Vice Presidents of the United States

John Tyler (1841)

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Introduction by Mark O. Hatfield.

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To this body [the Senate] is committed in an eminent degree, the trust of guarding and protecting the institutions handed down to us from our fathers, as well against the waves of popular and rash impulses on the one hand, as against attempts at executive encroachment on the other.

—Vice President John Tyler

Go you now then, Mr. Clay, to your end of the avenue, where stands the Capitol, and there perform your duty to the country as you shall think proper. So help me God, I shall do mine at this end of it as I shall think proper.

—President John Tyler

He held the office of vice president for only thirty-three days; he presided over the Senate for less than two hours. Despite this brief experience, John Tyler significantly strengthened the office by enforcing an interpretation of the Constitution that many of his contemporaries disputed. Tyler believed that, in the event of a vacancy in the office of president, the vice president would become more than just the acting president. He would assume the chief executive's full powers, salary, and residence as if he himself had been elected to that position. Taken for granted today, that interpretation is owed entirely to this courtly and uncompromising Virginian who brought to the vice-presidency a greater diversity of governmental experience than any of his predecessors.

Early Years

John Tyler was born on March 29, 1790, at Greenway, his family's twelve-hundred-acre James River estate in Charles City County, Virginia. He was the second son among the

eight children of John and Mary Armistead Tyler. The elder John Tyler had been a prominent figure in the American Revolution and a vigorous opponent of the Constitution at the Virginia ratifying convention. Young John Tyler's mother died when he was only seven, leaving the boy's upbringing to his father. During John's late teens and early twenties, his father served as governor of Virginia and then as a federal judge. A modern biographer concluded: "The most important single fact that can be derived from John Tyler's formative years is that he absorbed *in toto* the political, social, and economic views of his distinguished father."[1]

Tyler received his early formal education at private schools; at the age of twelve he enrolled in the college preparatory division of the College of William and Mary. Three years later he began his college studies, chiefly in English literature and classical languages, and graduated in 1807, just seventeen years old. He studied law for two years, first under his father's direction, then with a cousin, and finally with Edmund Randolph, the nation's first attorney general. Randolph's advocacy of a strong central government ran counter to Tyler's interpretation of the limited extent to which the Constitution granted powers to the national government and his belief in the supremacy of states' rights. Tyler feared the Constitution would be used to subordinate the interests of the southern white planter class to those of northern merchants and propertyless working men, putting the South at an economic and political disadvantage.[2]

The young Virginian established his own legal practice in 1811 and soon developed a reputation as an eloquent and effective advocate in handling difficult criminal defense cases. That year also brought his election, at age twenty-one, to the Virginia house of delegates. He earned early acclaim through his work in persuading the house to pass a resolution censuring Virginia's two U.S. senators for their refusal to follow the legislature's "instructions" to vote against the recharter of the Bank of the United States.[3] In March 1813, weeks after he inherited the Greenway plantation on his father's death, Tyler married the beautiful and introverted Letitia Christian. The death of both her parents soon after the marriage conveyed to the bride holdings of land and slaves that greatly expanded the wealth that John brought to their union. Reclusive and preferring domestic pursuits, Letitia took no active interest in her husband's public life. During the time of his service in Congress and as vice president, she visited Washington only once, preferring the tranquility of the family's plantation to the mud and grime of the nation's capital. Together they had seven children in a tranquil and happy union disrupted only when she suffered a paralytic stroke in 1839. She died in 1842.[4]

Tyler served five one-year terms in the Virginia house of delegates and was chosen to sit on the state executive council. In 1817, at the age of twenty-seven, he won election to the U.S. House of Representatives, serving there until 1821 without apparent distinction. He actively opposed legislation designed to implement Henry Clay's "American System," linking a federally sponsored network of canals, railroads, and turnpikes with a strong central bank and protective tariffs in an alliance that seemed designed to unite the North

and West at the South's expense. Tyler's views on slavery appeared ambivalent. In attacking the 1820 Missouri Compromise governing the future admission of "slave" and "free" states, Tyler sought without success to deny the federal government the right to regulate slavery. From his earliest days in the public arena, the Virginian appeared uncomfortable with the institution of slavery, although he owned many slaves throughout his lifetime and argued that slavery should be allowed to extend to regions where it would prove to be economically viable. He expected, however, that the "peculiar institution" would eventually die out and, on various occasions over the years, he advocated ending both the importation of slaves and their sale in the District of Columbia.[5]

At the end of 1820, suffering from financial difficulties, chronically poor health, and a string of legislative defeats, Tyler decided to give up his career in the House of Representatives. He wrote a friend, "the truth is, that I can no longer do any good here. I stand in a decided minority, and to waste words on an obstinate majority is utterly useless and vain."[6] In 1823, however, his health and political ambitions restored, Tyler returned to the Virginia house of delegates. Two years later, he won election as Virginia's governor and served two one-year terms until 1827, when he was elected to the U.S. Senate. Reelected in 1833, Tyler served until his resignation on February 29, 1836. While in the Senate he served briefly as president pro tempore in March 1835 and as chairman of the Committee on the District of Columbia and the Committee on Manufactures.

