

Primary Source

South Carolina Ordinance of Nullification

Following the passage of the protective Tariff of 1828, South Carolinians began arguing that individual states possess the ability to void or “nullify” federal laws that they deem to represent a blatant violation of the constitutional compact. In late 1832, South Carolina acted on these threats. On November 24, 1832, a convention that had assembled for the purpose formally nullified the Tariff laws of 1828 and 1832, and vowed that they would not be enforced within South Carolina’s borders. The excerpt below is taken from the nullification “Ordinance” issued by the convention.

Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation, certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution .

...We, therefore, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities . . . are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

Source: *State Papers on Nullification* (Boston: Dutton and Wentworth, 1834), 28-29.