

Fries's Rebellion and American Political Culture, 1798-1800

DURING THE SAME WEEK IN MAY 1800 that President John Adams dismissed his Hamiltonian secretaries, Timothy Pickering and James McHenry, a federal court in Philadelphia convicted John Fries of treason for a second time and, for a second time, sentenced him and two accomplices to be hanged. In March of the previous year, Fries had led a group of armed German-American citizens to secure the release of some federal prisoners in Bethlehem, Pennsylvania, where they had been jailed for resisting a federal tax. These citizens have often been portrayed as confused, illiterate, and ignorant Germans, who simply protested the muscle of outside authority squeezing their insulated and parochial autonomy.¹ It might also seem natural to assume that the tax resisters and rescuers resorted to violence, much as most eighteenth-century mobs seeking redress of political grievances were wont to do.

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¹ Such is the claim made by Peter Levine, "The Fries Rebellion: Social Violence and the Politics of the New Nation," *Pennsylvania History* 40 (1973), 241-58. More recently, in *The Age of Federalism: The Early American Republic, 1788-1800* (New York, 1993), 696-700, Stanley Elkins and Eric McKittrick explain the rebellion as the misguided product of the "parochial view [the Pennsylvania Germans] had of the outside world," and "their ignorance—about which current impressions are certainly not unfounded." For accounts of Fries's Rebellion that characterize the incident as a cultural misunderstanding by ignorant Germans, see Thomas Carpenter, stenographer, *The Two Trials of John Fries* (Philadelphia, 1800), W. W. H. Davis, *The Fries Rebellion* (Doylestown, Pa., 1899), Jane Schaffer Elsmere, "The Trials of John Fries," *Pennsylvania Magazine of History and Biography* (hereafter, *PMHB*) 103 (1979), 432-35, Dwight F. Henderson, "Treason, Sedition, and Fries' Rebellion," *Journal of Legal History* 14 (1970), 308-17, Louis Weinstein, "The Fries Rebellion," M.A. thesis, Temple University, 1939, Francis Wharton, *State Trials of the United States during the Administrations of Washington and Adams* (Philadelphia, 1849), 458-648.

Yet the resistance and the rescue produced neither injury nor damage to property. Still more puzzling, the German Americans explained their resistance to the direct tax on constitutional grounds and defended their actions in constitutional terms as well.² Nevertheless, the so-called "Fries Rebellion" appeared to the Federalist administration simply as Pennsylvania's second armed insurrection in five years, and many Federalists suspected that it was the lack of capital punishment in the first case that precipitated the second.³ Worse still, they also suspected that the French and their American sympathizers, the Republican Party, had orchestrated the entire affair.⁴ Thus, the "friends of order" urged that an example be

² Thomas P. Slaughter, "Crowds in Eighteenth-Century America: Reflections and New Directions," *PMHB* 115 (1991), 3-34. Professor Slaughter's article rebukes the "consensus school"—particularly Jack Greene, Pauline Maier, Bernard Bailyn, Gordon Wood, and Paul Gilje—for their portrayal of eighteenth-century extralegal mob action as increasingly conservative, acceptive of authority, and diminishing in their violent character. To challenge the consensus model, Slaughter points to example after example of mob violence in Pennsylvania, stressing its continuity from the colonial era, through the Revolution and the founding, and into the nineteenth century. He then offers his own model to explain the peculiarly violent nature of early American mob action: the concept of liminality. Liminality, which he borrows from the work of political theorist Anne Norton, "is a threshold state betwixt and between existing orders" and "liminars . . . are between identities" or "[i]n politics they are between allegiances." Slaughter continues to explain that "[l]iminal status can be the consequence of comparative economic and/or educational deprivation; it can be ethnically, racially, and/or gender based; and it can be the consequence of life on a territorial frontier." Living on various forms of frontiers, "[l]iving at the fringes of power—cultural, political, and economic—people on the frontier are typically, perhaps definitionally, contemptuous of authority . . . forced to rely on a justice less influenced by law . . . and lived in a more interpersonally violent world" (pp. 12-14). Yet there are exceptions to Slaughter's model just as he found exceptions to the consensus model. In almost every way, the Fries Rebels were liminars—ethnically, politically, territorially, educationally, and linguistically. However, when the time came to mobilize for extralegal action they were conspicuously nonviolent in an age when political violence was indeed the norm. And their actions represented attempts to maintain and reaffirm their place within their concept of the existing political order rather than an endeavor to overthrow it. Indeed, they opposed their Federalist leaders not in contempt for national political authority, but to defend and to hold them accountable to the federal Constitution which granted that authority. For another account of the extent and typicality of interpersonal and political violence, see Thomas P. Slaughter, "Interpersonal Violence in a Rural Setting: Lancaster County in the Eighteenth Century," *Pennsylvania History* 58 (1991), 98-123.

