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Repression in the Early Republic: John Adams, the Alien and Sedition Acts, and the Politics of Exclusion

Politics in Philadelphia through the summer of 1796 had been in “a perfect calm,” but after George Washington’s Farewell Address in September, the sudden rush to the election in the United States broke decisively the surface of that calm. Strangely enough, Vice-President John Adams remained quietly in Quincy, Massachusetts, continuing with his various farm improvements into the bitter cold weather, as it was at that time, and “rethinking” himself into his “other life” as a farmer. Finally, on November 23, he left Quincy for Philadelphia and arrived on December 2. It was the eve of voting in the presidential elections in the sixteen states, Vermont, Kentucky, and Tennessee having joined the original thirteen. Also, this would be the first presidential election with two opposing parties, Federalist and Republican. The results of the electors’ balloting would not be clear until late December.¹

Adams wrote to his wife Abigail on December 27: “71 is the *ne plus ultra*, it is now certain that no Man can have more and but one so many.”² Though his victory was not yet certain, he raised with Abigail their imminent practical problems respecting house, furniture, equipage, and servants for the four-year presidential term in Philadelphia. At length, on February 8, he presided over a joint meeting of Congress in which the votes were counted, and announced the result: 71 votes for himself, 68 for Thomas Jefferson, 59 for Charles Pinckney. So, following Article II section I of the Constitution, Federalist John Adams and Republican Thomas Jefferson were elected President and Vice-President. But who was the new President-elect to govern with “a majority of three votes,” as himself declared in a letter to his wife, and which policies had he decided to implement for the American republic? (“January 18, 1797”)

This article will consider first the figure of John Adams and his political ideas in an era that viewed the repression of many protests by the American people before and after the ratification of the Constitution. Under the new

Constitution, the President and a Federalist-controlled Congress influenced by threats – some real, others manufactured – preferred distrusted partisanship, in the name of national security, to searching consensus. Confronting the vulgar language of the opposition, John Adams appeared as a supporter of Old World hierarchy and deference, simply desirous of stability and continuity.

After reconstructing the role of John Adams in the political arena, the article will focus on the four laws viewed altogether as the Alien and Sedition Acts, defining the politics of exclusion orchestrated by the Federalist party, as well as the use of these laws to suppress the Fries's Rebellion in Eastern Pennsylvania. Originally a response to the foreign threats originated by the XYZ affair, the 1798 Alien and Sedition Acts were used to crush the Republican opposition to new taxes raised by the Federalists for the increase of the army and naval armaments, and to limit the ferocious criticism of the government by the press.

Finally the essay will look at two specific characters who suffered these politics and fought against these acts of repression: respectively Benjamin Franklin Bache – the grandson of Benjamin Franklin who founded, in 1790, the year of Franklin's death, the Philadelphia newspaper *Aurora* – charged with seditious behaviour for his activities as a printer, and Albert Gallatin – a foreign-born French Swiss who settled in western Pennsylvania in 1780s and was elected in the Congress in 1795 as Republican – considered the chief target of the original bill against the aliens. In touching these two characters the Alien and Sedition Acts appeared from one side the first case in the history of the defence of free speech and freedom of press, on the other the first debate about the idea of republicanism and representative democracy. The tenor of public response to the Acts accelerated the demise of Federalism, bringing Adams's presidency from triumph into ashes, from the "heights of exaltation and mastery ... to abysses of gloom and humiliation" (Elkins and McKittrick 581).

JOHN ADAMS AND THE POLITICS OF REPRESSION

On July 22, 1783, Benjamin Franklin, in Paris with John Jay and John Adams to negotiate peace with Great Britain, wrote Congress that Adams "is always an honest man, often a wise, but sometimes and in some things

absolutely out of his senses” (“Franklin to Robert Livingston, July 22, 1783,” in Wharton 6: 582). To a natural diplomat such as Franklin, Adams’s behavior could sometimes seem irrational. A recent essay on Adams’s health problems discusses a decline of his health in coincidence with the periods of tension and the disease – possibly hyperthyroidism – which may have brought on mental confusion. In these moments, his irritability made it difficult for him to work with others (Ferling and Braverman). These “perplexities and anxieties” shaded toward paranoia after he returned from Paris, when he believed that his countrymen attributed the successful peace with Great Britain largely to Franklin. In this context Adams wrote his wife that Franklin had defeated him “in so many things” (“February 18, 1783”). In May 1783, six months after the signing of the preliminary peace accord, he became convinced that Franklin was flattering the French and should not be trusted to serve the United States (“Adams to Robert Livingston, May 25, 1783,” qtd. in Ferling and Braverman, 102). He feared that some Congressmen might become puppets “upon the French wires electrified from Passy,” Benjamin Franklin’s residence close to Paris (“Adams to Abigail Adams, May 30, 1783”).

No one had done more for independence than Adams: in the early days of revolutionary enthusiasm, he shared the optimism generated by the patriotic cause and the “genius” of the American people. But during the 1780s he questioned this distinct virtue of the American people, and he believed in the need for a powerful executive to settle the conflict between the many and the few, the radical forces and the conservative ones, the friends of the people and the friends of order.

