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THE INFLUENCE OF THE 1830s NULLIFICATION CRISIS ON THE 1860s
SECESSION CRISIS

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ABSTRACT

This thesis aims to connect the constitutional arguments for and against secession during the Nullification Crisis of 1832 with the constitutional arguments for and against secession during the Secession Crisis of 1860-1861. Prior to the Nullification Crisis, Vice President John C. Calhoun, who has historically been considered to be a leading proponent of secession, outlined his doctrine of nullification in 1828. This thesis argues that Calhoun's doctrine was initially intended to preserve the Union. However, after increasingly high protective tariffs, the state delegates of the South Carolina Nullification Convention radicalized his version of nullification as expressed in the *Ordinance of Nullification* of 1832. In response to the *Ordinance*, President Andrew Jackson issued his *Proclamation Regarding Nullification*. In this document, Jackson vehemently opposed the notion of nullification and secession through various constitutional arguments.

Next, this thesis will look at the Bluffton Movement of 1844 and the Nashville Convention of 1850. In the former, Robert Barnwell Rhett pushed for immediate nullification of the new protective Tariff of 1842 or secession. In this way, Rhett further removed Calhoun's original intention of nullification and radicalized it. The latter caused strong divisions within the South itself and illustrates the growing fragility of the Union.

Finally, this thesis will examine the constitutional arguments for and against secession during the Secession Crisis of 1860-1861 by analyzing South Carolina's *Declaration of Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union* and President Lincoln's First Inaugural Address. Both of these documents use similar methods and sources to argue their cases. Additionally, the fact that Lincoln studied Jackson's

1832 Proclamation helps reveal the significance of the Nullification Crisis of 1832 to the Secession Crisis of 1860-1861.

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Chapter 1

The Radicalization of John C. Calhoun's Doctrine of Nullification

This chapter will present the historical context for the Nullification Crisis of the 1830s by outlining John C. Calhoun's theory of nullification as expressed in his writings. Calhoun's doctrine of nullification, explained in his *South Carolina Exposition* of 1828, was designed as a mechanism to preserve the Union. However, in 1832, South Carolina elected the radical nullifiers of the state as delegates to a state nullification convention, and that convention passed the *South Carolina Ordinance of Nullification*, which offered a different take on Calhoun's nullification.

The *Ordinance*, which declared the Tariffs of 1828 and 1832 null and void in the state, radicalized Calhoun's original version of nullification from 1828. To support this position, this chapter will examine the language of Calhoun's writings in 1828 and the *Ordinance's* language from 1832.

This chapter will then describe and examine President Jackson's two responses to nullification. The first response was his presidential message of December 4, 1832. In his message, Jackson acted reasonable and peaceful to South Carolina by advocating tariff reform and defending states' rights. This response aligned with Calhoun's original doctrine of nullification because Jackson sympathized with South Carolina to preserve the Union. The second response, his *Proclamation Regarding Nullification*, from December 10, 1832, was a nationalistic attack on South Carolina. Jackson vehemently opposed nullification and threatened to use the military to enforce the tariffs. In this way, Jackson's *Proclamation* coincided more

with the *Ordinance*'s radicalized doctrine of nullification and much less with Calhoun's original view.

Following certain trade restrictions imposed by Great Britain during the Napoleonic Wars, Americans had to create factories domestically to provide goods that used to be supplied by Britain. In addition, through 1814 and 1815, Great Britain flooded American markets with high quality manufactured items to compete with the newly created American factories. Secretary of Treasury Alexander J. Dallas projected that the nation would experience a large federal deficit because of Great Britain's strong presence in American markets. Dallas was also concerned that the war with Great Britain could be reignited over certain territorial and economic issues.¹ So, to handle this issue, Congress passed the first of a series of protective tariffs in 1816. This tax on imported goods was set "at around 25%." 8 years later, Congress passed the Tariff of 1824, which raised the rate to 33%. The Tariff of 1828 further raised this rate to 50%.² These increasingly high tariffs were designed to protect northern and western agricultural products from mainly British competition.

However, these rates resulted in a higher cost of living in the South and declining profits in cotton because the British reduced their imports of cotton from the United States. This forced the South to purchase manufactured goods from Northern factories at a much higher price.³ In addition, southern opponents of the tariff felt as if the provisions were harmful to their region's agricultural interests.

¹ Preyer, Norris W. 1959. *Southern Support of the Tariff of 1816: A Reappraisal* (Journal of Southern History, XXV (August 1959, pp. 306–322) in *Essays on Jacksonian America*, Ed. Frank Otto Gatell. Holt, Rinehart and Winston, Inc. New York . 1970.

² Freehling, William W. *The Road to Disunion (1776-1854)*. New York: Oxford UP, 1990. Print, 257.

³ Schlesinger, Arthur M., Jr. *The Age of Jackson*. Boston: Little, Brown, 1953. Print, 33.

One particularly strong figure against the tariff was John C. Calhoun, who was from South Carolina and Vice President at the time. In an effort to promote states' rights against a perceived federal government favoring the North, Calhoun began to devise a theory of nullification that would constitutionally allow South Carolina to invalidate these federal laws. Nullification is the notion that "a state could void federal law it regarded as unconstitutional, then appeal to a tribunal of the other states to amend the law, and finally, if the law were not amended, legally secede from the Union."⁴ In addition, advocates for nullification claim that it is a constitutional rights for states. In response to the Tariff of 1828, Calhoun anonymously authored the *South Carolina Exposition and Protest* in December of that same year. This document provides Calhoun's argument for the unconstitutionality of the Tariff of 1828 and nullification.

In the *Exposition*, Calhoun wrote that the Tariff of 1828 was not created for the purpose of generating revenue, "but [for] the protections of one branch of industry at the expense of others." Since the United States Constitution only authorizes Congress to pass tariffs with the purpose of generating revenue, the tariff "is unconstitutional, unequal, and oppressive, and calculated to corrupt the public virtue and destroy the liberty of our country." In other words, a tariff can be only be designed for revenue and not to tax one regional section for the benefit of another. Thus, for this reason, it is South Carolina's sacred duty to interpose, or nullify, to the Union "and to the cause of liberty over the world."⁵

⁴ Varon, Elizabeth R. *Disunion!: The Coming of the American Civil War, 1789-1859*. Chapel Hill: U of North Carolina, 2008. Print, 11.

⁵ Calhoun, C. John. "South Carolina Exposition and Protest." *Wikisource* . Wikisource , 25 Sep. 2015. Web. 7 Nov. 2016.

Moreover, Calhoun defined the relationship between the states and the federal government in the *Exposition*. He wrote, “our system, then, consists of two distinct and independent Governments. The general powers, expressly delegated to the General Government, are subject to its sole and separate control; and the States cannot, without violating the constitutional compact, interpose their authority to check.”⁶ This “constitutional compact” refers to the law of compact. The law of compact is a theory defining the relationship between the states and the federal government. It holds that the nation was created through an agreed upon compact by all of the states. Thus, the federal government was also created by the states and the states should have the final decision on issues concerning whether the federal government overstepped its authority. So, through this quote, Calhoun explains that if Congress passes a law that aligns with its powers given in the Constitution, the states cannot interpose on the law’s legitimacy.

However, according to Calhoun, the states do have the authority to examine the constitutionality of laws passed in Congress: “[since] the sovereign powers delegated are divided between the General and State Government, ... it would seem impossible to deny to the States the right of deciding on the infractions of their powers, and the proper remedy to be applied for their correction.”⁷ This excerpt begins Calhoun’s explanation of his doctrine of nullification. The actual process of nullification would involve the single state holding a convention. This convention would be composed of delegates that were elected by the state’s citizens, and these delegates would declare the federal law null. If three-fourths of the other states, in a specially called federal convention, then upheld the constitutionality of the federal

⁶ “South Carolina Exposition and Protest.”

⁷ “South Carolina Exposition and Protest.”

law in question, the nullifying state would have two options: either comply with the federal law or secede from the Union.⁸

Through the language and aims of the *Exposition*, it appears that Calhoun was acting as a reconciler between the states and the Union. According to Elizabeth R. Varon, author of *Disunion!: The Coming of the American Civil War*, Calhoun argued that his doctrine of nullification was meant to calm the tensions between the states' rights advocates of South Carolina and the federal government. Since Calhoun's process called for multiple state and federal conventions, there would be time for passions to simmer down and for compromises to be made between South Carolina and the federal government. Calhoun saw nullification as a way to preserve the Union, not destroy it.⁹

Following Calhoun's *Exposition*, the question of nullification became more and more public. President Andrew Jackson rejected his Vice President's arguments for nullification and he felt betrayed by Calhoun. In addition, there were numerous Congressional debates over the tariff issue and the nullification mechanism outlined in the *Exposition*. One of the most famous debates was between Daniel Webster of New England and the nullifier Robert Y. Hayne of South Carolina in 1830. In the debate, Hayne followed Calhoun's logic in the *Exposition* by disconnecting nullification from secession. He held that the North, not the South, was actually pushing toward disunion by passing the tariffs between 1816 and 1828. In response, Webster reminded Americans that both the North and South fought collectively as one unit during the Revolutionary War.¹⁰ He found that nullification was in no way a constitutional right and depicted disunion as the ultimate horror.

⁸ *Disunion!*, 57.

⁹ *Disunion!*, 58.

¹⁰ *Disunion!*, 59.

In addition, Webster utilized very mythic and romantic language in his response to unite American citizens: “I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below.”¹¹ When Hayne claimed that the federal government acts as an agent of the various state governments, Webster asserted that “it is, sir, the people’s Constitution, the people’s government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that the Constitution shall be the supreme law.” When considering the prospect of secession, Webster claimed that it would result in “states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be in fraternal blood!”¹²

Webster’s reply shows that he was fearful of the idea of secession and its consequences. However, Hayne, speaking through the logic of Calhoun, was not promoting secession. Rather, Hayne and Calhoun were attempting to disassociate nullification from secession. Both parties were striving for unionism, yet Calhoun and Hayne sought this goal through the platform of a better representation of states’ rights.

As sectional tensions were rising between the North and South, the relationship between Jackson and Calhoun worsened. Calhoun distrusted certain members of Jackson’s political cabinet, especially Secretary of State Martin Van Buren. Calhoun believed that the Northern wing of the Democratic Party, of which included Van Buren, was pressuring Jackson to remain neutral on the tariff issue.¹³ In an attempt to ease these sectional issues, Congress passed the Tariff of 1832 in July. While this tariff did reduce the rates created by the Tariff of 1828, South

¹¹ Webster, Daniel. "The Second Reply to Hayne (January 26-27, 1830)." *Dartmouth.edu*. Dartmouth, n.d. Web. 07 Nov. 2016.

¹² “Second Reply.”

¹³ *Disunion!*, 57.

Carolina still found it unsatisfactory to their needs. President Jackson, aware that the new tariff would not please South Carolina and especially Calhoun, warned the state of the ramifications of not obeying the law. As historian John Niven explains, “Jackson ... put Calhoun and the nullifiers in South Carolina on notice that they would feel the full weight of the federal government if they tried to obstruct the law.”¹⁴

In that summer of 1832, Calhoun focused on further disassociating nullification from secession in an attempt to appear less radical and unite the North and South. In a public letter, Calhoun admitted that a “great majority” of people were confusing nullification with secession. He maintained that nullification differed from secession “in nature and objective.” In the same letter, he reaffirmed the original sovereignty of the states and explained the relationship of the states to the federal government in terms of a contract. In terms of this contract, secession would be withdrawal, or a dissolution of the partnership. Nullification, on the other hand, would assume the relation of the principal with its agent. In this case, the states are the principals, the federal government their agent, and the Constitution the contract between the two, in which all of the powers not specifically enumerated were given to the states. So, if this contract was breached, then the law(s) breaching it (in this case the Tariffs of 1828 and 1832) were null and void.¹⁵

Governor James Hamilton Jr. of South Carolina had this letter published throughout the state in mid September of 1832 during an intense election campaign in the state, in which the

¹⁴ Niven, John. *John C. Calhoun and the Price of Union: A Biography*. Baton Rouge: Louisiana State UP, 1988. Print, 187.

¹⁵ *John C. Calhoun and the Price of Union: A Biography*, 188.

nullifiers won 65% of the popular vote.¹⁶ The South Carolina legislature now had a nullifier majority and an Unionist minority.

On October 22, 1832, the South Carolina legislature called for a special session to pass a bill calling for a nullification convention. After this, there was another campaign for delegates seeking to be elected for the nullification convention. However, the delegates that were chosen “reflected the same small elite group of planters, newspaper editors, and lawyers that controlled most of the wealth in the state and comprised its largest slave owners.”¹⁷ Most of these citizens were radical who had enough of the tariff’s effects on the economy. These delegates joined together, disregarded Calhoun’s newly tailored definitions of nullification that labeled it as a means to preserve the Union, and created the *South Carolina Ordinance of Nullification* in November 1832. An examination of this document’s language further suggests that the state nullification convention radicalized Calhoun’s theory of nullification as described in his *Exposition*.

The *Ordinance* begins with the nullification convention arguing that the Tariffs of 1828 and 1832 were not created for revenue purposes: “Whereas the Congress of the United States by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures... .” The committee continued to list other purposes that the tariffs were “intended” for, like the giving of bounties to classes and individuals in particular employments. After this list of grievances, the committee asserted that Congress, when they passed these tariffs, “hath exceeded its just powers under the constitution,

¹⁶ *John C. Calhoun and the Price of Union: A Biography*, 189.

¹⁷ *John C. Calhoun and the Price of Union: A Biography*, 189.

which confers on it no authority to afford such protection, and bath and violated the true meaning and intent of the constitution.”¹⁸

These sentiments echoed Calhoun’s statements in his *Exposition* from 1828. Immediately in the beginning of the *Exposition*, Calhoun maintained that Congress was exceeding its constitutional powers. Article I, Section 8 of the U.S. Constitution provides that “the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the ... general welfare of the United States.”¹⁹ So, on this basis, both the *Exposition* and *Ordinance* held that Congress exceeded its constitutional authority.

