WEEK 4 READINGS

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Mr. Hayne, 19 January 1830

In coming to the consideration of the next great question -- what ought to be the future policy of the government in relation to the public lands?...On the one side, it is contended that the public land ought to be received as a permanent fund for revenue and future distribution among the states, while, on the other, it is insisted that the whole of these lands of right belong to, and ought to be relinquished to the states in which they lie…But sir, let us take it for granted that we shall be able, hereafter, to resist these applications, and to reserve the whole of our lands, for fifty or a hundred years, or for all time to come, to furnish a great fund for permanent revenue, it is desirable that we should do so? Will it promote the welfare of the United States to have at our disposal a permanent treasury, not drawn from the pockets of the people, but to be derived from a source independent of them? Would it be safe to confide such a treasure to the keeping of our national rulers? to expose them to the temptations inseparable from the direction and control of a fund which might be enlarged or diminished almost at pleasure, without imposing burthens upon the people? Sir I may be singular, perhaps I stand alone here in the opinion, but it is one I have long entertained, that one of the greatest safeguards of liberty is a jealous watchfulness, on the part of the people, over the collection and expenditure of the public money -- a watchfulness that can only be secured where the money is drawn by taxation directly from the pockets of the people. Every scheme or contrivance by which rulers are able to procure the command of money, by means unknown to, unseen, or unfelt by, the people, destroys this security.

Even the revenue system of this country, by which the whole of our pecuniary resources are derived from indirect taxation -- from duties upon imports -- has done much to weaken the responsibility of our federal rulers to the people, and has made them, in some measure, careless of their rights, and regardless of the high trust committed to their care…I distrust therefore sir, the policy of creating a great permanent national treasury, whether, to be derived from public lands or from any source. If I had, sir, the powers of a magician, and could, by a wave of my hand, convert this capitol into gold for such a purpose, I would not do it. If I could, by a mere act of my will, put at the disposal of the federal government any amount of treasure which I might think proper to name, I should limit the amount to the means necessary for the legitimate purposes of the government. Sir, an immense national treasury would be a fund for corruption. It would enable congress and the executive to exercise a control over states, as well as over great interests in the country -- nay, even over corporations and individuals, utterly destructive of the purity, and fatal to the duration of our institutions. It would be equally fatal to the sovereignty and independence of the states.

Sir, I am one of those who believe that the very life of our system is the independence of the states; and that there is no evil more to be deprecated than the consolidation of this government. It is only by a strict adherence to the limitations imposed by the constitution on the federal government, that this system works well, and can answer the great ends for which it was instituted. I am opposed, therefore, in any shape, to all unnecessary extension of the powers or
the influence of the legislature or executive of the union of the states; and, most of all, I am opposed to those partial distributions of favors whether by legislation or appropriation, which has a direct and powerful tendency to spread corruption through the land -- to create an abject spirit of dependence -- to sow the seeds of dissolution -- to produce jealousy among the different portions of the union, and, finally, to sap the very foundations of the government itself...

Mr. Webster, 20 January 1830

I now proceed, sir, to some of the opinions expressed by the gentleman from South Carolina. Two or three topics were touched by him, in regard to which he expressed sentiments in which I do not at all concur...

As a reason for wishing to get rid of the public lands as soon as we could, and as we might, the hon. gentleman, said, he wanted no permanent source of income. He wished to see the time when the government should not possess a shilling of permanent revenue. If he could speak magical word and by that word convert the whole capitol into gold, the word would not be spoken. The administration of a fixed revenue, he said, only consolidates the government and corrupts the people! Sir, I confess I heard these sentiments uttered on this floor, not without deep regret and pain.

I am aware that these, and similar opinions, are espoused by certain persons out of the capitol, and out of this government, but I did not expect so soon to find them here. Consolidation! -- that perpetual cry both of terror and delusion -- consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the states, as having a tendency to consolidation, what do they mean? Do they mean, or can they mean any thing more than that the union of the states will be strengthened, by whatever continues or furnishes inducements to the people of the states to hold together? If they mean merely this, then no doubt, the public lands, as well as every thing else in which we have a common interest, tends to consolidation and to this species of consolidation every true American ought to be attached; it is neither more nor less than strengthening the union itself...

I wish to see no new powers drawn to the general government; but I confess I rejoice in whatever tends to strengthen the bond that unites us; and encourages the hope that our union may be perpetual. And, therefore, I cannot but feel regret at the expression of such opinions as the gentleman has avowed; because I think their obvious tendency is to weaken the bond of our connexion.

I know that there are some persons in the part of the country from which the hon. member comes, who habitually speak of the union in terms of indifference, or even of disparagement. The hon. member himself is not, I trust, and can never be, one of these. They significantly declare, that it is time to calculate the value of the union, and their aim seems to be to enumerate and to magnify all the evils real and imaginary, which the government under the union produces.