In the late 1780s no one had influenced the framing of the American Constitution as much as Adams. The first volume of his *A Defence of the Constitutions of Government of the United States of America* appeared just before the Constitutional Convention in 1787, and circulated among the delegates with considerable attention. In this work he comments that “The people, in all nations, are naturally divided into two sorts, the gentleman and the simpleman, a word which is here chosen to signify the common people” (*Works* 6: 185). In America the gentlemen ruled, even without a hereditary aristocracy, to claim the privilege of their status. Yet the increasing political participation by the middle class made the “gentlemen” deeply concerned over the future course of the nation. For the Federalists, the public sphere was

being corrupted by materialism, opportunism, and vulgarity (and vulgar language); for the Federalists, Shays's Rebellion showed the necessity of securing the Revolution with a strong Constitution.

The question of the Shaysites as a serious threat to the government was answered positively by the Federalists. Many agreed with Henry Knox, who affirmed that the Anti-Federalists were Shaysites, and the insurrection in Massachusetts reinforced the Federalist party generally. In this context as well, Adams departed from his revolutionary enthusiasm to insist on the crucial importance of a powerful executive to act as "a balance between the contending social forces" (Bannings 95). Writing after Shays the first volume of his *Defence of the Constitutions*, published in London in 1787, he proclaimed that "Human nature is as incapable now of going through revolutions with temper and sobriety, with patience and prudence, or without fury and madness, as it was among the Greeks so long ago" (*Works* 4: 287). The Shays's Rebels asked for the abolition of the Massachusetts state senate, so that the state legislature would consist entirely of the lower or popular house, and this was far from the vision of state in Adams' thought. For him, Shays's Rebellion was, pure and simple, an act of "terrorism" ("Adams to Thomas Jefferson, June 30, 1813," qtd. in Lienesch).

The role of Shays's Rebellion in the creation of the American Constitution is well known and documented. The Constitution brought the states together, giving them a republican form of government and protection against invasion from without *or* domestic violence, a direct response to Shaysites. It established a Senate and a House of Representatives, and the election of a President and Vice-President, defining the powers and limitations of each. That was the frame Adams supported based on the dogma of "balance," and when a copy of the Constitution reached him in England he strongly approved. Writing to James Madison at the time Adams was leaving Europe in 1788, Jefferson described him as "vain, irritable and a bad calculator of the force and probable effect of the motives which govern men," but he admitted that "he would be, as he was, a great man in Congress" ("Jefferson to James Madison, March 1788," *Papers*, vol. 11).

Adams returned to Boston in the summer of 1788, and his arrival with his wife Abigail was celebrated by the boom of cannons and the greetings of several thousand people in the harbour. He announced his "unchangeable

determination” to refuse public office and, instead of politics, he once again thought of farming and collecting books in his home in Braintree, Massachusetts. Two events took place in 1789: the French Revolution and the inauguration of the American government under the new Constitution. In this new arena Adams was to champion the cause of bicameralism and a strong executive against the heresy of the single-chamber democracy, which might find a willing audience among the Republican Democrats (Banning 95).

The election of 1789 saw George Washington chosen president unanimously, with Adams receiving more votes than any of the other candidates; thereupon, he decided to accept the Vice-Presidency. Soon enough he discovered what every other Vice-President of the United States was to realize in his turn, that the office itself was “the most insignificant office that ever the invention of man ... conceived.” However, Adams had also the presidency of the Senate that the Constitution gave to the Vice-President but, according to several senators, his major concern in this role was the proper protocol to be followed and the etiquette to be observed. Meanwhile, the senators did not take Adams seriously. Senator William Maclay of Pennsylvania, who kept a diary of the Senate debates, noted all the senators laughed at his demand for “etiquette and ceremony,” and his impatience “to keep dignities, distinction and titles” (136, 139). For Maclay, “France seems travelling into the birth of freedom” and Adams’ indignation against the Revolution in France revived a “vile machinery.” “Oh Adams, Adams what a wretch art thou,” expostulated Maclay on September 18, 1789 (153); in his grudging comment “Adams has neither judgment, firmness of mind, nor respectability of deportment to fill the chair of such an Assembly” (287). But it was again the affairs of France that most sharply divided the two men. When Maclay stated that “the National Assembly had attacked the royalty, Nobility, Hierarchy, and the Bastille altogether, and seemed likely to demolish the whole,” Adams just “stood by the fire” (340).

With Adams and Alexander Hamilton in almost daily opposition to France, and with their admiration for the British Constitution, finance and society, it seemed to Jefferson and Monroe that the Federalist objective was to make the United States a copy of England rather than a new social and experimental order. This conduct on Adams and Hamilton’s part was viewed by the press as favoring “the progressive administration of the government

into monarchy”; Adams was described as being among the men who proposed “the principles of monarchy and aristocracy, in opposition to the republican principles of the Union and the republican spirit of the people,” to quote Philip Freneau’s *National Gazette*. Jefferson and Adams had a particularly strong confrontation over Jefferson’s preface to the American edition of Thomas Paine’s *Rights of Man*, which appeared in May 1791. As Adams replied to Jefferson’s letter of explanation: “If you suppose that I have or ever had a design or desire, of attempting to introduce a Government of Kings, Lords and Commons, or in other words an hereditary executive, or an hereditary Senate ... you are wholly mistaken” (“Adams to Thomas Jefferson, July 29, 1791,” Jefferson, *Papers* 21: 305-07).