³ Timothy Pickering to James Pickering, June 7, 1800, in *The Timothy Pickering Papers* (hereafter, *Pickering Papers*), ed. Frederick S. Allis (Boston, 1966), Massachusetts Historical Society, microfilm, 13:542.

⁴ Federalist newspapers repeatedly cited the French as the instigators behind the insurrection. See the *New York Daily Advertiser*, March 23, 1799, or the *Gazette of the United States*, April 11, 1799. Personal correspondence of the Federalists and the military sent to quell the rebellion, such as a report sent from Captain Adlum to Secretary of War James McHenry, July 22, 1799, in Bernard Steiner, ed., *The Life and Correspondence of James McHenry* (hereafter, *LCJM*)

made of Fries, with the loudest cries resonating from the Hamiltonian wing of the party.⁵

However, just days before the execution, John Adams, the man who had dispatched a formidable army to quell the rebellion the previous year, ignored the advice of his cabinet and issued Fries and his accessories complete pardons. To the Hamiltonians—specifically Secretary of the Treasury Oliver Wolcott, former Secretary of War James McHenry, recently fired Secretary of State Timothy Pickering, and Hamilton himself—this seemed the president's most inexplicable act. The pardon appeared to confirm the Hamiltonian perception that the president was sacrificing the Federalist Party and, with it, the future of the young republic for a chance to retain office in November.⁶ Adams's behavior since 1799 had convinced Hamiltonians that the president had forged a "corrupt bargain" with the "French Party" and its candidate, Thomas Jefferson, in a last-ditch effort to appease the Republicans and secure the vice-presidency for himself.⁷ By July 1800, the Hamiltonians had withdrawn their support for Adams's reelection and conceded that the nation could not possibly do worse, even in the hands of a Jacobin. The presidential pardon of John Fries was the last in a series of events that culminated in the Adams-Hamiltonian schism.⁸ Until the pardon, and

(Cleveland, 1907), 437, also display suspicion of French involvement. Opinions concerning the French and the French Revolution became a barometer for American political division by the mid-1790s, as Republicans vocally supported their cause as allies and Federalists denounced the disorder and violence unleashed by the French Revolution. On this point see Lance Banning, "Jeffersonian Ideology and the French Revolution: A Question of Liberticide at Home," *Studies in Burke and His Time* 17 (1976), 5-26.

⁵ For the Federalists as the "friends of order" against rebellious disorder, see Thomas P. Slaughter, *The Whiskey Rebellion* (New York, 1987).

⁶ Timothy Pickering to James Pickering, June 7, 1800, *Pickering Papers*, 13:542. All the secretaries agreed that at least Fries ought to hang.

⁷ Ibid.

⁸ Most historians attribute the Federalist schism to Adams's repugnance at the presence of Hamilton's cronies in his cabinet and Adams's repeated failure to consult with those secretaries, Adams's suspicion of Hamilton's role in the army, his belief in a limited standing army, his decision to send a peace envoy to France in 1799 without cabinet consultation, and finally his dismissal of Secretary of State Timothy Pickering and Secretary of War James McHenry in early May 1800. See especially Manning J. Dauer, *The Adams Federalists* (Baltimore, 1953), 207, 225-59, 280; Elkins and McKittrick, *The Age of Federalism*, 581-754; John R. Howe, Jr., *The Changing Political Thought of John Adams* (Princeton, 1966), 193-216; Stephen G. Kurtz, *The Presidency of John Adams: The Collapse of Federalism 1795-1800* (Philadelphia, 1957), 239-408; Forrest McDonald, *Alexander Hamilton: A Biography* (New York, 1979), 329-53; John C. Miller, *The Federalist Era 1789-1801* (New York, 1960), 228-77; Leonard D. White, *The Federalists: A Study in Administrative History* (New York, 1956), 237-52.

even after the dismissal of Pickering and McHenry, the Hamiltonians showed no outward signs of abandoning Adams's reelection campaign, despite their growing list of grievances. But the pardon was the last straw. After a year of mounting tensions, it so outraged the Hamiltonians that, one by one, they privately withdrew their support from John Adams in the summer of 1800. In the fall, they publicized their defection and advocated Charles C. Pinckney as the best candidate to support the cause of Federalism.