The tendency of all these ideas and sentiments is obviously to bring the union into discussion, as a mere question of present and temporary expediency -- nothing more than a mere matter of profit and loss. The union [is] to be preserved while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes. Union, of itself, is considered by the disciples of this school as hardly a good. It is only regarded as a possible means of good; or, on the other hand as a possible means of evil. They cherish no deep and fixed regard for it, flowing from a thorough conviction of its absolute and vital necessity to our welfare.
Sir, I deprecate and deplore this tone of thought and feeling. I deem far otherwise of the union of the states, and so did the framers of the constitution themselves. What they said I believe; fully and sincerely believe, that the union of the states is essential to the prosperity and safety of the states. I am a unionist, and in this sense, a national republican. I would strengthen the ties that hold us together. Far, indeed, in my wishes, very far distant be the day, when our associated and fraternal stripes shall be severed asunder, and when that happy constellation under which we have risen to so much renown, shall be broken up and be seen sinking star after star, into obscurity and night!

Mr. Hayne, 21 January 1830

…The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and…selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the south, and calls in question the principles and conduct of the state which I have the honor to represent…

Sir, let me tell that gentleman, that the south repudiates the idea that pecuniary dependence on the federal government is one of the legitimate means of holding the states together. A moneyed interest in the government is essentially a base interest; and just so far as it operates to bind the feelings of those who are subjected to it to the government, just so far as it operates in creating sympathies and interests that would not otherwise exist, is it opposed to all the principles of free government, and at war with virtue and patriotism…

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the state of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us, that, having already left all the other states far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the state of Ohio with Kentucky to the disadvantage of the latter, I listened to him with regret…In contrasting the state of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery in the one state and its absence in the other, I thought I could discern the very spirit of the Missouri question intruded into this debate, for objects best known to the gentleman himself…Mr. President, the impression which has gone abroad of the weakness of the south, as connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman of Massachusetts, to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us…

Sir, when arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country…

On this subject as in all others, we ask nothing of our northern brethren but to "let us alone." Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed, and may again disturb, our domestic tranquility just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity…
In the course of my former remarks, Mr. President, I took occasion to deprecate, as one of the greatest evils, the consolidation of this government... But consolidation (says the gentleman) was the very object for which the Union was formed... But, sir, the gentleman is mistaken. The object of the framers of the constitution, as disclosed in that address, was not the consolidation of the government, but "the consolidation of the Union." It was not to draw power from the states, in order to transfer it to a great national government, but, in the language of the constitution itself, "to form a more perfect Union;" -- and by what means? By "establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according, to the gentleman's reading, the object of the constitution was, to consolidate the government, and the means would seem to be, the promotion of injustice, causing domestic discord, and depriving the states and the people "of the blessings of liberty" forever.

The gentleman boasts of belonging to the party of NATIONAL REPUBLICANS. National Republicans! A new name, sir, for a very old thing. The National Republicans of the present day were the Federalists of '98, who became Federal Republicans during the war of 1812, and were manufactured into National Republicans somewhere about the year 1825. As a party, (by whatever name distinguished,) they have always been animated by the same principles, and have kept steadily in view a common object, the consolidation of the government. Sir, the party to which am proud of having belonged, from the very commencement of my political life to the present day, were the Democrats of '98, (Anarchists, Anti-Federalists, Revolutionists, I think they were sometimes called.) They assumed the name of Democratic Republicans in 1822, and have retained their name and principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the federal government are reserved, and have been constantly struggling, as they now are, to preserve the rights of the states, and to prevent them from being drawn into the vortex, and swallowed up by one great consolidated government.

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what names you will, and amalgamate them as you may) will divide them forever...

Those who were in favor of union of the states in this form [during the debates over ratification of the Constitution – editor] became known by the name of Federalists; those who wanted no union of the states or disliked the proposed form of union, became known by the name of Anti-Federalists.

By means which need not be enumerated, the Anti-Federalists became (after the expiration of twelve years) our national rulers, and for a period of sixteen years, until the close of Mr. Madison's administration, in 1817, continued to exercise the exclusive direction of our public affairs. Here, sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the government, and who, then, as now, chose to consider the constitution as having created, not a Federal, but a National Union; who regarded "consolidation" as no evil, and who doubtless consider it "a consummation devoutly to be wished" to build up a great central government, "one and indivisible." Sir, there have existed, in every age and every country, two distinct orders of men -- the lovers of freedom, and the devoted advocates of power...
Who, then, Mr. President, are the true friends of the Union? Those who would confine the federal government strictly within the limits prescribed by the constitution; who would preserve to the states and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the government in spirit of equal justice, would make it a blessing, and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the states, and adding strength to the Federal government; who, assuming an unwarrantable Jurisdiction over the states and the people, undertake to regulate the whole industry and capital of the country…

…The senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a state has any constitutional remedy, by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the constitution." He calls it "an idle" or "a ridiculous notion," or something to that effect, and added, that it would make the Union a "mere rope of sand…"

Sir, as to the doctrine that the federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the states. It makes but little difference, in my estimation, whether Congress or Supreme Court are invested with this power. If the federal government, in all, or any, of its departments, is to prescribe the limits of its own authority, and the states are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the constitution shall be overleaped, this is practically government without limitation of powers. The states are at once reduced to mere petty corporations and the people are entirely at your mercy. I have but one word more to add.

