

1 **Declaration of the Immediate Causes Which Induce and Justify the Secession of**
2 **South Carolina from the Federal Union**

3 The people of the State of South Carolina, in Convention assembled, on the 26th day of April,
4 A.D., 1852, declared that the frequent violations of the Constitution of the United States, by the
5 Federal Government, and its encroachments upon the reserved rights of the States, fully justified this
6 State in then withdrawing from the Federal Union; but in deference to the opinions and wishes of
7 the other slaveholding States, she forbore at that time to exercise this right. Since that time, these
8 encroachments have continued to increase, and further forbearance ceases to be a virtue.

9 ...The parties to whom this Constitution was submitted, were the several sovereign States; they
10 were to agree or disagree, and when nine of them agreed the compact was to take effect among those
11 concurring; and the General Government, as the common agent, was then invested with their
12 authority.

13 If only nine of the thirteen States had concurred, the other four would have remained as they
14 then were-- separate, sovereign States, independent of any of the provisions of the Constitution. In
15 fact, two of the States did not accede to the Constitution until long after it had gone into operation
16 among the other eleven; and during that interval, they each exercised the functions of an
17 independent nation.

18 By this Constitution, certain duties were imposed upon the several States, and the exercise of
19 certain of their powers was restrained, which necessarily implied their continued existence as
20 sovereign States. But to remove all doubt, an amendment was added, which declared that the powers
21 not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved
22 to the States, respectively, or to the people. On the 23d May , 1788, South Carolina, by a
23 Convention of her People, passed an Ordinance assenting to this Constitution, and afterwards altered
24 her own Constitution, to conform herself to the obligations she had undertaken.

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

29 ... The Constitution of the United States, in its fourth Article, provides as follows: "No person
30 held to service or labor in one State, under the laws thereof, escaping into another, shall, in
31 consequence of any law or regulation therein, be discharged from such service or labor, but shall be
32 delivered up, on claim of the party to whom such service or labor may be due."

33 ... The same article of the Constitution stipulates also for rendition by the several States of
34 fugitives from justice from the other States.

35 The General Government, as the common agent, passed laws to carry into effect these
36 stipulations of the States. For many years these laws were executed. But an increasing hostility on
37 the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their
38 obligations, and the laws of the General Government have ceased to effect the objects of the
39 Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode
40 Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted
41 laws which either nullify the Acts of Congress or render useless any attempt to execute them. In
42 many of these States the fugitive is discharged from service or labor claimed, and in none of them
43 has the State Government complied with the stipulation made in the Constitution. The State of New
44 Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current
45 of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies
46 provided by her own law and by the laws of Congress. In the State of New York even the right of
47 transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to
48 surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State
49 of Virginia. Thus the constituted compact has been deliberately broken and disregarded by the non-
50 slaveholding States, and the consequence follows that South Carolina is released from her
51 obligation.

52 The ends for which the Constitution was framed are declared by itself to be "to form a more
53 perfect union, establish justice, insure domestic tranquility, provide for the common defence,
54 promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

55 These ends it endeavored to accomplish by a Federal Government, in which each State was
56 recognized as an equal, and had separate control over its own institutions. The right of property in
57 slaves was recognized by giving to free persons distinct political rights, by giving them the right to
58 represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the
59 importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

Encroachments-
to advance beyond the
usual or proper limits

Forbearance- Patience

Sovereign- Holder of authority
Compact- Formal agreement
between people
Concurring- Agreement

Provisions- Legal condition
Accede- Consent or agreement

Delegated- Give authority

Ordinance- Law
Assenting- Expression of
Agreement

Fugitive- Someone who runs
away

Stipulation- Formal promise

Render- Result in
Inoperative- Unable to operate

Tribunals- Court of law or justice

Endeavored- To make an effort to
achieve something

Burthening- Burden

60 We affirm that these ends for which this Government was instituted have been defeated, and the
61 Government itself has been made destructive of them by the action of the non-slaveholding States.
62 Those States have assume the right of deciding upon the propriety of our domestic institutions; and
63 have denied the rights of property established in fifteen of the States and recognized by
64 the Constitution...