The confrontation was exacerbated as the second national election approached. But George Washington’s popularity remained intact and he was re-elected unanimously, this time with Adams receiving 77 votes, and George Clinton 50. Washington and Adams were still President and Vice-President. In the second term of Washington’s administration, the uprising of the Democratic Republic Societies, the Genet affair, and the Whiskey Rebellion were observed by Adams from the Senate presidency, while Jefferson retired from his role of Secretary of State at the end of 1793 (Sioli, “Democratic Republican Societies”; “A Man Between”; “The Whiskey Rebellion”). They exchanged formal letters that expressed their opposition to war and their mutual “love for rural peace,” but it was clear that the emergence of partisan politics and the consolidation of two political parties was going forward relentlessly.

Adams had become President in 1797 by the slender margin of three votes. For Elkins and McKittrick, “what Adams brought to his presidency ... was a passion for independence, a long career in public life oddly devoid of political experience, a detestation of political parties – Federalist and Republican alike – and a deep suspicion of both of the great powers of Europe” (Elkins and McKittrick 537). It was again the dogma of “balance” which dominated his political behavior. When he swore the oath of office in March 1797, partisan politics resumed immediately. By June, Congress was debating bills to fortify harbors and construct a larger navy to combat piracy in the Mediterranean. While Federalists were strongly supportive of these efforts, Republicans were convinced that the growing crisis was favoring the British.

Albert Gallatin, who had succeeded Madison in the leadership of the Republicans, insisted that large numbers of rational people were “fully convinced that there was a faction existing within the United States and even within the walls of that House who wished to demolish the government.”³

Nothing divided the two parties more than their attitude toward the French Revolution. Republicans saw the destruction of the aristocratic privileges as positive. Federalists feared both anarchy and mobocracy; the new immigration from Europe, especially French émigrés and British and Irish radicals, troubled them, as they believed that extremist ideas would corrupt the genius of the American people. Adams worried over the “foolish idolatry of France and Paine” that spread among what he called “the simplemen” (“Adams to Abigail Adams, January 18, 1797”).

Relations with France steadily deteriorated in late 1797 when French privateers had captured more than three hundred American vessels (Elkins and McKittrick 645). French depredations on American commercial shipping, together with the diplomatic debacle known as the XYZ Affair in April 1798, forced the United States to enter into the so-called Quasi-War with France (Stinchcombe). In Philadelphia some twelve hundred citizens pledged to stand behind the President, even in the case of war, to protect the integrity, honor and security of the republic. Many of them wore the black cockades of the Continental Army and, more recently, the Federalist party. Republicans, instead, took to wearing red, white, and blue cockades, opposing war with the Revolutionary ally (Simon P. Newman 78). In this atmosphere of political turmoil, the background for repression, the Adams administration took action to prevent domestic subversion, supporting the Alien and Sedition Acts as a logical culmination of Federalist political philosophy, and as an easy means of retaining power.⁴

THE ALIEN AND SEDITION ACTS

Altogether there were four separate bills passed by Congress collectively known as the Alien and Sedition Acts (and almost universally denigrated by American history school textbooks for two hundred years). The first law was the Naturalization Act, passed by Congress on June 18, 1798. This act required

that aliens be residents for fourteen years to become eligible for U.S. citizenship, instead of five as required previously. The law was aimed at Irish, British and French immigrants who were often active in politics in the republican sphere. By drastically limiting citizenship rights, the Federalists tried “to destroy the base of Republican’s political support” (Hartnett and Mercieca 91).

The second law was the Alien Act passed on June 25, which authorized the president to deport aliens “dangerous to the peace and safety of the United States” even in peacetime. The third law, the Alien Enemies Act, was passed on July 6. This act allowed the arrest, imprisonment and deportation of all the aliens from nations with which the United States was at war. These two last laws were never enforced, but realized their purpose: in the immediate aftermath of passage, numerous Frenchmen fled and returned home. Even if nobody was deported because the United States was not at war, these acts symbolically were most important because they constituted “a significant first step toward the construction of ... the national security state” (Hartnett and Mercieca 92).

The last of the laws, the Sedition Act, passed significantly on July 14, the anniversary of the taking of the Bastille, the symbolic beginning of the French Revolution, declared that any treasonable activity, including the publication of “any false, scandalous and malicious writing or writings against the Government of the United States” was a high misdemeanor, punishable by fine and imprisonment.⁵ Reprinted in newspapers all over the nation, the Sedition Act was addressed “not so much to questions of definitive legal practice as to the slippery notions of cultural authority that complicated post-Revolutionary attempts to define what Adams called the practicable form of republicanism” (Hartnett and Mercieca 96).

