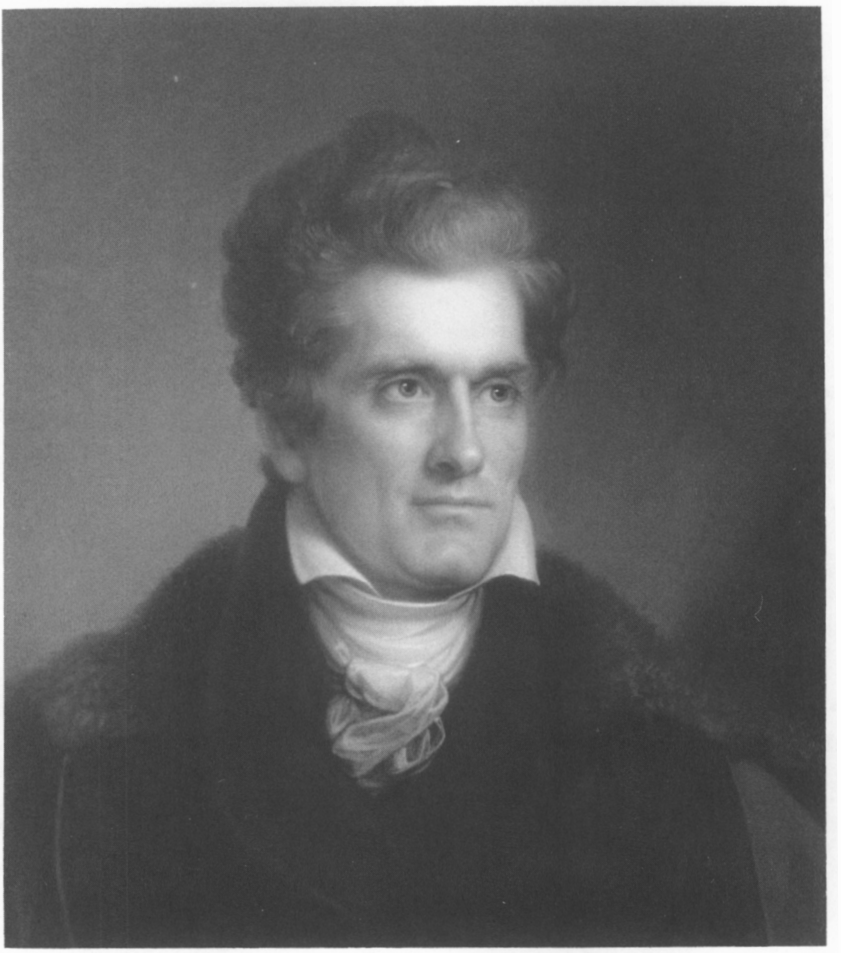
UNION AND LIBERTY



John C. Calhoun

UNION AND LIBERTY

The Political Philosophy of John C. Calhoun

BY JOHN C. CALHOUN

Edited by

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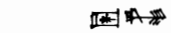

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FOREWORD

Much time and energy has been devoted to the rise of American constitutionalism and the nature of the American Union in the eighteenth century. Far less attention has been paid to the interpretation and implementation of the U.S. Constitution during the nineteenth century. Faced with largely unanticipated problems attendant upon economic change, a major influx of new people, and westward expansion, the generation of Daniel Webster, Henry Clay, and John C. Calhoun struggled to sustain what was commonly believed to have been the original intention of the framers. In the absence of an appreciation of the work of those prodigious thinkers of the nineteenth century, no real understanding of the American constitutional tradition is possible.

John C. Calhoun stands out among the leading figures of this era renowned for its great orators and public statesmen. He and the others of this new generation found themselves in a period marked by an increasing degree of uncertainty about the future. Continual controversy over such constitutional issues as executive prerogative, the extent of federal, or state, power, the proper disposition of suffrage, and the need to protect minority rights against the dangers of majority tyranny did little to assuage their apprehension. Added to this uncertainty was the momentous question of defining the nature of the American Union, a seemingly unresolved conundrum exacerbated by repeated congressional

failures after 1819 to administer the admission of new states to the satisfaction of all parties. Thus was there an urgency that suffused Calhoun's speeches, letters, and philosophical writings. Along with many of his contemporaries, north and south, he realized the fragility of the American experiment and the importance of his own agency in the development of constitutional government.

