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Communicated

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seem most desirable. The absolute necessity of violence and bloodshed would be thus avoided, and a door for reconciliation and re-union would be left open. Such a result would surely take place, if desirable to both parties. If not desired by both, it could not, according to the principles of our government, be forced upon the weaker party; because such compulsory union, would be conquest, and not compact.

"This is the true theory of our government, as it was once understood by every body. Why should we fear to look at it, and speak of it as it is? We cannot alter the nature of man, or the nature of things. If such exigencies as I have spoken of ever do arise, we shall assuredly find that the safest and best course that events can take, will be that, which the form of our government has channelled out for them; and, at worst, it will not be in the power of rash, misguided men, to involve us in the horrors of fraternal war. Let those whose impatient spirit would urge the President to extremities in such a case, weigh well the consequences. Trust me, gentlemen, they would be awful and lamentable, whatever the cause might be. Since the day that the blood of Abel cried to heaven against his murderer, the decree has gone forth, "that blood shed by a brother's hand, shall not sink into the ground." Other wrongs may be forgiven, other quarrels appeased, but these? Never! Never!"

(a) Is it objected here that the States do not possess this power in an unlimited degree? This is true, but the limitations are self-imposed. If we complete the definition of sovereignty by adding that it is *unlimited and irrevocable*, we shall find these two qualities in the States, but not in the Federal Government.

Apply another test. Repeal the Federal Constitution, and the laws of the Federal Government go with it, while 24 perfect State Governments remain. But, repeal the State Constitution, and you will still have laws, and rights under the laws, and a people to whom they will apply, though the rights for a season, may be without remedy, and the laws without Courts to enforce them. Establish a new government, and the rights will be recognized and the laws enforced until repealed, and that without any new enactment.

(b) Husband and wife commit a felony in conspiracy. The wife shall not be held criminal. Why? Because the husband is the stronger? No. She may be a Giantess, and he a Dwarf. It is because the law recognizes in him an authority over her, and will not blame her for obeying it. How much stronger is the case where the authority so recognized by law, is armed with the power of life and death, and backed by the physical force of a whole people. As the husband alone is liable in one case, so is the State in the other. But how is the State to be tried? In the Court of the only Judge of Sovereigns, in that Court where the emperor is the advocate, and the God of battles sits as Judge. In this view nothing can be done easily. The writ is an act of Congress declaring war. The declaration is manifest. Is not this better than to place the peace of the country at the mercy of what an individual man would by personal resentments, and eager to bring his enemy to the gallows?

COMMUNICATED.

Below is an extract from a speech delivered on the 21st of April last, at St. Louis, Missouri, by Beverley Tucker, Esq. The speaker seems to have anticipated the present crisis, and to have endeavored (I hope not unsuccessfully) to prepare the minds of the people against surprise.

"It is this Protean party, [the Federalists] under whose influence the true character of the Constitution has been so forgotten, that all our ideas of State sovereignty have become unsettled and confused. Its very advocates know not what it is, and when they talk of placing the State upon her sovereignty, they do, in fact, propose to put her in the attitude of a rebellious vassal. The other party, seeing the absurdity of this, take advantage of it, and affect to consider the claim of sovereignty by the States, as idle and ridiculous.

"Gentlemen, if the States are not sovereign, who is the sovereign in this Republic of ours? Is the Federal Government? If my neighbor wrong me, do I go to the Federal Government for redress? No. If a man owes me money, do I sue him in a Federal Court? No; except in a few rare instances. If I burn my neighbor's house, or take my neighbor's life, does the Federal Government punish me? No. A strange sort of sovereignty this, which exercises no control over those acts which are destructive of the peace and well-being of society! Then, what can the Federal Government do to me? I answer; "it can do those things, which, in the performance of its functions, become necessary to their exercise." It is entrusted with the Post Office, and may therefore punish those who rob the mails: it is entrusted with commerce and the customs, and may, therefore, punish pirates and smugglers: It is entrusted with the war power, and may punish all sorts of offences: but as long as a man will take care not to interfere with that Government, so as to impede its action in its appropriate sphere, he may rob, and burn, and murder, and it has no more to do with him than the Emperor of China. But the States are true sovereigns. What is sovereignty? It is the legal and irresponsible power to protect right, and redress wrong, to fine, and imprison, and hang, for any thing it may please to declare criminal (a) Can there be any authority higher or more binding than this? Can there be any control more efficient than such a power exercise? Can any man be deemed criminal before God or man, for any thing he may do in obedience to the behests of an authority, thus bearing the keys of life and death? So absolute is this doctrine, that the law of nations, and the universal municipal law of every nation, justifies any man in fighting in defense of the country where he happens to be, even against his own legal sovereign. And why? Because his life is at the mercy of the authorities of the country, if he refuses.

