



“The Union of these States is Perpetual”: Lincoln’s View of the American Union

Student Name _____ Date _____

From Abraham Lincoln, First Inaugural Address (March 4, 1861):

http://www.millercenter.virginia.edu/scripps/digitalarchive/speeches/spe_1861_0304_lincoln

Fellow citizens of the United States:

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take, in your presence, the oath prescribed by the Constitution of the United States, to be taken by the President “before he enters on the execution of his office.”

Apprehension seems to exist among the people of the Southern States, that by the accession of a Republican Administration, their property, and their peace, and personal security, are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed, and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.” Those who nominated and elected me did so with full knowledge that I had made this, and many similar declarations, and had never recanted them. And more than this, they placed in the platform, for my acceptance, and as a law to themselves, and to me, the clear and emphatic resolution which I now read:

“Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.”

I now reiterate these sentiments: and in doing so, I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace and security of no section are to be in anywise endangered by the now incoming Administration. . . .

. . . A disruption of the Federal Union heretofore only menaced, is now formidably attempted.

I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our national Constitution, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade, by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

~~Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the~~ Constitution. It was formed in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was “*to form a more perfect union.*”

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is *less* perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union,—that *resolves* and *ordinances* to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it *will* constitutionally defend, and maintain itself.

In doing this there needs to be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority. The power confided in me, will be used to hold, occupy, and possess the property, and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion—no using of force against, or among the people anywhere.

...
Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step, while there is any possibility that any portion of the ills you fly from, have no real existence? ...

All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. . . . But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. *May* Congress prohibit slavery in the territories? The Constitution does not expressly say. *Must* Congress protect slavery in the territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government, is acquiescence on one side or the other. If a minority, in such case, will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them, whenever a majority ~~refuses to be controlled by such minority.~~ For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union claim to secede from it. All who cherish disunion sentiments, are now being educated to the exact temper of doing this. Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession, is the essence of anarchy. A majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy, or despotism in some form, is all that is left.

...
One section of our country believes slavery is *right*, and ought to be extended, while the other believes it is *wrong*, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and it would be worse in both cases *after* the separation of the sections, than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction, in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all, by the other.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence, and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible then to make that intercourse more advantageous, or more satisfactory, *after* separation than *before*? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens, than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you. . . .

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better, or equal hope, in the world? In our present differences, is either party without faith of being in the right? If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth, and that justice, will surely prevail, by the judgment of this great tribunal, the American people.

...
My countrymen, one and all, think calmly and *well*, upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to *hurry* any of you, in hot haste, to a step which you would never take *deliberately*, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied, still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no

immediate power, if it would, to change either. If it were admitted that you who are dissatisfied, hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him, who has never yet forsaken this favored land, are still competent to adjust, in the best way, all our present difficulty.

~~In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war.~~
The government will not assail *you*. You can have no conflict, without being yourselves the aggressors. *You* have no oath registered in Heaven to destroy the government, while *I* shall have the most solemn one to "preserve, protect and defend" it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field, and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

“On the Execution of His Office”: What the Constitution Expects of the President

Student Name _____

Date _____

From the Constitution of the United States (1787):

http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

...

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. . . .

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States . . .

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

“Released from Her Obligation”: South Carolina Decides to Leave the Union

Student Name _____ Date _____

Excerpts from South Carolina’s Secession Declaration (December 20, 1860):
<http://www.yale.edu/lawweb/avalon/csa/scarsec.htm>

South Carolina “Secession Declaration” (December 20, 1860)

DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF SOUTH CAROLINA FROM THE FEDERAL UNION.

...
In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a Declaration, by the Colonies, “that they are, and of right ought to be, FREE AND INDEPENDENT STATES: and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.”

They further solemnly declared that whenever any “form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government.” Deeming the government of Great Britain to have become destructive of these ends, they declared that the colonies “are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved.”

...
Thus were established the two great principles asserted by the colonies, namely: the right of a state to govern itself; and the right of a people to abolish a government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact that each colony became and was recognized by the mother country as a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, deputies were appointed by the States to revise the articles of confederation, and on 17th of September, 1787, these deputies recommended for the adoption of the states, the articles of union known as the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign states; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then invested with their authority.

...
By this constitution, certain duties were imposed upon the several states, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign states. . . . On 23d May, 1788, South Carolina, by a convention of her people, passed an ordinance assenting to this constitution, and afterwards altered her own constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the states, a government, with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the states or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the states have deliberately refused for years past, to fulfil their constitutional obligations, and we refer to their own statutes for the proof.

The constitution of the United States, in its 4th article, provides as follows:

“No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This stipulation was so material to the compact, that without it that compact would not have been made.

...
The general government, as the common agent, passed laws to carry into effect these stipulations of the states. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding states to the institution of slavery has led to a disregard of their obligations, and the laws of the general government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them. In many of these states the fugitive is discharged from service or labor claimed, and in none of them has the state government complied with the stipulation made in the constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. . . . Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding states, and the consequence follows that South Carolina is released from her obligation.

The ends for which this constitution was framed are declared by itself to be “to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.”

