THE SOUTH AND THE RIGHT OF SECESSION IN THE EARLY FIFTIES

The danger of a rupture of the Union and of civil war ten years before the firing of the first gun on Fort Sumter is only beginning to be appreciated by historians. In the troublous days of agitation that preceded the compromise arrangement of 1850, hot-headed and even sober-minded southerners, harassed by the aggressiveness of northern Wilmot-provisioism, began to calculate the value of the Union. This inevitably tended to confirm their doubts that, in the absence of a guarantee that northern aggressions would find a prompt and proper limit, the South had anything to gain from its continuance. Many came to despair of being able to block the Wilmot proviso by regular legislative methods or by the veto of the president; they therefore considered it bad policy to wait till the dreaded and final blow was struck by Congress before a finger should be raised by way of warning or defense. Under the circumstances active advocates of the application of extreme particularistic doctrines became numerous in various parts of the South.

Sentiment in South Carolina was strongly in favor of a withdrawal from a union which the people felt had proved, in the words of R. Barnwell Rhett, "a splendid failure of the first modern attempt by people of different institutions to live under the same government." That a constitutional right of secession existed was hardly questioned in the state which was proud to be represented in the United States Senate by the man who had led the nullification movement of the early thirties and who had in his last formal speech addressed to that body laid down conditions for the continuance of the South in the Union that were generally regarded as either impossible or impracticable. Calhoun’s followers at home doubted whether the Constitution could

* This paper was read at Columbia, South Carolina, before a joint meeting of the American Historical Association and the Mississippi Valley Historical Association in 1913.
be relied on by their section and were sometimes inclined to consider it as an impediment rather than a protection to the rights of the South.1 But the South Carolina leaders, realizing that they had long borne the odium of discredited radicalism, saw that some other state would have to lead off, if the issue of cooperative withdrawal from the Union was to be successfully made.

When in the summer of 1849 a state convention was called in Mississippi to assemble at Jackson "to consider the threatening relations between the North and the South," Calhoun outlined the work which he felt such a convention ought to undertake in defense of southern rights.2 Accordingly, it issued an address inviting the southern states to participate in a convention at Nashville in June of the following year. This call gave the hotspurs and fatalists a cause about which to rally and South Carolina promptly endorsed the proposal and made arrangement for taking a prominent part in the deliberations of the convention. Most of the other southern states also provided for representation although the Whigs and some Democrats condemned the convention, because they felt that the strongest supporters of the movement were determined to "press on the consideration of the Nashville Convention the propriety of the treasonable project of disunion."3 But the combined force of the introduction of Clay's compromise resolution, the announcement of Webster's seventh of March speech, and even the possibility of an adjustment in Congress as a result of the powerful efforts of an able group of conservative senators from both sections and both parties, did not affect the meeting of the convention nor the participation of any except those who had been lukewarm from the outset.

When the convention met on the third of June the hotspurs

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1 See speech of Colonel S. W. Trotti of Barnwell, South Carolina in South Carolina Telegraph, May 29, 1850, quoted in National Intelligencer, June 5, 1850.

2 Calhoun to Colonel C. S. Tarpley, June 9, 1849, in Jackson Southron, May 24, 1850; also in National Intelligencer, June 4, 1850; J. F. Jameson, Correspondence of John C. Calhoun (American Historical Association, Annual Report, 1889, vol. 2—Washington, 1900), 1206. It was charged that Daniel Wallace of South Carolina attended as the agent of his state or of Calhoun to influence the deliberations of the convention. Wallace denied this in a letter to the editor of the Jackson Southron, June 4, 1850, printed in that paper, June 14, 1850.

assumed control but were held in check by an active group of moderates. A series of resolutions of the Calhoun type were adopted and an address from the pen of R. Barnwell Rhett of South Carolina. The speeches of the supporters of the address, which contained the "choicest of disunion tenets" and which met some opposition on account of its radicalism, savored strongly of disunion. Judge Beverly Tucker, professor of constitutional and common law at William and Mary College, who had gone there as a delegate with the avowed intention of advocating secession, made a powerful appeal for disunion in case that California should be admitted as a free state. Langdon Cheves appealed to Virginia to take the lead in a movement for the secession of the southern states.

The convention issued an ultimatum requiring as an alternative to disunion, the extension of the Missouri compromise line to the Pacific, "an extreme concession on the part of the South," and made provision for reassembling six weeks after the adjournment of Congress. Meantime, the various features of the "Omnibus" bill had been enacted into law and labelled collectively with the sacred name of "Compromise." Ratification meetings, especially in the lower South, had stamped their approval upon the work of the convention, but upon the success of the congressional measures many of the moderates, including practically all the Whigs, withdrew from the movement. Nevertheless, a small body of the faithful assembled at Nashville in November; they adopted a set of resolutions which combined an unqualified condemnation of the compromise measures with a formal promulgation of the doctrine of the right of secession.

4 Proceedings in Nashville Republican Banner, June 4, 5, 6, 7, 8, 10, 11, 12, 13, 1850.

5 Jackson Southron, June 28, 1850. On June 21, the same journal stated: "Neither John C. Calhoun, Robt. Y. Hayne, nor Geo. McDuffie, even in the palmiest days of ultra nullification, ever conceived anything to surpass it."

