

Manly Firmness, the Duty of Resistance, and the
Search for a Middle Way: Democratic Republicans Confront the
Alien and Sedition Acts

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Across two hundred years of American history, grassroots political movements have asserted a right and indeed a duty to nullify government acts they deemed to be a breach of fundamental liberties. One may find the language of popular nullification resonating, for example, throughout denunciations of the Conscription Act by Civil War-era Peace Democrats. Today's militia movement is steeped in this language as well. These assertions of popular nullification are almost always coupled with references to the Virginia and Kentucky Resolutions of 1798. In light of existing interpretations of the Resolutions and of the Alien and Sedition Act Crisis as a whole, that connection seems odd. One current interpretation sees the resolutions as Democratic-Republican propaganda, designed to advance the constitutional principles and the political platform on which the Republican Party would fight the election of 1800. For example, Stanley Elkins and Eric McKittrick argue that the Resolutions were intended to educate the voters in a language of moderate, constitutional resistance, and were merely declarative of principle. Under another interpretation, offered by Professor Sharp and others who have looked closely at opposition in Virginia and other Southern states, the resolutions marked an attempt by southern Republicans, including Jefferson and John Taylor, to preserve liberty in the South even if they should lose control of the national government. According to this reading, Jefferson and others contemplated using the machinery of southern state governments to nullify the unconstitutional exercise of federal authority and held out the possibility of withdrawing from the Union should nullification prove ineffectual.¹ Neither of these interpretations offers much support for latter-day rebels looking for a precedent to support popular nullification.

In the political debates of 1798, one finds ample evidence of both a moderate rhetorical opposition dedicated to producing an electoral backlash against the Federalists at the polls and a more radical Southern particularism emphasizing Virginia as the bulwark of liberty. But one also finds that in 1798 the language of popular nullification, as opposed to nullification by state authority, was widespread and resonant. We need to

incorporate this language into the excellent accounts of this period offered by Professors Sharp, Banning, Elkins and McKittrick, and others. The resonance of popular nullification during the crisis of 1798 to 1800 had an impact on the drafting of the Virginia and Kentucky Resolutions and on their reception. Furthermore, this language played a significant role in instigating the most serious unrest of this period, Fries' Rebellion in Pennsylvania. Fries' Rebellion, in turn, caused Thomas Jefferson to step back from the language of state nullification and thus set the stage for the peaceful resolution of the crisis in 1801.

The Alien and Sedition Acts were only two aspects of the Federalist legislative program of 1798. Congress had also passed provisions to prepare the country for an expected war with France. These included a naval building program, the raising of a standing army, and a new direct tax on houses, lands, and slaves to pay for it all. Democratic Republicans of all stripes recoiled from the prospect of war with France. They denounced the administration of John Adams for deliberately provoking conflict, and argued that the army and tax provisions were designed to provide sinecures for thousands of Federalist placemen. They charged that the Alien and Sedition Acts were clear evidence of a conspiracy to suppress all political opposition and pave the way for the re-imposition of monarchical rule. Republicans insisted that no government, no matter how representative, could invade the people's liberties in the manner that the Adams administration had. The citizens of Washington County, Pennsylvania declared in their petition against the Alien and Sedition Acts that "It matters but little to us whether our government be nominally democratical, monarchical, or despotic, if the powers of each be the same." The inhabitants of Caroline County, Virginia, agreed, asking rhetorically "whether the people of America, in throwing off the yoke of England, had no other object but to place it again on their own necks—whether they asserted the right of self-taxation to oppress themselves, and not to guard against oppression."²

