

# The Right of Secession

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There is no evidence that secession was illegal or prohibited by the Constitution, and in fact there is almost overwhelming evidence to the contrary, that secession was a legal, constitutionally sanctioned act. Historian Kenneth M. Stampp, in his book *The Imperiled Union*, maintains that it is impossible to say that secession was illegal because of the ambiguity of the original Constitution as to state sovereignty and the right of secession. He points out that "the case for state sovereignty and the constitutional right of secession had flourished for forty years before a comparable case for a perpetual Union had been devised," and even then its logic was "far from perfect because the Constitution and the debates over ratification were fraught with ambiguity."<sup>1</sup> It appears that the original intent of an unquestioned right of secession was established by the Founders, took root and "flourished for forty years," then later a "perpetual Union" counter-argument developed out of political necessity when Northern states began realizing their wealth and power was dependent on the Union and its exploitation of the South.

There had to be a specific constitutional prohibition on secession for it to be illegal. Conversely, there did not have to be a specific constitutional affirmation of the right of secession for it to be legal. Why? Because the 10th Amendment to the United States Constitution states: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. There was no constitution prohibition on secession, nor was there a constitutional sanctioning of any kind of federal coercion to force a state to obey a federal law because to do so was to perpetrate an act of war on the offending state by the other states, for whom the federal government was their agent.

The arguments for the right of secession are unequivocal. There is the constitutional right based on the Compact Theory, and the revolutionary right based on the idea that a free people have the right to change their government anytime they see fit. The Compact Theory views the Constitution as a legal agreement between the states - a compact - and if any one state violates the compact, then the entire agreement becomes null and void. Northern states unquestionably violated the Constitution on a number of grounds including unconstitutional Personal Liberty Laws on their books, as well as by deliberately harboring fugitives from justice by protecting the sons of John Brown who were wanted by Virginia for murder at Harpers Ferry. Northern states also made a mockery of the Constitution's Preamble, which states clearly that the Constitution was established to "insure domestic Tranquility" and "promote the general Welfare." Certain prominent Northern leaders with the acquiescence of states like Massachusetts were utterly at war with the South and doing everything they could to destroy the domestic tranquility of Southern states by encouraging slaves to murder white people, poison wells, destroy property and commit other acts of rapine. John Brown himself had been encouraged and financed in the North.

The revolutionary right of secession is based on the *Declaration of Independence* and the philosophy of Thomas Jefferson and John Locke, that whenever any form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute new government, . . . These words come directly from the *Declaration of Independence*. This passage was also used, verbatim, in *South Carolina's Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union*. A similar sentiment was expressed by Abraham Lincoln in 1847 on the floor of the United States House of Representatives:

Any people, anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world.<sup>2</sup>

Horace Greely's *New York Daily Tribune* published a long, emotional editorial on December 17, 1860, the day South Carolina's Secession Convention began, strongly supporting the right of secession on the revolutionary basis. The *Tribune* used the exact same passage used in South Carolina's *Declaration of Immediate Causes*, which comes from the *Declaration of Independence*, reiterating that the "just powers" of government come from the "consent of the governed" and "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute a new government, adding that We do heartily accept this doctrine, believing it intrinsically sound, beneficent, and one that, universally accepted, is calculated to prevent the shedding of seas of human blood. And, if it justified the secession from the British Empire of Three Millions of colonists in 1776, we do not see why it would not justify the secession of Five Millions of Southrons from the Federal Union in 1861.<sup>3</sup> The *Tribune* goes on to say it "could not stand up for coercion, for subjugation," because "We hold the right of self-government sacred," and if the Southern States want out, "we shall feel constrained by our devotion to Human Liberty to say, Let Them Go!", because self-government is one of the "Rights of Man."<sup>4</sup>