6 Tucker to his nephew, March 25, 1850, in William and Mary Quarterly, 18:45; speech in Jackson Southron, June 28, 1850.

7 Petersburg Intelligencer, July 27, 1850, quoted in National Intelligencer, July 30, 1850.

8 Washington Union, July 17, 27, 29, etc.

9 Judge Sharkey, a Mississippi Whig who had presided over the convention and who now refused to issue the call for the adjourned meeting, was one of these. National Intelligencer, September 21, October 19, 1850.
They further suggested the holding of a southern congress with full power to deal with the situation.\textsuperscript{10}

The enactment of the adjustment measures of 1850 does not seem to have had as immediate effect upon the situation in the South as has often been believed. The news of their passage was hailed with joy by most Whigs and by a small contingent of Union Democrats, but in many sections of the lower South their combined forces could not claim a majority. On the other hand, a South Carolina organ of disunion, anticipating the passage of the compromise measures, had already sounded the call, “"To arms!”” and answer was made by the Democratic leaders and the Democratic press in all parts of the South. “"We are not afraid to meet the raw head and bloody bones disunion, face to face,”” the central organ of the Democracy of Mississippi had declared on August 16.\textsuperscript{11} When the success of the congressional adjustment was announced, the \textit{Vicksburg Sentinel}, asserting that the South had lost all in the controversy, raised the question whether it would submit or resist: “"For one we are for resistance; who speaks next?""\textsuperscript{12} “"We recommend State Secession,”” announced the \textit{Natchez Free Trader}, “"it is a constitutional, peaceful, and safe remedy. . . . Hereafter in arguing this matter we shall term the two parties secessionists and submissionists, for we believe that these are the only issues before the country."”\textsuperscript{13} “"The issue is at last upon us,”” repeated Colonel J. J. Seibels, the editor of the \textit{Montgomery (Alabama) Advertiser} and the colleague of Yancey in advocating the withdrawal of the South from the Union, “"Submission, or resistance are now the only alternatives. . . . We shall not hesitate to choose the latter."”\textsuperscript{14} “"We believe in the right of State secession,"” declared the \textit{Dallas (Alabama) Gazette}. “"We believe the late compromise measures will warrant the secession of any slaveholding state from the Union. . . . We believe it the duty of every Southern State, collectively or alone to secede from the Union as soon as possible."”\textsuperscript{15}

\textsuperscript{10} Proceedings in \textit{Nashville Republican Banner}, November 13, 14, 15, 18, 19, 1850; resolutions in \textit{National Intelligencer}, November 26, 1850.
\textsuperscript{11} \textit{Jackson Mississippian}, August 16, 1850.
\textsuperscript{12} \textit{Vicksburg Sentinel}, September 28, 1850.
\textsuperscript{13} \textit{Natchez Free Trader}, September 25, 1850.
\textsuperscript{14} \textit{Montgomery Advertiser}, quoted in \textit{Washington Republic}, October 7, 1850.
\textsuperscript{15} \textit{Dallas Gazette}, quoted in \textit{Mobile Advertiser}, June 4, 1851.
The Democratic press of Georgia centered its attention upon the question of the state convention, the call of which the legislature had provided for in the present contingency. The Savannah Georgian was in favor of such a convention, and was prepared to advocate resort to secession if such was the will of the people as enunciated through their delegates.\textsuperscript{16} The Griffin Jeffersonian thought that it was either secession or abolitionism and of course preferred the former.\textsuperscript{17} The Columbus Sentinel urged that the convention as its first act issue a declaration of independence,\textsuperscript{18} while a group of leading organs enthusiastically advised secession as a remedy.\textsuperscript{19} In Louisiana and in the upper tier of southern states, too, the compromise found strong opponents among the Democratic journals; even Tennessee had a "crying half-dozen" that argued against submission.\textsuperscript{20}

The excitement throughout the South was food for the southern fire-eaters. To the meetings that were held to enable the people to express their views on the issues of the day, Rhett of South Carolina, McDonald of Georgia, Yancey of Alabama, and lesser lights addressed their complaints of northern aggression and their arguments for recourse to secession as the only honorable remedy. There began a rally under the slogan of resistance; the demand for secession and resistance seemed to become nearly as strong as the opposition to the compromise.

Governor Towns of Georgia, whose legislature had provided for the contingency, immediately issued the call for a state convention to deal with the matter of federal relations. The executives of Mississippi and South Carolina, doubting whether the South could honorably continue in the Union after it had been insulted, despoiled, and defrauded by the adjustment, recommended similar action in their states. Governor Seabrook of South Carolina and Governor Quitman of Mississippi corresponded privately regarding the course that should be taken.\textsuperscript{21}

\textsuperscript{16} Savannah Georgian, September 20, 1850.
\textsuperscript{17} Griffin Jeffersonian quoted in Savannah Republican, September 23, 1850.
\textsuperscript{18} Columbus Sentinel quoted in Savannah Republican, September 25, 1850. "We frankly tell you that, so far as we are concerned, we despise the Union, and hate the North as we do hell itself." Columbus Sentinel quoted in National Intelligencer, November 15, 1850.
\textsuperscript{19} See list in Savannah Republican, October 3, 1850.
\textsuperscript{20} Nashville Republican Banner, October 23, 1850.
\textsuperscript{21} J. F. H. Claiborne, Life and Correspondence of John A. Quitman (New York, 1860), 37 et seq.
Both felt that there could be no salvation except in secession; the influence of the executive offices in these states was, therefore, exerted in favor of this step.

The situation had become quite serious. Agitation was at its height. Men who in the days when the adjustment measures were still being considered in Congress, felt convinced that there was no real disunion excitement in the South except what was stirred up by demagogical politicians out of selfish motives, now became fearful that the situation in their section was not fully appreciated. "Everything on the surface is calm," a Georgia leader reported, "but public opinion is fast settling down in the belief that we may be benefited and that we cannot be worsted by dissolution." The caldron of disunion bubbled angrily in South Carolina but the Palmetto state still hesitated to take the lead; its voters were divided between the advocates of immediate secession by separate state action and those who favored the united action of the South. The national government was fully alive to the danger of disunion. Webster, in his position as secretary of state, seriously considered writing a letter to one of the federal officers in the South who were giving him information as to the situation, taking occasion "to set forth, fully and explicitly, the duty of the Executive Government of the United States, under the constitution and the laws, in case of a collision between the authority of a State, and that of the United States." "I think a paper may be drawn quite applicable to the present state of things," he wrote to President Fillmore, "and be a good Union paper, to send to Congress with your Annual Message."  

