

Civil War Lesson #2: Secession of the South

Major Topics:

- ✓ The Election of 1860
- ✓ Philosophical Justification of Secession
- ✓ Constitutional Requirements for Secession

Did the South have the Right to Secede from the Union?



"The Hercules of the Union, slaying the great dragon of secession," Print on woven paper. Currier and Ives, 1861. Source: Library of Congress, <http://www.loc.gov/pictures/item/2003674572/>

This lesson asks students to consider a fundamental question of the Civil War – did the South have the right to secede from the Union? More specifically, students will have the opportunity to compare the arguments presented for secession with the ideals outlined in our foundational documents, the Declaration of Independence and the Constitution.

To support student understanding of these documents, this lesson also provides step-by-step instructions to help students comprehend and analyze the ideas presented. Students will make an interpretation to answer the lesson focus question and support it with evidence from the documents.

Procedures

Step 1: Introduce the Focus Question (Class Time: 30 minutes)



Using the **Election of 1860 Map (CW2.1)**, show students how the sectional division of the Democratic party (between the northern Democrat candidate, Stephen A. Douglas, and the southern Democrat candidate, John C. Breckinridge) and the larger number of voters in the north helped Abraham Lincoln to win the election. The southern states were so angry at Lincoln's election that they began to take steps to secede from the union. South Carolina's legislature called a convention which unanimously adopted an ordinance of secession on December 20, 1860. In this lesson, the students will investigate the question: "Did the South have the right to secede from the Union?" Have students discuss this briefly with their partners, and then share briefly with the class. Post their initial responses on a piece of butcher paper on the wall of the classroom, telling the students that at the end of the lesson they will make an interpretation to answer that question using historical evidence. See **Wall Chart: Did the South have the right to secede? (CW2.2-K)** for notes. Tell them that they will also be thinking about how secession was related to different definitions of freedom.

Step 2: Review Principles from the Declaration of Independence (Class Time: 40 minutes)



Distribute **CW2.3, The Justification for Secession: The Declaration of Independence**. Project the excerpt from the Declaration of Independence (Part A). Before you read the excerpt aloud to them, tell students to look for evidence from the Declaration of Independence that the South could use as justification for breaking away from the North. They should highlight evidence they think could provide justification for secession (or evidence that prohibits secession.) In pairs or groups of three, have students discuss what they highlighted and note these points on the butcher paper under the focus question. Next, tell students that they will study key ideas from the document by completing the sentence deconstruction chart in Part B. The purpose of the sentence deconstruction is to help English Learners and those who read below grade level to understand what the difficult text means, and to get all students to look more closely at the language of text. Guide the students through the sentence deconstruction chart box by box, until they understand the method. Use the directions provided in **CW2.3** (and if needed, refer to **CW2.3K – The Justification for Secession: The Declaration of Independence Key**). When students are familiar with the sentence deconstruction method, have them work individually or in pairs to complete the chart and review as a class to make sure that the students understand the document, charting any relevant evidence for or against secession.



complete the chart and review as a class to make sure that the students understand the document, charting any relevant evidence for or against secession.

Step 3: Review Principles from the Constitution (Class Time: 40 minutes)



Distribute **CW2.4, The Justification for Secession: The Constitution**. Following the same basic steps you used in Step 2, take students through the excerpt from the Constitution. First, project the excerpt from the Constitution (Part A) on the board. Tell the students that they will now be looking for evidence from the Constitution that the South could use as justification for secession, or evidence that prohibits secession. As you read the excerpt aloud for the class, students should be underlining any words or phrases that they think can either provide