Philosophy

In the 1830s John Tyler identified himself with the Democratic party but differed often with President Andrew Jackson. The two men diverged both in temperament—a Tidewater aristocrat opposing a Tennessee democrat—and in political philosophy. Tyler supported the president's veto of legislation rechartering the Bank of the United States, but he opposed Jackson's removal of government funds from that institution. Although Tyler reluctantly advocated Jackson's election in both 1828 and 1832, he opposed many of the president's nominees to key administration posts. The final break between the two came in 1833 when Tyler, alone among Senate Democrats, chose to oppose the Force Act, which allowed Jackson to override South Carolina's ordinance nullifying the tariff of 1832. He feared the Force Act would undermine the doctrine of states' rights, to which he was deeply committed.

By 1834 Tyler joined Henry Clay in actively opposing Jackson's policies, and he voted with a Senate majority to "censure" the president for refusing to provide information concerning his removal of government funds from the Bank of the United States. In 1836, when the Virginia legislature "instructed" Tyler to reverse his censure vote, Tyler refused. Unlike some senators who by that time had come to ignore such legislative instruction, Tyler remembered his own vote years earlier against noncomplying senators and concluded that he had no honorable choice but to resign from the Senate.

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In 1836 the emerging Whig party was united only in its opposition to Jackson. To avoid demonstrating their lack of unity, the Whigs chose not to hold a presidential nominating convention that year.[7] Party strategy called for fielding several regional candidates, nominated at the state and local level, in the hope that they would deny Jackson's heir Martin Van Buren a majority in the electoral college. Such an impasse would throw the contest into the House of Representatives where the outcome might be more easily influenced to produce a Whig president. Although there was little general interest expressed in the vice-presidential position, Tyler's name appeared for that post on the ballots in several states. He was listed as the running mate of William Henry Harrison in Maryland; of Hugh Lawson White in Tennessee, North Carolina, and Georgia; and of Willie Mangum in South Carolina. In Virginia, Tyler's name appeared on the ballot with both Harrison and White.

Van Buren won the presidency, but when the vice-presidential ballots were tallied, Tyler came in third, after Richard Mentor Johnson and Francis Granger, with 47 electoral votes from the states of Georgia, Maryland, South Carolina and Tennessee.[8] Under the provisions of the Constitution's Twelfth Amendment, as no candidate for the vice-presidency had secured a majority of the electoral votes, the Senate would make the selection from the top two candidates. On February 8, 1837, the Senate exercised this constitutional prerogative for the only time in its history and selected Johnson on the first ballot.

Senate Election Deadlock

In April 1838, Tyler won election to the Virginia house of delegates for the third time—this time as a Whig. On taking his seat early in 1839, he was unanimously chosen speaker. In that capacity, he presided over a debate in which he held an intense personal interest: the selection of a United States senator. William C. Rives, the Jacksonian Democrat who had succeeded Tyler in 1836, hoped to retain his Senate seat for another term. Tyler, however, decided that he would like to return to the Senate. The Democrats held a slight majority in the legislature, but among their members were a dozen so-called Conservatives, renegade Democrats who had supported Jackson but disagreed with the financial policies of his successor, Martin Van Buren. The legislature's regular Democrats tried to win the support of this maverick group to ensure that Virginia would marshal its sizeable number of electoral votes in favor of Van Buren in the 1840 presidential election. To this end, they offered to support Rives, one of Virginia's most prominent Conservatives. But Rives proved unwilling to lead Virginia's Conservatives back to the Democratic fold. Consequently, the Democrats turned to John Mason as their Senate candidate. Whig leaders might have been expected to support Tyler, who had resigned the seat in 1836 out of support for that party's doctrine. In fact, however, these party leaders were more willing to "sacrifice Tyler on the altar of party expediency" and

promote Rives in return for cooperation from his fellow Conservatives in voting for a Whig presidential candidate in 1840.[9]

