The Right of Secession,

AND PRESENT DANGER OF SECESSION.

[From the Louisville Journal.]

The happy union of these States is a wonder; their Constitution a miracle; their example the hope of liberty throughout the world. We to the ambition that would mediate the destruction of either.—*Madison.*

Some thirty years ago South Carolina, feeling aggrieved by the tariff, her ingenious citizen, Mr. Calhoun, devised for her the remedy of nullification and secession; the one enabling her by her sole action to nullify Congressional laws, and the other to quit the Union whenever she pleased. These dogmas were new inventions, then first made after more than forty years passed under the Constitution. It was claimed, however, that they were sanctioned by the Virginia Resolutions of '98 and '99; but fortunately Mr. Madison, who wrote those resolutions, was still alive, and indignantly refuted the imputation.

In pursuit of this visionary remedy the people of South Carolina met in Convention, and by formal ordinance attempted to nullify all acts of Congress imposing duties on imports, with an accompanying declaration, that, if not allowed this remedy, then the State would secede from the Union. These proceedings were met by the proclamation from President Jackson, which, after demolishing with most signal ability all the sophistry by which it was attempted to sustain these new dogmas, gave warning, that forcible resistance to law—forcible secession being *treason*—would be treated, prevented, and punished as such by use of all the powers of the Government. Congress, concurring in his views, vested him with ample power to put down the movement by force. This action of the President and Congress received the almost unanimous approval of the nation, outside of South Carolina. Whigs and Democrats vied with each other in enthusiastic laudations of the patriotic proclamation. That proclamation obtained for General Jackson more of the national confidence and esteem than everything else he had ever done, not even excepting his brilliant victory of New Orleans. There were probably not a hundred intelligent men in either Kentucky or Tennessee who did not cordially unite in this applause. The opposers anywhere out of South Carolina were only a few ultra State Rights abstractionists sparsely scattered through some of the Southern States. His approvers embraced a vast preponderance of the legal, learn, the statesmanship, the general intelligence and virtue of the nation. If a constitutional question ever can receive an authoritative, final decision from the whole nation, the questions of nullification and secession were then so settled. That national decision was given under the guidance of a thorough discussion in and out of Congress of unsurpassable ability.

Since then a new generation has grown up, and, in hope that the decision may have been practically forgotten or lost its influence, the dogma of secession is again being urged as a rightful remedy for the supposed grievance of a State, in aid of disunion schemes.

The instrument creating the original Federal Government bore the title of "Articles of Confederation between the States," and proclaimed in only "a firm league of friendship" between the States, expressly retaining for each "its sovereignty, independence, and every power not expressly delegated to Congress." One of the articles declared that "every State shall abide by the determination of Congress on all questions submitted to them by this Confederation," and "the Union shall be perpetual." But Congress having no power to coerce its decisions, and its powers proving altogether inadequate to an efficient, stable, permanent government, such as the country desired, the Constitution was devised and adopted as a substitute for the federate league.

In the explanatory address which the Convention directed its President, Gen. Washington, to make to the then Congress, it was said: "It is obviously impracticable in the Federal Government of these States to secure all rights of *independent sovereignty* to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest." Thus it was fairly notified that by the proposed Constitution the States would be shorn of their absolute, independent sovereignty. The address further said: "In our deliberations we kept steadily in view that which appears to us the greatest interest of every true American, *the consolidation of our Union*, in which is involved our prosperity, felicity, safety, perhaps our national existence." In accordance with this, the introductory enacting clause of the Constitution says: "We, the *people* of the United States, *in order to form a more perfect Union, &c., do ordain and establish this Constitution.*" Indeed, it appears from the clause in the Articles of Confederation to have been a cherished idea with the nation that "the Union shall be perpetual," and the Convention itself could have had no other leading idea than the one which it avowed—*to consolidate and perfect the Union.*

The previous Government having been a mere confederacy, its written compact of association bore the appropriate title, "Articles of Confederation between the States." But when the object was to consolidate and perfect the Union, upon the fact of the nation, and to initiate an adequate national Government, no such title being longer appropriate, it was significantly dropped, and *the people*—not the States—ordained and established a *Constitution* for the government of the nation—that is, a form of government not resting upon the mere political action of the States, but upon the paramount edict of the people amalgamating themselves into one nation, the equal citizens of a common country, to which all owed a paramount allegiance, though still retaining, for many purposes, a distinctive, separate, subordinate citizenship in their respective States.

The clause reserving the non-delegated powers "to the States respectively, or *to the people*," distinctly manifests the intention that under the new system there was a power in the people, as a nation, not wholly identical with that possessed by the States. Otherwise the reservation would have been exclusively to the States, and nothing said about the people.

The plan was to consolidate—not the Government, but—the Union and our nationality, and to that end to give the Government adequate self-sustaining powers. To enforce obedience on the part of the States, a power altogether wanting under the Confederation, the new government was authorized to coerce obedience from their individual citizens—to coerce a State by means of direct action upon all her functionaries as individual citizens of the Union, to whom they owe a paramount legal duty of obedience and allegiance. With this view the Constitution and the laws made under it are declared "the supreme law of the land, anything in the *Constitution or laws* of any State to the contrary notwithstanding." To secure this supremacy of the Constitution and enforce the obedience of every citizen, jurisdiction is given to the Federal Judiciary to hear and decide in law or equity arising under this Constitution, the laws of the United States, treaties made under their authority, and controversies between two or more States."

The Government being thus clothed with full power to discharge all its own functions without any State aid, and there being no superior or superintending power over it, to reverse the ballot-box, because necessarily, unavoidably—like a State Government under a State Constitution—the sole judge and exponent of the extent of its own powers. Whatever danger of abuse there may be from the exercise of such ultimate power, it is a mere necessity of all government, an unavoidable incident to all properly constituted government. It is at least as safe as any other one