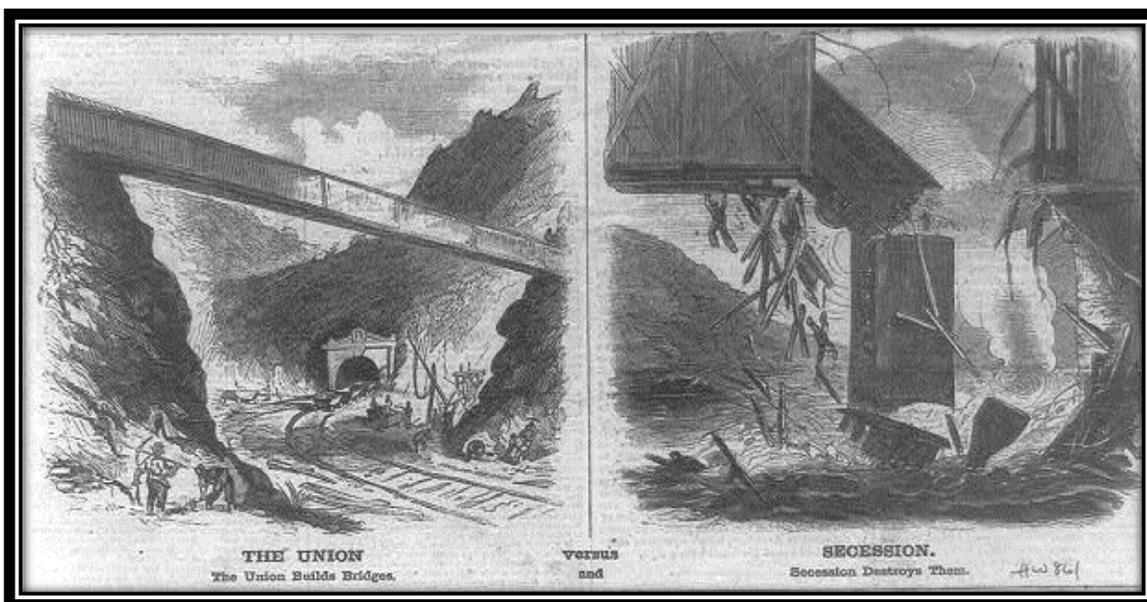
Procedures (continued)

justification for, or prohibit, secession. In pairs or groups of three, have students discuss what they highlighted and note them on the butcher paper under the focus question. Next, tell students that they will study key ideas from the document by completing the sentence deconstruction chart in Part B. As a full class, complete the first couple of rows, using the directions provided (and if needed, refer to **CW2.4K – The Justification for Secession: The Constitution Key**). For the last few rows, have students work individually or in pairs to complete the chart and review as a class to make sure that the students understand the document, charting any relevant evidence for or against secession.



Step 4: Examining the Ordinances of Secession of South Carolina (Class Time: 40 minutes)

Distribute **CW2.5, The Justification for Secession: The Ordinances of Secession of South Carolina**. Following the same basic steps you used in Step 2 and 3, take students through the excerpt from South Carolina's Ordinances of Secession. For this particularly difficult text, you may wish to use **CW2.6 - Alternative Literacy Strategy for the Ordinances of Secession**, in combination with **CW2.5**. First, project the excerpt from the Ordinance (Part A) on the board. Tell the students that they will now be looking for the specific argument that the South used to secede from the Union. As you read the excerpt aloud for the class, students should be underlining any words or phrases that they think made the case for secession. In pairs or groups of three, have students discuss what they highlighted and note these points on the butcher paper under the focus question. Next, tell students that they will study key ideas from the document by completing the sentence deconstruction chart in Part B. As a full class, complete the first couple of rows, using the directions provided (and if needed, refer to **CW2.5K – The Justification for Secession: The Ordinances of Secession Key**). For the last few rows, have students work individually or in pairs to complete the chart and review as a class to make sure that the students understand the document.



"The Union versus secession. The Union builds bridges and secession destroys them." 1 print: wood engraving, 1861. Source: The Library of Congress: <http://www.loc.gov/pictures/item/2002718623/>.

Procedures (continued)

Step 5: Evaluating the Argument for Secession (Class Time: 50 minutes)



Return to the lesson focus question: “Did the South have the right to secede from the Union?” Explain to students that they need to make their own interpretation (an opinion based on evidence) to answer this question. They need to take a position and explain why their interpretation is correct. Write on the board the two possible stem interpretations: “The South did not have the right to secede from the Union, because _____” and “The South had the right to secede from the Union, because _____”. Tell students to discuss this question in pairs or groups of three, using their notes, CW2.3, 2.4, and 2.5 as evidence. Circulate as they discuss and pay particular attention to students’ ability to marshal relevant evidence from the first two documents in support of their interpretation. Next, distribute **Evaluating the Secession Argument (CW2.7)**. Have students complete as directed, working individually or in groups of two or three. Have students write answers to questions individually, and evaluate using the **Rubric for Secession Argument Writing (CW2.8)**.