On February 15, 1839, each house first met separately to hear extended debate in support of Rives, Tyler, and Mason then convened in joint session to vote. With heavy support from the Whig rank-and-file, Tyler received a plurality on each of the first five ballots. On the sixth ballot, Whigs began to shift in favor of Rives, who moved into the lead but fell short of a majority in this and succeeding tallies. On February 25, after twenty-eight ballots and eight legislative days during which no other business was transacted, both houses agreed to suspend the voting indefinitely. The seat remained vacant for nearly two years until Tyler's election as vice president broke the deadlock and opened the way for the legislature to select Rives, who had recently changed his political allegiance to the Whig party.[10]
Contrary to his opponents' later charges, Tyler made no effort to obtain the vice-presidential nomination as a consolation prize for the Senate seat denied to him. "I do declare, in the presence of my Heavenly Judge, that the nomination given to me was neither solicited nor expected."[11]

Whig Nominating Convention

Going into their December 1839 presidential nominating convention, Whig leaders believed that Democratic President Martin Van Buren was easily beatable as long as they selected a challenger of moderate views who had not alienated large numbers of voters. Taking its name from the English political party of the seventeenth and eighteenth centuries that had formed in opposition to monarchial tyranny, the American Whig party was held together primarily by its opposition to the perceived executive tyranny of "King Andrew" and his successor, Van Buren.

Desiring a presidential candidate who would acknowledge the preeminent role of Congress as maker of national policy, the party could not ignore Henry Clay. As a leader of the Senate's Whigs and orchestrator of the 1834 Senate censure of Jackson, Clay personified the notion of congressional dominance. He was the best known of his party's potential candidates; he was the most competent; and, as a slaveholder and low-tariff advocate, he enjoyed considerable support in the South. Party leaders from other regions, however, argued that Clay's public record would work to his disadvantage and that, in any event, he could not be expected to carry the electorally essential states of New York and Pennsylvania.

Turning from a battle-scarred legislative veteran to military heroes of uncertain political leanings, the Whig convention, meeting in Harrisburg, Pennsylvania, considered War of 1812 generals Winfield Scott and William Henry Harrison. Harrison's heroism at the Battle of Tippecanoe was well known. He served as territorial governor of Indiana after the war and later represented Ohio in the House of Representatives and in the Senate, but

he was hardly a national figure before the 1836 election.[12] That year he ran well in the presidential contest and in 1840 won the endorsement of Senator Daniel Webster, who sought to block his old rival, Clay. At the convention, Harrison gained the crucial support of New York political boss Thurlow Weed, who also wanted to prevent Clay from becoming the party's nominee. Weed manipulated the convention's voting rules to require a unit-rule system that had each state cast its entire vote for the candidate preferred by a simple majority of its delegates. Weed then led his state's influential delegation to secure a first-ballot victory for Harrison, a candidate unencumbered by a political record or strong opinions.[13]

The Whigs turned to the selection of a vice-presidential candidate as somewhat of an afterthought. In finding a running mate for Harrison, they sought an equally malleable candidate who would bring suitable geographical and ideological balance to the ticket. If Clay of Kentucky had been selected for the presidency, party leaders intended to find a vice-presidential candidate from a state closed to slavery. With Harrison the party's choice, they looked instead to the slave states for a suitable contender; they found John Tyler.

The courtly Virginian had run well in southern states during the 1836 contest and enjoyed a solid identification with the South and states' rights doctrine.[14] With Harrison rumored to be an abolitionist sympathizer, a slaveholder would nicely balance the ticket. The Whigs particularly hoped to pick up Virginia's twenty-three electoral votes, which had gone to the Democrats in 1836. (Both Tyler and Harrison had been born in the same Virginia county and their fathers had served terms as that state's governor.) The selection of Tyler, who had energetically campaigned for Clay through the final convention ballot—and was believed by some even to have shed tears at his defeat—was also intended to mollify Clay's disappointed supporters in the South. The convention's general committee quickly agreed on Tyler and recommended him to the assembled delegates, who voted their unanimous approval. In selecting Tyler, party leaders made no effort to determine whether his views were compatible with their candidate's, for their privately acknowledged campaign strategy was to "fool the voters and avoid the issues."[15]

The 1840 Campaign

At Harrison's request, Tyler remained inactive during most of the 1840 election campaign. His major contribution was his surname, which formed the rhyming conclusion of the party slogan "Tippecanoe and Tyler Too." Few Americans took much interest in his candidacy, for the sixty-seven-year-old Harrison appeared to be in good health and had vowed to serve only a single four-year term.

