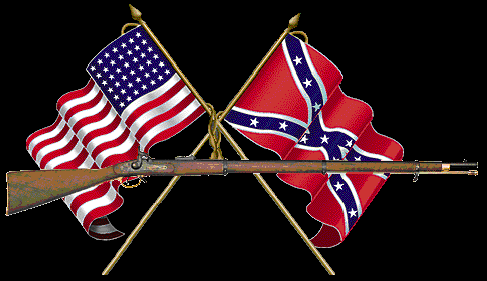
2010-2011 Fall Final: Document Based Question



Using your knowledge of the time period and documents 1-8, write a well-organized, 5 paragraph response to the question:

“Was the South justified in seceding from the Union after the election of 1860?”

Make sure you clearly state your thesis and provide a clear, organized, and persuasive argument defending your point of view.

**Timeline to the Civil War**

**1775 -** The Pennsylvania Abolition Society is organized to protect the rights of blacks unlawfully held as slaves.

**July 1776 -** The colonies declare independence from English rule with the adoption of The Declaration of Independence. Written largely by Thomas Jefferson, the document declares "all men are created equal." Jefferson and many of the signers of the document are slave holders.

**1777 -** Vermont, an American colony and still not a state, is the first government entity to abolish slavery.

**1780 -** Pennsylvania became the first state to abolish slavery with a laws calling for gradual abolition.

**1783 -** Massachusetts abolishes slavery and grants voting rights to blacks and Native Americans.

**1787 -** At the 1787 Constitutional Convention in Philadelphia, delegates debated whether Congress should halt importation of slaves. South Carolina and Georgia delegates threatened that their states would not join the new Union being planned and won concessions that the slave trade could not be restricted for 20 years.

Congress passes the Three-Fifths Clause stating that each slave is to be counted as three-fifths of a person for calculating representation in Congress. This act strengthens the power in the House of Representatives for slave states.

July - Congress passes the Northwest Ordinance, preventing slavery from existing in the new federal territories.

**March 1794 -** Eli Whitney receives patent for the Cotton Gin. The machine greatly increased the production of cleaned cotton thus making cotton a profitable crop for the first time and increasing the need and production value for slaves.

August - Slave Gabriel Prosser leads a group of armed slaves in rebellion. His plan involved seizing Capitol Square in Richmond, Virginia and taking Governor James Monroe as a hostage, in order to bargain with city authorities for freedom. Ultimately Gabriel, along with many followers, were captured and executed.

**March 1803 -** Ohio becomes the seventeenth state and enters the Union as a free state based on the terms of the Northwest Ordinance.

**1804 -** New Jersey's state legislature announces a gradual emancipation act.

**March 1807 -** Congress passes law banning the importation of any new slaves into the United States effective January 1, 1808.

**1820 -**March - The Missouri Compromise is negotiated allowing Maine to be admitted to the Union as a free state and Missouri as a slave state in 1821. This act will maintain a balance between free and slave states. The compromise establishes the 36 degree, 30' parallel of latitude as a dividing line between free and slave areas of the territories.

**1827 -** The state of New York abolishes slavery.

**1828 -** Congress again raises tariffs with the Tariff of Abominations. The tariffs are designed to support American industry and in that way are successful greatly benefiting the northern industrial economy, however the tariffs are damaging to the southern agricultural economy.

**1830 -** The results of the 1830 census show a total population of 12,754,289 including 1,987,396 slaves or 16% of the population. Slaves are virtually non-existent in northern states and as high as 54% in South Carolina and 51% in Louisiana.

**1831 -**January - William Lloyd Garrison publishes the first issue of the abolitionist journal, the Liberator.

August - The Nat Turner Rebellion in Southampton County, Virginia. Over 60 whites were killed in the uprising. Turner was on the run for or nearly two months, but was eventually caught and hanged.

**1832 -** The Tariff Act of 1832 reduces duties. The South, still dissatisfied threatens secession. South Carolina's legislature organizes an army and declare the tariffs null and void.

**1833 -** A Compromise Tariff Act is passed as a means of gradually reducing the tariffs of concern in the southern states. Confrontation is averted with this compromise.