The Whigs had kept remarkably clear from this secession movement. Although many of them, including prominent leaders, had been nullifiers or near-nullifiers in the thirties, having been brought up on the state rights doctrines of that period,  

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23 Webster to Fillmore, October 25, 1850, Fillmore Private Correspondence, 11: no. 100, manuscripts in the library of the Buffalo Historical Society.  
24 Hilliard had entered politics as a member of the state rights school in Alabama and always pointed with pride to his training. (W. Garrett, Reminiscences of Public Men in Alabama [Atlanta, 1872], 96; see his letter of May 23, 1849, in Mobile Advertiser, May 26, 1849.) Judge William L. Sharkey of Mississippi had sympathized with nullification in 1833. (Jackson Mississippian, October 17, 1851; Jackson Flag of the Union, October 24, 1851.) In Georgia, Berrien, Dawson, Stephens, Toombs,
they had now stood out against the Nashville convention and had all but unanimously come to the support of the compromise measures, anxious for a settlement and for the preservation of the Union. "All who are for resistance and for disunion will be found in the ranks of the democratic party," admitted a Union Democratic leader concerning the situation in Georgia, and the same applied to the other states of the South. 

"The Whig party of the South, as a mass are more united and sounder on the question of the Union than the Democratic party," a Tennessee Democratic member of Congress declared, and Senator Foote repeated this sentiment in Mississippi. Despite the grievances of which the South complained, the Whigs especially, though large slave-owners, doubted the advantages that a southern confederacy would give to the slave institution.

The Whigs were loyal to their original position in all the events that followed. In the Georgia convention of 1850, they were largely responsible for the adoption of the "Georgia Platform" which was destined to have such an important influence in determining the result in that and other states, with its staunch support of the Union and its firm guarantees for the rights of the South; in the state legislatures and in the Missis-

and Jenkins had been state right leaders in the thirties. They had not then thought it treason to calculate seriously the value of the Union. See the toasts of Toombs, Jenkins, and Dawson, at a local anti-tariff meeting in 1832, drunk under a seven-striped flag symbolic of a southern confederacy of seven states. (Niles' Register, 43:77; pointed to by Mobile Advertiser, February 23, 1851, and by Milledgeville Federal Union, in 1853, in Savannah Republican, August 15, 1853.) Berrien played a leading part in the Georgia anti-tariff convention in November, 1832, which adopted strong state rights resolutions. (Niles' Register, 43:220, 230.) Stephens' first political speech, delivered on the fourth of July, 1834, was an exposition of the compact theory and a defense of the right of any of the states to withdraw if the compact should be violated by the others. (R. M. Johnston and W. H. Browne, Life of Alexander H. Stephens [Philadelphia, 1878], 88.) In the fall of the same year Dawson presented the minority report on Creek affairs in the legislature embodying the Virginia and Kentucky resolutions. He claimed to be an "undeviating advocate of the Jeffersonian doctrine of State Rights and State Remedies." Speech from the Milledgeville Times and State Rights Advocate, November 18, 1834, quoted in S. F. Miller, Bench and Bar of Georgia (Philadelphia, 1850), 1:262.


26 Nashville Republican Banner, December 19, 1850, August 6, 1851; also Petersburg Intelligencer, quoted in Washington Republic, October 21, 1851.
sippi convention they took a similar stand. It was largely due to the efforts of Whigs that no resolutions affirming even the constitutional right of secession were at this time inscribed upon the statute books of any of the southern states, excepting South Carolina. When they were in a minority they tried obstructive tactics and allied themselves with the Union Democrats to oppose the advocates of resistance. Indeed, such Union parties were actually formed in Georgia, Alabama, and Mississippi, although they were denounced by the southern rights Democrats as being merely "Whiggery in disguise." 27

The situation was put to a test in the state and congressional elections of 1851. The southern rights organizations, as a result of the failure of their efforts in the legislatures and in the Georgia convention, gradually moderated their tone and came to deny that they were aiming at disunion. They abandoned the resistance issue for the more hopeful one to be found in the abstract question of the right of secession, which they sought to vindicate against their opponents. 28 Their hope was thus to win back the Union Democrats, who had been coöperating with the Whigs in support of acquiescence in the congressional adjustment. The right of secession became the issue upon which the elections turned in the lower South and in certain of the districts of the other southern states.

Alignment on this question revealed the position of Whig and Democrat as essentially contradictory. 29 Even those Democrats who saw in the existing situation no justification for recourse to secession usually defended the doctrine of secession as a remedy against oppressive conditions. A North Carolina Union Democrat assured his colleagues in the state legislature that it was a right in which he believed but which he did not think proper to assert. 30 A Georgia Union Democrat did not hesitate to assert

27 Cole, Whig Party in the South, 181 et seq.
28 On the situation in Mississippi see Natchez Free Trader, September 10, 1851; ibid., August 20; Natchez Courier, June 24, 1851. Colonel Jefferson Davis drew up the resolution adopted by the state rights convention in June, 1851, asserting the right of secession but declaring it inexpedient under existing circumstances.
29 The Richmond Enquirer of November 28, 1850, declared under the caption, The Right of Secession: "The Editors of the Whig and ourselves have been indoctrinated in such different political schools, that upon no subject is it probable that we shall more strongly dissent, than upon that which heads this article." Cf. Richmond Whig, November 29, 1850.
30 North State Whig, January 8, 1851.
the right, though he declared that he had never desired the occasion for its application. Governor Collier of Alabama who was a conservative and opposed to recourse to secession and who had not thought the situation required a special session of the state legislature, avowed that it was a clearly acknowledged right.

