

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these, are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That, whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...

-- The Declaration of Independence, July 4, 1776

In 1776, the representatives of thirteen British colonies declared before the world that they were, and had every right to be, free and independent states. In the years that followed, they waged a successful war for independence against the British crown and founded a new country that they hoped would become an emblem of freedom for the ages. The country they founded has endured for well over two hundred years now.

Sadly, the revolutionary ideal they championed lasted less than half that long.

The patriotic ideal of 1776 was declared treasonous in 1861 when President Abraham Lincoln refused to allow eleven discontented Southern states to leave the American Union. Four bloody years later, the Southern Confederacy fell in defeat and the old Republic was swept away in favor of "one nation, indivisible". Since then, generations of Americans have grown up with that phrase ringing in their ears, believing that secession is unconstitutional, treasonous, and, if nothing else, simply un-American.

In recent times, however, the "S" word has made something of a comeback. More and more Americans are beginning to realize that, as much as we like to pretend otherwise, we are not one people. There are very real, very deep divisions among us; and, for that reason, some are beginning to suggest that the time may be coming when we will choose to dissolve the ties that have bound the United States together for so long.

But secession is illegal...isn't it? Abraham Lincoln said so, didn't he? And if secession is legal, why did we fight such a horrible war over the issue?

It's time we think of the future by taking a fresh look at the past. Was secession actually illegal, as Lincoln claimed? What does the Constitution say about it? Is the United States of America truly one nation, indivisible? Could a state secede today? How would it secede? Can future secessions be prevented? Would secession really be such a terrible thing?

These are some of the questions this book attempts to answer, not just for history enthusiasts, but for average Americans who simply want to know the truth about their history, heritage, and constitutional liberties, and to have it presented in a straightforward manner. This book is the culmination of the author's personal search for answers, and it is hoped that you will find the evidence and analysis offered in these pages both thought-provoking and illuminating.

Published by Fultus Corporation
www.fultus.com



One Nation, Indivisible? • A Study of Secession and the Constitution • Robert F. Hawes Jr.

One Nation, Indivisible?

A Study of Secession and the Constitution



Robert F. Hawes Jr.

One Nation, Indivisible?

A Study of Secession and the Constitution

by

Robert F. Hawes Jr.



Fultus™ Books



One Nation, Indivisible?

A Study of Secession and the Constitution

Robert F. Hawes Jr.

ISBN 1-59682-091-8

Copyright © 2006 by Robert F. Hawes Jr.

All rights reserved.



Published by Fultus Corporation

Corporate Web Site: <http://www.fultus.com>

Fultus eLibrary: <http://elibrary.fultus.com>

Online Book Superstore: <http://store.fultus.com>

Writer Web Site <http://writers.fultus.com/hawes/>



No part of this book may be used or reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in reviews and critical articles.

The author and publisher have made every effort in the preparation of this book to ensure the accuracy of the information. However, the information contained in this book is offered without warranty, either express or implied. Neither the author nor the publisher nor any dealer or distributor will be held liable for any damages caused or alleged to be caused either directly or indirectly by this book.

Table of Contents

Acknowledgments	7
Introduction	9
Part One: The Compact Theory versus the Nationalist Theory of the Union	19
Position One: The Union is older than the States	23
Position Two: The Constitution is a Union of the “People”	37
Summarizing Webster’s Key Arguments against the Compact Theory	39
One Last Note on Daniel Webster	69
Part Two: Lincoln’s Case Against Southern Secession.....	71
Position One: The Union belongs to the “People”	73
Position Two: The Union is Perpetual	75
Position Three: States would require permission to leave the Union	85
Position Four: There is no such thing as ‘State Sovereignty’	91
Position Five: Southerners were guilty of Rebellion and Treason	99
Position Six: The Southern States might have formed non- Republican Governments.....	105
Position Seven: The Southern States would have defaulted on the Debts and Obligations of the Union.....	109
Position Eight: Secession is Anarchy	113
Position Nine: The South started It	117
Part Three: The Modern Case against Secession.....	151
Position One: Secession is un-American	153

Position Two: The Constitution and the Laws were suspended under Lincoln	167
Position Three: Lincoln fought to end Slavery	195
Position Four: The United States & Confederate States could not have peacefully Co-existed	231
Position Five: The United States of America is too important in World Affairs to permit Secession	235
Position Six: The Founders opposed Secession and hoped for Consolidation	241
Position Seven: The Southern States entered into an unconstitutional Confederation.....	249
Position Eight: Secession is a Question for the Supreme Court	251
Part Four: The Lincoln Legacy and Modern Secession Movements	271
The War for the American Ideal.....	273
Modern Secession Movements	281
Potentially Helpful Constitutional Amendments.....	295
Secession – American Style	301
Conclusion.....	307
Appendix A: The Declaration of Independence	311
Appendix B: The Articles of Confederation	315
Appendix C: The Constitution of the United States.....	325
Appendix D: Calhoun versus Webster.....	339
Appendix E: Abraham Lincoln on the Union and Secession..	345
Appendix F: The Emancipation Proclamation	353
Notes.....	357

One Nation, Indivisible?

*This book is dedicated to those incomparable men and women
throughout history who refused to surrender their dignity,
bow the knee to empires, or go gently into the night.*

Acknowledgments

Writing a book of this size and depth is no simple task. It helps to have good friends and supporters along the way, and I believe that I have been blessed with the best. For that reason, I would like to extend my sincerest thanks to the following individuals, without whom this book might never have come about:

Paul Bonneau, Joseph A. Swyers, Dr. Ben F. Irvin, the late Phyllis A. Schatz, Betty W. Hawes, Robert F. and Connie J. Hawes Sr., Sean T. Kelly, Rocky Frisco, Paul C. Shearer, Eric D. Bostwick, Matthew W. Hawes, Adrian L. and Betty J. Knight, and Michael Stedman, co-owner Leopard Print & Mail.

Introduction

“One nation, indivisible...”

Like most Americans, I grew up reciting the Pledge of Allegiance at the beginning of every school day, and at a variety of other activities as well, from church services to sporting events. I gave very little conscious thought to this ritual; I simply considered it a part of everyday life and my patriotic duty as an American. I didn't entirely understand what those words “one nation, indivisible” meant, and wouldn't understand them for a number of years, but it was enough for me as a child to follow along because I saw everyone else doing it. Besides that, it just sounded so good.

In time, I learned that the words “one nation, indivisible,” meant that the fifty United States cannot be separated from one another, that the entity we call the “Union” is a permanent institution. As much as modern Americans seemed to take that idea for granted, however, I soon learned that this had not always been the case. Indeed, it seemed that up until the 1860s there was quite a lot of disagreement concerning the nature of the American Union, whether it was a nation or a confederation, whether the states were bound to one another in perpetuity or could “secede,” if they so chose. Eventually, I learned that our sixteenth president, Abraham Lincoln, had supposedly put these issues to rest by militarily opposing the secessions of eleven discontented states, including my own home state of Virginia, in a war that became the bloodiest conflict ever fought by Americans. Lincoln saw the United States of America as “a nation proper,” a permanent institution from which no state could be permitted to separate of its own accord. Those who contended otherwise were traitors, threatening us with the prospect that “government of the people, by the people, and for the people” might very well “perish from the earth”.

My discovery that Virginia had been once involved in a shooting war with other states of the Union, that Americans had fought so bitterly against other Americans, and that landmarks I passed frequently in

Robert F. Hawes Jr.

Northern Virginia had once been bloody battlegrounds in that war, quite frankly, appalled me. I could not comprehend any reason why Americans might fight other Americans, nor could I fathom why anyone would choose to fight against Mr. Lincoln. Everything I'd been taught about him indicated that he might very well be one of the greatest men the world had ever produced. As I understood matters, Lincoln had fought for our country's very right to exist; and, if this were not enough, why, he was also a great humanitarian. Had he not freed the slaves? I was proud of the Lincoln legacy, proud to visit places where he once stood, and especially proud that the date of my birth had fortuitously fallen on his. In my young mind, he was ever Abraham Lincoln: Patriot and Humanitarian – an American for the Ages and the standard by which true political greatness must invariably be measured in this country, perhaps in the world, for all time.

Imagine my consternation then to learn that one of my own ancestors had sided with the traitorous secessionist states, fighting under the command of a man named Mosby in the Confederate Army of Northern Virginia. Imagine also my confusion at hearing even my teachers at school praising the virtues and nobility of a Confederate general named Robert E. Lee. But how could anyone who was supposed to be virtuous and noble, whether from my own lineage or not, have sided against a man such as Lincoln and a cause such as the Union?

These were the initial questions that drove my search for answers concerning this conflict, the persons involved, and the reasons for which they fought. In conducting this search, I soon found myself in the hitherto unimaginable position of questioning the integrity and legacy of Abraham Lincoln; and in doing so, I inevitably had to question the words "one nation, indivisible". The facts I eventually uncovered in this search astonished me, and my view of the United States of America and its history will never be the same.

