

CTF

History 225

Re: And the War Came

Notes w/ Sumter

Source: Davis, Cause Lost (180ff)

The Constitutional question of whether the South when she seceded was in her rights within the law of the land.

The South argued that this was a right inherent in the Declaration of Independence and within the Constitution. The argument would be that when ever a government becomes destructive of these ends—that would be liberty or freedom—that it was incumbent on the aggrieved peoples to overthrow that government.

Aggrieved ends. What would they be is the case of the South. The myth is that state rights were in jeopardy if the South remained in the Union. The core of this argument in fact was slavery, or more specifically the issue of slavery in the territories. (Question to pose to the class. Do they recall their basic history of the 1850s?)

Check w/ Lincoln's First Inaugural. Use his language in this context. How was the South threatened by his election? Hat did he say? What quarantees did he give the South in his inugural?

Note to myself: What about the issue of Southern exceptionalism. Check w/ McPherson on this. Get together some addendum notes.

Did the South have a constitutional right to secede? If the Constitution was a contract, which was what the secessionists' argued, then in what way did the North break this contract? I think Lincoln makes it clear that there was no breach of contract. At the time South Carolina voted to secede the federal government had done nothing to interfere with the South by way of tariffs, taxes, internal improvements, violation of the Southern peoples' civil rights or civil liberties, etc

The issue was slavery or slavery in the territories. Lincoln had given the South assurance he would not interfere with slavery where it already existed.

The best understanding is that secession was not an inherent right. It would be legal only if the Confederacy tried it, successfully defended it, and thereby established a precedent.. If the Civil War established any thing it was that secession is not a Constitutional right. However, it does not foreclose the possibility that it might be tried in the future and if successful become a legal right.

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History 225

Re: The First Shot/Sumter

Source: Davis, Cause Lost

The argument that Lincoln maneuvered the South into opening the war w/ the Sumter expedition.

Uses the example of John Brown's seizing the arsenal at Harpers Ferry. Aside from abolitionists in the 1850s, most Americans, North and South, saw this as an act of treason and insurrection.

What makes it a different and laudable case when southern militias seized federal property all over the South?

That they were ordered by state legislatures to take this action? When have states ] had authority over the property (paid for by the taxes of all the people) of the federal authority? The land these installations were built upon was ceded to the states by the federal government. The monies used to pay for their construction was tax money and most of it, as it were came from Northern taxpayers.

The argument that these seceding states were simply taking back possessions that belonged to them before they surrendered their authority to the federal authority under the Constitution adopted in 1780. This might be applicable to states like Virginia, North and South Carolina, and Georgia. But could not apply states like Florida, Alabama, Mississippi, Louisiana, and Arkansas. They were never independent entities prior to statehood.

Certainly in the case of these later states what they did by seizing forts, arsenals, and other installations belonging to the U.S. was no different from Brown's actions in 1859—treason and insurrection.

His point is that Jeff Davis did not have to open the war w/ the shelling on Ft. Sumter. The Civil War or this armed insurrection really began on December 27, 1860, when South Carolina state forces seized Ft. Pickney and Ft. Moultrie