During the late fall and winter of 1832 and 1833, the nullification controversy, the most important constitutional crisis between the adoption of the Constitution and the secession of the South, took place.

The controversy had its origins in the passage of the highly protective Tariff of Abominations in 1828, which many in South Carolina believed to be unconstitutional. Over the next several years, radicals led by James Hamilton and Robert Barnwell Rhett, Sr., effectively organized and enlarged their following. When President Andrew Jackson refused to push very hard for a reduction of the tariff and in 1832 signed into law a new measure that only partially reduced duties and did not abandon the principle of protection, South Carolina proceeded to implement the doctrine of nullification as it had been developed by John C. Calhoun in his "South Carolina Exposition and Protest" (1828) and in several important speeches.

Governor Hamilton convened a special session of the state legislature on October 22, 1832, which immediately called a convention to meet at Columbia on November 19. This convention adopted an ordinance declaring the tariffs of 1828 and 1832 unconstitutional and prohibited the collection of Federal duties within the state beginning on February 1, 1833. It also prescribed a test oath for all military and civil officers of the state, except members of the legislature, and forbade any appeal to the U.S. Supreme Court in cases arising under the ordinance. The convention also warned that any attempt by the Federal government to use force would be cause for South Carolina to secede from the Union. The legislature immediately adopted laws to enforce the ordinance, which included the establishment of a military force and the distribution of weapons.

As these events unfolded, President Jackson's rage mounted. Throughout his first term in office he had made clear his dislike of nullification: it was an illegitimate form of state rights, an assault on the doctrine of majority rule, and a threat to the continued existence of the Union. On December 10 he issued his "Proclamation to the People of South Carolina" making clear his intention to uphold the supremacy of the Federal government even if it meant the shedding of blood. Jackson then ordered a variety of military activities and on January 16, 1833, sent a special message to Congress asking for a Force Bill authorizing him to use the military to collect the Federal revenues.

Most people believed South Carolina had acted rashly. No other state formally endorsed the doctrine of nullification and many condemned it. But there was also, especially in the South, widespread opposition to Jackson's desire to use force and to hang the nullifiers for treason, and a number of states rejected the nationalist principles contained in the president's nullification proclamation. Fearful of civil war, Congress, under the leadership of Henry Clay, formulated a compromise: a new tariff that provided for a gradual reduction of duties over the next decade and that abandoned the principle of protection. As a sop to the president the Force Bill was also adopted. Jackson signed both into law on March 2, 1833.
Upon learning that a compromise was likely, South Carolina suspended its ordinance on January 21. Shortly after the adoption of the congressional compromise, the state reconvened its convention and rescinded its ordinance, but in a final act of defiance it nullified the Force Act. Both sides claimed victory. The most important result of the controversy was that over the next three decades the idea of secession became increasingly enmeshed with the doctrine of state rights and the South’s defense of slavery.

Further Readings


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