Despite this consensus that the program of 1798 must be opposed, Republicans fervently disagreed among themselves about the appropriate and legitimate remedy. The moderate wing of the party insisted that the redress of grievances must come through “constitutional measures.” Moderates defined constitutional opposition as encompassing petitioning and the use of the ballot to remove the authors of offending legislation. The Newark *Sentinel of Freedom* urged its readers to “pursue the constitutional mode of protesting . . . which is by convening together in township or county meetings, as convenience may dictate, and there request of your public agents, by way of remonstrance, to repeal the Alien and Sedition Laws.” Other Republicans emphasized the ballot as the solution to Federalist transgressions. In the address for which he was prosecuted, Thomas Cooper wrote of his hope that Federalist measures “will be steadily opposed, but opposed in the only justifiable way of opposition under a free government, by discussion in the first instance, and a change of persons by constitutional election if no other method will succeed.”³

Moderate Republicans also warned against physical resistance. A correspondent to the Washington *Herald of Liberty* gave voice to the fears of many moderate Republicans when he warned against any appeal to revolutionary principles. He argued that the destruction of the present government would bring no improvement, at best, and anarchy and tyranny, at worst. Others warned that any outbreak would give the Federalists the pretext to employ the standing army to suppress all political dissent. A Virginia Republican warned a colleague in Kentucky to “prevent the rash and inconsiderate part of your citizens from committing any outrages which may afford the government a pretext for punishing you.”⁴

Even when the petitioning campaign against the Alien and Sedition Acts failed to secure repeal, moderates refused to contemplate stronger measures. The citizens of Albemarle County, Virginia suggested that prompt attention to their grievances would be a test of their faith in government, and urged the repeal of the Alien and Sedition Acts.

Yet when rumors began to circulate that Congress would reject repeal in March of 1799, moderates neither voiced outrage nor proposed alternative measures.⁵

Republicans in the radical wing of the party, however, were unwilling to abide by the judgments of a Congress and a judiciary dominated by Federalists. They argued that the threat to liberty represented by the Alien and Sedition Acts required active resistance. Radicals based their opposition on the premise that unconstitutional acts of government were nullities, void from their inception. In order to understand the doctrine of nullity, it is important to distinguish it from the doctrine of nullification. Under the doctrine of nullification, the nullity of an act of government was a quality separate from the act itself, attached thereto by authoritative pronouncement. Federalists and many moderate Republicans agreed that nullification, as a procedure carried out by the authority of the federal judiciary, was a legitimate means of converting an act of Congress into a nullity.

Radical Republicans understood nullity differently. They argued that the nullity of a law flowed from the law's substantive unconstitutionality, and thus nullity was an intrinsic quality of any unconstitutional law. Republicans in Essex County, Virginia explained their understanding of nullity as follows: "when laws are made contrary, both to the spirit and letter of the constitution, your memorialists are of the opinion, that such laws encroach upon the sovereignty of the people, and are in their nature void." The citizens of Buckingham County, Virginia agreed, arguing that "the validity or nullity of a law depends on its conformity or nonconformity with the constitution of the land." This subtly distinct vision became less subtle when linked to a second tenet of radical Republican faith: the belief that the people had the capacity to judge the constitutionality of laws for themselves. The *Albany Register* denounced the doctrine "that a decision as to the constitutionality of all legislative acts, lies solely with the judiciary department; it is removing the cornerstone on which our federal compact rests; it is taking from the people the ultimate sovereignty." Republicans in Richmond, Virginia agreed, denying

that “the legislature is to be the judge, when the constitution is infringed. The *people* are the dread tribunal.”⁶

The combination of these two strands of Republican ideology led to a logical conclusion: that the people had the right to nullify laws by recognizing and publicly declaring their nullity and by withholding their obedience. The citizens of Orange County, New York acted on this right in the fall of 1798, by publishing a series of resolutions declaring that laws abridging the freedom of speaking and publishing were “unconstitutional and not obligatory.” New York Congressman Edward Livingston agreed, and went so far as to call for open resistance. In his speech to Congress on the Alien Friends Bill, Livingston delivered one of the earliest pronouncements of the doctrine of popular nullification. “Whenever our laws manifestly infringe the constitution under which they were made,” he declared, “the people ought not to hesitate which they should obey: if we exceed our powers we become tyrants, and our acts have no effect.” Livingston warned his colleagues that the Alien and Sedition Acts would be resisted by both the states and the people: “If we are ready to violate the constitution we have sworn to defend—will the people submit to our unauthorized acts? Will the states sanction our usurped powers? Sir, they ought not to submit. They would deserve the chains which these measures are for them if they did not resist.”⁷

