

# **Keeping the Black Man Down:**

## **Why Did the South Oppose Federal Power Historically?**

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The standard conservative Southern interpretation of the Constitution says it was an agreement of the "states" as opposed to the "people" of the states to join the union. But that's opposed to the way the preamble reads. It doesn't say, "the States of Pennsylvania, New Jersey, Virginia, South Carolina, Delaware, . . . establish and ordain," etc. The John Calhoun interpretation of the Constitution was hardly uncontested historically before the Civil War, and shouldn't continue to go unchallenged today. That's why it shouldn't be interpreted as a "treaty" that members states could withdraw from at will. Of course, there are no provisions in its text to authorize secession or withdrawals from the union or other legal means to end it. One would need to cite primary sources, such as from the Federalist papers or elsewhere during the ratification process that the proponents of the Constitution (not its anti-Federalist opponents) that conceded that states could withdraw from the Union at will later on for me to believe this is true historically.

Furthermore, the "right to revolution," speaking from a secular viewpoint that ignores Romans 13, should only be resorted to in grave situations in which personal freedom and/or the right to property are seriously threatened. Arguably, that actually wasn't the case even in 1775, since the actual causes of the war against Britain concerned relatively trivial impositions that could be objectively justified. (That is, as part of the British Empire, the colonies could be expected to pay more for their military defense in direct taxation than they were paying, which was just about nothing). So when compared with the English Civil War and the "Glorious Revolution" of 1688-89, we had a far less dangerous threat from the throne of England than the British themselves faced in the prior century, when Charles I (at least theoretically and even functionally) really wanted to be an absolute monarch like his contemporary Louis XIV, and James II shared the same autocratic, pro-Catholic tendencies.

So then, how did Lincoln's election threaten the South? All he officially wanted to do was prohibit in the territories the further extension of slavery and prevent more slave states from being admitted to the Union. And that minimalistic political platform was totally, utterly intolerable to the South's political leadership. Lincoln wasn't even proposing as he took office to force through Congress a gradual emancipation plan on the states where the "peculiar institution" already existed. So then, what was the "right" that the Southerners were rebelling to keep? The right to enslave others? What's so "libertarian" about that? For fundamentally, when it comes from white Southerners, all this states' rights clap-trap over the decades and even centuries, has been fundamentally motivated by their desire to keep the black man down. Sure, good theoretical and philosophical arguments can be run in favor of decentralized governmental structures. But here we have to consider the Southern whites' obviously self-interested motives for their arguments as well. The fundamental

problem with the libertarian perspective on the Civil War and Lincoln is that it doesn't reckon with the **real** reasons why white Southerners wanted secession in 1860. All this political philosophy in favor of decentralization is a mere smokescreen for racial oppression. And for some reason libertarians from the North are willing to accept at face value the Southern revisionist view of the Civil War and its causes, rather than probe deeper.

I've long held that individual rights are more important than the autonomy of local governments, that laws that restrict the latter in favor of the former are fundamentally moral and just. For example, if Congress passed a law prohibiting all rent control laws throughout the length and breadth of the USA, I would consider that a good law to pass, since individual property rights are more important than the "rights" of local units of governments to mistreat their subjects, no, excuse me, "citizens." Often local municipalities have all sorts of micro-managing laws which would be fine for a state government or Washington to set aside in the name of personal freedom. Likewise, Southerners once argued that the 10th Amendment to the Constitution prohibited the Federal government from keeping slaves out of the territories. Well, I think it's fine for the Federal government to abolish slavery and violate the purported "rights" (really, "powers") of the states to let some of their citizens violate the rights of other citizens. Likewise, in the decision to end the legal segregation of public schools, *Brown vs. the Board of Education*, the U.S. Supreme Court was right to interfere in local cities' systems of apartheid in their government schools. (Whether we should have government schools, of course, is a separate issue; if we have them, they shouldn't discriminate among citizens based on race, ethnicity, or skin color). In 1957, the folks resisting the integration of Central High in Little Rock got what they deserved from President Eisenhower when he sent in the 101st Airborne with fixed bayonets to surround the school and federalized the Arkansas national guard in order to enforce the district federal court order enforcing desegregation.

