

1832

NULLIFICATION CRISIS

Thomas Jefferson and James Madison accepted the premise that the federal Constitution was a compact among the states and that states, as parties to that compact, have a right and duty to interpret and enforce its terms. So when an act is unconstitutional, the states could use their power to protect citizens from the federal government. But while Jefferson and Madison believed states should act together to protect their residents from unconstitutional laws, John Calhoun believed individual states could act alone.

In response to the looming political battle and in an effort to appease Southerners, Congress passed the Tariff of 1832, lowering the 1828 rates but maintaining a rate that was still highly protectionist. On November 24, 1832 a nullification convention was held in South Carolina and they passed an Ordinance of Nullification, which stated the protective tariffs were “unauthorized by the Constitution of the United States and are null and void.” The following warning was sent to President Jackson; *We, the People of South Carolina, 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 to coerce the State as inconsistent with the longer continuance of South Carolina in the Union.*

President Jackson responded with a forceful message and directed Congress to act with a Bill of Force that would allow him to use the military to enforce the law. Senator Henry Clay of Kentucky worked out a series of bills which lowered the Tariff of 1832 and it was passed in 1833 averting possible secession by South Carolina. President Jackson made it clear that nullification was not an option the Federal government would accept.