Radical Republicans responded to Livingston’s speech by calling public meetings across Kentucky, Virginia, and the Middle Atlantic states. At these meetings Republicans gathered and publicly recognized the nullity of the Sedition Act.⁸ Though some Republicans who considered the Sedition Act a nullity shied away from open calls for resistance, others did not hesitate. At a dinner for Congressman John Clopton of Virginia, Republicans from the counties surrounding Richmond listened to an address that concluded that “acts that violate our chartered rights have no binding force, and are not entitled to the respect or obedience of the people.”⁹ The *Albany Register* concurred, arguing that a government attempting to subvert the rights of the people “is not a

legitimate government; it is a usurpation; it is treason against the people; and opposition to such a faction is not only justifiable, but the omission of it would be pronounced criminal by the voice of nature.” The militia of Amelia County, Virginia declared that they would not lend any assistance in enforcing the Alien and Sedition Acts, while a militia regiment in Madison County, Kentucky resolved that “the Alien and Sedition Bills are infringements of the Constitution and of natural rights, and that we cannot approve or submit to them.”¹⁰

Statements such as these in the summer and fall of 1798 made the possibility of popular resistance to the Federalist war program seem quite real. Republicans debated among themselves over whether such resistance would be legitimate. The Virginia and Kentucky Resolutions of 1798 must be understood within the context of this debate. On close examination, these documents appear to be a curious mix of radical and moderate ideas that had been in circulation throughout the summer and fall of 1798. Those most intimately involved in the framing of the resolutions, Thomas Jefferson, James Madison, John Breckinridge, and John Taylor, all conceived of them as establishing a constitutional middle ground between obedience and revolution. John Taylor, for example, described the Virginia Resolutions as a rejection of the false choice between timidity and civil war. Taylor also argued that state nullification was an attractive alternative to popular nullification. In the legislative debates on the Virginia Resolutions, he argued that “the will of the people was better expressed through organized bodies dependent on that will, than by tumultuous meetings; that thus the preservation of peace and good order would be more secure.”¹¹ Discomfort at the prospect of popular resistance may also have played a role in prompting James Madison’s remarkable assertion that the states alone were parties to the Constitutional compact. The main thrust of his argument was designed to undercut Federalist assertions that the federal judiciary alone had the power to nullify the Alien and Sedition Acts. Nevertheless, many Republicans in the Virginia legislature objected to this phrasing as a repudiation of popular sovereignty.

The discussion of nullification in Madison's original draft of the Virginia Resolutions was quite veiled. Madison simply asserted that the states, as parties to the compact, had "the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them." The Resolutions were silent about what form that interposition might take, a silence that allowed Madison to argue in the Report of 1800 that the Resolutions had never contemplated any remedy beyond petitioning for repeal.¹² Jefferson's draft of the Kentucky Resolutions, however, explicitly articulated a doctrine of state nullification:

In cases of an abuse of the delegated powers the members of the general government being chosen by the people, a change by the people would be the constitutional remedy; but where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every state has a natural right, in cases not within the compact . . . to nullify of their own authority all assumptions of power by others within their limits.¹³

This passage clearly described nullity in procedural terms, as the consequence of the authoritative act of a state government. It was thus closer to the moderate understanding of the theory of judicial nullification than it was to radical understandings of the doctrine of nullity. Nevertheless, Jefferson's draft included radical language as well. Jefferson's declaration that the Alien and Sedition Acts were "altogether void and of no force" evoked the definition of nullity as substantive unconstitutionality.¹⁴