The States' Rights Hartford Convention of New England, aggrieved by the financial losses of New Englanders in shipping during the War of 1812, met in 1815 and seriously discussed seceding from the Union. The Convention selected representatives to go to Washington to present its grievances to the government. It even chose a military leader should its grievances be ignored, and made arrangements for a second convention, if necessary, to make specific plans to secede. Commissioners were sent to Washington but upon arriving found that the War of 1812 had ended, therefore it was not necessary to air their grievances. The Journal of the Hartford Convention bristles with references to state sovereignty, and uses States' Rights language such as the right of a state to decide for itself when a violation of the Constitution occurred. One quote from the Hartford Convention Journal, justifying secession, sums it up: Whenever it shall appear that these causes are radical and permanent, a separation by equitable arrangement, will be preferable to an alliance by constraint, among nominal friends, but real enemies, inflamed by mutual hatred and jealousy, and inviting by intestine division, contempt and aggression from abroad.<sup>5</sup>

Some excellent constitutional arguments are summarized in an article entitled "The Foundations and Meaning of Secession," by Mr. H. Newcomb Morse, in the *Stetson Law Review*, a publication of the Stetson University College of Law.<sup>6</sup> Morse writes that the War Between the States did not prove that secession was illegal because many incidents both preceding and following the War support the proposition that the Southern States did have the right to secede from the Union. Instances of nullification prior to the War Between the States, contingencies under which certain states acceded to the Union, and the fact that the Southern States were made to surrender the right to secession all affirm the existence of a right to secede . . .<sup>7</sup> He adds that the Constitution's "failure to forbid secession" and amendments dealing with secession that were proposed in Congress as Southern states were seceding strengthened his argument that "the Southern States had an absolute right to secede from the Union prior to the War Between the States."<sup>8</sup>

Morse argues that because the Constitution did not forbid secession, then every state acceding to the Constitution had the implied right to secede from it. He says that if men of the caliber of Madison, Hamilton, Wilson and the others meant to forbid secession they definitely would have said so, and

the omission of a prohibition on secession in the Constitution is strong proof that the right of secession existed and was assumed. He quotes James Madison from *The Madison Papers* who wrote "a breach of any one article by any one party, leaves all other parties at liberty to consider the whole convention as dissolved."<sup>9</sup> Vermont and Massachusetts, he points out, nullified with statutes, the Fugitive Slave Law of 1793, and those two breaches of the compact alone were enough for the South to consider the compact dissolved.

There were many other violations of the Constitution discussed throughout the secession debate including Northern Personal Liberty Laws that, in effect, nullified the Fugitive Slave Law of the Compromise of 1850 as well as Article IV, Section 3 of the Constitution, which dealt with fugitive slaves. At least ten Northern states had statutes that nullified the two aforementioned laws. Other breaches of the Constitution included, as stated earlier, the harboring of fugitives from justice in the North, specifically two of John Brown's sons who were with Brown at Harpers Ferry and were wanted in Virginia for murder, but were being harbored in Ohio and Iowa. Brown himself had been encouraged by Northerners and financed by Northern money. Certain Northern leaders, again, with the acquiescence of states like Massachusetts, tried desperately to destroy "domestic Tranquility" in the South by sending incendiary abolitionist material in the mail encouraging slaves to revolt and murder. Lincoln's own Republican Party published 100,000 copies of Hinton Helper's *The Impending Crisis*, which called for slave revolt, and Republicans in Congress endorsed the book and used it as a campaign tool.

To prove the right of a state to determine for itself when the Constitution has been violated, Morse quotes Jefferson's Kentucky Resolutions which point out that if the government had the right to determine when the Constitution was violated, then the government would be the arbiter of its own power and not the Constitution. The Kentucky Resolutions also reaffirm state sovereignty and independence.<sup>10</sup>

Morse demonstrates that congressional discussions and proposed legislation during the secession of Southern states indicated that Congress believed the right of secession to exist. One piece of legislation was introduced to deal with the disposition of federal property within a seceding state, as well as a seceding state's assumption of its share of the national debt. Another scrambled to forbid secession unless approved by two-thirds of the members of both Houses of Congress, the president, as well as all the states. Morse then points out that thirty-six years earlier, Chief Justice John Marshall, in *Gibbons v. Ogden* wrote that "limitations of a power furnish a strong argument in favor of the existence of that power. . . ."<sup>11</sup> He concludes: What would have been the point of the foregoing proposed amendments to the Constitution of the United States prohibiting or limiting the right of secession if under the Constitution the unfettered right of secession did not already exist? Why would Congress have even considered proposed amendments to the Constitution forbidding or restricting the right of secession if any such right was already prohibited, limited or non-existent under the Constitution?<sup>12</sup>