After collecting student papers, ask students how the argument for secession is related to freedom. Ask them what they have learned about the meaning of freedom from this lesson and record their observations on the Freedom Wall. Students should understand that:

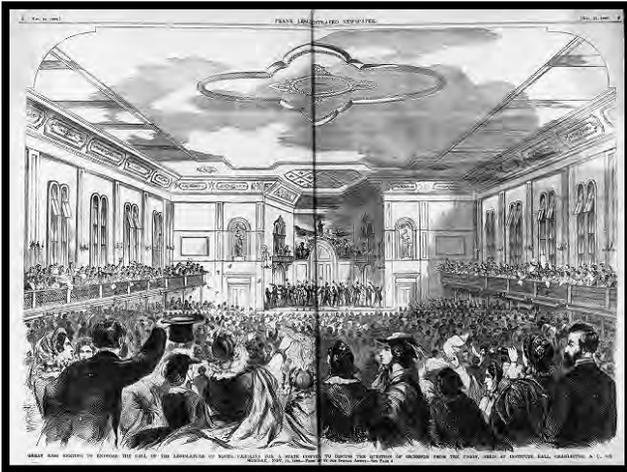
- Supporters of secession argued that they had the freedom to secede because the Declaration of Independence said that they could overthrow any government that did not protect their rights.
- Opponents of secession said that it was unconstitutional, but the Constitution does not clearly address the possibility of secession. It does say that Congress has to consent to formation of new states within old states, which some interpreted as giving Congress power over secession.
- Secession is the ultimate form of states’ rights.

Step 6: Assessment (Class Time: 10 minutes)



Distribute **Ready to Move On Quiz #1 (CW2.9)** to students. The purpose of the quiz is to assess their mastery of Lessons 1 and 2, and gain information to plan further instruction.

Modifications



Great mass meeting to endorse the call of the Legislature of South Carolina for a state convention to discuss the question of secession from the Union, held at Institute Hall, Charleston, S.C., on Monday, Nov. 12, 1860. Source: Library of Congress, <http://www.loc.gov/pictures/item/99614053/>

The Justification for Secession: The Declaration of Independence (CW 2.3), The Constitution (CW 2.4), and the Ordinances of Secession (CW 2.5 and 2.6)

Each of these excerpts includes a research-based approach designed specifically to improve student reading comprehension of these primary sources. The **Additional Literacy Strategy for the Ordinances of Secession (CW2.6)** provides extra support for struggling readers.

Evaluating the Secession Argument (CW2.6)

In answering the **Evaluating the Secession Argument (CW2.7)** questions, English learners and low literacy students may need sentence starters to help frame their answers. Assign these students **CW2.7B**, a scaffolded paragraph with sentence starters.