The rebellion, Fries's presidential pardon, and the Hamiltonian reaction reveal the capability of ordinary Americans to influence the course of national politics. The character of the tax resistance and rescue also exposes the infusion of national political ideals into the lives and politics of average Americans, as well as the active part that German Americans took in their own integration into American politics. The local concerns of ordinary citizens (whether German or Anglo-American) and the national concerns of political elites did not develop independently in separate spheres. Rather, the two frequently acted in reciprocal relationship, each instructing and shaping the other, often producing divergent political opinions and actions.

In the Revolutionary era, the fundamental concept to the American idea of republican politics was liberty, but republican revolutionaries never reached a consensus on its meaning.⁹ During the war their definition of that concept seemed to grow from salvaging free government from English corruption, to establishing the rule of popular sovereignty, to the expansion of popular participation in governing, to the protection of both the community and the individual against their own government. Others worried that too much liberty could lead to democracy and anarchy, believing that true liberty was found in a republican commonwealth which required submission of individual liberty for the good of the whole.¹⁰ Yet revolutionaries did agree on one thing, that liberty, however defined, depended upon the security of private property.¹¹

⁹ Michael Kammen, *Spheres of Liberty Changing Perceptions of Liberty in American Culture* (Ithaca, 1986)

¹⁰ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, 1967), Gordon S. Wood, *The Radicalism of the American Revolution* (New York, 1991) For a clear and concise explanation of the dual meaning of liberty between 1765 and 1800, see Lance Banning, *The Jeffersonian Persuasion Evolution of a Party Ideology* (Ithaca, 1978), 126-27

¹¹ For the development of this concept within republicanism, its use in Britain, and its export

Having been imbued with the political importance of the virtuous, independent, individual citizen for the republican government of a community dedicated to liberty, the average American patriot emerged from the war with a broadened concept of liberty that gave rise to expectations of participation, and therefore a determination to protect the private property that afforded that privilege.

Meanwhile, many among the political elite began to sense that the expansion of liberty's definition was leading the Confederation toward a democratic politics of self-interest, the decline of deference, and the decay of republican virtue. In drafting the federal Constitution they stressed the need for an energetic national government, led by a natural aristocracy, that could ensure an ordered republican liberty for the American community.¹² The Federalist Party that emerged during the 1790s—especially the Hamiltonian Federalists—clung to this notion of liberty with order in fear that the excesses of the French Revolution would wash up on American shores.¹³

Although they were latecomers to colonial America, by the 1770s Pennsylvania Germans had ingested enough American republicanism into their political beliefs to be avid defenders of their liberty as patriots in the Revolution.¹⁴ Following the war, these Anglophobic revolutionaries then strove toward further integration into American politics and culture.¹⁵ As Americans, they invested heavily in the belief that liberty emanated from the secure possession of property. For this reason many of them supported the federal Constitution. Later they followed George Washington into the Federalist Party, simply because to them it was Washington

to America, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975).

¹² Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, 1969).

¹³ James M. Banner, *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts* (New York, 1970); Banning, *The Jeffersonian Persuasion*; Richard Buel, Jr., *Securing the Revolution: Imagery and Ideology in Jeffersonian America* (Ithaca, 1972); Dauer, *The Adams Federalists*; Elkins and McKittrick, *The Age of Federalism*; Linda Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (Ithaca, 1970); Miller, *The Federalist Era*; Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford, 1970).

¹⁴ A. G. Roeber expertly details this journey in *Palatines, Liberty, and Property: German Lutherans in Colonial British America* (Baltimore, 1993), concentrating on the evolution of German-American political culture and revolutionary ideology that resulted from their connection of liberty and property as interrelated political concepts.