Morse goes on to discuss the conditional ratification of the Constitution by three of the original thirteen states, which carefully reserved the right of secession. They were Virginia, New York, and Rhode Island. Virginia used the exact wording of her conditional ratification of the U.S. Constitution, in her Ordinance of Secession. Morse points out that since the other states, which had unconditionally ratified the Constitution, consented to Virginia's conditional ratification, then they "ostensibly assented to the principle that Virginia permissibly retained the right to secede." He adds that with the additional acceptance of "New York's and Rhode Island's right to secede, the existing states of the

Union must have tacitly accepted the doctrine of secession." Further, Morse states that according to the Constitution, all the new states that joined the Union after the first thirteen also had the right of secession since new states entered on an equal footing with the exact same rights as the existing states.<sup>13</sup>

Southerners during the secession debate knew and understood this argument. Senator Judah P. Benjamin of Louisiana, a brilliant legal mind who was later Attorney General, Secretary of War and Secretary of State of the Confederacy, in his farewell speech to the United States Senate on February 5, 1861, said: The rights of Louisiana as a sovereign state are those of Virginia; no more, no less. Let those who deny her right to resume delegated powers, successfully refute the claim of Virginia to the same right, in spite of her expressed reservation made and notified to her sister states when she consented to enter the Union.<sup>14</sup> Morse skips forward to Reconstruction, and points out that "the Northern occupational armies were removed from Arkansas, North Carolina, Florida, South Carolina, Mississippi, and Virginia only after those former Confederate States had incorporated in their constitutions a clause surrendering the right to secede." Morse then argues brilliantly that by insisting that the former Confederate States surrender their right to secede, the United States government had implicitly admitted that those states originally had the right. How could they surrender a right, unless they had it in the first place?<sup>15</sup>

To summarize, Morse points out that before the war, under Virginia's conditional ratification of the Constitution, when the people decided that government power had been "perverted to their injury or oppression," they had the right to secede. When Northern states passed Personal Liberty Bills and other statutes nullifying the fugitive slave laws of the Constitution (Article IV, Section 3), a "perversion" occurred which gave the Southern states the right to secede. Reinforcing that "perversion" even further was the Federal government's not forcing those Northern states to abide by the Constitution, therefore the Northern States conceivably "perverted" national law to the "injury or oppression" of the people of the Southern States. Thus, the reassumption of the powers of government by the people of the Southern States was a natural consequence of the Northern States' conduct and the federal government's failure to prohibit that conduct.<sup>16</sup>

The only other issue, according to Morse, was whether the Southern states conducted their act of secession legally. Morse points out that the people are the sovereign, having supreme, absolute and perpetual power, therefore secession would have to be accomplished by the people of each state rather than even the legislatures. He says "convention delegates elected by the people of the state to decide one question constitute authority closer to the seat of the sovereign -- the people themselves," therefore a convention in each Southern state would be necessary as a "special agent of the people of the state." Did the Southern states conduct themselves legally and therefore perfect their acts of secession and independence? Morse says: When the Southern States seceded from the Union in 1860 and 1861, not one state was remiss in discharging this legal obligation. Every seceding state properly utilized the convention process, rather than a legislative means, to secede. Therefore, not only did the Southern States possess the right to secede from the Union, they exercised that right in the correct manner.<sup>17</sup> Morse's conclusion is that "conceivably, it was the Northern States that acted illegally in precipitating the War Between the States. The Southern States, in all likelihood, were exercising a perfectly legitimate right in seceding from the Union."<sup>18</sup>