This is a timely discussion. The 200th anniversary of Lincoln's birth (2009) is fast approaching, and much will undoubtedly be said in the coming months and years concerning his legacy. Much is being said already. For example, former New York governor Mario Cuomo recently released a book entitled: *Why Lincoln Matters: Today More than Ever*, a work that concentrates on applying the Lincoln legacy to our modern political climate. In an interview with *Newsweek* prior to the book's release, Cuomo remarked that Lincoln's "superior intelli-

One Nation, Indivisible?

gence” has always impressed him. “There has never been an equal,” Cuomo stated. “Not Jefferson, not John F. Kennedy. He had the finest mind in American political history – certainly among presidents.”¹

At one time, I would have wholeheartedly agreed with Cuomo’s statement; and many, perhaps even most Americans agree with it now. Such has been the enduring power of Abraham Lincoln’s legacy. For this reason alone, I feel that it’s altogether fitting and proper for us to re-examine Lincoln’s life and deeds. However, even if we were not faced with the imminent bicentennial anniversary of Lincoln’s birth, we would still find ourselves confronting his legacy, particularly that of “one nation, indivisible”.

Search for the word “secession” on the Internet sometime and you may be surprised by what you find. Secession movements are cropping up at an increasing rate worldwide, most famously to date in the Canadian province of Quebec. Quebec has not yet voted to secede, however, the Canadian Supreme Court has ruled that the province does have the right to do so, and the issue may return to the ballot again in the future, although it may be a disgruntled Alberta that takes up the torch next time. In another interesting example, Scotland now seems to be seriously re-evaluating its relationship with the United Kingdom for the first time since the 1700s, and is steadily acquiring more political clout. In 1999, the Scottish parliament convened for the first time in nearly three hundred years. Where Scotland may go from here remains to be seen, but its present path certainly could lead to secession and independence. Nor is the United States of America immune to the secessionist bug, despite its past history. At present, there are small but numerous secessionist movements underway within this country. Prominent examples include: Vermont, California, Alaska, the states of the old Southern Confederacy – most notably, South Carolina – the New England states, and Hawaii.

Now some who read this, or who have otherwise come across references to modern American secession movements in other sources, surely must be asking, “Why?” Why are secession movements arising here, of all places? Why would anyone not want to be a part of this country? For what possible reason would anyone consider giving up the title of ‘American citizen’? How would a state or region even go about leaving the Union? Didn’t we settle this issue with Lee’s surrender? Are we not truly “one nation, indivisible”?

Typically, there are three principle elements that drive a secession movement: fears concerning a loss of cultural, religious, or ideological distinctiveness; fears concerning a loss of individual liberty; and conflicting loyalties – such as between one’s state or region and the country as a whole. All these elements can be found at work in our society today, and their impact is slowly but inexorably intensifying. We are now being forced to confront the fact that there are serious, fundamental divisions among those of us living here in these United States. Whether we would prefer to admit it or not, we can no longer claim to be one people. The 2000 and 2004 general elections served to exemplify this growing political-ideological division in our midst in no uncertain terms, bringing about the first serious, open discussion of secession outside of fringe politics in over a century. Harkening back to the infamous “red and blue state” electoral maps of Elections 2000 and 2004, it appears that some in the “blue states” may want out of the Union, and some in the “red states” may be glad to see them go.

In a November 9, 2004, article entitled, “Blue States Buzz over Secession,” the *Washington Times* reported that the Internet had “exploded with talk of a blue-state confederacy,” which would separate various left-leaning portions of the country from what some termed the “red-necks in Oklahoma” and “homophobic knuckle-draggers in Wyoming.” The article quotes an anonymous Internet user who had this to say to red-state conservatives: “We hold our noses as we fly over you. We are sickened by the way you treat people that are different from you. The rest of the world despises America, and we don’t want to be lumped in with you anymore.”² In an article entitled “The Case for Blue State Secession: Why Prolong this Marriage?” an Internet commentator simply named “Rene G.” described the United States as a “marriage” beset by domestic strife, and suggested that divorce is preferable to both sides getting together every 4th of July and putting on a false front for a global neighborhood that “knows our marriage is a sham.”³ One resident of Arlington, Massachusetts wrote a letter to red-state newspaper readers, calling for a “no-fault” divorce:

So let’s settle this amicably. We’ll let you visit the Pacific Ocean and the Smithsonian without a passport if you’ll let us visit the Grand Canyon and Orlando. Your Democratic voters are welcome to move to our new, Scandinavian-style nation.⁴

One Nation, Indivisible?

And here are some examples from “right-wing” secession movements that predate the post Election 2004 secession buzz:

From a letter by Dr. Michael Hill, President of the League of the South [displayed on Dixienet.org]:

The people of the South must come to understand that they indeed are a “nation” in the organic, historical sense of the word. As individuals and communities, we must secede culturally from a world that is waging cultural genocide against our traditions, our heritage and our values.

From the “Lowell Declaration” on Vermont Sovereignty.com:

The U.S. government has grown too large, is too out of touch with the people of the nation and is too expensive to maintain.

The U.S. government has often usurped the Constitutional limits set by the 10th amendment.

A California independence website calling itself “Free the Bear” cites several grievances against the US federal government, including the following:

For erecting a multitude of new bureaucracies and sending swarms of their agents to harass our people and to tax our people out of their substance.

For abolishing our most valuable laws by unconstitutional edicts by the federal judiciary.

For the federal legislature’s usurping of power from our own legislature by issuing unconstitutional edicts to legislate for our supposed benefit.

ChristianExodus.org, an organization calling for Christians to move to South Carolina and secede, cites recent gay marriage rulings and other issues as causes for secession on its website:

The efforts of Christian activism have proven futile over the past five decades and, whereas desperate times require desperate measures, we are now in the most desperate of times...Christians must now draw a line in the sand and unite in a sovereign state to dissolve our bond with the current union comprised as the United States of America.

Robert F. Hawes Jr.

These are not new concerns. For as long as nations have existed, men have longed for governments made in their own image, and Americans are no exception, as the following two examples from our history illustrate:

From the Declaration of Independence, 1776:

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

From South Carolina's address to the Southern states, 1860:

The Southern States now stand exactly in the same position toward the Northern States that our ancestors in the colonies did toward Great Britain. The Northern States, having the majority in Congress, claim the same power of omnipotence in legislation as the British Parliament. "The general welfare" is the only limit to the legislation of either...Thus the Government of the United States has become a consolidated Government, and the people of the Southern States are compelled to meet the very despotism their fathers threw off in the Revolution of 1776.

The question of what ails our country politically, and whether secession is a suitable cure for the disease, will be addressed, to some extent, in the final section of this book; however, it is not the primary consideration I would like to draw the reader's attention to here. Instead, I would rather focus on a more fundamental question: is secession even possible in the American Republic? For if we truly are "one nation, indivisible," then it's useless to talk of secession in any other than a purely academic fashion.

Inevitably, some will ask, "Didn't we already settle this issue of secession at Appomattox?" For many, the answer is yes. As far as they are concerned, right or wrong, Lee's surrender was the death-knell of secession, and it is there that the matter should forever rest. We fought a long, bloody, devastating war over the issue more than a century ago,

One Nation, Indivisible?

so why should we not simply allow the results of that contest to stand?

The reader will have to evaluate this question for his or her own self, but I feel that we can ill afford to end our discussion of secession on the basis of who won a historical military conflict. After all, war is the exercise of force, not right; and those who defend the idea that Northern triumph rightfully decided the issue of secession would probably not want that same logic extended to other areas of life and experience. For instance, if a man draws a gun on you and takes your wallet, is it now rightfully his because he had the power to take it? If a woman is unable to fend off an attacker and is raped, should her assailant walk free because he won a contest of brute strength?

I dare say few of us would be willing to defend the idea that “might makes right” - which is really nothing more than back-alley bully logic - should serve as the cornerstone of legitimate government in any country that prides itself on being “the land of the free”. Yet it amazes me how few of us find fault with the idea that the destinies of eleven Southern states, and even the entire issue of secession itself, was “rightfully” decided because the North was able to militarily subjugate the South. Surely an intellectually sophisticated people can manage a better justification for their political convictions than a glorified big-stick policy! And surely any President who is praised for his superior intellect must have had nobler reasons for his deeds than to act as wielder of such a policy. If the United States of America truly is “one nation, indivisible,” we should see evidence of this aside from the notion of “he-who-beats-up-the-other-guy-wins”. The facts of history, and logic itself, should stand united with Lincoln on the unasailable heights of the political-intellectual battlefield, supremely triumphant against all comers.

The purpose of this book will be to see whether the facts of history and logic do stand with Lincoln, what if anything was decided at Appomattox, and how these considerations should affect our reception to the idea of secession today. Abraham Lincoln, particularly his words and deeds during the secession crisis of the 1860s, will be brought to trial within these pages. Daniel Webster, Senator from Massachusetts, respected orator, and a man often considered the foremost constitutional scholar of his day, will be brought as co-defendant. The positions advocated by these two famous political fig-

ures formed the core of anti-secession scholarship in the 19th Century, and are still invoked by their admirers today. Any discussion of secession, whether it has to do with the Southern states in the 1860s, or with modern American political movements, must necessarily come to terms with these men; and, therefore, so must we.