"We place secession upon the clearly ascertained and well-defined opinions of our people," declared the Mississippian. In South Carolina, of course, the right of secession was toasted by the Democrats as "the right of all rights, without which all other State rights are nugatory." 33

The question of the right of secession was canvassed in June among the members of the Nashville convention, and the Democrats, at least, gave the doctrine an unanimous endorsement. A South Carolina member of Congress, in April, 1850, questioned the Democracy of an Illinois representative who had pledged the generous assistance of his state for the coercion of any state that might attempt to secede. The Raleigh Standard admitted that secession was a cardinal principle in the Democratic faith. So also declared a member of the Alabama senate who undertook to prove that the Democrats had always maintained the right of secession. Indeed, when after a year or so, an attempt was made to fall back upon old party lines, the southern rights organization, still holding to the doctrines of peaceable secession and unlimited state sovereignty, claimed that it had al-

31 William Rutherford, Jr., to Howell Cobb, April 16, 1850. Phillips, Correspondence of Toombs, Stephens, and Cobb, 190.
32 Letter to citizens of Alabama, October 22, 1850, in Mobile Advertiser, November 3, 4, 1850.
33 Jackson Mississippian, quoted in Congressional Globe, 32 Congress, 1 Session, ap., 284.
34 Natchez Free Trader, September 25, 1850. The Mobile Daily Register which advocated submission to the compromise measures contended for the abstract right of secession "as a supra-constitutional remedy." National Intelligencer, August 17, 1851.
35 Flag of the Union (Jackson), August 8, 1851.
37 Congressional Globe, 31 Congress, 1 Session, ap., 431.
38 North State Whig, August 27, 1851.
39 Alabama Journal (Montgomery), December 12, 1851.
ways been the Democratic party.\textsuperscript{40} In the Mississippi state rights Democratic convention of January, 1852, which probably represented nine-tenths of the Democrats in the state, Colonel Jefferson Davis boldly took ground that secession was a Democratic doctrine.\textsuperscript{41} As a matter of fact, few Democratic journals were ready to deny it and when driven into a corner, those who hesitated to give an affirmative answer avoided giving an explicit expression of their position.\textsuperscript{42}

For some reason, probably because of a belief in its widespread acceptance in the South, the supporters of the doctrine of secession made comparatively little effort at the beginning to submit detailed arguments in favor of their interpretation of federal relations. During the exciting discussions in Congress only one southerner essayed an elaborate exposition of the secession remedy and he was a South Carolinian.\textsuperscript{43} But in November, the Nashville convention declared that if the northern states, who were parties to the compact of Union, continued to harass the South, "we have a right, as states, there being no common arbiter, to secede" and then formally resolved, "That the Union of the states is a union of equal and independent sovereignties, and that the powers delegated to the federal government can be resumed by the several states, whenever it may seem to them proper and necessary."\textsuperscript{44} State conventions of southern rights associations in Alabama and later in Mississippi also

\textsuperscript{40} Savannah Republican, November 19, 1851.
\textsuperscript{41} Flag of the Union (Jackson), January 30, 1852; Mrs. Jefferson Davis, Memoir of Jefferson Davis (New York, 1890), 1:471.
\textsuperscript{42} St. Louis Intelligencer, June 16, 18, 21, 27, 1851.
\textsuperscript{43} Speech of Daniel Wallace of South Carolina. After submitting his evidence, he summarized his position: "The sovereign parties to the compact of union, at the moment they formed it, declared, in express terms — to which all the States assented — that they entered into the covenant with the understanding, that a breach of any one article, by any one party, leaves all the other parties at liberty to withdraw from it, and re-assume the powers granted whenever, in their judgment, it became necessary to their safety and happiness, and at the same time affirmed the right and duty to resist arbitrary power and oppression, and that the doctrine of non-resistance is absurd, slavish, and destructive of the good and happiness of mankind." He believed the government to be "a confederated Republic of sovereign and equal States." Congressional Globe, 31 Congress, 1 Session, ap., 430.
\textsuperscript{44} The resolutions of the two sessions of the Nashville convention and of the Georgia state convention are printed in M. W. Cluskey, Political Text-Book (Philadelphia, 1858), 596 et seq.
asserted the right in equally clear terms.45 But even then the southern rights leaders and the "secession" press did not for some time awake to the necessity of developing their arguments. They were, indeed, busied with the more immediate and greater issue of whether or not the passage of the compromise justified the resistance of the slaveholding states.

Gradually, however, they were aroused by the formidable array of arguments directed by their opponents against the right of secession. These were answered by an exposition of the compact theory and of the sovereign character of the states. The Virginia and Kentucky resolutions and Macon's writings were drawn upon to prove that a state had the right to secede.46 No important mention, however, seems to have been made of Calhoun and the South Carolina exposition.

The states as original sovereign and independent communities, it was asserted, had not surrendered their sovereignty by agreeing to the Articles of Confederation, nor even upon the adoption of the federal Constitution of 1787.47 A Democrat in the North Carolina legislature declared that there was no allegiance owed by the citizens of any state to the general government, that a state had a right to secede at any time, quietly and without disturbing the compact between the other states.48 Another Democratic member presented resolutions claiming not only this right but the right to punish such citizens as refused to follow the state in secession.49 The leading Democratic journal in Louisiana declared that secession could not be treason because it did not consist in levying war against the government or adhering to its enemies.50 One of the most elaborate newspaper arguments in favor of secession was that of the Louisiana Statesman which drew a careful distinction between secession as peaceable and revolution as accomplished by a resort to arms.

"Two or more parties, for mutual interest, enter into partnership to endure while it is agreeable and advantageous to the

45 National Intelligencer, February 25, 1851.
46 Ibid., July 22, 1851; Mobile Advertiser, June 24, 1851.
47 Nashville American, March 5, 1851, quoted in Nashville Republican Banner, March 8, 1851.
48 North State Whig, January 8, 1851.
49 Ibid., November 27, 1850.
50 Louisiana Courier, quoted in Mobile Advertiser, November 6, 1850.
contracting parties; each surrendering to the other certain individual rights to be used and enjoyed in common, but retaining certain other rights to be enjoyed by themselves individually. The duration of the partnership is not specified. Very well. One of the partners after a while perceives that all the advantages of the concern accrue almost entirely to the others, and that they are even encroaching on the rights and interests he specifically reserved for himself—in a word that the partnership has ceased to be desirable and may be ruinous to him. He gives notice to his partners that he will withdraw from the concern and they have no right to prevent him. He takes his portion of the stock, makes his bow, and peaceably retires. This is Secession; if he should seize a musket, rush into the establishment, etc. . . . that would be Revolution."