¹⁵ Stephanie Grauman Wolf details such cultural assimilation in *Urban Village: Population, Community, and Family Structure in Germantown, Pennsylvania, 1683-1800* (Princeton, 1976).

who had defeated the British and preserved their liberty.¹⁶ Then, in 1799, they openly contested the Federalist Direct Tax on property in what would be another attempt to reaffirm their place within the evolving political culture of the young republic, to secure the blessings of liberty and property not only for themselves but for their republican countrymen as well.

When the German Americans presented organized resistance to the federal property tax that funded the Quasi War against the French, the Federalists arrested the resisters and prepared to transport them to Philadelphia for trial. When John Fries and his men rescued those prisoners, the Federalists then acted to secure their ordered conception of American liberty by sending the army into the region and by pressing for the execution of the leaders. It was these competing definitions of republican liberty—the broad idea of liberty, property, and participation versus the narrowing conception of the need for an ordered liberty—that produced the Pennsylvania-German “constitutional resistance” to the Direct Tax, the Federalist suppression of a “rebellion” that hardly resembled a riot, and the fissure of the Federalist Party.

On July 9, 1798, as the United States drifted dangerously into war with France, Congress levied a direct tax on lands, houses, and slaves to fund armaments and the creation of the first national “standing” army since the Revolution. Five days later, on the same day that he signed the Alien and Sedition Acts, President Adams penned the Direct Tax Act into law.¹⁷ Not only had the fear of a French invasion precipitated the need for the nation’s first cautious attempt at a federal direct tax, that fear had simultaneously created some of the most politically repressive laws in the young nation’s history. In 1798, the Federalists truly feared for the republic.

In eighteenth-century America, taxation often provoked immense controversy. In 1765 a debate over taxation began the road to revolution. The Federalists in the 1790s knew that while they desperately needed cash, they had to be extremely cautious in procuring it. By the middle

¹⁶ For the development of a Federalist cult of Washington, see Simon P. Newman, “Principles or Men? George Washington and the Political Culture of National Leadership, 1776-1801,” *Journal of the Early Republic* 12 (1992), 477-507.

¹⁷ *Annals of Congress*, 5th Cong., 3758-70.

of the decade, with import duties already as high as seemed well advised, debate focused on the use of direct versus indirect taxes. A direct tax was one raised on the capital or revenue of the people, such as a tax on property, either real or personal. Indirect taxes, on the other hand, were those raised on expenditures by attaching taxes to various consumer goods. It was a choice between the lesser of two evils, as neither method would be universally popular.¹⁸ In 1792 Hamilton had devised an indirect tax as part of his plan to fund the Revolutionary War debt. Western Pennsylvanians violently opposed the excise on whiskey, and the federal and state governments spent thousands to suppress the Whiskey Rebellion. The westerners' reaction was not lost on Hamiltonians.

In late 1796 the question of direct versus indirect taxation surfaced yet again.¹⁹ When the French responded to Jay's treaty by preying on American commercial shipping and refusing to receive American Minister Plenipotentiary Charles Cotesworth Pinckney, Federalists such as Hamilton and Wolcott began to fear for the security of the young republic. "Our external affairs are so situated," Hamilton wrote, "that it seems to me indispensable to open new springs of revenue and press forward our little naval operation & be ready for augmenting it."²⁰ To the Federalist Party, it was their responsibility to preserve the republic, and there was general agreement among Federalists that the most expedient method to raise the necessary revenue was through a federal direct tax. Hamilton preferred a tax on dwellings over a tax on lands, believing that houses were a more accurate index for assessing individual wealth, thereby providing a fairer distribution of the tax burden, and thus reducing the risk of resistance, riot, or rebellion. He immediately put his ideas to paper.

By 1798 Franco-American relations had worsened. Pinckney had again been dispatched to France, this time accompanied by John Marshall and Elbridge Gerry. Minister Talleyrand's agents demanded from them a loan for France and a bribe for French officials before any settlement

¹⁸ Extremely useful to the ideological debate over taxes, direct and indirect, internal and external, are the first chapter of Slaughter, *The Whiskey Rebellion*, and his article, "The Taxman Cometh: Ideological Opposition to Internal Taxes, 1760-1790," *William and Mary Quarterly* (hereafter, *WMQ*) 61 (1984), 566-91.