In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can belong preserved -- a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole south in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest -- a principle which, substituting' the discretion of Congress for the limitations of the constitution, brings the states and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if the measures of the federal government were less oppressive, we should still strive against this usurpation. The south is acting on a principle she has always held sacred -- resistance to unauthorized taxation…

Mr. Webster, 26 January 1830

…I know full well, that it is, and has been, the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in Southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against Northern men or Northern measures…But it is without adequate cause, and the suspicion which exists is wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of government; nor has it been in any way attempted. The slavery of the South has always been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal government had nothing to do…
…This leads, Sir, to the real and wide difference in political opinion between the honorable gentleman and myself. On my part, I look upon all these objects [of internal improvements — editor] as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference…He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight an ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same general government, having interests, common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. We who come here, as agents, and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our powers of legislation. Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government…

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing under the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.
I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist, that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution…

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. 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 this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source…

I must now beg to ask, Sir, Whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument, that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures; and which they might have left to be performed elsewhere, if they had seen fit...
The people, then, Sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people. But, Sir, they have not stopped here...Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, Sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress, and restrictions on these powers. There are, also, prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, Sir, that "the Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding..."

When the gentleman says the Constitution is a compact between the States, he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The Confederation was, in strictness, a compact; the States, as States, were parties to it. We had no other general government. But that was found insufficient, and inadequate to the public exigencies. The people were not satisfied with it, and undertook to establish a better. They undertook to form a general government, which should stand on a new basis; not a confederacy, not a league, not a compact between States, but a Constitution; a popular government, founded in popular election, directly responsible to the people themselves, and divided into branches with prescribed limits of power, and prescribed duties. They ordained such a government, they gave it the name of a Constitution, therein they established a distribution of powers between this, their general government, and their several State governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the general government and on the States...

**John C. Calhoun, “Fort Hill Address,” 26 July 1831**

The question of the relation which the States and General Government bear to each other is not one of recent origin. From the commencement of our system, it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labors of the Convention...
The great and leading principle is, that the General Government emanated from the people of the several States, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each State is a party, in the character already described; and that the several States, or parties, have a right to judge of its infractions; and in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia Resolutions, “to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.” This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may—State-right, veto, nullification, or by any other name—I conceive to be the fundamental principle of our system, resting on facts historically as certain as our revolution itself, and deductions as simple and demonstrative as that of any political, or moral truth whatever; and I firmly believe that on its recognition depend the stability and safety of our political institutions…

I have examined, with the utmost care, the bearing of the doctrine in question; and, so far from anarchical or revolutionary, I solemnly believe it to be the only solid foundation of our system, and of the Union itself; and that the opposite doctrine, which denies to the States the right of protecting their reserved powers, and which would vest in the General Government (it matters not through what department), the right of determining, exclusively and finally, the powers delegated to it, is incompatible with the sovereignty of the States, and of the Constitution itself, considered as the basis of a Federal Union…

To realize [our political system’s] perfection, we must view the General Government and those of the States as a whole, each in its proper sphere, sovereign and independent; each perfectly adapted to its respective objects; the States acting separately, representing and protecting the local and peculiar interests; and acting jointly through one General Government, with the weight respectively assigned to each by the Constitution, representing and protecting the interest of the whole; and thus perfecting, by an admirable but simple arrangement, the great principle of representation and responsibility, without which no government can be free or just.

To preserve this sacred distribution, as originally settled, by coercing each to move in its prescribed orbit, is the great and difficult problem, on the solution of which, the duration of our Constitution, of our Union, and, in all probability, our liberty depends. How is this to be effected?

The question is new, when applied to our peculiar political organization, where the separate and conflicting interests of society are represented by distinct, but connected governments; but it is, in reality, an old question under a new form, long since perfectly solved. Whenever separate and dissimilar interests have been separately represented in any government; whenever the sovereign power has been divided in its exercise, the experience and wisdom of ages have devised but one mode by which such political organization can be preserved—…to give to each co-estate the right to judge of its powers, with a negative or veto on the acts of the others, in order to protect against encroachments, the interests it particularly represents: a principle which all of our constitutions recognize in the distribution of power among their respective departments, as essential to maintain the independence of each; but which, to all who will duly reflect on the subject, must appear far more essential, for the same object, in that great and fundamental distribution of powers between the states and General Government. So essential is the principle, that, to withhold the right from either, where the sovereign power is divided, is,
in fact, *to annul the division* itself, and to *consolidate*, in the one left in the exclusive possession of the right, *all* powers of government...

