

Nathaniel Macon to Andrew Jackson, August 26, 1833, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

NATHANIEL MACON TO JACKSON.

Buck Spring, near Warrenton, N. C., August 26, 1833.

Sir, I have this minute received your letter of the 17 instant, and answer it with all the friendly feelings with which it was written; Before I do this, permit me, to say, that I have no documents, having given all mine away, not even the proceedings of South Carolina relative to nullification nor the Proclamation.

The Governments of the United States and of the States are governments of opinion and not of force, this opinion was held when the Hartford convention was in Session and has not changed and that a conquered State, was not in the Union, nor could not be without an act of Congress to admit her. Sovereign power cannot commit treason or rebellion or be subject to the laws relating to either; hence a state being sovereign to a certain extent, as well as the United states, cannot commit either. The people alone in our country possess unlimited sovereign power, and they deligate it to their governments as they please.

Force applied to a state government, as well as I recollect is not hinted at in the constitution of the United States, because she cannot commit treason or rebellion it goes on the ground, that every state will perform her duty. The call of South Carolina, was not like the insurrection in Pennsylvania, the people of South Carolina acted under state authority, and the people of Pennsylvania under no legal authority.

If South Carolina would not permit the laws of the United States to be enforced within her limits, she was out of the Union and ought to have been treated as a foreign power; The

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union is a matter of choice and interest; without these it cannot be lasting, but if the federal Government be justly and wisely managed, it will be as lasting as the Atlantic, the Allegany or the Mississippi.

No confederation or league can last long, after the States which formed it begin to fight. people were never satisfied by being beaten, and freemen whenever conquered, loose their energy and boldness. The history of Religion, proves that force cannot change opinion, and in this country political opinion would be as difficult to change, as that of Religion: You will perceive that I do not approve the enforcing act. though I have not seen it, the contents have been stated to me, I take no news paper, of course know but little of any thing from home.

Permit me to say, I have no recollection of the law you mention nor of my vote, though no doubt is entertained, but that they are correctly and truly stated, and it may be that both Mr. Jefferson and myself may have done wrong, in the very hot times, in which we acted; I however never approved of construing the constitution by precedent, and have constantly thought, that every department of the Government, had always the same right to construe it, as those had, who were before them and that each ought to correct the errors of the former if any were made.

Last wednesday for the first time, I heard, that my letter was published; I believe it was an answer to one received, but I am become so forgetful, that I cannot say positively. Since I quit public life, my rule has been only to acknowledge letters, except to one person.

The ratifications of the constitution by the States are all I believe different from each other; I do not recollect enough of them to say much about them; but none of them, I imagine gave up the right to secede, and this right is the only one that can prevent bargaining legislation. whenever that shall become common, liberty must be nearly gone. If law could have controlled opinion Mr. Jefferson would never have been president.

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That the Constitution of the United States must depend on opinion, the following facts, will demonstrate. a few of the large states perhaps a half dozen, can put an end to it, by not passing laws to elect representatives or not passing them to elect electors of President and Vice President, and thirteen of the smallest, can do the same, by not electing Senators.

Whenever a state becomes uneasy under federal legislation, the act which causes the uneasiness, ought to be reviewed with the greatest care; and if it contain the least injustice it ought to be altered. As far as I have heard, Virginia acted with great propriety and great dignity towards South Carolina. her doings no doubt had some good effect. I never wrote a letter, expecting it to be published. in one case, I was not so attentive as I might or ought to have been; to one received, in which a modest request was made for an answer to be published; the request escaped my observation. Perhaps it may not be amiss to say, that I never thought Genl. Washington had authority to issue his proclamation declaring the neutral situation of the country. that seemed to me, belonged to Congress.

If it shall ever happen, which God forbid, that the United States and a State be at war, the constitution of the Union, may [be] considered as gone, as dead. Since 1824 I have thought that by construction it had become almost unlimited; no one disapproves of the tariff more than I do; and my hope has been, that Congress knowing its unjust operation would relieve those who suffered; In truth since 1824 I have considered it dead and a new one made by construction.

It has been my lot, to differ in some things with every administration; but I hope never for the mere sake [of] opposition. The fame of an administration, which has paid the public debt and adjusted the claims of the people on foreign governments for wrongs done them, will be as lasting as the fame acquired by the battles of New Orleans, though it may have committed some errors in the opinion of a part of those who have generally and sincerely

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supported it. to err is common to man, and who knows, when men differ in opinion, which is right.

Accept my best wishes for your health and happiness, and believe me to be very truly and sincerely your friend

N.B. On reading over this letter, I believe, I have made a mistake, in saying, that the legislatures of a few great states, could put an end to the federal government, by not passing laws to elect representatives. I now think that Congress may pass a law for that purpose but if the people of such States should refuse to elect, then the case would happen. N.M.