

**THE THEORY OF NULLIFICATION FROM JOHN C. CALHOUN, ITS ORIGINS IN THOMAS JEFFERSON'S COMPACT THEORY, AND HOW THE IDEAS HELPED SHAPE AMERICA THROUGH THE CIVIL WAR**

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**ABSTRACT**

“The Theory of Nullification from John C. Calhoun, its origins in Thomas Jefferson’s Compact Theory, and how the ideas helped shape America through the Civil War.” The majority of the previous research done into this topic focuses heavily on the two concepts’ similarities, and less so on the exploration of the connection of the political environments, nor the importance of the acts on the era outside of its origins. Looking into many of the original documents, there was an ability to get an advanced understanding of the topic. Using the methods laid forward above, reading much of Thomas Jefferson and John C. Calhoun’s works have allowed a study into the effects not only at the time, but also how they have created a wave going forward into history. Much of their language and ideas are repeated in the documents related to secession. Looking at the tie to the Civil War has helped understand how these actors changed history with their theories.

## INTRODUCTION

Thomas Jefferson and Compact Theory, John Calhoun and Nullification, and the Civil War are events in history that are closely tied. The goal and objective of this paper is to explain just how intertwined much of their history is, and how each event came to be. This will be done by looking over multiple different historical documents and tying them together using the narrative of history. At the end, there will be a discussion on how these events have influenced American history.

## LITERATURE REVIEW

In order to get a peek into Thomas Jefferson's mind on his views of The Constitution, in a letter from himself to George Washington in 1792. In the letter, he explains that he favors a much stricter reading of The Constitution that looks down upon the concept of implied powers, and instead only believes in what is explicitly written. The Alien and Sedition Acts (1798) were a series of laws passed by the Federalist party from inside the Federal United States Government in order to stifle the freedom of speech from opposing parties. The Alien and Sedition Acts is the full name of the laws, but as the Alien section reports to immigration, it is unnecessary to refer to the laws in their entirety. The Constitution's First Amendment (1791) of the United States Constitution guarantees, among other things, the freedom of speech. The Kentucky and Virginia Resolutions (1798) were a set of two resolutions by James Madison and Thomas Jefferson in direct response to the blatant suppression of speech in The Sedition Acts, in which Jefferson suggests his famous Compact Theory. This was done in direct response to the Alien and Sedition Acts, as both actors make clear in their writings.

To set the stage of the era John C. Calhoun lived in, we will briefly

discuss The War of 1812 (1812 - 1815), The Era of Good Feelings (1815 - 1825), and the split of the Democratic-Republicans into the Whigs and Democrats after the Election of 1824. To get a basic understanding, we will look at the Encyclopedia Britannica entries for each of the events. The Tariff of 1828 was a protective tariff that, at the time, was not popular among southerners due to the belief it unfairly benefited northerners at the expense of the southern states. The South Carolina Exposition and Protest (1828) was a statement released by John C. Calhoun, stating that the tariff was unconstitutional due to its favoring of the north over the south. This suggests that the state of South Carolina should have the right to nullify it, or make it invalid within its borders. The Tariff of 1832 was another protective tariff that was unpopular from within the south for much the same reason as the Tariff of 1828. The Ordinance of Nullification (1832) was released by John C. Calhoun, and it nullified the protective Tariff of 1832 from within South Carolina's borders. According to the Supremacy Clause in The Constitution (1787), this act was unconstitutional, due to federal laws reigning supreme over state ones. Regardless, The Compromise Tariff of 1833 was an agreement by South Carolina and the Federal Government that gradually decreased the cost of the tariff over time.

Jefferson Davis gave a speech to the state democratic convention in 1844, and in the speech, he talks of recommending John C. Calhoun to be the president of the south (in the event of there being a legally distinct south in need of ruling). The Encyclopedia Britannica page surrounding the Election of 1860 discusses the election in which Abraham Lincoln was elected to the Presidency of the United States. In response to the election, The southern states announced succession in "The Declaration of Causes of Seceding States" (1861), where they formally announced their secession from the United States. Following secession, Jefferson Davis gives a Farewell Address (1861), in which, among other things, he expresses that the south should have a right to secede. Alexander H. Stephens, The Vice President of the Confederacy, established

in his famous Corner-stone speech (1861) establishes that a significant reason for leaving the Union is due to a belief that the Union is suppressing southern state's rights to practice slavery. Following this, Abraham Lincoln gave a proclamation (1861) surrounding the onset of the Civil War where he discusses the implications of secession, and his future plans related to the issue at hand.