I do not deny that a power of so high a nature may be abused by a State; but when I reflect that the States unanimously called the General Government into existence with all of its powers, which they freely delegated on their part, under the conviction that their common peace, safety, and prosperity required it; that they are bound together by a common origin, and the recollection of common suffering and common triumph in the great and splendid achievement of their independence; and that the strongest feelings of our nature, and among them the love of national power and distinction, are on the side of the Union; it does seem to me that the fear which would strip the States of their sovereignty, and degrade them, in fact, to mere dependent corporations, lest they should abuse a right indispensable to the peaceable protection of those interests which they reserved under their own peculiar guardianship when they created the General Government, is unnatural and unreasonable. If those who voluntarily created the system cannot be trusted to preserve it, what power can?

So, far from extreme danger, I hold that there never was a free State in which this great conservative principle, indispensable to all, was ever so safely lodged. In others, when the co-estates representing the dissimilar and conflicting interests of the community came into contact, the only alternative was compromise, submission, or force. Not so in ours. Should the General Government and a State come into conflict, we have a higher remedy: the power which called the General Government into existence, which gave it all of its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked. The States themselves may be appealed to—three-fourths of which, in fact, form a power, whose decrees are the Constitution itself, and whose voice can silence all discontent. The utmost extent, then, of the power is, that a State, acting in its sovereign capacity, as one of the parties to the constitutional compact, may compel the Government, created by that compact, to submit a question touching its infraction, to the parties who created it; to avoid the supposed dangers of which, it is proposed to resort to the novel, the hazardous, and, I must add, fatal project of giving to the General Government the sole and final right of interpreting the Constitution—thereby reversing the whole system, making that instrument the creature of its will, instead of a rule of action impressed on it at its creation, and annihilating, in fact, the authority which imposed it, and from which the Government itself derives its existence…

Against these conclusive arguments, as they seem to me, it is objected, that, if one of the parties has the right to judge of infractions of the Constitution, so has the other; and that, consequently, in cases of contested powers between a State and the General Government, each would have a right to maintain its opinion, as is the case when sovereign powers differ in the construction of treaties or compacts; and that, of course, it would come to be a mere question of force. The error is in the assumption that the General Government is a party to the constitutional compact. The States, as has been shown, formed the compact, acting as Sovereign and independent communities. The General Government is but its creature; and though, in reality, a government, with all the rights and authority which belong to any other government, within the orbit of its powers, it is, nevertheless, a government emanating from a compact between sovereigns, and partaking, in its nature and object, of the character of a joint commission, appointed to superintend and administer the interests in which all are jointly concerned; but having, beyond its proper sphere, no more power than if it did not exist.
Andrew Jackson, Proclamation Regarding Nullification, 10 December 1832

Whereas a convention, assembled in the State of South Carolina, have passed an ordinance, by which they declare that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially "two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that State or its officers, and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State, or of the United States, to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinances…

And, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will thenceforth 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.

And whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the instruction of the Union – that Union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and common cause, through the sanguinary struggle to a glorious independence – that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations; to preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my PROCLAMATION, stating my views of the Constitution and laws applicable to the measures adopted by the Convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the Union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that anything will be yielded to reasoning and remonstrances, perhaps demand, and will certainly justify, a full exposition to
South Carolina and the nation of the views I entertain of this important question, as well as a
distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly
unconstitutional, and too oppressive to be endured, but on the strange position that any one State
may not only declare an act of Congress void, but prohibit its execution- that they may do this
consistently with the Constitution-that the true construction of that instrument permits a State to
retain its place in the Union, and yet be bound by no other of its laws than those it may choose to
consider as constitutional. It is true they add, that to justify this abrogation of a law, it must be
palpably contrary to the Constitution, but it is evident, that to give the right of resisting laws of
that description, coupled with the uncontrolled right to decide what laws deserve that character,
is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reasons
alleged by the State, good or bad, must prevail…But reasoning on this subject is superfluous,
when our social compact in express terms declares, that the laws of the United States, its
Constitution, and treaties made under it, are the supreme law of the land; and for greater caution
adds, "that the judges in every State shall be bound thereby, anything in the Constitution or laws
of any State to the contrary notwithstanding." And it may be asserted, without fear of refutation,
that no federative government could exist without a similar provision. Look, for a moment, to the
consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to
prevent their execution in the port of Charleston, there would be a clear constitutional objection
to their collection in every other port, and no revenue could be collected anywhere; for all
imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as
the question of its legality is to be decided by the State itself, for every law operating injuriously
upon any local interest will be perhaps thought, and certainly represented, as unconstitutional,
and, as has been shown, there is no appeal…

