United States government argued that the states were forbidden to tax anything of the national government beyond **real property** that the national government owned in the states. They stated that the power of the state to tax the Second National Bank or any other agency of the national government would create the power to destroy the national government.

The Supreme Court decided on behalf of McCulloch, defining two issues of constitutional law:

First, the Court found that creating a national bank was within the **implied powers** of Congress, based on Article I, Section 8, of the Constitution. The final clause of Article I gives Congress the power to pass the legislation needed, or "necessary and proper," to carry out the other functions for which it is responsible. These are its **delegated powers**. In this instance, the creation of a national bank was necessary in order for Congress to create and coin a national currency, collect taxes, and borrow money in an emergency, among other things. These are delegated powers, specifically granted to Congress alone.

If, however, the act establishing a national bank was constitutional, did the state legislature of Maryland have the right to tax the bank? Citing Article VI of the Constitution, the Court declared that this action violated the principle of the supremacy of the national government over the states. The Court believed that granting individual states the right to tax the national government would in effect place the states in a position of **sovereignty** over the national government.

It would also place the individual states in a position superior to people of the Union collectively. This interpretation would return the country to the turmoil suffered under the Articles of Confederation.

Writing for the Court, Chief Justice John Marshall stated:

It being the opinion of the court that the act incorporating the bank is constitutional, and that the power of establishing a branch in the state of Maryland might be properly exercised by the bank itself, we proceed to inquire: Whether the state of Maryland may, without violation of the Constitution, tax that branch? . . . That the power of taxing it by the states may be exercised so as to destroy it, is too obvious to be denied. . . . We are unanimously of the opinion that the law passed by the legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void.

The significance of *McCulloch v. Maryland* goes to the very root of the purpose of a federal government, one divided by the Constitution between a central government and state governments. The purpose of such government was "to provide a more perfect union." Limits of power were imposed at both national and state levels, but enough power remained at the national level to carry out what Congress found "necessary and proper" to provide good government for the people of the country as a whole. This decision confirmed the legitimate right of Congress to utilize the implied powers clause in passing laws to carry out its delegated powers. It further declared and validated the supremacy of the people collectively represented by Congress over the powers of individual states.

Name _____ Date _____

McCulloch v. Maryland (1819)

Elements of the Case

Directions: Fill in the appropriate information for each of the following elements of this case.

1. State the issue before the Supreme Court in this case.

2. What facts of the case were presented to the Court?

3. What was the decision of the Court? What was the rationale behind it?

4. What was the effect of the decision?

Name _____

Evaluation of the Case

Directions: Use your own judgment to evaluate the justices' decision and state your opinion of that decision.

1. Explain in your own words the meaning of Justice Marshall's statement, "The power to tax is the power to destroy."

2. Think about the following statement and respond with your opinion.
To paraphrase Justice Marshall: A tax on the states by the United States government is a tax levied on its constituency by their elected officials in the Congress, whereas a tax on the United States by a state legislature is a tax levied on people who are not all the constituents of the legislators of that state. (Keep in mind that a *constituent* is a person for whom a government may make laws and to whom elected officials are accountable.)

3. Was the decision in this case an example of the Court's use of "loose interpretation" of the Constitution or an example of "strict interpretation"? Explain.

Gibbons v. Ogden (1824)

Vocabulary

license Official document authorizing the holder to perform certain actions. An "exclusive license" grants authority to only one person or organization.

monopoly Situation in which a single individual or business controls an entire market, with little or no competition.

sue To take formal, legal action against someone in a court of law.

forfeit To be forced to give up something as a penalty or fine for breaking a law or rule.

jurisdiction Legal right of a court to act in a particular case.

interstate commerce Trade between people or businesses in different states; trade or business that crosses state lines.

Reviewing the Case

Aaron Ogden and Thomas Gibbons were competing steamship operators whose ships traveled the bays and rivers between New Jersey and New York City. Under a law passed in the New York legislature, Ogden had an "exclusive **license**," which in effect gave him the exclusive right to operate any vessel in those waters, if the vessel "be moved by means of fire or steam." The original owners of this **monopoly** were Robert Livingston and steamship designer Robert Fulton. An act passed in 1808 extended their exclusive right for a period not to exceed 30 years (that is, to 1838). They had transferred the license to John Livingston, who, in turn, had transferred it to Aaron Ogden.