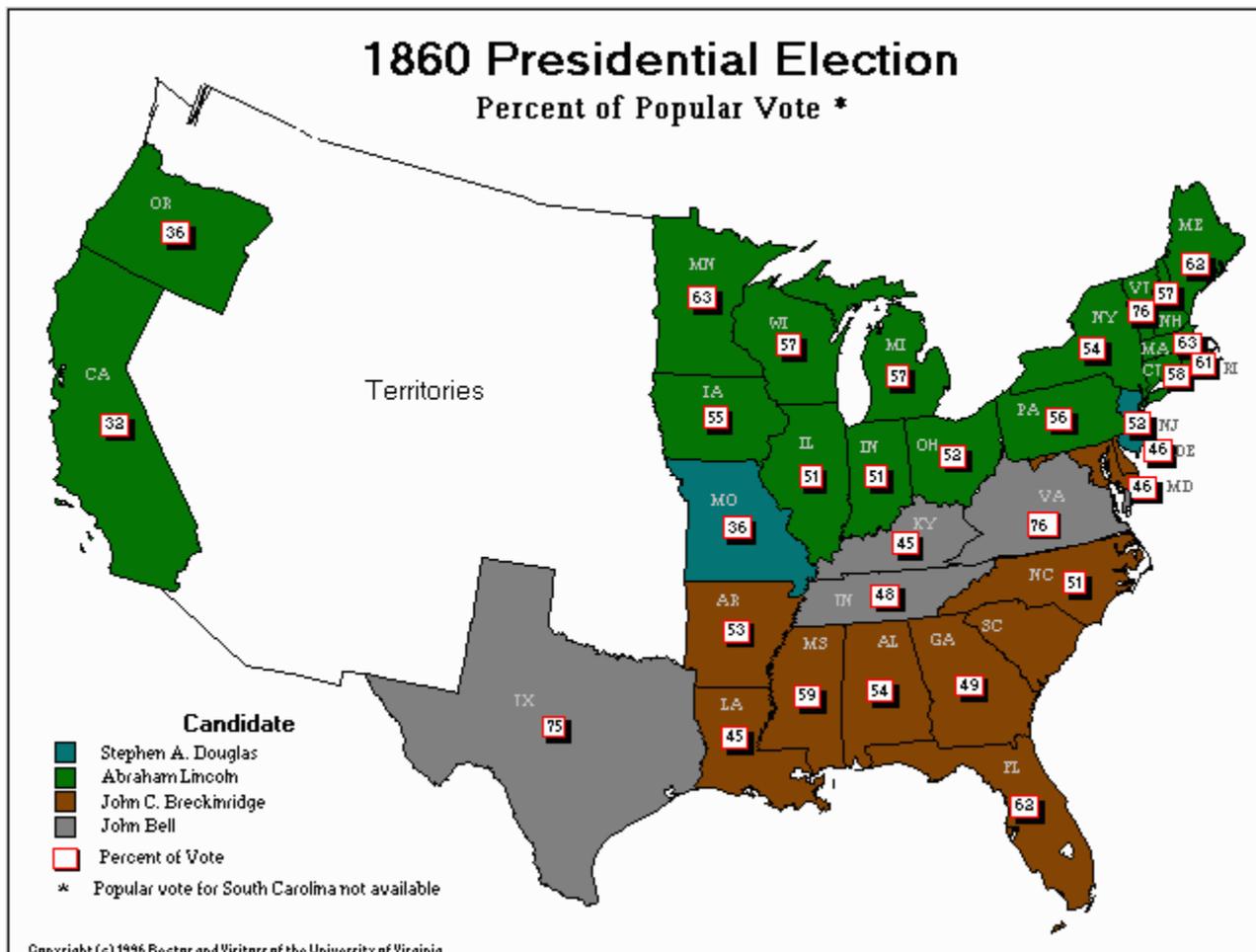
Extension: The Case for Secession Debate

If time allows, divide the class into groups of three or four. Divide the groups into two sides: one pro-secession and one anti-secession. Have each group prepare a 2-minute (maximum) presentation for their fellow students to present either a pro- or anti-secession speech to the rest of the class, using their notes and CW2.-2.4. Have the class vote for the most persuasive argument(s) and give the winning team(s) extra credit or another reward.

Short-Track Schedule:

This lesson could be skipped entirely without hurting the students' ability to write the final essay of the unit. If you want students to examine the constitutional issues of secession, but have little time, you might do only Steps 2, 3 and 5. The writing assignment is quite short.

CW 2.1-Election of 1860 Map



Source: US Presidential Election Maps: 1860-1996. Retrieved Dec. 21, 2011, from the University of Virginia, Geospatial and Statistical Data Center: <http://fisher.lib.virginia.edu/collections/stats/elections/maps/>

	Electoral Vote	Popular Vote
Abraham Lincoln (Republican)	180	1,866,000
Stephen A. Douglas (Democrat, northern)	12	1,383,000
John C. Breckinridge (Democrat, southern)	72	848,000
John Bell (Constitutional Union)	39	593,000