I consider, then, the power to annul a law of the United States, assumed by one State,
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…

This right to secede [as put forth in the act of South Carolina – editor] is deduced from
the nature of the Constitution, which they say is a compact between sovereign States who have
preserved their whole sovereignty, and therefore are subject to no superior; that because they
made the compact, they can break it when in their opinion it has been departed from by the other
States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the
honest prejudices of those who have not studied the nature of our government sufficiently to see
the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State
legislatures, in making the compact, to meet and discuss its provisions, and acting in separate
conventions when they ratified those provisions; but the terms used in its construction show it to
be a government in which the people of all the States collectively are represented. We are ONE
PEOPLE in the choice of the President and Vice President…The people, then, and not the States,
are represented in the executive branch.

In the House of Representatives…[the representatives] are all representatives of the
United States, not representatives of the particular State from which they come. They are paid by
the United States, not by the State; nor are they accountable to it for any act done in performance
of their legislative functions; and however they may in practice, as it is their duty to do, consult
and prefer the interests of their particular constituents when they come in conflict with any other
partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a government, not a league, and whether it be formed by compact between the States, or in any other manner, its character is the same. It 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. But each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation…Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent upon a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, express or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defense, to pass acts for punishing the offender…

No one, fellow-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, or official exertions, to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with, or resumption of, the rights they have vested in the nation.

The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution, but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was
transferred in the first instance to the government of the United States; they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers vested in Congress. This last position has not been, and cannot be, denied. How then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another?

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM, not only that the duty imposed on me by the Constitution, “to take care that the laws be faithfully executed,” shall be performed to the extent of the powers already vested in me by law or of such others as the wisdom of Congress shall devise and Entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention— to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country, and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Andrew Jackson, Second Inaugural Address, 4 March 1833

Fellow-Citizens:

...So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the General Government that I need on this occasion but allude to a few leading considerations connected with some of them...

In the domestic policy of this Government there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same
proportion does it impair its own power and detract from its ability to fulfill the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the General Government. But of equal, and, indeed, of incalculable, importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained…

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time, it will be my aim to inculcate by my official acts the necessity of exercising by the General Government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the Government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable Government and Union to the confidence and affections of the American people…

John C. Calhoun, Speech on the Reception of Abolition Petitions, 6 February 1837

[In the 1830s, the “federalism” question – that is, the balance of powers between the states and national government – shifted from focusing on tariffs to the question of Congressional regulation of slavery in the territories. In this speech, John C. Calhoun argues that Congress should not even accept petitions from private citizens calling for the abolition of slavery in the territories and Washington, D.C. Calhoun begins after having the Secretary of the Senate read aloud two petitions denouncing slavery as an evil. – editor]
Such, resumed Mr. C., is the language held towards us and ours. The peculiar institution of the South—that, on the maintenance of which the very existence of the slaveholding States depends, is pronounced to be sinful and odious, in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world—with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union; created by these confederated States, for the better protection of their peace, their safety, and their respective institutions—and yet, we, the representatives of twelve of these sovereign States against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; for if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them, simply to lay them on the table, without any view to ulterior action. I then told the Senator from Pennsylvania (Mr. Buchanan), who so strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favor of acting on the petitions if we were bound to receive, could not be resisted. I then said, that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we will thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is, to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other House, but instead of arresting its progress, it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress—they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view it is urged that Congress is bound by the constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe, that it would be as easy to prove that it has the right to abolish slavery, as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the Government, and clearly shows the sense of those who formed the constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive; but I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have been nor can be answered.
As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts (Mr. Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the Force Bill—that this Government had a right, in the last resort, to determine the extent of its own powers, and enforce its decision at the point of the bayonet, which was so warmly maintained by that Senator, would at no distant day arouse the dormant spirit of abolitionism. I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the Government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable—a large portion of the Northern States believed slavery to be a sin, and would believe it as an obligation of conscience to abolish it if they should feel themselves in any degree responsible for its continuance, and that this doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence as it has with this fanatical portion of society, and that they would begin their operations on the ignorant, the weak, the young, and the thoughtless, and would gradually extend upwards till they would become strong enough to obtain political control, when he and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrines, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. They who imagine that the spirit now abroad in the North, will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, as powerful as are the links which hold it together. Abolition and the Union cannot co-exist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition…
Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and for one, see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions, avarice is the most blind and compromising—the last to see and the first to yield to danger. I dare not hope that any thing I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

Abraham Lincoln, Speech at Peoria, Illinois, 16 October 1854

…On January 4th, 1854, Judge Douglas introduces a new bill to give Nebraska territorial government…and, substantially, that the People who go and settle there may establish slavery, or exclude it, as they may see fit. In this shape the bill passed both branches of congress, and became a law…

I think, and shall try to show, that it is wrong; wrong in its direct effect, letting slavery into Kansas and Nebraska—and wrong in its prospective principle, allowing it to spread to every other part of the wide world, where men can be found inclined to take it.