Other evidence of the right of secession abounds. Albert Taylor Bledsoe wrote in 1866 what is thought to be the best book ever written on the right of secession: *Is Davis a Traitor; or Was Secession a Constitutional Right Previous to the War of 1861?* Dr. Richard M. Weaver, who was, during his lifetime,

a professor and author of several noted books on the South, called *Is Davis a Traitor?* "the masterpiece of the Southern apologias." Weaver described it as a "brilliant specimen of the polemic" out of the entire "extensive body of Southern political writing."<sup>19</sup> Dr. Clyde N. Wilson, long time professor of history at the University of South Carolina, goes even further. In the Introduction to a 1995 reprint of *Is Davis a Traitor?*, Dr. Wilson lists the top seven books defending the South and the right of secession and says "Bledsoe did it first and best," his argument for the right of secession being "absolutely irrefutable to any honest mind."<sup>20</sup> The other six works that best defend the South and right of secession according to Dr. Wilson are the two-volume work *A Constitutional View of the Late War Between the States* by Alexander H. Stephens, *The Rise and Fall of the Confederate Government* by Jefferson Davis, *A Defence of Virginia and Through Her of the South* by Robert L. Dabney, *The Creed of the Old South* by Basil L. Gildersleeve, *The Southern States of the American Union Considered in their Relations to the Constitution of the United States and the Resulting Union* by Jabez L. M. Curry, and *The Lost Cause* by Edward A. Pollard.

According to Dr. Wilson in the Introduction, pages i-viii, Bledsoe was born in Frankfort, Kentucky, in 1809. He graduated from West Point in 1830 and had been there part of the time with Robert E. Lee, Jefferson Davis, Leonidas Polk and Albert Sydney Johnston. He loved mathematics and theology, but practiced law for nine years in Springfield, Illinois, as part of a bar that included Abraham Lincoln and Stephen A. Douglas. Dr. Wilson writes that "it was said that Bledsoe won six out of eleven cases tried against Lincoln," and that he had given Lincoln lessons, at one point, on using a broadsword because Lincoln had been challenged to a duel. After his legal career, Bledsoe taught astronomy and mathematics at the University of Mississippi, acquiring a "legendary" genius for mathematics. In 1854, he began teaching mathematics at the University of Virginia. During the war, Bledsoe served briefly as the colonel of a regiment of infantry from Virginia, then later in the Confederate War Department, and finally he was sent to Europe by President Davis on what is thought to have been a secret diplomatic mission to influence public opinion in Britain. After the war, until his death in 1877, Bledsoe published *The Southern Review*, in which he continued to argue the justice and truth of the Southern cause.

Bledsoe began working on *Is Davis a Traitor?* while in England and published it just after the war "as a part of the campaign of Davis's defense." The Confederate President was in a Yankee prison, Fortress Monroe, where he spent a miserable two years waiting to be tried for treason. He was in irons with a light shining brightly in his cell twenty-four hours a day and with Union guards marching back and forth. The bright light was an additional measure of Yankee viciousness since it was known that Davis had never been able to sleep except in total darkness. Davis wanted to be tried for treason because he was confident he could prove the right of secession. However, he never got his chance, and that denial of Jefferson Davis' trial on the charge of treason by the Northern government is additional evidence of the right of secession.

In talking about the effectiveness of *Is Davis a Traitor?*, Richard Weaver writes that Bledsoe witnessed some practical result of his labor when Robert Oulds and Charles O'Connor, attorneys for Jefferson Davis, made use of the book in preparing their defense; but the Federal government, apparently feeling the weakness of its legal position, allowed the case to be dismissed.<sup>21</sup> Here was the North's big chance to prove the South wrong once and for all in a solemn, dignified court of law in the eyes of the entire world and for all of posterity, but they refused to take it. Why? They certainly had not suddenly had a change of heart toward the South. It was Reconstruction, the body of the assassinated Lincoln was barely cold in the ground while the hateful Charles Sumner, no

doubt still smarting from his caning by Preston Brooks, along with Thaddeas Stephens and other South hating radical Republicans were ascending in Congress. Northern troops were in control of every Southern government while large numbers of former Confederates were disfranchised. This was exactly the time the federal government would have wanted to convict the Southern president if it had a case. The federal government was willing to kill hundreds of thousands of Southerners on the battle field, so there can be no doubt it would have relished humiliating Jefferson Davis in a courtroom. It is a virtual certainty that if the North's case had been strong they would have taken it to trial and vindicated their war against the hated South once and for all. That the Federal government did not go to court against the Confederate president after keeping him in jail for two years charged with treason, is strong evidence that there was indeed a legal right of secession and the South had exercised it properly. There were no other treason trials against former Confederates because any one trial would likely prove the legal right of secession, and imminently practical Northerners were not about to lose in a court of law what they had won on the battlefield.