In the campaign's final weeks, word reached Tyler that President Van Buren's running mate, Vice President Richard Mentor Johnson, had been conducting a vigorous reelection campaign before enthusiastic crowds in Ohio and adjacent states. Tyler responded with a

speaking tour of his own in portions of Virginia, Ohio, and Pennsylvania.[16] One Democratic editor concluded that he might as well have stayed home. "Mr. Tyler is a graceful, easy speaker, with all that blandness of manner which belongs to the Virginia character. But there is nothing forcible or striking in his speech; no bright thoughts, no well-turned expressions; nothing that left an impression on the mind from its strength and beauty—*nothing that marked the great man*."[17] Saddled with responsibility for the economic crises that characterized his administration, Martin Van Buren had but a slim chance to win a second term. Harrison, for his part, avoided taking unpopular stands by repeating at every opportunity that he would take his direction from Congress—the best instrument for expressing the needs and wishes of the American people. Although the popular-vote margin was relatively slim, the Harrison-Tyler ticket won a resounding electoral vote victory (234 to 60) in an election that stimulated the participation of 80.2 percent of the eligible voters, the greatest percentage ever.

Although Tyler failed to carry his own state of Virginia, he took some satisfaction in believing that his Pennsylvania tour may have been responsible for winning that state's important electoral votes. The election also placed both houses of Congress under Whig control for the first time. A Whig newspaper summarized the consequences of the Harrison-Tyler victory: "It has pleased the Almighty to give the oppressed people of this misgoverned and suffering country a victory over their weak and wicked rulers. . . . The reign of incompetency, imposture and corruption, is at length arrested, and the country redeemed."[18]

A Brief Vice-Presidency

At 11 a.m. on March 4, 1841, the Senate convened in special session to play its constitutional role in inaugurating the Harrison presidency. After the secretary of the Senate called members to order, Henry Clay administered the oath of office to President pro tempore William R. King. Then, as a wave of excitement swept chamber galleries that had been packed to capacity since early morning, Tyler entered the room accompanied by former Vice President Richard M. Johnson, the Supreme Court, and the diplomatic corps. The court, somber "in their black robes with their grave, intellectual, reflecting countenances," sat in front-row seats to the presiding officer's right. To his left, in colorful contrast, sat the ambassadors decorated, "not only with the insignia of their various orders, but half covered with the richest embroidery in silver and in gold."[19] John Tyler arose and proceeded with Vice President Richard Johnson to the presiding officer's chair to take his oath from President pro tempore King. The new vice president then assumed the chair and launched a three-minute inaugural address with a ringing tribute to his predecessors, calling it an honor "to occupy a seat which has been filled and adorned . . . by an Adams, a Jefferson, a Gerry, a Clinton, and a Tompkins." He then continued with a verbal bouquet to the Senate and "the high order of the moral and intellectual power which has distinguished it in all past time, and which still distinguishes

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it." In the next sentence, Tyler moved into his main theme—the centrality of the states' rights doctrine:

> Here [in the Senate] are to be found the immediate representatives of the States, by whose sovereign will the Government has been spoken into existence. Here exists the perfect equality among the members of this confederacy, which gives to the smallest State in the Union a voice as potential as that of the largest. To this body is committed in an eminent degree, the trust of guarding and protecting the institutions handed down to us from our fathers, as well against the waves of popular and rash impulses on the one hand, as against attempts at executive encroachment on the other.

Concluding in the spirit of Vice President Jefferson, Tyler confessed to his shortcomings as a presiding officer and asked of the Senate "your indulgence for my defects, and your charity for my errors. I am but little skilled in parliamentary law, and have been unused to preside over deliberative assemblies. All that I can urge in excuse of my defects is, that I bring with me to this chair an earnest wish to discharge properly its duties, and a fixed determination to preside over your deliberations with entire impartiality."[20]

When Tyler finished, senators beginning new terms took their oaths. At twenty minutes past noon, President-elect Harrison and the inaugural arrangements committee entered the chamber and took seats in front of the secretary's desk. After several minutes, the entire official party rose and proceeded to the Capitol's east portico where a crowd of fifty thousand awaited to witness the president's oath-taking. On that blustery spring day, Harrison spoke without hat or overcoat for more than ninety minutes. Following the ceremony, Tyler and the Senate returned to the chamber to receive the president's cabinet nominations, which were confirmed unanimously on the following day. Without caring to attend the series of inaugural parties or to preside over the Senate for the remainder of the special session that ended on March 15, Tyler promptly returned to Williamsburg. He traveled there, as one biographer noted, "with the expectation of spending the next four years in peace and quiet."[21]