This declared indifference, but as I must think, covert real zeal for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty—criticizing the Declaration of Independence, and insisting that there is no right principle of action but self-interest...

It is argued that slavery will not go to Kansas and Nebraska, in any event…

But, however this may be, we know the opening of new countries to slavery, tends to the perpetuation of the institution, and so does KEEP men in slavery who otherwise would be free. This result we do not FEEL like favoring, and we are under no legal obligation to suppress our feelings in this respect.

Equal justice to the south, it is said, requires us to consent to the extending of slavery to new countries. That is to say, inasmuch as you do not object to my taking my hog to Nebraska, therefore I must not object to you taking your slave. Now, I admit this is perfectly logical, if there is no difference between hogs and negroes…

But one great argument in the support of the repeal of the Missouri Compromise, is still to come. That argument is "the sacred right of self government…”

The doctrine of self government is right—absolutely and eternally right—but it has no just application, as here attempted. Or perhaps I should rather say that whether it has such just application depends upon whether a negro is not or is a man. If he is not a man, why in that case, he who is a man may, as a matter of self-government, do just as he pleases with him. But if the negro is a man, is it not to that extent, a total destruction of self-government, to say that he too
shall not govern himself? When the white man governs himself that is self-government; but when he governs himself, and also governs another man, that is more than self-government—that is despotism. If the negro is a man, why then my ancient faith teaches me that "all men are created equal;" and that there can be no moral right in connection with one man’s making a slave of another…

I particularly object to the NEW position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there CAN be MORAL RIGHT in the enslaving of one man by another. I object to it as a dangerous dalliance for a few people—a sad evidence that, feeling prosperity we forget right—that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed, and rejected it. The argument of "Necessity" was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go. They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it…

In 1794, they prohibited an out-going slave-trade—that is, the taking of slaves FROM the United States to sell. In 1798, they prohibited the bringing of slaves from Africa, INTO the Mississippi Territory—this territory then comprising what are now the States of Mississippi and Alabama. This was TEN YEARS before they had the authority to do the same thing as to the States existing at the adoption of the constitution.

In 1800 they prohibited AMERICAN CITIZENS from trading in slaves between foreign countries—as, for instance, from Africa to Brazil.

In 1803 they passed a law in aid of one or two State laws, in restraint of the internal slave trade.

In 1807, in apparent hot haste, they passed the law, nearly a year in advance to take effect the first day of 1808—the very first day the constitution would permit—prohibiting the African slave trade by heavy pecuniary and corporal penalties.

In 1820, finding these provisions ineffectual, they declared the trade piracy, and annexed to it, the extreme penalty of death. While all this was passing in the general government, five or six of the original slave States had adopted systems of gradual emancipation; and by which the institution was rapidly becoming extinct within these limits.

Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the PRINCIPLE, and toleration, ONLY BY NECESSITY.

But NOW it is to be transformed into a "sacred right." Nebraska brings it forth, places it on the high road to extension and perpetuity; and, with a pat on its back, says to it, "Go, and God speed you." Henceforth it is to be the chief jewel of the nation—the very figure-head of the ship of State. Little by little, but steadily as man’s march to the grave, we have been giving up the OLD for the NEW faith…

Democratic Party Platform of 1856

Resolved, That the American Democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

Resolved, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world, as the great moral element in a form of government
springing from and upheld by the popular will; and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

Resolved, therefore, That, entertaining these views, the Democratic party of this Union, through their Delegates assembled in a general Convention, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and re-assert before the American people, the declarations of principles avowed by them when, on former occasions in general Convention, they have presented their candidates for the popular suffrage.

1. That the Federal Government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the departments and agents of the government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local and internal improvements, or other State purposes; nor would such assumption be just or expedient.

4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete and ample protection of persons and property from domestic violence or foreign aggression.

5. That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government, and for the gradual but certain extinction of the public debt.

6. That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution; and that we are opposed to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

7. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people; and that the results of Democratic legislation in this and all other financial measures upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties, their soundness, safety, and utility, in all business pursuits.

8. That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people.

9. That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interests, to suspend the passage of a bill whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical
domination of the Bank of the United States, and from a corrupting system of general internal improvements.

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned by the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute-books…

Resolved, That we reiterate with renewed energy of purpose the well considered declarations of former Conventions upon the sectional issue of Domestic slavery, and concerning the reserved rights of the States.