Thomas Gibbons, a New Jersey resident, was operating his two ships, the *Stoudinger* and the *Bellona*, in the same waters. Ogden **sued** him in the trial court of New York and won. For Gibbons, this was a serious loss. The New York laws that gave Aaron Ogden exclusive navigation rights also provided that anyone violating the law would **forfeit** his ship. Gibbons therefore appealed the decision to the highest court in New York that had the **jurisdiction** to hear it. The appeal, like the original trial, ended in Ogden's favor. Gib-

bons was forbidden to operate his ships.

Gibbons was convinced that his right to navigate the waters between New York and New Jersey was clear and that his right had been taken from him unlawfully by the courts of New York. Before starting his business, Gibbons had obtained a license issued by the national government under the authority of a 1793 act of Congress. The license gave Gibbons the right to operate his ships in any coastal waters of the United States.

After losing in the state courts, Gibbons took his case to the United States Supreme Court. As Gibbons' attorney wrote in his statement to the Court, the process of the state courts had to be exhausted before the Supreme Court could act in the matter.

The battle between Gibbons and Ogden was not an isolated incident. Other states had passed similar laws, which had hampered the free exchange of goods from one state to another and caused resentment between neighbors in adjoining states.

The case clearly pointed up the conflict existing between laws passed by the legislature of the state of New York and the laws passed by the Congress of the United States. The issue before the Court: Do the laws passed by the New York legislature violate the Constitution of the United States by their attempt to regulate **interstate commerce** or are they permissible?

A further complication in the case was the strong feeling among southern states that to overturn the decision of the New York court in this case would destroy all state powers concerning commerce. This, the southern states concluded, would ultimately lead to a congressional right to eliminate the slave trade and eventually abolish slavery. There was a very real threat, then, that the South would feel obliged to resist such potential congressional power and withdraw from the Union.

Could the Court risk such a disastrous outcome or could it find some middle ground—one that would prevent state legislatures from passing laws that interfered with the

free exchange of goods and services between the states but would also keep the South in the Union?

The answer was found in the Court's definition of *commerce*. Was commerce to be defined simply as the exchange of goods and services or did commerce also include the transportation of those goods and services to be exchanged? Chief Justice John Marshall stated:

The mind can scarcely conceive a system for regulating commerce between nations, which shall exclude all laws concerning navigation, which shall be silent on the admission of vessels of the one nation into the ports of the other, and be confined to prescribing rules for the conduct of individuals, in the actual employment of buying and selling, or of barter.

The Court then broadened the definition of the word *commerce* to include transportation, thereby allowing the regulation of transportation as it is involved in the exchange of goods and services. By broadening the definition of commerce, the Court declared the regulation of transportation to be clearly within the "commerce power" of Congress, as stated in Article 1, Section 8, Clause 3.

Does the power of Congress to regulate commerce extend into the territory of the various states? Yes, it does. As Justice Marshall wrote:

The power of Congress, then, comprehends navigation within the limits of every state in the Union; so far as that navigation may be, in manner, connected with [in the

words of the Constitution] "commerce with foreign nations, or among the several states, or with the Indian tribes." It may, of consequence, pass the jurisdictional line of New York, and act upon the very waters to which the prohibition now under consideration applies.

The Constitution, the Court further pointed out, clearly states that national laws made in accordance with the Constitution are "the supreme law of the land," superior to conflicting state laws.

This decision placed the regulation of commerce across state boundaries clearly within the authority of the Congress. State laws that conflicted with this authority would not be permissible. That is, if an act of Congress gave Gibbons the right to sail on New York waters, a New York state law could not forbid him to do so. By settling the case in this way, the Court could keep the individual states from interfering in the conduct of trade by those living in other states. At the same time, the Court did not threaten the South by destroying all state powers concerning commerce. For the moment at least, the Court avoided a crisis over congressional interference in the slave trade.

The decision opened the door for the national government to pursue the expansion and growth of the national economy. By preventing state interference in the building of national roads, canals, and telegraph and railroad lines, the decision greatly enhanced the ability of the Congress to encourage and promote westward expansion and settlement.

Name _____ Date _____

Gibbons v. Ogden (1824)

Elements of the Case

Directions: Fill in the appropriate information for each of the following elements of this case.

1. State the issue before the Supreme Court in this case.

2. What facts of the case were presented to the Court?

3. What was the decision of the Court? What was the rationale behind it?

4. What was the effect of the decision?

Name _____

Gibbons v. Ogden (cont.)

Evaluation of the Case

Directions: Use your own judgment to evaluate the justices' decision and state your opinion about this case.