Early in April, Secretary of State Daniel Webster sent word to Tyler that Harrison, worn out from the press of jobseekers, had fallen seriously ill. The vice president saw no compelling need, however, to return to Washington on account of the president's condition. As Senator Thomas Hart Benton observed, "Mr. Tyler would feel it indelicate to repair to the seat of government, of his own will, on hearing the report of the President's illness."[22] Then, at sunrise on April 5, 1841, two horsemen arrived at Tyler's plantation. They were State Department chief clerk Fletcher Webster, son of Secretary of State Daniel Webster, and Senate assistant doorkeeper Robert Beale, whose mission was to deliver a letter from the cabinet addressed to "John Tyler, Vice President of the United States." The letter reported that President Harrison had died of pneumonia the previous day.[23] After a quick breakfast, Tyler embarked on a hurried journey by horseback and boat that placed him back in the nation's capital at 4 a.m. the following day.
As word of Harrison's demise spread across a startled nation, John Quincy Adams despaired for the country's well-being:

Tyler is a political sectarian, of the slave-driving, Virginian, Jeffersonian school, principled against all improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution—with talents not above mediocrity, and a spirit incapable of expansion to the dimensions of the station upon which he has been cast by the hand of Providence, unseen through the apparent agency of chance. No one ever thought of his being placed in the executive chair.[24]

Although Tyler at age fifty-one was younger than any previous president, he was also the most experienced in the ways of government. He had served as a member of both houses of his state legislature, both houses of the U.S. Congress, governor of his state, and vice president of the United States.[25] By appearance, he was cast for a leadership role. Standing slightly over six feet, he possessed all the "features of the best Grecian model" including a sharply defined aquiline nose. When a bust of Cicero was discovered during an excavation in Naples, two visiting Americans reportedly exclaimed "President Tyler!"[26]

The Accidental President

Harrison's demise after only a month in office presented the nation with a potential constitutional crisis. The Constitution of that time contained no Twenty-fifth Amendment to lay out procedures governing the vice president's actions when the chief executive became disabled or when there was a vacancy before the end of the incumbent's term. The document provided only that the "Powers and Duties of the said Office . . . shall devolve on the Vice President . . . [who] shall act accordingly, until the Disability be removed, or a President shall be elected." In another section, the Constitution referred to the vice president "when he shall *exercise* [emphasis added] the Office of President of the United States."[27]

These provisions had occasioned a theoretical discussion between those who believed a person does not have to become president to exercise presidential powers and others who held that the vice president becomes president for the balance of the term.[28] As the first vice president to succeed to the presidency upon the death of his predecessor, Tyler was determined to transform theory into practice on behalf of the latter view, becoming president in his own right and not "Vice President, acting as President" as Harrison's cabinet was inclined to label him. Secretary of State Webster raised his concern about the constitutional implications of the succession with William Carroll, clerk of the Supreme Court. Carroll conveyed Webster's misgivings to Chief Justice Roger Taney, reporting that the "Cabinet would be pleased to see and confer with you at this most interesting moment." Taney responded with extreme caution, saying that he wished to avoid raising "the suspicion of desiring to intrude into the affairs which belong to another branch of government."[29]

Tyler argued that his vice-presidential oath covered the possibility of having to take over as chief executive and consequently there was no need for him to take the separate

presidential oath. The cabinet, major newspapers, and some Tyler advisers disagreed. To remove any doubt, despite his own strong reservations, Tyler agreed to the oath, which was administered on April 6 at Brown's Indian Queen Hotel by Chief Judge William Cranch of the U.S. Circuit Court for the District of Columbia. Taking this step produced a significant reward, for it boosted Tyler's annual salary five-fold from $5,000 to $25,000.[30]

In his first official move, Tyler convened Harrison's cabinet and listened patiently as Secretary of State Daniel Webster advised that it had been Harrison's custom to bring all administrative issues "before the Cabinet, and their settlement was decided by the majority, each member of the Cabinet and the President having but one vote." Choosing his words with care, Tyler responded, "I am the President, and I shall be held responsible for my administration. I shall be pleased to avail myself of your counsel and advice. But I can never consent to being dictated to as to what I shall do or not do. When you think otherwise, your resignations will be accepted."[31]

Outside of his cabinet, Tyler's assumption of the presidency's full powers evoked little general concern that he was overstepping proper constitutional boundaries, or that a special election should be called. Major newspapers argued that he was fully justified in his action, although for several months after he took office some journals continued to refer to him as "acting president." One suggested a compromise view; a special election would be required only if the presidency were to fall, in the absence of a vice president, to the Senate president pro tempore or the House Speaker, as designated by the presidential succession statute of 1792.[32]