But the secession doctrine was enunciated somewhat more formally in the state constituent conventions that met in Mississippi and South Carolina after Union victories all over the South had demonstrated the futility of any attempt at actual secession. In the report on federal relations fathered and vainly supported by the Democratic state rights element in the Mississippi convention the government was declared to be one of delegated powers, limited by a written constitution which had been ratified by the states separately; the reserved rights remained with the states, "and it necessarily follows that any State possesses the right to judge of infractions of the Constitution, and whenever an exigency shall arise, which in the opinion of the people of the State is sufficient to justify the step, such State has an unquestionable right to resume the delegated powers and withdraw from the Union." Six months later the South Carolina convention adopted with little opposition an ordinance declaring the right of secession: "That South Carolina in the exercise of her sovereign will, as an independent state, acceded to the Federal Union, known as the United States of America; and that in the exercise of the same sovereign will, it is her right without let, hindrance, or molestation from any power whatsoever, to secede from the said Federal Union; and that for the

51 The Richmond Enquirer gave its endorsement to this interpretation, quoting it November 28, 1850.

52 Flag of the Union (Jackson), November 21, 1851.
sufficiency of the causes which may impel her to such separation, she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth." 53

The Whigs throughout the South took issue with the Democrats on this point and were about equally united in their denial of any such right. They held that when conditions became intolerably oppressive and all other remedies had been tried and had failed, there remained recourse, in the last resort, only to the inalienable right of revolution. This was the burden of the official and unofficial utterances of their officeholders, 54 of the letters and speeches of their candidates, of the editorials of the Whig press, 55 and of the resolutions of local and state union conventions besides those which the Mississippi constituent convention and the Tennessee legislature officially adopted under Whig influence. 56 Whig editors worked out elaborate arguments on federal relations to prove their point, some of which had a smack of the logic which Webster used in his famous reply to Hayne. They boldly rejected the compact idea and denied that the states were any longer sovereign and independent communities. They declared the secession theory founded on unsound state-rights arguments; that whatever the status of the states before 1787, the people in their desire to form "a more perfect

53 The vote on the ordinance was one hundred and thirty-six for and nineteen against. Cluskey, Political Text-Book, 554.

54 William A. Graham of North Carolina, who was Fillmore's secretary of the navy, considered the doctrine of secession to be "utterly inconsistent with and repugnant to the Constitution of the United States; it was fully discussed and in my opinion refuted along with nullification in the winter of 1832-3." (Letter of July 26, 1851 to Mr. Haywood and others, in New Orleans Bulletin, August 20, 1851.) Governor Campbell of Tennessee in his inaugural address, October 16, declared it "idle and insane to talk about seceding from or dissolving the Union, in quiet and peace, by consent. This is impossible. Civil War will inevitably follow the one or the other." Nashville Republican Banner, October 17, 1851.

55 Discussed in leading editorials in Louisville Journal, October 30, 1850; Mobile Advertiser, November 3, 6, 27, 1850; Jackson Southron, May 10, 17, 1850; Savannah Republican, July 3, 1851; North State Whig, January 1, 1851; Richmond Whig, November 27, 1850, March 17, 1851; Natchez Courier, October 1, 18, 1850, January 31, 1851; Memphis Eagle, February 17, October 2, 1851.

56 Laws of Tennessee, 1851-1852, p. 719. The Tennessee Whigs later congratulated themselves that they had remained "unseduced by the insidious doctrine of the right of secession taught by some of their adversaries in their midst during the past year and the year before." Address of Whig state convention of 1852, in Nashville Republican Banner, February 11, 1852.
Union” had then yielded to the general government many essential attributes of sovereignty and annulled them to the states; that the federal government was now sovereign in its sphere in all matters delegated to it; that the Constitution of the United States and the laws in pursuance were supreme outriding and overrunning, when they conflict, the constitutions and laws of the states; and, finally, that there was no basis for even a reserved right of secession because then these provisions in the Constitution would be absurd and useless. They asserted that the Constitution provided a mutually appointed umpire to decide differences as to the powers of the federal government; they referred to the supreme court as a tribunal competent to pass upon every possible infraction of the Constitution, with jurisdiction over every possible case in law or equity arising under it.  

Their conclusion was that secession was nothing short of revolution inasmuch as it would defeat the very purposes for which the Union was formed. A timely letter from Daniel Webster, the “great expositor” of the Constitution, in which he denied the right of secession and denounced it as revolution, added substantially nothing to the arguments already offered.

The denials of this doctrine were sometimes most vigorous. “Of all the vagaries that ever straggled into the brain of a politician,” said the Memphis Eagle, “the one of peaceable secession of a state from the Union, is the most absurd and least calculated of all to inspire confidence in the intelligence or patriotism of him who shall harbor for a moment the monstrous proposition.” It “is in our view too preposterous to spend words about. We acknowledge no such right,” declared the Tuscaloosa

57 Louisville Journal, October 30, 1850; Savannah Republican, July 3, 1851. The Jackson Southron of May 10, 1850, refuted the theory of nullification, closing: “The people of the United States when they formed our Federal Constitution, provided a tribunal competent to decide upon every infraction of that sacred instrument and gave it jurisdiction in every possible case of a violation of its provisions.”

58 Memphis Eagle, February 17, October 2, 1851; Richmond Whig, November 27, 1850; St. Louis Intelligencer, December 9, 1850; Savannah Republican, August 12, 1851; Natchez Courier, October 18, 1850, January 31, 1851; Jackson Southron, October 11, 1850; Mobile Advertiser, November 27, 1850; Southern Shield, quoted in ibid., November 11, 1851.

59 Daniel Webster to ————, August 1, 1851. National Intelligencer, August 5; Richmond Whig, August 7; Memphis Eagle, August 16, 1851.