Therefore, according to the nullification convention, the Tariffs of 1828 and 1832 “are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof and are null, void, and no law, no binding upon this State.” Here, the *Ordinance* begins to differ from Calhoun’s original theory of nullification. While the process of holding elections for the delegations of the state nullification convention aligned with Calhoun’s doctrine, Calhoun would have expected a federal convention of the other states to be called in response. The convention, however, as expressed in the *Ordinance*, acted in a more radical manner. In addition to the tariffs being null, all “promises, contracts, and obligations, made or entered into ... with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof” were also declared null and void by the convention. The radical take on Calhoun’s doctrine, as seen in the *Ordinance*, was beginning to take form.²⁰

¹⁸ "South Carolina Ordinance of Nullification, November 24, 1832." *South Carolina Ordinance of Nullification, November 24, 1832*. Lillian Goldman Law Library, n.d. Web.

¹⁹ U.S. Constitution. Art. I, Sec. 8.

²⁰ “Ordinance.”

Next, the convention held that “it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of the duties imposed by the said acts within the limits of this State.” Rather, it would be the duty of the South Carolina state legislature “to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance ... from and after the first day of February next.”²¹ Considering that the ordinance was passed in November of 1832, it appeared unfitting for it to be effectualized by next February. However, the majority radicals of the convention conceded this date to the minority Unionists.²²

In addition to disallowing federal enforcement of the tariffs, the convention maintained that “in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, ... shall any appeal be taken or allowed to the Supreme Court.”²³ Again, the inability to hold judicial procedures contradicts Calhoun’s original doctrine because it too quickly establishes nullification without the appeal to the federal convention. Once the state convention declared the law in question as void, a federal convention composed of the other states would vote on the constitutionality of the law. If three-fourths of the states found it unconstitutional, then the law would be null for the nation. However, the lack of judicial proceedings offered by the nullification convention emphasizes its notion that it will not follow Calhoun’s theory. Rather, it will as quickly as possible ensure nullification of the tariffs.

Additionally, the *Ordinance* held that “all persons now holding any office of honor, profit, or trust, civil or military, under this State ... shall ... take an oath well and truly to obey, execute, and enforce this ordinance.” And if a South Carolina public official declined to take an

²¹ “Ordinance.”

²² *John C. Calhoun and the Price of Union: A Biography*, 190.

²³ “Ordinance.”

oath to the *Ordinance*, then “his or their office or offices shall be forthwith vacated.” The sole act of taking an oath of allegiance to this state law embodies its radical nature and foreshadows the state’s secession approximately thirty years later. Citizens of the United States take an oath of allegiance to the nation as a symbol of our patriotism. However, taking an oath of allegiance with the consequence of being removed from public office if not performed creates a sense of alienation within South Carolina in relation to the nation. It can cause South Carolinians to feel disconnected from the rest of the nation because they are pledging to follow a state law that declares federal law null and void for their state. Judging from this requirement of an oath from all civic officers, it is more clear that the nullification convention distorted Calhoun’s doctrine of nullification to accomplish their radical goals.²⁴

The *Ordinance* ends with the nullification convention standing by their previous remarks concerning the federal government’s inability to coerce the state into submission. The convention wrote that “we will not submit to the application of force on the part of the federal government to reduce this State to obedience.” Further disconnecting the state from the Union and Calhoun’s reasoning behind nullification, the South Carolina convention further makes it clear that it will secede if the federal government attempts to enforce the tariffs. The convention declared that “this State will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States; and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do.”²⁵

²⁴ “Ordinance.”

²⁵ “Ordinance.”

These excerpts illustrate how far the *Ordinance* differed from Calhoun's original theory of nullification. Calhoun saw nullification as a mechanism to preserve the Union and a method to improve states' rights. However, the nullification convention explicitly threatened that the state would secede if the federal government attempted to get involved in the matter. The clear distance between the *Ordinance* and Calhoun's beliefs further pits South Carolina against President Jackson.

On February 15, 1833, Calhoun wrote his "Remarks to the Senate of the United States" entitled *On Nullification and the Force Bill*. The letter, approximately six pages in length, shows Calhoun staunchly defending the provisions in the *Ordinance*. This finding was surprising because the *Ordinance*, as described and analyzed above, took a much more radical approach to nullification than Calhoun originally did in his *Exposition*. In the letter, Calhoun wrote that there were objections to the "test oath" by the Unionists in the nullification convention. As explained above, the "test oath" was the provision in the *Ordinance* that provided that South Carolina officials were required to take an oath of allegiance to follow the *Ordinance*. In defense of the "test oath," Calhoun wrote in the letter that "I view this provision of the ordinance as but the natural result of the doctrines entertained by the State." Through this excerpt, Calhoun is affirming that the "test oath" necessarily followed the convention's declaration of nullification. He did not express disagreement to it. Rather, he understood its necessity in the context of the *Ordinance*.²⁶

In addition, Calhoun compared the "test oath" with the oath to obey the Constitution that is "to be administered to all the officers of the State and Federal governments." and [the "test

²⁶ Calhoun, John C. *On Nullification And The Force Bill*. Champaign, Ill: Project Gutenberg, n.d. *eBook Collection (EBSCOhost)*. Web. 10 Nov. 2016.

oath”] is no more deserving the harsh and bitter epithets which have been heaped upon it than that or any similar oath.” Through this analogy of the “test oath” with the oath prescribed in the Constitution, it appears that Calhoun is beginning to concede to the radical form of nullification in the *Ordinance*.²⁷

Next in the letter, Calhoun reaffirmed his view on the relationship of the states to the federal government and the Union itself. He questioned if the sovereignty of the country stems from the states or individuals: “is the sovereignty in the several States, or in the American people in the aggregate?”²⁸ This question strongly echoes the congressional debates between Senators Daniel Webster and Robert Y. Hayne in 1830. As explained in this thesis earlier, Webster found that “it is, sir, the people’s Constitution, the people’s government, made for the people, made by the people, and answerable to the people.”²⁹ While Webster believed sovereignty was in the people, Hayne, who followed Calhoun’s logic in the *Exposition* during his debate with Webster, found sovereignty in the various states. Here, in this letter, Calhoun stands by this relationship.

In response to his own question above, Calhoun wrote in the letter that “the very language which we are compelled to use when speaking of our political institutions affords proof conclusive to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They never apply to association of individuals.” Here, Calhoun breaks down the language of unionism itself to help prove his stance. To support this point that sovereignty resides amongst the states and not the people, Calhoun further examines the language of the Union itself: “Who ever heard of the United State of New York,

²⁷ *On Nullification*.

²⁸ *On Nullification*.

²⁹ “Second Reply.”

... or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals in one community?" While this thesis maintains that the term "union" can be applied to "an aggregation of individuals," (like in the workforce), it will put this flawed reasoning aside. These quotes exemplify Calhoun's consistent stance on the sovereignty of the states, before and after the *Ordinance*.³⁰

However, insofar as Calhoun has expressed through his *Exposition* from 1828 and in this letter, it appears that his views on nullification changed. In the *Exposition*, Calhoun saw nullification as a way to preserve the Union and to avoid secession. However, the state nullification convention, embodied in its *Ordinance*, marked a radicalizing of Calhoun's moderate view of nullification evident, in part, in the threat to secede if the federal government got involved. Calhoun's defense of the *Ordinance* in his "Remarks to the Senate of the United States" illustrates his changed view of nullification. After viewing nullification as a preserver of the Union in 1828, Calhoun now was on the side of the radical nullifiers of South Carolina.

The South Carolina nullification convention, as has been previously described, was composed of a nullifier majority and an Unionist minority. One of the leaders of the Unionist group was Joel Poinsett. Poinsett was a member of the South Carolina legislature, a member of the U.S. House of Representatives, and the first United States Minister to Mexico. Additionally, Poinsett acted as Jackson's confidential agent during the Nullification Crisis.³¹ He often wrote letters to Jackson offering advice on how to mitigate the issues with South Carolina.

One of these letters from Poinsett in particular, written on November 29, 1832, 5 days after the *Ordinance*, begged Jackson for federal intervention on South Carolina: "we had rather

³⁰ *On Nullification*.

³¹ Meacham, Jon. *American Lion: Andrew Jackson in the White House*. New York: Random House, 2008. Print, 224.

die than submit to the tyranny of such an oligarchy as J.C. Calhoun, James Hamilton, Robt. Y. Hayne, ... and we implore our sister states and the federal government to rescue us from these lawless and reckless men.” He continued: “if these bad men are put down by the strong arm, the Union will be cemented by their conduct and by the vigor of the government, and you will earn the imperishable glory of having preserved this great confederacy from destruction.” Here, in this letter to Jackson, Poinsett urged him to use the federal government to end the issues in South Carolina. Through this letter, it remained unclear if Poinsett meant to federally intervene with the military or not.³²

However, on December 2, 1832, Jackson responded to Poinsett’s letter. In the letter, Jackson wrote that “I fully concur with you in your views of nullification. It leads directly to civil war and bloodshed.”³³ While Jackson did send weapons to the Unionists, “calmness and firmness” were essential in properly executing the law. Judging from these personal letters, Jackson did not intend to use the military to enforce South Carolina’s compliance with the tariffs. He aimed for a peaceful execution of federal intervention to ensure the state would follow the federal laws. Although he was willing to take “extraordinary steps,” he would only do so if he was forced into it. He did not want to exert his power until he had to. Through these private remarks, it appears that Jackson did not attempt to be the aggressor toward South Carolina. In his annual presidential message two days later, Jackson further supported this position.³⁴

In his presidential message on December 4, 1832, Jackson spoke like a conciliator: “this is all we want, peaceably to nullify the nullifiers.” Moreover, he advocated for tariff reform and

³² *Correspondence of Andrew Jackson*, IV, 492.

³³ *Correspondence*, 493.

³⁴ *American Lion*, 225.

resembled a defense of states' rights. He wrote that high tariffs created "discontent and jealousy dangerous to the stability of the Union." After discussing the *Ordinance*, Jackson claimed that while the state convention's grievances were exaggerated, "they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the Republic, and with a determination to dispose of it so that none can with justice complain." These excerpts at least vaguely aligned with Calhoun's theories on nullification and tariffs as previously described in this thesis. From his presidential message on December 4, it appeared as if Jackson was surrendering to the nullifiers of South Carolina. Moreover, this presidential message coincided with the motives of Calhoun's original doctrine of nullification. As explained previously, Calhoun wanted time for debates throughout Congress and the different constitutional conventions. He thought that this time would allow for passions to simmer down and compromises to form. This presidential message acts as an example of one of these compromises. By promoting tariff reform, defending states' rights and appearing to understand the South Carolina cause, Jackson responded to the threat of nullification by attempting to preserve the Union and for the states to work together. His presidential message was what Calhoun would have wanted: a reasonable response by the President, who stated that he was willing to work out a tariff reform to avoid disunion.³⁵

However, as expressed in the letter he wrote to Poinsett two days before, Jackson was also planning on supplying weapons to the Unionists of the state because of Poinsett's warnings and fears. So, at one end, Jackson was ready to federally enforce the tariffs and arm the Unionists. And, at the other end, through the rhetoric in his presidential message, appeared

³⁵ Jackson, Andrew. "Andrew Jackson: Fourth Annual Message." *Presidency.uscb.edu*. The American Presidency Project, n.d. Web. 22 Nov. 2016.

reasonable and Calhoun-esque toward the nullifiers. Jackson was prepared on both fronts in order to fully handle the Nullification Crisis. All that remained was the final step in Jackson's reaction against South Carolina: his *Proclamation Regarding Nullification*, written on December 10, 1832.

Jackson's *Proclamation*, a roughly 8,700 word nationalistic attack against South Carolina and the theory of nullification, was co-written by his Secretary of State Edward Livingston. It refuted the *Ordinance's* arguments regarding the relationship between the states and the federal government and nullification. Jackson utilized very strong language that expressed how nullification completely contradicts the Constitution, yet showed some small sympathy for states' rights.

In his *Proclamation*, Jackson stressed that giving a state veto on one law could give that state the power to nullify any law in the future: "to give the right of resisting ... [the tariffs], coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws."³⁶ While this argument may be a slippery slope, it should be noted that the *Ordinance* prohibited any judicial proceedings on issues concerning the nullified tariffs. So, since there would be no appeal process, each state nullification convention in the future could create unsupported reasons to justify their decisions. No matter the legitimacy of those reasons, the state would be allowed to proceed with nullification.

Additionally, to support the unconstitutionality of state nullification, Jackson refers to Article VI of the Constitution: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, ... under the authority of the United States,

³⁶ "President Jackson's Proclamation Regarding Nullification, December 10, 1832." *President Jackson's Proclamation Regarding Nullification, December 10, 1832*. Lillian Goldman Law Library, n.d. Web.

shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”³⁷ Here, Jackson asserts the supremacy of federal law and the Constitution over state law. Since the Tariffs of 1828 and 1832 were passed by Congress on a constitutional basis, which the *Ordinance* conceded, South Carolina must follow them because their authority supersedes state law.

Continuing in the *Proclamation*, Jackson further referenced the Constitution. He asserted that the most important object of the Constitution is “to form a more perfect Union.” Then, he argued that if the Constitution is the instrument with the purpose of forming a more perfect Union, then the Constitution would not be dependent for its existence on the local interest or a majority of a state convention. In other words, the Constitution would not allow nullification because that very process would hinder and not accomplish the goal of forming a more perfect Union. On the contrary, instead of making the Union “more perfect,” nullification would destroy it.³⁸

So, for the above reasons, Jackson made the following conclusion regarding nullification: “[nullification is] 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 for which it was formed.”³⁹ This language is strong, clear, and nationalistic. Nullification, according to Jackson, simply contradicts with the Constitution and its “spirit” because state law is inferior to federal law and leads to secession.

³⁷ “Proclamation.”

³⁸ “Proclamation.”

³⁹ “Proclamation.”

However, the message expressed through this rhetoric contradicts Jackson's presidential message that he made just six days prior. While the presidential message was conciliatory and sympathetic toward states' right, this language completely disregards nullification. Even Henry Clay, who was a Senator from Kentucky at the time, wrote the following on these contradictions from Jackson: "one short week produced the message and the Proclamation - the former ultra, on the side of State rights - the latter ultra, on the side of Consolidation. ... Who can have confidence in any man that would put forth two such contradictory papers?"⁴⁰ It is important to note, however, that Clay was a stern opponent of Jackson throughout the 1830s. In 1832, Clay lost to Jackson in the presidential election as a key leader of the opposition Whig Party. Still, the contradictory remarks from Jackson are readily apparent.