Bledsoe's "irrefutable" argument in *Is Davis a Traitor?*" begins with the Constitution as a compact, or legal agreement among the members to the compact. The reason Bledsoe starts here is because any member that has acceded to (agreed to) the terms of a compact, can secede from that compact if the terms are broken by one of the other members. Bledsoe produces the writings and statements of the strongest opponents of the Constitution as compact - Daniel Webster and others - who have admitted that *if* the Constitution is a compact, then states can secede from it; but who deny that the Constitution is a compact.<sup>22</sup> Webster was the great spokesman for the North with the credibility and reputation to go along with it. Bledsoe writes: Thus, the great controversy is narrowed down to the single question -- Is the Constitution a compact between the States? If so, then the right of secession is conceded, even by its most powerful and determined opponents; by the great jurist, as well as by 'the great expounder' (Webster) of the North.<sup>23</sup>

The evidence that the North had broken the specific terms and spirit of the compact if it was a "compact," was substantial. As stated earlier, Northern states had statutes on their books nullifying the Constitutional and Congressional law with regard to fugitive slaves. Many other specific breaches of the Constitution by the North existed in areas besides slavery. Many in the North for over two decades believed, as Seward had clearly stated, that they were operating according to a "higher law" than the Constitution. The more radical had long called the Constitution a "covenant with death and agreement with hell."<sup>24</sup> So, the North's having broken the compact virtually guaranteed that secession was legal if, indeed, the Constitution was a compact that was "acceded to" by the original makers. Did the original states "accede" to a compact?

Bledsoe attacks the arguments of Webster and the others one at a time taking on the strongest, most salient parts of their arguments. For example, Webster had said "words are things, and things of mighty influence."<sup>25</sup> At one point, in the Senate, Webster had railed against the Constitution as compact. Webster had said that saying "the States acceded to the Constitution" was "unconstitutional language."<sup>26</sup> Of course the reason he felt that way, as Bledsoe had said, was because if states had acceded to the Constitution, then it was only logical that they could secede from it. Discrediting the single word, "accede," was very important to Webster, so Bledsoe researched in great detail the words of the founders and finds that in the Constitutional Convention of 1787, "Mr. James Wilson . . . preferred 'a partial union' of the States, 'with a door open for the accession of the rest.'" However, "Mr. Gerry, a delegate from Massachusetts, was opposed to 'a partial confederacy, leaving other States to accede or not to accede, as had been intimated.'" Father of the Constitution, James Madison,

"used the expression 'to accede' in the Convention of 1787, in order to denote the act of adopting 'the new form of government by the States.'" Virginia Governor Randolph, also at the Convention of 1787, had said "That the accession of eight States reduced our deliberations to the single question of Union or no Union." Patrick Henry had said that if the Constitution "be amended, every State will accede to it." Mr. Grayson asks if Virginia will gain anything from her prominent position "by acceding to that paper." Benjamin Franklin, whom Bledsoe says was next in importance at the Constitutional Convention to Washington, later said "Our new Constitution is now established with eleven States, and the accession of a twelfth is soon expected." George Washington, as he watched states join the Constitution, said "If these, with the States eastward and northward of us, should accede to the Federal government . . .". Chief Justice John Marshall used the word "accede" in reference to joining the Constitution, and even Mr. Justice Story, a staunch opponent of the belief in Constitution as compact, in agreement with Webster, said "The Constitution has been ratified by all the States; . . . Rhode Island did not accede to it, until more than a year after it had been in operation;"<sup>27</sup>