1. In your opinion, would the United States have grown into a major world power if it had not been able to establish a national economy, free from barriers imposed by individual state legislatures? Explain.

2. When deciding cases, should the Court concern itself with the possible consequences, such as the threatened southern secession during this case? Explain.

3. Who would control the power to regulate commerce in the United States if this decision or a subsequent decision like it had not occurred? Explain.

Worcester v. Georgia (1832)

Vocabulary

sovereign Referring to a nation or government that has the right to rule itself and make its own laws.

writ of error An order from an appellate court to a lower court to send records of a case to the higher court to review for possible errors.

Reviewing the Case

After the War of 1812, official American government policy toward Native Americans in Eastern states focused on forcing the Indians off their native lands, which included some of the best farming land in the Southeast. One of the strongest advocates for removing the Indians from their lands was Andrew Jackson, elected President in 1828. By 1830 he had persuaded Congress to pass the Indian Removal Act, which ordered the forced relocation of all the Indians of the Southeast. One large group was the Cherokee Nation, who tried to use the federal courts to defend themselves.

The United States government had earlier made treaties with the Cherokee Nation in Georgia, treating them as a **sovereign** people. These treaties were supposed to secure the Indian lands. Later, the federal government withdrew some of its support for Indian land claims. In 1824 Georgia claimed jurisdiction over all the Cherokee lands in the state. The Cherokee then adopted their own written constitution and claimed independence within the state. Georgia in turn passed new laws that denied all Indian land claims and put the territories under state law. The state also claimed that the federal government's treaties had no authority in the state.

President Jackson supported the state against the Indians. Congress urged a compromise or voluntary resettlement. The Cherokee tried to bring one case to the Supreme Court on the grounds that they were a foreign

nation, but political opposition made this attempt fail.

In 1832 Samuel Worcester, a missionary, deliberately defied a Georgia statute that prohibited any white person from entering Cherokee territory without taking an oath of allegiance as prescribed by Georgia law and obtaining a license signed by the governor. Worcester was living among the Cherokee Indians within Gwinnett County. Like other missionaries who defied the law, he hoped to test the Georgia anti-Cherokee laws in the Supreme Court.

Worcester was indicted, arrested, and convicted by a jury of the Superior Court of Gwinnett County. He and another missionary were sentenced to four years of hard labor. Worcester asked the United States Supreme Court for a **writ of error**, and Chief Justice John Marshall agreed to review the case.

The state of Georgia in turn refused to appear because it said the Court was unlawfully taking away state powers. Even before the case was heard, the state legislature passed laws giving the governor authority to use force to resist any attempt to overturn state laws.

Worcester's case alleged that the state of Georgia had no authority in the Cherokee territory despite the fact it existed within the territorial boundaries of that state. Worcester also stated that various treaties by the United States government recognized the Cherokee as a sovereign nation, meaning that Congress was the only legislative body with the authority to deal with them.

The *Worcester* case was now a power struggle involving the Supreme Court, the President, the state of Georgia, and the Constitution. The issue before the Court: Are the Georgia statutes relating to the Cherokee Nation in violation of the Constitution of the United States?

The Court with one dissenting vote upheld the Cherokees' treaty rights in Georgia. Chief

Justice Marshall supported the authority of the Cherokee within their treaty boundaries where, he said, the laws of Georgia were not in effect. The Georgia statutes to the contrary were not constitutional; they were "repugnant to the Constitution, laws, and treaties of the United States." Only the United States government had authority in Indian affairs. The Court also reversed the state court's decision and ordered that Worcester be freed.

In his opinion, Chief Justice Marshall explained the ruling:

It has been shown that the treaties and laws referred to come within the due exercise of the constitutional powers of the federal government; that they may remain in full force, and consequently must be considered then as the supreme law of the land. These laws throw a shield over the Cherokee Indian. They guarantee to them their rights of occupancy, of self-government, and the full enjoyment of the blessings which might be attained in their humble condition. . . .

Other justices also agreed that only the national government, not any individual state, had the authority to make laws affecting the Cherokee Nation.

While defending the Constitution as the supreme law of the land, the Court had enraged the state of Georgia and contradicted the President's desire to move the Indians of the Southeast. It seemed unlikely that President Jackson would do anything to support the Court's decisions. Supposedly, Jackson responded to the decision by saying, "John Marshall has made his decision; now let him enforce it." Eventually, however, political considerations led Jackson to persuade the governor of Georgia to free Worcester.