This law which would “imprison legal opposition,” as Alfred Young wrote, was considered the most blatant act of political repression because it was actually implemented (Young 337). Twenty-five men, most of them editors of Republican newspapers, were rounded up and their newspapers forced to close. One of the men arrested was Benjamin Franklin Bache, editor of the Philadelphia *Aurora General Advertiser*, better known simply as the *Aurora*. Bache was charged with “libelling the president and the executive government in a manner tending to excite sedition and opposition to the laws” (Smith 181). He never came to trial because he died on September 10,

1798, of yellow fever. Thomas Adams, the editor on the Boston *Independent Chronicle*, was sick when he was indicted under the Seditious Act in October 1798. He was described as “a flaming minister of anarchy,” but in his journal, the leading Republican newspaper in New England, and second only to Bache’s in the nation, he continued to defend “the Rights of the People, and the Liberty of the Press, agreeable to the sacred charter of the Constitution.”⁶

Another printer, John Daly Burk, editor of the New York *Time Piece*, was arrested on July 6, 1798, by federal marshals on the accusation of making a “seditious and libellous” statements against the President. Burk too did not face the trial: as he was not an American citizen but still an Irishman, and he agreed to deportation if charges were proved. In the end he fled to Virginia and disappeared, resurfacing only after the defeat of the Federalists in the election of 1800 (Smith 211, 216-18).

The editors of the newspapers were not the only target of Federalist fury. There were numerous individuals charged with anti-government rhetoric for the purpose of rousing a mob. Some were ordinary citizens; one was a U.S. Congressman, Matthew Lyon. This Irish immigrant elected by Republicans in Western Vermont was sentenced to four months in prison and fined 1,000 dollars, plus court costs, for writing an article published by the *Vermont Journal* on July 31, 1798, criticizing Adams’s “continual grasp of power” and his “unbounded thirst for ridiculous pomp, foolish adulation, or selfish avarice.” For the Court, Lyon’s article contained “scurrilous, feigned, false, and scandalous, seditious matters.” During the trial Lyon repeatedly affirmed that the jury was unsympathetic to him, two jurors being well-known political opponents. The real purpose of the jury, he claimed, was to ruin him politically (Smith 230-36). This time the Federalists succeeded in rescuing him, but “this was not a technique they could use against the opposition as a whole” (Buel 192).

Approbation of the sentence was unanimous in Federalist circles, and the partisan press greeted the decision of the Court and proclaimed the triumph of justice, liberty and “equal laws over the unbridled spirit of opposition to government.”⁷ But the Republicans saw this sentence as a brutal act of repression and intimidation. The *Aurora* depicted Congressman Lyon as a martyr to the cause of free speech, the first victim “of a law framed directly in the teeth of the Constitution of this Federal republic.”⁸ The Court’s decision

made a strong impression on Thomas Jefferson. "I know not which mortifies me most" – he wrote to John Taylor – "that I should fear to write what I think, or my country bear such a state of things." For Jefferson: "Lyon's judges ... are objects of national fear" ("Jefferson to John Taylor, November 26, 1798," Jefferson, *Papers* 30: 389).

Even in jail Lyon did not remain silent. His letter to Stevens Mason, Senator from Virginia, denounced the Federal marshal for his refusal to allow him to return to his house to take care of his papers. Instead of being imprisoned in the jail of the county where he was tried, Lyon was taken forty miles away, in the jail of the county where the marshal resided, a twelve-by-sixteen cell described as "the common receptacle for horse-thieves, money-makers, runaway-negroes, or any kind of felon." He was refused pen and ink unless his letters were censored, and only fourteen days after his incarceration was he able to write Mason about the result of the Vermont election. The Federalist representative had been re-elected in eastern Vermont, but Lyon had outrun his nearest competitor in western Vermont by 3,482 votes to 1,554.⁹ The real crime which had led him to prison was his defence "of the farmer and the poor mechanic," but while the Court had declared him guilty, 3,500 freemen had proclaimed him not guilty.¹⁰ As stated by James Morton Smith, the major historian of the Alien and Sedition Acts: "for the first time in American History, a candidate for Congress conducted his campaign from a Federal prison" (238).

On February 9, 1799, Lyon was released from the jail after six months in prison and entered Philadelphia in triumph: from the prison directly to the Congress. A huge crowd welcomed him and marched with the American flag ahead. In Tinmouth, Vermont school children paraded and one of them delivered a brief speech stating: "Our brave representative, who has been suffering for us under an unjust sentence, this day rises superior to despotism" (Robinson 262). In Bridgehampton, New York, a toast was raised in Lyon's honor to celebrate "the martyr to the cause of Liberty and the Rights of Man."¹¹

In 1799 the Sedition Act was also used against the Fries's Rebellion, which had for months been spreading in eastern Pennsylvania. When in 1798 the government levied taxes on property against German Reformers and Lutheran neighbors in Bucks County, the same individuals who were patriots in the American Revolution decided to resist and oppose government

legislation levied on lands, dwelling houses and slaves. The Direct Tax Act of 1798 used a progressive rate that taxed large homes at higher percentages than modest ones, but taxed improved fields more than the uncultivated properties of absentee speculators. The people who reacted against this act, passed at the same time as the Alien and Sedition Acts by the Fifth Congress in the summer of 1798, were labelled by the Federalists as “miserable Germans,” “insurgents,” and “traitors.” Treason, sedition, and insurrection were the words used by Federalists to organize the repression of the movement, but the events in eastern Pennsylvania were too organized, non-violent, and politically sophisticated to be dismissed as a simple riot (Paul Douglas Newman 165).