As the epithet "His Accidency" grew in popularity, Congress convened on May 31, 1841, for its previously called special session and immediately took up the issue of Tyler's claim to be president in his own right. The question was raised as the House prepared a resolution authorizing a committee to follow the custom of informing the president that "Congress is now ready to receive any communication he may be pleased to make."[33] One member moved to amend the resolution by striking out the word "President" and substituting "Vice President now exercising the office of President." Members more sympathetic to Tyler's reading of the Constitution—and the need to get on with the business of the nation—offered a firm rebuttal, which the House then agreed to.
In the Senate, on the following day, a member posed a hypothetical question as to what would happen if the president were only temporarily disabled and the vice president assumed the office. He envisioned a major struggle at the time the disabled president sought to resume his powers, particularly if he and the vice president were of different parties. Senator John C. Calhoun reminded the Senate that this was not the situation that faced them, rendering further discussion pointless. And what about the Senate's president pro tempore? Should he assume the vice-presidency as the vice president had assumed the presidency? Former President pro tempore George Poindexter urged the incumbent president pro tempore, Samuel Southard, to claim the title. Southard ignored the advice,

and the Senate then joined the House in adopting a resolution recognizing Tyler's legitimate claim to the presidency.[34]

Acting Vice President (President Pro Tempore)

In this early period of the Senate's history, when a vice president planned to be away from the Capitol, the Senate customarily elected a president pro tempore to serve for the limited time of that absence. This official would preside, sign legislation, and perform routine administrative tasks. Whenever the vice-presidency was vacant, as it was with the deaths of George Clinton and Elbridge Gerry in James Madison's administration, the post of president pro tempore, next in line of presidential succession, assumed heightened importance. Two individuals held this crucial post during Tyler's presidency: Samuel Southard, from 1841 to 1842, and Willie P. Mangum from 1842 to 1845.

Soon after Vice President Tyler left Washington on the day of Harrison's inauguration, the Senate followed Clay's recommendation and elected Senator Samuel Southard of New Jersey as president pro tempore. Southard had first entered the Senate in 1821 but resigned in 1823 to become secretary of the navy. In 1833, after moving through a series of state and national offices, Southard returned to the Senate, where he helped to establish the Whig party. At a time when Clay was attempting to consolidate his control of the Senate, Southard proved to be a useful ally. When the Senate convened in May 1841, a month after Harrison's death, Southard's significance expanded. In this period of the Senate's history, the vice president or, in his absence, the president pro tempore made all committee assignments. Southard willingly accommodated Clay in the distribution of important chairmanships.

The next year, however, on May 3, 1842, the New Jersey Whig resigned from the Senate due to ill health and died soon thereafter. Several weeks later, on May 31, the Senate selected a new president pro tempore, Willie P. Mangum (W-NC), a leader of the Senate's Whig caucus. Mangum had served a Senate term in the 1830s and, as a Clay delegate to the 1839 Whig convention, had been considered briefly as a vice-presidential nominee. He returned to the Senate in 1840, where he remained as a Whig leader until 1853. His 1842 selection as president pro tempore occurred in recognition of his leadership in opposing Tyler. He held the post through the remainder of Tyler's administration.

Tyler's Presidency

Deep divisions over the issue of establishing a new banking system overshadowed Tyler's early presidency. In the Senate, Henry Clay led his party in a direction quite different from Tyler's. The two men had been good friends, despite their philosophical differences. Tyler had joined the Whigs because of his strong opposition to the policies of Andrew Jackson and Martin Van Buren. Ideologically, however, he had little sympathy for the

Whig program of a national bank, internal improvements, and protective tariffs embodied in Clay's "American System." As a former states' rights Democrat, Tyler emphasized the importance of state sovereignty over national economic integration. Both Tyler and Clay held a typical nineteenth-century, anti-Jacksonian view of the presidency as a limited, relatively passive office responsible for providing Congress the necessary information to pass appropriate legislation. They saw the president's policy role as essentially limited to vetoing legislation that he believed to be either unconstitutional or not in the nation's best interests. Tyler, however, would have given the president sufficient power to keep Congress from actions that might erode states' rights. Clay made a sharper distinction, advocating an assertive Congress and a chief executive stripped of the powers acquired during Jackson's years in office. Admirers and foes alike began referring to Clay as "the Andrew Jackson of the Senate."