CW2.3 –Justification for Secession: The Declaration of Independence

Part A: Excerpt from the Declaration of Independence



Declaration of Independence, July 4th, 1776 / painted by J. Trumbull ; engraved by W.L. Ormsby, N.Y.. 1876
Source: *Library of Congress*, <http://www.loc.gov/pictures/item/96521535/>

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. **That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That**

whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to

abolish it, and to institute a new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

CW2.3 –Justification for Secession: The Declaration of Independence (continued)

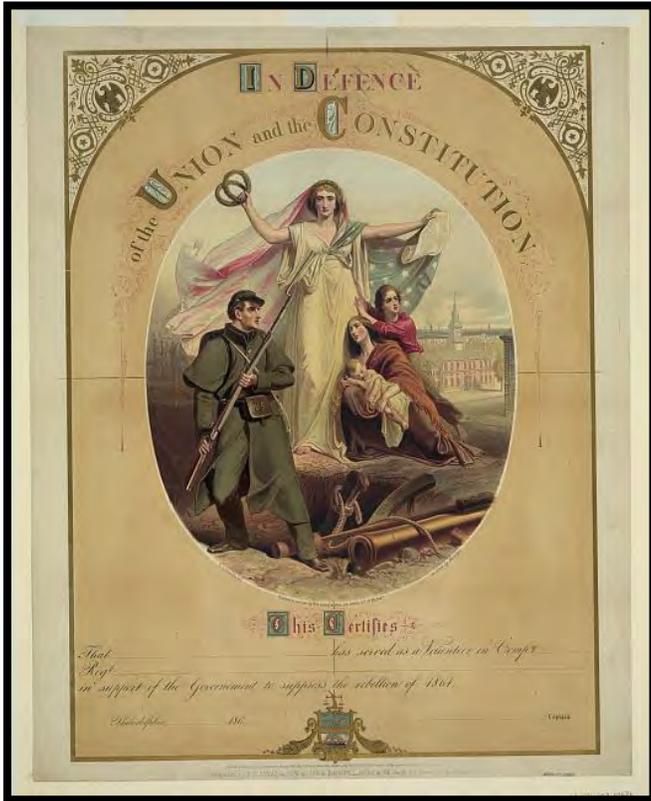
Part B: Analyzing the Declaration of Independence

Directions: Using the bolded excerpt from the Declaration of Independence, fill in the following sentence deconstruction chart by writing in any words or phrases missing in the middle three columns. After filling in the missing words, answer the questions in the far right hand column. Please note that the first line is written in the passive voice, which means that the person or thing that is doing the action is not specifically mentioned. Because of this, you'll need to guess who the subject is for the first line, although it is not written in the excerpt.

Time Marker or Connector	Historical Actor	Verb or Verb Phrase	What?	Questions or Conclusions – What questions or conclusions can you draw from this information?
That	<i>[the people]</i>	to secure	these rights	What rights are referred to?
	among men <i>[the people]</i>	are instituted (passive voice)	governments	How might this sentence be rewritten in active voice? (Please note: The phrase “the consent of the governed” means the approval of the people)
	<i>[governments]</i>		their just powers	
from				
That whenever		becomes	destructive of these ends	The phrase “these ends” refers back to an idea mentioned in the previous sentence. What “ends” is the document referring to?
It is the Right of the People:				
	<i>[the people]</i>	to alter or abolish	it [_____]	According to this quote, what are the rights of the people?
and	<i>[the people]</i>	to institute		

CW2.4 – Justification for Secession: The Constitution

Part A: Excerpt from the Constitution



*In defence of the Union and the Constitution / C[hristian] Schussele, del. ; on stone by [Caspar] Muringer. [Peter S. Duval and son](#), lithographer, 1861 .
Source: Library of Congress, <http://www.loc.gov/pictures/item/2003689292/>*

“New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims

of the United States, or of any particular State.”

CW2.4 – Justification for Secession: The Constitution (continued)

Part B: Analyzing the Constitution

Directions: Using the bolded excerpt from the Constitution, fill in the following sentence deconstruction chart by writing in any words or phrases missing in the first four columns. After filling in the missing words, answer the questions in the far right hand column. Please note that the first line is written in the passive voice, which means that the sentence does not follow the subject-verb-object pattern and is instead written in the object-verb-subject order. Because of this, you'll need to fill in the "By" box to identify the historical actor.