When John Fries was taken in March 1799 and placed in jail, the Sedition Act proved an effective Federalist tool of indictment for Fries and over 120 people arrested between March and April. Jacob Schneider’s *Readinger Adler* provided the lurid details of these arrests in the April 9 issue, blaming the federal troops for committing abuses various and sundry. As Schneider wrote, “Captain Montgomery’s Troops ... according to their conduct here would be more apt to excite the people to insurrection and raise them against the government, than to enforce obedience ... for they have effectively already taken measures ... contrary to the laws of the land and directly against the Constitution.”¹² One letter published by the *Aurora* on April 19 told the same story: “The system of terror here I am sorry to say is carried far beyond what in my opinion the public good requires.”¹³ The Federalist *Gazette of the United States* replied, countering these reports: “We are informed by a gentleman who has been continually with the troops that their conduct has not only been irreproachable, but remarkable for discipline and good order.”¹⁴

But on April 20, Montgomery’s troops paid a visit to Schneider’s office. Robert Goodloe Harper, a Federalist representative from South Carolina, led the troops to Schneider’s house demanding to know the name of the author of the infamous article written on April 9. When Schneider admitted that he was the author, they “tore the clothes” from his body and “like a banditti of robbers and assassins” dragged him before Captain Montgomery who ordered “twenty-five lashes across his back with a knotted whip.” Only six lashes were delivered before a shocked Captain Leiper of Philadelphia put a halt to it. Three days later Schneider published the story of his beating, reprised the following day by the *Aurora* in an article entitled “Order and Good Government.”¹⁵ The

Aurora published six affidavits confirming Schneider's version of events, but no one was convicted for the beating (Paul Douglas Newman 163).

As the trial of John Fries and his followers approached, President Adams and the Federalists began to fear the image of an American patriot swinging from a gallows. While Fries certainly broke the law by refusing a federal tax and, more generally, exhibited his intention of opposing the laws of the government, it was clear that the French had nothing to do with this resistance, and the menace of foreign invasion was not real. But the Hamiltonians demanded his execution, to warn the people against any future protest against the authority of the government, and the Sedition Act proved an effective tool for indictment: Fries was found guilty of treason and sentenced to death on May 13, 1799. If Fries would make a capital example for Pennsylvania and the rest of the nation, the other trials would prove that the accusation of conspiracy and obstruction under the Sedition Act was at least difficult to demonstrate. Three men were indicted for sedition only for erecting a liberty pole with a sign hung on the pole proclaiming "No Gag Law," clearly in opposition to the Sedition Act (Paul Douglas Newman 175).

When the Federalist judge, Samuel Chase, handed down the guilty verdict and ordered Fries to be hanged on May 23, Adams was already determined to issue a general pardon to all the convicted rebels. In his view they were not French traitors, but "miserable Germans," "as ignorant of our language as they were of our laws" (qtd. in Elsmere 442). The order of pardon was issued by the President on May 21, less than then two days before the execution, leaving the Hamiltonians to feel betrayed by this decision, which they viewed as a deviation from the road of Federalism (Paul Douglas Newman 185).

In his annual address to Congress on December 3, 1799, Adams tempered his opinion toward Fries's protest, speaking of an "ungrateful return" in which some people "openly resisted the law." But if the pardons of the Fries's Rebels sounded as if John Adams were abandoning the Federalist ship, one may ask concerning the Alien and Sedition Acts: was Adams directly responsible for the numerous acts of repression against publishers, congressmen, and simple farmers, if he was accused in the same years of a "kind of abdication"? In 1799, one of his loyal supporters, General Uriah Forrest of Baltimore, told him that the public was outraged by his continued absence from his duties: "The public sentiment is very much against your

being so much away... The people elected you to administer the government. They did not elect your officers ... to govern, without your presence and control" (qtd. in Elkins and McKittrick 638).

In effect, John Adams chose to stay distant from the capital city and his duties for different reasons. The frail health of his wife Abigail had been the reason in early 1798, the period in which the Alien and Sedition Acts were discussed and approved. In autumn, at the height of the Quasi-War crisis with France, he came back to Philadelphia and his health problems resurfaced. Adams was under considerable pressure from his party, including some members of his cabinet, to refuse to negotiate with Paris, and even to ask Congress to declare war to France. One more time he came to believe that a wing of the Federalist Party, under their leader Hamilton, was trying to foment a counterrevolution to put an end to the new nation and its republican structure. War with France, Adams assumed, was the aim of this party and Hamilton in particular, "so that he, like George Washington, might win fame as a military hero." It was clear that Adams feared Hamilton's desire to repeat his experience as a military leader during the suppression of the Whiskey Rebellion (Ferling and Braverman 103).