James Morton Smith has documented the efforts of John Breckinridge, who sponsored the Kentucky Resolutions in the state legislature, to moderate their tone. Breckinridge dropped Jefferson's call for other states to declare they would not permit the exercise of unconstitutional laws within their borders. He substituted a more moderate call for Congressional repeal in its place. He also deleted the above quoted passage describing nullification as a legitimate exercise of state authority. Ironically, in the context of the overall debate of 1798, that last deletion rendered the resolutions, as

passed by the Kentucky legislature, more radical, rather than less. Without the language describing nullity as the product of an authoritative procedure, what was left was the assertion that the Alien and Sedition Acts were substantively “void and of no force.” This assertion was entirely consistent with radical Republican calls for popular nullification.¹⁵

In the full context of the debate over the propriety of resistance to the Alien and Sedition acts, then, Madison’s draft of the Virginia Resolutions was as a remarkably moderate document. Its moderation reflects a deep unease over the possibility of popular resistance, an unease that prompted Madison to avoid any mention of popular sovereignty. Jefferson’s Kentucky Resolutions were more open in their call for state nullification. They also evoked the language of popular nullification in a manner that, perhaps inadvertently, vindicated the stance of the most radical expressions of Republican opposition.

Republicans never took up arms against the Alien and Sedition Acts. There was no civil war in Virginia. Armed resistance to the Federalist program of 1798 did take place, however, in Bucks and Northampton Counties of Pennsylvania in the winter of 1798-99. Though the target of that resistance was the direct tax on houses, lands, and slaves, it was motivated in large part by Republican claims that the tax and the Alien and Sedition Acts were all part of the same Federalist conspiracy to enslave the people. Furthermore, the avowed intent of the insurgents was to nullify the direct tax within their own communities. James Williamson, the assessor for Plainfield township in Northampton County, reported that the insurgents connected the house tax “with the stamp tax and the Alien and Sedition Acts, and said that they had fought against such laws once already, and were ready to do it again.” When Cephas Childs, the assessor for Lower Milford Township, Bucks County, asked John Fries and his neighbors why they were determined to resist, they replied, “We are determined to oppose the laws, and we

have met to do it; the government is laying one thing after another, and if we do not oppose it, they will bring us into bondage and slavery.”¹⁶

Over the course of the winter the insurgents managed to render the tax void within their communities by intimidating the appointed assessors into suspending their rounds. When a federal marshal arrived to arrest the leaders of the resistance, three armed militia companies rescued a dozen prisoners from the marshal’s custody on March 7, 1799. In doing so, the insurgents levied war against the United States. Most historians have concluded that the insurgents acted rashly and that they submitted once realizing that they were in over their heads. However, careful examination of the available sources reveals that the insurgents believed that they were part of a larger resistance movement, one that included the radical Republicans of Virginia and Kentucky. Insurgents from Upper Milford and Macungie townships discussed rumors that an army from “the backcountry” would march to their aid. In Lower Milford Township, the insurgents believed that George Washington would march to their aid at the head of an army of 10,000 Virginians. Rumors of support from Virginia also reached Weissenberg and Macungie townships. The insurgents took these rumors seriously, and took up a collection to send two of their leaders down to Virginia to investigate. The insurgents submitted to the Direct Tax only when it became clear that the federal government was mustering an army to march against them and that they could not expect any assistance from outside the region.