A mere enumeration of his political offices is sufficient to establish his national stature during this critical early period. After serving briefly in the South Carolina legislature, Calhoun was elected to the U.S. House of Representatives in 1810. He served as secretary of war under President Monroe from 1817 to 1825; as vice-president under John Quincy Adams and then Andrew Jackson from 1825 to 1832; as senator from South Carolina from 1832 to 1844; as secretary of state under John Tyler from 1844 to 1845; and again as a member of the Senate from 1845 until his death in 1850. He was first nominated for president in 1821—at the age of thirty-nine—and was considered a serious candidate for that office in every election from 1824 until 1848.

Calhoun's larger substantive and philosophical contributions to American constitutional thought have been in large measure a casualty of history. The lingering doubts and haunting images of the Civil War, compounded by Calhoun's defense of slavery and his unwavering commitment to the doctrine of State Rights, have distracted historians and political scientists from serious consideration of his ideas.

Calhoun's political and philosophical thought evolved over a forty-year period of public office. The combination of practical politics and a noted preference for metaphysical discourse gave his speeches and writings a distinct tone. In general language he sought political solutions designed to alleviate the tensions under which the American system labored. His systematic theory about the nature of man and government, as well as his rigorous analysis of the presumptions and convictions of *The Federalist Papers*, deserves careful attention for his part in the ongoing discussion of the uneasy, but critical, relationship between liberty and union.

John Caldwell Calhoun was born to pioneer parents on March 18, 1782. Over a period covering two generations, the family, part of the Scots-Irish immigration into Pennsylvania during the first third of the eighteenth century, was drawn to the western frontier of South Carolina. His father had defended America's decision to renounce the King, fought the local battle to increase the representation of his up-country section of South Carolina against the tidewater minority that controlled the state legislature, and cast a vote against the ratification of the U.S. Constitution. From Calhoun's earliest days, then, he encountered the real-life dynamics of democratic politics—the struggle between the majority and the minority over the distribution of the rewards and burdens of government.

His education in New England provided the intellectual seeds for his subsequent development of a theory of nullification and secession. In 1802, at the age of twenty, Calhoun entered Yale University as a junior. Small-town, localist, antinational sentiment, combined with skepticism of numerical majorities, was then popular in certain parts of New England. Yale University had become the intellectual center for these ideas since the defeat of the Federalists in the election of 1800. Among the most noted of the New England Federalists was Timothy Dwight, the president of Yale College, one of the most influential men in Calhoun's education. After graduating Phi Beta Kappa from Yale in 1804, Calhoun studied law in Litchfield, Connecticut. Among the faculty with whom Calhoun studied at Litchfield were Judge Tapping Reeve (Aaron Burr's brother-in-law) and Judge James Gould. These two staunch Federalists reinforced Timothy Dwight's condemnation of the Jeffersonian majority.

Despite his exposure to these ideas, during his tenure in the House of Representatives from 1811 to 1817 as a representative of South Carolina, Calhoun was an ardent nationalist: He was more concerned about national strength and unity than about curbing majorities to protect intense minority interests. As a member of the Foreign Relations Committee of the House of Representatives, Calhoun was a vocal supporter of the War of 1812. He did not waver in his commitment to a strong foreign policy, even in the

face of bitter protests from the New England states, which claimed that the Jeffersonian embargo and the War of 1812 were inequitably ruinous to their commerce and shipping interests. Throughout the early years of his career, he consistently favored extensive federal assistance for internal improvements in an effort to encourage domestic commerce and farming. And most noted of all, he supported the tariff of 1816 as a temporary measure to raise the money necessary to eliminate the national debt incurred during the War of 1812 and to protect America's fledgling industries. The issue of the tariff was to become a much more incendiary issue in the years to come.