Referring to the Alien and Sedition Acts long after his retirement from public life, Adams would insist that these laws were *not* part of his program and that he had "recommended no such thing" (Ferling and Braverman 590). If Adams was not, who were the persons responsible of the Alien and Sedition Acts? Alexander Hamilton, of course, who was nominated by President Adams soon after the approval of the Fourth Act as Inspector General of the Army with the rank of Major General. The idea of a peacetime army, in addition to the state militias, had been projected by Hamilton in 1783 when he chaired the military committee of the Continental Congress (Elkins and McKittrick 593). Building a respectable armed force for the United States was one of the great projects in Hamilton's mind, and as Secretary of the Treasury during the Washington administration he strongly supported this plan. President Washington resisted these pressures, conceiving the army only as a force to combat the Indians on the frontier, but during the Whiskey Rebellion both Washington and Hamilton believed that the army was necessary to suppress the insurrection. "As Treasury Secretary, acting Secretary of War," Hamilton raised and supplied an army of 12,950 men (Slaughter 216).

When President Washington took the command of the army on October 4, 1794, against the Whiskey Rebels, he was greeted with pomp and ceremony. It was an event calculated to inspire the entire nation, wishing to communicate to the world the power of the United States. But after receiving the adulation of his troops, Washington put General Richard Henry Lee in charge, and appointed Hamilton unofficial civilian head of the expedition to imprison the leaders of the insurrection and transport them back East for prosecution. More typical of “rebels” prosecuted, wrote Thomas P. Slaughter in his incomparable history of the Whiskey Rebellion, “were farmers who had lost economic ground over the past ten years and laborers who owned no land at all” (219).

After the crushing of opposition in Western Pennsylvania, it was clear that Hamilton’s financial program remained only on paper. The excise law was still difficult to administer, and while American citizens remained willing to pay poll taxes and tariffs on imported products, they continued to resist internal taxes on grounds of ideology and self-interest, bringing Hamilton’s retirement from the Treasury in January 1795.¹⁶

As a private citizen, Hamilton continued his profession as a lawyer in New York, supporting a numerous family, but he continued also to possess enormous influence on leading Federalists, who listened to his opinions with profound respect. Between March 30 and April 21, 1798, in a series of articles for the New York *Commercial Advertiser*, Hamilton depicted with vividness France’s imperial ambitions, and her supposed plan to occupy the Spanish colonies in North America, dismembering the United States (Elkins and McKittrick 599). Fearing the danger of invasion, Adams authorized the establishment of the army projected earlier by Hamilton, giving to the former Secretary of Treasury the role of Inspector General of the Army. This was a period of “intramural cold warfare” in which President Adams “had been outmaneuvered” by the Federalists. Alien and Sedition Acts, new taxes, and the military measure were “the most extraordinary things done in the extraordinary climate of the spring and summer of 1798” (Elkins and McKittrick 595).

Promoting these policies, Federalists, viewed as a political party, went beyond the idea of “balance” sponsored by Adams to show the real face of a faction existing within the United States and in the Congress “who wished to demolish the government,” as Albert Gallatin affirmed, and to control the press for supporting their politics.¹⁷ The Federalists’ plan was to link

opposition to their administration with opposition to America, and they identified resistance to their measures with treason.

This political attitude was viewed by Republicans and, considering the result of the election of 1800, by the American people on the whole as a "reign of witches," to cite Jefferson himself ("Jefferson to John Taylor, June 4, 1798," *Papers* 30: 389). The Alien and Sedition Acts, together with the fiscal policies sponsored by Hamilton to support the creation of the army as an instrument of national power, became the grave of the Federalists, bringing about the party's swift disappearance and contributing to the success of Jeffersonian republicanism.

THE POLITICS OF EXCLUSION

Two individuals in particular opposed and suffered from the politics of exclusion bred by the Alien and Sedition Acts during "the reign of witches:" Albert Gallatin and Benjamin Franklin Bache. Unlike his grandfather, who played great attention to the sciences, literature, and "the Useful Arts," Benjamin Franklin Bache published a comparatively lightweight newspaper in the *Aurora*, anticipating the rise of popular journalism and putting "a veneer of enlightenment importance to a miscellany of events and issues" (Tagg 159). Some of Bache's early writings were full of self-congratulation for the American republic, exalting the "dignity and wisdom" of George Washington, the "distinguished talents" of Thomas Jefferson, and the "sound policy" of John Adams.¹⁸ But in the search for his own journalistic identity, Bache chose to excite interest in social issues such as the penal reform and slavery, and after the spring of 1792 he entered timidly into partisan politics, keeping the attacks on the plane of principle, not personality. Even if he openly refused to abandon impartiality, the issue of fiscal policy and public debt brought the young publisher into some oppositionist activity, denouncing as a threat to democracy the privilege of the "aristocracy" that could destroy republicanism. Titles, levees, birthday celebrations for public officers, arrogance in the government, pomp, and high government salaries were all denounced as vices practiced by the Federal administration (Tagg 163). As Jeffrey Pasley has argued, "Bache and the *Aurora* were quite literally constructing the Republican party" (Pasley 96).

In the following years domestic policy was the object of many of the *Aurora* editorials. Convinced that the public debt had subverted American liberties, the newspaper started an open opposition to Hamilton's fiscal policies, which favoured rich speculators, and Bache's attacks were more blunt than subtle. This attitude did not stop with the Washington presidency, accused of a long catalogue of crimes – such as adopting the same language of the kings of France, or attacking the democratic branch of the government – but continued with the second President elected. Again, Bache denounced from the columns of his newspaper Adams's monarchic tendencies. He described Adams as “the advocate of a kingly government and of a titled nobility to form an upper house and to keep down the swinish multitude.”¹⁹ This time Federalist reaction was strong against him and Bache was arrested on June 26, 1798, even before the approval of the Sedition Act.

