

DANIEL WEBSTER

★

AGAINST NULLIFICATION

Liberty and Union, now and forever, one and inseparable!

Daniel Webster (1782–1852) was known as the foremost orator of his time. As a senator from Massachusetts, he debated the issue of tariffs with Senator Robert Y. Hayne of South Carolina in 1830. Speaking for the southern states, which opposed the tariff, Hayne cited Vice-President John C. Calhoun's theory of nullification, under which a state could "nullify" a federal law that it believed unconstitutional and, if necessary, secede from the Union rather than accept what was intolerable to its interests. In rebuttal, Webster defended the authority of the federal government and criticized the notion of states' rights. Excerpted below (from an extemporaneous speech that exceeded 100 pages) is the peroration of Webster's reply to Hayne.

If anything be found in the national constitution, either by . . . original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established unacceptable to them, so as to become practically a part of the constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the state legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the state legislatures. Sir, the people have not trusted their safety, in regard to the general constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, and under their oaths of office, and subject to their responsibility to them; just as the people of a state trust their own state government with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any state legislature to construe or interpret *their* high instrument of government; much less, to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their constitution could neither have been pre-

served, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every state but as a poor dependent on state permission. It must borrow leave to be; and will be, no longer than state pleasure, or state discretion, sees fit to grant the indulgence, and prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve, and wisely to administer it. . . .

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious

Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards;" but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—*Liberty and Union, now and forever, one and inseparable!*

Webster's "Against Nullification"

1. Webster suggests that Nullification is not only illegal, but *unnecessary*. What apparatus and processes are already in place in our government that make nullification unnecessary?
2. What, according to Webster, would nullification do to the Constitution?
3. Why is Webster hopeful?
4. Why hasn't Webster looked into "the dark recess behind"? What, if Hayne gets his way, will be the outcome?