South Carolina Ordinance of Nullification

Created by South Carolina
Date: November 24, 1832

Explanation of the Source: South Carolina began a process of Nullification of Federal law because they felt that their rights were being violated. The statement below was their official statement to the Halls of Congress. It explains how these tariffs would hurt their state (‘other classes’) which was their justification for nullification.

“An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities.

Whereas the Congress of the United States by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, bath exceeded its just powers under the constitution, which confers on it no authority to afford such protection, and bath violated the true meaning and intent of the constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the confederacy: And whereas the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the constitution.

We, therefore, the people of the State of South Carolina, in convention assembled, do declare and ordain and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled "An act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, that all persons now holding any office of honor, profit, or trust, civil or military, under this State (members of the legislature excepted), shall, within such time, and in such manner as the legislature shall
prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, and such act or acts of the legislature as
may be passed in pursuance thereof, according to the true intent and meaning of the same, and on the neglect or omission
of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if
such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust,
civil or military (members of the legislature excepted), shall, until the legislature shall otherwise provide and direct, enter
on the execution of his office, or be he any respect competent to discharge the duties thereof until he shall, in like manner,
have taken a similar oath; and no juror shall be impaneled in any of the courts of this State, in any cause in which shall be
in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the
usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of
the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning
thereof.

And we, the people of South Carolina, to the end that it may be fully understood by the government of the United
States, and the people of the co-States, that we are determined to maintain this our ordinance and declaration, at every
hazard, do further declare that we will not submit to the application of force on the part of the federal government, to
reduce this State to obedience, but that we will consider the passage, by Congress, of any act authorizing the employment
of a military or naval force against the State of South Carolina, her constitutional authorities or citizens; or any act
abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels
to and from the said ports, or any other act on the part of the federal government, to coerce the State, shut up her ports,
destroy or harass her commerce or to enforce the acts hereby declared to be null and void, otherwise than through the civil
tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of
this State will henceforth hold themselves absolved from all further obligation to maintain or preserve their political
connection with the people of the other States; and will forthwith proceed to organize a separate government, and do all
other acts and things which sovereign and independent States may of right do.

Done in convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight
hundred and thirty-two, and in the fifty-seventh year of the Declaration of the Independence of the United States of
America.”

John C. Calhoun Statement on Nullification

By: John C. Calhoun
Date: September 11, 1830

Explanation of the Source: In late 1832, John C. Calhoun resigned the vice-presidency, months before his term was set to
expire, in order to accept a seat in the U. S. Senate representing his home state of South
Carolina. For the next two decades, Calhoun would use his voice and vote in the Senate to
advocate for states’ rights, in particular for the right of Southern states to regulate slavery
(their “peculiar domestick institution”) free from outside interference. The following excerpt is
drawn from a September 11, 1830, letter that Calhoun wrote to Virgil Maxcy, a political ally from
Maryland. In it, Calhoun explains, with a remarkable degree of candor, that the doctrine of
nullification aimed, above all else, at protecting the institution of slavery.

“I consider the Tariff, but as the occasion, rather than the real cause of the present unhappy state of
things. The truth can no longer be disguised, that the peculiar domestick institution of the Southern States, and
the consequent direction, which that and her soil and climate have given to her industry, have placed them in
regard to taxation and appropriations in opposite relation to the majority of the Union; against the danger of
which, if there be no protective power in the reserved rights of the States, they must in the end be forced to
rebel, or submit to have their permanent interests sacrificed, their domestick institutions subverted by
Colonization and other schemes, and themselves & children reduced to wretchedness. Thus situated, the denial of the right of the State to interfere constitutionally in the last resort more alarms the thinking, than all other causes.”

President Jackson’s Letter over Nullification

By: Andrew Jackson
Date: January 13, 1833

Explanation of the Source: During the Nullification Crisis, Andrew Jackson was greatly concerned with the preservation of the Union. In the letter below, he writes an old friend explaining how he was ready to invade South Carolina with the approval of Congress to enforce the law.

"My dear Sir,

Yours of the 9th instant was handed to me by Mr. Wright last night, with whom I had some conversation on our general concerns and I congratulate your state and my country, for sending us a man of his integrity, talents and [unclear] at the present crisis. It will give me pleasure to consult him on all your local concerns and here I would remark that the Secretary of State and many of your friends in New York were the cause of the selection of Mr. Deart.

I have read several letters from you which remain unanswered. You know I am a bad correspondent at any time - lately I have been indisposed by cold and surrounded with nullifiers of the south and the Indians in the south and west; that has occupied all my time, not leaving me a moment for private friends help, or political discussion with a friend.

I beg of you not to be disturbed by anything you hear from the ------ of this place. Many nullifiers are here under disguise, working hard to save Calhoun and would disgrace their country and the Executive to do it. Be assured that I have worked out with all the forbearance to do my duty and on the protection to our good citizens and the officers of our government in the south who are charged with the execution of the laws, but it would destroy all confidence in our government, both at home and abroad, was I to sit with my arms folded and permit our good citizens in South Carolina who are standing forth in and of the laws to be imprisoned, and perhaps hung under the ordinance of South Carolina and the laws to carry it into effect all which are probable violations of the Constitution and rebellious of every right of our citizens. Was this to be permitted the government the confidence of its citizens and it would endure dissension everywhere. No my friend, the crisis must be now met firmness, our citizens, and the doctrine of nullification and secession put down forever. For we have yet to learn, whether some of the eastern states secede or nullify if the tariff is reduced. I have to look at both ends of the union to preserve it. I have only time to add, that as South Carolina has by her, and other laws, closed our courts, and authorized the governor to 12,000 men to keep them closed giving all powers to the sheriffs to use this army as the pope committed thus, I must appeal to Congress to cloak our officers and marshall with the same power to and threat in executing the laws, and apprehending those who may commit treasonable acts. This call upon Congress must be made as long before the 1st of February next as will give Congress time to sit before that day, or I would be chargeable with neglect of my duty and as I have said in my previous pages, if other powers were tyrants I would appeal to Congress. If I was therefore to act without the hand of Congress, or without communicating to it, I would be branded with the label tyrant - from these remarks you will at once see prospect of my course, and be prepared to see the communication I will make to Congress on the 17th instant, which will leave Congress ten days to act from it before the 1st of February, often it is printed. The parties on are running on both sides, a in the night, and I expect soon to hear that a civil war of has commenced. I will meet all things with deliberate forgiveness and forbearance, but wo to those nullifiers
nullification crisis

who shed the first blood. The moment I am prepared with proof I will for treason to be instituted against the leaders, and if they are surrounded with 12,000 bayonets our marshall shall be aided by 24,000 soldiers thrown on the ground. There is nothing must be permitted to weaken our government at home or abroad.

I could march from that state 40,000 men in 40 days they are ready on N.G. in Tennessee, in all the western states, and from good old Democratic Pennsylvania. I have upwards of 50,000 - and from the borders of South Carolina. In North Carolina I have another regiment. The union shall be preserved.

In haste your friend,

Andrew Jackson”