The day after his arrest, Bache “pledged himself that prosecution no more than persecution, shall cause him to abandon what he considers the cause of truth and republicanism; which he will support, to the best of his abilities, while life remains.”²⁰ He was able to deliver this message through the *Aurora*, but he never would return to his office. In August, the tragedy of the young man was completed: he was under arrest, his business was bankrupt, his wife Margaret was pregnant with their fourth child. Unfortunately he never faced the trial for his “seditious acts,” dying of yellow fever on September 10, 1798, a month after reaching 29 years of age (Tagg 396).

William Duane, Bache's assistant, and Margaret Bache continued the activities of the *Aurora* without changing the course. The newspaper remained the leader among Republican press, even if finances remained a problem. Though Margaret Bache might perhaps have been glad to sell the copyright of the newspaper, the *Aurora* under Duane increased the amount of news and the number of columns. Secret funds promoted the *Aurora's* new course, probably deriving from the support of Tench Coxe, the father of American manufacturers, who had contributed a series of articles on political economy under Bache's direction, and who was beseeched by Bache to keep the *Aurora* alive for the good of his “family, his country and mankind” (Tagg 399).

At the end of 1799, Margaret Bache considered a proposal by some Republicans to buy the *Aurora*, but she rejected the offer, as she rejected other proposals apparently originating from the Federalists as a means of silencing

a paper. William Duane accused Alexander Hamilton of offering 6,000 dollars to Bache's widow to purchase and suppress the paper, but Hamilton decried "the malignant calumnies" of the faction opposed to the government and sought the prosecution of the persons who published the accusation. Attacks against the *Aurora's* new editors continued, especially by William Cobbett and his *Porcupine's Gazette*. But while Cobbett's newspaper disappeared in 1799, the *Aurora* continued onward as the leading newspaper supporting the Jefferson administration.

Jefferson's Secretary of the Treasury, Albert Gallatin, was born to an aristocratic family in Geneva, Switzerland, in 1761 and emigrated to America without the permission of his parents in 1780. He settled in Fayette County, Western Pennsylvania, in 1784 and was elected to the state legislature in 1790, and was already United States Senator in 1793. For his participation in the Whiskey Rebellion, however, he was denied his seat in the Senate because of "dubious citizenry." From 1795, he served for three terms in Congress as a Republican (see Henry Adams).

Gallatin was accused in the House of Representatives by John Allen, a very strong Federalist from Connecticut, of being a "foreign agent," and this showed clearly the attempt the Federalists made to associate opposition to the administration with opposition to the government.²¹ They identified resistance to their measures with a treasonable connection with France. For Gallatin "the true object of the law is to ... have the power to punish printers who may publish against them, whilst their opponents will remain alone and without redress, exposed to the abuse of Ministerial prints."²²

The difficulties of initiating a constructive policy regarding the desultory, rambling and disorganized absorption of the Western territories into the Federal union were clear. At the same time, the increasing movement of settlers into the lands along the Ohio line was a powerful political fact. Finally, these lands still constituted a notable attraction for swarms of speculators. Never since the Federalist period had entrepreneurs had such success in promoting the sale of large tracts of public land. Hamilton's financial plan moved, in fact, toward the accommodation of wealthy men or organizations ready to purchase large quantities of public lands for "development." These lands, Hamilton suggested, might subsequently be sold in varying quantities. Thus the untried Federal government avoided the long-range difficulties and

expense of managing and defending the public domain by supporting “moneyed individuals and companies, who will buy to sell again.” Hamilton’s decision to give no credit for the purchase of tracts less than ten miles square, ostensibly to avoid problems of land management, shifted the opportunity to the wealthy investors who were favored by these politics.²³

As Congressman, Gallatin did not support this vision which favoured the great proprietors. Instead he supported the sale of small tracts of land to individual settlers. With the election of 1800 and the triumph of Republicans, his role changed so that he was able to modify the philosophy guiding the distribution of public lands, reducing the minimum tract purchasable to 320 acres and extending credit for the benefit of the small farmers (Sioli, “Where Did the Whiskey Rebels Go?”). Gallatin was successful in promoting the yeoman Republic favored by Jefferson, as well as he was successful in criticizing the Federalist politics toward the aliens and their idea of sedition. He was able to show that the Alien and Sedition Acts were incompatible with republican principle, as well as the politics of exclusion created by the Federalists in 1798.

Reading the petitions urging the repeal of the Alien and Sedition Acts in 1799, we can see the success of Gallatin’s political position, as well as one of the signs “that many Americans were being swayed toward the Republicans” (Harnett and Mercieca 103). By February 1799 the state legislature of Pennsylvania had received 18,000 signatures, coming from a state where only 20,000 votes were cast in the 1796 election. Even more revealing, perhaps, were toasts to “the suppression of Toryism and aristocracy, as it advances the causes of Virtue and Republicanism” and “the liberty of the press and freedom of speech on constitutional principles.”²⁴ Published and republished in newspapers all over the country, these speeches were created and recreated many times over, constituting powerfully partisan manifestoes of political sentiment where Adams and the Federalists were associated with aristocracy, and cruel and perfidious tyranny. The increasingly partisan tone was confirmed in the July Fourth celebration: July 4, 1800, found the nation full of such toasts (Harnett and Mercieca 104). By this time Bache had died, but his memory was honoured in these celebrations where the *Aurora* remained “the terror of Tories, traitors, and aristocrats; and the watchtower of our constitution” (Rosenfeld 828).

