

States Rights

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

State's Rights were given with the Tenth Amendment of the Constitution of the United States of America. This amendment made it difficult at times to decide what laws to follow, the states' laws or the country's federal, bigger laws. There were many arguments in the United States then and the Northern and Southern states had different ideas about what each wanted to be a law in the states and in the country as a whole. Sometimes these disagreements meant going to the U.S. Supreme Court to try to figure out what laws are to be used in the different states or, sometimes, in all the states together. One of the biggest arguments from the Northern and Southern states was about Slavery.=

Nullification

Nullification (U.S. Constitution) is a legal idea that a U.S. State has the right to nullify, or undo, any federal law that a state has considered unconstitutional.

Nullification was part of several arguments between federal laws and state laws. For example, there were arguments in U.S. Congress that states should not have to enforce, or carry out, federal laws in each state. For many years leading up to the Civil War, the states, both free and slave, were arguing to keep their own state rights as granted by the Tenth Amendment to the U.S. Constitution. This amendment was interpreted to mean that each state could use their own powers in the states. This also meant that states could use nullification with federal laws the state/s did not agree with.

In July of 1833, South Carolina State Representative, James L. Petigru wrote in a letter, "Nullification has done its work; it has prepared the minds of men for a separation of the States, and when the question is mooted again, it will be distinctly union or disunion" (p. 108). As time passed, more territories were bought in the west and more states were to be formed by pioneers. Each new territory could decide if the state was a free to slave state. This made more people traveling west concerned

about their own ideas of slavery and how to live the way they wanted to, or were used to.

Kansas-Nebraska Act (1854)

The Kansas-Nebraska Act said that the issue of slavery would be decided by the people living in these territories, this was called *popular sovereignty*. After the bill passed on May 30, 1854, violence broke out in Kansas between pro-slavery and anti-slavery settlers in these territories. Nebraska was a free state and Kansas people could decide if they wanted to be a slave or a free state. The slave owners from Missouri went to Kansas and illegally voted to make Kansas a slave state and added it in the Kansas State Constitution. This angered the anti-slave farmers and people of Kansas who lived there and did not want Kansas to be a slave state. The anti-slave people of Kansas came together to form their own majority government. Kansas ended up with two opposing governments, all ready to fight each other. Kansas' new name was "Bleeding Kansas." The free and slave states' views on rights were changing and many people were angry on both sides.

Secession

Southern states had slavery as a way of life and building wealth for their states, they wanted slavery to remain and expand into new territories and new states. Northern states did not need slaves for their wealth and labor, and many northerners were against slavery and wanted it to end. Emotions and anger ran high and across the nation. The upcoming election of 1860 had several political views being represented were *for, against, and neutral*, the issue of slavery in new territories. This also applied to current state's rights to make their own laws for slavery in each old and new state in the union. Again, some states in the south, like South Carolina, were already threatening to secede from the United States (the Union).

When Republican candidate, Abraham Lincoln, won the election of 1860, and before he took office, South Carolina seceded from the union. Other southern states soon followed.

References:

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