**1834 -** Slavery abolished throughout the British Empire.

**1836 -** May - The House passes a resolution that automatically tables or postponed action on all petitions relating to slavery without hearing them. Stricter versions of this gag rule are passed in succeeding Congresses.

June - Arkansas becomes the twenty fifth state and enters the Union as a as a slave state.

November - Abolitionist publisher Elijah P. Lovejoy is murdered in Alton, Illinois and his printing press is thrown in the river. He had been calling for an end to slavery.

**1838 -** Lead by black abolitionist Robert Purvis, the Underground Railroad is formally organized.

**1845 -** Former slave, Frederick Douglass, publishes his autobiography - Narrative of the Life of Frederick Douglass.

**1849 -** Harriet Tubman escapes from slavery in Maryland. She reportedly returned to the South 19 times and brought out more than 300 slaves.

**1850**

The results of the 1850 census show a total population of 23,054,152 including 3,200,600 slaves or 14% of the population. Slaves are virtually non-existent in northern states and as high as 58% in South Carolina and 51% in Mississippi.

September - Congress implements several measures forming the Compromise of 1850. The measures included California joining the Union as a free state, the territories of New Mexico and Utah are organized with no restrictions on slavery, slave trading is abolished in the District of Columbia effective January 1851 and the Fugitive Slave Act of 1793 is modified and strengthened to allow slaveholders to retrieve slaves in northern states and free territories.

California becomes the thirty first state and enters the Union as a free state in 1850.

**1852 -** Harriet Beecher Stowe publishes Uncle Tom's Cabin as a response to the pro-slavery movement.

**1854 -** The Kansas-Nebraska Act passes Congress and thus overturns the Missouri Compromise opening the Northern territory to slavery. Both sides begin to send settlers into the areas in an effort to influence the future status of these areas.

**May 1856 -** Massachusetts Senator Charles Sumner delivers a speech attacking slavery supporters in the Senate. He singles out Senator Andrew Butler of South Carolina in his speech. Two days later, South Carolina Representative Preston Brooks, Butler's nephew, attacks Sumner on the Senate floor and beats him with a cane. The House did not expel or censure Brooks for the attack, Sumner took three years to recover.

**1857** - Dred Scott Decision - The Supreme Court rules in Scott v. Sandford that blacks are not U.S. citizens, and slaveholders have the right to take existing slaves into free areas of the county.

October - John Brown attacks Harpers Ferry, Virginia. Robert E. Lee, then a Federal Army regular leads the troops and captures Brown. John Brown and two of the black members of his band were hanged.

**1860** - November - Abraham Lincoln is elected president. Lincoln received 40% of the popular vote and won 59% of the Electoral votes. He was not even on the ballot in the deep south.

The Civil War:

Northern Aggression or Southern Selfishness

By Richard Clark

In his first inaugural address Abraham Lincoln concluded “We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.”[[1]](#footnote-1) How did the United States get to this point? Eighty-four years earlier the nation was resolved to fight off British influence and declare its own independence, and now a second revolution was taking shape. On December 24, 1860, South Carolina officially ratified the “Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union” dissolving itself from the United States. Using the Declaration of Independence for much of its argument, South Carolina compared its reasons for secession to the same roots of the American Revolution. Were the Confederate States of America justified in their position or was the issue of slavery and states’ rights a weak argument in light of the concept of perpetual union?

Slavery had been a deep rooted issue woven into American culture. Many would argue that if it were not for the slave trade the American colonies would not have been as strong and lucrative in the seventeenth and eighteenth centuries.[[2]](#footnote-2) Despite its importance to the countries foundation, the moral question of slavery was being questioned by colonist in American as well as people around the world. By the time the Constitution is ratified in 1789, slavery was on the down swing, many countries including Great Britain had taken steps to ban the practice. The Northwest Ordinance, one the most important parts of the American government under the Articles of Confederation, had outlawed slavery in the new territory “forever”[[3]](#footnote-3) The American Constitution parallels this concept by officially banning the importation of slaves by 1808.[[4]](#footnote-4) Because of the political environment in which the Constitution was ratified the practice of slavery was not outright prohibited. In order to entice the Southern States to ratify the new document certain provisions were included that helped to promote the institution of slavery such as the three/fifth clause found in Article 1, Section 2 and the fugitive slave clause found in Article 4, Section 2. While in no way does the Constitution promote the practice of slavery, it does not prohibit the exercise thereof either. Early Nineteenth Century essayist John Jay Chapman referred to slavery as the “sleeping serpent” at the Constitutional Convention.[[5]](#footnote-5)