¹⁹ *Annals of Congress*, 4th Cong., 2d sess., 1857-1942, 2031-38, 2095-2154, 2168-99, 2249-80.

²⁰ Alexander Hamilton to Theodore Sedgwick, Jan. 20, 1797, in Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (hereafter, *PAH*) (27 vols., New York, 1961-1987), 20:473-75.

talks began. This generated the XYZ Affair in April 1798, when the Republican Party demanded proof of French corruption to justify Federalist charges that the French had insulted the United States. The XYZ dispatches shocked the nation and provoked the Quasi War. Forced to scramble to prepare for the war that Hamilton had warned them about, Congress quickly established the Navy Department, proposed a provisional army of 50,000 men, and passed an act to raise the revenue to fund them.²¹

The Ways and Means Committee introduced the Direct Tax Bill to the House of Representatives on May 1, 1798.²² Over 65 percent of the \$2 million prescribed would come from taxes on houses, the rest from slaves and land.²³ Hamilton thought he had corrected the error of his previous federal tax through careful consideration and attention to fairness in his graduated "House Tax." Surely the people would appreciate his efforts and show more respect for this second national tax than they had for the excise of 1792. Indeed, the duty was meticulously fair in distributing the burden. Houses and lands valued at less than \$500 owed only \$.20 per \$100 of value, or 0.2 percent, while those worth over \$500 paid as much as five times that amount per \$100 of value on a graduated scale, or 1 percent.²⁴ As in 1765, however, it was not the "burden" of taxation that the German Americans protested in 1798, but the constitutionality of the levy.

Since the tax required the assessment of every dwelling, piece of real estate, and slave in the country, the Federalists' tax called for the formulation of an intricate web of bureaucracy. The law divided each state into several districts, each with its own commissioner. Each commissioner had several assessors, and, of course, each assessor had to have several of his own assistants. Not until October did the assessment teams make

²¹ John C. Miller, *Crisis in Freedom* (Boston, 1951); William Stinchcombe, *The XYZ Affair* (Westport, Conn., 1980). For the wave of defensive measures that consumed the Fifth Congress, see *Annals of Congress*, 5th Cong., 2d sess., 1235-40, 1245-47, 1252-65, 1267-71, 1313-18, 1319-73, 1375-86, 1394-1522, 1524-82, 1595-1611, 1613-1707, 1725-73, 1776-2084, 2088-2186.

²² *Annals of Congress*, 5th Cong., 2d sess., 1563-66.

²³ George Gibbs, ed., *Memoirs of the Administrations of Washington and John Adams, Edited from the Papers of Oliver Wolcott, Secretary of the Treasury* (hereafter, MAWA) (2 vols., New York, 1846), 2:65-66.

²⁴ An article in the *Oracle of Dauphin, and Harrisburg Daily Advertiser*, Dec. 12, 1798, has a table with a schedule for collection of the Direct Tax. Lee Soltow, "America's First Progressive Tax," *National Tax Journal* 30 (1977), 53-58.

their way out into the country.²⁵ The assessors for the third and fifth districts of Pennsylvania were Seth Chapman, a Quaker, and Jacob Eyerle, a Moravian. Most of the assistants they appointed were also Friends and Moravians.²⁶ With the implementation of the tax and the enforcement of the sedition laws, it appeared that the Federalists were winning their battles against their "Jacobin" adversaries both at home and abroad. But all was not well. Despite Hamilton's precautionary efforts to make the direct tax on houses palatable, it proved unpopular, especially in the third and fifth districts of Pennsylvania, where German farmers actively resisted the assessment of their property.

Although they lived outside of mainstream Anglo-America, as ordinary citizens these German Americans demonstrate how the "inarticulate" voiced their objections and affected the nation's political process by acting within, rather than against, the constitutional system. While none of the participants were people of leisure, and thus did not leave behind diaries or letters to explain their actions, pages of depositions and trial testimony provide an abundance of first-hand accounts. The nature of their actions also reveals their republican interpretation of the Constitution. To them the document was not only a license of authority given to the government by the people; more importantly, the Constitution, along with the Bill of Rights, served as a republican shield to protect their collective and individual liberty against that same authority. To their own minds, the resisters' actions embodied legitimate opposition to what they perceived as an unconstitutional tax, together with direct redress of the Federalist violation of their Sixth Amendment right to a local trial by a jury of their peers. They resisted specific laws, not the government or Constitution in general.