Time Marker or Connector	Subject	Verb Phrase (Passive Voice)	By? (Who is the historical actor?)	What? Where?	Questions or Conclusions – What questions or conclusions can you draw from this information?
	New states	may be admitted	by _____	into this union	Rewrite this phrase in active voice using Congress as the subject:
but	no new state	shall be formed or erected	[by _____]	within the jurisdiction of any other state;	The word "jurisdiction" means the territory or land under control. Given that, what does this phrase prohibit?
nor	any state	be formed	by the Junction of two or more States, or Parts of States,		The word "Junction" means joining in this context. Given that, what does this phrase prohibit?
without			[by _____ and _____]	the Consent of the Legislatures of the States concerned as well as of the Congress	Who has to agree to the formation of new states from other states, or parts of states?

Does the Constitution say anything about seceding?

CW2.5 – Justification for Secession: The Ordinances of Secession of South Carolina

Part A: Excerpt from the Ordinances of Secession of South Carolina



South Carolina's "ultimatum", Currier and Ives, 1861 . Source: *Library of Congress*, <http://www.loc.gov/pictures/item/2003674566/>

"We, the people of the State of South Carolina, in convention assembled, do declare and ordain . . . That the ordinance adopted by us in convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was

ratified, and also all acts . . . are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved."

(Charleston, South Carolina, Dec. 20, 1860)

CW2.5 – Justification for Secession: The Ordinances of Secession of South Carolina (continued)

Part B: Analyzing the Ordinances of Secession of South Carolina

Directions: Using the bolded excerpt from the Ordinances of Secession of South Carolina, fill in the following sentence deconstruction chart by writing in any words or phrases missing in the middle column. After filling in the missing words, answer the questions in the far right hand column.

Time Marker or Connector	Subject of Sentence	Verb or Verb Phrase	By (who is doing the action?)	Questions or Conclusions?
	We, the people of the State of South Carolina, in convention assembled,			What does "in convention assembled" mean?
that	the ordinance		by us in convention on the twenty-third day of May, in the year of our Lord 1788	Who adopted the ordinance?
whereby	the Constitution of the United States		[by us in convention]	What does ratified mean?
	(the ordinance) and also all acts			Who repealed the ordinance and the acts?
and that	the union, now subsisting between South Carolina and other States, under the name of the "United States of America"			Who dissolved the union? What does dissolved mean?

CW2.6 – Alternative Literacy Strategy for the Ordinances of Secession of South Carolina (page 1 of 3)



Rationale: Two grammatical structures make this dense legal text especially difficult for students. One is the length of the sentences, and the other is the use of the passive voice. The key points that students should understand are that the “we”, the South Carolina state assembly, is performing all the actions in the ordinance, and that the ordinance of secession is repealing the 1788 ordinance of ratification. We offer two strategies to help students understand this text: the sentence deconstruction activity from CW2.3 and the following literacy strategy. You may wish to do this oral activity first and have student groups do the sentence deconstruction afterwards, or you may combine the two activities by asking students the questions at end of

each line on the sentence deconstruction. You may also wish to have your students change the passive voice structures into the active voice.

We, the people of the State of South Carolina, in convention assembled, do declare and ordain, . . . that the ordinance adopted by us in convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts . . . are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved. (Charleston, South Carolina, Dec. 20, 1860)

Instructions: To unpack the text of the **Ordinances of Secession**, guide students as a whole class through the text, using these questions.

Teacher (T): Look at the first two lines. What is the subject?

Students (S): We

T: Who’s “we”?

S: the people of the state of South Carolina

T: Underline the subject. Look at the next phrase, “in convention assembled”. What does that mean? (Or tell them that it means all the people together)

S: All the people together.

T: This is how laws are made in South Carolina, and in California, by the state assembly. How does the state assembly work, or how does Congress work?