Next, Jackson responded to some of the specific arguments made in the *Ordinance*. After Jackson noted that the *Ordinance* maintained the tariffs operated unfairly because they favored the North, he claimed that "this objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality."⁴¹ Here, Jackson argued that tariffs and tax laws are inherently unequal because some sections of the country would benefit more than others. On this ground, according to Jackson, the Tariffs of 1828 and 1832 were not unconstitutional because they were still passed to raise revenue. The unfairness of the tariffs were argued by Calhoun in his *Exposition* and by the convention in the *Ordinance*, and Jackson does not find that it warrants nullification because tariffs are unfair by their nature.

⁴⁰ *American Lion*, 230.

⁴¹ "Proclamation."

Later in his *Proclamation*, Jackson refuted Calhoun's and the convention's theory of the relationship between the states and the federal government. Both of those parties saw the Union as bounded by compact and that the federal government as an agent for the various state governments. In response, Jackson wrote that the federal government is a government "in which all the people are represented, which operates directly on the people individually, not upon the states; they retained all the power they did not grant." So, since each state surrendered its core sovereignty with the purpose of joining the other states to form a Union, none of the states "possess any right to secede." Jackson held the secession destroys the unity of a nation, and any hindrance to this unity would be "an offense against the whole nation." Jackson's remarks here aligned with those of Webster in his response to Hayne during the congressional debates of 1830.⁴²

In those debates, as explained earlier in this chapter, Webster claimed that the Constitution was answerable to the people and that the people held sovereignty. Jackson, in his *Proclamation*, agreed with this relationship and refuted the arguments maintained by Calhoun, Hayne, and the nullification convention previously. This excerpt from the *Proclamation* effectively embodies this line of argumentation regarding the sovereignty of the people and the inability to secede: "to say that any State may at pleasure secede from the Union, is to say that the United States are not a nation because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts."⁴³

Next in the *Proclamation*, like in his presidential message, Jackson showed sympathy toward states' rights despite his stance against secession. He wrote that "No one, fellow-

⁴² "Proclamation."

⁴³ "Proclamation."

citizens, has a higher reverence for the reserved rights of the States than the magistrate who now addresses you. No one would make greater personal sacrifices ... to defend them from violation.” However, Jackson admitted that he must show equal care to prevent an improper interference of the assumed rights states believe to have. In another attempt to dismantle Calhoun’s position of the compact theory, Jackson claimed that “the states have not retained their entire sovereignty.” To support this point, he asserts that in the process of becoming a Union, the states had to surrender certain components of their sovereignty, including the right to make treaties, declare war, levy taxes, and exercise judicial or legislative powers. In addition, Jackson maintained that once the thirteen recently independent states became united as a nation, the allegiance of each state was transferred to an allegiance for the country. So, according to Jackson, “how can [South Carolina] be said to be sovereign and independent whose citizens owe obedience to law not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another?”⁴⁴

In other words, Jackson was arguing that states gave up components of their sovereignty with the purpose of creating the Constitution, which holds that federal law is superior to state law. Also, since citizens of the states became American citizens once the Constitution was ratified, it is contradictory and problematic for South Carolina to claim sovereignty when the citizens of that state are part of a united allegiance to the entire nation. While Jackson claimed to be a strong states’ right advocate, he clearly illustrated that the Union comes first. He does believe in the authority of the states, but makes sure to limit this authority and to refute South Carolina’s assumed right of nullification and secession.

⁴⁴ “Proclamation.”

Further, Jackson even admitted that South Carolina was treated unfairly with the Tariffs of 1828 and 1832: “You have, indeed, felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed.”⁴⁵ Here, Jackson reaffirmed his previous claim that all tariffs act unequally and unfairly, but that it they were not designed with that purpose. This comment by Jackson showcases his attempt not to be entirely nationalistic in the document by conceding what Calhoun and the nullification convention previously stated in their documents: South Carolina was treated unfairly as a result of the tariffs. He agreed that this is the case, but at the same time, argued that the object of the tariffs were to create revenue and the motives were not aimed at hurting the state. By attempting to both be authoritative and sympathetic, this statement helped Jackson appear more reasonable to South Carolina.

Jackson concluded his *Proclamation* by utilizing romantic and mystic language to unite South Carolina back with the nation: “May the Great Ruler of Nations grant that the signal blessings with which he has favored our may not, by the madness of party or personal ambition, be disregarded and lost, and may His wise providence bring those who have produced this crisis to see the folly, before they feel the misery of civil strife.”⁴⁶ After a lengthy, clear attack on South Carolina, here, Jackson attempted to make a religious or supernatural appeal to connect the state back to the Union.

Generally, Jackson’s *Proclamation* acted as a response to the *Ordinance*’s radical take on nullification. Jackson responded to fury with more fury by threatening to use the military to enforce the law. Further, his language strongly opposed nullification and expressed how it

⁴⁵ “Proclamation.”

⁴⁶ “Proclamation.”

completely contradicted the spirit of the Constitution. On the other hand, his presidential message, which he delivered six days before his *Proclamation*, aligned more with Calhoun's original doctrine of nullification by appearing sympathetic toward the South Carolina cause. Calhoun strove to preserve the Union with his doctrine of nullification by allotting for time for compromises and the calming of passions between both sides. In his message, Jackson appeared to oppose nullification while keeping a "conciliatory spirit."⁴⁷

In sum, the state nullification convention of South Carolina, which was responsible for the *Ordinance* of 1832, radicalized Calhoun's original doctrine of nullification from 1828 as expressed in his *Exposition*. While Calhoun wanted nullification to preserve the Union, the radicals of the state convention threatened to secede from the Union in the *Ordinance*.

President Jackson's two responses to nullification, namely his presidential message from December 4, 1832 and his *Proclamation Regarding Nullification* from December 10 of the same year, each understood the doctrine in different ways. The former response was sympathetic to South Carolina as Jackson pushed for tariff reform, defended states' rights, and appeared to understand the state's justifications for its actions. This response aligned much more with Calhoun's original doctrine of nullification because it was reasonable and aimed to solve the issues between the state and the federal government regarding the tariffs. However, his *Proclamation* was a strong, nationalistic attack on South Carolina and demonstrated very little understanding of the state's position. Jackson threatened to use force to get the state to comply with the tariffs. In this document, Jackson responded more toward the *Ordinance's* radical stance of nullification because his language was more aggressive and less reasonable. Overall,

⁴⁷ *American Lion*, 225.

the state nullification convention radicalized Calhoun's original doctrine of nullification, and with both of his responses, Jackson also radicalized his first one with his second.

Chapter 2

Decades of Division

This chapter will analyze two main events between the Nullification Crisis of the early 1830s and the Secession Crisis of 1860: the Bluffton Movement of 1844 and the Nashville Convention of 1850. Each of these events, as well as their surrounding debates, illustrates the growing fragility of the Union and the division within the South and the country. The seeds for disunion, which were growing during the Nullification Crisis, can also be seen in these events. During the Bluffton Movement, Robert Barnwell Rhett pushed for immediate nullification of the Tariff of 1842 or secession. Through this method, Rhett further removed Calhoun's original moderate nature of nullification and radicalized it, much like the Nullification Convention of 1832 did. In the Nashville Convention, Southern delegates promoted a Southern united front designed to preserve the Union as well as Southern states' rights. Following the convention, Southern secessionists and Unionists separated themselves from each other, which caused division within the region, but ultimately both sides kept secession and disunion as a distinct possibility. Both the Bluffton Movement of 1844 and the Nashville Convention of 1850 charged disunion sentiment and furthered divided the country and the South itself.

After the publication of President Andrew Jackson's *Proclamation Regarding Nullification*, South Carolina began preparations to defend itself from the national government because it was expecting a military attack. In addition, Congress passed the Force Bill on March 2, 1833. Amongst other provisions, the Force Bill stipulated that Jackson, if he found it necessary, could deploy the U.S. Army to coerce South Carolina to comply with the Tariffs of

1828 and 1832.⁴⁸ This aspect of the Force Bill directly goes against a provision of the *South Carolina Ordinance of Nullification* of 1832. In that document, the nullification convention wrote that “we will not submit to the application of force on the part of the federal government to reduce this State to obedience.”⁴⁹ The convention went further and also claimed that it would secede from the Union if Jackson threatened to use the military.

Clearly, Jackson disregarded the convention’s warnings of secession and attempted to legitimize his view, as expressed in his *Proclamation*, that federal law is superior to state law by issuing the Force Bill. However, shortly after the Force Bill was passed, Senators Henry Clay and John C. Calhoun proposed the Tariff of 1833, which was also known as the Compromise Tariff of 1833, to resolve the Nullification Crisis and avoid war between the US Army and South Carolina. The Tariff of 1833 was designed to gradually reduce the rates established by the previous Tariffs of 1828 and 1832. It guaranteed that tariff rates above 20% would be reduced by one tenth every two years, and by 1842 the rate would be reduced down to a final 20%. This gradual reduction of the tariff rate would force import tariffs to drop over the next decade, which pleased the South.⁵⁰

On March 1, 1833, Congress officially passed the Compromise Tariff. Three days later, Calhoun, who was in Washington DC at the time, rushed to Charleston in an attempt to convince the nullifiers of South Carolina that his negotiations were the correct move to make. He feared that the nullifiers were going to reconvene after the news of the Compromise Tariff and the

⁴⁸ Wikisource contributors, "Force Bill," *Wikisource*, https://en.wikisource.org/w/index.php?title=Force_Bill&oldid=1176279 (accessed December 18, 2016).

⁴⁹ “Ordinance.”

⁵⁰ *Disunion!*, 90.

Force Bill and secede from the Union. However, when Calhoun arrived, he noticed that the nullifiers accepted the terms of the Compromise Tariff.⁵¹

An examination of the official record of the South Carolina Nullification convention, which met in March 1833, suggests that the state's delegates were willing to back down from President Jackson. For example, in the journal entry for March 15, 1833, James Hamilton, former governor of South Carolina, proposed the following resolution: "that whilst this Convention, as an offering to the peace and harmony of the Union, ... and with a proper deference to the united vote of the whole Southern States in favor of the recent accommodation of the tariff, had made the late modification of the tariff, ... the basis of the repeal of her Ordinance of the 24th November, 1832."⁵² The convention overwhelmingly agreed to this repeal of the Ordinance of Nullification, which was passed just five months prior.

Despite the almost unanimous vote to approve the repeal, some members of the convention were quick to warn others of the sectional crisis that was to come in the future. While Calhoun previously pushed for nullification, he knew that negotiation was important to avoid civil war. For Calhoun, "civil war was the shameful alternative to compromise, and it would result only if political leaders failed to fulfill their sacred truth of upholding the Constitution."⁵³ However, as expressed in the convention's journal, Robert Barnwell Rhett, Attorney General of South Carolina and a strong advocate of secession, still wanted to bring South Carolina's problematic relationship with the Union into light. In a speech given to the Nullification Convention, he said, while discussing the Nullification Crisis, "we all indeed knew,

⁵¹ South Carolina Convention (1832-1833). *Speeches Delivered In the Convention of the State of South-Carolina, Held In Columbia, In March, 1833: To Which Is Prefixed the Journal of Proceedings*. Charleston: Printed by E.J. Van Brunt, 1833.

⁵² *Speeches Delivered in the Convention*, 6.

⁵³ *Disunion!*, 90.

that we were oppressed - unconstitutionally oppressed by our Government; but we did not know, that oppression was the legitimate result of its operations. ... Let gentlemen not be deceived.”⁵⁴

Later in the speech, Rhett continued to create an image of a Northern opponent attacking Southern institutions: “If nullification has done no other good, it has at least disclosed to us a true knowledge of our situation. ... It is not the Tariff - not Internal Improvement - nor yet the Force Bill, which constitutes the great evil against which we are contending. ... It is the despotism which constitutes the evil: and until this Government is made a limited Government, ... there is no liberty - no security for the South.”⁵⁵

Here, Rhett foreshadowed the years leading up to the Civil War. Even though the Nullification Crisis had ended, the ideological differences between the North and South were becoming more and more evident. In a letter to John Crawford, President Jackson echoed this sentiment: “nullification is dead, but the nullifiers intend to blow up a storm on the subject of the slavery question.”⁵⁶ These sectional and ideological differences would manifest themselves again through multiple events between 1833 and the beginning of the Civil War, including the Bluffton Movement of 1844, led by Robert Barnwell Rhett.

Two years before the Bluffton Movement, Congress passed the Tariff of 1842, also known as the Black Tariff in the South. This protectionist tariff was designed to reverse the effects of the Compromise Tariff of 1833. As stipulated in the Tariff of 1833, the rates were to be gradually lowered to 20% by 1842. As this deadline was approaching, the Whig Party in New England began asking for more tariff protection in Congress because they felt vulnerable to European competition. After the Black Tariff was passed in 1842, there was a notably strong

⁵⁴ *Speeches Delivered in the Convention*, 26.

⁵⁵ *Speeches Delivered in the Convention*, 26.

⁵⁶ *Correspondence of Jackson*, 5: 56.

decline in international trade in the following year. Imports into America were almost cut in half, and this hurt Southern agriculture because it heavily relied on international markets for the production of their products.⁵⁷ While the Black Tariff was a cause of the Bluffton Movement, the debate over the annexation of Texas also contributed to it.

On March 2nd, 1836, the Republic of Texas declared independence from the Republic of Mexico. At the time, both the Democrats and the Whigs were opposed to Congress introducing Texas into the Union because of the volatile political atmosphere regarding slavery's expansion into the West. In addition, both political parties were trying to avoid war with Mexico, which refused to recognize Texas's sovereignty. However, by the early 1840s, Sam Houston, President of the Republic Texas, which was experiencing a strong economic decline, began to arrange talks with Mexico in order to secure an official recognition of independence.⁵⁸

Then, in 1843, President John Tyler pursued US annexation of Texas in an attempt to gain popular support for an additional term in office. By April 1844, he negotiated a secret treaty of annexation. When the details of this secret treaty went public within the Senate, the question of Texas's annexation became a large topic in the 1844 presidential election. Southern Democrats, who were mostly pro-Texas annexation, denied Martin Van Buren the presidential nomination because he was against the annexation. So, in order to effectively nominate a Democrat who appealed to both the North and South, James K. Polk was chosen on a pro-Texas annexation platform.

Polk's platform during the 1844 election embodied the country's ideological commitment to expanding westward. This concept, known as the Manifest Destiny, was the

⁵⁷ Freehling, 284.