The Germans sought protection both from the Direct Tax Act of June 1798 and a 1797 federal law, "laying Duties on stamped Vellum, Parchment and Paper," commonly called the "Stamp Act."²⁷ Federalists levied the latter tax in the spring of 1797, following the French refusal

²⁵ *MAWA*, 2:66.

²⁶ Davis, *Fries Rebellion*, 1-13; Weinstein, "Fries Rebellion," 14-33.

²⁷ Richard Peters, ed., *The Public Statutes at Large of the United States of America* (106 vols., Boston, 1845), 1:559, "An Act to Provide for the Valuation of Lands and Dwelling Houses and the enumeration of Slaves within the United States"; and "An Act laying Duties on stamped Vellum, Parchment and Paper," 527-30.

to receive Pinckney, in an early effort to raise revenue for naval defense. Besides targeting certificates of naturalization, licenses to practice law, and insurance policies for the shipping industry, the Stamp Act specifically taxed documents essential for the transfer of property: grants, deeds, wills, and receipts for probated legacies. Like its infamous British predecessor, it required all these transactions to use a government-issued stamped parchment. To German Americans in eastern Pennsylvania, there appeared to be an ominous connection between the Stamp Act and the Direct Tax; both taxed property and thereby represented threats to liberty. The "House Tax" directly burdened their land, even their homes. It taxed that which made them independent citizens of the republic. It seemed to tax liberty itself. The Stamp Act taxed their primary method of conveying land—and thus republican citizenship—to their children. While neither law technically contradicted the Constitution nor imposed heavy or unfair burdens—and Congress, the arm of popular sovereignty, had passed them both—the Pennsylvania Germans still considered the acts unconstitutional because they seemed to undermine the republican spirit of the document. For ethnic minorities like the Pennsylvania Germans, the task of assuming an American identity was a complicated matter; Americans distinguished themselves from other nations less by ethnicity, race, or language, than by the organic idea of republicanism. In 1789 the U.S. Constitution became the physical manifestation of that abstract idea.²⁸ German Americans, therefore, viewed antirepublican laws as unconstitutional. They connected the House Tax and Stamp Act with the Alien and Sedition Laws, the Naturalization Act, and various military measures of the Fifth Congress, all of which called into question the Federalist Party's commitment to republicanism.

By the fall of 1798 this controversial legislation had raised suspicions among eastern Pennsylvania Germans, but it was the congressional elections in October that provided the impetus for action. Despite the decided majority of Germans in the northeastern Pennsylvania backcountry, the region had been long divided politically—not between Federalists and Republicans, but along ethnic and religious lines. Anglo-Americans held most local, state, and national political offices, and in Bucks County they were frequently members of old Quaker families. The Germans

²⁸ See especially Philip Gleason, "American Identity and Americanization, 1776-1815," in William Peterson, et al., *Concepts of Ethnicity* (Cambridge, Mass., 1982), 57-143.

themselves were divided between the town-dwelling, pacifistic "peace sects"—the Moravians, Mennonites, and Schenkfelders—and the rural Lutheran and German Reformed "Kirchenleute," or Church People. During the war, the pro-American Kirchenleute had scorned the pacifists as Tories. Afterward, in Northampton and the northern reaches of Bucks and Montgomery counties, the Church People resented political domination by Moravians and Quakers. Many of the most important local offices were appointive, which meant that these positions went to families with a tradition of political authority, in this region Quakers and Moravians. The Kirchenleute had fought, suffered, and died for political liberty in the Revolution and now had to watch as the pacifists reaped the benefits. But they would not watch for long; they began their struggle for control of local, state, and national offices early in the 1790s, and by the end of the decade their efforts bore fruit.²⁹