CW2.6 – Alternative Literacy Strategy for the Ordinances of Secession of South Carolina (page 2 of 3)

S: the people who can vote elect representatives who meet in the state assembly and vote on laws.

T: What is the verb group? Circle it.

S: do declare and ordain

T: What does ordain mean?

S: order

T: This means that they are making a law, which they call an ordinance (another word for law.) What do they declare and ordain?

S: that

T: Put a box around "that." This is going to tell us what the law is, so it's very important. It introduces a new clause, with a new subject. What's the new subject?

S: the ordinance

T: Underline the subject. A lot of the words after "the ordinance" are also part of the subject: "adopted by us in convention on the 23rd day of May, in the year of our Lord 1788, whereby the Constitution of the U.S. of America was ratified." Put brackets around all these words, because they're just part of the subject. These words are describing the subject – it was adopted by us. Who's us?

S: people of State of South Carolina

T: in convention – What does that mean?

S: by the representatives of the people in the state assembly

T: the next part "on the 23rd of May...that's when it happened. Then "whereby (by this) the Constitution of the USA was ratified", which tells us what the ordinance did. It ratified the U.S. Constitution. What does ratified mean?

S: approved, adopted

T: So this was the ordinance the people of South Carolina in convention adopted on May 23, 1788, and it said that they approved the Constitution – so that ordinance is now one of the subjects of this clause. The other subject is "and also all acts" – so underline that. The ordinance and also all acts are what? What's the verb group?

S: are hereby repealed

T: Circle the verb group. Hereby means by this. What does repeal mean?

CW2.6 – Alternative Literacy Strategy for the Ordinances of Secession of South Carolina (page 3 of 3)

S: Take back

T: Who is taking the ordinance and all the acts back?

S: the people of South Carolina

T: Okay. Now let's look at the next phrase: and that.... Put a box around "that." This "that" is parallel to the one before. It is signaling another part of the ordinance. What's the subject of the new phrase?

S: the union

T: Underline the subject. Put brackets around "now subsisting between South Carolina and other States, under the name of the "United States of America." All those words are just describing the subject. "Subsisting" means "made up of," so it's the union that is made up of South Carolina and other states, the union that has the name of the USA." So what is happening to that union?

S: is hereby dissolved.

T: Circle that verb group. What does dissolved mean?

S: ended

T: Who dissolved the union?

S: the people of South Carolina.

T: So, let's look at the whole ordinance. It says that we, that is the people of the State of South Carolina, in convention assembled – that is, the state assembly of representatives elected by the voters of S. Carolina – do declare and ordain THAT the ordinance –the one that we adopted in 1788, the one that ratified the constitution – and also all acts are hereby repealed. That means that "we" are repealing the ordinance and the acts. AND THAT the union – which union – the one between South Carolina and other States, the one called the U.S. – is hereby dissolved – that means over, done with.

CW2.7– Evaluating the Secession Argument

Directions: Did the Declaration of Independence and the Constitution support the right to secede claimed by the South Carolina Ordinance? Review your notes from CW2.3 and 2.4 to complete the following chart, using specific quotes from the documents as evidence.

Document	Supports / Does NOT support Secession (Circle ONE)	Evidence from Document (Be specific)
<p style="text-align: center;">Declaration of Independence</p>	<p style="text-align: center;">Supports Secession</p>	
	<p style="text-align: center;">Does NOT support Secession</p>	
<p style="text-align: center;">The Constitution</p>	<p style="text-align: center;">Supports Secession</p>	
	<p style="text-align: center;">Does NOT support Secession</p>	

CW2.7 – Evaluating the Secession Argument (continued)

Based on the evidence, did the South have the right to secede from the Union? State your interpretation and give evidence from the Declaration of Independence and the Constitution to support your interpretation.

Many Southerners claimed that the right to secede was part of the American definition of freedom. Do you agree? Why or Why not? Give at least one piece of evidence to support your interpretation.

CW2.7B -Evaluating the Secession Argument

Based on the evidence, did the South have the right to secede from the Union?

The South (did or did not [circle one]) have the right to secede from the Union, because _____

The Declaration of Independence states that _____

This evidence means that _____

(On the other hand or Similarly [circle one]), according to the Constitution, the South (did or did not [circle one]) have the right to secede. The document states _____

This means that _____

For these reasons, the South (did or did not [circle one]) have the right to secede from the Union.