Far more common were the liberty poles erected in opposition to the Alien and Sedition Acts. Once again employed, the liberty poles were

displayed in opposition to government policies that threatened the liberties secured in the war for Independence. In the state of New York alone, liberty poles were raised in Newburgh, Blooming Grove, Montgomery, Goshen, Fishkill, Southold, Southampton, and Bridgehampton. In Newburgh a liberty pole bore the brazen inscription “1776 liberty. Justice. The constitution inviolate. No British alliance. No sedition bill” (Simon P. Newman 174). Elsewhere the opponents of the Adams administration created new rites: citizens of Vassalborough, Maine, christened their liberty pole by burning copies of the Alien and Sedition Acts at its base and then drinking toasts to “Freedom of speech, trial by jury, and liberty of the press” (Simon P. Newman 175). These rites clearly constituted partisan attacks on the policies of the Adams administration, but revealed the very oppositional political culture that the Federalists had hoped would be destroyed.

In the end, the Alien and Sedition Acts misjudged the “genius” of the American people, ushering the Federalists out of power. The Republicans, under the leadership of Jefferson and James Madison, fought successfully the Federalist effort to repress American society and to rule by a politics of exclusion. The people that the Federalists tried to keep “out-of-doors” had come indoors to vote, and the men sentenced to jail under the Alien and Sedition Acts for criticizing the presidency returned to Congress with an even greater majority. “The revolution of 1800” spread far and wide, and Jefferson was able to include in his “empire of liberty” all the excluded persons. The first attempt at political repression in the United States had been roundly defeated.

Notes

¹ For a biography of John Adams see the most recent by David McCullough. The book follows the life of John Adams step by step, collecting also an extended bibliography. See also the now standard biography by John Ferling.

² “John Adams to Abigail Adams, December 27, 1796” [electronic edition]. *Adams Family Papers: An Electronic Archive*. Massachusetts Historical Society. <http://masshist.org/digitaladams/>. All subsequent quotations will be to this edition. Really helpful to understand the interesting and complex figure of Abigail Adams is the biography by Edith B. Gelles. Also this book contains an exhaustive bibliography concerning Abigail Adams.

³ *Annals of the Congress*, Fifth Congress, Second Session, 856-9.

⁴ This vision is strongly supported by James Morton Smith, *Freedom's Fetters*, in particular Chapter I, "Background for Repression: America's Half War with France and the Internal Security Legislation of 1798."

⁵ The text version of "The Sedition Act of July, 14, 1798" is on the web at: <http://www.earlyamerica.com/earlyamerica/milestones/sediton/s-text.html>.

⁶ *Independent Chronicle*, October 25, 1798.

⁷ *Albany Centinel*, October 12, 1798, reprinted in *Columbian Centinel*, October 23, 1798. The quotation is from the *Vermont Journal*, October 15, 1798. We have to consider that under the Sedition Law the editor was legally as liable to prosecution as Lyon was for writing it.

⁸ *Aurora*, November 1, 1798.

⁹ "Matthew Lyon to Stevens Mason, October 14, 1798," printed in the *Independent Chronicle*, November 22, 1798.

¹⁰ "Matthew Lyon to the Freemen of the Western District of Vermont, January 12, 1799." Written from jail, this letter was published in the *Aurora*, February 8, 1799.

¹¹ *Independent Chronicle*, January 17, 1799.

¹² *Readinger Adler*, April 9, 1799.

¹³ *Aurora*, April 19, 1799.

¹⁴ *Gazette of the United States*, April 19, 1799.

¹⁵ *Readinger Adler*, April 23, 1799; *Aurora*, April 24, 1799.

¹⁶ Hamilton's figure resurfaced in historical books recently for the bicentennial of his death, but the works were divided between partisans and opponents. See for example on the first side Chernow and Harper; more critical is DiLorenzo. More balanced are Ambrose and Martin. By the way, it is true that Hamilton indulged in political trickery, most notably his electoral intrigues against John Adams (Elkins and McKittrick 772).

¹⁷ *Annals*, 5th Congress, 2164.

¹⁸ *Aurora*, November 27, 1790.

¹⁹ *Aurora*, October 29, 1796.

²⁰ *Aurora*, June 27, 1798.

²¹ *Annals*, 5th Congress, 1483.

²² *Annals*, 5th Congress, 1797-98, 1712.

²³ *American State Papers: Documents, Legislative and Executive of the Congress of the United States*, 38 Vols., Washington, 1832-1861, Vol. 1, 8. Benjamin H. Hibbard, *A History of the Public Land Policies*, New York: McMillan Company, 1924, 59-60.

²⁴ "The Triumph of Democracy," *Constitutional Telegraph*, January 1, 1800.

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