

**James Madison to Martin Van Buren, July 5, 1830.
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TO MARTIN VAN BUREN. Mad Mss.

Montpellier, July 5, 1830.

Dear Sir, —Your letter of June 9th came duly to hand. On the subject of the discrepancy between the construction put by the message of the President on the veto of 1817, and the intention of its author, the President will of course consult his own view of the case. For myself, I am aware that the document must speak for itself, and that that intention cannot be substituted for the established rules of interpretation.

The several points on which you desire my ideas are necessarily vague, and the observations on them cannot well be otherwise. They are suggested by a respect for your request, rather than by a hope that they can assist the object of it.

“Point 1. The establishment of some rule which shall give the greatest practicable precision to the power of appropriating money to objects of general concern.”

The rule must refer, it is presumed, either to the objects of appropriation, or to the apportionment of the money.

A specification of the objects of general concern in terms as definite as may be, seems to be the rule most applicable; thus Roads simply, if for all the uses of Roads; or Roads post and military, if limited to those uses; or post roads only, if so limited: thus, Canals, either

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generally, or for specified uses: so again Education, as limited to a university, or extended to seminaries of other denominations.

As to the apportionment of the money, no rule can exclude Legislative discretion but that of distribution among the States according to their presumed contributions;

that is, to their ratio of Representation in Congress. The advantages of this rule are its certainty, and its apparent equity. The objections to it may be that, on one hand, it would increase the comparative agency of the Federal Government, and, on the other that the money might not be expended on objects of general concern; the interests of particular States not happening to coincide with the general interest in relation to improvements within such States.

“2. A rule for the Government of Grants for Light-houses, and the improvement of Harbours and Rivers, which will avoid the objects which it is desirable to exclude from the present action of the Government; and at the same time do what is imperiously required by a regard to the general commerce of the Country.”

National grants in these cases, seem to admit no possible rule of discrimination, but as the objects may be of national or local character. The difficulty lies here, as in all cases where the *degree* and not the *nature* of the case, is to govern the decision. In the extremes, the judgment is easily formed; as between removing obstructions in the Mississippi, the highway of commerce for half the nation, and a like operation, giving but little extension to the navigable use of a river, itself of confined use. In the intermediate cases, legislative discretion, and, consequently, legislative errors and partialities are unavoidable. Some controul is attainable in doubtful cases, from preliminary Investigations and Reports by disinterested and responsible agents.

In defraying the expense of internal improvements, strict justice would require that a part only and not the whole should be borne by the nation. Take for examples the Harbours of New York and New Orleans. However important in a commercial view they may be to

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the other portions of the Union, the States to which they belong, must derive a *peculiar* as well as a common advantage from improvements made in them, and could afford therefore to combine with grants from the common treasury, proportional contributions from their own. On this principle it is that the practice has prevailed in the States (as it has done with Congress) of dividing the expense of certain improvements, between the funds of the State, and the contributions of those locally interested in them.

Extravagant and disproportionate expenditures on Harbours, Light-houses and other arrangements on the Seaboard ought certainly to be controuled as much as possible. But it seems not to be sufficiently recollected, that in relation to our *foreign* commerce, the burden and benefit of accomodating and protecting it, necessarily go together, and must do so as long and as far, as the public revenue continues to be drawn thro' the Custom-house. Whatever gives facility and security to navigation, cheapens imports; and all who consume them wherever residing are alike interested in what has that effect. If they consume they ought as they now do to pay. If they do not consume, they do not pay. The consumer in the most inland State derives the same advantage from the necessary and prudent expenditures for the security of our foreign navigation, as the consumer in a maritime State. Other local expenditures, have not of themselves a correspondent operation.

“3. The expediency of refusing all appropriations for internal improvements (other than those of the character last referred to, if they can be so called) until the national debt is paid; as well on account of the sufficiency of that motive, as to give time for the adoption of some constitutional or other arrangement by which the whole subject may be placed on better grounds; an arrangement which will never be seriously attempted as long as scattering appropriations are made, and the scramble for them thereby encouraged.”

The expediency of refusing appropriations, with a view to the previous discharge

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of the public debt, involves considerations which can be best weighed and compared at the focus of lights on the subject. A distant view like mine, can only suggest the remark: too vague to be of value, that a material delay ought not to be incurred for objects not both important and urgent; nor such objects to be neglected in order to avoid an immaterial delay. This is, indeed, but the amount of the exception glanced at in your parenthesis.

The mortifying scenes connected with a surplus revenue, are the natural offspring of a surplus; and cannot perhaps be entirely prevented by any plan of appropriation which allows a scope to Legislative discretion. The evil will have a powerful controul in the pervading dislike to taxes even the most indirect. The taxes lately repealed are an index of it. Were the whole revenue expended on internal improvements drawn from direct taxation, there would be danger of too much parsimony rather than too much profusion at the Treasury.

“4. The strong objections which exist against subscriptions to the stock of private companies by the United States.”

The objections are doubtless in many respects strong. Yet cases might present themselves which might not be favored by the State, whilst the concurring agency of an Undertaking Company would be desirable in a national view. There was a time it is said when the State of Delaware, influenced by the profits of a *Portage*, between the Delaware and Chesapeake Was unfriendly to the Canal, now forming so important a link of internal communication between the North and the South. Undertakings by private companies carry with them a presumptive evidence of utility, and the private stakes in them, some security for economy in the execution, the want of which is the bane of public undertakings. Still the importunities of private companies cannot be listened to with more caution than prudence requires.

I have, as you know, never considered the powers claimed for Congress over roads and canals, as within the grants of the Constitution. But such improvements being justly ranked

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among the greatest advantages and best evidences of good Government; and having moreover, with us, the peculiar recommendation of binding the several parts of the Union more firmly together, I have always thought the power ought to be possessed by the common Government; which commands the least unpopular and most productive sources of revenue, and can alone select improvements with an eye to the national good. The States are restricted in their pecuniary resources; and Roads and Canals most important in a national view might not be important to the State or States possessing the domain and the soil; or might even be deemed disadvantageous; and on the most favourable supposition might require a concert of means and regulations among several States not easily effected,

nor unlikely to be altogether omitted.

These considerations have pleaded with me in favour of the policy of vesting in Congress an authority over internal improvements. I am sensible at the same time of the magnitude of the trust, as well as of the difficulty of executing it properly and the greater difficulty of executing it satisfactorily.

On the supposition of a due establishment of the power in Congress, one of the modes of using it might be, to apportion a reasonable share of the disposable revenue of the United States among the States to be applied by them to cases of State concern; with a reserved discretion in Congress to effectuate improvements of general concern which the States might not be able or not disposed to provide for.

If Congress do not mean to throw away the rich fund inherent in the public lands, would not the sales of them, after their liberation from the original pledge, be aptly appropriated to objects of internal improvement. And why not also, with a supply of competent authority, to the removal to better situations the free black as well as red population, objects confessedly of national importance and desirable to all parties. But I am travelling out of the subject before me.

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The date of your letter reminds me of the delay of the answer. The delay has been occasioned by interruptions of my health; and the answer such as it is, is offered in the same confidence in which it was asked.

With great esteem & cordial salutations.