Despite the Supreme Court's affirmation of their treaty rights, the Cherokee could not win in the long run. Jackson did nothing to enforce the Court's decision regarding the Native Americans' rights. A few years later, in 1838 and 1839, nearly all the Cherokee, along with other Southeastern Indians, were forcibly moved westward on "the Trail of Tears."

Name _____ Date _____

Worcester v. Georgia (1832)

Elements of the Case

Directions: Fill in the appropriate information for each of the following elements of this case.

1. State the issue before the Supreme Court in this case.

2. What facts of the case were presented to the Court?

3. What was the decision of the Court? What was the rationale behind it?

4. What was the effect of the decision?

Name _____

Worcester v. Georgia (cont.)

Evaluation of the Case

Directions: Use your own judgment to evaluate the justices' decision and state your opinion of that decision.

1. Why was this Court decision important in maintaining the supremacy of the Constitution? What was dangerous about the decision?

2. What did President Jackson's remark and his refusal to enforce the decision reveal about the separation of powers established in the Constitution? Can the Court enforce its decisions without executive cooperation? Explain.

3. Do you think that, at this point in history, anything could have been done to save the Cherokee Nation's lands in the Southeast? Explain why or why not.

Glossary

CHAPTER 7 Balancing Nationalism and Sectionalism

appease To satisfy or soothe

bankrupt Completely without money

depression A period when economic activity declines greatly

elite Superior or privileged

forbid To command not to do something, to prohibit

landslide A victory by a huge majority of votes

legacy Something handed down from an ancestor or predecessor

nullify To make ineffective or useless

promote To contribute to the progress or growth of

standardized Compared to something that is accepted as a basis for measuring

AFTER YOU READ

Terms and Names

A. Write the letter of the name or term next to the statement that describes it best.

- | | |
|---------------------------|---|
| a. Henry Clay | _____ 1. I am the inventor who developed interchangeable parts and the cotton gin. |
| b. Andrew Jackson | _____ 2. I am the congressional leader who promoted the American System. |
| c. Martin Van Buren | _____ 3. I am the secretary of state whose foreign policy was guided by a belief in nationalism |
| d. Eli Whitney | _____ 4. I am the President who defeated John Quincy Adams in a landslide in the 1828 presidential election. |
| e. William Henry Harrison | _____ 5. I am the Whig Party candidate for president in 1840. |
| f. John Quincy Adams | |

B. Circle the name or term that best completes each sentence.

- The _____ was a plan to unite the regions of the country and to help create a healthy economy.
 National Road American System Monroe Doctrine
- The _____ was a warning to European nations not to interfere in the Americas.
 American System Monroe Doctrine Missouri Compromise
- The _____ was a series of agreements that temporarily settled the issue of slavery in the territories of the Louisiana Purchase.
 American System Monroe Doctrine Missouri Compromise
- The Cherokee were forced to move to Indian territory along the _____.
 Trail of Tears National Road American System
- _____ was the president who had to deal with the economic problems that President Jackson left behind.
 John C. Calhoun Martin Van Buren John Tyler

AFTER YOU READ (continued)

CHAPTER 7 Balancing Nationalism
and Sectionalism

Main Ideas

1. How did the invention of the cotton gin affect the Southern economy?

2. How did the nation's regions—North, West, and South—feel about the Tariff of 1816?

3. How did Supreme Court decisions under Chief Justice Marshall increase national power?

4. What was President Andrew Jackson's policy toward Native Americans?

5. What did President Jackson do about the national bank?

Think Critically

Answer the following questions on a separate sheet of paper.

1. Compare the economies of the North and the South by the 1820s.

2. Nationalism grew in the United States by the 1820s. Do you think nationalism exists in the United States today? Explain.

US History Chapter 7 essay test

1. Describe the factors that contributed to feelings of nationalism in the early 1800's and the factors that contributed to feelings of sectionalism. Include
 - a. American System
 - b. Economic differences between regions
 - c. Missouri Compromise
 - d. Tariffs of 1828 and 1832
 - e. States' rights and idea of nullification
 - f. War of 1812

2. In what ways did Andrew Jackson's presidency mark a new era in national politics and exhibit an "imperial" presidency?
 - a. expansion of voting rights
 - b. Jackson's style and political experience
 - c. Indian Removal Act/Trail of Tears/Worcester v Georgia
 - d. National Bank, "pet banks"
 - e. States' Rights and the idea of nullification