Calhoun's views coincided with many opinions prevalent in the nation in the early 1820s. This harmony combined with his political talents so well that some people began to advance his name as a possible candidate for president. In the presidential campaign of 1824, he decided to limit his obvious ambitions for the time being and settled into the vice-presidency under the administration of John Quincy Adams. From the very beginning, their relationship was a troubled one. Personalities were at odds; political ambitions clashed. When serious wrangling erupted between Adams and Calhoun (who as vice-president was also the presiding officer of the Senate) over the respective powers of the executive and the legislature, the controversy spilled over into a series of public letters. In his six letters, Calhoun argued against the prerogatives claimed by Adams. He declared that republican government required the diffusion of political power. Liberty would be sacrificed if Americans allowed the abuse of presidential patronage that was threatening to destroy the delicate balance between liberty and power established by the Constitution.

At the same time, the tariff issue was looming ever larger in the ongoing debate in the United States about the locus of political power, significantly exacerbating smoldering sectional confrontations within the young Union. Many Southerners, in particular, thought the tariff had stopped being a means of raising revenue for national defense and was becoming a permanent means of protecting and subsidizing manufacturing interests at the

expense of the South and agricultural interests. The tariff issue strained Calhoun's nationalist sentiments. His own state and southern predilections, the agitation of supporters and friends in the South, as well as his concern about balancing sectional interests, led Calhoun to change his earlier nationalist support for the tariff and embrace the South Carolina position on this matter.

This issue became an important practical and symbolic matter when an exceptionally high tariff was proposed in Congress early in 1828. The proposed tariff was seen by many as a political maneuver by opponents intended to turn popular sentiment against Adams and the tariff. Much to the dismay of the Southern strategists, their schemes to defeat the tariff came to naught. President Adams approved the bill, which became widely known as the Tariff of Abominations. Calhoun found himself in the dilemma of privately opposing a measure supported by the administration he was a part of. Even more troubling to him, opponents in the South, and especially in South Carolina, now began to debate openly the prospect of disunion.

Seeking a means by which such a desperate response could be avoided, Calhoun turned to the doctrine of interposition, which defended the right of a state to interpose its authority and overrule federal legislation. The seeds of this doctrine were introduced by Thomas Jefferson and James Madison in the Kentucky and Virginia Resolutions of 1798 and 1799. Calhoun first advanced it anonymously, in the South Carolina Exposition and Protest, penned during the summer and fall of 1828 for a committee of the South Carolina legislature. It is Calhoun's articulation and development of the doctrine of interposition or nullification for which he was, and is, so well known.

When Andrew Jackson was elected president in November 1828, Calhoun remained as vice-president. He had played an instrumental role in forging the alliance of Westerners, Southerners, and anti-Adams forces in the Northeast to elect the new president. Calhoun was suspicious of the political aspirations of many of the supporters of his new political ally.

Nevertheless, as vice-president in the new administration, he hoped to influence Jackson's policies. His experience with Jackson, however, proved even less successful than his experience with John Quincy Adams had been.

Calhoun's efforts to defuse sectional tension and controversy within a constitutional framework met with little success. The divisions over the tariff and protectionism were intractable. The ultimate logic of his own doctrine of nullification, secession, was taken up as a solution by many in the South. After the election of Jackson and Calhoun, the South Carolina legislature had circulated the Exposition widely. Calhoun's hand in writing the document was widely speculated. In an effort to prevent further alienation of the Northern states and to exhume his possible candidacy for president, Calhoun attempted a public clarification of his position in his 1831 Fort Hill Address. His measured words were noted by virtually everyone. By the closing months of 1832, Calhoun's responsibility for the drafting of the South Carolina Exposition and Protest had become common knowledge. Now it was evident for all to see that the reintroduction of the doctrine of nullification—the right of a single state to negate the laws of the federal government within its jurisdiction—was the work of none other than the Vice-President of the United States.