⁵⁸ *John C. Calhoun and the Price of Union: A Biography*, 279.

belief that American settlers were destined to keep expanding westward toward the Pacific Ocean. To bridge the gap between Northern and Southern Democrats, Polk tried to appeal to each side. For the North, Polk had argued that Oregon belonged to the United States and advocated for its entrance into the Union as a free state. For the South, Polk pushed for the immediate annexation of Texas and its status as a slave state. In this way, the Southern Democrats gave him support because Van Buren was against the annexation of Texas.⁵⁹

However, despite Polk's Democratic nomination, many South Carolinians were still not convinced that he was the solution to their perceived oppression by the North. On one hand, Calhoun, although not completely satisfied with Polk's nomination, in the words of historian John Niven, "hoped to play a major role in shaping the policies of a man whom he considered inexperienced and bound to take his advice on foreign policy, economic affairs, and internal adjustments."⁶⁰ Calhoun wanted to have a major influence during the Polk presidency, and he believed that this opportunity would put him in the running for the 1848 election.

On the other hand, Rhett "did not share Calhoun's vision."⁶¹ Rhett had no personal aspirations to become president. He saw the nomination of Polk as yet another detriment to the South because he did not believe Polk would amend the Black Tariff. So, on this front, on July 31, 1844, St. Luke's Parish church of Bluffton, South Carolina formed a committee and called for a meeting led by Rhett to speak about the issues that have affected the South since the 1820s. This meeting, known as the Bluffton Movement, occurred under a large oak tree, called the Secession Oak, and had the direct goal of South Carolina secession.

⁵⁹ *John C. Calhoun and the Price of Union: A Biography*, 279.

⁶⁰ *John C. Calhoun and the Price of Union: A Biography*, 281.

⁶¹ *John C. Calhoun and the Price of Union: A Biography*, 281.

During his speech, “Rhett declared that there was no hope either in the election of Polk or a southern convention. Either secession or nullification was the only effective remedy.” Going further, Rhett recommended a state convention to meet after the next Congress meeting in order to adopt either nullification or secession. The movement gained traction through the local newspapers, including the *Charleston Mercury*: “The *Charleston Mercury* immediately espoused the Bluffton movement.” Additionally, the newspaper urged action against what it called South Carolina’s “two enormous villainies,” the Black tariff and abolitionism. The *Charleston Mercury* declared the Black Tariff and abolitionism as “cohesive, cooperative, concurrent, kindred, and coessential atrocities.”⁶²

Further, at the meeting, Rhett acknowledged that he stood alone “among the congressional delegation of the state as to the course he urged, and the opposition now referred to him as the ‘lone star of disunion.’”⁶³ As discussed earlier, it was discovered that Calhoun attempted to remove his status as a secessionist by disassociating nullification from secession. To recall, remember that in the summer of 1832, Calhoun focused on further disassociating nullification from secession in an attempt to appear less radical and unite the North and South. In a public letter, Calhoun admitted that a “great majority” of people were confusing nullification with secession. He maintained that nullification differed from secession “in nature and objective.”⁶⁴ Here, it appears that Calhoun was only partly successful in his attempts. The tariff situation in 1842 was largely the same as it was in 1832. In the latter, South Carolina was expecting a large reduction in the rates after the Tariff of 1828. However, the reduction was

⁶² Boucher, Chauncey S. “The Annexation of Texas and the Bluffton Movement in South Carolina.” *The Mississippi Valley Historical Review*, vol. 6, no. 1, 1919, pp. 3–33. www.jstor.org/stable/1886651, 18-19.

⁶³ “Bluffton Movement in South Carolina,” 20.

⁶⁴ *John C. Calhoun and the Price of Union: A Biography*, 188.

mainly minimal. In the 1842, the rate was supposed to be lowered to 20% as stipulated in the Tariff of 1833. Instead, the reduction was cancelled and the rates were raised again. In both of these circumstances, movements for a state convention seemed like the appropriate solution.

In 1832 the South Carolina state convention radicalized Calhoun's original doctrine of nullification. In 1842, it seems like Rhett was pushing that already radicalized doctrine of nullification while Calhoun was not involved. Rhett, openly pushing for state nullification or secession, was "accused of being virtually at open war with Calhoun and the Democratic party, prompted by madness and personal ambition to wrest the leadership of the state from Calhoun."⁶⁵ In Washington, after these accusations went public, politicians were questioning if Calhoun's intentions were in state government or federal government.

The *Spectator*, a Washington DC newspaper, "denied the accusations made in the north that Calhoun was at the bottom of a plot to stir up disunion sentiment in South Carolina over the Texas and the tariff issues." To show their support to Calhoun, the "old union men" in Washington saw Calhoun's role as Secretary of State as a return to his "first love, a recovering of his nationality of feeling, and they said that they would gladly welcome him as a leader against the hotspurs of South Carolina."⁶⁶ Back in South Carolina, two different newspapers took opposite sides regarding Calhoun's loyalty. By July 1844, the *Charleston Courier* claimed Calhoun as a union champion, loyal to Washington, and disinterested in a personal war against Rhett for control of the state. On the other hand, the *Charleston Mercury* denied this view of Calhoun and argued that his main loyalty still lay with South Carolina.⁶⁷

⁶⁵ "Bluffton Movement in South Carolina," 20.

⁶⁶ "Bluffton Movement in South Carolina," 21.

⁶⁷ "Bluffton Movement in South Carolina," 21.

These sectional accusations toward Calhoun's allegiance represent the ideological divide of the country in the early 1840s. After the Tariffs of 1828, 1832 and the failed stipulation of the Tariff of 1833, South Carolina began to feel more and more oppressed by the North. After the radicalization of Calhoun's doctrine of nullification in 1832, the precedent of the understanding of nullification was established. Rhett followed this precedent in the Bluffton Movement when pushing for separate state action to either secede or nullify. Furthermore, the Bluffton Movement had a critical effect on planting the seeds of secession less than 20 years later.

While Rhett was pushing for secession or nullification, "the majority of the state rights' party were opposing this and any talk of resistance whatever." This implicitly gave support to the national Democratic Party because its opposition was still too scattered. However, some prominent South Carolinians began talking of "an ultimate southern confederacy."⁶⁸

The most prominent of these men was Langdon Cheves, who was a U.S. Representative from 1810 to 1815, president of the Second Bank of the United States from 1819 to 1822, and a supporter of secession during the Nullification Crisis of 1832 to 1833. Cheves was against the calling of a state convention, any sudden or rash act, and a blind devotion to the Union: "he would not bear the insufferable and insulting oppression of the tariff one moment longer when it could be judiciously resisted."⁶⁹ To Cheves, judicious resistance meant to resist to the point where the southern states could be united firmly enough to constitute a permanent Southern confederacy. With his program, Cheves would have the South on a deliberate course of preparation toward the end goal of a confederacy.

⁶⁸ "Bluffton Movement in South Carolina," 22.

⁶⁹ "Bluffton Movement in South Carolina," 23.

The states' rights party of South Carolina disagreed over its future prospects when considering Cheves' proposal. Party members believed that abolition or disunion would be the only alternatives in the future of the Union. For this reason, most members of the states' rights party approved of Cheves' program to prepare for an ultimate Southern confederacy.⁷⁰ However, other members of the party, including George McDuffie and James Hamilton, proposed a program that marked a compromise between Rhett's and Cheves' proposals.

In this plan, South Carolina would "announce that she was determined no longer to submit to the Tariff of 1842, or to have her domestic institutions subject to menace and vituperation on the floor of Congress."⁷¹ Further, the Southern states were to be invited to meet in convention in May 1845 in case the South continued to feel oppressed. If the other Southern states declined to the invitation to this meeting, then South Carolina would hold a state convention on July 4, 1845. This convention would settle the question of whether or not the state should submit to the tariff or resist it.⁷²

However, when Polk won the 1844 election, the states' rights party in South Carolina became quiet. The slavery question was at least temporarily put on hold because Texas was admitted into the Union as a slave state. The Democratic Party, with Polk now in charge, agreed to lower the rates of the Black Tariff by introducing the Walker Tariff of 1846. This tariff reduced the rates from 32% to 25%. Taking in consideration such tariff reforms, General James

⁷⁰ Thomas Bennett to Joel Poinsett, October 4, 1844, Poinsett manuscripts, in Pennsylvania historical society library.

⁷¹ "Bluffton Movement in South Carolina," 25.

⁷² General J. Hamilton to Hammond, October 4, 1844, Hammond manuscripts; *Charleston Mercury*, September 27, 1844.

Hamilton, who previously supported the compromise proposal between Rhett and Cheves, urged that South Carolina remain quiet so as to not alienate itself from the rest of the Union.⁷³

Despite the states' right party temporarily being put at ease, it is clear that the Bluffton Movement and its consequential debates foreshadowed the future Secession Crisis of 1860. Rhett proposed either immediately seceding or nullifying, and by doing so, he further removed the intention and moderate nature of Calhoun's doctrine of nullification with a more radical one. In addition, when Calhoun was selected as Polk's Secretary of State, his allegiance was questioned by the South, yet these accusations were denied by the North. Lastly, the difference in opinion of South Carolina's states' rights party demonstrates its fragile composition. Different members of the same party held strongly different opinions regarding the tariff issue and Texas question. While Polk's election quieted them down, the seeds of secession were beginning to grow. The next major foreshadow of the 1860 Secession Crisis occurred in 1850 during the Nashville Convention.

In 1849, the South was distraught over President Zachary Taylor's plan to admit California into the Union as a free state. In response to this plan, Mississippi called a convention of the slave states to come together to discuss future plans of action. Calhoun asked Mississippi to call the convention because he believed that South Carolina was viewed as too radical over the secession issue.

Then, on May 8, 1850, a select committee, under the leadership of Henry Clay, presented a compromise to the Senate that was designed to mitigate the sectional tensions between the North and the South. This compromise had three main elements: a "fugitive slave measure, a

⁷³ Hamilton to Hammond, November, 1844, Hammond manuscripts; *Charleston Mercury*, November 13, 1844; *Pendleton Messenger*, November 22, 1844.

bill illegalizing slave auctions in the District of Columbia, and an omnibus bill on the Mexican Cession.” However, this proposal did not satisfy the Southern Democrats because they had supported extending the Missouri Compromise line further out west. Congress was now at an impasse. Clay’s proposal further irritated the South after Taylor’s plan to admit California as a free state. These two events were the main causes for the Nashville Convention.

The Nashville Convention, which occurred in June 1850, was designed to unite Southern Democrats and Whigs by producing an ultimatum to the North. The three individuals behind planning the convention, General E.C. Wilkinson of Mississippi, James Hammond of South Carolina, and Beverly Tucker of Virginia, believed that Southern unity would transform into cooperative state secession, which meant that South Carolina would not be isolated in its defiance toward the national government.⁷⁴

While Hammond and Tucker were established advocates of secession, some slave state representatives, like Edmund Ruffin of Virginia and William Lowndes Yancey of Alabama, were more hesitant on that issue. Ruffin, a prominent agriculturalist, wrote in March 1850, just three months before the Nashville Convention, that “he was no disunionist and that abolitionists were the true and only disunionists for denying the constitutionality of slavery.” However, by the time of the Nashville Convention, Ruffin came to believe that an independent Southern confederacy would “seal itself off from outside enemies and thus guarantee its own permanent internal safety.” Yancey, like Ruffin, claimed not to be a disunionist. Throughout the 1840s, Yancey denounced Rhett, for even raising the possibility of state secession. Yet, during the 1850 debates regarding Clay’s proposed compromise to cool the sectional crisis, Yancey “became disgusted” by California’s entrance into the Union as a free state. By the time of the

⁷⁴ *Disunion!*, 223.

Nashville Convention, Yancey agreed with Rhett that there was no longer “a middle ground between *submission* and *secession*.”⁷⁵

Despite Yancey’s and Ruffin’s conversion to the pro-secession side of the convention, there were still individuals promoting the middle ground position between secession and submission to the North. Clay’s compromise from May 1850 hurt the secessionists because the Southern Whigs rallied around Clay and, in that process, dissociated themselves from the Nashville secessionists. One Southern Whig, in the *American Whig Review*, wrote that “secession ... [is] the very worst of all evils” and that disunion would “cast loose [the South] from the only bond that links us with the civilized and enlightened world.” Another Southern Whig, William G. Brownlow from Tennessee tried to hurt the reputation of Southern disunionists by using a previous example of Northern radicalism: the Hartford Convention of 1812. So, these Southern Whigs cloaked themselves in the rhetoric of Unionism to tarnish their Southern Democratic opponents as all disunionists.⁷⁶

These moves by the Southern Whigs, which illustrated the division within the South, forced the Southern Democrats meeting in the Nashville Convention to stop talk of disunion and secession. Instead, the representatives of the convention claimed that a united Southern front would preserve Southern rights and the Union. The convention’s plan for a “united front” appears as a more moderate take on Cheves’ proposal for a Southern confederacy. While Cheves was against the calling of any type of convention, he pushed for a united Southern confederacy that would judiciously resist Northern oppression. With the Nashville Convention, the representatives wanted a united Southern front that would ensure Unionism while also

⁷⁵ *Disunion!*, 223-224.

⁷⁶ *Disunion!*, 224.

preserving and confirming Southern states' rights. This plan removed the radical nature of Cheves' proposal in response to the more moderated political climate of 1850. The Southern Democrats became further removed from the Southern Whigs and they understood the importance of appearing more moderate.

The delegates of the Nashville Convention proposed a plan that advocated extending the Missouri Compromise line across the Western territories. This plan was negatively received in the North and even the South. The majority of the Southern electorate had a "wait-and-see" attitude and hoped for congressional resolutions to the sectional crisis. While Rhett and Hammond had leverage in the more radical Southern states like South Carolina, Alabama and Mississippi, other prominent politicians in the rest of South could use the fire-eaters as foils, overly radical, and "purveyors of doom." William J. Cooper Jr., professor of history of Louisiana State University and author of *The South and the Politics of Slavery, 1828-1856*, writes that "as long as the [Clay] compromise [of May 1850] remained before the Congress, the likes of Rhett could do little more than howl in the political wilderness."⁷⁷

The most important barrier to Clay's compromise was President Taylor himself. Taylor believed that the greatest issue was not the sectional crisis over slavery or the fugitive slave clause, but the Texas-New Mexico border issue. Taylor offered armed support to the New Mexico governor if the Texans decided to encroach its troops on New Mexico territory. When Millard Fillmore, a New York Whig, took over the presidency after Taylor's death in July 1850, he quickly supported Clay's compromise. With Fillmore's support and more congressional debate, the new Compromise of 1850 was officially passed in Congress. This bill included four main provisions: the California statehood stipulation, the Fugitive Slave Act, the organization of

⁷⁷ *Disunion!*, 225.