1. That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists, or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

2. That the foregoing proposition covers, and was intended to embrace the whole subject of slavery agitation in Congress; and therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures, settled by the Congress of 1850; "the act for reclaiming fugitives from service or labor," included; which act being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

3. That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question under whatever shape or color the attempt may be made…

And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, North and South, to the Constitution and the Union—

1. Resolved, That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the Territories; and whose avowed purposes, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying the only sound and safe solution of the "slavery question" upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—NON-INTERFERENCE BY CONGRESS WITH SLAVERY IN STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

2. That this was the basis of the compromises of 1850 confirmed by both the Democratic and Whig parties in national Conventions—ratified by the people in the election of 1852, and rightly applied to the organization of Territories in 1854.

3. That by the uniform application of this Democratic principle to the organization of territories, and to the admission of new States, with or without domestic slavery, as they may elect—the equal rights, of all the States will be preserved intact; the original compacts of the
Constitution maintained inviolate; and the perpetuity and expansion of this Union insured to its
utmost capacity of embracing, in peace and harmony, every future American State that may be
constituted or annexed, with a republican form of government.

Resolved, That we recognize the right of the people of all the Territories, including
Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual
residents, and whenever the number of their inhabitants justifies it, to form a Constitution, with
or without domestic slavery, and be admitted into the Union upon terms of perfect equality with
the other States.

Resolved, Finally, That…a high and sacred duty is devolved with increased responsibility
upon the Democratic party of this country, as the party of the Union, to uphold and maintain the
rights of every State, and thereby the Union of the States; and to sustain and advance among us
constitutional liberty, by continuing to resist all monopolies and exclusive legislation for the
benefit of the few, at the expense of the many, and by a vigilant and constant adherence to those
principles and compromises of the Constitution, which are broad enough and strong enough to
embrace and uphold the Union as it was, the Union as it is, and the Union as it shall be, in the
full expansion of the energies and capacity of this great and progressive people…

**Republican Party Platform of 1856**

This Convention of Delegates, assembled in pursuance of a call addressed to the people
of the United States, without regard to past political differences or divisions, who are opposed to
the repeal of the Missouri Compromise; to the policy of the present Administration; to the
extension of Slavery into Free Territory; in favor of the admission of Kansas as a Free State; of
restoring the action of the Federal Government to the principles of Washington and Jefferson;
and for the purpose of presenting candidates for the offices of President and Vice-President, do
Resolved: That the maintenance of the principles promulgated in the Declaration of
Independence, and embodied in the Federal Constitution are essential to the preservation of our
Republican institutions, and that the Federal Constitution, the rights of the States, and the union
of the States, must and shall be preserved.

Resolved: That, with our Republican fathers, we hold it to be a self-evident truth, that all
men are endowed with the inalienable right to life, liberty, and the pursuit of happiness, and that
the primary object and ulterior design of our Federal Government were to secure these rights to
all persons under its exclusive jurisdiction; that, as our Republican fathers, when they had
abolished Slavery in all our National Territory, ordained that no person shall be deprived of life,
liberty, or property, without due process of law, it becomes our duty to maintain this provision of
the Constitution against all attempts to violate it for the purpose of establishing Slavery in the
Territories of the United States by positive legislation, prohibiting its existence or extension
therein. That we deny the authority of Congress, of a Territorial Legislation, of any individual, or
association of individuals, to give legal existence to Slavery in any Territory of the United States,
while the present Constitution shall be maintained.

Resolved: That the Constitution confers upon Congress sovereign powers over the
Territories of the United States for their government; and that in the exercise of this power, it is
both the right and the imperative duty of Congress to prohibit in the Territories those twin relics
of barbarism—Polygamy, and Slavery.
Resolved: That while the Constitution of the United States was ordained and established by the people, in order to "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty," and contain ample provision for the protection of the life, liberty, and property of every citizen, the dearest Constitutional rights of the people of Kansas have been fraudulently and violently taken from them.

Their Territory has been invaded by an armed force;
Spurious and pretended legislative, judicial, and executive officers have been set over them, by whose usurped authority, sustained by the military power of the government, tyrannical and unconstitutional laws have been enacted and enforced;
The right of the people to keep and bear arms has been infringed.
Test oaths of an extraordinary and entangling nature have been imposed as a condition of exercising the right of suffrage and holding office.
The right of an accused person to a speedy and public trial by an impartial jury has been denied;
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, has been violated;
They have been deprived of life, liberty, and property without due process of law;
That the freedom of speech and of the press has been abridged;
The right of the people to keep and bear arms has been infringed.
Murders, robberies, and arsons have been instigated and encouraged, and the offenders have been allowed to go unpunished;
That all these things have been done with the knowledge, sanction, and procurement of the present National Administration; and that for this high crime against the Constitution, the Union, and humanity, we arraign that Administration, the President, his advisers, agents, supporters, apologists, and accessories, either before or after the fact, before the country and before the world; and that it is our fixed purpose to bring the actual perpetrators of these atrocious outrages and their accomplices to a sure and condign punishment thereafter.