After a long and difficult war, in 1865, Robert E. Lee surrendered his forces in Courthouse Appomattox. An article referenced from Ohio State University surrounds the number of dead soldiers from the Civil War from 1861 - 1865. It states around 600,000 Americans died in the Civil War. Going along with numerical quantification surrounding the details of the war, the 1860s census of the United States among other things, that around 4 million people were held in slavery at the onset of the Civil War. In The Emancipation Proclamation (1863), Lincoln had given a speech regarding his plans for the federal outlawing of slavery. With The Constitution's Thirteenth Amendment (1865), this act was played out, ending slavery at the federal level. With the General Order No. 3 (1865) General Gordon Granger gave a proclamation in Galveston, Texas where he forcibly freed the remaining slaves in Texas following the amendment outlawing slavery.

## METHODS

There was a baseline of information regarding the subject due to having classes that have touched over the time periods in question in this assignment. Finding supplemental material became much easier due to a familiarity with the time-frame and search terms needed to acquire resources around the subject. The methods used in this assignment are as follows. Many transcriptions of original documents and bills regarding the subject were used. Much of the conclusions garnered came about due to a combination of understanding the subject matter, as well as also understanding the results of what came after. Doing this, tying the events together was much easier to create a cohesive story that explains the reasoning

and logic of these political figures and their actions.

## FINDINGS

In the 1790s, the political divisions between the Democratic-Republicans and the Federalists (the two main political parties of the time) were focused on interpretations of the Constitution. Democratic-Republicans favored a strict construction while the Federalists favored a broad construction. In a letter to George Washington, Thomas Jefferson, a Democratic-Republican, makes it clear he is worried about Congress overstepping its boundaries and harming the freedoms of America's citizens. In the 1798 Sedition Acts, the Federalist Congress, with help of Federalist president John Adams, signed into law that the people could no longer show opposition to the government. It oddly excluded, however, the Democratic-Republican Vice President, Thomas Jefferson. The Constitution, in its first amendment from 1791, does not allow for the Congress to make a law prohibiting free speech. In the Kentucky and Virginia resolutions from 1798, James Madison and Thomas Jefferson claimed that the Sedition Acts were in blatant breach of The Constitution. Jefferson went further, and posited that if a federal law is unconstitutional, then a state should be allowed to step in and nullify it, therefore keeping it from being used within the state. This is what was later known as Compact Theory.

After the War of 1812 (1812 - 1815) with The United States versus Great Britain, there was a brief era called The Era of Good Feelings (1815 - 1825) where there was relative harmony in America. The Federalist party, the rivals of Jefferson back in his era, dissolved, leaving just the Democratic-Republican party. The country worked together to put forward internal improvements, caring little about their home states and instead helping the nation as a whole. However, as the late 1820s took hold, political ideology had shifted as sectionalism ran rampant. This is where John C. Calhoun really began to become who he is known for, a strict advocate for state's rights. There were many things people argued

upon, but the biggest divisions came from subjects such as slavery and taxes benefiting one area of the country over the other. The north / south divide continued to grow, splitting the Democratic-Republican Party into 2 parties after the Election of 1824. This is not where the divide would stop, however.

In 1828, a proposed protective tariff from the federal government came to the attention of South Carolina. South Carolina believed the tariff to unequally benefit the north over the south. John C. Calhoun, anonymously, released *The South Carolina Exposition and Protest*. In it, Calhoun says that South Carolina should be allowed to nullify - they pass a law that reads that the federal law no longer applies in the state - the tariff. Calhoun's justification was that he thought it was unconstitutional. In 1832 another similar protective tariff was released. Calhoun helped release the *Ordinance of Nullification*, which nullified the law within South Carolina's border. South Carolina also threatened secession. It should also be noted that according to the Supremacy Clause in the Constitution, this defying of federal law by a state is in itself unconstitutional. However, in response, the Federal government and South Carolina worked together, and the *Compromise Tariff of 1833* took its place.

In 1844, Jefferson Davis gave a speech to the State Democratic Convention recommending John C. Calhoun to be the southern President in the event that there would be a legally distinct south in need of ruling. Davis, in his speech, expressed his interest in Calhoun's ideals. In 1860, Abraham Lincoln was elected the 16th president of the United States, and in January 1861, the south seceded from the Union. Davis, using Calhoun's belief for strong states' rights, stated in his *Farewell Address* also in January 1861, that the states had the right to secede from the Union. Shortly thereafter, Davis was elected the first president of the Confederacy. The Confederate Vice President, Alexander H. Stephens, in his *Corner-stone Address*, stated that the reason for the revolution was due to the belief that black and white men are not equal. Fur-

thermore, their subordination to the “superior race” is normal, and the reason they’ve seceded is due to the Federal Government’s encroachment on that right.