In part one, we will examine the arguments brought primarily by Webster concerning the idea of secession in light of the founding and composition of the Union. In part two, we will examine arguments, primarily Lincoln's, directed against the secession of the Southern states in 1860 and 1861. In part three, we will examine anti-secession arguments that are mostly modern in nature and bear on both the Southern Confederacy and the general matter of secession. Finally, in part four, we will briefly discuss the implications of what we have examined in light of our country's current political climate and contemporary secession movements. By the end of this discussion, I hope that you the reader will have gleaned something definitive, or at least benefited in some small way from the research that I have conducted on this subject over the years. We will be making a serious effort to determine whether the United States of America really is "one nation, indivisible". We will test and see how strong the ties that bind our political fabric truly are.

That said, before beginning I believe I should take a moment to reveal a bit about my perspective in presenting this material.

Most Americans know the War of 1861-1865 as "the Civil War". However, since I'm already choosing to quibble with a number of commonly accepted notions, many of which I held to myself for some time, I hope that the reader will not begrudge me one additional deviation from the norm. For that reason, I ask your indulgence in referring to this war as the "War of Secession," as opposed to "the Civil War".

"Okay," sighs the reader who is already wondering what he or she has gotten into, "Why the name change? Is nothing sacred?"

I believe the term "Civil War" is a misnomer for this conflict. A civil war is a conflict between opposing factions of the same country, and is waged for control of the whole. Historical examples of this would include such infamous power struggles as took place in Rome, England, and France, and where the goal was domination of the entire

One Nation, Indivisible?

nation or empire through control of the central government. However, this was not the case in our own so-called "Civil War". Southern secessionists in 1861 were not seeking to conquer Washington or the Northern states and rule the entire American Union; they were fighting for their independence. In the South, the war was, and is sometimes still referred to as, "the War for Southern Independence". In the North, the war was known as "the War of the Rebellion" or "the War for the Union". Any of these titles for the conflict would be applicable from the position of the particular side they represent; however, since control of the central government was never an issue in the conflict, I do not believe that the term "civil war" is at all applicable.

Nor is the term "War Between the States" an entirely accurate description of this conflict. The states were directly involved in the fight because they provided the troops that both sides fielded; however, the war was directed, not by individual states, but by two central governments: the United States and the Confederate States. Thus there were two primary factions in conflict here, not a jumble of separate states in conflict with one another, as the title "War Between the States" suggests.

"War of Secession" is, I feel, the best term for this conflict because it unites the disparate interests of both sides in one truly common theme. Without the fact of secession, there would have been no war, certainly not as we know it today. The opposing forces took to the battlefield under the color of different ideological and political banners, but it was the single question of secession that brought them there, regardless of their opinion on that question.

Now having provided a bit of background and purpose, I ask that you allow the information you find in these pages to speak for itself. Let reason stand as your guiding light in evaluating the evidence and analysis offered. For the purpose of this trial, let traditional heroes briefly descend from the cloud-tops and traditional villains rise up from perdition. Let us, with Benjamin Franklin, doubt a little of our own infallibility. Let us turn back time and endeavor, like the ancient Bereans who so impressed the Apostle Paul, to see whether the things we have been taught are so.

Robert F. Hawes Jr.
Lexington, SC - May 2006

“Having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise.”

- Benjamin Franklin

“For the great enemy of truth is very often not the lie - deliberate, contrived and dishonest - but the myth - persistent, persuasive, and unrealistic. Too often we hold fast to the clichés of our forebears. We subject all facts to a prefabricated set of interpretations. We enjoy the comfort of opinion without the discomfort of thought.”

- John F. Kennedy

“Woe unto the defeated, whom history treads into the dust.”

- Arthur Koestler, *Darkness at Noon*

“The reputation of individuals is of minor importance compared to the opinion posterity may form of the motives which governed the South in their late struggle for the maintenance of the principles of the Constitution. I hope, therefore, that a true history will be written, and justice done them.”

- Robert E. Lee

Part One:

The Compact Theory versus the Nationalist Theory of the Union

“All of us need to be reminded that the federal government did not create the states. The states created the federal government.”

– Ronald Reagan

“If, Sir, this be our political condition, it is time the people of the United States understood it.”

– Daniel Webster

Worldviews Apart

The central point of contention in American history and political discourse, where the subject of secession is concerned, has to do with competing theories as to the origin and composition of that entity we call the "Union". Those who believe that secession is possible rest the justification of their position in what is usually referred to as the "Compact Theory". Compact adherents – arguably the political heirs of Thomas Jefferson and James Madison – believe that the Constitution of the United States is a compact: an agreement or covenant, between the states that comprise the Union, and that the United States of America is not a consolidated nation-state, but rather, more of a confederated republic. Accordingly, they see the states as sovereign, independent entities voluntarily united for certain purposes by a federal government that acts as the agent of their Union along strictly limited, constitutional lines.

Those on the opposite side of the ideological fence, whom I will call "nationalists" – the political heirs of Abraham Lincoln – believe that the United States of America is a true nation-state, operating under a supreme, consolidated central government. Not surprisingly, they reject the Compact Theory's emphasis on the states, holding instead to the idea that the people of the United States as a whole created the Union, and that the states exist as little more than administrative subdivisions of the American nation, much like counties are subdivisions of states. Adherents to this consolidated nation-state school elevate the federal government to absolute supremacy in all matters, and reduce the Constitution to a guidebook instead of a strict plan of government. Nationalists are more likely to refer to the United States as a democracy than a republic.

Thus we see that the core of the secession debate is grounded in one question: is the Union a consolidated nation-state, or a confederation of states? I hope to answer this question in the coming pages, and I will attempt to do so by examining the arguments of the foremost proponents of the Nationalist Theory. I will begin with Daniel Webster and his celebrated Senate speech of February 16, 1833, interspersed with supporting quotations from Abraham Lincoln. In Part

One Nation, Indivisible?

Two, I will concentrate more heavily on Lincoln and the arguments he brought against the seceded Southern states in 1861.

In examining these issues, I believe it's supremely important that we let the persons in question explain themselves as completely as possible, wherever possible, in order to ensure that their views are accurately assessed. For that reason, I have chosen lengthy expository excerpts from speeches given by Lincoln and Webster in regard to their views on the Union. Those excerpts are too lengthy to be incorporated into the main body of the book, so I have relegated them to the appendices (D and E) where they may be easily referenced. I would strongly advise the reader to peruse these excerpts before continuing, as I will make repeated references to the arguments contained in them. I do provide occasional recaps and summaries, but the speech excerpts are much more complete, and will offer a more fluid and whole view of the positions held by Webster and Lincoln.

The Webster-Lincoln Case
Against
the Compact Theory

Position One:

The Union is older than the States

Daniel Webster - In 1789, and before this constitution was adopted, the United States had already been in a union, more or less close, for fifteen years. At least as far back as the meeting of the first Congress, in 1774, they had been, in some measure, and to some national purposes, united together.

Abraham Lincoln - 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."

The Origin and Evolution of the Union

Daniel Webster and Abraham Lincoln believed that the American Union began with the Articles of Association in 1774, and was, to use Lincoln's terminology, "matured and continued" by the Declaration of Independence, the Articles of Confederation and, finally, by the Constitution. To determine whether or not they were correct in this view, we should start by asking the question: just what is a "union"?

Merriam-Webster defines a "union" as follows:

1 a: an act or instance of uniting or joining two or more things into one: as (1): the formation of a single political unit from two or more separate and independent units.

From this definition, it is obvious that a "union" can be many things, not all of them equal in composition or importance by any means.

There are civil unions, such as marriages. There are private unions, such as sports teams. There are labor unions, such as the Teamsters. There are economic unions, such as OPEC. And then there are political unions, which can take the form of defensive alliances, such as NATO; representative bodies, such as the United Nations; and countries united under one national banner, such as Canada. To state it succinctly, a union is virtually any condition that combines individual entities under some collective identity.

For this reason, the Webster-Lincoln view of the age of the Union is extremely broad and flexible. As long as the states were joined together for any purpose whatsoever, that joining could reasonably be termed a “union” of sorts. Nevertheless, Webster and Lincoln were incorrect in the conclusions they attempted to draw from that point forward. There was not one Union that was “matured and continued” over time in early American history, but rather, several unions, each with specific beginning and ending points, each somehow fundamentally different from its predecessor.

Colonial Unity and the Articles of Association

It is true, as far as it goes, that the British colonies in North America did unite for mutual benefit at various times prior to the emergence of the “United States”. For example, the New England colonies officially confederated with one another in May of 1643 to defend themselves against an alarming increase in Indian attacks. At that time, England had busied herself with affairs abroad and was unable to provide her colonies with, in their words, “those comfortable fruits of protection, which at other times we might well expect”. The New Englanders titled their agreement: The Articles of Confederation of the United Colonies of New England.

Other temporary associations, or unions, amongst the colonies followed, including the Articles of Association, as referenced by Webster and Lincoln. Effective October 20, 1774, the Articles of Association were adopted as a means of protesting various acts of the British Parliament, and consisted of a general agreement to restrict imports, exports, and the consumption of certain goods. Consider the following statement of purpose found in the Articles:

We, his majesty’s most loyal subjects, the delegates of [the 13 colonies are then listed]...avowing our allegiance to his majesty,

One Nation, Indivisible?

our affection and regard for our fellow-subjects in Great-Britain and elsewhere...find, that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration, adopted by the British ministry about the year 1763, evidently calculated for enslaving these colonies, and, with them, the British Empire...

To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects, in North-America, we are of the opinion, that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure...

