

# THE CONSTITUTIONAL POLITICS OF ROADS AND CANALS: INTER-BRANCH DIALOGUE OVER INTERNAL IMPROVEMENTS, 1800-1828

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## I. INTRODUCTION

By 1800, Americans recognized that infrastructural links between the Atlantic coast and the North American interior were essential for both the long-term economic and political development of the fledgling nation.<sup>1</sup> Internal improvements—as the building of infrastructure, such as roads and canals, was called in early America—was an issue that constituted one of the great political debates in that era.<sup>2</sup> In characterizing its political salience during that period, one scholar described internal improvements as “one of the most persistent and contentious issues of antebellum American politics,”<sup>3</sup> and “a key point of contention in inter-branch rivalries” between the executive and Congress.<sup>4</sup>

With a population of eight million by 1815 spread across an enormous expanse of territory extending from the Atlantic seacoast from Maine to Georgia, over the Appalachian mountains and then up the Mississippi River, communication and transportation in early America were “fitful and precarious.”<sup>5</sup> “News traveled slowly, passengers more slowly still, and freight often not at all.”<sup>6</sup> Clearly, the new nation desperately needed better infrastructure to integrate the economies of the several states, promote commerce and communication across its vast territory, and facilitate the commercial and agricultural development of millions of acres of unused land in the west.<sup>7</sup>

Although President Washington and his treasury secretary, Alexander Hamilton—along with members of the Federalist Party in general<sup>8</sup>—supported an active federal role in establishing roads and canals, it was their Republican successors, starting with Jefferson and his treasury secretary, Albert Gallatin, who took the first steps in pursuing this objective.<sup>9</sup> Not only did Jefferson repeatedly exhort Congress to pass a constitutional amendment on the matter, which he thought was necessary, but in 1806 he signed the first major federal improvement project bill authorizing the construction of the National (or Cumberland) Road.<sup>10</sup>

In several of their annual addresses to Congress, Republican Presidents Thomas Jefferson, James Madison, and James Monroe each expressed strong support for federal involvement in such building

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1. Bruce Seely & Jonathan Gifford, *To Build a Nation: America's Infrastructure*, 17 *Wilson Q.* 18, 21 (Winter 1993) [hereinafter Seely & Gifford].

2. *Id.* at 20.

3. Stephen Minicucci, *Internal Improvements and the Union, 1790-1860*, 18 *Stud. in Am. Pol. Dev.* 160 (2004) [hereinafter Minicucci].

4. *Id.* at 162.

5. Daniel Feller, *The Jacksonian Promise: America, 1815-1840* 14 (The Johns Hopkins U. Press 1995) [hereinafter Feller].

6. *Id.*

7. *Id.*

8. The exception was New Englander Federalists, whose commercial interests lay primarily in banking and financial markets instead of trade. Minicucci, *supra* n. 3, at 163.

9. Seely & Gifford, *supra* n. 1, at 20-21.

10. Minicucci, *supra* n. 3, at 163. The National Road, on which nearly \$7 million in federal money was spent between 1806 and 1841, was “the single largest project of the antebellum era.” *Id.*

projects, encouraging Congress to take action toward realizing these objectives.<sup>11</sup> But in order for these aspirations to be realized, practical questions had to be answered: What kinds of improvements should be built? Where? Who would construct and operate them?<sup>12</sup> And most important, whether Congress even had the constitutional authority to participate in such projects.<sup>13</sup>

It was generally recognized by national political leaders as well as the public that individual projects sponsored by states, territories, or private industries would have been unsystematic and haphazard for lack of coordination, and would have therefore fallen short of an integrated and coherent system that would meet the nation's needs for efficient transportation and communication.<sup>14</sup> Further, during the early decades of the nineteenth century, Congress was not hampered in allocating money toward internal improvements, because the federal government had been slowly accumulating a surplus in its budget.<sup>15</sup> In sum, proposals for a national system of internal improvements did not fail for lack of political support, legitimate need, or sufficient finances. Despite these favorable circumstances, however, Congress failed to establish a national system of roads and canals.<sup>16</sup>