On April 12, 1861, the Confederate troops fired on the Union’s Fort Sumter, marking the beginning of the Civil War. The Civil War lasted until April 9, 1865. The Civil War killed, according to Ohio State University, around 600,000 Americans. According to the 1860 census, there were around 4 million slaves in the south. On January 1, 1863, the Emancipation Proclamation was given, where The Union, through Lincoln, announced its plan to make human slavery illegal. On December 18, 1865, the Thirteenth Amendment was added to the United States Constitution, making it illegal for slavery in the United States. On June 19, 1865, the last slaves were freed by General Gordan Granger in Texas.

## **DISCUSSION OF FINDINGS**

The America that Thomas Jefferson lived in during the 1790s was very different from the America we would call home today. In politics, the political divisions between the parties are a stark contrast to the parties of today. Much of what divided the nation had to do with the two main political parties, The Federalists and Democratic-Republicans, had to do with a strict versus broad view of The Constitution. Federalists favored a broad view, while The Democratic-Republicans favored a strict. Thomas Jefferson, one of the founders of the Democratic-Republicans, stated in regard to constitutionality in a letter to George Washington that a ... “step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition,”. Jefferson was extremely worried about Congress overstepping its boundaries and understanding that concept will help make further discussion make far more sense.

Thomas Jefferson, the first Secretary of State, the second Vice

President, and the third President in the United States was a very influential figure in early American history - specifically in the southern states. It was still the era of understanding how this new country worked, and so there was much trial and error before we were able to find the country we know today. Jefferson posited that maybe it should be the states that decide whether or not something is constitutional. The states, after all, are the ones who approved The Constitution. It should be the states that interpose their authority to protect their citizens in the case of the federal government abusing their power. In 1798, The Federalist president and Federalist Congress attempted to suppress speech in the Sedition Act. This law was supposed to create a cohesive people in America during the current war with France, but it only led to more division.

This law was blatantly an attack on the Democratic-Republicans as it protected the President from hate speech (John Adams, Federalist) but not the Vice-president (Thomas Jefferson, Democratic-Republican). It was also set to expire right before the next inauguration date, making it extremely evident with its goals. It was never about safety or creating a cohesive people in the time of war. It was used to silence the enemies of the Federalists, who just so happened to be their main political rivals, the Democratic-Republicans. In direct response, the Virginia and Kentucky resolutions, Thomas Jefferson, the nation's leading Democratic-Republican, explained what he thought should be done in order to prevent this from harming the citizens of his party, stating: "...the several states... being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy..." However bold this move was, this was never truly put into practice in his time, but the idea still loomed in the mind of many. The theme of Nullification, such as a state nullifying (or rendering a federal law invalid in their own state), was perhaps just a bit too ahead of its time.

Before John C. Calhoun ran with Jefferson's concept, there was a brief interlude of harmony within The United States. The era after The War of 1812, starting in 1815 as the war ended, was marked with nationalism the kind of which the nation would not see again as the Civil War loomed in the distance. The era is called The Era of Good Feelings, and it ran until 1825. During this era, the Democratic-Republican party was the only party left as the Federalist party dissolved. The Democratic-Republicans absorbed many of the Federalist ideologies, leading to them passing bills that benefited the entire country far more than it benefited but one state. In the 1820s, the sectionalism within the Democratic-Republicans formed a split after the Election of 1824, creating the Whigs and the Democrats. The Democratic party is where John C. Calhoun would find his home in. The divisions continued to grow as arguments about slavery and taxes arose and split the country's ideology very close to being a literal geographical north / south divide.

During the late 1820s, and up until his death in the 1850s, John C. Calhoun faced a similar issue as Jefferson when you look at his pull between his national pride versus state pride. Calhoun was also a national leader; he was the 7th Vice President, and the Secretary of State for the 10th President. Calhoun, and many others in the south, thought that they should be given the right to nullify laws at a state level if it is, by their eyes, unconstitutional. It is, at the heart of it, Thomas Jefferson's Compact Theory. Calhoun mirrors Jefferson's words by using even the very word of Nullification in many of his writings surrounding this subject. In 1828, a proposed tariff from the Federal government came to the attention of South Carolina, which was Calhoun's home state. It was seen as something that would essentially take money from the south and put it in the hands of the north. It was so hated that the south referred to it as a Tariff of Abominations. Without his name listed, Calhoun authored The South Carolina Exposition and Protest. In it, Calhoun states the following: "... feeling it to be their bounden duty to expose and resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of

protecting duties should be drawn into precedent, do in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the Senate their protest against it as unconstitutional, oppressive, and unjust...” However, as Calhoun was the Vice President at this point, he largely used this as an example of what could be done in extreme cases. He tried to quell the fears of South Carolina, lest he spark extreme civil unrest against the federal government while he was one of the most powerful people in the federal government.

