

How Congress Lost, Part VII: The Ambiguous Legacy of Andrew Jackson

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Key Points

- Andrew Jackson's presidency (1829–37) saw a significant increase in executive power—especially in relation to federal Indian policy, the Nullification Crisis, and the Bank War.
- Jackson's disposition oriented him toward a broad understanding of his authority, but he was also strengthened by being the first president who could claim a democratic mandate.
- While Jackson's tenure as a “democratic autocrat” anticipated the American presidency's future, his immediate effects on the office limited his successors' power.
- Jackson's institution of the spoils system and his acceptance of nominating conventions facilitated the rise of a new party system, under which the Senate could come to wield expansive power.

Andrew Jackson's presidency is one of the most significant in US history, but its legacy remains ambiguous. Part of this has to do with policy decisions, many of which were divisive in Jackson's own time and remain so today. Jackson's veto of a bill to recharter the Bank of the United States can be viewed, on the one hand, as an egalitarian assault on a corporation that had accumulated vast wealth and power; on the other hand, it can be seen as the destruction of an institution that had been beneficial for the economy and whose absence would be sorely missed as the Industrial Revolution progressed. Likewise, his removal of the Native Americans to Oklahoma facilitated territorial expansion but was a cruel violation of human rights.

A more subtle ambiguity of the Jackson tenure involves his influence on executive power. Jackson certainly represents a break from precedent in both his understanding and use of his Article II authorities.

Unlike his predecessors, he also enjoyed a popular mandate. His election in 1832 was the first in which citizens from virtually every state voted directly for president, and they clearly chose him. Jackson—fully sensing what this meant—was emboldened to act with vigor, anticipating the vast sway a popularly elected president could wield.

Yet if one looks at the years and even decades after Jackson, one rarely sees such strong figures occupying the White House. Quite the opposite: Most presidents only acquired the job through bargaining at their party conventions, and many of them failed to rise above such factionalism while in office. There were exceptions—Abraham Lincoln first among them—but the general trend was a presidential office bound by the political parties.

Jackson, though he comes across the pages of history as a pathbreaking executive, is indirectly responsible

for subsequent presidential weakness. The “Jacksonian democracy” that empowered him to act was soon transformed into party democracy, and the parties would have great influence over the scope of executive freedom. It would eventually be the Senate—not the presidency—that would come to dominate party politics and, by extension, the political system of the United States.

Although this phenomenon evolved largely after Jackson’s presidency, the Old Hero (as he was often known) contributed to this process in two important ways. First, he adopted “rotation in office,” the principle that federal offices should be periodically redistributed among the citizenry. Jackson justified this as a way to cleanse the government of corruption, but it led to the spoils system, the systematic rewarding of jobs, contracts, and licenses by the victorious party to its supporters. As the number of jobs and job seekers proliferated, the president was eventually overwhelmed and had to rely on his allies to fill vacancies. Since such jobs were filled for specific districts in states, the position of senators became of prime importance, as they served at the constitutional nexus between federal and state power.

Second, Jackson accepted nomination by a party convention in 1832. In many respects, this was an inevitable development. State parties had been using conventions to nominate candidates for some time. From 1796 until 1824, however, the party’s presidential nominee had been selected by the congressional caucus. This broke down in 1824 when William Crawford won the caucus nomination but three other Jeffersonian Republicans still ran for the presidency (Jackson, John Quincy Adams, and Henry Clay). With the demise of the caucus, an alternative was needed, and a national convention made a great deal of sense. This new device would further facilitate Senate power because convention votes were assigned by state—and influential senators could swing their entire delegations to one candidate or another, extracting powerful concessions from would-be presidential nominees.

Subsequent reports in this series will elaborate on how the development of party politics bound future presidents. This report will focus on Jackson’s broad interpretation of executive power to drive transformative change, his reliance on a democratic mandate to

justify his actions, and how he helped establish a party system that would constrain his successors to the party much more than he ever was.

When Jackson assumed the presidency in March 1829, he did so with the support of a large but unwieldy coalition. The scope of his victory in 1828—nearly 650,000 popular votes and 178 electoral votes compared to Adams’s roughly 500,000 popular votes and 83 electoral votes—was due to constituencies with conflicting demands. There were nullifiers from the South, intent on doing away with industrial protection; manufacturers from New York and Pennsylvania, clamoring for more protection; conservative Jeffersonians demanding a more limited government with an emphasis on debt reduction; Westerners who wanted policies like internal improvements and cheap lands that would forestall debt reduction; and supporters and opponents of the Bank of the United States. There was no way Jackson could please all these groups. Old Hickory (another of his nicknames) would have to pick and choose. This is precisely what he did, although his efforts were often halting and uncertain, especially early in his administration. But as time went on, a clear Jackson agenda emerged, with vigorous presidential action at its center.