News of Fries’ Rebellion was profoundly embarrassing to Republican leaders. For six months, Federalists had accused them of inciting popular insurrection. Republicans responded to the insurgency in Pennsylvania by backing away from the radicalism of 1798. Thomas Jefferson was one of the first Republicans to advise a retreat from the principle of nullification, and he did so in response to events in Northampton County. Word of the resistance in Northampton County reached him in Philadelphia in mid-February of 1799. In a letter to Edmund Pendleton, Jefferson stepped back from his

assertion the previous November that nullification was the “rightful remedy” to the Federalist assault on liberty: “In this state we fear the ill-designing may produce insurrection,” he wrote. “Nothing could be so fatal. Anything like force would check the progress of public opinion and rally them around the government. This is not the kind of opposition the American people will permit. But keep away from all show of force, and they will bear down the evil propensities of the government, by the constitutional means of election and petition.”¹⁷

When Federalists accelerated prosecutions under the Sedition Act in the spring of 1799, Republicans made no attempt to interfere. Despite the previous autumn’s call for nullification and interposition, the Republican authorities of Virginia permitted James Callender’s prosecution under the Sedition Act in 1800. Furthermore, Republicans in Pennsylvania actually advocated the use of the Sedition Act against John Fries and his fellow insurgents. Prominent Republican attorney Alexander James Dallas defended Fries at his trial by arguing that he should be prosecuted under the first section of the Sedition Act rather than under the law of treason. Though this defense was designed to save Fries’ life, it flew in the face of earlier Republican protests in Virginia and Kentucky that the first section of the Sedition Act was just as profound a threat to liberty as the second. Over thirty insurgents were prosecuted under the Sedition Act, and they constituted the vast majority of those prosecuted under the Act before it expired in 1801. Only six received legal assistance from the Republican leadership of Pennsylvania. They rest were left to throw themselves on the tender mercies of the Federalist judiciary.¹⁸

Fries’ Rebellion demonstrated that state nullification was at best an extremely unstable middle ground. The doctrine of state nullification necessarily evoked the language of popular nullification, and Democratic Republicans abandoned state nullification in order to avoid the responsibility for inciting popular unrest. It may perhaps be said, then, that latter-day rebels who cite the Virginia and Kentucky Resolutions to support assertions of popular nullification, do so with no more and no less

justification than those who have cited the resolutions to support secession. The language of Democratic Republican opposition in 1798-99 was a language of extreme remedies. As such, it resonated in unexpected ways in 1798, and continues to do so in the present day.

¹ Accounts of the crisis that portray the resolutions as rhetorical constructions designed for political ends include Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca: Cornell University Press, 1978); Richard Buel, jr., *Securing the Revolution: Ideology in American Politics, 1789-1815* (Ithaca: Cornell University Press, 1972); Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993); Dumas Malone, *Jefferson and the Ordeal of Liberty* (Boston: Little, Brown, and Company, 1962); and James Morton Smith, "The Grass Roots Origins of the Kentucky Resolutions," *William and Mary Quarterly* 27 (1970), 221-45. Accounts that portray the resolutions as radical expressions of a sectional defense of liberty include Richard R. Beeman, *The Old Dominion and the New Nation, 1788-1801* (Lexington: University Press of Kentucky, 1972); Adrienne Koch and Henry Ammon, "The Virginia and Kentucky Resolutions: An episode in Jefferson's and Madison's Defense of Civil Liberties," *William and Mary Quarterly* 5 (1948), 145-76; and James Rodgers Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven: Yale University Press, 1993).

² On the Federalist war program of 1798, see Sharp, 167, 180-81. On the broad outlines of Republican oppositional discourse, see Banning, 246-70. See also the Petition and Remonstrance of the Citizens and Inhabitants of Washington County, Pennsylvania, *Aurora*, December 11, 1798; and the Memorial of the Freeholders and other Inhabitants of Caroline County, Virginia, *Aurora*, November 27, 1798.

