

Primary Sources: Nullification Crisis

Homework #22

Doc 1: South Carolina Ordinance of Nullification

Following the passage of the protective Tariff of 1828, South Carolinians began arguing that individual states possess the ability to void or “nullify” federal laws that they deem to represent a blatant violation of the constitutional compact. In late 1832, South Carolina acted on these threats. On November 24, 1832, a convention that had assembled for the purpose formally nullified the Tariff laws of 1828 and 1832, and vowed that they would not be enforced within South Carolina’s borders. The excerpt below is taken from the nullification “Ordinance” issued by the convention.

Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation, certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution . . . We, therefore, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, 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 . . . are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

Source: *State Papers on Nullification* (Boston: Dutton and Wentworth, 1834), 28-29.

Primary Source

Doc 2: Speech on Nullification by Robert Y. Hayne

In December 1832, Robert Y. Hayne, having resigned his seat in the U. S. Senate, was inaugurated governor of South Carolina. Like his successor in the Senate, John C. Calhoun, Hayne was a proponent of the theory of nullification, which privileged the rights of individual states over the power of the federal government. Hayne had served as a member of the Nullification Convention that in November had voided within South Carolina federal laws taxing imports. In the excerpt below, taken from his December 13, 1832, inaugural address, Hayne seeks to justify South Carolina's bold step.

In the great struggle in which we are engaged for the preservation of our rights and liberties, it is my fixed determination to assert and uphold the sovereign authority of the State, and to enforce, by all the means that may be entrusted to my hands, her sovereign will. I recognize no allegiance as paramount to that which the citizens of South Carolina owe to the State of their birth

. . . . South Carolina, after ten years of unavailing petitions and remonstrances against a system of measures on the part of the Federal Government, which, in common with the other Southern States, she has repeatedly declared to be founded in usurpation, utterly subversive of the rights, and fatal to the prosperity of her people, has, in the face of the world, put herself upon her sovereignty, and made the solemn declaration that this system shall no longer be enforced within her limits. All hope of a redress of this grievance from a returning sense of justice on the part of our oppressors, or from any probable change in the policy of the Government, having fled, nothing was left for South Carolina but to throw herself upon her reserved rights, or to remain for ever in a condition of "colonial vassalage." She has therefore resolved to stand upon her rights; and it is for her sister States now to determine what is to be done in this emergency. She has announced to them her anxious desire that this controversy shall be amicably adjusted, either by a satisfactory modification of the tariff, or by a reference of the whole subject to a convention of all the States. Should neither of these reasonable propositions be acceded to, then she will feel herself justified before God and man, in firmly maintaining the position she has assumed, until some other mode can be devised for the removal of the difficulty. South Carolina is anxiously desirous of living at peace with her brethren; she has not the remotest wish to dissolve the political bands which have connected her with the great American family of confederated States. With Thomas Jefferson, "she would regard the dissolution of our Union with them as one of the greatest of evils—but not the greatest: there is one greater—submission to a Government without limitation of powers;" and such a Government, she conscientiously believes, will be our portion, should the system against which she is now struggling, be finally established as the settled policy of the country.

South Carolina is solicitous to preserve the Constitution as our fathers framed it—according to its true spirit, intent, and meaning; but she is inflexibly determined never to surrender her reserved rights, nor to suffer the constitutional compact to be converted into an instrument for the oppression of her citizens.

Source: *Register of Debates in Congress . . . Second Session of the Twenty-Second Congress* (Washington: Gales and Seaton, 1833), Appendix, 176.

Primary Source

Doc 3: Jackson's Proclamation on Nullification

In November 1832 South Carolinians meeting in Convention formally “nullified” federal laws taxing imports, on the grounds that they were unconstitutional and therefore not binding. South Carolina threatened to withdraw from the Union if the federal government attempted to coerce it into submission. Civil war seemed imminent: the state militia was called up, Charleston harbor was fortified, and the federal army was prepared to march on South Carolina. It was up to Jackson to resolve the crisis. Instead of reacting in anger, as he had so many times before, he wrote a “Proclamation,” a personal appeal directed to the people of South Carolina. He reminded them that the union was composed not of states, but of “the people.” The following excerpt is taken from the conclusion of the “Proclamation.”

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those once respected by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government and the construction I give to the instrument by which it was created seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate and firm measures the necessity of a recourse to force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Source: James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents* (Washington, DC: Government Printing Office, 1896), vol. 2, pp. 655-656.

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