Throughout this turbulent period, Calhoun was increasingly called upon to defend the South's peculiar institution—slavery—which came progressively to the fore as a defining characteristic of the South and became connected to the debate over states' rights. With one notable exception, Calhoun's remarks concerning this subject were always couched in the general language of history, economics, and philosophy. That one exception is his 1837 address to the Senate in which he goes so far as to declare slavery "a positive good"—a statement which he immediately protested was taken out of context. Calhoun's own inner thoughts on slavery may never be known with certainty, for the ravages of civil war and the fate of the Southern cause have only compounded the engima of how a free people could endorse and defend that pernicious institution.

Calhoun resigned his office as vice-president in December 1832 and took a seat as a senator from South Carolina, which he held until 1844. The brilliance of his mind and the power of his rhetoric made him the natural and unchallenged spokesman for South Carolina and many elements in the South. This was especially apparent in his speech on the Revenue Collection Bill, commonly known as the Force Bill, in February 1833. In this speech, which spanned two days, he argued that recourse to violence to compel obedience to the dictates of the federal government could never be constitutional or legitimate, even if undertaken to preserve the union.

Calhoun's rhetorical strengths in arguing the Southern cause and his opposition to Jackson diminished his national stature. In the succeeding years he gradually regained his standing and was appointed secretary of state by President John Tyler in 1844. He remained firm in his commitment to a national union of states and continued to worry that Southern states would become a minority in the Congress. As secretary of state, he advocated the annexation of Texas as a means of balancing the South and the expanding North. He exerted his efforts on behalf of the Union in its dispute with Great Britain over the territory that later became Oregon.

Upon Polk's election as president in 1845, Calhoun reentered the Senate, where he continued to be active until his death. He used his position as senator to assail the highly popular Mexican-American War. He attempted to develop various public projects in South Carolina and for the South generally, including plans for a railroad connecting the South and the West. Much of his energy in his last years was devoted to writing what was to become the *Disquisition* and the *Discourse.*

On March 4, 1850, a sick and frail Calhoun sat in the Senate and watched as a colleague read what was to be his last major address. He was too weak to deliver it himself. In his prepared text, an obviously despondent Calhoun opposed the admission of California as a free state. Little more could be done, he heard Senator Mason say for him; compromise was no longer possible. This pessimistic speech was his final contribution

to the larger debate on the nature of Union and the relations of the North and the South. Within the month, on March 31, 1850, Calhoun died in Washington, D.C.

Although aware of the limited capability of reasoned discourse to resolve the tensions and centrifugal forces of nineteenth century America, Calhoun turned increasingly in the last few years of his life to questions of philosophy. He devoted his time and energy to the writing of *A Disquisition on Government* and *A Discourse on the Constitution and Government of the United States,* which were completed just before his death.

They are complementary texts: The practical American political experience as advanced in the lengthy *Discourse* makes sense only in the context of the political theory articulated and developed in the less voluminous *Disquisition.* The *Disquisition* expounds his doctrine of the concurrent majority—the right of significant interests to have a veto over either the enactment or the implementation of a public law—and discusses historical instances in which it had worked. The *Discourse* traces the constitutional foundation for the concurrent majority in the American political tradition and argues for its restoration as the only means to resolve the constitutional and political crisis facing the Union. Both works reveal a philosopher whose preference for metaphysical discourse is unmistakable. Both works reveal a seasoned politician who had been an active participant in the nineteenth century politics of nationalism, sectionalism, and secession. Reading these two works together, one cannot help but sense that this man understood the impending crisis all too well.

While Calhoun's *Disquisition* usually is viewed as an elaborate defense of his doctrine of the concurrent majority, it is also a deep look at the nature of man and government. It begins with the nature of society and the nature of the consent of the governed. Calhoun tries to develop a view of government that avoids the pitfalls he experienced in the U.S. Constitution. Beneath the surface of his treatise is a systematic analysis and critique of the founding principles as set forth by Alexander Hamilton, James Madi-

son, and John Jay in *The Federalist Papers*. The *Disquisition* explicitly rejects several of the fundamental maxims advanced by Publius, including the presumption that governmental institutions can be a product of reflection and choice, rather than accident and force (Federalist #1), the theory of the extended, compound republic (Federalist #10), the doctrine of the numerical majority (Federalist #22), and the theory of limiting governmental power through the separation of powers (Federalist #51). In essence, Calhoun suggests that the theory of *The Federalist Papers* makes inadequate safeguards for the maintenance of limited government. In the absence of such provisions, Publius's extended republic not only fails to prevent majority tyranny, but actually encourages it by allowing a numerical majority to make laws on any subject it declares to be the legitimate business of government. Given the nature of man, argues Calhoun, it is not long before such majorities become overbearing: They begin to enact laws to their own advantage and to the disadvantage and abuse of minority interests.