"What, then, is sovereignty? I will tell you, gentlemen consolidationists: It is that which is incapable of treason or rebellion. It is that whose authority within its appropriate jurisdiction, excuses all that is done in obedience to that authority. The excuse is found in its power to enforce obedience, and where that power lawfully exists, there is sovereignty. The legitimate power to fine and imprison, to head and hang; the power of pit and gallows, lawfully claimed and distinctly acknowledged, without reserve, without exception, without responsibility; these are the marks and tests of sovereignty.

"Is this the view the nullifier takes of the matter? No; for if he did, he would see that an act of nullification will bring this authority into direct collision with a similar authority in the hands of the Federal Government. The President must enforce the laws of the United States; and the Government will punish all who impede their execution; and the people are thus placed between two conflicting authorities, commanding and prohibiting the same thing on pain of death. Can this be the condition of a free people? Can both such authorities be legal? Assuredly not. What then? Is the State sovereignty therefore a nullity? So says the consolidationist; but until he can make the power of life and death a nullity, he can never nullify the State sovereignties. What then is to be done? It is manifest that the collision between two such authorities cannot endure a moment; and yet both exist, and in case of their collision, there must be some remedy. What is it? Let us see. The laws of the United States must be executed. Where? Throughout the United States. The President is charged to enforce what he believes to be the laws of the United States. Where? Throughout the United States. How then can any State escape their execution within her limits? BY CEASING TO BE ONE OF THE UNITED STATES. If she remain a member of the Union, she places her people in the perilous condition of rebellious citizens, who must be at once proceeded against at all hazards, and to all extremities. If she withdraw, she places them in the condition of foreigners, responsible to herself alone. If she remain, the President is bound at once to resort to acts of violence and bloodshed, which may make the feud irreparable. If she withdraw, a declaration of war must precede any authorized violence, and peace, and perhaps a renewal of Union, may be secured. The views of the nullifier on this subject are manifestly confused; while the consolidationist is equally absurd on the other side. Because the nullifier chooses to overlook the essential marks and qualities of sovereignty, and to talk of it as of some impalpable essence, a something in the clouds, the other insists on considering it as a mere nonentity. And yet this same nonentity may pronounce and inflict a sentence of death on him, the perfect legality of which no tribunal on earth will presume to question. In other words, they deny the competency of a State to separate from the Union. What is the use of denying this; when, if the thing be done, it will be as effectually done, as if it were admitted? No State will resort to this remedy unless in an extreme case, and under a feeling of desperation. The right to fight, will not submit to be made a subject of argument, when the party is in a mood for it. It cannot be restrained by coercion; for the moment you apply that, you call it into exercise. You may claim the right to punish individuals as rebels and traitors when you catch them; but if you do, you do so in violation of that universal law, which considers the authority of a power rightfully the arbiter of life and death, an excuse for all that is done in obedience thereto. (b)

"Now, compare this practical application of the principles of the Constitution, with that in which the nullifier and consolidationist both concur. Is it not clear, that in any government there may be abuses, which will justify and provoke resistance? The history of all the world proves it. And what has been the result? Civil war—bloodshed—ignominious punishments of the noblest and purest men—confiscation—revolution—and a return to the control of a despotism sterner than before. Was it unwise in the framers of our Constitution, to provide for a different result in such a contingency?

"In such an event, in a consolidated government, the only possible course is to put down resistance by a strong hand, and punish its authors. When there are numerous, we have a case of civil war, as the inevitable consequence, with all the horrors of brother against brother, and father against son.

"In a government like ours, if the disaffection is confined to a minority of a State, it is put down by State authority, without involving the rest of the Union, and straining the ligaments which bind the members together. If it extends to a whole State, her withdrawal would, in no wise, impede the operations of the government. The amount would be, that a new nation would have sprung up among the nations of the earth, towards which the Federal Government would establish such relations, as might