
Reviewed by William K. Bolt

In The American Revolution, State Sovereignty, and the American Constitutional Settlement 1765–1800, Aaron N. Coleman reminds readers about the importance of state sovereignty to Americans who lived in the last four decades of the eighteenth century. Nationalist historians, according to Coleman, have viewed events through the eyes of the Federalists and missed the importance of this principle. The governments that Americans established during that time, Coleman contends, were rooted and remained committed to the idea of state sovereignty because they believed that the states would be better protectors of liberty. After the American Revolution, however, Alexander Hamilton and the Federalists undermined state sovereignty and attempted to replace it with a consolidated national government. The Virginia and Kentucky Resolutions of 1798 preserved state sovereignty, Coleman argues.

Coleman divides his book into two parts. The first part, “Establishing the Revolutionary Settlement,” shows the attachment that the colonists had to state sovereignty and carries the narrative through the ratification of the Constitution of 1787. The second part, “Defending the Revolutionary Settlement,” shows how state sovereignty was preserved with the Judiciary Act of 1789 and with the Tenth Amendment. The Federalist Party, however, betrayed state sovereignty and pushed for national sovereignty. In each part, Coleman uses numerous pamphlets to demonstrate how state sovereignty remained important for all Americans regardless of what section of the country they lived in.

The author contends that a form of “federal imperialism” existed throughout the colonies from the very beginning. There was an appointed governor, a lower chamber resembling the House of Commons that drafted all revenue bills, and an upper house that functioned like the House of Lords. Therefore, a belief began to develop that held that Parliament was not sovereign over the colonies. The Imperial Crisis of the 1760s and 1770s tested this belief. State sovereignty was secured, Coleman believes, as a result of Thomas Burke’s amendment to the Articles of Confederation. Burke’s amendment said each state kept “its sovereignty, freedom, and independence, and every power, jurisdiction, and
right, which is not by this confederation expressly delegated” (45). Eleven states approved the Burke amendment, demonstrating its broad support.

The opponents of state sovereignty, or the Nationalists, sought to undermine it by calling the Federal Convention. Coleman admits that the Nationalists won some victories, but the proponents of state sovereignty won the larger war. They prevented attempts to give the national government the power to veto acts of a state. Coleman even sees the Supremacy Clause as a victory for state sovereignty because this clause, drafted by Luther Martin, a defender of states’ rights, stipulated that the national government would only be sovereign in the areas where it had explicit authority. Few Americans endorsed the idea of national sovereignty during the ratification conventions. Coleman then contends that supporters of state sovereignty won another victory with the Tenth Amendment, which was based on the Burke amendment. Although the word “expressly” had been omitted, James Madison and the amendment’s supporters expected that it would be employed by the states in the same manner as the Burke amendment. State sovereignists then prevailed again with the passage and ratification of the Eleventh Amendment. Drafted in response to *Chisholm v. Georgia*, the Eleventh Amendment found widespread support among Federalists in New England. To Coleman, this confirms the large support for state sovereignty throughout the country.

Coleman charges that the Federalists betrayed the legacy of the Revolution by endorsing a form of national sovereignty that they justified under the “necessary and proper” clause. This culminated with the Alien and Sedition Acts of 1798. The Virginia and Kentucky Resolutions, which were drafted in opposition to these acts, reiterated the ideas of state sovereignty and state interposition. Although no other state supported interposition, Coleman argues that the states rejected the ideas of the Resolutions “because of the heightened partisan atmosphere resulting from the French Revolution and crisis with France” (226). The strongest denunciations came from states that the Federalists controlled. Any support of these Resolutions, Coleman maintains, would be seen as an endorsement of the excesses of the French Revolution.

Perhaps most intriguing is Coleman’s contention that nullification or state interposition had always been accepted in America. “Interposition, then, was state sovereignty put into practice,” Coleman writes (61). States nullified sections of the Treaty of Paris by enacting legislation...
designed to curtail the freedoms of Loyalists. This form of nullification was practiced because the states saw themselves as sovereign. “If a state believed an action of the Confederation Congress violated the liberty of its citizen, the sovereignty of the state allowed it to ignore Congress and actively interpose and protect that citizen from the unauthorized action of Congress” (46). Coleman references Federalist Number 26 and Federalist Number 46 to demonstrate the nullification that John C. Calhoun preached during Andrew Jackson’s presidency had been discussed and even approved by the Founding Fathers. In neither one of these essays did “Publius” explicitly endorse state interposition, but, Coleman writes, it is hard to see these essays “as meaning anything but state interposition in defense of liberty” (104). Coleman also argues that the Compact Theory, which formed the basis of Calhoun’s theory of nullification, was discussed in several ratifying conventions.

Some might see The American Revolution, State Sovereignty, and the American Constitutional Settlement as an attack on big government or a defense of Libertarian principles. Others may doubt Coleman’s argument about the widespread acceptance of nullification. Furthermore, the endorsements on the back of the text from conservative scholars Clyde N. Wilson, H. Lee Cheek Jr., and Kevin R. C. Gutzman suggest that this book might appeal only to a specific audience. While readers may object to Coleman’s attempt to use the past to advance a contemporary political position, they will see that his book is well researched and sourced. Numerous pamphlets are analyzed along with debates in many different states. The usual suspects—Alexander Hamilton, Patrick Henry, Thomas Jefferson, are James Madison—are quoted extensively, but many obscure and back-bench politicians are referenced as well. This suggests that Americans other than the traditional leaders debated and grasped the issue of sovereignty. The American Revolution, State Sovereignty, and the American Constitutional Settlement will prompt readers to reexamine their understanding of the question of sovereignty in early America.

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