Calhoun's *Discourse* clearly places the arguments of the *Disquisition* within the context of the American political tradition. Calhoun elaborates upon his discussion of the concepts of limited government, separation of powers, judicial review, and the theory of the extended, compound republic. He provides a rigorous analysis of virtually all of the major individuals, events, and documents of the founding and subsequent development of the federal government. He offers a detailed critique of Federalist #39, accusing the celebrated Publius of duplicity and deceit. He challenges the doctrine of judicial review expounded in Federalist #78, arguing that this extra-constitutional practice is incompatible with true federalist principles. He calls for the restoration of the concurrent majority through the operation of the amendment process provided for in the U.S. Constitution. In short, the *Discourse* offers a critique of the major presumptions and convictions upon which the American political order was founded, including consent of the governed, equality, liberty, community, public virtue and private vice, reflection and choice, accident and force. In Calhoun's *Discourse,* each of these receives a bold, precise reformulation.

Calhoun's extended discussion of liberty and union turns on his doctrine of the concurrent majority. Who will be entrusted with the veto power? Who will decide, and on what desiderata, which groups are significant enough to be given a veto or a negative power over the making or executing of the laws? When would this power be exercised? What would prevent these vested groups from favoring the status quo and limiting the progress and development of society? In a Union such as the United States, would the several states exercise the veto power of the concurrent majority? If Calhoun intended the states to exercise such a power, why did he not say so explicitly? On what grounds could one argue that the states constitute organic units, while the federal government does not? How would the rights of a minority within each state be protected against an overbearing majority within that state? Why would a numerical minority in each state not be subject to the whims of an overbearing numerical majority in that state? If the rights of the individual constitute the ultimate test of minority rights, how can a concurrent majority system, which vests power in a few, great interests, be an adequate safeguard for the rights of the individual in society? Questions like these, and many others raised by Calhoun in his *Disquisition* and *Discourse,* represent a legacy of continuing relevance in the ongoing debate in American constitutional thought.

In the present volume, every effort has been made to present as representative a picture of Calhoun's political and philosophical thought as is possible within the confines of a single volume covering Calhoun's some forty years of public service. All selections are complete and unabridged. The reasons for including the *Disquisition* and *Discourse* are obvious. In addition to these larger works, this volume includes twelve speeches, letters, or political essays taken from the literally thousands of pages of Calhoun's speeches and writings. The documents which follow the *Disquisition* and *Discourse* proceed in chronological order. The "Speech on the Resolution of the Committee on Foreign Relations" was Calhoun's first major address to the U.S. House of Representatives and establishes his early credentials

as an ardent nationalist. This nationalist theme can also be seen in his 1816 "Speech on the Tariff Bill." For more about the nature and scope of Calhoun's nationalism, the reader may consult his "Speech on United States Bill . . . February 26, 1816" and his "Speech on the Internal Improvement Bill . . . February 4, 1817," not reprinted here.

Following these speeches from Calhoun's days in the House of Representatives, this volume focuses upon three of Calhoun's statements on the great controversy over the tariff, which was triggered by the Tariff of Abominations and culminated in the South Carolina Ordinance of Nullification, the Compromise Tariff of 1833, and President Jackson's Force Bill. The "Exposition and Protest," drafted by Calhoun and promulgated by the South Carolina legislature, articulates the right of the several states to interpose their authority between the federal government and the people of the states. Calhoun's public remarks on the doctrine of interposition are found in his "Address on the Relations of the States and the Federal Government," more commonly known as the "Fort Hill Address." The "Speech on the Revenue Collection [Force] Bill" rigorously applies the principles of the Fort Hill Address to the particular issue of the tariff. Few, if any, of Calhoun's speeches can rival his remarks on the Force Bill for clarity and powers of rhetoric. The language is direct; the style provocative and bold; the analysis rigorous and precise. Those interested in pursuing in greater detail Calhoun's position on interposition, nullification, and the tariff should also consult his rather lengthy letter to General Hamilton not reproduced here.