New Mexico and Utah on the basis of popular sovereignty, and the Act ending the slave trade in the District of Columbia.

The Fugitive Slave Act became the most controversial aspect of the Compromise of 1850. The Act required that all slaves who escaped to the North were to be captured and returned to their masters and that all officials and citizens of free states must cooperate. George W. Julian, a Whig Congressman from Indiana, declared that the Fugitive Slave Act “tainted the entire compromise as immoral.” He also believed that Northern citizens and officials would not submit to the stipulations under the Act and that the Act would further divide the country. While the Southern states were pleased with the Fugitive Slave Act, the Southern Democrats declared the entire compromise as a “travesty that justified renewed threats of disunion.”⁷⁸

After the passing of the Compromise of 1850, 59 delegates from seven Southern states met for a second Nashville Convention. The convention failed to support a proposal from South Carolina which advocated cooperative secession. However, it did pass bills that asserted the constitutional right of secession. Following these measures, the governors of Mississippi and Georgia called for special state conventions to debate secession. Further, anti-Compromise Southern rights parties fought against pro-Compromise Union parties for seats in various state legislatures and Congress throughout 1850 and 1851 in state elections.

Through these state elections, the Southern rights party position was hurt due to the unwillingness of proslavery Southern politicians to accept the title of a disunionist. Senator Jefferson Davis, who represented Mississippi during Congressional debates over the Compromise of 1850, was a leading opponent of the Compromise. During speeches he gave in Mississippi, he described the Compromise as a fraud and a defeat for the South. In these same

⁷⁸ *Disunion!*, 227.

speeches, Davis supported that right of secession as well: “if the colonies had a right to secede from the British ... by the same reason a State had a right to secede from the federal government.” So, despite Davis’s opposition to the Compromise of 1850 and support for secession, he asserted that the current crisis did not yet warrant secession. Instead, he claimed that the Southern rights party were the true Unionists of the country and that abolitionists were the true disunionists.

While Rhett, Cheves, Ruffin, and Yancey maintained that there was no middle ground between submission and secession in the first Nashville Convention, Davis did not promote his position through images of a Southern united front and confederacy. Rather, he switched the tide of disunionist rhetoric. He blamed the North and the abolitionists for the sectional crisis and argued that the Southern Democrats were the true Unionists. The debates and strategies during the Nashville Convention illustrates the realization of how close disunion was in 1850. While Southern Whigs hid themselves from the Southern Democrats by claiming that the latter were radical disunionists, Davis, who was a Southern Democrat, charged the North with being the true disunionist. Depending on who said it, the term “disunion” was used to inject fear, dismantle opponents’ reputations, and show that the reality of secession was getting closer and closer.

Throughout the state elections in 1850 and 1851, the Unionist parties in the South were successful in tarnishing their anti-Compromise opponents as radicals. However, these Southern Unionists made it clear that their beliefs and hopes in the Union depended on the Northern execution of and cooperation with the Fugitive Slave Act. In the Georgia state legislature of 1850, the Southern Unionists held a majority. The state’s platform, which was passed by a Unionist state convention, claimed that the “preservation of our much loved Union depended on the North’s faithful execution of the measures in the 1850 compromise, especially the Fugitive

Slave Law.” While this same Unionist Party in Georgia defended the Compromise of 1850 as honorable, their resolutions to the Union had an implicit threat: “disunion was the price that the North would pay if it did not honor the compromise.”⁷⁹ So, while the Southern Unionists were able to separate themselves from the Southern anti-compromise party, they still held on to the possibility of disunion depending on the execution of the Compromise of 1850.

Despite the prominence of the Southern Unionists in various state legislatures, the Southern rights party were still pushing forward. For example, in Virginia, a small group of states’ rights extremists, including Beverly Tucker, James Seddon, and Richard K. Meade came to control the state’s Democratic Party and, in turn, published a pamphlet in 1850 called *The Union, Past and Future: How it Works and How to Save It*. Despite the title, the pamphlet defended the constitutionality of secession and used James Madison and Thomas Jefferson’s Virginia and Kentucky Resolutions of 1798, much like Calhoun did in his 1828 *Exposition*, as support for their claims.

In addition to these disunionists from Virginia, the extremists from South Carolina pushed their agenda forward as well. During the first Nashville Convention, Rhett gave a speech in Charleston. In response to Northern accusations that he was a traitor to the Union, Rhett asserted: “But let it be that I am a traitor. The word has no terrors for me. I am born of traitors - traitors in England, in the revolution, in the middle of the seventeenth century; ... and traitors again in the revolution of 1776. I have been born of traitors; but thank God! They have been traitors in the great cause of liberty.” According his biographer William C. Davis, this speech was a turning point for Rhett. Before, his past threats for disunionism, like in his Bluffton

⁷⁹ *Disunion!*, 229.

Movement, were vague. They left open the possibility that secession was the best option to end the sectional crisis.

However, after this speech, Rhett believed that there was no more hope of reforming the government and that secession was the only option. He had to show his supporters that disunion was an actual positive good for the South, that it would bring liberty and prosperity. The South's urgency toward secession was beginning to manifest. A writer in the *American Whig Review* warned in December 1850 that the Southern states' rights party was convinced that "disunion, ... even war, is to be preferred to the horrible consequences of an interference with slavery."⁸⁰

While Rhett and fire-eaters lost in the October 1851 state elections to an alliance of "cooperationists," who, like Davis, felt that state secession was justified but impractical at the time, this was not a clear victory for the Unionist. The cooperationists in South Carolina called themselves "resistance men" and refused to "sink down to the level of the Georgia platform" of declaring the Compromise of 1850 as honorable and just. Further, the cooperationists argued with the secessionists over the best way to design a disunion program, not over how to preserve the Union. The cooperationists believed that secession could wait until Northern oppression was so great that they no other choice, and "the majority of white South Carolinians endorsed this position."⁸¹

The debates surrounding the Bluffton Movement and Nashville Convention demonstrate the fragility of the Union and the division not only between the North and South but within the South itself. By 1840, Cheves promoted a plan for an ultimate Southern confederacy because he

⁸⁰ *Disunion!*, 230.

⁸¹ *Disunion!*, 231.

felt as if Northern aggression had reached its peak. While this plan quieted down due to Polk's election, its effects become evident during the Nashville Convention. The goal of the Nashville Convention was to create a united Southern front that would preserve the Union and Southern rights. Even though the circumstances were different because the delegates of the convention in this instance had to appear more moderate, the effects of Cheves' rhetoric regarding the Southern confederacy can still be seen here.

Moreover, after the Compromise of 1850, Southerners took different approaches in their reactions. While Davis was against the compromise, he separated himself from the other Southern anti-compromise leaders by describing himself as a Unionist. He affirmed the right of secession, but did not believe it was warranted at the time. The Southern Unionists believed that the stability of the Union was heavily dependent on the Northern execution of the Fugitive Slave Act. So, while the Southern Unionists tried to separate themselves from the secessionists, they clung on to the possibility of secession. While the "Unionist tendencies of the Southern electorate ... prevailed," the Southern secessionists pushed their platform forward. Rhett's speech in Charleston foreshadows the mentality of South Carolina when it eventually decided to secede ten years later. These seeds were planted in the Southern state legislatures with the emergence of the cooperationists, who began crafting disunion programs.⁸²

The decades between the Nullification Crisis and the Secession Crisis of 1860 witnessed an ever growing secessionist sentiment as well as the growing division between the South itself and the country as a whole. The 1840s and 1850s, through events like the Bluffton Movement and the Nashville Convention, both charged disunion sentiment. Georgia's platform in 1850,

⁸² *Disunion!*, 228.

which included the implicit threat of disunion if the North did not faithfully execute the Fugitive Slave Act, would quickly be put to the test in the 1850s.

Chapter 3

Jackson and Calhoun's Influence on Lincoln: The Secession Crisis

This chapter will analyze the constitutional arguments for and against secession by examining South Carolina's *Declaration of Immediate Causes* from December 1860 and President Abraham Lincoln's First Inaugural Address. Both documents refer to America's colonial history and cite the Articles of Confederation and the Constitution to support their respective positions. While the *Declaration* uses these pieces of evidence to claim that the states are independent and have the right to abolish the government, Lincoln's First Inaugural uses them to argue for the perpetuity of the Union.

Additionally, this chapter argues that Lincoln, while writing his First Inaugural, was heavily influenced by President Jackson's *Proclamation Regarding Nullification* from the Nullification Crisis of 1832. An examination of Lincoln's speeches from the 1850s suggests that he viewed Jackson as a presidential model of how to act during the threat of secession. Lastly, this chapter argues that Lincoln's speeches also indicate that he associated the *Ordinance of Nullification* with John C. Calhoun's original doctrine from 1828. As previously discussed in Chapter 1, the *Ordinance* actually radicalized Calhoun's original doctrine. So, Lincoln's association of the *Ordinance* with Calhoun supports the position that Calhoun is often mistakenly believed to have pursued secession in the early 1830s when he in fact wanted to preserve the Union.

After the continued fragmentation of the Union between the 1830s and 1850s, South Carolina began its formal process of secession. With the election of Abraham Lincoln, South Carolina believed that he had intentions that were hostile to slavery. In addition, many Northern states were enacting liberty laws that essentially nullified the Fugitive Slave Act of 1850, which

required Northern citizens to return runaway slaves back to the South. All of these factors culminated into the state's decision to secede. On November 9 1860, the South Carolina state legislature passed a bill titled the "Resolution to Call the Election of Abraham Lincoln as U.S. President a Hostile Act." In this document, the legislature declared its intention to leave the United States: "South Carolina is now ready to dissolve her connection with the government of the United States, and earnestly desires and hereby solicits the cooperation of her sister slave-holding states in such movement."⁸³

The next day, the state legislature called for a "Convention of the People of South Carolina" to contemplate secession. An examination of the convention's journal composed of its official proceedings suggests that the delegates' intentions were clear: "I [David F. Jamison, President of the Convention] trust that the door is now forever closed to all further connection with our Northern confederates; for what guarantees can they offer us, more strictly guarded, or under higher sanctions, than the present written compact between us?"⁸⁴ Here, Jamison is explaining that the Constitution has not been effective in protecting the Southern states.

Jamison then asked the delegates the following questions about certain events in the 1850s: "Did [the Constitution] oppose any obstacle to the erection of California into a free-soil State, without any defined boundaries, or any census of her population? Did it throw any protection around the Southern settlers of Kansas, when the soil of that territory was invaded by

⁸³ "Resolution to Call the Election of Abraham Lincoln as U.S. President a Hostile Act and to Communicate to Other Southern States South Carolina's Desire to Secede from the Union." 9 November 1860. Resolutions of the General Assembly, 1779-1879. S165018. South Carolina Department of Archives and History, Columbia, S.C.

⁸⁴ South Carolina Convention (1860-1862). Journal of the Public Proceedings of the Convention of the People of South Carolina, Held In 1860-'61: Together With the Ordinances Adopted. Pub. by Order of the Convention. Charleston: Evans & Cogswell, printers to the Convention, 1860, 6.

the emissaries of Emigrant Aid Societies?”⁸⁵ By asking these questions, Jamison is insinuating that the South was forgotten and oppressed during the events of Bleeding Kansas and the California stipulation of the Compromise of 1850. As discussed earlier, the delegates of the Nullification Crisis of 1832 felt oppressed by the North and threatened to secede, but eventually backed down due to the Compromise Tariff of 1833. In addition, during the Bluffton Movement of 1844 and the Nashville Convention of 1850, certain Southern politicians were contemplating for secession. However, in both of these instances, the parties backed down and agreed to wait. These seeds for disunion were growing during all of these events, and as evidenced in convention’s journal of 1860, the time had come for South Carolina secession.

Next, Jamison summarizes his view that South Carolina must finally make the decision to dissolve its bonds with the Union: “Let us be no longer duped by paper securities. Written Constitutions are worthless, unless they are written at the same time, in the hearts, and founded on the interest of a people; and as there is no common bond of sympathy or interest between the North and the South, all efforts to preserve this Union will not only be fruitless, but fatal to [the South].”⁸⁶ Unlike the Nullification Crisis of 1832, this convention was not threatening secession if the President coerced the state into submission using troops. Here, the Convention of the People of South Carolina was ready to secede and for the Northern oppression toward the South to end.

Then, one of the convention’s delegates, John Auchincloss Inglis from Chesterfield County, offered the following resolution: “*Resolved*, That it is the opinion of this Convention that the State of South Carolina should forthwith secede from the Federal Union, known as the

⁸⁵ Journal of the Public Proceedings, 6.

⁸⁶ Journal of the Public Proceedings, 7.

United States of America.”⁸⁷ In order to achieve this end, Inglis proposed that a committee be appointed by the convention to draft an Ordinance of Secession. When this resolution was put to a vote, it passed unanimously 159-0. The convention also voted on the seven members of this committee, and the following delegates were chosen: Inglis, Rhett, James Chesnut Jr., James L. Orr, Maxcy Gregg, B.F. Dunkin, and W.F. Hutson.

Another delegate to the convention, Isaac W. Hayne, offered a resolution that called for a commissioner to be sent to each of the slave states with a copy of the Ordinance of Secession. This commissioner, representing the convention, would then offer these other slave states “unite with South Carolina in the formation of a new Confederacy.” Further, the convention voted that three additional commissioners were to be appointed “to carry an authenticated copy of the Ordinance of Secession to Washington, to be laid before the President of the United States, with the request that the same shall be communicated to the Congress now in session.”⁸⁸ By having different sets of commissioners distribute the future Ordinance of Secession, the convention highlighted its determination to secede. The oppression felt through the Nullification Crisis, Bluffton Movement, and Nashville Convention showed South Carolina’s realization that the North, especially President-elect Lincoln, would continue interfering with their rights.