In 1832, Calhoun was ousted from the Vice Presidency in favor of Martin Van Buren. In that same year, another tariff (similar to that of the one passed in 1828) reared its head. No longer Vice President, Calhoun no longer worried about pleasing the entire country. Calhoun, and the people of South Carolina, went full force with Nullification theory. Using Calhoun’s earlier notes inspired by Jefferson’s Compact Theory in *The South Carolina Exposition and Protest*, the state of South Carolina put forward the Ordinance of Nullification, which stated, in part, “...it is the right of the states, in their sovereign capacity, each acting for itself and its citizens, in like manner as they adopted the Constitution to judge thereof in the last resort and to adopt such measures—not inconsistent with the compact—as may be deemed fit to arrest the execution of the act within their respective limits...” This act nullified the tariff from within South Carolina’s border. On top of that, South Carolina also threatened to secede from The Union. As they had done this to “protect” The Constitution, they had ironically broken one of its key components. In Article 6, it makes it clear that the federal government’s laws reign supreme over state laws. Regardless, in direct response, The Federal Government and South Carolina, represented by Calhoun, passed the Compromise Tariff of 1833, which worked to gradually decrease the tariff rate over a period of time. The south would not forget the fact that The Federal Government flinched here in response to threatening secession.

Not long after the Nullification Crisis, there was a talk of a south-

ern president taking power in the south, and for it to be legally distinct from the north due to their interests being wildly different. In Jefferson Davis' speech in 1844, he outlines just that, and he recommends John C. Calhoun to be the southern president. This event helps establish that Davis looked up to Calhoun, because in his speech Davis talks extremely favorably for Calhoun and his ideals. His love of Calhoun would not waver, and with his eyes still very much on things like Nullification Theory, he would soon find himself in the heart of a similar national crisis.

In 1860, Lincoln was elected the 16th president. The south seceded from the Union in 1861 in direct response. Jefferson Davis, who was shortly elected president of the Confederacy, believed that it was the right of a state to secede if it so wished. This undoubtedly was inspired by Calhoun, who in turn had been inspired by Jefferson. The south seceded due to a fear of the United States government encroaching on their rights. Alexander H. Stephens, the Vice President of the Confederacy, explains very simply that it is due to their belief in human slavery and the assumption that the United States government was violating their rights to own slaves.

Soon, after the south fired on Fort Sumter, The American Civil War had begun. The Civil War is one of the most important events in American history. By 1865 at the end of the war, nearly 600,000 Americans were dead. With that fact alone, it could very easily be a reason the war changed America. The war has much more importance, however. Another way that America was changed forever that cannot be overlooked was the freeing of the slaves. According to the 1860 census, around 4 million men, women, and children who were formerly in bondage were given freedom after the Thirteenth Amendment & through force through military involvement via General Granger in Texas physically freeing many slaves. The Civil War gave the north the reason it needed to finally abolish slavery and open the door for millions of people to be given the freedom to live their life how they wanted, undoubtedly shaping America as they did so.

## CONCLUSION

Thomas Jefferson and Compact Theory, John C. Calhoun, and Nullification, and even secession and The Civil War all are connected. Thomas Jefferson's Compact Theory is virtually indistinguishable from John C. Calhoun's concept of Nullification. Following how Jefferson Davis and many other men like him listened to Calhoun's words and used them to formulate their own ideas makes secession and the Civil War all make more sense. Nullification did not come from thin air; the ideas can be traced back to Jefferson. Secession, also, can be traced back to Nullification. The last logical step of Secession to a Confederacy is barely even a leap. To say that Jefferson's ideas caused the Civil War would be ridiculous, but the fact of the matter is that Compact Theory is at the heart of many of the men who did cause the Civil War. The Civil War freed millions of slaves, it killed several hundred thousand people, and through these actions it shaped the south into much more of what it is today. If Thomas Jefferson had never suggested Compact Theory, America might be a completely different country.

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