Not only is the Constitution vague on the institution of slavery, it is vague on the concept of succession. Federalism or the relationship between the states and the national government was invented when the Constitution was drafted. This new type of government was made in an attempt to check the national government’s power and prevent it from becoming tyrannical. This complicated relationship has helped to shape American Constitutionalism and is a very important characteristic of our political cultural. The Constitution itself was a product of compromises trying to satisfy those who believed in strong state governments over a strong national government. Yet, the Constitution was trying to correct the problems with Articles of Confederation. States had too much power and were too sovereign and as a result the United States was not united. Despites its weakness, the Article of Confederation explicitly expressed the country was a perpetual union, “…and in the second year of the Independence of America, agree to certain articles of Confederation and perpetual Union between the states…”[[6]](#footnote-6) The term perpetual means everlasting or continuing forever. While the Constitution itself does not use this exact language, it does make many references to this idea. The Preamble of the Constitution expresses the idea of a “more perfect Union.”

Because of intricate institution of Federalism, the idea of states challenging the Federal Government is not a new one. Thomas Jefferson and James Madison combined to write the Virginia and Kentucky Resolutions to challenge the Alien and Seditions Acts passed under President John Adams. The first instance of secession as a threat was at the Hartford Convention, where the New England states that opposed the War of 1812 considered the action. They saw President James Madison’s action during the war a direct threat to their way of life. While their warning resulted in little action the precedent had been set.  In 1832, South Carolina, led by John C. Calhoun, threatened secession over the “Tariff of Abomination”, or a tariff on agricultural goods that South Carolina saw as a direct tax on their main staple, cotton. This unlike the Hartford Convention resulted in a major Constitutional showdown between the states and the National government. While he opposed the state’s actions, President Andrew Jackson compromised in order to preserve the Union and put the threat to rest.

Since the ratification of the Constitution Chapman’s sleeping serpent had slowly began to rear its ugly head. In an attempt to bring about the end of slavery, Eli Whitney invented the Cotton Gin in 1793 to make the labor intensive act of pulling cotton from the seed less complex; thus reducing the need for slaves. His invention had the opposite effect and made the demand for slaves and slavery even stronger. Playing into the idea of “Manifest Destiny,” the expansion of slavery into western and southern territories began to happen very rapidly. This expansion began to cause many conflicts both in the halls of Congress and in the states and territories where slavery was spreading.

The Missouri Compromise of 1820 attempted to address the issue by balancing the representation in Congress and creating a geographic boundary for slavery. Maine entered as a free while Missouri entered as a slaver state. Slavery could only take place below what became known as the Mason-Dixon Line or the 36’ 30 parallel. The expansion of Americans into Mexico, most commonly known as Texas, was also spurred by the need for more land to grow cotton and thus more slaves. As a result the United States fought a war over this territory in 1846 and it is indirect consequences was a strengthening of the institution slavery.

The Missouri Compromise only provided a band aid for the slavery issue. Because of the new territory won by the United States after the Mexican-American War and the rapid growth of these western territories because of valuable minerals (gold & silver) and a hospitable environment the balance of power was again in dire straits. California became a state in 1850 as a result of the Compromise of 1850. California was split by the Mason-Dixon Line, and did not need or have a strong slave population. By entering as a free state the balance of power in Congress would swing towards non slave states. In order for California to enter the Union, Congress compromised by strengthening the Fugitive Slave clause of the Constitution with a law that gave power to slave owners to regain their lost property.

The Kansas-Nebraska Act moved Congress from an attempt to balance the power to a push for popular sovereignty in the growing territories. In other words the people living in the territories would decide whether the state would become a free or a slave state. As a result the territory of Kansas was flooded with both pro and anti-slavery resulting in the death of dozens over the issue.