One principle to which Jackson was committed from his ascension to the presidential office was “Indian removal,” or the process by which the Native tribes east of the Mississippi River would be moved west of it. Jackson had dealt with Natives extensively and often brutally during conflicts like the Creek War and was intent on clearing them out for white settlement. His State of the Union message to Congress, delivered in the fall of 1829, made clear his plans. Intimating a desire to preserve this “much-injured race,” which would be “doom[ed] . . . to weakness and decay” the longer it was “surrounded by the whites with their arts of civilization,” Jackson proposed a “voluntary” emigration westward, or else the Natives “should be distinctly informed that if they remain within the limits of the States they must be subject to their laws.”¹ In the spring of 1830, Congress passed the Indian Removal Act, albeit narrowly in the House. There were substantial moral qualms about the mistreatment of the Native peoples, even among nominal Jackson supporters.

In 1832, the Supreme Court ruled in *Worcester v. Georgia* that the state of Georgia did not have jurisdiction over Cherokee lands. This decisively undercut the strategy of Jackson's removal plan—the scheme depended on incentivizing the Natives to move west by subjecting them to state laws unless they relocated. When Georgia ignored the Supreme Court, Jackson did not lift a finger. He is supposed to have said, “John Marshall has made his decision, now let him enforce it.”² The quotation is almost assuredly apocryphal, but the thrust accurately captures Jackson's sentiment. Even as he was about to threaten thunder and lightning on South Carolina for nullifying the tariff of 1828, he was content to let Georgia ignore a court order because doing so facilitated his agenda. Indian removal was too essential to Jacksonian politics, for it kept the Westerners happy even as Congress rejected a plan to reduce the price of Western lands.

Indian removal also mollified Southerners who might have joined the cause of the nullifiers. The tariff of 1828 raised import duties to exorbitantly high rates, which burdened the export-heavy Southern economy. In response, Vice President John C. Calhoun of South Carolina developed the doctrine of nullification—the idea that states could nullify laws deemed unconstitutional.

Southerners had hoped that Jackson would indicate a willingness to lower tariff rates. Indeed, Calhoun had been counted as a Jackson man during the end of the Adams administration and returned to the vice presidency in 1829. But Calhoun and his faction were soon disappointed. In his first message to Congress, Jackson sounded a cautious note on the tariff. Noting that there had been few economic changes in the domains of agriculture, commerce, or manufacturing over the previous year, Jackson concluded, “The operation of the tariff has not proved so injurious to the two former or as beneficial to the latter as was anticipated.”³ Politics was certainly at play in Old Hickory's caution. Jackson had swept the South, but he had also won Pennsylvania and New York, where industrial protection was popular. Slowly over the course of Jackson's first term, Calhoun was pushed to the periphery of the coalition and then ejected altogether when Martin Van Buren claimed the vice presidency in 1832.

Without a clear political home, Calhoun and his faction—strongest in South Carolina but supported with at least sympathy in Virginia and other Southern

states—made a move for nullification. In November 1832, South Carolina formally nullified the tariff of 1828, rousing Jackson to anger. In one of his most forceful addresses to Congress, he averred that this act was “*incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object far [sic] which it was formed.*” (Emphasis in original.) He warned the South Carolinians as a “father would over his children whom he saw rushing to certain ruin” that he would crush any rebellion with force. “You may disturb” the peace provided by the Constitution, he told them,

you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.⁴

These sharp words from the Old Hero enshrined the logic that Lincoln would use to squash the Southern rebellion in 1861. The Constitution, Jackson decreed, was not merely a compact of the states but a system of government that created “a single nation,” from which one part cannot “possess any right to secede, because such secession does not break a league, but destroys the unity of a nation.”⁵ Jackson assumed for the presidency the responsibility of holding the union together, the very principle Lincoln espoused in his first inaugural address. But notice the difference between Jackson on nullification and Jackson on Native removal. In both instances, a Southern state was defying a lawful order of a national branch on government. In one case—nullification—Jackson was an aggressive advocate of federal authority. In another—Native removal—he did nothing. That he felt free to choose whether he would enforce federal commands on the states is an illustration of his caprice. That he could be so inconsistent without paying a political price is a demonstration of his immense powers as president.