In this article I attempt to solve a puzzle: Why did the federal government, despite popular support as well as support from Congress and four consecutive presidents, fail to implement a national plan for an integrated system of roads and canals? The question becomes even more puzzling considering the actions that Congress took to achieve that goal—twice commissioning the treasury secretary in two different administrations to devise and report on such a system of infrastructure, and then passing key legislation to begin implementation of a system—but still falling short of achieving what they had hoped.<sup>17</sup> To solve the puzzle, I examine the tension between the popular demand for internal improvements, expressed in the speeches and debates of Congress, and the executive's more limited view of constitutional power during this period of history. I follow primarily the interaction between Congress and the first three Republican executives—Thomas Jefferson, James Madison and James Monroe—on the issue of federal sponsorship of internal improvements, and show how the two branches finally reconciled their views on the constitutionality of such projects by the conclusion of the Monroe administration. I explain, however, that this reconciliation occurred only after Congress had become overrun by sectional politics, culminating with the election of Andrew Jackson, a sectionalist president who generally opposed federal sponsorship of internal improvements, except when it benefited his supporters.

I analyze primary and secondary sources, focusing primarily on congressional debates and speeches on this issue by various lawmakers and the presidents involved. I argue that the failure to establish a coherent system of infrastructure was caused primarily by a combination of two factors: first, the constitutional scruples of the Republican presidents, who through their veto power initially prevented Congress from moving ahead with plans to implement a national system of roads and canals; and second, the corrupting influence of sectional interests within Congress, which later prevented it from supplying federal financial support in any coherent manner to states and private corporations for building infrastructure. Ultimately, the grand nation-building designs that originally motivated an integrated system of roads and canals became just another source of federal largess to support local and private economic development.

Far from being of merely quaint historical interest, the issue of internal improvements in early America is a fascinating illustration of constitutional politics in an era in which the United States Supreme Court had not yet become a dominant player in national policy-making. The Court played only a minor role in resolving this issue, despite the constitutional aspects of the disagreement between Congress and

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11. See *infra*, Sec. II-A, III-A, IV-A.

12. Feller, *supra* n. 5, at 15. See also Seely & Gifford, *supra* n. 1, at 20.

13. Feller, *supra* n. 5, at 16.

14. Minicucci, *supra* n. 3, at 160.

15. *Id.*

16. John Lauritz Larson, "Bind the Republic Together": *The National Union and the Struggle for a System of Internal Improvements*, 74 J. Am. History 363 (1987) [hereinafter Larson].

17. See *infra*, Sec. II-IV.

the executive. In contrast to the plethora of Supreme Court-centered scholarship, this article “provide[s] evidence of how constitutional issues are discussed and resolved in a political context,”<sup>18</sup> a context that is not limited by the institutional constraints imposed by the legal setting of a court.

In the next section of this article, Section II, I discuss the Jefferson administration, and detail how the president’s staunch opposition to federal sponsorship of internal improvements softened into cautious approval of them by his second term. I also discuss how, despite Congress’s decision to commission Secretary of the Treasury Albert Gallatin to produce a report that would serve as the basis for a comprehensive system of roads and canals, sectional politics was already present in Congress to exploit the report for local benefit. In Section III, I discuss how the votes of lawmakers on the Bonus Bill, which President James Madison vetoed, reflected the growing influence of sectional interests in Congress. I also discuss the grounds for Madison’s veto of that bill to illustrate his constitutional qualms over Congress’s authority in this area. In Section IV, I discuss several failed attempts by Congress to pass a constitutional amendment on the subject of internal improvements, as well as the congressional debate surrounding the repair bill for the National Road, which President James Monroe later vetoed, but after which he also expressed a constitutional basis for congressional action in future internal improvement bills.

I conclude the article with brief remarks about federal improvements during the administrations of John Quincy Adams and Andrew Jackson. I point out that by Quincy Adams’s administration, sectional politics had become so thoroughly entrenched in Congress that he was unable to forestall its corrupting influence on Congress’ passage of internal improvements bills. I explain that the difference between Adams and Jackson’s administrations was that the latter eventually became hostile to federal support of internal improvements, but was supportive of sectional interests, vetoing improvement bills generally, but approving those that benefited his supporters.

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18. Keith E. Whittington, *The Political Constitution of Federalism in Antebellum America: The Nullification Debate as an Illustration of Informal Mechanisms of Constitutional Change*, 26 *Publius* 1, 2 (Spring 1996). Although Whittington discusses the nullification crisis, I believe the same can be said about the dialogue between the executive branch and Congress on the issue of internal improvements.