The Articles of Association are certainly noteworthy as being the first time Britain's thirteen American colonies acted in concert to assert themselves, but it should be noted that they were just an association and only an association. The Articles did not form a government, laid no claim to sovereignty, and existed only at the agreement of the participating colonies and only for specified purposes. In all other aspects, save for their allegiance to the British crown, and in spite of Webster's insistence that they acted together "to some national purposes," the colonies were quite independent of one another. They made no more pretense of nationhood at that time than the Allied powers did during World War II or the NATO member countries do today.

In fact, based on the short excerpt that we reviewed from the text of the Articles, it is clear that the colonists thought of themselves at that time as British subjects appealing for their rights under British law. Note that they referred to themselves as "We, his majesty's most loyal subjects". Given the use of such subordinating language, it would certainly be a stretch to refer to colonial unity at that time as being somehow "national" in character, unless one is referring to British nationalism. There is simply no evidence of American nationalism in the Articles of Association. Taken at face value, the Articles were really little more than a group protest.

Writing in his *Commentaries on the Constitution of the United States*, Joseph Story, one time Associate Justice of the Supreme Court - and an advocate of the nationalist school of political thought - testified as to the state of colonial unity in those pre-independence days:

Though the colonies had a common origin, and owed a common allegiance, and the inhabitants of each were British subjects, they had no direct political connexion with each other. Each was independent of the others; each, in a limited sense, was sovereign within its own territory. There was neither allegiance nor confederacy between them...They made several efforts to procure the establishment of some general superintending government over them all: but their own differences of opinion, as well as the jealousy of the crown, made these efforts abortive.¹

The Declaration of Independence

Lincoln - The "United Colonies" were declared to be "free and independent States;" but, even then, the object plainly was not to declare their independence from one another, or of the Union, but directly the contrary...

Our States have neither more nor less power than that reserved to them in the Union by the Constitution—no one of them ever having been a State out of the Union. The original ones passed into the Union even before they cast off their British colonial dependence.

Having formed their first mutual association, the colonies continued to assert themselves and their claims to traditional rights under English law, while, at the same time, still professing their loyalty to King George III. However, by 1776, it was clear that the king was not interested in hearing their pleas, and a call for independence - once unthinkable - quickly rose up from one end of British North America to the other. Nevertheless, despite their common grievances with the crown, the thirteen colonial governments were not entirely united on the question of whether actual independence was a wise move at that time, or even how delegates at the Continental Congress should address the matter. Thomas Jefferson, writing in his *Autobiography*, recorded some delegates as pointing out the following difficulties with the process:

Some of them [the colonies] had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, and consequently no powers to give such consent:

If the delegates of any particular colony had no power to declare

One Nation, Indivisible?

such colony independent, certain they were the others could not declare it for them; the colonies being as yet perfectly independent of each other...²

It is significant to note here that the colonies were described as being “perfectly independent” of each other, and as being unable to make decisions for one another. Certainly, this challenges the assertion that the colonies were “in Union” at this time to any “national” purposes. Indeed, at first it seemed as if only certain colonies would opt for independence, given that others, mostly the smaller colonies, were not satisfied that an independence effort could succeed. Thomas Jefferson also recorded this aspect of the debate in his *Autobiography*, noting that pro-independence delegates were undeterred by the prospect of a less than unanimous declaration. These delegates argued that, “The history of the Dutch Revolution, of whom three states only confederated at first proved that a secession of some colonies would not be so dangerous as some apprehended”.³

Thus, if a Union did exist among the colonies at this time, it was apparently of no overriding importance to them; for while they preferred a unanimous action, they recognized no authority higher than themselves, and were prepared to act independently of one another. Overall though, the desire to move for autonomy was strong enough with most of the colonies that the Continental Congress created a committee to draft a declaration of independence. Once completed, it was presented to Congress and voted upon in the affirmative on July 4, although New York’s delegates abstained until receiving approval from their state, which came on July 9.⁴ The unanimous declaration was then formally signed on August 2, 1776.

Thus we reach another milestone in the evolution of the Union, according to the view espoused by Webster and Lincoln. In their view, the colonies created the Union, and, upon the signing of the Declaration of Independence, the Union made the colonies states, giving birth to the United States of America as a sovereign, independent nation in 1776. Inventive as this theory is, however, there are some significant logical and historical problems with it.

First, Lincoln’s objection that the colonies did not “declare their independence from one another, or of the Union” in the Declaration is misdirected. The Declaration was intended to address only the rela-

tionship between the colonies and the British government, not the relationship between the colonies themselves, a relationship that underwent no formal change at the time and is nowhere mentioned in the document. There is simply no compelling reason to think that the Declaration made the colonies anything more with respect to one another than what they had always been: independent entities.

This is not to say that there was no hope of their becoming something more, far from it. Many of the convention delegates assembled in Philadelphia hoped their actions would spell the beginning of a new American Republic. Benjamin Rush, a prominent convention delegate from Pennsylvania, exemplified this attitude when he declared: "We have been too free with the word independence. We are dependent on each other - not totally independent states...When I entered that door, I considered myself a citizen of America."⁵ As Rush indicated, the colonies realized there were many points upon which they were mutually dependent for their general well being, particularly in regard to the then inevitable war with England. The idea was: "We must all hang together, or most assuredly we shall hang separately," as Benjamin Franklin is reported to have said.

Nevertheless, as important as it was for the colonies to act together at that time, and as much as they desired some common bond between them, we should not exaggerate the true nature of their affiliation. Of the two statements offered by Rush and Franklin, Franklin's statement concerning unity of necessity more accurately reflects the true state of America at the time of the Declaration. There was unity of purpose among the colonies and, to some degree action, but little more at that time. In fact, even their first true Union under the Articles of Confederation in 1781 would prove to be a half-hearted affair, as illustrated by James Wilson, delegate to the Constitutional Convention in 1787:

He admitted that the large states did accede, as had been stated, to the Confederation in its present form [under the Articles]; but it was of the effect of necessity, not of choice.⁶

Now consider the following observation, as recorded by Thomas Jefferson in his *Autobiography*. On the subject of the future unity of the colonies following the Declaration of Independence, Jefferson recorded:

One Nation, Indivisible?

The larger colonies had threatened they would not confederate at all if their weight in congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union if they did not retain an equal vote for the protection of their rights.

All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish our struggle, and lessen its importance; because it will open to our view future prospects of war and dissension among ourselves.⁷

But if the Union already existed at that time, how could Jefferson – quoting the Reverend John Witherspoon, delegate to Congress from New Jersey – speculate on a situation in which “there is likely to be no union among us”? How could the larger states threaten not to confederate “at all”? Obviously, there was no formal Union at this time, Lincoln and Webster notwithstanding, else the states would not have been discussing whether they should establish one. Consider also the words of David McCullough in his Pulitzer Prize winning biography *John Adams*:

“With independence proclaimed, confederation – a working union of the colonies – had become the focus of “spirit” animating the delegates. Union was as essential as independence, nearly all contended, more important in the view of many – and the issues to be resolved were formidable.”⁸

The second problem with this Webster-Lincoln notion that the Union pre-dated, and in fact created, the states via the Declaration of Independence, is that the colonies already had reasons to think of themselves as states even before the Declaration was adopted. This fact is illustrated in the following quotation from Jefferson’s recollections of certain arguments expounded at the Independence Congress. Pro-independence delegates contended:

That the question was not whether, by a declaration of independence, we should make ourselves what we are not; but whether we should declare a fact *which already exists*:

That as to the King, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late act of

parliament, by which he declares us out of his protection, and by his levying war upon us, a fact which had long ago proved us out of his protection; it being a certain position in law that allegiance and protection are reciprocal, the one ceasing when the other is withdrawn.⁹ [Emphasis mine]

Thus taken in light of the debates on the Declaration of Independence, it becomes apparent that at least some of the American colonies felt the Declaration did not assert some new truth, but rather, underscored an existing state of affairs. Jefferson's reference to the reciprocal relationship of allegiance and protection indicates that King George III effectively forced statehood upon the colonies by declaring them to be out of his protection. Since they found themselves deserted by the only power they had recognized as sovereign, they were forced to appropriate that mantle for themselves in determining their own destinies. Consequently, they were already free and independent states by the time the Declaration was adopted; and so their mutual declaration was not an act of conveying statehood through the auspices of some central, sovereign unifying power. How could it be when no such power existed?

Indeed, by Lincoln's own definition, although contrary to his designs, the American colonies became sovereign entities – states – at this time by their own hand. Lincoln, in his address to Congress in special session, July 4, 1861, defined a sovereign entity as “a political community without a superior”; and, clearly, the colonies recognized no entity superior to themselves. There was no general government over them to restrain them or obligate them to any certain course of action. The Continental Congress did not qualify as a general government because it had no legitimate, overriding authority; it could issue only resolutions representative of the view of a majority of its delegates, not laws. The colonies were not obligated by anything more than good faith and their own self-interest to cooperate with Congress and with one another.