On December 20, 1860, the committee led by Inglis finished its Ordinance of Secession. The document was succinct, and it is clear that its precision and brevity were intentional: “The Committee, ... believing that they would best meet the exigencies of the great occasion, and the just expectations of the convention, by expressing, in the fewest and simplest words possible to

⁸⁷ Journal of the Public Proceedings, 13.

⁸⁸ Journal of the Public Proceedings, 34 - 35.

be used, consistently with perspicuity, all that is necessary to effect the end proposed and no more.”⁸⁹

The South Carolina Ordinance of Secession begins by ensuring that the state convention represents all of the state’s citizens: “*We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the Ordinance adopted by us in Convention, the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, ... [is] hereby repealed.*”⁹⁰ The Ordinance of Nullification, which was passed by the state’s nullification convention 28 years before, also began with the phrase “We, the People of the State of South Carolina.” However, these two Ordinances strongly differ in terms of the first-cited reasons and justifications: the convention justified its position in order to nullify the Tariffs of 1828 and 1832; the Ordinance of Secession, on the other hand, does not explain why South Carolina planned to secede. In a precise manner, the Ordinance of Secession simply informed the rest of the country of South Carolina’s plan.

After the convention voted 159-0 in favor of the Ordinance, one of the delegates, Wilmot Gibbes de Saussure, proposed the following resolution: “*Resolved, That a message be sent to His Excellency the Governor, and to both branches of the Legislature, inviting their attendance at the Institute Hall ... and that this Convention move in procession to the Institute Hall, and there, ... in the presence of the constituted authorities of the State, and of the People, sign the Ordinance of Secession.*” And so, later that night of December 20, 1860, the state convention met in the Institute Hall of Charleston, South Carolina to meet the state’s House of Representatives and

⁸⁹ Journal of the Public Proceedings, 46.

⁹⁰ Journal of the Public Proceedings, 46-47.

Senate to sign the Ordinance. “When the signing was completed, the President of the Convention said: ‘The Ordinance of Secession has been signed and ratified, and I proclaim the State of South Carolina an Independent Commonwealth.’”⁹¹ At this moment of our country’s history, South Carolina officially became the first state to secede from the Union.

Four days later, one of the convention’s committees produced a constitutional justification for secession, and this document was called the *Declaration of Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union*. This committee was headed by Christopher Memminger, who served in the South Carolina state legislature from 1836 to 1860 and became the Confederacy’s first Secretary of the Treasury. This document, like the Ordinance of Secession, was to be printed and distributed by different commissioners of the convention to the other slaveholding states. It is similar to the Ordinance of Nullification from 1832 because it lists its grievances toward the federal government in order to justify its actions.

The *Declaration of Immediate Causes* begins with a colonial history of the United States: “In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensues, which resulted, on the 4th of July, 1776, in a Declaration, by the colonies, ‘that they are ... FREE AND INDEPENDENT STATES.’”⁹² Here, it appears that the South Carolina secession convention began its justification to secede by alluding to the colonies’ “secession” from the British Empire in 1776.

⁹¹ Journal of the Public Proceedings, 53 - 54.

⁹² "Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union." *The Avalon Project*. Lillian Goldman Law Library, n.d. Web. 30 Jan. 2017.

In fact, the convention then quoted the *Declaration of Independence*: “they further solemnly declared that whenever any ‘form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government.’” It becomes clear here that South Carolina is comparing its secession to the secession of the colonies less than 100 years ago during the American Revolution. Next, the committee attempted to emphasize that South Carolina, like the other states, has retained its independence despite its signing of the Constitution and entrance into the Union. The committee explained that in 1778, the newly independent states entered into a league called the Articles of Confederation, in which they agreed to create a Congress that would handle foreign affairs. However, as expressed in Article 1 of the Articles of Confederation, “‘each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled.’”⁹³

So, by using language from the Constitution of the Articles of Confederation, the committee is trying to establish South Carolina’s independence and freedom. The committee, so far, in the *Declaration of Immediate Causes*, maintained that two main principles were asserted by the colonies: “the right of a State to govern itself, and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted.” Next, the committee described the process behind the ratification of the Constitution in a way that still emphasized the independence of the states. After explaining that the delegates from the thirteen states revised the Articles and created the Constitution in 1787, they wrote that “The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed the compact was to take effect among those

⁹³ “Declaration of Immediate Causes.”

concurring.”⁹⁴ The committee mentioned that the states had the option of disagreeing to join the Union because if four of the states chose not to join, then they “would have remained as they then were -- separate, sovereign States, independent of any of the provisions of the Constitution.” This point supports the committee’s position that the states were designed to be independent and free. Even if they chose to join the Union, it would be bounded by the law of compact.

As discussed earlier, the law of compact was explained in John C. Calhoun’s *Exposition* from 1828. To recall, the law of compact is a theory defining the relationship between the states and the federal government. It holds that the nation was created through an agreed upon compact by all of the states. Thus, the federal government was also created by the states and the states should have the final decision on issues concerning whether the federal government overstepped its authority. This line of reasoning was also used in the *Ordinance of Nullification* from 1832 in order to justify South Carolina’s nullification of the Tariffs of 1828 and 1832.

Here, the committee also adheres to the law of compact: “We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence [as discussed above]; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one [of the parties] ... to perform a material part of the agreement, entirely releases the obligation of the other.”⁹⁵ While the Nullification Convention in 1832 used the law of compact to argue that the states have the ability to judge when a federal law was unconstitutional, the committee here used the law of

⁹⁴ “Declaration of Immediate Causes.”

⁹⁵ “Declaration of Immediate Causes.”

compact to argue that if the federal government failed to perform its part of its compact with the states, the states have the right to secede. To illustrate precisely what the federal government failed to perform, the committee cited Article IV of the Constitution.

Article IV of the Constitution provides the following: “No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.”⁹⁶ Based on this stipulation in the Constitution, the committee found that “an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution.”⁹⁷ Here, the committee is referring to the lack of enforcement of the Fugitive Slave Act of 1850.

As previously discussed in Chapter 2, the Fugitive Slave Act of 1850 required that all slaves who escaped to the North were to be captured and returned to their masters and that all officials and citizens of free states must cooperate. The committee wrote that “the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them.” Like South Carolina in 1832 during the Nullification Crisis, the northern states here each made laws nullifying a federal act. As stipulated in Article IV of the Constitution and the Fugitive Slave Act, runaway slaves, which were property in the south, were to be returned to their owners. Since the committee claimed that these laws and stipulations were not being enforced, “the

⁹⁶ *U.S. Constitution*. Art IV, Sec. 2.

⁹⁷ “Declaration of Immediate Causes.”

constituted compact [between the state and federal government] has been deliberately broken and disregarded by the non-slaveholding states, and the consequence follows that South Carolina is released from her obligation.”^{98 99}

To finish its argument, the committee cited the preamble to the Constitution to explain the document’s objectives: “to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” Thus, considering the argument’s previous holdings that the Constitution is subject to the *Declaration of Independence*’s principles that the people have a right “to abolish a Government when it becomes destructive of the ends for which it was instituted,” the committee concludes that “we affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding states.” This lack of enforcement of the Fugitive Slave Act of 1850 has forced the federal government to fail to perform its side of the compact. Based on the committee’s reasoning, this gives South Carolina the constitutional right to secede from the Union.¹⁰⁰

⁹⁸ “Declaration of Immediate Causes.”

⁹⁹ While South Carolina claims that multiple Northern states were not following federal law, it is important to note that these states were acting in accordance with a Supreme Court decision. In the case *Prigg v. Pennsylvania* (1842), Justice Joseph Story found that while federal law is superior to state law, states do not have to use their resources to enforce federal law. This decision led to states enacting liberty laws that prohibited state officials from handling any aspects of a runaway slave coming into the Northern states. So, while this decision affirmed the Supremacy Clause of the Constitution, which provides that federal law supersedes state law, it maintained that states do not have to use their own resources to enforce federal law. Based on this judicial precedent, it appears that the northern states were acting within the bounds of constitutionality.

¹⁰⁰ “Declaration of Immediate Causes.”

When discussing the North's denial of the South's runaway slaves, the committee asserted that "for twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government." Further, the committee held that "a geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of the President of the United States, whose opinions and purposes are hostile to slavery." So, after concluding that South Carolina has the constitutional right to secede, the committee continues to justify this position by claiming that it believes that its current position will worsen with Abraham Lincoln's election.¹⁰¹

Thus, for the reasons above, "the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved." The *Declaration of Immediate Causes* was adopted by the state convention on December 24, 1860, and through its ratification, South Carolina became the first ever state to secede from the United States. While both the *Declaration of Immediate Causes* (1860) and the *Ordinance of Nullification* (1832) share some similarities, they also have fundamental differences.

First, both documents utilize the law of compact to support their claims. While the *Ordinance* used the Tariffs of 1828 and 1832 to argue that the state, based on the law of compact, has the right to judge a law's constitutionality and nullify on that front, the *Declaration of Immediate Causes* used the lack of enforcement of the Fugitive Slave Act of 1850 to show that failed to perform its duty under the compact. Second, both documents were passed through state conventions composed of elected delegates. While the convention that passed the

¹⁰¹ "Declaration of Immediate Causes."

Ordinance radicalized Calhoun's original doctrine of nullification, the *Declaration* does not exhibit any radicalization. The *Declaration* was a product of years of perceived Northern aggression while the *Ordinance* was an attempt to demonstrate the rights of states.

Moreover, the *Declaration* went further than the *Ordinance* in justifying its position. The *Declaration* referenced American colonial history and excerpts from the *Declaration of Independence* to illustrate that the states have retained freedom and that the people have a right to abolish their government under certain conditions. However, the *Ordinance* simply claims that the Tariffs of 1828 and 1832 were unconstitutional and, based on that understanding, are null and void in South Carolina. Even though the *Ordinance* was influenced by Calhoun's *Exposition*, which justified nullification using the Kentucky and Virginia Resolutions of 1798, the actual document shows no true justification. At least in terms of justifying the reasoning behind their respective positions, the *Declaration of Immediate Causes* (1860) was much more effective than the *Ordinance of Nullification* (1832).

After South Carolina officially seceded, ten other Southern states followed suit: Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, Tennessee, and North Carolina. By June 8, 1861, the Confederate States of America were formed. However, on March 4 of the same year, President Lincoln delivered his First Inaugural Address. As shown in the *Declaration of Immediate Causes*, South Carolina felt as if Lincoln would be hostile to slavery and that he planned to put slavery on "the course of ultimate extinction." Following the chaos of multiple state secessions, Lincoln's First Inaugural Address was designed as a constitutional argument against the ability to secede. As it specifically responded to some arguments made in the *Declaration of Immediate Causes*, the Secession Crisis of 1860-1861 has the same framework of the Nullification Crisis of 1832. In the latter, President Jackson

responded to the *Ordinance* with his *Proclamation Regarding Nullification*. Here, in 1861, President Lincoln responded to the *Declaration of Immediate Causes* with his First Inaugural Address.

To start off his First Inaugural Address, Lincoln directly calls to the position of the Southern states: “Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration their property, [or slaves], and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension.” Here, Lincoln is specifically responding to the remark in the *Declaration of Immediate Causes* which described the committee’s fear that the ascendant Republican Party would surely worsen the South’s current condition. To further ensure the South that the Republican Party had no intention to eradicate slavery where it already was, Lincoln maintained that “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.”¹⁰²

Next, Lincoln acknowledges the committee's argument in the *Declaration of Immediate Causes* by asserting that “There is much controversy about the delivering up of fugitives from service or labor.” Lincoln then cites Article IV of the Constitution, which, as discussed earlier, provides the following: “No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due.”¹⁰³ Here, Lincoln cites the exact same words as the committee in the

¹⁰² "First Inaugural Address of Abraham Lincoln." *The Avalon Project*. Lillian Goldman Law Library, n.d. Web. 31 Jan. 2017.

¹⁰³ *U.S. Constitution*. Art IV, Sec. 2.

Declaration of Immediate Causes, but uses the reference to attack the committee's position.

Specifically, Lincoln focuses on the words "shall be delivered up." The committee held that based on Article IV, the North was essentially abridging their property rights. However, Lincoln asks the following question: "Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say."¹⁰⁴

By asking this question, Lincoln is demonstrating that "no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate nor any document of reasonable length contain express provisions for all possible questions." In other words, he is insinuating that this specific provision of Article IV is more ambiguous than the committee in the *Declaration of Immediate Causes* made it seem.

Despite Lincoln's interpretation that this clause of the Constitution is ambiguous, he vowed to not stand in the way of the Fugitive Slave Act of 1850: "I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed than to violate any of them trusting to find impunity in having them held to be unconstitutional." While he is claiming that he will abide by the Fugitive Slave Act, he does not acknowledge the committee's position in the *Declaration of Immediate Causes* that Northern states were enacting liberty laws to nullify it. By maintaining that he will not make any changes to the current status of the Fugitive Slave Act, Lincoln was assuring to the South that the law's violation would continue.¹⁰⁵

¹⁰⁴ "Lincoln's First Inaugural."

¹⁰⁵ "Lincoln's First Inaugural."

After this discussion, Lincoln moves on to give his stance on secession. Lincoln clearly asserts that “in contemplation of universal law and of the Constitution, the Union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination.”¹⁰⁶ With this quote, Lincoln is refuting the committee’s claim in the *Declaration of Immediate Causes* that the federal government is bounded by two main principles embedded in the *Declaration of Independence*: “the right of a State to govern itself, and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted.”¹⁰⁷

To support his position that the Union is perpetual, Lincoln looks back to the colonial history of the United States, much like the committee did, to argue that states are independent and can secede. Lincoln argues that “[the Union] was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778.”¹⁰⁸ An examination of the Articles of Confederation confirms Lincoln’s reasoning: “the Union shall be perpetual. ... And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.”¹⁰⁹ While both the committee and Lincoln cited the Articles of Confederation to bolster their positions, each ignored the other’s potential counterarguments. In the *Declaration of Immediate Causes*, the committee cited the

¹⁰⁶ “Lincoln’s First Inaugural.”

¹⁰⁷ “Declaration of Immediate Causes.”

¹⁰⁸ “Lincoln’s First Inaugural.”

¹⁰⁹ “Articles of Confederation.” *Avalon Project*. Lillian Goldman Law Library, n.d. Web. 31 Jan. 2017.