The next document, Calhoun's 1837 "Speech on the Reception of Abolition Petitions," focuses on one of the most controversial issues of Calhoun's political career, his defense of slavery. Because Calhoun's reputation is so often linked to his remarks on this subject, both the first report and the revised report have been included here.

The highly volatile issue of the national bank is addressed in the "Edgefield Letter." Although this letter is not, strictly speaking, a public address or speech, it received such widespread, public circulation that it seems

appropriate to include it in a volume of this nature. This letter offers us the additional advantage of being able to hear, in a very few pages, Calhoun's own justification for his return to the ranks of the Democratic Party and his defense against the charges of political inconsistency on the question of a national bank.

The remaining five speeches in this volume focus on those issues and concerns that came to dominate the conversation between the North and the South in the critical years from 1840 to 1850. All of the elements of that conversation are in place: the tyranny of a numerical majority and the abuse of legislative power ("Speech on the Veto Power"); the nature of compromise in the foundation of constitutional government and in the doctrine of the concurrent majority ("Speech on the Introduction of His Resolutions on the Slave Question"); the need for a Southern party to counteract the corruptive nature of partisan politics ("Speech at the Meeting of the Citizens of Charleston"); the inevitable conflict between liberty and equality ("Speech on the Oregon Bill"); and Calhoun's final assessment of the nature and limits of the Union and the requisites for its preservation ("Speech on the Admission of California—and the General State of the Union"). These five documents also allow us a unique opportunity to see Calhoun's political and philosophical arguments in the years preceding their final articulation in the *Disquisition* and the *Discourse.*

The question arises at this point as to whether it is better to begin one's reading of Calhoun in chronological order, so as to trace the development of his thinking, or whether it is better to begin with the *Disquisition* and *Discourse,* which reveal the philosophical commitments and beliefs on which Calhoun's political discourse and action are founded. Obviously the two approaches are inextricably tied: There can be no real grasp of the development of Calhoun's political philosophy without an understanding of the historical development of nineteenth century America, and no real grasp of Calhoun's political experience in the absence of an understanding of his general theory of government and society. The fact that the *Disquisition* and the *Discourse* are placed at the beginning of this volume is not

meant to settle the question of what is the best approach to Calhoun's works.

The noted biographer of Calhoun, Charles M. Wiltse, best summarized the dramatic and controversy-ridden image of John C. Calhoun that prevailed in his time and still does in ours when he observed that the "Senate, the Congress, and the country itself" were "divided over the character and motives of one man."

> There was no middle ground, no compromise, no no-man's land. He attracted, or repelled; he convinced, or he antagonized; he was loved, or he was hated. He was the pure and unsullied patriot, ready to sacrifice position, honors, life itself for the liberties of his country; or he was the very image of Lucifer—the archangel fallen, damned forever to the bottomless pit by his own overmastering ambition. Toward Calhoun indifference was impossible.*

The power of Calhoun's eloquence is undeniable. He had an enormous political influence in the period immediately following the founding of the American system. He understood liberty; he ardently defended it; and he spoke of it in a language and within a culture that are genuinely American. The defense of minority rights against the abuse of an overbearing majority, the cause to which he untiringly devoted himself, has rejoined constitutional discourse as a tenet of contemporary American politics. Rising like a phoenix from the ashes of neglect, John Caldwell Calhoun calls upon us to renew our inquiry into the founding principles of the American system of government.

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*Charles M. Wiltse, *John C. Calhoun: Nullifier, 1829–1839* (Indianapolis, 1949), p. 178.