It should also be noted that some of the states took action to declare independence from England and establish their own governments prior to the general Declaration of Independence on July 4, 1776, a fact that flies in the face of Lincoln's assertion that no state ever had a constitution outside of the Union. Virginia was one such state. On May 15, 1776, a state convention in Virginia resolved, “that the delegates

One Nation, Indivisible?

appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent states..." Once this resolution was adopted, Virginia declared its independence from England and adopted its own constitution in June, just prior to the adoption of the Declaration of Independence on behalf of all thirteen colonies. The intent of the Virginia lawmakers was unmistakable, as they clearly titled their work:

THE CONSTITUTION OR FORM OF GOVERNMENT, AGREED TO AND RESOLVED UPON BY THE DELEGATES AND REPRESENTATIVES OF THE SEVERAL COUNTIES AND CORPORATIONS OF VIRGINIA.

Within the body of this document, the State of Virginia enumerated its grievances against the King of England and very clearly declared its independence, as demonstrated by the following excerpts:

Whereas George the third, King of Great Britain and Ireland, and elector of Hanover, heretofore intrusted with the exercise of the kingly office in this government, hath endeavoured to pervert the same into a detestable and insupportable tyranny...the government of this country, as formerly exercised under the crown of Great Britain, is TOTALLY DISSOLVED.

Thus Virginia chose to inaugurate her independence from Great Britain and establish a state government prior to the July 4th declaration on behalf of all the colonies. Although Daniel Webster and Abraham Lincoln maintained that Virginia was part of a Union at this time, the state's actions make it evident that she was acting for herself. In fact, Thomas Jefferson later referred to Virginia as a "nation" among nations at this time in her history, as found in the following excerpt from his letter to Major John Cartwright, dated June 5, 1824:

Virginia, of which I am myself a native and resident, was not only the first of the States, but, I believe I may say, the first of the nations of the earth, which assembled its wise men together to form a fundamental constitution, to commit it to writing, and place it among their archives, where every one should be free to appeal to its text.¹⁰

Still, in spite of the clear intent of the Virginia lawmakers, some, such as Joseph Story, have taken issue with the significance of their actions.

Story acknowledged Virginia's move, and also made mention of similar actions by other colonies; however, he was of the opinion that any governments the states formed for themselves were merely "done in compliance with the recommendations of Congress."¹¹ "No state had presumed of itself to form a new government," Story claimed, "or to provide for the exigencies of the times, without consulting Congress on the subject; and when they acted, it was in pursuance of the recommendation of Congress. It was, therefore, the achievement of the whole for the benefit of the whole."¹²

Story's argument makes the fatal error of forgetting the fact that, as we have seen, the states declined to make decisions for one another in either their individual or corporate capacities. Congress claimed no authority to act as a sovereign entity and only made suggestions to the states at that time. Given the inauguration of hostilities with England, it was only natural that the individual colonies consult with Congress, as Virginia did; but we should not confuse an act of consultation with an assumption of subservience. If the Continental Congress itself *did* represent a sovereign entity with authority over all of the states, why did it merely *recommend* that Virginia draft its own constitution? Why did it not *command* Virginia to do so? Or, even better, why did it not simply draft a general constitution for the new nation at that time and make it applicable to all of the states? Why handle things piecemeal when you have a sovereign Union to do them corporately?

A third problem with the idea that the Declaration of Independence established a nation-state is that its language clearly indicates otherwise. Note the following:

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly publish and declare.

That these United Colonies are, and of Right ought to be Free and Independent States; that they 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; and that as Free and Independent States, they have full Power to

One Nation, Indivisible?

levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

Note that the colonies declared their right to be “free and independent states,” not a “free an independent nation”. They very clearly titled their declaration: “The unanimous Declaration of the thirteen united States of America”. In it, they proclaimed their individual status with the force of their collective will as thirteen allied powers, not consolidated nationhood through the auspices of some central sovereignty. As we have seen already, they acknowledged no central sovereignty, and they immediately undertook the very telling action of attempting to create a plan for unifying the states. If they were creating a new nation via the Declaration of Independence, why did they not simply indicate this? Why use language identifying themselves as “free and independent states,” unless, of course, that is precisely what they meant?

Webster and Lincoln argued that the Declaration “matured” and “furthered” the Union, but this hardly seems feasible. The Declaration united the colonies only on the basis that they were mutually declaring their independence from England. As a form of “union,” it was actually a substantial step backward from what had existed under the Articles of Association; for, it effectively dissolved the only formal connection that had ever existed between the colonies up to that time: their status as fellow British subjects. Realistically speaking, immediately following the Declaration of Independence, the colonies had never been more loosely affiliated since their establishment. Some years later during the Constitutional Convention, delegate Luther Martin stated this fact outright when he remarked that:

At the separation from the British empire, the people of America preferred the establishment of themselves into thirteen separate sovereignties, instead of incorporating themselves into one.¹³

The Articles of Confederation

Despite the assertions of men like Lincoln and Webster, the fact of history is that the United States of America did not come into existence as a real political Union until March 1, 1781, when Maryland became the last state to ratify the Articles of Confederation. Quoting Jefferson once again from his *Autobiography*:

These articles reported July 12, 76 were debated from day to day, & time to time for two years, were ratified July 9, '78, by 10 states, by N. Jersey on the 26th of Nov. of the same year, and by Delaware on the 23rd. of Feb. following. Maryland alone held off 2 years more, acceding to them Mar 1, 81. and thus closing the obligation.¹⁴

The Articles of Confederation were stipulated for all thirteen states and did not go into effect until all thirteen approved them. Delaware, New Jersey and Maryland were not held to any obligation by the other ten states; each state decided the matter for itself as a sovereign entity. The states were still united in their bid for independence, but there was no true Union among them until Maryland provided its approval on March 1, 1781; and then, *and only then*, was the "obligation closed" and the states formally united.

Thus far, the Webster-Lincoln story of the genesis of the Union has proven untenable at best. Now, pressing forward with an examination of the language of the Articles of Confederation, we will see it meet with total disaster.

In the fourth paragraph of the Articles, we find the following phrase:

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled. [Emphasis mine]

What's this? How can it be said that each state "retains its sovereignty, freedom, and independence" if the states never possessed those qualities in the first place? And instead of the Union assigning various rights and privileges to the states, we actually find the states delegating powers to the Union, a Union that could not have existed had the states not agreed to it. Surely this flies in the face of the Webster-Lincoln view! Nor did the formation of this first true American Union under the Articles supplant the states. They remained the new country's most defining political characteristic. The quote from Article Four illustrates that quite nicely for us above, but there is further evidence available for this conclusion as well.

In the Treaty of Paris, signed on September 3, 1783, King George III recognized the independence of his former American colonies with the following statement:

One Nation, Indivisible?

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof.

Note that King George recognized the “said United States,” and then proceeded to name the states individually, concluding that they were “free sovereign and independent states,” and that “he treats them as such”. The language used here is very important. Even though the states had been united under the Articles of Confederation since March of 1781, the King did not grant recognition to a new nation. Instead, he granted recognition to each state individually, and in the same manner as they are listed in the fourth paragraph of the Articles of Confederation. He also referred to the United States as “them”.

This use of the plural for “United States” extends throughout the Treaty of Paris and is echoed repeatedly throughout American history until after the War of Secession, and even then it occasionally appears. Here is another example from the Treaty of Paris:

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries...

Note that the King did not refer to “its” boundaries, but rather, “their” boundaries. If the United States recognized themselves as being a single, sovereign nation, why did they sign off on a document that clearly regarded them as separate, independent entities? This treaty came about as a result of negotiation with the crown. Why would the United States have not negotiated the proper wording to reference their new political status? Could anything have been more important to them at this time? Now here is an example from the Articles of Confederation in which the same terminology was used:

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding

themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatsoever.

Note the use of the plurals again, and also note the agreement to defend each state from attack on account of any pretense whatever, including *sovereignty*. There is that troublesome word once again being uttered in reference to the states themselves instead of the Union.

In noting the use of the plural terminology, even when referring to the United States in general, one can readily see that the stress was placed upon the *states*. The British government did not acknowledge the independence of a nation, but of thirteen separate, sovereign *states*, and therein lies the heart of the issue. The thirteen American states may have won their independence while working together in a united front, but, contrary to the Webster-Lincoln school, the Union did not give them their independence. Their independence was asserted, and later recognized, on the basis that they comprised separate, sovereign communities, a basis that the states themselves upheld in their own Articles of Confederation.

Notes

Introduction

1. Jennifer Barrett: "Calling Abe Lincoln," MSNBC.com., May 27, 2004. This quote was taken from Ms. Barrett's exclusive online interview for Newsweek:
<<http://www.msnbc.com/id/5078510/site/newsweek/>>
2. Joseph Curl, "Blue States Buzz over Secession," The Washington Times, November 9, 2004:
<<http://www.washingtontimes.com/national/20041109-122753-5113r.htm>>
3. Rene G., "Why Prolong This Marriage: The Case for Blue State Secession," Information Clearing House, November 9, 2004:
<<http://www.informationclearinghouse.info/article7255.htm>>
4. Betsy Leondar-Wright, "It's not us, it's you," The Casper Star-Tribune, November 9, 2004:
<<http://www.casperstartribune.net/articles/2004/11/09/editorial/letters/8a97f5294cac838187256f4500267b3a.txt>>

Part One:

The Compact Theory Versus the Nationalist Theory of the Union

Position One:

The Union is older than the States

1. Albert Taylor Bledsoe, *Is Davis a Traitor?* (1866, Dehlongega, GA: Crown Rights Book Company, 2001), pp. 109-110.
2. Excerpted from Jefferson's "Autobiography;" Merrill D. Peterson, ed., *Jefferson: Writings* (New York: Literary Classics of the United States, Inc., 1984), pp. 13-14.
3. *Ibid*, p 16.