60 Memphis Eagle, April 14, 1851.
Monitor.61 "The laws of Congress now operate directly on individuals without any reference to State action," said the Mobile Advertiser. "This Constitution was adopted by the people of the several States, and is as much their government as are the State governments, and nowhere provides that the people of any one State may withdraw, secede, or dissolve from it at pleasure. . . . Anywhere in the Union we are citizens of the Union . . . but State allegiance changes with a change of location. State allegiance is put off at pleasure like a holiday suit, but nothing short of voluntary expatriation releases a man from the allegiance to the Union."62 "The Whigs deny that the Union of these States is a mere rope of sand," declared the Jackson Southron, "they deny that a party of malcontents may cause a State to secede from the Union and not incur the guilt of treason. They have ever held that the federal government is founded on its adoption by the people and creates direct relations between itself and individuals. No State authority can dissolve the Union."63 "The people framed it; who but the people can unframe it?" asked the Natchez Courier.

Certain Whig journals considered the practical operation of secession to show that it could not be peaceable. The Mobile Advertiser took Alabama as a specific case of a seceding state. Immediately the question would arise, it said, as to the payment of duties to the federal officials. The consignee would refuse and when the collector called upon the government of the United States, the former would call upon the state authorities to assist him in resisting the laws of the Union. The result would be a collision; if the state government called upon its citizens to resist by force of arms, it would amount to "levying war against the government and adhering to its enemies," in other words, treason.64 "The President of the United States and every executive officer under him," declared the editor of the North State Whig, "are sworn to execute the laws, and if they are resisted, it is his solemn and sworn duty to quell such resistance, and if necessary in order to do it, to use the army and navy and militia of the Country. War must follow. War as the result of

61 J. Hodgson, Cradle of the Confederacy (Mobile, 1877), 297.
62 Mobile Advertiser, November 3, 1850.
63 Jackson Southron, May 17, 1850.
64 Mobile Advertiser, November 6, 1850.
secession is as fatal as any of the eternal purposes of God."  
"However disagreeable the duties which such a course would impose upon the other States and upon the Federal authorities, it will be their bounden duty to suppress this, as they would any other forcible resistance to the laws and Constitution," was the opinion of the St. Louis Intelligencer.

The danger of admitting the abstract right of secession, even though secession itself was conceded to be unnecessary at that time, was pointed out by the Whigs. They felt that such an admission would have the effect of giving countenance and encouragement to the disunionists in South Carolina and might be made the basis for a continued general disunion agitation, as it had been in South Carolina. "This doctrine of Secession, in the case of South Carolina, ceases to be a theory or an abstraction, and presents itself as a fearful reality," warned the Alexandria Gazette. "The right of secession, as claimed by our opponents," declared the editor of the Macon Journal and Messenger, "must be either a useless abstraction or a revolutionary sentiment leading directly to the destruction of the government. In its practical operation it is intended to cover the retreat of South Carolina from the Union."  

The Whigs, however, placed themselves squarely upon the Georgia platform, pledging themselves, in case of any further aggression, to resist "even to a disruption of every tie which binds the state to the Union." This was the right of revolution, the ultimate remedy to which the Whigs pointed. Resolutions of which Stephens was probably the author, giving expression to loyal devotion to the Union, closed with the declaration: "We hold ourselves in duty bound to maintain the government as long as it maintains us, but when it becomes our open enemy, by some hostile act, if that time should come, then we should be for Revolution and Independence." Stanly of North Carolina indicated the same remedy when the Democrats demanded a state-

65 North State Whig, July 16, 1851.
66 St. Louis Intelligencer, December 9, 1850.
67 North State Whig, July 2, 1851; Richmond Whig, August 11, 12, 1851.
68 Alexandria Gazette, quoted in National Intelligencer, October 22, 1851.
70 See Tennessee resolutions of February 28, 1852.
71 Savannah Republican, September 9, 1850.
ment of what the Whigs proposed to do if the fugitive slave law was repealed. The Whigs declared that the right of secession was confounded with this inherent and inalienable right of revolution—"a right nobody disputes and terrible to tyrants only." They made it clear, however, that it was not a right fixed by constitutional provision or regulation, that it was justifiable only in case of extreme oppression, that its exercise meant rebellion against the authority of the general government and hence bloody civil war, a remedy which the existing situation surely did not require.

In order to understand the earnestness of both sides at this time it is essential that one follow the leading contests where the doctrine of secession was made the issue in the congressional elections of 1851. In Virginia, where the regular Democratic candidates were believers in the doctrine of secession, interest was centered in the contest between Botts and Caskie in the Richmond district. During the canvass Caskie repeatedly avowed the right of secession: "I do interpose this great constitutional doctrine of the right of a state to secede, in case of a fundamental violation of the articles of the federal compact. I do interpose that doctrine between the aggressions of the North and the aggressions of the government of the United States." He thought this preferable to civil war. Botts, his Whig opponent, who could not acknowledge the right of a state to secede and who denounced peaceable secession as a ridiculous, abstract humbug, declared with his accustomed fire: "I would shoot down every man who dared to resist the fugitive slave law, or any other law of the United States." Asked whether he would be willing, if South Carolina seceded "to whip her in," he replied: "I am not exactly certain. Personally, I might be willing to let her go; and if she did secede, I might be disposed to treat her as a foreign nation, and make it a foreign instead of a civil war; and by the application of the Monroe doctrine . . . reduce her to subjection, as being dangerous to our institutions to permit any foreign government to hold territory contiguous to our own; reduce her to a territorial condition and hold her as a territory until she reaches years of discretion, . . . or I

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72 Washington Republic, July 22, 1851.
73 Memphis Eagle, February 17, 1851.
might not be willing to let her go at all.’’ He preferred to wait until the time came which required a decision of such questions.74

The situation in North Carolina was essentially similar. The Democrats accepted the leadership of candidates who, like Venable, condemned the compromise measures, but, claiming not to be nullifiers, were prepared for acquiescence, content with an assertion of the right of secession on the basis of Jefferson’s, Madison’s, and Macon’s stand in 1798 and 1799,75 or who, like Colonel Ruffin in Stanly’s district, seemed to incline to actual recourse to that remedy.76 Stanly not only denied the right of secession but even pledged his support to the national government in keeping an unruly state in the Union.77 Alfred Dockery, the Whig candidate in the third district, met his Democratic opponent on the same ground.