Although Clay had briefly opposed Tyler's move to take on full presidential powers after Harrison's death, he changed his mind and began to provide the new chief executive with valuable moral and political support. Yet Clay also realized that Tyler now blocked his own road to the presidency. Clay had appeared to be the obvious successor in 1845, based on Harrison's announcement that he intended to serve only one term.
Clay intended to lead the nation from the Senate and he expected Tyler to help him to that objective by supporting his policies. That expectation quickly proved to be misplaced. Despite Tyler's mild-mannered demeanor, he began to display a rock-like tenacity in pushing for his own objectives. Clay sought to reestablish a strong, private, central bank of the United States. Tyler, consistent in his concern for preservation of states' rights—and state banks—advocated a weaker bank, chartered in the District of Columbia, that would operate only in those states that chose to have it. When Clay urged Tyler to push for a new Bank of the United States during the May 1841 special session, Tyler said he wanted more time and intended to put the matter off until the regular session in December. Clay arrogantly responded that this would not be acceptable. Tyler is said to have countered, "Then, sir, I wish you to understand this—that you and I were born in the same district; that we have fed upon the same food, and have breathed the same natal air. Go you now then, Mr. Clay, to your end of the avenue, where stands the Capitol, and there perform your duty to the country as you shall think proper. So help me God, I shall do mine at this end of it as I shall think proper."[35]

In the interest of party harmony, Clay eventually agreed to a compromise bank measure, which the increasingly resentful Tyler promptly vetoed. Congress subsequently passed a modified "Fiscal Corporation" bill to meet the president's specific objections. Tyler also vetoed this act as an unconstitutional infringement on states' rights. On Saturday, September 11, 1841, in the final days of the special session, Tyler's entire cabinet—with the exception of Secretary of State Webster—resigned in a protest designed by Clay to force Tyler's own resignation. With the vice-presidency vacant, this would place Clay's protégé, Senate President pro tempore Southard, in the White House.

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Refusing to be intimidated, Tyler responded the following Monday by sending the Senate a new slate of cabinet officers. Despite the president's break with the Senate's leaders, the body on September 13 quickly confirmed each of the nominees and then adjourned until December. Later that day, in a starkly dramatic move, sixty prominent Whigs assembled in the plaza adjacent to the Capitol. In a festive mood, they adopted a manifesto that asserted the supremacy of Congress in policy-making, condemned the president's conduct, and proclaimed that the Whig party could no longer be held responsible for the chief executive's actions. Tyler had become a president without a party.[36]

The chaos that ensued gave Tyler the unwanted distinction of having "the most disrupted Cabinet in presidential history."[37] During his nearly four years in office, he appointed twenty-two individuals to the administration's six cabinet seats. Many of these nominees were manifestly unqualified for their assignments, and the Senate refused to confirm four of them. Among those rejected was Caleb Cushing, whom Tyler chose to be secretary of the treasury. On the day of Cushing's initial rejection, Tyler immediately resubmitted his name. The Senate, irritated at this disregard of its expressed will, again said "no" but by a larger margin. For a third time, Tyler nominated Cushing and again the Senate decisively rejected him. The Senate's Whig majority, stalling for time in the expectation that Henry Clay would be elected president in 1844, also turned down, or failed to act on, four of Tyler's Supreme Court nominees—a record not before or since equalled.

Positioning himself to run in 1844 as the Whig candidate for the presidency, Clay resigned from the Senate in March 1842. Tyler continued the struggle with his party's congressional majority by vetoing two tariff bills. As government revenues fell to a dangerously low level, he finally agreed to a measure that became the Tariff Act of 1842. Although this action probably aided the nation's economy, it destroyed any remaining hope that Tyler might govern effectively. Northern Whigs condemned him for failing to push for a sufficiently protective tariff, and his former states' rights allies in the South abandoned him for supporting a measure that they considered excessively protective. John Tyler sought to be a strong president, but his accomplishments proved to be modest. Stubborn, proud, and unpredictable, he decisively established the right of the vice president to assume the full powers of the presidency in the event of a vacancy to an unexpired term. He boldly exercised the veto ten times, a record exceeded only by Andrew Jackson among presidents who served in the nation's first seventy-five years. His chief contributions lay in the field of foreign policy. The annexation of Texas opened a new chapter in the nation's history. The Webster-Ashburton treaty prevented a costly war with Great Britain, and the Treaty of Wanghia obtained economically promising most-favored-nation status for the United States in China.[38]

Despite his earlier ambitions, Tyler became the first president not to seek a second term. (No party would have him as its candidate.) After leaving the White House on March 3, 1845, Tyler practiced law and was appointed to the board of visitors for the College of William and Mary. A year earlier, at the first presidential wedding to be conducted in the

White House, he had married Julia Gardiner, a vivacious partner who, like his first wife Letitia, produced seven children.[39] In February 1861 the ex-president chaired a conference in Washington in a last-ditch effort to avert civil war. When that war began, he was elected to Virginia's secessionist convention and then to the provisional Congress of the Confederacy. He had won a seat in the Confederate Congress' house of representatives, but his death on January 18, 1862, came before he could begin his service.