4. Stuart Jerry Brown, *Thomas Jefferson* (New York: Washington Square Press, Inc., 1963), pp. 19-20.
5. David McCullough, *John Adams* (New York: Simon and Schuster, 2001), p. 147.
6. Elliott's Debates, Vol. 5, pp. 219-220.
7. Peterson, ed., *Jefferson: Writings*, pp. 28-29.
8. McCullough, *John Adams*, p. 146.
9. Peterson, ed., *Jefferson: Writings*, p. 15.
10. Ibid, p. 1492.
11. From "Political Rights and Sovereignty," Elliott's Debates, Vol. I, p. 65.
12. Ibid.
13. Elliott's Debates, Vol. 5, pp.217-218.
14. Peterson, ed., *Jefferson: Writings*, p. 32.

Position Two:

Americans are One People

1. Bledsoe, *Is Davis a Traitor?* p. 108.
2. Ibid, p. 109.
3. Alexander H. Stephens, *A Constitutional View of the Late War Between the States* (1868, Harrisonburg, VA: Sprinkle Publications, 1994) I, p. 156.
4. Ibid.
5. Ibid.
6. From the Annals of Congress, 1st Congress, Senate, 2nd Session, p. 969.
7. Ibid, p. 971.
8. Ibid, p. 1017.
9. Bledsoe, *Is Davis a Traitor?* p. 14.
10. Elliott's Debates, 5, p. 158.

One Nation, Indivisible?

11. Bledsoe, *Is Davis a Traitor?* p. 13.
12. Ibid.
13. Ibid.
14. Ibid, p. 14.
15. Ibid, p. 34.
16. Jack N. Rakove, ed., *Madison: Writings* (New York: Literary Classics of the United States, Inc., 1999), p. 408.
17. Ibid, p. 440.
18. Ibid, p. 37.
19. Ibid, p. 48.
20. Ibid, pp. 69, 72.
21. Ibid, p. 137.
22. Elliott's Debates, I, p. 96.
23. Rakove, ed. *Madison: Writings*, p. 218.
24. Ibid, p. 219.
25. Peterson, ed., *Jefferson: Writings*, pp. 48, 75.
26. Ibid, p. 806.
27. Bernard Bailyn, ed., *The Debate on the Constitution*, (New York: Literary Classics of the United States, Inc., 1993), I, p. 21.
28. Ibid, p. 45.
29. Bailyn, ed., *Debate on the Constitution*, 2, p. 596.
30. Elliott's Debates, 5, p. 158.
31. Elliott's Debates, 5, p. 151.
32. Ibid, p. 214.
33. Ibid, p. 176.
34. Ibid, p. 199.
35. Ibid, p. 207.
36. Bailyn, ed., *Debate on the Constitution*, 2, pp. 596-597.

37. Ibid, p. 619.
38. Speech of Madison before the Virginia ratifying convention on June 6, 1788, as found in Rakove, ed. *Madison: Writings*, p. 362.
39. Bailyn, ed., *Debate on the Constitution*, 2, p. 641.
40. Elliott's Debates, 5, p. 140.
41. Rakove, ed. *Madison: Writings*, p. 143.
42. Ibid, pp. 311-312.
43. Ibid, p. 592.
44. Ibid, pp. 589-590.
45. Ibid, pp. 609, 611.
46. Peterson, ed., *Jefferson: Writings*, p. 449.
47. Ibid, pp. 482, 484-485.
48. Elliott's Debates, 2, p. 215.
49. Ibid, p. 267.
50. Bailyn, ed., *Debate on the Constitution*, I, pp. 789-799.
51. Bailyn, ed., *Debate on the Constitution*, 2, p. 845.
52. Bailyn, ed., *Debate on the Constitution*, I, p. 943.
53. Elliott's Debates, I, p. 224.
54. Ibid, 5, p. 157.
55. From *Life and Writings of Gouverneur Morris*, 3, p. 323, as cited in Bledsoe, *Is Davis a Traitor?* pp. 64-65.
56. Ibid, I, p. 318.
57. Ibid, 5, pp. 212-213.
58. From Thomas Jefferson's notes on the debates over the Articles of Confederation, Elliott's Debates, I, p. 77.

One Last Note About Daniel Webster

1. *Bank of Augusta v. Earle*, 38 U.S. 519 (1839)
<<http://laws.findlaw.com/us/38/519.html>>

2. Ibid.
3. Stephens, *Constitutional View*, I, pp. 404-405.

Part Two:

Lincoln's Case Against Southern Secession

Position Two:

The Union is Perpetual

1. Bailyn, ed., *Debate on the Constitution*, I, pp. 3-4.
2. David Herbert Donald, *Lincoln* (New York: Simon and Schuster, 1995), p. 176
3. From Lincoln's congressional speech on the Mexican War, January 12, 1848, in Roy Basler, ed., *Abraham Lincoln: His Speeches and Writings*, (Cleveland, OH: the World Publishing Company, 1946), p. 209.
4. The Cornhill Magazine, as cited in Charles Adams, *When in the Course of Human Events: Arguing the Case for Southern Secession* (Oxford, England: Rowmand and Littlefield Publishers, Inc., 2000), p. 72.
5. Donald, *Lincoln*, pp. 268-269.
6. From "Five Men at Random," *Prejudices: Third Series*, 1922, pp. 175-176.
7. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, p. 766.
8. Peterson, ed., *Jefferson: Writings*, pp. 1493-1494.

Position Three:

States would require permission to leave the Union

1. Elliott's Debates, 5, p. 532.
2. Ibid, p. 207.

Position Four:

There is no such thing as 'State Sovereignty'

1. Stephens, *Constitutional View*, 2, p. 22.
2. Ibid, pp. 23-24.

Position Five:

Southerners were guilty of Rebellion and Treason

1. Elliott's Debates, 5, p. 140.
2. Ibid, 2, pp. 232-233.
3. Ibid, pp. 116-117.
4. Bailyn, ed., *Debate on the Constitution*, I, p. 884.
5. From a letter by Edmund Randolph, dated October 10, 1787, in which he outlines his objections to the Constitution. Found in Ibid, p. 599.

Position Six:

The Southern States might have formed non-Republican Governments

1. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, p. 599.

Position Seven:

The Southern States would have defaulted on the Debts and Obligations of the Union

1. James D. Richardson, ed., *A Compilation of the Messages and Papers of the Confederacy* (United States Publishing Company, Nashville, 1905), p. 55.
2. Jefferson Davis *The Rise and Fall of the Confederate Government* (1881, New York: Da Capo Press, Inc., 1990), I, p. 583.

Position Nine:

The South started It

1. Official Records of the War of the Rebellion, Vol. I, Series 1, Pt 1, p. 75.
2. Ibid, pp. 82-83.
3. Ibid, p. 90
4. Ibid, p. 103
5. Ibid, p. 102
6. Ibid, p. 106

One Nation, Indivisible?

7. Ibid, p. 113
8. Ibid, p. 2
9. Ibid, p. 118
10. Ibid, pp. 131-132
11. Webb Garrison, *Lincoln's Little War* (Nashville, TN: Rutledge Hill Press, 1997), p. 62.
12. Official Records, Vol. I, Series 1, Pt 1, p. 134
13. Ibid, pp. 135-136
14. Ibid, p. 140
15. Ibid, p. 191
16. Ibid
17. Ibid, p. 196
18. Ibid, p. 197
19. Ibid, p. 200
20. Donald, *Lincoln*, pp. 286-287.
21. Richard N. Current, *Lincoln and the First Shot* (New York: J.B. Lip-pincott Company, 1963), p. 67.
22. W.A. Swanberg, *First Blood: the Story of Fort Sumter* (Charles Scrib-ner's Sons, New York: N.Y, 1957), p. 250.
23. Current, *Lincoln and the First Shot*, p. 74.
24. Swanberg, *First Blood*, p. 261.
25. Garrison, *Lincoln's Little War*, p. 62.
26. Davis, *Rise and Fall of the Confederate Government*, I, p. 220.
27. George Winston Smith and Charles Judah, *Life in the North During the Civil War: A Source History* (The University of New Mexico Press, 1966), p. 6.
28. James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford University Press, New York, 1988), p. 197.
29. Smith and Judah, *Life in the North During the Civil War*, p. 9.