In Alabama, the contests in the Mobile and Montgomery districts were of especial importance. In the one Yancey met Hilliard on the hustings in a joint canvass in behalf of the candidates of their respective parties. Yancey lost all sight of abstract questions in his zeal to carry the district for immediate secession.78 Hilliard, however, left no doubt as to his position on the doctrine of secession. “The Constitution did not give any State the right to secede,” he argued, “but every free people have a natural right to rise and demand redress when the charter of their liberties is invaded. If the just demand be refused, they should overthrow the government. Should a State attempt to resume the powers it had delegated to the Constitution, the Constitution would be violated. . . . Should Alabama be called to assist in the reduction of South Carolina, he,

74 Richmond Whig, September 17, 26, October 2, 3, 9, etc. “Keep it before the people that the Democratic organs have denounced all who opposed the doctrine of secession, as Traitors, Consolidationists, Submissionists, and enemies of the South.’’ Ibid., October 20.
75 National Intelligencer, July 22, 1851.
76 North State Whig, June 18, July 2, 1851.
77 Raleigh Standard, July 16, 1851; see Edward Stanly to Fillmore, June 10, 1851, Fillmore Private Correspondence, 23: no. 36, in Buffalo Historical Society.
78 ‘‘Mr. Yancey, while keeping his belief in the abstract right of a state to resume the powers it had delegated to the Union, does not seem, at any time in his career, to have given much attention to that division of his argument.’’ J. W. Du Bose, Life and Times of William Lowndes Yancey (Birmingham, 1892), 264. Cf. National Intelligencer, October 25, 1860.
for one, would remember he had a double duty to perform — a duty to his State and a duty to the Union.’’

In the southern part of the state, the contestants went into elaborate arguments over federal relations. Bragg, the Democratic southern rights candidate, stated that the Constitution was a mere power of attorney from the states, the latter being sovereign. As sovereign states, they had a right to judge of all infractions of the Constitution and to adopt the ‘‘mode and measure of redress.’’ Under this view, the state had a right to secede — not a constitutional right, for he admitted it was given nowhere in the Constitution — but a right resulting from their sovereignty and from the nature of the compact. In a case of palpable violation of the Constitution, he insisted that a state had the right to secede, and denied any right on the part of the general government to coerce it back into the Union. To this Langdon, a Union Whig, then mayor of Mobile and proprietor of the Mobile Advertiser, replied, beginning with an exposition of the nature of the Union under the old confederation. The Constitution, he said, provided that the laws of Congress should operate directly on the people. The people of the states voluntarily gave up to the general government certain powers and rights in regard to which they agreed that it should be supreme, a sovereignty which, he made it plain, was delegated by the people. Accordingly, no state could authorize resistance to a law of Congress without violating the Constitution, as the laws operate directly upon the people; resistance must come from the people, and state authority cannot be recognized by the general government. If any portion of the people of a state should think it proper to organize an ‘‘armed resistance,’’ the act is declared by the Constitution to be treason. Should the state government interpose its authority to protect its citizens from the penalty imposed by the Constitution, it would evidently violate one of the most important stipulations which it made in agreeing to the Constitution. Such an act would be revolution. On the same principle a state could not secede from the Union, without an utter disregard of all the stipulations of the Constitution and a violation of the fundamental principle upon which

79 Du Bose, Life of Yancey, 264; Alabama Journal (Montgomery), August 4, 1851; H. W. Hilliard, Politics and Pen Pictures (New York, 1892), 252.
the government is founded. Whenever the act is attempted, it is necessarily revolution.\textsuperscript{80}

Within the ranks of the Constitutional Union party of Georgia there was a marked difference of opinion on this point between the Whigs and Democrats who found reasons strong enough to surmount the obstacles to coöperation in a common cause. When the southern rights men there found it wise to moderate their utterances and finally staked the issue on the right of secession, Howell Cobb, the Union candidate for governor, was interrogated for his opinions. Cobb had thus far failed to make his position clear even to his Union coworkers. His speeches, failing to draw a sharp line between the acts of private citizens in one combination or another and those of the state "in its sovereign capacity," were ambiguous regarding the right of secession and the doctrine of federal coercion. Union Whigs naturally interpreted them, as the southern rights Democrats anxious to convict Cobb of apostacy charged, as denying the right of secession and he personally encouraged this belief in his private correspondence.\textsuperscript{81} The Union Democrats, however, claimed that Cobb admitted with them the abstract right of a state to secede and that the federal government had no legal or constitutional authority to coerce a sovereign state.\textsuperscript{82}

Stephens, his associate in the Union cause, whom illness prevented from taking an active part in the campaign, suggested some points for him to make in his canvass: "In reference to the calling out of the militia, etc., maintain the right of the President and duty of the President to execute the law against all factious opposition whether in Mass. or S. C. Maintain the power to execute the fugitive slave law at the North and the power to execute the Revenue or any other law against any lawless opposition in S. C. Turn the whole force of this upon the revolutionary movement in S. C. and urge all good citizens who value law and order and the rights of liberty and property to stand by the supremacy of the law. This is the life and soul of a

\textsuperscript{80} Mobile Advertiser, June 24, 1851; \textit{ibid.}, July 17, 19.
\textsuperscript{81} S. T. Chapman to Howell Cobb, June 11, 1851, Phillips, Toombs, Stephens, and Cobb Correspondence, 236.
\textsuperscript{82} E. P. Harden to H. Cobb, July 5, 1851; S. W. Flournoy to H. Cobb, July 18, 1851. Columbus Enquirer, July 15, 1851; Miiddlegeville Southern Recorder, July 22, 1851.
republic. Warn the good people of Georgia to beware of revolution—refer to France—and plant yourself against the factionists of S. C. upon the constitution of the country. The right of secession treat as an abstract question. It is but a right to change the Govt., a right of revolution, and maintain that no just cause for the exercise of such right exists. And keep the main point prominent that the only question now is whether we should go into revolution or not. South Carolina is for it. This is the point to keep prominent.”

This advice Cobb seems to have tried to carry out, but it only made it more difficult for him to suit his views to both elements of the Union party.

