

APS Paper:
The Southern Quarterly Review
1842-1845

Josh Liller

FAU AMH4150

April 26, 2012

Southern states had always tended to place more emphasis on States' Rights and state sovereignty than those in the North. This issue came to the forefront during the Nullification Crisis of 1832, a major collision between Federal and State power. Even after the Compromise of 1833 resolved the crisis, the issue persisted as a point of contention even when not actively debated in the Senate or House. The famous John C. Calhoun of South Carolina had joined the Senate during the Nullification Crisis and remained there into the 1840s. His defense of Nullification and State Interposition made him a hero among many States' Rights advocates in the South.

The Southern Quarterly Review was a quarterly journal published in January, April, July, and October from 1842 to 1857. It was founded by D.K. Whitaker who also served as the journal's editor until 1847. The Review was originally published in New Orleans, but within a few years had moved to Charleston, South Carolina. The journal included articles on literature, science, history, philosophy, and politics. A staunch defender of Southern culture and politics, it was pro-slavery, anti-tariff, anti-British, and a frequent advocate of States' Rights. This last position was commonly expressed in the form of printing of speeches and pamphlets by John C. Calhoun and other States' Rights advocates accompanied by editorial comments.

In its inaugural issue, The Southern Quarterly Review declared it was created "to protect the rights of our Southern soil from invasion." It described the Constitution as a "compact between the several States" and endorsed a strict constructionist view. "The allegiance to the citizen is due, primarily, to the States, and secondarily, to the United States." Curiously, this statement of principles – so labeled in the issue's Index – does not appear until page 63, on the heels of a section of anti-British sentiment (Jan 1842).

Among the articles in that same issue is "A Brief Inquiry into the True Nature and Character of the Federal Government, being a Review of Judge Story's *Commentaries on the Constitution of the United States*". The article is a reprint from an 1840 publication is anonymously signed "A Virginia". However, the original publisher listed in the article's citation is surely a giveaway: Edmund Ruffin, later Fire-Eater and rabid Secessionist. This review article praises Judge Story for being an advocate of "State sovereignty" and "the right of State interposition, in the last resort" while showing the "true theory of Federal government" (Jan 1842). An excerpt from this work was printed again in April 1843.

Also dealing with States' Rights in the first issue is "Speeches in the Senate of the United States, on Mr. Calhoun's Resolutions" from 1833 which dealt with the Nullification Crisis. Another inclusion is James Bayard's "Brief Exposition of the Constitution of the United States." Bayard begins by explaining how "a right understanding of the text and spirit of the Constitution...are subjects of the highest importance to the American patriot." Bayard's article admits there is a divide on States' Rights: whether the United States were formed as a compact between the people as one "indivisible" nation or compact between the people of independent States. Bayard comes down clearly on the side of the independent States, criticizing the other viewpoint as "dogma". One of his arguments is that if the States were not independent then they would not have been reserved any rights at all, but the Constitution explicitly reserves some rights for the States (Jan 1842).

In their last issue of 1842, Southern Quarterly Review printed a copy of John C. Calhoun's speech in the Senate from May 6th of that year in regards to the Tariff of 1842. The tariff was being drafted by a Whig congress and Calhoun spoke against its protectionist nature. In the speech, Calhoun laments the tyranny of the majority that the tariff represents and the inability of the States unfairly hindered by it to seek redress. "The rights of the States are swallowed up in the rights of the majority" (Oct 1842).

"The Life of John C. Calhoun" was among the articles in the April 1843 issue, printed with extensive editorial commentary. This bibliography sketch of Calhoun's political career was circulated in an unsuccessful attempt to make Calhoun a serious candidate for the 1844 Democratic presidential nomination. The article is preceded by an explicit editorial endorsement of Calhoun's candidacy (Apr 1843). This is to be expected since Southern Quarterly Review frequently printed Calhoun's speeches and seemed in agreement with him on most political issues, especially States' Rights.

The biography is typically gushing in praise for its candidate. The biography attempts to defend some of Calhoun's actions in his early nationalistic period such as claiming "Mr. Calhoun has never committed himself, in any speech or report, as to the extent of the constitutional powers of Congress over internal improvements..." The writer criticizes Andrew Jackson's surplus revenue distribution plan (dividing it equally among the states based on their representation) would merge "the interests of the State and Federal governments...and prove the

source of endless corruption. Calhoun is championed as the cool-headed defender of States' Rights, advocating that South Carolina wait until absolutely necessary to "interpose the shield of State sovereignty." South Carolina's tariff nullification was undertaken in line with the principles of the Constitution and "the relative powers and rights of the State and Federal governments." Calhoun is quoted to make his views explicit: "...the General Government emanated from the people of the several States, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community" (Apr 1843). This quote harkens back to the statement of principles in the first issue of this periodical.

Direct reference is also made in this biographical article several times to the earliest publications defending States' Rights: Thomas Jefferson's Virginia and Kentucky Resolutions. Calhoun is praised as following in Jefferson's footsteps. Nullification was not an attempt at disunion, but an attempt "to preserve it according to the express terms of the compact." Echoing James Bayard's comments in the Jan 1842 issue, the nature of the Constitution being adopted by the States rather than by the mass public is noted (Apr 1843).

In this same issue, there is an article discussing an issue between New York and Virginia regarding some escaped slaves. Interestingly, Governor Seward of New York refuses to return the slaves to Virginia on the grounds of States' Rights: because the state of New York does not recognize the legal right of one human to own another extradition is not legally justified. The writer does address this issue, noting it is the only legal grounds on which New York can make a dispute. The writer cautions "As lovers of our union, we should be extremely careful how we refer controversies between the States to the arbitrament of the law of nations." The sovereignty and independence of the States is acknowledged, but claims that international law does not apply between States because of the Constitution.