Jackson's strong stand against the nullifiers worried many conservative Jeffersonians in his coalition—those who stopped far short of Calhoun's extreme view of federal-state relations but who nevertheless believed in the importance of states' rights. But Jackson was

undeterred and refused several entreaties to tone down his rhetoric. In fact, for a moment during the Nullification Crisis, it appeared possible that a new union party—merging the Jacksonians with former Federalists like Daniel Webster—might form. But it was not to be. Nullification aside, Jackson did fervently believe that a large government was a tool of corruption, which the voters had empowered him to clean up. Nowhere was this sense of self more evident than on the issue of the Bank of the United States.

The Jeffersonian Republicans had opposed the original chartering of the bank in 1791. It was a core aspect of their original political ideology—an institution like the bank was an unconstitutional tool of the wealthy to control politics and burden the yeoman farmer with ever more debt. Yet Thomas Jefferson, once he became president, never sought to dissolve the bank. In 1816, his successor James Madison agreed to charter the bank for another 20 years. Many of the Jeffersonian Republicans had reconciled themselves to the bank—but not all of them. Conservatives continued to view it as an unconstitutional tool of oligarchy. And Jackson would be their champion.

When Jackson entered office, the bank's president was an energetic financial wizard named Nicholas Biddle. He had taken the helm of the bank in 1822 and transformed it into a prototypical central bank. Its capital of roughly \$35 million was more than double the expenditures of the United States government. Because much of this was in notes issued by state banks, Biddle's bank possessed tremendous influence over them. Biddle used this power to regulate the financial system in a way that nobody had yet managed to do: If he deemed banks were lending recklessly, he could submit their notes for redemption in hard currency, thereby keeping them in check. Biddle had used this power to tremendous effect. During his tenure at the bank, there had been no major economic downturn despite the economy's rapid growth during the 1820s.

Jackson was unimpressed. He possessed an innate skepticism of banks as institutions, holding fast to the Jeffersonian orthodoxy that they were an inherent danger to free government. His various public statements to this effect made Biddle nervous, as the bank's charter was due to expire in 1836. Ultimately, Clay—Jackson's opponent in the upcoming 1832 election—prevailed on Biddle to ask for a recharter of the bank early, right

before the start of the 1832 campaign. The thinking was that, as the bank had a base of popularity in the Jacksonian coalition, Old Hickory would have no choice but to accept recharter.

Biddle miscalculated, badly. Jackson never shrank from a challenge, and even though Congress rechartered the bank with strong support from Jacksonians, the president rejected it. His veto message of July 10, 1832, remains one of the most important statements ever issued by a president. Not content, as previous presidents had been, to rely merely on constitutional arguments as a basis for rejecting the bill, Jackson went on to blast not only the bank as an institution but the government's tendency to make the rich richer and the poor poorer. He wrote,

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.⁶

While every president had vetoed laws before this, the bank veto marks a substantial shift in the scope of presidential authority. It marks the emergence of the president as a partner in the lawmaking process. No

longer was the chief executive a mere constitutional safeguard against illegal laws. His views of politics and policy now had to be considered.

Jackson's veto transformed the election of 1832 into a referendum on the bank. Though many Jacksonian members of Congress had supported the institution (and for good reason, for it had facilitated the orderly expansion of credit to the South and West), their constituents stuck with Old Hickory. Jackson decisively defeated Clay in the Electoral College and the popular vote, winning 50,000 more votes than he had four years prior.

Emboldened, Jackson sought to finish the job that he had begun with his veto. The bank's charter extended until 1836, but its continued existence depended on federal tax revenues remaining deposited within the bank. It could not meet its capital requirements if those were removed, so that is precisely what Jackson set about doing. When Secretary of the Treasury William Duane refused to remove the funds, arguing that he could only legally take such an action if he believed the deposits were unsafe (and they were clearly safe), Jackson fired Duane, replacing him with the ever-loyal Attorney General Roger Taney. The Anti-Jackson party in the Senate censured Jackson for the action. Soon this faction would rechristen itself the Whigs, a reference to British opposition to monarchical government and a not-at-all-subtle criticism of Jackson. Censure or no, the deposits were removed, the bank fell apart, and Jackson triumphed.

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No presidency to date looked anything like Jackson's time in the White House. No chief executive had yet asserted himself so forcefully into the public debate. George Washington's administration, while vigorous, was managed predominantly by de facto prime ministers like Madison and Alexander Hamilton. John Adams rarely had the political capital to be so forceful. Jefferson preferred to work through indirection. Madison and Monroe held to a traditionally republican view of executive power, preferring to allow Congress to work its will. Jackson stands out as the central, dominant character in the political realm during his tenure.