With the pressure of Stephens and the Whigs on the one side and of the Union Democrats on the other, his attempt to give an exposition of his views on the right of secession resulted in a letter which when published covered three columns of the *Milledgeville Recorder.* He stated very positively that there was no constitutional basis justifying the right of a state to secede from the Union at its own pleasure, that when this right was conceded, the existence of the government was placed at the disposal of each state of the Union. Nevertheless, he provided no effective remedy for such secession and could only advise a “kind and indulgent policy” to induce the state to return to the advantages of the Union, instead of coercion “by the strong arm of military power.” He then went on to admit a state’s right to secede in case of oppression or gross and palpable violation of her constitutional rights “as derived from the reserved sovereignty of the States.” He turned from an admission of the “right of government to enforce the laws on recusant parties” to defend this point: “I admit the right of a State to secede for just causes, to be determined by herself. Being a party to the compact, which the constitution forms, she has a right which all other parties to a compact possess, to determine for herself when, where, and how the provisions of that compact have been violated. It is equally clear that the other parties to the compact possess a corresponding right to judge for themselves and


84 Cobb to J. Rutherford, etc., August 12, 1851. *Milledgeville Southern Recorder*, August 19, 1851; also in *Savannah Republican*, August 22, 1851.
there being no common arbiter to decide between them, each
must depend for the justification of their course, upon the jus-
tice of their cause, the correctness of their judgment and their
power and ability to maintain their decision.”

These arguments were bolstered up with the language of the
Virginia and Kentucky resolutions, but he concluded that the
right was “therefore revolutionary in its character, and depends
for its maintenance upon the stout hearts and strong arms of a
free people.” He qualified this by stating that citizens of a
state thus resuming her sovereign powers would not commit
treason in conforming to the requirements of their state govern-
ments. “In my opinion no man commits treason who acts in
obedience to the laws and authorities of a regular organized
government such as we recognize our State governments to be.”
In the course of these arguments Cobb admitted that he did not
differ much from many of those who granted the abstract right
of secession. It was clearly a deliberate effort on his part to
straddle. It would be hard to maintain his consistency in this
line of reasoning; like the swinging of a pendulum he oscillated
from undoubted latitudinarian views to distinctly state rights
principles, for he had a double constituency to satisfy, Union
men from the old Whig and Democratic parties, and he found
it necessary to compete with the Southern Rights party for the
votes of the moderate state rights advocates.

The victory of the Union party in the lower South in the elec-
tions of 1851 does not signify the defeat of the doctrine of seces-
sion on this the first occasion which elicited its general assertion
throughout the southern states. The Union party, made up
largely of the Whigs, won because the Democratic party of the
South was divided, but the division was not over the right of
secession. The “Union men” and the “Southern Rights men”

85 Some few Democrats did deny the right of secession. Among the more im-
portant were B. F. Perry, one of the proprietors and editors of the Greenville Patriot
(South Carolina), who as a member of the state convention of April, 1852, voted
against the ordinance declaring the right of South Carolina to secede. Another,
B. G. Shields of Alabama, who was prominently mentioned, especially among the
Whigs, as the Union candidate for governor, was willing to leave the field clear to
Governor Collier for reélection provided that he give satisfactory evidence of his
soundness. He demanded to know, first, however, whether, if South Carolina should
decide to secede and the general government to prevent it, he would do his duty, if
differed primarily in their attitude toward the Union, that of the former being of unswerving loyalty, while the latter, in calculating the value of the federal arrangement, had come to see little but the disadvantages which the bond of Union imposed upon them. Many Democrats who firmly believed in the right of secession had enlisted in the Union cause, when the hotspurs of the party, carried away by the admission of California as a free state and the abolition of the slave trade in the District of Columbia, had demanded the issue of Union or disunion; the fire-eating propensities of the latter had thus frightened, disgusted, and alienated their more moderate associates to an extent that made them doubt the sincerity of the later denials of disunion proclivities.

For nearly ten years little attention was paid by southerners in general to the abstract question of the right of secession. When again the issue was raised by the success of the "black" Republicans and Lincoln in 1860, most old line Whigs in the South, who had survived the chaotic condition of the opposition in the intervening period, again found themselves aligned against the Democrats on the question of secession, both as to its legality and as to its expediency. This time, however, they stood alone and unaided, a humble minority, and so were unsuccessful in their opposition. When, upon the evidence of the intention of the federal administration to attempt coercion, the last states called upon as governor of Alabama to cooperate with the other southern states to maintain the supremacy of the Constitution and laws of the Union. (B. G. Shields to H. W. Collier, May 24, 1851, Mobile Advertiser, June 13, 1851.) So also William R. King of Alabama, the Democratic candidate for the vice-presidency in 1852, was not a believer in the abstract right of secession. Washington Union, July 13, 1851.

86 Philadelphia Enquirer, July 31, 1857. There was an occasional denial of the right of secession. "We regard it as undeniable that the doctrine of secession and disunion is every day becoming more unpopular in the South, . . . The States have a right to the Union, and need the Union to discharge the duties imposed upon it by the Constitution and for which it was created. . . . For our part we want a strong Union — made so by the exactions of the States — strong enough to hang everybody who treasonably interferes with the rights of the States. . . . The right of a State to secede from the Union is the right of the slave to run away from his master — the right of a State to compel the Union to do its duty is the right of the master to govern his slave, and require him to do his duty. We claim to be State-Rights men of the highest tone, and that is our notion of State rights." Lynchburg Virginian, September 26, 1855, quoted in Mobile Advertiser, October 5, 1855. See also Fayetteville Observer, quoted in National Intelligencer, July 31, 1855.
of the South passed their ordinances of secession, when arms were crossed with the federal government and the new confederacy appealed to its citizens to sustain it in the struggle, the Whigs like true Southerners promptly offered their services to aid in effecting the "revolution." 87

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87 The term "revolution" was rather widely used by former Whigs in discussing secession. See National Intelligencer, September 13, 14, 21, October 4, November 29, December 3, 1860; Hilliard, Politics and Pen Pictures, 281, 322.