While Congress was drawing up compromises to prevent slavery from becoming a catastrophic issue, the American people were also strongly advocating for their side. Abolitionists, anti-slavery advocates, were trying to persuade others to follow their cause through newspapers and mailings. *The Liberator,* edited by William Lloyd Garrison and *The North Star,* edited by runaway slave Fredrick Douglas were two of the most famous newspapers advocating for abolition of slaves. Others like John Brown were trying to insight slave revolts in Southern states. Brown’s Raid on the Armory at Harper’s Ferry had little success in creating the intended slave revolt, but it did enflame the emotions of both abolitionists and pro slave advocates.

Southerners and those who were pro slavery advocates used Christianity as a moral argument for the continuation of slavery. By taking these men from savagery and converting them to Christianity they were saving their souls. Others argued that slavery was a better option than free labor in the North. Slavery owners argued that free labor treated its workers worse than slave owners. Slave owners took care of every aspect of the slaves’ life, while free labor poorly paid and treated its workers.

In an attempt to put an end to the controversy, the United States Supreme Court took on a case regarding a slave who was suing for his freedom after moving in to free territory,. The decision in *Dred Scott v. Sanford* (1857) was the spark needed to ignite the Civil War. Chief Justice Roger Tawny’s decision, which ruled against Scott, ruled the Missouri Compromise unconstitutional and attempted to make slavery a legal and moral right beyond the control of Congress, destroyed whatever hope there was to prevent a Civil War.

By the time of the1860 election the nation was on the brink of war. Abraham Lincoln election was just the necessary excuse South Carolina and the other Southern States needed to secede. There way of life was being threatened, and compromise would not do. The Southern states saw the right to secede as fundamental, drawing from Thomas Jefferson’s Declaration of Independence that “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.”[[7]](#footnote-7) The question becomes, was it justified? Did they have enough history, legal precedent, and philosophical evidence to take such a monumental act? Or was the moral issue with slavery and the idea of perpetual union too strong to justify the South’s actions?

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Declaration of Independence. The Avalon Project. Yale Law School. Lillian Goldman Law Library

United States Constitution - 1787

Document 1: Declaration of Independence – 1776

Vocabulary:

* *Deriving* – to obtain
* *Instituted* – to establish, to put in place
* *Unalienable* – cannot be taken away
* *endowed* – given

**Document Note:** Written in 1776 to King George III to explain the Independence of the 13 American Colonies.

…We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness…

…That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness…

Source: Declaration of Independence. The Avalon Project. Yale Law School. Lillian Goldman Law Library

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 1.***

1. What is Thomas Jefferson saying in the first paragraph?
2. What is Thomas Jefferson saying in the second paragraph?
3. What is the difference between these two sections? How are they related?
4. This document can and should be used to argue both sides of the DBQ? How?
5. When would a government become “destructive of these ends”?
6. If the rights mentioned in the first paragraph were to come into conflict, what order would you rank these rights; life, liberty & pursuit of happiness (property). Provide a brief explanation of why for each?
7. Is there a difference between the United States declaring independence from Great Britain and the Confederacy seceding from the Union? Explain.

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 2: *Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union* – December 24, 1860

Vocabulary:

* Grant - law; in this case the Constitution
* Law of compact – a formal agreement between two or more states
* Arbiter - a person empowered to decide matters at issue
* Compact - a signed written agreement between two or more parties (nations) to perform some action

Thus was established, by compact between the States, a Government with definite objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the [Declaration of Independence](http://avalon.law.yale.edu/18th_century/declare.asp); and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

**Document Note:** South Carolina’s official declaration of secession written shortly after the election of Abraham Lincoln. “The “remaining mass of power subject to the clause reserving it reserving it to the States or to the people” refers to the 10th Amendment of the United States Constitution.