30. Current, *Lincoln and the First Shot*, pp. 80-81.
31. Allan Nevins, *War for the Union* (New York: Kronecky & Kronecky, 1960), I, p. 55.
32. Official Records, Vol I, Sec I, Pt I, p. 294.
33. Davis, *Rise and Fall of the Confederate Government*, I, pp. 252, 254.
34. Official Records, Vol I, Series I, Pt I, p. 583.
35. Ibid, p. 232.
36. Ibid, p. 233.
37. Official Records, Vol I, Series I, Pt I, p. 263.
38. Swanberg, *First Blood*, p. 271.
39. Shelby Foote, *The Civil War: A Narrative, From Sumter to Perryville* (New York, Random House, 1958), p. 46.
40. Current, *Lincoln and the First Shot*, p.125.
41. Davis, *Rise and Fall of the Confederate Government*, I, 584-585.
42. Official Records, Vol I, Series I, Pt I, p. 294.
43. Davis, *Rise and Fall of the Confederate Government*, I, pp. 587-588.
44. Garrison, *Lincoln's Little War*, p. 58.
45. Davis, *Rise and Fall of the Confederate Government*, I, pp. 590-591.
46. Ibid, p. 237.
47. Ibid
48. Stephen Oats, *Abraham Lincoln: The Man Behind the Myths* (New York: Harper Collins Publishers, Inc. 1984), p.
49. Donald, *Lincoln*, p. 293.
50. Ibid.
51. Ibid.
52. Foote, *The Civil War: A Narrative, From Sumter to Perryville*, p. 44.
53. McPherson, *Battle Cry*, p. 215.
54. Hudson Strode, *Jefferson Davis: Confederate President* (Harcourt, Brace and Co., New York: NY, 1959), p. 39.

One Nation, Indivisible?

55. William and Bruce Catton, *Two Roads to Sumter: Abe Lincoln, Jeff Davis and the March to Civil War* (reprint, Phoenix Press, London, 1988), p. 278.
56. Donald, *Lincoln*, pp. 293-294.
57. Robert W. Johannsen, *Stephen A. Douglas* (New York: Oxford University Press, 1973), p. 835.
58. Donald, *Lincoln*, p. 268.
59. Avery Craven, *The Coming of the Civil War* (the University of Chicago Press, 1942), p. 432.
60. Michael Burnlingame, ed., *Lincoln Observed: Civil War Dispatches of Noah Brooks* (Baltimore, MD: The John Hopkins University Press, 1998), p. 178.
61. Nevins, *War for the Union*, I, p. 49.
62. Garrison, *Lincoln's Little War*, p. 83.
63. Davis, *Rise and Fall of the Confederate Government*, I, p. 247.
64. Donald, *Lincoln*, p. 238.
65. Stephens, *A Constitutional View of the Late War Between the States*, II, pp. 35-36.

Part Three:

The Modern Case Against Secession

Position One:

Secession is un-American

1. Charles Bracelen Flood, *Lee: The Last Years* (New York: Houghton-Mifflin Company, 1981), p. 202. *Note...Mrs. Lee's belongings were eventually returned to the family in 1903 by President William McKinley. Robert E. Lee Jr. noted this in his book, *The Recollections and Letters of Robert E. Lee*, (Smithmark, 1995 ed.), p. 338.
2. Hans L. Trefousse, *Thaddeus Stevens, Nineteenth Century Egalitarian* (Raleigh: The University of North Carolina Press, 1997), pp. 112, 125.

3. Charles Royster, ed., *Sherman: Memoirs*, (New York: Literary Classics of the United States, Inc., 1990), p. 705.
4. *Ibid*, pp. 363-367.
5. Burlingame, *Lincoln Observed*, p. 585.
6. Lee Kennett, *Marching Through Georgia* (New York: Harper Collins Publishers, Inc., 1995), pp. 236, 238.
7. Burke Davis, *Sherman's March* (New York: Random House, Inc., 1980), p. 152.
8. Henry Hitchcock, *Marching with Sherman: Passages from the Letters and Campaign Diaries of Henry Hitchcock, Major and Assistant Adjutant General of Volunteers, November 1864-May 1865*, ed. M. A. De-wolfe Howe (Lincoln, NE: University of Nebraska Press, 1995) p. 77, *Questia*, 29 Mar. 2006
<<http://www.questia.com/PM.qst?a=o&d=1152423>>
9. Davis, *Sherman's March*, p. 37.
10. Royster, ed., *Sherman: Memoirs*, p. 719.
11. Hitchcock, *Marching with Sherman*, p. 125.
12. Davis, *Sherman's March*, p. 41.
13. Royster, ed., *Sherman: Memoirs*, p. 700.
14. *Ibid*. p. 690.
15. Sherman proudly displayed this letter of commendation in *Ibid*, p. 707.
16. Official Records, Vol I, Series 43, Pt 2, p. 202.
17. Official Records, Vol I, Series 40, Pt 3, p. 223.
18. Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865*. (Chapel Hill, NC: The University of North Carolina Press, 1995), p. 58.
19. Raphael Semmes, *Memoirs of Service Afloat During the War Between the States* (1868, Baton Rouge: Louisiana State University Press, 1996), p. 614.
20. Royster, ed., *Sherman: Memoirs*, pp. 363-367.
21. Burlingame, *Lincoln Observed*, pp. 367-368.

One Nation, Indivisible?

22. Oats, *Lincoln, The Man Behind the Myths*, pp. 135-136.
23. Don Feder, "NATO would have favored Confederacy," *The Boston Herald*, April 19, 1999.
<<http://www.bostonherald.com/bostonherald/colm/feder04191999.htm>>
24. Oats, *Lincoln, The Man Behind the Myths*, pp. 92-93.
25. *Ibid.*, p. 17.
26. General Order No. 73 was found in William J. Jones, *Personal Reminiscences of General Robert E. Lee* (reprint, Richmond, VA: United States Historical Society Press, 1989), p. 188.

Position Two:

The Constitution and the Laws were suspended under Lincoln

1. From Lincoln's "Lyceum Address," January 27, 1838, in Basler, ed., *Abraham Lincoln: His Speeches and Writings*, pp. 80-81.
2. *Annals of Congress*, 2nd Congress, 1st Session.
3. Daniel Webster, quoted in Stephens, *Constitutional View*, II, pp. 405-406.
4. *Congressional Globe*, 37th Congress, 4th (special) Session, p. 1458.
5. *Senate Journals*, 37th Congress, Special Session, March 26, 1861, pp. 428-429.
6. *Congressional Globe*, 37th Congress, 2nd Session, p. 1458.
7. Richard N. Current, *Old Thad Stevens: A Story of Ambition* (Madison, WI: The University of Wisconsin Press, 1943), pp. 146-147.
8. Basler, ed., *Abraham Lincoln: His Speeches and Writings*. p. 600.
9. Michael Burnlingame, ed., *Lincoln Observed*, p. 209.
10. *Congressional Globe*, 37th Congress, 2nd Session, p. 1458.
11. Basler, ed., *Abraham Lincoln: His Speeches and Writings*. p. 600-601.
12. Ex Parte Merryman
13. *Ibid.*
14. *Ibid.*

15. Ibid.
16. Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War* (Chicago: Open Court Publishing Company, 1996), p. 142; also see Adams, *When in the Course of Human Events*, p. 46.
17. Adams, *When in the Course of Human Events*, p. 44.
18. Quoted in Nevins, *War for the Union*, 4, p. 130.
19. Stephens, *Constitutional View*, 2, p. 409.
20. Simon Cameron is quoted in *Ibid*, p. 413.
21. Hummel, *Emancipating Slaves, Enslaving Free Men*, pp. 142-143.
22. *Ibid*, p. 146.
23. Allan Nevins, *War for the Union* (New York: Kronecky & Kronecky, 1960), I, p. 129.
24. Burnlingame, ed., *Lincoln Observed*, 131.
25. Oats, *Lincoln, The Man Behind the Myths*, p. 125.
26. Hummel, *Emancipating Slaves, Enslaving Free Men*, pp. 349, 359
27. Frederic Bastiat, *The Law* (1850, New York: The Foundation for Economic Education, Inc., 1990), p. 24.
28. Chief Justice Rehnquist made these remarks at the 100th anniversary celebration of the Norfolk and Portsmouth Bar Association on May 3, 2001. These excerpts from his speech were taken from the full transcript on the United States Supreme Court's website: <http://www.supremecourtus.gov/publicinfo/speeches/sp_05-03-00.html>
29. Tom Curry, "For his foes, Ashcroft became symbol of lost liberties," MSNBC.com, November 9, 2004: <<http://www.msnbc.msn.com/id/6447305/>>
30. *Ibid*.
31. Garrison, *Lincoln's Little War*, p. 136.
32. Basler, ed., *Abraham Lincoln: His Speeches and Writings*. pp. 608-609

Position Three:

One Nation, Indivisible?

Lincoln fought to end Slavery

1. Peterson, ed., *Jefferson: Writings*, p. 1434.
2. Joseph J. Ellis, *Founding Brothers* (New York: Random House, 2000), p. 112.
3. Rakove, ed. *Madison: Writings*, p. 56.
4. James Monroe's letter to Patrick Henry is quoted in Davis, *Rise and Fall of the Confederate Government*, I, p. 60.
5. *Ibid*, p. 60
6. *Ibid*.
7. *Ibid*, p. 63.
8. Rakove, ed., *Madison: Writings*, pp. 771-772.
9. Athearn, *The American Heritage New Illustrated History of the United States*, 5, p. 376.
10. Rakove, ed., *Madison: Writings*, pp. 771.
11. Peterson, ed., *Jefferson: Writings*, p. 1434.
12. *Ibid*.
13. *Ibid*, pp. 1448-1449.
14. Athearn, *New Illustrated History of the United States*, 5, p. 400.
15. *Acts and resolutions passed by the Legislature of Massachusetts in the year 1844*, p. 319, as cited by the Honorable Joseph Wheeler (AL) in a speech to Congress, July 31, 1894, and recorded by the Richmond, Virginia *Dispatch*.
16. Summary of Senate vote on extending the Missouri Compromise line to the Pacific as cited in *Ibid*, I, p. 10.
17. The Congressional Globe, Senate, 31st Congress, 1st Session, March 4, 1850.
18. *Ibid*, March 7, 1850.
19. *Ibid*.
20. From an excerpt of Lincoln's letter to Alexander Stephens, as found in the manuscript copy inserted between pages 266 and 267 of Stephens' *Constitutional View*, 2, Sprinkle Publications edition.
21. Adams, *When in the Course of Human Events*, p. 139.

22. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, p. 443.
23. *Lincoln: Selected Speeches and Writings* (New York: First Vintage Books, Library of America edition, 1989), p. 173.
24. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, p. 444-445.
25. *Lincoln: Selected Speeches and Writings*, pp. 178-179.
26. Howard Zinn, *A People's History of the United States, 1492-Present* (New York: Harper-Collins Publishers, Inc., 1995), p. 203.
27. Africans in America, "Judgment Day: 1831-1865," Part I, Antebellum Slavery, "Eric Foner on the Abolitionist Movement," (WGBH Educational Foundation, WGBH Interactive for PBS Online, 1999). <<http://www.pbs.org/wgbh/aia/part4/4i2974.html>>
28. Africans in America, "Judgment Day: 1831-1865," Part III, Fugitive Slaves and Northern Racism, Modern Voices, "Margaret Washington on Northern Racism," (WGBH Educational Foundation, WGBH Interactive for PBS Online, 1999). <<http://www.pbs.org/wgbh/aia/part4/4i2987.html>>
29. Oswald Villard, *John Brown: 1800-1859, A Biography Fifty Years Later* (1910, Gloucester, MA: Peter Smith, 1965), p. 476.
30. The Congressional Globe, 31st Congress, 1st Session, March 7, 1850.
31. Davis, *Rise and Fall of the Confederate Government*, I, p. 304.
32. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, p. 612.
33. *Ibid*, p. 766.
34. There are numerous sources where this famous letter has been published. For one, refer to *ibid*, p. 652.
35. Oats, *Lincoln, The Man Behind the Myths*, p. 61.
36. Nevins, *War for the Union*, 2, p. 235.
37. *Ibid*, p. 262.
38. Mary S. and William Drake, McFeely, eds., *Grant: Memoirs and Selected Letters*, (New York: Literary Classics of the United States, Inc., 1990) p. 494.
39. *Ibid*, p. 748.

One Nation, Indivisible?

40. Royster, ed., *Sherman: Memoirs*, p. 366.
41. *Ibid*, pp. 600-601.
42. Semmes, *Memoirs of Service Afloat*, p. 20.
43. Jefferson Davis, *Rise and Fall of the Confederate Government*, I, p. 200.
44. J. William Jones, *Personal Reminiscences of General Robert E. Lee* (reprint, Richmond, VA: United States Historical Society Press, 1989), pp. 422-423.
45. *Ibid*, p. 423.
46. Lee, *Recollections and Letters*, p. 151.
47. Jones, *Personal Reminiscences of General Robert E. Lee*, pp. 213-214.
48. Quoted in Rod Gragg, "The Quotable Robert E. Lee," *Southern Partisan*, 4th Qtr, 1989, p. 30.
49. Paul Casdorff, *Lee and Jackson* (New York: Bantam Dell Doubleday Publishing Group Inc., 1992), p. 248.
50. Charles P. Roland, *Albert Sydney Johnston, Soldier of Three Republics* (Austin, TX: University of Texas Press, 1964), pp. 275-276.
51. Varina H. Davis, *Jefferson Davis, A Memoir By His Wife* (New York: Belford Company Publishers, 1890), I, p. 167.
52. Jones, *Personal Reminiscences of General Robert E. Lee*, pp. 189-190.
53. From Sherman's record of his correspondence with General Hood following the Atlanta campaign, 1864. Royster, ed., *Sherman: Memoirs*, p. 596.
54. Varina Davis, *Jefferson Davis*, I, p. 216.
55. The responses of the various governors to Lincoln's call for troops as well as the secession ordinances of the last four states to leave the Union are all available in the Official Records of the War of the Rebellion, Series I, Volume I, Part I.
56. James McPherson, from his introduction to Jefferson Davis' *Rise and Fall of the Confederate Government*, Da Capo Press, 1990 edition, p. iv.
57. James McPherson, *What They Fought For, 1861-1865* (Baton Rouge: Louisiana State University Press, 1994), pp. 12, 35.
58. Zinn, *A People's History of the United States*, p. 187.

59. Stephens, *Constitutional View*, 2, pp. 85-86.

Position Four:

The United States & Confederate States could not have peacefully Co-existed

1. Timothy Pickering's letter to George Cabot is quoted in Richard Hoftadter, ed., *Great Issues in American History, Vol I, 1765-1865* (New York, NY: Random House, 1958), p. 224.

Position Five:

The United States is too important in World Affairs to permit Secession

1. Smith and Judah, *Life in the North During the Civil War*, p. 4.
2. Garrison, *Lincoln's Little War*, p. 208.
3. Mark Strauss, "Let's Ditch Dixie: The Case for Northern Secession," *Slate.msn.com*, March 13, 2001.

Position Six:

The Founders opposed Secession and hoped for Consolidation

1. Rakove, ed. *Madison: Writings*, p. 863.
2. Elliott's Debates, I, p. 306.
3. Peterson, ed., *Jefferson: Writings*, p. 1044.
4. *Ibid*, p. 883.
5. From a speech by John Quincy Adams, April 30, 1839, at the 50th anniversary celebration of George Washington's inauguration, cited by Joseph Wheeler in the United States House of Representatives, July 13, 1894.
6. *Ibid*, pp. 449, 454.
7. Peterson, ed., *Jefferson: Writings*, p. 484.
8. Rakove, ed. *Madison: Writings*, p. 860.
9. *Ibid*, p. 862.
10. *Ibid*, p. 589.
11. *Ibid*, p. 363.

One Nation, Indivisible?

12. Ibid, p. 804.
13. Peterson, ed., *Jefferson: Writings*, p. 1472.

Position Seven:

Secession is a Question for the Supreme Court

1. Athearn, *The American Heritage New Illustrated History of the United States*, 5, p. 371.
2. Rakove, ed., *Madison: Writings*, p. 734.
3. Peterson, ed., *Jefferson: Writings*, p. 802.
4. Ibid, p. 1474.
5. Ibid, p. 1476.
6. Al Gore's quote is taken from the transcript of a March 14, 2000 interview with PBS's "NewsHour" host Jim Lehrer:
<http://www.pbs.org/newshour/election2000/candidates/gore_3-14c.html>
7. Joel Dyer, *Harvest of Rage: Why Oklahoma City is Only the Beginning*, (Boulder, Colorado: Westview Press, 1997), pp. 159-160.
8. State of Texas v. White, 74 U.S. 700 (1868)
<<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=74&invol=700>>

Part Four:

Lincoln's Legacy and Modern Secession Movements

A Contest Years in the Making

1. Ellis, *Founding Brothers*, p. 16.
2. Stuart Gerry Brown, *Thomas Jefferson*, p. 63.

The Perplexing Lincoln Legacy

1. Cynthia Tucker, "Americans increasingly unwilling to surrender civil liberties," *The Baltimore Sun*, July 5, 2004.
2. Ibid.

3. The Washington Post online, January 16, 2006.
<<http://www.washingtonpost.com/wpdyn/content/article/2006/01/16/AR2006011600779.html>>

A Changing Country, a Growing Backlash

1. Jerome D. Tuccille, "Dear Liberal Friend," November 17, 2004, Used with Mr. Tuccille's permission:
<<http://www.tuccille.com/scribble/fullauto/auto68.htm>>
2. "Court allows 'dirty bomb' suspect to be held," MSNBC.com, September 9, 2005. <<http://www.msnbc.msn.com/id/9268598>>
3. Patrick J. Buchanan, *The Death of the West* (New York: St. Martin's Press, 2002), pp. 2-3.
4. Congressman Ron Paul's quote was found on the congressman's site: "Ron Paul's Texas Straight Talk":
<<http://www.house.gov/paul/tst/tst2004/tst090604.htm>> Congressman Paul is a noted supporter of strict constitutional interpretation.
5. Dan Popkey, "Chenoweth-Hage right to challenge pat-downs," *The Idaho Statesman*, October 10, 2004.
6. *Hamdi et al. v. Rumsfeld, Secretary of Defense*, No. 03-6696. Argued April 28, 2004, Decided June 28, 2004.
<<http://laws.findlaw.com/us/000/03-6696.html>>
7. Ibid.
8. Joint Resolution 19, *The Congressional Record*, 103rd Congress, Senate, Vol. 139.
9. Joel Dyer, *Harvest of Rage*, p. 4.
10. Ibid, p. 7.

Appendix D:

Calhoun Versus Webster

1. The Congressional Register of Debates, Senate, 22nd Congress, 2nd Session, January 22, 1833, pp. 191-192.
2. The Congressional Register of Debates, Senate, 22nd Congress, 2nd Session, February 16, 1833, pp. 553-570.

One Nation, Indivisible?

Appendix E:

Lincoln on the Union and Secession

1. Basler, ed., *Abraham Lincoln: His Speeches and Writings*, pp. 598-609.