**The Significance of the Civil War**

Why Study the Civil War?

* National Interest: 40,000 re-enactors and 250,000 buffs (per McPherson). The Ken Burns documentary was watched by millions of Americans!
* It is a romantic story and provides an escape to older days. The war is a grand narrative full of heroism and adventure.
* The war is a story of family. Families who feuded, divided, united.
* We have great records of the war because the people knew it was important and wrote things down.
* **The scale of catastrophe**: 620,000 Americans Killed! All other wars added together amount to less than 700,000. In one battle, Antietam, 22,720 were killed. The south was changed from the most politically powerful and richest area to a third world backwater.

**I. A Nation or a League?**

A. Compact Theory of Union: government is a compact between the states and not the product of the people as a whole.

1. States may deem federal laws unconstitutional if:

 i)constitution is silent on issue

 ii) the Federal government acts in violation of the Constitution

2. Tenth Amendment: “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.”

3. Nationalists argued that only the Supreme Court could decide if laws were constitutional or not, not individual states.

B. Nullification

1828- Tariff of Abominations. The Tariff hurts agrarian South by raising costs of consumer goods (tools, equipment, etc). Parts of the North are aided by the tariff since manufacturing takes place there. South Carolina argues the tariff is illegal because it is not a public necessity, it benefits some people at the expense of others, and tariffs were supposed to be used only to raise revenue (money) not to protect one area’s economy.

Tariff: A tax on importing goods or products

Revenue: Money

Nullification: When a state believed an act was unconstitutional it could nullify the act within its own borders. This action could protect minority rights against overreaching majorities.

Senator Calhoun (of South Carolina) argued: The states are older than the Union, they are separate and Sovereign (in charge), they have a right to determine for themselves if their agreement (the constitution) has been violated. He also said that if the federal government felt strongly enough about an issue than they could call a constitutional convention and create an amendment.

C. Nationalists response to Nullification

Andrew Jackson: Gains authority to use federal troops to enforce laws. At the same time he works out with Senator Henry Clay of Kentucky (1833) a new tariff that lowers rates by 20% over 10 years. South Carolina is isolated and suspends Ordinance of Nullification. But out of defiance they nullify Jackson’s Force Bill.

Jackson argues that the Constitution gives the federal government the right to collect taxes, duties, imposts, and excise (Art I Sec 8), and that even if the law was unconstitutional it was for the Supreme Court to decide (Art III, Sec 2). Jackson held that the Government was one “in which all the people are represented, which operates directly on the people individually, not upon the States…” States gave up certain rights and powers when they accepted the constitution, which forms an organic Union which states cannot leave except as a revolutionary act.

Senator Daniel Webster (Massachussetes): Constitution creates the people’s government. He cites the Preamble “We the People” not “We the sovereign states.” He emotionally emphasizes the Union as a great vehicle of liberty. Disunion is a disaster for all who love freedom.

D. Did the founders believe in a Perpetual Union?

Irony! Nationalists kept quiet on the matter, while Antifederalists warned that the Constitution would destroy state sovereignty and create a consolidated federal Union.

Most Americans during the federal era saw the nation as an experiment, hoped it would survive, and thought of disunion as disastrous.

James Madison: Last of the Founding Fathers dies in 1836. He claims that there is no right to nullification or secession. States could only leave due to “intolerable cruelty” which is the right of revolution.

Lincoln concedes that perpetuity of Constitution is only implied.

What did the Confederates change in their Constitition?

i) Preamble: after “We the People” they added “each State acting in its sovereign and independent character”

ii) no general welfare clause

iii) got rid of “to form a more perfect Union”

iv) add the explicit right to expand slavery into territories, outlaw internal improvements, make specific reference to the right of slaveholding.

**II. Reshapes the Federal Government**

A. New Amendments, the Civil War Amendments

 13th ends slavery

14th extends bill of rights to states, defines citizenship and provides equal protection under law.

 15th extends voting rights to African Americans

 The next four amendments continue to increase federal power at the expense of the states

 16th income tax

 17th direct popular election of senators, senators no longer selected by state legislator

 18th prohibition

 19th woman gain the right to vote nationally

B. Creates larger federal bureaucracy with federal pensions. (government grew to be three times larger)

C. The Republicans emerge as a national and dominant party.

D. Lincoln strengthens the position of American President.