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

We affirm that these ends, for which this Government was instituted, have been defeated, and the government itself has been made destructive of them by the action of the non-slaveholding states. Those states have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the states and recognized by the constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace and to eloign [i.e., carry away] the property of the citizens of other states. They have encouraged and assisted thousands of our slaves to leave their homes, and those who remain have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common government. Observing the forms of the constitution, a sectional party [i.e., the Republican Party] has found within that article establishing the executive department the means of subverting the constitution itself. A geographical line has been drawn across the Union, and all the states north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government, because he has declared that that "government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

On the 4th of March next this party will take possession of the government. It has announced that the South shall be excluded from the common territory; that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the constitution will then no longer exist; the equal rights of the states will be lost. The slaveholding states will no longer have the power of self-government, or self-protection, and the federal government will have become their enemy. Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error, with the sanctions of a more erroneous religious belief. We, therefore, the people of South Carolina, by our delegates, in convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the union heretofore existing between this state and the other states of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

“To Destroy Slavery . . . by Indirect and Slow Approaches”: What Secessionists Feared

Student Name _____

Date _____

“The Policy of Aggression,” *New Orleans Daily Crescent*, December 14, 1860:
<http://teachingamericanhistory.org/library/index.asp?document=1747>

It is a mistake to suppose that it is the mere election of Lincoln, without regard to anything else, that has driven the States of the South into their present position of resistance, and their present determination to seek that safety and security out of the Union which they have been unable to obtain within it. The election of Lincoln is merely the confirmation of a purpose which the South had hoped would be abandoned by the opponents of slavery in the North. It is a declaration that they mean to carry out their aggressive and destructive policy, weakening the institution at every point where it can be assailed either by legislation or by violence, until, in the brutal language of Charles Sumner, “it dies like a poisoned rat in its hole.” The election of Lincoln seals this purpose—pledges the party anew to it—reiterates the intention of the party to destroy slavery, if not boldly, at least by indirect and slow approaches; and, in short, is not so much an act of outrage itself as in the policy which it foreshadows, and the evil omen it brings to the South touching her future prosperity and security.

The *New York Tribune*, therefore, and other journals, which charge that we are like the people of South America and Mexico, who attempt to overturn the Government every time they are beaten in an election, misrepresent the true facts of the case. It is not because we have been beaten in the election that we are for resistance. But it is because self-defense, which is the first law of nature, no less than a just spirit of resentment towards a party which, in its sectional organization, is violative of the spirit of the Constitution, require that we should prepare for resistance before, by submission, the shackles will be so firmly bound upon us that we can never remove them.

That we do not misrepresent the purposes of this Republican Party in the future, let the following extract from one of its leading organs, the *New York Independent*, amply attest:

Let no opponent of slavery imagine that this is a time to rest from his labors. The Republican triumph, while it is an effective blow to the slavepower that has so long domineered at Washington, falls far short of the demolition of slavery. The gigantic iniquity still stands; hostile to the spirit of the Constitution and the known policy of its framers; hostile to the whole genius of our free institutions; hostile to every principle and precept of Christianity; an organized, unmitigated system of wickedness; but nevertheless *organized* by the laws of Southern States, and upheld, in face of the Christian sentiment of the age, by political, financial and commercial interests both at the South and at the North. While that SYSTEM stands, we cannot let it alone.

Here we have a distinct declaration that the work of the party is just begun—that this is not the time for them to “rest from their labors”—that the “demolition of slavery” is not yet accomplished, and the mission of the party is to produce that result. There can be no mistaking the language of this leading, widely-circulated and influential organ of the Abolition party. Whatever Corwin* and other so-called “conservatives” [i.e., moderate Republicans] may say, there is not the shadow of a doubt that the policy of the party will be bold and aggressive. It cannot stop where it is without falling to pieces. If it hesitates it dies. Organized upon a sentiment of hostility to slavery, and for the purpose of accomplishing its

destruction, the moment it recedes from its position it loses the confidence of its supporters, and perishes forever. This is well known to its leaders, and hence the doctrine of the irrepressible conflict. This party, odious as it is in its principles, would excite the contempt even of the South if it abandoned those principles at the very moment of victory, unless they were abandoned from patriotic impulses—and this we cannot expect from an organization which illustrates its “patriotism” by openly organizing a crusade against the people, the property, the rights and the honor of one-half of the confederacy.

When, therefore, the Independent says that the party “cannot let slavery alone,” it means simply that it *will* not let it alone—that it does not intend to let it alone—that its object is to labor for its “demolition”—that it is a “gigantic iniquity” which must be removed from the nation. Where they cannot attack it in the States they will attack it at every other point they can reach. They will set fire to all the surrounding buildings in the hope that some spark may catch, and everything be destroyed in a general conflagration. They will undermine the pillars of the institution, and then wait quietly for the whole edifice to tumble. We know that there are many of this party who have no such purpose—who would shrink from the consequences of their own acts could they clearly foresee them. But they do not represent the spirit of the party—its animus, and its soul. The leaders have not only proclaimed their present and their ultimate objects, but they are gradually educating the people up to their own designs. Many will turn back appalled when they discover the true state of the case; but when hatred of slavery becomes, as it is now fast becoming, a part of the religion of the Northern people, we can look for no other result than perpetual war upon it, looking, in the language of the Independent, to its eventual “demolition.”

It is the consciousness of this fact, and not the mere, naked election of Lincoln to the Presidency, which has caused the South to assume her present attitude. If we were to make war upon any social institution of the North, and attempt to destroy it under the forms of law even, and the North should fail to resist, they would be justly taunted as cowards and cravens. If it were an institution possessing a money value, it would make the case even worse for them. How they can complain of the South for doing precisely what they would themselves do if our positions were reversed, is something yet to be explained—but, complain or not, the fiat has gone forth; and the South, having had fair warning that she is to be subjugated, dishonored, and robbed *within* the Union, has no remedy left except to place herself beyond the reach of that Union which is to be used for such unholy purposes.

* Thomas Corwin was the former Governor, United States Senator and Representative from Ohio, as well as Secretary of the Treasury under President Millard Fillmore and Ambassador to Mexico under Abraham Lincoln. After Lincoln’s election but before his inauguration, Corwin proposed a constitutional amendment that would prohibit Congress from abolishing slavery where it already existed within the states. Nevertheless, as a Republican congressman and opponent of the Mexican-American War, he was hated in the South.