

THE SECTIONAL SPECTER



The first great sectional struggle in the United States (after the Missouri crisis over slavery) was over the tariff. Northern industrialists favored high tariffs to protect their products from foreign competition. But the South was an agricultural region, and Southerners complained that protective tariffs raised the price of manufactured goods and prevented them from importing low-priced goods from abroad. On May 20, 1828, Congress passed a tariff bill with rates so high that South Carolina's John C. Calhoun (vice-president at the time) called it a "Tariff of Abominations." He presented a lengthy statement of the Southern position on tariffs in which he developed his theory of nullification.

Calhoun believed in the "compact" theory of the Union. He maintained that the Constitution was a contract into which the states had entered of their own free will. The states retained their sovereignty, and the federal government was merely their agent for general purposes. If the federal government exceeded its authority and encroached on the powers of the states, the states had a right to resist. Calhoun thought the constitutionality of acts of Congress should be decided by state conventions called for that purpose. If such a convention declared an act of Congress in violation of the Constitution, that act became null and void within the borders of that state. Calhoun insisted that the Constitution did not give Congress the right to levy protective tariffs and that the states had a right to nullify tariff legislation.

On December 19, 1828, the South Carolina legislature published Calhoun's statement (without mentioning his name) as "South Carolina Exposition and Protest," together with resolutions, reproduced below, condemning the tariff. For the time being, South Carolina contented itself with making this protest, hoping that the tariff would be revised after Andrew Jackson became president. But in July 1832, when a new tariff bill was passed by Congress and signed by Jackson, South Carolinians decided to put Calhoun's theory into practice. On November 4, 1832, a special state convention met in Columbia, adopted an ordinance declaring the tariffs of 1828 and 1832 unconstitutional, and announced that no tariff duties would be collected in the state after February 1, 1833. Jackson at once denounced South Carolina's action and asked

Congress to give him authority to use the army and navy, if necessary, to compel South Carolina to obey the law. South Carolina continued defiant. When Congress passed a compromise bill lowering the tariff rate, the “nullies” (as they were called) repealed the nullification ordinance. But they did not disavow the nullification theory.

Calhoun was born in South Carolina in 1782 to an upcountry farmer. After graduating from Yale College, he practiced law briefly. He then married a wealthy Charleston woman and began a political climb that led to Congress, a post in James Monroe’s cabinet, and the vice presidency under both John Quincy Adams and Andrew Jackson. He began as a vigorous nationalist, favoring the protective tariff, but moved to states’ rights and an antitariff position when it became clear that South Carolina had more to gain from free trade. During the nullification crisis he resigned from the vice presidency in December 1832 for a seat in the Senate. There he became one of the “great triumvirate” (along with Henry Clay and Daniel Webster); an implacable foe of Jackson; and a staunch supporter of South Carolina, the South, and slavery. He died in Washington, D.C., in early 1850.

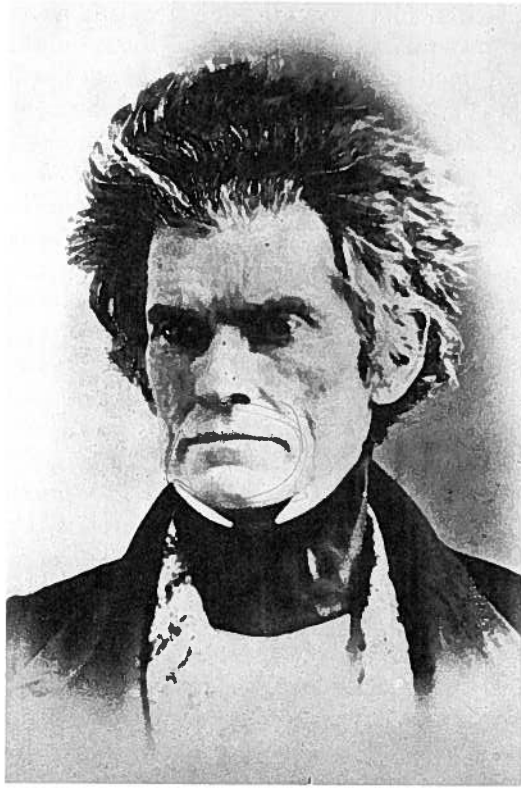
Questions to Consider. Why was a protective tariff considered so threatening to the Carolinians? Were they fearful of higher prices for imported goods or of reduced markets for their own product, cotton? Why did the “encouragement of domestic industry,” originally urged by Alexander Hamilton in 1791, cause such a fierce blowup in 1828 but not before? Was Calhoun trying to speak for all of American agriculture or only for a certain kind? Was it the threat to agriculture or to something else that most disturbed Calhoun? Which of the eight articles of the “Protest” furnishes the best clue to the situation in South Carolina? As to the political issue, why did Calhoun fear what he called “simple consolidated government” as a threat to freedom?



