The Road to Presidential Veto

By K. Daniel Glover

This year's debate over transportation spending may be decided by presidential veto—or by Congress's override of the veto threatened by President Bush. If such a battle over roads ensues, it will not be the first. Andrew Jackson vetoed the Maysville Road bill in 1830, and he killed it for reasons similar to those underlying opposition to the current measure: concerns about federal spending in general and federal aid for "local" infrastructure projects in particular.

This year's highway bill includes earmarks for thousands of such projects—and has raised complaints about the costs. But Jackson's veto remains one of the most noteworthy in U.S. history, not only because it strengthened presidential prerogative but also because it deterred lawmakers from funneling money back to their states. "It stopped 'internal improvements' for quite some time," said historian Robert V. Remini, who has authored numerous books on Andrew Jackson.

The conflict over the Maysville Road pitted the president and two future presidents, Martin Van Buren and James Polk, against a wannabe president, Henry Clay, and it was rooted in the nation's long-standing division over whether Congress possessed the authority to fund roads, canals, and other internal improvements. Many leaders of the early Republic, including Presidents James Madison and James Monroe, argued that the Constitution reserved that power to the states. But Clay, whose political career included stints in the House and Senate, advocated such expenditures as part of his "American System" for promoting national progress and unity.

Clay was not in Congress when the Maysville Road bill was debated, but his ally and fellow Kentuckian, Robert Letcher, wrote the House measure. The road was to start at Maysville, Ky., along the Ohio River and run south to Lexington. The legislation authorized spending $150,000 to buy stock in the company that was building the road.

When the House began debate in April 1830, Letcher described the measure as "some minor bill that would occupy but little time." He characterized the road as "a national work," because it was one piece of a larger road plan designed to run from Zanesville, Ohio, to Florence, Ala. He also argued that the road would "more than compensate" the government for its investment by reducing the cost of transporting mail through Kentucky.

Letcher's optimism proved naive, however. Reps. Thomas Foster and Charles Haynes of Georgia challenged the bill, with Foster attacking Letcher's characterization of the road as national because it would be well traveled and impassable in certain seasons. "If these are the characteristics of a national road," Foster said, "our country abounds with them."

Then-Rep. Polk, a Democrat from Tennessee like Jackson, offered the most vigorous opposition, even though the road eventually was supposed to run through his state. Polk said that the bill would undermine efforts to pay the public debt, and he ridiculed the American System as a failed philosophy that had led to votes for "every proposition that comes before us."

"Each gentleman here who has a road or a canal, or expects one in his section of country, votes for every other, however useless it may be, for the purpose of keeping up the alliance, so that all others may, in like manner, support his favorite project when it comes up. And this is what you call a system," Polk scoffed.

Opponents of the Maysville Road forced the House to debate the legislation for three days, but Clay's "system" ultimately prevailed. The chamber passed the bill on a 102-86 vote, and the Senate soon sent it to Jackson.

In his May 27 veto message—urged and drafted by then-Secretary of State Van Buren—Jackson restated the principle that such projects must be "general, not local, national, not state," and said even then that the spending must be fiscally responsible. "He was really a man who wanted to preserve the rights of the states" to do such work, Remini said.

The House listened to the veto message "with great attention," according to the congressional journal, and lawmakers convened the next day to try to override it. The debate featured pointed attacks on Jackson's motives, as well as spirited defenses of his character and his right to wield the veto pen in such circumstances. Although few votes changed from the original House tally, the 96-90 vote fell far short of the two-thirds necessary to override the veto.

Jackson later vetoed another road bill and "pocket vetoed" measures related to canal and lighthouse construction after Congress adjourned. While Clay hoped that the Maysville Road veto would help him defeat Jackson in the 1832 presidential election, Old Hickory's stance boosted his popularity in key regions and helped catapult him to another victory.

Remini said the backlash against federally funded internal improvements lasted until the Civil War era. But in light of the number of projects planned under the current transportation bill, friends of public works like Rep. Joel Sutherland of Pennsylvania, who in 1830 predicted a "slow but certain process by which the system of improvements would universally prevail," won in the long run. ■

WILL THE HIGHWAY BILL SPUR GEORGE BUSH TO FOLLOW IN THE FOOTSTEPS OF ANDREW JACKSON?

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