Source: *Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union.* The Avalon Project. Yale Law School. Lillian Goldman Law Library

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 2.***

1. When had South Carolina tried to go around federal law previously?

2. What does a “compact between States” mean?” Why is this significant when we look at the United States as a Union?

3. Why did they secede after the election of Abraham Lincoln?

4. What are the “two great principles of the Declaration of Independence” this document discusses?

5. Did the South have the Declaration of Independence on their side? Why or Why not.

6. Did South Carolina take a proper course of action before they seceded? Explain. In other words was this the last step for them?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 3: *South Carolina Ordinance of Nullification* - November 24, 1832

Vocabulary:

* Ordinance – rule or law
* Ingress – to enter
* Egress – to exit or leave
* Null and void - having no force, binding power, or validity
* Nullification - the idea that a state can refuse to recognize or to enforce a federal law

**Document Note:** Written to the United State Congress by the Legislature of South Carolina to officially nullify the “Tariff of Abomination” (Tariff of 1828). The tariff was created as protective tariff to prevent Great Britain from producing cheap goods from resources produced in the United States. It was a tariff on all agricultural goods grown in all states. Nullification was pushed for by Vice President John C. Calhoun.

…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…

Source: *South Carolina Ordinance of Nullification.* The Avalon Project. Yale Law School. Lillian Goldman Law Library

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 3.***

1. What is nullification?

2. Why what was South Carolina nullifying? Why?

3. What does this document say about any actions taken by the federal government?

4. Do states have the right/power to nullify laws? Explain

5. What were the Virginia and Kentucky Resolutions and how did they play a part to this nullification crisis?

6. How was this issue resolved?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 4: *Abraham Lincoln’s First Inaugural Address* – March 4, 1861

Vocabulary:

* Contemplation – thoughtful observation
* Perpetual - endless or indefinitely long
* Perpetuity – ever lasting
* Fundamental law – law determining the important political principles of a government
* Organic law – same as *fundamental law*

**Document Note:** Delivered shortly after President Abraham Lincoln took the “Oath of Office” in which he addressed several issues including slavery, secession, and the promise of Union.

…I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself…

Source: Declaration of Independence. The Avalon Project. Yale Law School. Lillian Goldman Law Library

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 4.***

1. How does the universal law of the Constitution described by Abraham Lincoln compare with the compact example used in document 2?

2. What is the only way to leave a Union as described by Lincoln?

3. Using the terms list above what does perpetual union mean, and why is that an important argument presented by Lincoln?

4. If the term “perpetual union” had been used in the Preamble of the Constitution, would the South have a legitimate argument?

5. Why did Lincoln describe the actions of the South in this manner?

6. Which is a better argument, document 4 or document 2?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 5: Senator Daniel Webster’s (Massachusetts) second reply to Senator Robert Hayne (S. Carolina) - *January 26-27, 1830*

Vocabulary:

* Sovereign – legally independent
* Supreme law - That which is superior to all other things; as the supreme power of the state, which is an authority over all others.
* Proposition - the act of offering or suggesting something to be considered, accepted, adopted, or done.

**Document Note:** Part of the debate over the “The Nullification Crisis” took place on the floor of the Senate. This document shows Senator Daniel Webster’s (MA) rebuttal to Senator Robert Hayne (SC) about the importance of the United States Constitution and its power over the issue of nullification. This is the speech he gave on the floor of Congress.

It is, Sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that the Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law.

Source: Senator Daniel Webster’s (Massachusetts) second reply to Senator Robert Hayne (S. Carolina) - *January 26-27, 1830.* The Avalon Project. Yale Law School. Lillian Goldman Law Library

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 5.***

1. Is Daniel Webster for or against nullification?

2. Why does Webster make the point that it is the people’s government?

3. If the Constitution is supreme law, is nullification possible?

4. What does it mean to say that the states are sovereign?

5. Webster states: “We must either admit the proposition, or dispute their authority”, what does he mean by this statement?

6. What is a more convincing argument, document 5 or document 3?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 6: United States Constitution – 1787

Vocabulary:

* Treaty – a formal agreement between two or more states in reference to peace, alliance, commerce, or other international relations.
* Republican – a government in which people vote for representatives
* Pursuance Thereof – the following or carrying out of some plan, course, injunction, or the like.
* Contrary – opposite in nature or character; diametrically or mutually opposed
* Notwithstanding – in spite of the fact that
* Domestic – at home

United States Constitution

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 6.***

1. Collectively do these three enumerated (listed) powers from the Constitution promote or deny the idea of secession? Why?