At least some of the difference had to do with Jackson's personality and his vision of politics. All of Jackson's predecessors were proud men, but they usually had the self-discipline to control their tempers

when their honor was challenged. Not Jackson. He was in more than a half dozen duels in his lifetime, and his poor health in the White House was due in part to a bullet lodged in his chest from one such conflict. He also famously got into a bar brawl with Thomas Hart Benton—who, ironically enough, would go on to become one of his staunchest defenders in the Senate. Jackson saw politics through a personal lens of insult and injury to his dignity—and when his pride was hurt, there was no compromise to be found.

Examples of Jackson's temper and capacity to hold grudges are legendary. His vehemence against the nullifiers, exceeding the advice given him by his own lieutenants, was downstream of his pride. So also was the Bank War. It was not simply that Jackson opposed the bank. He sought instead to salt the ground where it had been built, as vengeance for the insult to his honor. When James Hamilton, a Jackson adviser and son of Alexander Hamilton, informed the president that Clay and Biddle's plan was to force him to sign the recharter, Jackson responded angrily to Hamilton, "I will prove to them that I never flinch . . . that they were mistaken when they expect to act upon me by such considerations."⁷ Van Buren remembered in his diary that one night, when calling on the president during the Bank War, he found Old Hickory sick in bed but full of resolve. "The Bank, Mr. Van Buren," the Old Hero said calmly, "is trying to kill me. *But I will kill it!*"⁸ (Emphasis in original.)

Jackson's immense pride and deep sense of honor led him to be a norm-shattering president. The Constitution is a framework of government, to be made alive by those who are actually operating within its institutions. Prior to 1829, there were norms that established limits to presidential behavior. Old Hickory rejected these, and in so doing expanded the scope of what the president could actually do.

Jackson also could wield such power because he was the first president to have a democratic mandate. To be clear, Jackson was not universally beloved, as Washington had been. Jackson had been extremely controversial for more than a decade before his election. He had drawn criticism for declaring martial law in New Orleans even after the British were defeated in 1815, for executing militiamen during the Creek War, and above all for an invasion of Florida that was legally dubious at best. Clay had demeaned Jackson as a "military chieftain" in a speech on the floor of the House of Representatives

in January 1819, a slight that the Old Hero, predictably, never forgot.⁹ And in 1828, Jackson was elected by the people with 56 percent of the vote—a figure that falls far short of the unanimous choice of the Electoral College that backed Washington. James Parton, an early biographer of Jackson, summarized Jackson well when he observed that “two thirds of his fellow-citizens deified, and the other third vilified” him.¹⁰

Importantly, Jackson was *elected*, whereas Washington had been chosen. Jackson could claim a popular mandate from the country to impose his own stamp on public policy that Washington, by virtue of the indirect way he had been selected, never could. Jackson himself was aware of this. As his program languished in Congress early in his term, the president said to his ally Duff Green, “Let Congress go home and the people will teach them the consequence of neglecting my measures.”¹¹ Jackson’s removal of the bank deposits after the 1832 election was a consequence of the mandate he had won. He could act—over and above the objections of his own treasury secretary—because the people had rendered judgment on the bank by choosing him.

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There is no doubt that Jackson had a broader and more aggressive vision of executive power than any of his predecessors. He thus anticipated the American situation of 2025, in which the president plays the dominant role in public affairs. Likewise, Jackson’s democratic mandate, the first of its kind, is an important aspect of contemporary politics, where the president can say, to quote Barack Obama in rejecting GOP criticisms in 2009, “I won.”¹²

But even as Jackson pointed toward an era of executive domination, he did not bring it about. Indeed, over the next half century the presidency would slip in public prestige, and lists of the “forgotten presidents” disproportionately favor those who came in between Jackson and Theodore Roosevelt. Jackson was a strong, commanding force in politics, but he did not establish the institutional dynamics to secure for his successors the same stature. In fact, he hindered them.

It was not Jackson’s intention to weaken the presidency, but it was a consequence of his actions. For starters, his aggressive use of executive power prompted a backlash among the emerging Whig Party, whose

emphasis would be on a weak executive. The Republican Party would inherit this ideology as it came to dominate politics in the late 19th century.

Jacksonian democracy also served to hamper executive freedom. The election of 1828 marks the beginning of a newly democratic politics, one in which the polity would be divided across two political parties. These parties look different from those of today, in which the president leads his party. Instead, power in these parties passed from the hands of the president into state party organizations. The 19th-century party’s organizational chart was not a pyramid, with the president on top, but a truncated pyramid, with each state having its own organization. In due course, senators would come to control many of these parties and thus have leverage over the presidency.