65 For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid
66 the power of the common Government. Observing the *forms* of the Constitution, a sectional party has
67 found within that Article establishing the Executive Department, the means of subverting the
68 Constitution itself...

69
70 Adopted December 24, 1860

71
72 **Excerpted from Avalon Project, Yale Law**

Agitation- Nervous anxiety

Excerpts from the United States Constitution

ARTICLE III

SECTION 3.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. ...

ARTICLE IV

SECTION 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states...

SECTION 3.

New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

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 of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE VI

...This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

AMENDMENT V

No person shall be held to answer for a capital ... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

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.

Levying- Impose tax
Adhering- Supporting of following something

Entitled- To give someone the right
Immunities- Freedom from responsibility or punishment

Admitted- Allow to enter
Erected- Upright or formed
Jurisdiction- Authority
Junction- Place where multiple parts join

Construed- Interpret something in a particular way

Convened- Arranged meeting
Domestic- Relating to home

Pursuance- Doing something in the way expected
Thereof- Of that

Contrary- Conflicting or opposite
Notwithstanding- Although, nevertheless

Affirmation- Formal legal declaration

Secession Reading Questions

Answer each of the following questions about the assigned readings. Only use information provided to you in the reading to answer the questions. Make sure you cite the readings and line number for each answer.

Confederate States of America - Declaration of the Immediate Causes...

1. When did the people of the State of South Carolina assemble?
2. What does the author claim should happen to the four states if they did not approve the Constitution?
3. What measure did the Constitution take to “remove all doubt” regarding the powers of states?
4. Describe the fourth Article of the Constitution. Why does South Carolina choose to include this in their declaration? Give a specific example from the reading to support this claim.
5. The author references many other states from line 35-51, what does the author assert about these states? What does the Author claim has been broken and what is the consequence?
6. Based on lines 55-59, what is South Carolina’s main cause for dissent from the Federal government?
7. Write the two most convincing claims for the constitutionality of secession presented by South Carolina. (Cite line numbers!!!)

Secession Reading Questions

Answer each of the following questions about the assigned readings. Only use information provided to you in the reading to answer the questions. Make sure you cite the readings and line number for each answer.

Excerpts from the United States Constitution

1. How is treason defined by the constitution?
2. Who must consent in order to create a new states?
3. Who holds the power to make rules respecting property belonging to the United States?
4. What is asserted on lines 28-30. Who does it say holds ultimate power?
5. What limits does the government have in regards to personal property? What amendment addresses this?
6. How does the Tenth Amendment address the rights of states?
7. Write the two most convincing claims in regards to Constitutional and federal powers. (Cite line numbers!!!)

Pro Se Court Activity

You will be assigned a role in this activity. You will have 1 minute to present your case and do your best to prove your claim. Your opponent will then have 1 minutes to present their case. The judge will take notes during each presentation and will ask each of you 2-3 follow up questions. The judge will then decide who proved their case best.

Topic: Was South Carolina's secession from the United States constitutional?

Judge:

You are to write 2-3 questions about each position below. You will review each of the readings and anticipate the major claims that will be made by each side. You will ask the questions after each side has presented their case.

Plaintiff (South Carolina's secession was unconstitutional):

1.

2.

3.

Defendant (South Carolina's secession was constitutional):

1.

2.

3.

Use the space below to take additional notes throughout the presentation of claims.

Decision: Plaintiff or Defendant– Include a brief (1-2 sentences) rationale behind your decision.

Pro Se Court Activity

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Topic: Was South Carolina's secession from the United States constitutional?

Plaintiff/ Defendant:

Write your argument to be used during "court" below. Be sure to include your major claim (was the secession constitutional?) and briefly address the three supporting pieces of evidence you will be using to "prove" your major claim (this evidence MUST come directly from the readings provided). Be sure to cite line numbers for each of the pieces of evidence from your reading. You have one (1) minute to present your claim.

Use the space below to take notes while your opponent presents their case:

Quote/Evidence #1

Quote/Evidence #1

Quote/Evidence #1