Articles as evidence for the independence of states yet failed to acknowledge that the same document offers proof for the Union's perpetuity. On the other hand, Lincoln used the Articles as evidence for the Union's perpetuity, but made no refuting claim for the independence and freedom of the states.

After citing the Articles, Lincoln quotes the preamble of the Constitution to illustrate the transition from a perpetual Union to "a more perfect Union." Here, Lincoln plays with the term "perfect" to help his cause: "if destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity." So, according to Lincoln, if the Union was perpetual before the Constitution, and one of the main objectives of the Constitution is to "form a more perfect Union," then it follows that states cannot secede because the Union would be less perfect.¹¹⁰

Following this argument against secession, Lincoln believes that the oppression felt by the South, as expressed in the *Declaration of Immediate Causes*, was possibly over exaggerated: "All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then that any right plainly written in the Constitution has been denied? I think not. ... Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied." Here, Lincoln further elaborates on the ambiguity of certain provisions in the Constitution to support his case that no "plainly written" provision has ever been violated. By claiming that the Fugitive Slave clause of the Constitution is ambiguous because of the "shall be delivered up" phrasing, Lincoln is able to validly claim that plainly written provisions have not been violated because the Fugitive Slave clause is not "plainly written." He also uses other examples to support his point: "May Congress prohibit slavery in the Territories? The

¹¹⁰ "Lincoln's First Inaugural."

Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.” These two questions, which are the basis for South Carolina’s justification for secession, highlight Lincoln’s belief that the state’s perceived oppression was over exaggerated because of textual ambiguity. According to Lincoln, the answers to these questions are not as clear as the committee felt it was in the *Declaration of Immediate Causes*. By holding that the answers to these questions are ambiguous, Lincoln is able to downplay the committee’s concerns.¹¹¹

Next, Lincoln directly refers to the Fugitive Slave Act of 1850 and claims that it is being as well enforced as possible: “The fugitive-slave clause of the Constitution and the law for the suppression of the foreign slave trade are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think can not be perfectly cured.” In other words, Lincoln is arguing the Fugitive Slave Act is being well enforced considering that the North disagrees with its stipulations. Again, Lincoln made no comment regarding the liberty laws of Northern states that essentially had nullified the federal law.¹¹²

To conclude his First Inaugural Address, Lincoln utilizes romantic, mythical language in an attempt to bring the Union together: “If the Almighty Ruler of Nations, with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal of the American people. ... In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The

¹¹¹ “Lincoln’s First Inaugural.”

¹¹² “Lincoln’s First Inaugural.”

Government will not assail you. You can have no conflict without being yourselves the aggressors. ... I am loath to close. We are not enemies, but friends. We must not be enemies.” While most of his Address focused on constitutional arguments defending the Union’s perpetuity and against secession, the ending focuses on uniting the North and Side to avoid civil war. While President Jackson, in the Nullification Crisis of 1832, explicitly threatened to be the aggressor and to march troops down to South Carolina, Lincoln asserts that he will not be the aggressor in this circumstance.¹¹³

Lincoln’s First Inaugural Address and Jackson’s *Proclamation Regarding Nullification* both responded to claims of the inadequacy of the federal government by South Carolina, yet each President handled their refutations differently. Jackson, with his *Proclamation*, also had the Force Bill passed. As previously discussed, the Force Bill allowed Jackson to use the United States military to coerce South Carolina into submission to follow the Tariffs of 1828 and 1832. On the other hand, Lincoln reassures South Carolina that he will not be the aggressor. While these differences are notable, it is important to understand the context in which each President made his response.

For Lincoln, the Union was on the brink of civil war. In an attempt to avoid further angering the South, perhaps Lincoln felt the need to be more conciliatory rather than abrasive. Jackson, back in 1832, perhaps had more leeway in passing the Force Bill because the country was much farther away from civil war. It is possible that Jackson wanted to set a precedent for other Presidents on how to deal with nullification or secession. Lincoln, when looking back at the Nullification Crisis, believed that the question of secession was already settled by Jackson. At the end of 1860, Lincoln had said that “the right of a state to secede is not an open or

¹¹³ “Lincoln’s First Inaugural.”

debatable question. It was fully discussed in Jackson's time, and denied ... by him. ... It is the duty of a President to ... maintain the existing government. He cannot entertain any proposition for dissolution or dismemberment."¹¹⁴ This quote suggests that Lincoln viewed secession as undoubtedly unconstitutional because of Jackson's response to the Nullification Crisis.

Moreover, an examination of both the *Proclamation Regarding Nullification* and the First Inaugural Address highlights the echoes of Jackson in Lincoln's rhetoric. In his *Proclamation*, Jackson described the Constitution as "the perpetual bond of our Union."¹¹⁵ The concept of perpetuity is highly evident in Lincoln's First Inaugural Address as well: "I hold that in contemplation of universal law and of the Constitution the Union of these states is perpetual." In fact, while Lincoln was drafting his inaugural, he "asked for a copy of ... Jackson's *Proclamation to the People of South Carolina*,"¹¹⁶ which is simply another name for his *Proclamation Regarding Nullification*. A letter written on August 6 1860, by Cassius Clay, US minister to Russia during the Civil War, to Lincoln confirms that Lincoln was advised to use Jackson's *Proclamation*: "I will advise you in two respects -- put Andrew Jackson's 'union' speech in your inaugural address: and stay clear of all *cliques*!"¹¹⁷

In fact, other letters and speeches written by Lincoln demonstrate Jackson's influence on him. After the chaos of Bleeding Kansas, Lincoln saw Jackson as a symbol of nationalism. In speech he gave in Illinois on July 4 1856, Lincoln said that for years after the Missouri Compromise of 1820, "the people had lived in comparative peace and quiet," with one noteworthy exception: "During General Jackson's administration, the Calhoun Nullifying

¹¹⁴ John G. Nicolay and John Hay, *Abraham Lincoln: A History* (New York, 1886), III, 248.

¹¹⁵ "Proclamation."

¹¹⁶ *American Lion*, 355.

¹¹⁷ "Collected Works of Abraham Lincoln," Volume 4, p. 93.

doctrine sprang up, but Gen. Jackson, with that decision of character that ever characterized him, put an end to it.”¹¹⁸ As expressed in this speech, Lincoln viewed Jackson as putting an end to the “Calhoun Nullifying doctrine.” However, if Lincoln is indeed referring to the Nullification Crisis of 1832, Calhoun was not involved in the writing of the *Ordinance of Nullification*. That nullification convention radicalized Calhoun’s original doctrine from 1828. Lincoln’s understanding here illustrates the far-reaching effects of the radicalization of Calhoun’s original doctrine. As evident in the speech, Lincoln understood the *Ordinance of Nullification* to be attributed to Calhoun, yet it was actually radicalized from Calhoun. Nonetheless, this speech highlights Lincoln’s view that Jackson effectively ended a sectional crisis.

After the fall of Fort Sumter, which occurred approximately one month after his First Inaugural Address, Lincoln met with a committee in Baltimore who asked for peace after attacking Lincoln’s troops. When the committee asked him to send the troops back to Washington to make peace, Lincoln replied: “There is no Washington in that -- no Jackson in that -- no manhood nor honor in that. I have no desire to invade the South, but I must have troops to defend this Capital.”¹¹⁹ Again, through this speech Lincoln viewed Jackson as a symbol of patriotism and nationalism. He saw Jackson as a defiant President, at least through his actions during the Nullification Crisis of 1832, who stood up to South Carolina and preserved the Union. In the judgment of historian Meachem, at the onset of the Civil War, Lincoln “looked to Jackson to arm himself against disunion and despair.”¹²⁰

In the *Declaration of Immediate Causes*, the committee of the state secession convention provided a colonial history of the United States and cited *the Declaration of Independence* to

¹¹⁸ Lincoln, Speech at Princeton, Illinois, July 4, 1856, “Collected Works,” Volume 2, pg. 346.

¹¹⁹ “Collected Works of Abraham Lincoln,” Volume 4, pg. 342.

¹²⁰ *American Lion*, 355.

argue that the states are independent, that the people have the right to abolish the government if it is not meeting their needs, and that the Constitution is bounded by the law of compact. On all of these fronts, the committee argued that because the federal government and the Northern states were failing to properly enforce the Fugitive Slave Act of 1850, South Carolina had the constitutional right to secede. On the other hand, Lincoln, in his First Inaugural Address, also looked at the United States' colonial history to argue for the Union's perpetuity. In addition, both of documents referenced the Articles of Confederation as evidence for their positions, but both failed to acknowledge the other's potential counterarguments.

While Lincoln claimed that the Fugitive Slave clause of the Constitution was ambiguous regarding the phrasing "shall be delivered up," he failed to respond to the committee's assertion that the Northern states had made liberty laws that nullified the Fugitive Slave Act of 1850. Moreover, each party views the Constitution differently. Lincoln saw it as perpetual and that it was made for and by the people. The committee believed that the Constitution was created by the law of compact and that it was embedded in two main principles of the *Declaration of Independence*, which allowed the colonies to secede from Britain: the right of a state to govern itself and the right of the people to overthrow the government if it fails to perform its part of the contract. Lincoln's views were most likely influenced by Jackson's during the Nullification Crisis of 1832.

Throughout Lincoln's constitutional arguments, echoes of Jackson's *Proclamation* become evident. Lincoln, like Jackson, used the term "perpetual" to describe the Union. And certain speeches by Lincoln suggest that he viewed Jackson as a model to follow considering his actions during the Nullification Crisis. Additionally, in one of his speeches, Lincoln referred to Jackson's response to the "Calhoun Nullifying doctrine." Through this particular wording, it

appears that Lincoln was erroneously associating the *Ordinance of Nullification* with Calhoun's original doctrine. However, as previously argued, the *Ordinance of Nullification* from 1832 radicalized Calhoun's original doctrine from 1828 as expressed in his *Exposition*. Lincoln's wording here underscores the notion that Calhoun is generally associated with the radical nature of nullification from 1832, yet his actual doctrine was much more moderate. While Calhoun wanted nullification to preserve the Union, the radicals of the state convention threatened to secede from the Union in the *Ordinance*. Nonetheless, these speeches highlight the Jacksonian influence on Lincoln, at least regarding constitutional arguments preserving the Union.

The example of Jackson, a president who effectively rescued the Union from secession, chaos and war, was exactly what Lincoln needed. Approximately thirty years later Lincoln faced a greater challenge with the Union on the brink of Civil War. South Carolina and most of the South already announced their secession and the Union was at risk of destruction. Lincoln, arming himself with Jackson's rhetoric, framed his First Inaugural Address with the understanding that no matter the circumstances, it was the role of the President to preserve the Union.

Epilogue

The Press's Stance

This epilogue will examine different newspaper articles ranging from 1861 to 1864 to determine if the press, at the time, made any similar connections, arguments, or insights similar to the ones made in this thesis. In particular, this epilogue will analyze four main newspaper articles that discuss the following topics explored in this thesis: a comparison of Lincoln's and Jackson's actions in their respective crises, the association of John C. Calhoun with the doctrine of radicalized nullification, arguments against secession, and Jackson's success during the Nullification Crisis of 1832. These articles show that Calhoun has been erroneously associated with a radicalized adaptation of his doctrine of nullification, both Democrats and Republicans viewed Jackson's actions in the Nullification Crisis as effective, and that the press was split on Lincoln's potential to match Jackson's patriotism. Furthermore, these articles demonstrate a key finding in this thesis that differing interpretations of historical figures and events can strongly influence one's understanding of them.

In an opinion from the newspaper *The Atlantic Democrat* written in early April 1861 entitled "The Do-Nothing Policy," the author claims that prominent members of Congress were referring to Lincoln as the "second [Andrew] Jackson." The author, however, strongly disagrees with these comparisons and asserts that Lincoln's "Inaugural meant nothing" because it was full of contradictions. For example, the author argues that despite Lincoln expressing that he desired

peace and refused to be the aggressor to the South, he remained indecisive on the issue of evacuating the Union troops from Fort Sumter when his cabinet agreed to do so.”¹²¹

Further, the author states that the “imbecility in the [Lincoln] Administration keeps the public in a fever of excitement, calculated to increase rather than to diminish or national difficulties.” He then contrasts the perceived actions of Lincoln with those of Jackson, whose distinguishing trait was “prompt decision.” While he does not go into more detail to explain how Jackson was decisive, he could be referring to Jackson’s response to the Nullification Crisis of 1832, in which he definitively made his stance on nullification clear through his *Proclamation Regarding Nullification*. In contrast, the author writes, “while the whole nation is anxiously waiting a definite announcement of governmental policy [in 1861,] ... the Administration leaves even its friends in doubt, and contents itself with saying and doing nothing.” According to the author, this characteristic of decisiveness is exactly what Lincoln needs, and therefore, he should not be considered as “the second Jackson.”¹²²

Next, the author asks why Lincoln does not make his position regarding the use of force clear: “If Mr. Lincoln desires to avoid a civil war, and does not intend to maintain the Union by force, why does he not promptly make such an announcement, and issue orders for the evacuation of the Southern forts?” Here, the author is arguing that despite the fact that Lincoln, in his First Inaugural Address, claimed that he would only attack the South if the Union was provoked, he is now indecisive regarding if he should evacuate or reinforce the troops at Fort Sumter when the Confederates attacked. In other words, Lincoln made his stance clear in his

¹²¹ “The Do-Nothing Policy.” Editorial. *Atlantic Democrat* [Egg Harbor City] 13 Apr. 1861: n. pag. *Newsbank.com*. America's Historical Newspapers. Web. 8 Feb. 2017.

¹²² “The Do-Nothing Policy.”

First Inaugural Address, but when the Confederates actually become the aggressors, he appeared to not do what he announced.¹²³

The author concludes his argument by stating the following: “The do-nothing policy is not only contemptible, but dangerous. It elates the enemies of the Union, and dispirits its friends. It destroys confidence in the government, harasses the public with doubt, and deranges business relations. Let the ‘second Jackson’ announce his policy, and relieve the public mind.” While this opinion is most likely biased because it was submitted to a Democratic newspaper, it interestingly failed to give any example regarding Jackson’s decisive behavior. In order to claim that Lincoln should not be hailed as “the second Jackson,” because of the former’s lack of decisiveness, it should be imperative to incorporate one example regarding the latter’s decisiveness.