In April 1844, the periodical published the speeches of John C. Calhoun and Henry Clay. The writer finally confirms what has become obvious from issues up to this time in Southern Quarterly Review: "Entertaining, as we do, the same principles that were upheld by the strong intellect of Mr. Calhoun..." But the writer also praises Clay, suggesting that he would have been "the advocate of State Interposition" had he instead been from South Carolina and believes Clay loves his state as much as Calhoun his own. Not for the first time, praise is given to the union of

States, but as usual is given in close proximity in the next to the importance of the States (Apr 1844).

Among Calhoun's speeches, the article makes particular note of two speeches given in the Senate during the Nullification Crisis in early 1833. The writer says attention has been drawn to them because of they are philosophical lectures on the origin and structure of government. Calhoun's speech is makes another reference to the Kentucky and Virginia Resolutions and describes Thomas Jefferson as "the great apostle of the doctrines of state rights." Calhoun also speaks at length about the nature of the Constitution as a compact made by the joint authority of the States. Calhoun says that wording in the Constitution that limits the actions States may take (may not make foreign treaties, etc) is cited by Daniel Webster and other opponents of States' Rights as proof the Constitution is not a compact. But Calhoun points out this wording is recycled from the Articles of Confederation, which opponents of States' Rights do argue is a compact. Calhoun also responds to Webster's question of whether the supreme law of the land (as the Constitution defines itself) can be a compact; he affirms it can be, since treaties are compacts and the Constitution declares treaties made under its authority are also part of the law of the land (Apr 1844).

In another speech reprinted in the same issue, Calhoun observe that terms like "union", "united", and "Federal" are used to refer to the national government. These terms "all imply a combination of sovereignties – a confederation of States. They are never applied to an association of individuals." That the states have delegated powers to the national government does not mean they have permanently surrendered them. If a State no longer consents to remaining in the Union then it has the right to leave. Holding a State in the Union by force replaces consent with obedience; Calhoun compares this obedience to the relationship between master and slave. He also compares the situation in 1833 to that preceding the American Revolution (Apr 1844).

Among Clay's speeches printed in this issue with praise is one comparing South Carolina's Nullification Ordinance with acts of defiance in the past by Ohio and Virginia. Like those states, South Carolina defied Federal law but then went no further "in order that, by our legislation, we may prevent the necessity of her advancing any further." South Carolina's

behavior sought to force the resolution of an issue and she held back from leaving a Union she did not wish to depart from unless absolutely necessary (Apr 1844).

The October 1844 issue carried a lengthy article on the major issue of the day: the possible annexation of Texas. While arguing in favor of annexation (or reannexation, as the writer prefers to describe it), the writer quotes the Congress of Coahuila and Texas from 1824 which stated that “Texas is an integral part of the [Mexican] federation, equal to the other States of which the same is composed, and is free, sovereign, and independent.” This is the same kind of language used previously by this paper to describe the nature of States within the United States of America (Oct 1844).

The writer also quotes Senator Walker’s speech in favor of annexation. Describing the invasion of Texas in the 1830s, he says Santa Anna had “annihilated the States by a military edict” and sought to “reduce her [Texas] from a free and sovereign state of Republican Federation, to a mere subject department of a central despotism.” Walker also refers to Texas having been part of a compact. This language about Santa Anna and Texas echoes the language of previous articles in this publication about the Force Bill and South Carolina. Walker’s speech also describes the Texans as making every attempt possible to preserve the national constitution, breaking from the union only as a last resort (Oct 1844). This parallels in Clay’s speech printed in the Review in March 1844.

Although published just after the end of Tyler’s presidency, the April 1845 issue of Southern Quarterly Review includes a noteworthy article about an issue between Massachusetts and South Carolina which Samuel Hoar was sent unsuccessfully to resolve. South Carolina had enacted a policy barring entry by free blacks from ships docking in its ports. This policy had lead to arrest and temporary imprisonment of free black sailors including some from Massachusetts. Massachusetts claimed the law banning free blacks was unconstitutional. As explained by the writer, South Carolina’s argument was that “the power to control and protect by suitable laws their slave population, has never been granted by the slave-holding States to the Federal government.” Therefore, the right to do so remained with the States. Massachusetts fighting this South Carolina law was a violation of Carolinian state sovereignty. Since it is a State regular dealing with a domestic issue, it is not bound by Congress’ rights to regulate commerce (April 1845).

Later in that same issue, South Carolina's political history is discussed. This includes some discussion of the nature of the States and the Federal government. The writer says that all of the States sought to preserve their individuality when forming the United States. They "did not annihilate any portion of their sovereignty" when forming "this federal compact." State sovereignty is described as indivisible and must remain unimpaired lest it be lost entirely. All power given to the Federal government was delegated and any power delegated may be resumed by the delegate (April 1845).

Despite the passage of a decade, the content of The Southern Quarterly Review from 1842 to 1845 during the Tyler administration makes it clear that the issue of States' Rights had not been resolved with the Compromise of 1833 and the end of the Nullification Crisis. The political philosophies expressed by this periodical during this time period are consistent and repeated even though they were not stated in every issue: the United States Constitution was only a compact between sovereign States. Those States retained their sovereignty, had only delegated powers to the Federal government, and any attempt to maintain union by force or otherwise reduce a State to a subservient subject was wrong. The Review consistently praised and quoted Senator John C. Calhoun, a major proponent of such rights.