Resolved, That Kansas should be immediately admitted as a state of this Union, with her present Free Constitution, as at once the most effectual way of securing to her citizens the enjoyment of the rights and privileges to which they are entitled, and of ending the civil strife now raging in her territory…

Resolved, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and as an auxiliary thereto, to the immediate construction of an emigrant road on the line of the railroad.

Resolved, That appropriations by Congress for the improvement of rivers and harbors, of a national character, required for the accommodation and security of our existing commerce, are authorized by the Constitution, and justified by the obligation of the Government to protect the lives and property of its citizens.

Resolved, That we invite the affiliation and cooperation of the men of all parties, however differing from us in other respects, in support of the principles herein declared; and believing that the spirit of our institutions as well as the Constitution of our country, guarantees liberty of conscience and equality of rights among citizens, we oppose all legislation impairing their security.
[In the Missouri Compromise of 1820, Congress had prohibited slavery in most of the federal territory acquired in the Louisiana Purchase. Dred Scott, a slave, was taken by his owner into this territory where slavery was illegal. Scott sued his owner Sanford in federal court, demanding his freedom. The issue decided by the Supreme Court in this case was (1) whether Scott, a black man, was a citizen of the United States and therefore entitled to sue in federal court; and (2) whether Congress had the power to prohibit slavery in federal territory. The decision asserted (1) that no member of the “enslaved African race” ever was or could be a citizen, and (2) because of the constitutional protection of private property (and slaves, Taney said, are property), Congress has no right, under the U. S. Constitution, to ban slavery from any territory owned by the U. S. government. More ominously, the decision also implied, as Lincoln pointed out in his 1858 debates with Stephen Douglas, that even the free states had no constitutional right to prevent slaveowners from settling in those states with their slaves. That would have meant that no part of the United States would have a right to ban slavery.– editor]
inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion. . . .

The language of the Declaration of Independence is equally conclusive:

…It then proceeds to say: “We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them is life, liberty, and the pursuit of happiness; that to secure these rights, Governments are instituted, deriving their just powers from the consent of the governed.”

The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appeared, they would have deserved and received universal rebuke and reprobation…

[T]here are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808, if it thinks proper. And the importation which it thus sanctions was unquestionably of persons of the race of which we are speaking, as the traffic in slaves in the United States had always been confined to them. And by the other provision the States pledge themselves to each other to maintain the right of property of the master, by delivering up to him any slave who may have escaped from his service, and be found within their respective territories. . . .

No one, we presume…should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it…Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day…

And upon a full and careful consideration of the subject, the court is of opinion, that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts. . . .

Now, as we have already said in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guarantied to the citizens of the United States, in every State that might desire it, for twenty years. And the Government in express terms is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles
property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights. [Taney is implying that this “distinct and express” affirmation in the Constitution of the right to property – including slaves – trumps the very explicit language of Article IV §3: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.” – editor]

Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned [Taney means the Missouri Compromise of 1820 – editor], is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident. . . .

William Lloyd Garrison, “Dred Scott and Disunion,” 12 March 1858

We are here to enter our indignant protest against the Dred Scott decision—against the infamous Fugitive Slave Law—against all unjust and oppressive enactments, with reference to complexional distinctions—against the alarming aggressions of the Slave Power upon the rights of the people of the North—and especially against the existence of the slave system at the South, from which all these have naturally sprung, as streams of lava from a burning volcano. We are here to reiterate the self-evident truths of the Declaration of Independence, and to call for their practical enforcement throughout our land…O, shame on this cruelly unjust and most guilty nation! I trust in God that no colored men will ever again be found ready to fight under its banner, however great the danger that may menace it from abroad, until their rights are first secured, and every slave be set free. If they have no scruples in using the sword in defence of liberty, let them at least refuse to draw it in behalf of those who despise and oppress them.

Our work is before us. It is to disseminate light—to change public opinion—to plead every man with his neighbor—to insist upon justice—to demand equal rights—to "crush out" slavery wherever it exists in the land. Let Massachusetts lead the van. Let her be true to the cause of freedom, cost what it may…

We shall be told that this is equivalent to a dissolution of the Union. Be it so! Give us Disunion with liberty and a good conscience, rather than Union with slavery and moral degradation. What! shall we shake hands with those who buy, sell, torture, and horribly imbrute their fellow-creatures, and trade in human flesh! God forbid! Every man should respect himself too much to keep such company. We must break this wicked affiance with men-stealers, or all is lost. By all the sacred memories of the past—by all that was persistent, courageous, unconquerable in the great struggle for American Independence—by the blood of ATTUCKS and his martyred associates in King Street—by the death of WARREN and the patriotic slain on Bunker Hill—by the still higher and better examples of ancient apostles and martyrs—let us here renew our solemn pledge, that, come what may, we will not lay down our arms until liberty is proclaimed throughout all the land, to all the inhabitants thereof. (Pro-longed applause.)

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