³ Newark *Sentinel of Freedom*, December 18, 1798; Mr. Cooper's Address" reprinted in the *Aurora*, July 12, 1799. Major statements reflecting moderate Constitutional opposition include the Resolutions of the Citizens of Clark County, Kentucky, *Aurora*, September 2, 1798; Resolutions of the Inhabitants of Woodford County, Kentucky, Boston *Independent Chronicle*, October 4, 1798; Resolutions of the Citizens of Mason and the adjoining Counties, Kentucky, *Ibid.*, October 22, 1798; Resolutions of a Town Meeting of Dracut, Massachusetts, *Ibid.*, March 14, 1799; Resolutions of the Inhabitants of Woodbridge Township, New Jersey, *New York Journal and Patriotic Register*, February 16, 1799; Address and Remonstrance of the Inhabitants of Essex County, New Jersey, Newark *Sentinel of Freedom*, January 29, 1799; Memorial of the Inhabitants of Queens County, New York, *Porcupine's Gazette*, February 9, 1799; Address and Petition of the Inhabitants of Fayette County, Pennsylvania, Washington *Herald of Liberty*, February 25, 1799; Petition and Remonstrance of the Inhabitants of Franklin County, Pennsylvania, *Chambersburg Farmers' Register*, January 9, 1799; Petition of the Inhabitants of Lancaster County, Pennsylvania, *Aurora*, March 6, 1799; Petition of the Inhabitants of Northampton County, Pennsylvania, *Ibid.*, February 12, 1799; Petition and Remonstrance of the Citizens and Inhabitants of Washington County, Pennsylvania, *Ibid.*, December 11, 1798; Petition of the Inhabitants of York County, Pennsylvania, *Ibid.*, Jan. 22, 1799; Remonstrance of the Citizens of Albemarle County, Virginia, Washington *Herald of Liberty*, November 19, 1799; Resolutions of the Citizens of the Second Battalion District of Amelia County, Virginia, Newark *Sentinel of Freedom*, October 2, 1799; Resolutions of the Freeholders of Dinwiddie County, Virginia, *Aurora*, December 6, 1798; Resolutions of the Citizens of Goochland County, Virginia, *Ibid.*, September 3, 1799; Resolutions of the Citizens of Louisa County, Virginia, Boston *Independent Chronicle*, November 5, 1799; Address of the People of Orange County, Virginia, *Virginia Argus*, October 12, 1798; and Address of the Freeholders of Prince Edward County, Virginia, *Aurora*, November 6, 1798.

⁴ For cautions against unrest, see "A Real Democrat," Washington *Herald of Liberty*, August 20, 1798; and "A letter from a Gentleman in Virginia to his Friend in Kentucky," *Aurora*, November 3, 1798.

⁵ Remonstrance of the Citizens of Albemarle County, Virginia, Washington *Herald of Liberty*, November 19, 1799. See also Washington *Herald of Liberty*, November 19, 1798; and *Chambersburg Farmers' Register*, January 23, 1799.

⁶ Memorial of the People of Essex County, Virginia, *Aurora*, December 7, 1798; Resolutions of the Citizens of Buckingham County, Virginia, *Virginia Argus*, November 10, 1798; Editorial from the *Albany Register* reprinted in the Boston *Independent Chronicle*, February 25, 1798; and Address of the Citizens of Richmond, Virginia to John Clopton, esq., *Aurora*, August 20, 1798.

⁷ Resolutions of the Citizens of Orange County, New York, Boston *Independent Chronicle*, December 10, 1798; and the Speech of Edward Livingston to the House of Representatives, July 2, 1798, as quoted in the Washington *Herald of Liberty*, August 16, 1798.