Chapter 3 of this thesis argued that Jackson’s rhetoric from his *Proclamation Regarding Nullification* of 1832 influenced Lincoln’s language in his First Inaugural. This opinion piece, while making no claim regarding this position, believes that Lincoln’s uncertainty and indecisiveness do not allow him to be compared to Jackson. In order to achieve this conclusion, the author listed reasons demonstrating Lincoln’s indecisiveness, but did not use an example for Jackson’s decisiveness. If, however, one used Jackson’s *Proclamation* as an example for his decisive behavior, then it would illustrate how Lincoln could have used Jackson as a model for argumentation but not for decisive action.

Julius L. Strong, Republican and U.S. Representative from Connecticut, made a speech in Hartford in March 1861 that focused on the origins of the secession movement and creation of the Confederacy. Strong mainly discusses the Charleston Convention of 1860, in which the

¹²³ “The Do-Nothing Policy.”

members voted to secede from the Union. When describing the Convention, Strong claims that the members “not only endorsed the slave-code doctrine, but also renounced allegiance to Union principles, and declared in favor of the Calhoun nullification dogma that this Republic is a mere confederacy of sovereign and independent States, which can of right, and whenever they please, withdraw from the Union and set up an independent government for themselves.” Recall in Chapter 1 that the Nullification Convention of 1832 radicalized Calhoun’s original doctrine of nullification, which was moderate and designed to preserve the Union. Here, Strong is associating Calhoun’s doctrine with the Convention’s radicalized adaptation of it.¹²⁴

This false association was also seen, as discussed in Chapter 3, in Lincoln’s speeches regarding Jackson’s response to the “Calhoun Nullifying doctrine.” Both Strong’s and Lincoln’s incorrect association underscores the notion that Calhoun is generally associated with the radical nature of nullification from 1832, yet his actual doctrine was much more moderate. While Calhoun wanted nullification to preserve the Union, the radicals of the state convention threatened to secede from the Union in the *Ordinance*.

Moreover, Strong falsely states, regarding the right to nullify a federal law, that “this dangerous heresy was first promulgated by John C. Calhoun, during the Presidency of Gen. Jackson, and it has had but few advocates (and those entirely contained to the South) until within a very recent period.” Remember that Chapter 1 explained that the right of nullification was first found in James Madison’s and Thomas Jefferson’s Virginia and Kentucky Resolutions of 1798. This error further demonstrates how Calhoun is inaccurately associated with radical nullification

¹²⁴ Strong, Julius L. "Speech of Julius L. Strong; Esq." Editorial. *Connecticut Courant* [Hartford] 30 Mar. 1861: n. pag. *Newsbank.com*. America's Historical Newspapers. Web. 8 Feb. 2017.

because Strong refers to his doctrine as “dangerous heresy” and believes that he was the first to promote it, which makes it appear even more unprecedented.¹²⁵

Next, Strong describes the Nullification Crisis of 1832: “Many of you, doubtless, remember the attempt of Mr. Calhoun and his followers in South Carolina, to practically inaugurate this heresy in 1832, by nullifying and trampling underfoot the laws of the United States.” Again, Strong is mistakenly narrating Calhoun’s actions during the Nullification Crisis. Calhoun was not part of the Nullification Convention or the committee that created the *Ordinance of Nullification*. The committee was composed of South Carolina’s most radical politicians, and they strongly radicalized his original doctrine. So, when Strong says “Mr. Calhoun and his followers,” he is implying that Calhoun was involved in the drafting process of the *Ordinance* when he was not.¹²⁶

Additionally, Strong, a Republican, praises Jackson’s response during the Nullification Crisis: “I trust you also recollect the proclamation, [or the *Proclamation Regarding Nullification*], of the immortal Jackson, denouncing, in terms of indignant patriotism, that treasonable attempt of Mr. Calhoun and his confederates. How the burning words of the old hero resounded through the land. ... People everywhere rallied around and supported their President in vindicating the integrity of the Union. ... Did a better Democrat or a purer patriot ever live than Andrew Jackson?” Both Strong and the Democratic author from the first opinion piece view Jackson as a model of patriotism. For the first author, Jackson’s decisiveness eludes Lincoln from being compared to him. For Strong, Jackson was the purest patriot to ever live and, through that patriotism, effectively ended an act of treason. When it comes to Jackson’s

¹²⁵ “Speech of Julius L. Strong.”

¹²⁶ “Speech of Julius L. Strong.”

actions during the Nullification Crisis, both this Democrat and Republican agreed that he was a hero.¹²⁷

Finally, Strong concludes his speech by arguing against secession through Lincoln's reasoning in his First Inaugural Address. He asserted: "The Union of these States, fellow citizens, was intended to be, and is, perpetual. It is not a naked compact, to be repudiated at pleasure. ... The people of the South will learn from President Lincoln's inaugural that his policy is conciliation and peace - that his determination is to protect them in all their constitutional rights, exacting from them in return only obedience to the laws of the land. They will find every line of that able document breathing a spirit of exalted patriotism." From these excerpts, it is clear that Strong views both Jackson and Lincoln as patriotic individuals. He, like the author from the first article, believed Jackson handled the Nullification Crisis effectively. However, unlike the first author, he sees this same capability in Lincoln based on the language in his First Inaugural Address.

The next article, published in *The World* in January 1861, is a letter written by John E. Wool to an unknown member of Congress. The letter mainly discusses the Democrats' alleged scheme to get Lincoln elected in order to frame his election as the most effective reason to secede. He describes the South Carolina present course in 1861 as being "not unlike that of 1832 and 1833, when she resolved, on account of the tariff, to nullify the laws of Congress, and if resisted, to separate herself from the Union. In this she was foiled by the energetic measures of the distinguished patriot, Andrew Jackson." Here, Wool directly compares the Secession Crisis of 1860-1861 to the Nullification Crisis of 1832, which is this thesis's main argument.

¹²⁷ "Speech of Julius L. Strong."

Additionally, Wool refers to Jackson as a “distinguished patriot,” much like Strong and the author of the first opinion piece.¹²⁸

Next, Wool argues that the delegates in the Democratic Convention in Charleston of 1860 devised a scheme to get Lincoln elected, and then framed his election as the final opportunity to secede. According to Wool, the southern Democrats were “apprehensive that Senator [Stephen] Douglas, ... would be the nominee of the convention for President. ... [So], the leading spirits of disunion broke it up and divided the members of the Democratic party into two factions.” The southern Democrats nominated Vice President John C. Breckinridge and the northern Democrats nominated Stephen Douglas. At this time, the southern Democrats openly expressed their preference for Lincoln over Douglas, despite the latter supporting the South’s slavery interests.¹²⁹

Based on this division of the Democratic Party, Wool argues that “no intelligent person could doubt that the Republican candidate would be elected. That such was the design and intention of the disunionists when they broke up and divided the convention. ... What object could they have had in favoring [Lincoln’s] election but to use it as the only and ‘last opportunity’ of accomplishing the design, previously engendered, of separating the cotton states from the free states.” While this thesis did not discuss the politics surrounding the 1860 Presidential election, Wool’s argument, if true, adds context to South Carolina’s *Declaration of Immediate Causes*. The document could have been the final step in a scheme that began with intentionally breaking up the Democratic Party and to push for Lincoln’s election. Perhaps the

¹²⁸ Wool, John E. "Major-General Wool to a Member of Congress." Editorial. *The World* [New York City] 14 Jan. 1861: n. pag. *Newsbank.com*. America's Historical Newspapers. Web. 8 Feb. 2017.

¹²⁹ "Major-General Wool to a Member of Congress."

southern Democrats knew that Lincoln's election would excite Southern citizens and unite them with fear of the new President.¹³⁰

After this discussion, Wool makes his stance on secession perfectly clear: "to advocate secession is treasonable. Secession is revolution and civil war. ... We cannot allow the only free government - the last hope of the oppressed of the world - to be sacrificed because South Carolina desires it." He then quotes Jackson to support his case: "The Union must and shall be preserved; peaceably if it can, but forcibly if it must!" Wool's argument against secession echoes his previous sentiment that Jackson was a "distinguished patriot" because it is similar to the same argument Jackson made in his *Proclamation*. In that document, Jackson asserted that "[South Carolina's] object is disunion, but be not deceived by names; disunion, by armed force, is TREASON. Wool, like the other two authors discussed above, saw Jackson as a model for how to effectively handle domestic insurrections. However, the next author interestingly does not share these favorable interpretations of Jackson's actions during the Nullification Crisis.

In the opinion piece "How Jackson Treated South Carolina - History Set Right," written in *The Crisis* on March 30, 1864, the author argues that Jackson's actions in the Nullification Crisis of 1832 were not patriotic and that he did not "crush" the nullification movement. The author writes that the Republican Party have succeeded in falsifying history by using "misrepresentations of General Jackson, and his dealing with the nullifiers in South Carolina in 1832-3. Quoting his declaration, 'The Union, it must and shall be preserved,' they succeeded in making the masses of both parties believe that he would have made war upon south Carolina if she had not 'simmered down' and abandoned her position on nullification, for fear of coercion." The referenced quote by Jackson here is the same statement that Wool used in the previous

¹³⁰ "Major-General Wool to a Member of Congress."

article to support his case against secession. This author asserts that it is erroneous to claim that Jackson crushed nullification. Instead, Jackson, in an unpatriotic manner, surrendered to South Carolina.¹³¹

Next, the author states that when Jackson issued his *Proclamation Regarding Nullification*, South Carolina “abated not one jot or tittle of her requirements. She retracted nothing.” Based on South Carolina’s resistance to the document, Jackson sent a special message to Congress and recommended that the government “adopt a compromising, temporizing policy.” The author even quotes Jackson’s special message to Congress to support his position: “I recommend to Congress that the whole scheme of duties be reduced to the revenue standard. It will here be noted that the language of these recommendations is, *almost literally, that of the Convention of South Carolina in stating their claims.*” This evidence contradicts the previous claims of the other authors because it does not depict Jackson as a model of patriotism. Rather, it depicts Jackson as a leader who agreed to the demands of the nullifiers. So, because of Jackson’s recommendation, Congress ended up passing the Compromise Tariff of 1833, which satisfied South Carolina. According to this author, instead of suppressing the nullification movement, Jackson backed down.¹³²

Even though this article was written in 1864 and the first one was written in 1861, it helps refute the latter’s claim that Lincoln should not be perceived as “the second Jackson.” The first article came to that conclusion by arguing that Lincoln lacked the decisiveness that Jackson possessed. However, with this new evidence, it appears that Jackson surrendered to the nullifiers, which is not an effective model of decisive behavior for the President.

¹³¹ "How Jackson Treated South Carolina - History Set Right." Editorial. *Crisis* [Columbus] 30 Mar. 1864: n. pag. *Infoweb.newsbank.com*. America's Historical Newspapers. Web. 8 Feb. 2017.

¹³² “How Jackson Treated South Carolina.”

Further, these four newspaper articles shed light on a variety of topics explored in this thesis. The first article argued that Lincoln and Jackson should not be compared because Lincoln's lacked Jackson's decisiveness. However, the author failed to give any example that alluded to Jackson's decisive behavior. In the second article, Julius L. Strong supported this thesis's claim that John C. Calhoun is often mistakenly associated with a radicalized adaptation of his doctrine of nullification by claiming. In the third article, John E. Wool argued that the southern Democrats intentionally divided up their party and supported Lincoln in an attempt to frame his election as the "last opportunity" to secede from the Union. This discovery, if true, puts the *Declaration of Immediate Causes* into a different context because it could be seen as the final step in South Carolina's scheme to excite its state's citizens toward the prospect of secession. Finally, the fourth article offers a different interpretation of the Nullification Crisis of 1832 by arguing that Jackson actually backed down to South Carolina by recommending to Congress that it should pass a compromise bill. This also refutes the other three articles' assertions that Jackson was a "distinguished patriot" because of his surrender to the nullifiers. Overall, these four newspaper articles added new perspectives, contributions, and arguments to various topics discussed in this thesis.

Additionally, these four newspaper articles and this thesis demonstrate how different sources and interpretations can strongly influence one's understanding of certain historical figures and events. Abraham Lincoln, the Great Emancipator, was heavily influenced by Andrew Jackson, a President who orchestrated the Trail of Tears. These two figures are not generally regarded in the same light, as Lincoln is understood to be the more effective and iconic President. Jackson, on the other hand, while iconic and popular, is often associated with the Trail of Tears and his aggression.

This thesis has attempted to forge a bridge between two figures who have generally been understood in isolation from one another. Lincoln, becoming President in the midst of Confederacy's formation and under tremendous pressure, turned to the man behind the Trail of Tears, Andrew Jackson, and his rhetoric during the Nullification Crisis of 1832. Jackson's influence on Lincoln highlights the idea that, regardless of current and generally accepted interpretations of seemingly opposite historical figures, they may be more similar than they initially appear. This thesis aimed to connect Abraham Lincoln with Andrew Jackson with their constitutional arguments and overall rhetoric during two periods of national crisis. Despite their political differences, Lincoln used the words of the man who orchestrated the Trail of Tears on the eve of the Civil War during his First Inaugural Address to ease the country's tension. When it comes to understanding Abraham Lincoln and Andrew Jackson, there is much more than meets the eye.

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EDUCATION

- The Pennsylvania State University, Schreyer Honors College (Intended Graduation: May 2017)
- Fall 2015 Semester abroad at ISI Florence in Florence, Italy
- Intended Major: History (honors)
- Intended Minor: Philosophy

Thesis Title: The Influence of the 1830s Nullification Crisis on the 1860s Secession Crisis

Thesis Supervisor: Amy Greenberg

WORK EXPERIENCE

Intern for Public Nuisance Task Force at Philadelphia District Attorney's Office

May 2016 – July 2016

- Aided in abating and closing drug houses by analyzing Philadelphia Arrest Reports
- Examined likelihoods of the existence of drug houses through the fact patterns on reports
- Coordinated and discussed findings with Unit Chief

Intern for Consolidated Rail Corporation (Conrail)

May 2016 – August 2016

- Helped Jonathan Broder, Conrail General Counsel, with writing a history on the company
- Collected, summarized and catalogued over 40 primary sources and news articles on Conrail

ACADEMIC AWARDS AND ACHIEVEMENTS

- Published essay in *Penn Statements 2015* entitled *Rhetorical Analysis of the Truman Show*
- Penn State's Student Ambassador for ISI Florence
 - Wrote a published column on program's website advising prospective students
- Phi Alpha Theta – History Honors Fraternity Member