Webster had attacked the word "accede" as something invented by proponents of the Constitution as compact. His intention was to discredit his opponents by discrediting the language they were using, but his plan backfired. Bledsoe points out that Webster's attack on the word "accede" by calling it a "new word," was ill founded and incorrect because "accede" had precisely been "the word of the fathers of the Constitution" with Washington "at their head." They had all used the word "accede" in reference to states joining the Constitution, and of course, the converse of the word "accede," is "secede."<sup>28</sup>

Over and over Bledsoe demolishes each and every argument that maintains secession was not legal or a right. To those like Webster, who tried to say the Constitution was not a compact, Bledsoe offers the words of the Father of the Constitution, James Madison, in the Virginia Resolutions of 1798, "That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact, to which the States are parties." Bledsoe further mentions a letter from Madison to a Mr. Everett in 1830 in which Madison says that the Constitution is "'a compact among the States in their highest sovereign capacity.'" Bledsoe then uses Webster's own words against him, quoting Webster admitting that the Constitution was a compact in a debate three years earlier, on "Foote's resolutions."<sup>29</sup> Bledsoe says: that Mr. Webster himself, had, like everyone else, spoken of the Constitution as a compact, as a bargain which was obligatory on the parties to it. "it is the original bargain," says he, in that debate; "the compact -- let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefits to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is."<sup>30</sup>

Perhaps the strongest argument against the right of secession, is based on the wording in the Constitution's Preamble: "We the people." Those who argue that the Constitution is not a compact, but is a national document, believe that "We the People" means all of the American people in one body, and not in their sovereign states. This, says Bledsoe on page 61, "is the great stronghold, if it has one, of the Northern theory of the Constitution. The argument from these words appears in every speech, book, pamphlet, and discussion by every advocate of the North. It was wielded by Mr. Webster in his great debate with Mr. Calhoun, in 1833, . . .". If the Constitution was written as a document for all of the American people in one body, then individual states had no right to withdraw from it. The committee on style of the Constitutional Convention of 1787 was headed by Gouverneur Morris of Pennsylvania. Notwithstanding the Northern nationalist rhetoric, this is what Gouverneur Morris said was the meaning of the Constitution and those words, "We the people," that he had

authored: The Constitution was a compact not between individuals, but between political societies, the people, not of America, but of the United States, each enjoying sovereign power and of course equal rights.<sup>31</sup>

The "United States" means just that: states that are *united*. Morris himself believed in the right of secession and supported New England's move to secede during the War of 1812, which culminated in the Hartford Convention.<sup>32</sup> Bledsoe quotes *The Madison Papers* and refers to some 900 pages of the proceedings of the Constitutional Convention of 1787, in which are recorded the debate over method of ratification. He points out that nowhere in that vast record is there a discussion of the "people" as meaning the entire American people outside of their states. The big debate was over whether the legislatures of each state would ratify the Constitution, or the "people" of each state in special convention. It was clearly "legislature vs people in convention" of each state. It was decided by the Constitutional Convention that since a later legislature might rescind the ratification of an earlier legislature, it would be a more sound foundation to have the people of each state ratify the Constitution in special conventions called for the purpose of ratification.<sup>33</sup> This is exactly how the South seceded, by secession conventions called for the single purpose of deciding the issue of secession. And, as Mr. H. Newcomb Morse said in the *Stetson Law Review*, "not one state was remiss in discharging this legal obligation."

There was another problem in that nobody knew how many states, or which ones, would ratify the Constitution, therefore listing the specific states in the Preamble could not be done as it had been done in the body of the Articles of Confederation. If all the states had been listed and one refused to ratify, then the document would be invalid. The number "nine" was decided on, as the number of states necessary to put the Constitution into effect, but in debating the issue it was brought up that the Constitution could only apply to those states ratifying it, therefore no references could be made to "all" of the American people. Bledsoe writes that Rufus King suggested adding "between the said states, so as to confine the operation of the government to the States ratifying the same."<sup>34</sup> The words were cleaned up and found their way into the Constitution in Article VII which starts out: The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Bledsoe further clarifies by writing that "when it was determined that the Constitution should be ratified by 'the Conventions of the States,' and not by the legislatures, this was exactly equivalent, in the uniform language of the Convention of 1787, to saying that it shall be ratified by 'the people of the States.' Hence, the most ardent friend of State rights, or State sovereignty, saw no reason why he should object to the words, 'We, the people of the United States,' because he knew they were only intended to express the mode of ratification by the States . . . in their sovereign capacity, as so many political societies or peoples, as distinguished from their legislatures."<sup>35</sup>

