

# TEACHING AMERICAN HISTORY PROJECT—2009-2012

## Dissenting Opinion: Tariff Law of 1828

By Dan Martin

Grade: 11<sup>th</sup>

Length of Class: 48 minutes

### Inquiry (Essential Questions):

- How did the passing of the Tariff Law of 1828 continue to divide Americans economically?
- How did individuals who opposed the Tariff Law of 1828 use the Constitution to justify their position?

### Objectives (Content & Skills):

- Students will:
  - Analyze primary & secondary source documents
  - Find specific reasons and evidence to support a position

### Materials (Included below):

- Document 1: A Memorial to Congress, Against the Tariff Law of 1828
- Document 2: South Carolina Exposition and Protest

### Activities:

- Students will read and analyze both documents with a partner highlighting the key reasons and evidence found within the documents.
- Once the students have finished working with the documents, a class discussion will follow discussing the key reasons and evidence as the basis for the conversation.
- After the class discussion, students will then have the rest of the class period to write their own persuasive essay to President Jackson supporting the position determined from the documents. Specific reasons and evidence must be present.

### Assessment:

- Letters will be collected and graded at the start of the following class period.
- Informal observation of students working on the documents and questions asked during the class discussion.

### Connecticut Grade Level Expectations:

- Standard 2.1
  - 1. Find relevant and accurate information from a variety of sources to answer a history/social studies question
- Standard 2.2
  - 3. Cite evidence from a source to determine an author's purpose and intended audience
  - 4. Analyze and explain multipurpose visual materials
- Standard 2.4
  - 11. Ask relevant questions related to social studies / history to initiate, extend or debate a point of view
- Standard 3.1
  - 1. Use evidence to develop an interpretation of a historical event

**Background:**

In 1828 a tariff was passed by congress to raise the price of foreign manufactured goods. This tariff helped the manufacturers of the North but hurt the South since they did not produce many of their own manufactured goods. The South would purchase their manufactured goods from foreign manufacturers in exchange for cotton produced by the South. However, the tariff increased the price of foreign manufacturing good thus encouraging the South to purchase Northern goods. Called the “tariff of abominations” in South Carolina, it offered protection to domestic manufacturers and raised the price of wool and iron in the South. Many individuals including Vice President John C. Calhoun had objected to the federal government passing a tariff that greatly impeded upon states’ rights and favored Northern industries. The controversy over states’ right would continue to flourish and divide and threaten the stability of the country.

**Directions:** Read both primary source documents below highlighting the key reasons and evidence why individuals in Boston and South Carolina believed that the Tariff Law of 1828 needed to be repealed.

**Task:** Write a persuasive letter to President Jackson to repel the Tariff Law of 1828. Use specific evidence from your documents to support your position that the law violates Constitutional law and States’ Rights.

**Document 1:**

A Memorial to Congress, Against the Tariff Law of 1828: by Citizens of Boston (1829)  
*At an adjourned of Merchants and others opposed to the present Tariff, held at Concern Hall, January 13<sup>th</sup> 1829*

The Committee of the Citizens of Boston opposed to the present tariff laws of the United States, appointed to draft a petition to Congress for the repeal or revision of those laws, and also to report resolutions expressive of the opinions and feelings of this community upon that subject, having attended to the duty assigned to them, respectfully.

**REPORT:**

That they have prepared the draft of a memorial to Congress, which is herewith submitted ...

**RESOLVED:** That the imposition of high duties upon imported commodities, without regard to revenue, but with a principal view permanently to support any particular manufacture, or other branch of domestic industry, by the exclusion of a rival modity or great increase of its price, is unjust in principle, erroneous in policy, and calculated to impose a heavy burthen upon the community, without any adequate advantage.

**RESOLVED:** That high duties imposed for the protection of manufactures in their application to interests and circumstances so various as those of the United States, are unequal and oppressive in their operation, and alike inconsistent with the spirit of the constitution, and subversive of those principles of natural justice and perfect equality in the enjoyment of social rights, which are essential to the existence of free government.

**RESOLVED:** That were the justice and policy of the protecting system less questionable than they are, still, in the actual condition of the United States, such system depending for its existence and effect upon laws, establishing bounties, protecting duties, and other fiscal regulations, and upon the perfect execution with the exactness and certainty which are necessary to the efficacy and safety of such system, and to the attainment of the objects proposed by its establishment.

**RESOLVED:** Thaw laws imposing duties with a principal design to protect particular branches of industry, though general in terms, do on account of the great diversity of their interests and pursuits, operate unequally upon different sections on the Union; that such unequal operation has a natural tendency to create disaffection, to excite and embitter local jealousies, and to interrupt that harmony and mutual confidence, throughout the Union, which are so desirable and beneficial to all its parts.