South Carolina Exposition and Protest (1828)

JOHN C. CALHOUN

The Senate and House of Representatives of South Carolina, now met, and sitting in General Assembly, through the Hon. William Smith and the Hon. Robert Y. Hayne, the representatives in the Senate of the United States, do, in the name and on behalf of the good people of the said commonwealth,



John C. Calhoun. Calhoun, who served as congressman, vice-president under Andrew Jackson, and then senator from South Carolina, started out as a strong nationalist and then became one of the most vigorous states' righters in the nation. He insisted that sovereignty (supreme power) resided in "the people of the several states" rather than in the people making up the nation as a whole, and that the people of the states had the right to nullify any federal laws they thought threatened their state's welfare. Calhoun developed his doctrine of nullification as a reaction against protective-tariff measures designed to encourage Northern industries but which he thought hurt South Carolina and other Southern states with little or no manufacturing. He was also a states' righter because he wanted to safeguard the institution of slavery from interference by antislavery crusaders in the North. (National Portrait Gallery, Smithsonian Institution, Washington, D.C./Art Resource, NY)

solemnly PROTEST against the system of protecting duties, lately adopted by the federal government, for the following reasons:—

1st. *Because* the good people of this commonwealth believe that the powers of Congress were delegated to it in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purpose, is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive, independent powers not granted or expressly withheld.

2d. *Because* the power to lay duties on imports is, and in its very nature can be, only a means of effecting objects specified by the Constitution; since no free government, and least of all a government of enumerated powers, can of right impose any tax, any more than a penalty, which is not at once justified by public necessity, and clearly within the scope and purview of the social compact; and since the right of confining appropriations of the public money to such legitimate and constitutional objects is as essential to the liberty of the people as their unquestionable privilege to be taxed only by their own consent.

3d. *Because* they believe that the tariff law passed by Congress at its last session, and all other acts of which the principal object is the protection of manufactures, or any other branch of domestic industry, if they be considered as the exercise of a power in Congress to tax the people at its own good will and pleasure, and to apply the money raised to objects not specified in the Constitution, is a violation of these fundamental principles, a breach of a well-defined trust, and a perversion of the high powers vested in the federal government for federal purposes only.

4th. *Because* such acts, considered in the light of a regulation of commerce, are equally liable to objection; since, although the power to regulate commerce may, like all other powers, be exercised so as to protect domestic manufactures, yet it is clearly distinguishable from a power to do so *eo nomine*,¹ both in the nature of the thing and in the common acception of the terms; and because the confounding of them would lead to the most extravagant results, since the encouragement of domestic industry implies an absolute control over all the interests, resources, and pursuits of a people, and is inconsistent with the idea of any other than a simple, consolidated government. . . .

6th. *Because*, whilst the power to protect manufactures is nowhere expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the states, by the 10th section of the 1st article of the Constitution.

7th. *Because* even admitting Congress to have a constitutional right to protect manufactures by the imposition of duties, or by regulations of commerce, designed principally for that purpose, yet a tariff of which the operation is

1. *eo nomine*: "by that name" (Latin).—Eds.

grossly unequal and oppressive, is such an abuse of power as is incompatible with the principles of a free government and the great ends of civil society, justice, and equality of rights and protection.

8th. *Finally*, because South Carolina, from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependent upon agriculture and commerce, not only for her prosperity, but for her very existence as a state; because the valuable products of her soil—the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects—are among the very few that can be cultivated with any profit by slave labor; and if, by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile state would be poverty and utter desolation; her citizens, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of her civil policy be impaired and deranged, if not dissolved entirely.