Bledsoe goes on by pointing out that the Federal government had no legal right whatsoever to coerce a state into following its laws therefore it had no right to force a seceding state back into the Union. President Buchanan had stated in his lame duck period between Lincoln's election of November 6, 1860, and March 4, 1861, when Lincoln would be inaugurated, while state after state was seceding, that as president of the United States, he had no power to coerce a state, even though he denied that secession was legal. Bledsoe notes the contradiction in Buchanan's position and writes "if we say, that coercion is a constitutional wrong, or usurpation, is not this saying that the Constitution permits secession, or, in other words, that it is a Constitutional right?" He says "Coercion is unconstitutional . . . wrong . . . strikes down and demolishes the great fundamental principle of the

Declaration of Independence, -- the sacred right of self-government itself." About secession, he says "Secession, on the other hand, asserts the right of self-government for every free, sovereign, and independent State in existence."<sup>36</sup>

Bledsoe discussed the views of credible foreigner observers and writes that Alexis de Tocqueville, in *Democracy in America*, said: The Union was formed by the voluntary agreement of the States; and in uniting together they have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States choose to withdraw from the compact, it would be difficult to disprove its right of doing so, and the Federal Government would have no means of maintaining its claims directly either by force or right.<sup>37</sup> To Tocqueville, Bledsoe adds "Mackay, and Spence, and Brougham, and Cantu, and Heeren," then he goes on "as well as other philosophers, jurists and historians among the most enlightened portions of Europe, (who) so readily adopt the Southern view of the Constitution, and pronounce the American Union as a confederation of States."<sup>38</sup>

Bledsoe continues with more persuasive argument, the words of Thomas Jefferson and Alexander Hamilton, who assert, beyond doubt, that the Constitution is a compact and the states, sovereign. He discusses William Rawl of Philadelphia and his book, *A View of the Constitution of the United States*, which stresses the right of secession and was used at West Point during most of the antebellum era, and the State's Rights Hartford Convention of New England states, which strongly supported the right of secession. These are but a few of the arguments found in Bledsoe's persuasive book.

The Southern states did not rush headlong into secession. They had enormous grievances against the North that were much greater than even Northern violations of the Constitution. The unfairness of taxation, which had been the huge issue of the Revolution, was worse for the antebellum South because three-fourths of the taxes were paid by the South, while three-fourths of the tax money was spent in the North. It had held down the development of Southern industry for a half-century and Southerners were tired of it. Southerners felt the North was already at war with them in many ways. They saw Northern emissaries sent South to encourage slave uprisings, murder and rapine, then being applauded in the North for their grisly successes, especially John Brown. Southerners saw Hinton Helper's book, *The Impending Crisis*, which was full of errors on its economics, call for bloody slave revolt yet be enthusiastically adopted by the Republicans in Congress as a campaign document. With the election of Republican Lincoln, Southerners believed those same Republicans would now put into effect the principles of Helper's book, and there was nothing they could do about it. For their own safety, Southern states began debating secession. They did so peacefully and with great intellectual vigor and in the end, the people of the South struck for independence and self-government, just as their fathers in the Revolution had.

The North, however, had become wealthy manufacturing, shipping, and financing for the captive Southern market, which was rich itself because of King Cotton. The North could not let the South go without a complete economic collapse that was well underway during the secession winter and spring of 1860-1861. All the noble rhetoric of the Horace Greeleys in 1860 about the "just powers" of the government coming from the "consent of the governed" was cast aside due to the specter of economic collapse and financial ruin, thus the war came.

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