True, Lincoln's main goal at the outbreak of the war was to preserve the union, not to free the slaves. His war aims, and thus the North's in general, progressed steadily towards abolition as the conflict continued. When he stood for re-election in 1864, Lincoln had two conditions for peace with the South: Restoration of the Union and the abolition of slavery. But the South's chief war aims were to preserve slavery and to remain independent. Only at the very end of the war, when all was lost, did the South start making concessions, such as being willing to grant freedom to slaves who would fight in the Confederate Army. The actual text of the Confederate Constitution, as its text existed before Sherman burned Atlanta and marched to the sea, should be quoted from a reliable source to claim that they desired to abolish slavery eventually. Concessions made in 1865 are meaningless as to explaining the South's war aims in 1861. (The South's war aims, not just the North's, evolved as well during the Civil War!) At the February 1865 Hampton Roads Peace Conference, when the South was about to give up the ghost, Stephens and others still rejected emancipation as a condition for ending the war in conjunction with Lincoln's other demands. Slavery was still a very profitable institution in 1860, and it easily could have continued to be for decades to come, so long as industrial Europe and the North wanted to buy Southern cotton for their

textile mills. Planters wouldn't have paid around \$1000 per adult male slave in good health at auctions if they weren't making money on their plantations. Unlike in Europe and the North, which had been moving in the opposite direction, public opinion in the South on the eve of the Civil War was actually much more pro-slavery than it had been several decades earlier, when Virginia's legislature voted down a gradual emancipation bill in 1832: It became dangerous to publicly question the "peculiar institution" by 1860.

Libertarians should keep in mind that even the actors during the Civil War on the South would engage in revisionism even about what their own goals had been. Alexander Stephens, the Confederate Vice President, said slavery was the cornerstone of the Confederacy when the war began, but after the war said the war was about states' rights, not slavery. So, from a proper historiographical view, what matters is what the South's leaders were saying about preserving slavery as a war aim in 1861 in primary sources of the time, not necessarily what they were saying about slavery after 1865 in their memoirs, public speeches, etc.

The historian William C. Davis noted inconsistencies in the arguments Southerners made for states' rights. The Confederate Constitution, which protected slavery at the national level, was ironically inconsistent with "States' rights."

"To the old Union they had said that the Federal power had no authority to interfere with slavery issues in a state. To their new nation they would declare that the state had no power to interfere with a federal protection of slavery. Of all the many testimonials to the fact that slavery, and not states rights, really lay at the heart of their movement, this was the most eloquent of all." (as in Wikipedia)

This inconsistency shows their real goal was to continue an abominable system of harsh racial oppression, not to set up some theoretically superior system of decentralized government. To protect slavery at the national level in its Constitution also shows the Confederacy didn't want to slowly phase it out either.

In 1860, Congressman Laurence Keitt of South Carolina proclaimed, "The anti-slavery party contend that slavery is wrong in itself, and the Government is a consolidated national democracy. We of the South contend that slavery is right, and that this is a confederate Republic of sovereign States." Someone who says slavery is morally right isn't likely to favor any kind of emancipation, gradual or immediate. A number of Southern politicians before the Civil War also attempted to re-legalize the importation from Africa of slaves and wanted to make all free black men and women choose a master or mistress. This doesn't speak of a sentiment that would favor gradual emancipation either.

Because the South had chosen to rebel violently against Washington, gradual emancipation was no longer an option for Washington. That wasn't a decision by the abolitionists, but by the Southerners who wanted to preserve their "right" to racially

oppress others. Because the South's public opinion in favor of slavery had become so hardened by 1860, it's hard to believe sentiment in a theoretically successfully independent Confederacy would have changed any time soon. If one wants to run the cost-benefit argument, the greatest good for the greatest number, and say 600,000 deaths was too much to pay to free 4 million slaves a generation or two earlier than they otherwise would have been, that's reasonable, even from a secular, non-Christian viewpoint. But then again, the bloodshed of the American War of Independence was for a far more trivial reason, the desire to avoid paying some relatively light taxes (compared to what people in Britain itself were paying). So therefore, by this same kind of reasoning, Samuel Adams and company, when they seized and tossed into Boston Harbor the tea of the British East India Company because it had been given a monopoly for its import and it had a small tax on it, were far less justified in the bloodshed they ultimately caused than Lincoln was, who ended the sales of children from their parents and wives from their husbands, the routine whippings of slaves as a means to enforce work discipline, nightly visits by some overseers and masters to their slave women's quarters, etc. For my M.A. thesis, I studied and wrote in great detail how slavery operated in the American South before the Civil War, so I'm acutely aware of how generally oppressive (with occasional exceptions) the system was. If a libertarian (while ignoring the Bible's plain teachings) agrees with Patrick Henry's individual cry against the British government, "Give me liberty or give me death!," how can he object to others self-sacrificially dying to free others?