2. Was South Carolina still a “state” when if enter into a Confederation? Explain

3. What does it mean “supreme law of the land’?

4. Would you classify secession as “domestic violence”?

5. Explain the clause “and the Judges in every State shall be bound thereby.”

6. Is the Constitution or the Declaration of Independence a more reliable source to argue for nullification (Confederacy) or perpetual Union (Lincoln)?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

**Article I, Section 10, Clause 1:**

No State shall enter into any Treaty, Alliance, or Confederation…

**Article IV, Section 4:**

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or the Executive against domestic Violence.

**Article V, Section 2:**

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof…shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, and Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Document 7: Majority Opinion by Chief Justice Salomon Chase in the case *Texas v. White (*1869)

Vocabulary:

In the Constitution, the term "state" most frequently expresses the combined idea just noticed, of people, territory, and government. A "state," in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit which that Constitution designates as the United States, and makes of the people and states which compose it one people and one country.

* Sanctioned – approved by an authority.

**Document Note:** Shortly after the Civil War, the Supreme Court ruled on a case dealing with George W. White’s purchase of bonds prior to Texas’s secession from the Union. The case ruled that these bonds were null and void and the act of secession itself was a violation of the Constitution. It was a 6-3 decision

74 U.S. 700 *Texas v. White* (1869) Cornell University Law School

http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0074\_0700\_ZO.html

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***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 7.***

1. What does this case rule? Why is this important?

2. What does this case say about secession?

3. Why is it important that the Supreme Court made this ruling?

4. The ruling was made after the Civil War; does it help or hurt Lincoln’s idea of perpetual union? Explain

5. According to Salomon Chase’s decision how does he describe the power of a state?

6. Why is it important to note that this was a 6-3 decision?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

Document 8: John Tenniel’s *Divorce A Vinculo.* Published in the *The Punch* – January 19, 1861. A British Newspaper

Vocabulary:

* Vinculo – Spanish for tie, link, bond usually associated with marriage
* Larrup – Whip, flog, beat

Document Note: This scene represents the secession of South Carolina, the first state to leave the Union following its Ordinance of Secession, adopted on December 20, 1860. In John Tenniel's personification of an uncivil "divorce from the chains" of [national] matrimony, "Mrs. Carolina" appears as an ill-tempered, scolding woman raising her clenched fist against her former husband who lays a protective hand on the shoulder of a cowering young slave.



Caption: Divorce A Vinculo. Mrs. Carolina Asserts her Rights to “Larrup” her Nigger.

Sources: John Tenniel’s *Divorce A Vinculo.* Published in the *The Punch* – January 19, 1861. A British Newspaper. John Tenniel and the American Civil War http://www.arthist.umn.edu/aict/Tennielweb/index.html

***pLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT DOCUMENTS 8.***

1. This political cartoon came from a British magazine, why is that important?

2. Is this a pro or anti-slavery illustration?

3. Who do the three individuals represent? (The woman, the man in the hat, and the child)

4. Why is South Carolina represented as a woman, instead of a man?

5. By 1861, what is Great Britain’s view of slavery? Cotton?

6. If you were required to use this document to answer this DBQ question, how would you use it?

**Does this source justify the South’s argument to secede? Yes No Not Sure**

1. *Abraham Lincoln’s First Inaugural Address.* March 4, 1861The Avalon Project. Yale Law School. Lillian Goldman Law Library [↑](#footnote-ref-1)
2. Tom Standage, *The History of the World in Six Glasses*. (Walker Publishing Company, New York. 2005) p.116 [↑](#footnote-ref-2)
3. Articles of Confederation and Perpetual Union. 1777. http://www.loc.gov/rr/program/bib/ourdocs/articles.html [↑](#footnote-ref-3)
4. United States Constitution, Article 1, Section 9 Clause 4 [↑](#footnote-ref-4)
5. John Jay Chapman [↑](#footnote-ref-5)
6. Articles of Confederation [↑](#footnote-ref-6)
7. Declaration of Independence. The Avalon Project. Yale Law School. Lillian Goldman Law Library [↑](#footnote-ref-7)