Tyler biographer Robert Seager notes that he "lived in a time in which many brilliant and forceful men strode the American stage . . . and he was overshadowed by all of them, as was the office of the Presidency itself. . . . Had he surrendered his states' rights and anti-Bank principles he might have salvaged it. He chose not to surrender and the powerful Henry Clay crushed him."[40]

Notes:
1. Robert Seager II, *And Tyler Too: A Biography of John & Julia Gardiner Tyler* (Norwalk, CT, 1963), p. 50.
2. Ibid., pp. 52-53.
3. Ibid., pp. 55-56.
4. Ibid., pp. 56-58.
5. Ibid., p. 53-54.
6. Quoted in ibid., p. 72.
7. Oliver Perry Chitwood, *John Tyler: Champion of the Old South* (New York, 1939), pp. 148-49.
8. Ibid., p. 151-52.
9. Ibid., pp. 157-61.
10. Ibid., pp. 162-63.
11. *National Intellengecer*, August 27, 1844; Seager, p. 135.
12. Robert Gray Gunderson, *The Log-Cabin Campaign* (Lexington, KY, 1957), pp. 41-75; Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York, 1987), pp. 248, 281-96; Robert V. Remini, *Henry Clay: Statesman for the Union* (New York, 1991), pp. 545-67.
13. Norma Lois Peterson, *The Presidencies of William Henry Harrison & John Tyler* (Lawrence, KS, 1989), p. 21; Chitwood, pp. 164-67.
14. Seager, pp. 134-35. There is some scholarly controversy over the reasons for Tyler's selection. The view that he was carelessly selected may not have been widely held until after Tyler broke with Whig party leaders after becoming president. For a discussion of this question, see Norma Peterson, *The Presidencies of William Henry Harrison & John Tyler*, p. 26; Chitwood, pp. 167-73.
15. William O. Stoddard, *Lives of the Presidents*, 10 vols. (New York, 1888), 5:44; Chitwood, pp. 166-67; Norma Peterson, pp. 26-27.
16. Chitwood, pp. 184-85.
17. *Daily Pittsburgher*, October 8, 1840, quoted in ibid., p. 187.
18. *Niles' National Register*, 59:163.
19. *Niles National Register*, March 13, 1841, p. 19. This excellent source provides colorful descriptions of the events of March 4, 1841.
20. Chitwood, pp. 200-201; U.S. Congress, Senate, *Congressional Globe*, 26th Cong., 2d sess., March 4, 1841, pp. 231-32.
21. Chitwood, p. 202.
22. Thomas Hart Benton, *Thirty Years' View*, 2 vols. (New York, 1871), 2:211.
23. Ruth C. Silva, *Presidential Succession* (Ann Arbor, MI, 1951), p. 16.

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24. Charles Francis Adams, ed., *Memoirs of John Quincy Adams*, 12 vols. (Philadelphia, 1876), 10:456-57.
25. Seager, p. 147.
26. Quoted in Remini, p. 582.
27. *U.S. Constitution*, Article II, section 1, clause 6; Article I, section 2, clause 10.
28. Stephen W. Stathis, "John Tyler's Presidential Succession: A Reappraisal," *Prologue* 8 (Winter 1976): 223-24,especially footnote 1; Silva, pp. 2-3. See also Stephen W. Stathis, "The Making of a Precedent 1841 (The Presidential Succession of John Tyler)," (Master's Thesis, Utah State University, 1971).
29. Samuel Tyler, *Memoir of Roger Brooke Taney* (Baltimore, 1872), pp. 295-96; Silva, pp. 16-17.
30. Sharon Stiver Gressle, "Salaries, Executive," *Encyclopedia of the American Presidency* (New York, 1994), pp. 1344-46.
31. Quoted in Seager, p. 149.
32. Silva, pp. 18-20.
33. *Congressional Globe*, 27th Cong., 1st sess., pp. 3-4.
34. Stathis, p. 234; Chitwood, p. 206; Silva, pp. 21-22. Even after he left the presidency, Tyler continued to confront the issue of his proper title. On October 16, 1848, he wrote to Secretary of State James Buchanan to complain that the State Department, the government, the government's official arbiter of protocol, had on three occasions addressed him in formal correspondence as "ex-vice president." "I desire only to say, that if I am addressed, and especially from the State department, by title, it must be that which the Constitution confers..." [quoted in Silva, p. 21]
35. Chitwood, pp. 210-11; Seager, p. 147; Remini, p. 583.
36. Norma Peterson, pp. 89-91; Seager, p. 160.
37. Paul Finkelman, "John Tyler," *Encyclopedia of the American Presidency, 4:1521*.
38. For a balanced assessment of Tyler's presidency, see Norma Peterson, *The Presidencies of William Henry Harrison & John Tyler*, chapter 15.
39. Seager, pp. 1-16.
40. Ibid., p. xvi.

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