Jackson contributed to this new system in two respects. First, he instituted rotation in office. His stated reasons for doing so involved what he took to be the problem of corruption in the government—the emerging bureaucratic class had come to view their jobs as their own, rather than the people’s. To ensure that the government fairly reflected the broader citizenry, Jackson thought there should be greater churn in the administrative positions. As Jackson stated in his first message to Congress,

In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is a matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office.¹³

Accordingly, per Jackson, rotation in office was a “leading principle in the republic creed.”¹⁴ He removed

10 times as many presidential appointees as his predecessors combined.

Jackson's aggressive policy on federal appointees is another example of how, unburdened by the norms that bound his predecessors, he expanded executive power. Yet relative to his successors, Jackson's principle of rotation in office was modest. The United States was evolving into a continent-spanning democracy, where it was expensive for parties to make their case to the voters. Public offices would soon become a way to finance politics—as those who worked hard for a party victory could expect a job, or a printing contract, or a special license from the government after victory was secured. This spoils system was not what Jackson intended, but his actions facilitated its development.

In theory, the president would be in an ideal position to helm such a system. Since the establishment of the State Department, the shared understanding in the government was that the president alone had the power to remove officers. However, as a practical matter, the number of federal jobs available in the spoils system was too many for the president to dispense efficiently. Tax collectors at the ports, clerks at the land offices, and even post officers all became part of the spoils system. The president simply did not possess the time to find appropriate candidates for these offices, let alone interview all those who would call on him seeking a job. He had to outsource what became a burdensome task.

United States senators were ideal for this purpose. Having been chosen by state legislatures, senators had a keen understanding of how politics in their home states worked. They knew where jobs should go to maximize partisan leverage. Presidents came to depend on them for direction, and senators used their influence to establish political machines in their states—effectively controlling elections through the distribution of patronage. After the Civil War, state political machines had sprung up in several important Northern states, including Illinois, Michigan, New York, and Pennsylvania. Senators dominated in all those places.

The emergence of national party conventions further advanced senatorial power. The first national convention in the United States was held by the Anti-Masonic Party in 1831, followed by the Whigs and Democrats in 1832. National nominating conventions—composed of party delegates from all states—were more open and

thus more democratic than the congressional caucus, which had chosen candidates since 1796.

Because senators occupied a federal position chosen by state governments, they were bound to be important players in the convention system. Once they controlled sufficient patronage to create party machines, they could swing entire state delegations one way or another. They thus became the gatekeepers of the presidency, and many 19th-century presidents would struggle to manage senatorial influence. In many cases, the presidents would fail. The next report in this series will examine this in detail by offering a case study of four presidencies—those of James K. Polk (1845–49), Lincoln (1861–65), Ulysses S. Grant (1869–77), and Rutherford Hayes (1877–81). Each of these men struggled to navigate the byzantine pathways of federal power in the post-Jacksonian world—some (Polk and Lincoln) did so successfully, others (Grant and Hayes) did not.

Jackson is a unique and deeply contradictory figure in US history. Parton summarized him well in 1860 when he wrote,

The first of statemen, he never devised, he never framed a measure. He was the most candid of men, and was capable of the profoundest dissimulation. A most law-defying, law-obeying citizen. A stickler for discipline, he never hesitated to disobey his superior. A democratic autocrat. An urbane savage.¹⁵

This sentiment captures the man's nature and effect on the American presidency. Jackson violated many preconceptions about how a president was to behave in office. His veto of the recharter of the Bank of the United States inserted the president directly into the policymaking process. His insistence on removing deposits from the bank stretched executive interpretation of the law to new limits. His removal of federal employees introduced an expansive new understanding of the presidential removal power. His intense attack on the nullifiers established the notion that the president was responsible for the union itself, but his toleration of Georgia's violation of Cherokee rights indicated that the president could choose what to enforce. Jackson

was able to do all this not simply because he was an autocrat, but as Parton testifies, a *democratic* autocrat. He claimed a popular mandate from 1828 and 1832 that nobody before him could.

Eventually, subsequent presidents would, like Jackson, justify profound expansions of executive power based on their democratic mandate. But this would be decades after the Old Hero was laid to rest. For just as Jackson exercised power beyond what his predecessors

imagined, he tied his successors in the White House to a new party system in which power would be lodged not at 1600 Pennsylvania Avenue, but rather at the north wing of the Capitol. The Senate would emerge as a political powerhouse. Senators would transform into party bosses, directing vast stores of government patronage to control their states and even wielding vast power over the president himself.

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Notes

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