**RESOLVED:** That the permanent adoption of a protecting restrictive policy, has a natural and obvious tendency to engage this country, in controversies with other powers, to invite retaliatory restrictions and countervailing exactions, injurious to our own commerce, and more especially to check and retard that more liberal and commercial intercourse among nations, which appeared to be rapidly extending throughout the commercial world, and which it seems so peculiarly the interest of the United states, as a navigating power, to encourage and reciprocate.

**RESOLVED:** That we will cheerfully cooperate with other citizens of the Union, who may entertain similar views and opinions, in all suitable and honorable measures, which may be adopted, in reference to the subject of these resolutions.

## **Document 2:**

South Carolina Exposition and Protest (1828) by John C. Calhoun

### **EXPOSITION**

The committee have bestowed on the subjects referred to them the deliberate attention which their importance demands; and the result, on full investigation, is a unanimous opinion that the act of Congress of the last session, with the whole system of legislation imposing duties on imports—not for revenue, but the protection of one branch of industry at the expense of others—is unconstitutional, unequal, and oppressive, and calculated to corrupt the public virtue and destroy the liberty of the country; which propositions they propose to consider in the order stated, and then to conclude their report with the consideration of the important question of the remedy.

The committee do not propose to enter into an elaborate or refined argument on the question of the constitutionality of the Tariff system. The General Government is one of specific powers, and it can rightfully exercise only the powers expressly granted, and those that may be necessary and proper to carry them into effect, all others being reserved expressly to the States or the people. It results, necessarily, that those who claim to exercise power under the Constitution, are bound to show that it is expressly granted, or that it is necessary and proper as a means to some of the granted powers. The advocates of the Tariff have offered no such proof. It is true that the third section of the first article of the Constitution authorizes Congress to lay and collect an impost duty, but it is granted as a tax power for the sole purpose of revenue—a power in its nature essentially different from that of imposing protective or prohibitory duties.... The facts are few and simple. The Constitution grants to Congress the power of imposing a duty on imports for revenue, which power is abused by being converted into an instrument of rearing up the industry of one section of the country on the ruins of another. The violation, then, consists in using a power granted for one object to advance another, and that by the sacrifice of the original object. It is, in a word, a violation by perversion—the most dangerous of all, because the most insidious, and difficult to resist...

### **PROTEST**

The Senate and House of Representatives of South Carolina, now met and sitting in General Assembly—through the Honorable William Smith, and the Honorable Robert Y. Hayne, their representatives in the Senate of the United States, do, in the name and on behalf of the good people of the said Commonwealth, solemnly protest against the system of protecting duties lately adopted by the Federal Government, for the following reasons:

1. Because the good people of this Commonwealth believe that the powers of Congress were delegated to it in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purposes is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive independent powers not granted or expressly withheld.
3. Because they believe that the Tariff Law, passed by Congress at its last session, and all other acts of which the principal object is the protection of manufactures, or any other branch of domestic industry—if they be considered as the exercise of a supposed power in Congress, to tax the people at its own good will and pleasure, and to apply the money raised to objects not specified in the Constitution—is a violation of these fundamental principles, a breach of a well defined trust and a perversion of the high powers vested in the Federal Government for Federal purposes only
5. Because from the contemporaneous exposition of the Constitution, in the numbers of the Federalist, (which is cited only because the Supreme Court has recognized its authority,) it is clear that the power to regulate commerce was considered by the convention as only incidentally connected with the encouragement of agriculture and manufactures; and because the power of laying imposts and duties on imports, was not understood to justify in any case a prohibition of foreign commodities, except as a means of extending commerce by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.
6. Because that whilst the power to protect manufactures is no where expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the

States by the tenth section of the first article of the Constitution.

7. Because even admitting Congress to have a constitutional right to protect manufactures by the imposition of the duties or by regulations of commerce, designed principally for that purpose, yet a Tariff of which the operation is grossly unequal and oppressive, is such an abuse of power, as is incompatible with the principles of a free government and the great ends of civil society, justice and equality of rights and protection.

8. Finally, because South Carolina, from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependent upon agriculture and commerce, not only for her prosperity, but for her very existence as a state-because the valuable products of her soil-the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects-are among the very few that can be cultivated with any profit by slave labor-and if by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile State would be poverty and utter desolation -her citizens in despair would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity be impaired and deranged, if not dissolved entirely.

Deeply impressed with these considerations, the Representatives of the good people of this Commonwealth, anxiously desiring to live in peace with their fellow citizens, and to do all that in them lies to preserve and perpetuate the union of the States and the liberties of which it is the surest pledge-but feeling it to be their bounden duty to expose and to resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do, in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the [U.S.] Senate, their protest against it as unconstitutional, oppressive, and unjust.