Many Southerners claimed that the right to secede was part of the American definition of freedom. Do you agree? Why or Why not?

(I think or I do not think [circle one]) that the right to secede is part of the American definition of freedom, because _____

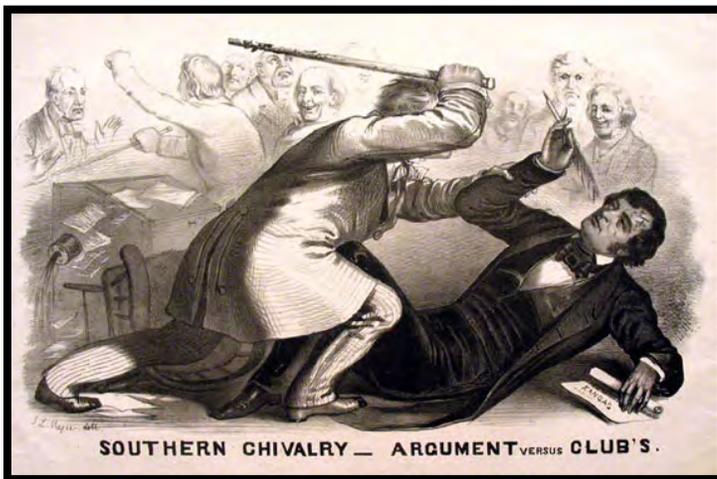
CW2.8 – Evaluating the Secession Argument

Rubric for Secession Argument Writing

Category	Level 1	Level 2	Level 3	Level 4
Interpretation (for secession question)	There is no interpretation.	The interpretation is not accurate or it is unclear.	The interpretation is accurate and clear.	The interpretation is thoughtful, argumentative, and precise.
Evidence	Evidence is missing or comes from only one document.	Uses evidence from both documents but it does not support the interpretation, or it is not stated clearly.	Evidence is clear and supports interpretation, but is copied directly from the text.	Evidence is paraphrased accurately and clearly with brief direct quotations.
Citation of Evidence	Neither source document is named.	Only one of the two source documents is named.	Both source documents are named, but the citation is formulaic or awkwardly stated.	The citations are expressed smoothly.
Analysis of Evidence	There is no analysis of evidence.	Analysis is present but illogical, irrelevant, or unclear.	Analysis is logical and relevant, but stated awkwardly.	Analysis is insightful and expressed smoothly.
Interpretation (for definition of freedom question)	There is no interpretation.	The interpretation is a statement rather than an argument.	The interpretation is argumentative but unclear or contradictory.	The interpretation makes a clear and thoughtful argument.

CW2.9 - Ready to Move on Quiz #1

1. What do most historians today say was the cause of the Civil War?
 - a. states' rights
 - b. slavery
 - c. regional differences
 - d. western expansion
2. The biggest question of states' rights before the Civil War was:
 - a. Whether new states joining the union would be free or slave
 - b. Whether the federal government could enforce tariffs
 - c. Whether laws of the federal government were unconstitutional
 - d. Whether secession was legal
3. The Declaration of Independence states: **"That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it. . . ."** In the debate over secession, who used this phrase as support for their position?
 - a. Southern states who wanted to preserve the union
 - b. Northern states who wanted to preserve the union
 - c. Southern states who wanted to secede
 - d. Northern states who wanted to secede



4. Why was one Congressman attacking another?
 - a. The northern senator spoke in favor of western expansion.
 - b. The southern representative spoke against tariffs to protect industry.
 - c. The northern senator insulted the southern senator's mother.
 - d. The northern senator spoke against slavery.

5. This drawing gives evidence to support which interpretation?
 - a. By 1856, sectionalism was so strong that war was likely to break out.
 - b. In 1856, senators believed that fighting in the Senate chamber was acceptable behavior.
 - c. By 1856, there was little conflict over whether the western lands would become slave or free states.
 - d. In 1856, arguments over tariffs and spending for railroads were the most important regional differences.