⁸ Statements of radical Republican opposition include the Resolutions of the Citizens of Bourbon County, Kentucky, Boston *Independent Chronicle*, October 25, 1798; Resolutions of the Citizens of Fayette and the adjacent Counties, Kentucky, *Ibid.*, October 4, 1798; Resolutions of the Seventh Regiment and Citizens of Madison County, Kentucky, *Aurora*, January 4, 1799; Resolutions of the Citizens of Orange County, New York, Boston *Independent Chronicle*, December 10, 1798; Resolutions of the Citizens of Mifflin County, Pennsylvania living North of Tussey's Mountain, *Aurora*, January 23, 1798; Resolutions of a Company of the Militia of Amelia County, Virginia, *Alexandria Times*, September 12, 1798; Resolutions of the Citizens of Buckingham County, Virginia, *Virginia Argus*, November 10, 1798; Memorial of the Freeholders and other Inhabitants of Caroline County, Virginia, *Aurora*, November 27, 1798; Memorial of the People of Essex County, Virginia, *Ibid.*, December 7, 1798; Resolutions of the People of Hanover County, Virginia, Boston *Independent Chronicle*, November 12, 1798; Resolutions of the Inhabitants of Powhatten County, Virginia, *Ibid.*, October 29, 1798; Resolutions of the Inhabitants of Spotsylvania County, Virginia, *Aurora*, November 20, 1798; and the Address of the Citizens of Richmond, Virginia to John Clopton, esq., *Ibid.*, August 20, 1798.

⁹ Address of the Citizens of Richmond, Virginia to John Clopton, esq., *Aurora*, August 20, 1798. Clopton seemed caught off guard by this sentiment, and avowed that he had "full confidence that the requisite energy and vigilance of the people of this Country over their rights will not be exerted in any other manner than that prescribed by the constitution." Resolutions of the Inhabitants of Powhatten County, Virginia, Boston *Independent Chronicle*, October 29, 1798.

¹⁰ "From the *Albany Register*," *Aurora*, November 27, 1798; Resolutions of a Company of the Militia of Amelia County, Virginia, *Alexandria Times*, September 12, 1798; and Resolutions of the Seventh Regiment and Citizens of Madison County, *Aurora*, January 4, 1799.

¹¹ Speech of John Taylor to the Virginia House of Delegates, December 20, 1798, *The Virginia Report of 1799-1800* (New York: Da Capo Press, 1970), 114.

¹² The Virginia Resolutions of 1798, *The Virginia Report of 1799-1800*, 22; The Report of 1800, *ibid.* 231-232.

¹³ Jefferson's fair copy of the Kentucky Resolutions of 1798, David B. Mattern, et al, eds., *The Papers of James Madison*, Volume 17, 179.

¹⁴ *Ibid.*, 177 and 181.

¹⁵ Smith, "Grass Roots Origins of the Kentucky Resolutions," 328-40.

¹⁶ Deposition of James Williamson, , MSC-536, The William Rawle Family Papers, Volume II, "Insurrections in Northampton County, Pennsylvania, 1798-1800," Historical Society of Pennsylvania, Philadelphia PA (hereafter Rawle Papers), 78; Testimony of Cephas Childs, Thomas Carpenter, *The Two Trials of John Fries* (Philadelphia, William Woodward, 1800), 76-77.

¹⁷ TJ to Edmund Pendleton, February 14, 1799 in Paul Leicester Ford, *The Writings of Thomas Jefferson* (New York: G. P. Putnam's Sons, 1896), Vol. VII (hereafter *Writings of TJ*), 356.

¹⁸ On the acceleration of sedition prosecutions in 1799, see James Morton Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties* (Ithaca: Cornell University Press, 1956), Part III. On Republican acquiescence to the prosecution of Callender, see Sharp, 218. For Dallas' argument that the insurgents were guilty of Sedition, see Carpenter, *Two Trials*, 97. For Republican opposition to the first section of the Sedition Act, see, for example, the Speech of William Daniel to the Virginia House of Delegates, December 19, 1798, *The Virginia Report of 1799-1800*, 93. On the trials of other insurgents for conspiracy under the Sedition Act and their resolution, see Dwight Henderson, "Treason, Sedition, and Fries' Rebellion," and the Minute Books for 1796-99 and 1799-1800, Records of the United States District Court for Eastern Pennsylvania, RG 21, Microfilm Publication M986, National Archives and Record Administration, Philadelphia, Pennsylvania.