In October 1798 the congressional district encompassing Northampton, Bucks, and Montgomery counties voted to fill the vacant congressional seat left by Federalist Samuel Sitgreaves, an outspoken proponent of the Alien and Sedition Laws in Congress. Sitgreaves had left for England to fulfill his presidential appointment as commissioner to Great Britain under the auspices of the Jay Treaty. In his place, local Federalists nominated Jacob Eyerle, a Moravian from Nazareth, and John Chapman, a Bucks County Quaker. The Republican Party saw an opening. They had been battling the Federalists in Pennsylvania for five years, but despite the fact that Pennsylvanians had favored Jefferson over Adams in 1796, Federalists still controlled Pennsylvania.³⁰ In this election, the Republicans would use the religious division for political capital. Against Eyerle and Chapman, they ran two Revolutionary War heroes, Robert Brown, a Northampton Presbyterian and state senator, and German Lutheran John Peter Muhlenberg from Montgomery County.³¹ In nearby Reading, Jacob Schneider's Republican, German-language *Readinger Adler* urged readers to honor the achievements of their Revolutionary

²⁹ For the best account of the ethnic, economic, and religious divisions that drove eastern Pennsylvania politics in the 1790s, see Kenneth Keller, *Rural Politics and the Collapse of Pennsylvania Federalism* (Philadelphia, 1982).

³⁰ Harry M. Tinkcom, *The Republicans and Federalists in Pennsylvania, 1790-1801* (Harrisburg, 1950).

³¹ My account of this election is from Kenneth Keller, "Diversity and Democracy: Ethnic Politics in Southeastern Pennsylvania, 1788-1799," Ph.D. diss., Yale University, 1971.

fathers who had sacrificed their lives for liberty and to preserve this legacy and the republic by voting Republican or, more accurately, by voting for patriotic Kirchenleute. Like other Republican editors, Schneider also railed against the Federalist Party whose actions in the Fifth Congress seemed proof positive of a monarchical conspiracy against liberty. The "excise of 1798," he warned, was a Federalist scheme to dispossess the Germans of their property and reduce them to the serfdom of their grandfathers.³²

Republican politicians also stumped the region for Brown and Muhlenberg, playing on the ethnic-religious division and the popular fears of a Federalist monarchical counterrevolution. Republican assemblyman Jonas Hartzell urged the people "to put other people into the Legislature, that the laws of congress lately made were very dangerous to the liberties of the people, particularly the Stamp Act and other late laws as the Direct Tax."³³ Hartzell later complained that "the Mennonites, the Quakers, and Moravians hitherto had everything in their own hands, and directed the Government."³⁴ Republican United States congressman from Pennsylvania Blair McClenachan warned voters that the Federalists "wished to oppress the people . . . 'till they got all their lands and then they would lease it out again to the people for their life." "And," he continued, "if things were to go on the way they had begun, we should have a number of great Lords and the people should be Slaves" as "the President would make himself to be a king of the Country."³⁵ German Republicans began to satirize the Federalist administration, concocting a parody of the alien laws. The "Alliance" bill, as the story went, betrothed the president's son, John Quincy Adams, "to marry a daughter of the King of Great Britain . . . to hold the United States in Trust for the King! And it is for these purposes that an army is to be raised and *window* taxes levied."³⁶

³² *Readinger Adler*, July 3, 10, 17; Oct. 2, 9; Sept. 18, 1798.

³³ Deposition of John Jarret, given before Judge William Henry, April 10, 1799, "Insurrections in Northampton County, Pennsylvania, 1798-1800," 62, Rawle Papers, Historical Society of Pennsylvania (hereafter, Rawle Papers).

³⁴ Deposition of Andrew Schlichter, given before Judge Richard Peters, April 6, 1799, Rawle Papers, 41.

³⁵ Deposition of Henry Ohl, given before Judge William Henry, April 27, 1799, Rawle Papers, 91.

³⁶ The most common method of assessing the Direct Tax was to measure and count the windows of a house to quickly gauge its size and approximate value. The parody was reported

During the election, Bucks and Northampton counties divided into what Republicans labeled "whig" (German *Kirchenleute*) and "tory" (English and Sectarian) townships.³⁷ Charged with the republican hysteria of antimonarchism, the *Kirchenleute* "whigs" won the election and stunned the Federalists who had steadily controlled the region throughout the decade. Aside from the battle between Federalists and Republicans, the campaign of 1798 found German Americans fighting for their republican conception of liberty: for political participation not only as the voting governed but as office-holding governors as well. More ominously, the election left the region emotionally charged as the people repeatedly assured themselves that it was their duty to keep fighting the American Revolution. Less than a month after the election, Federalist assessors made their way into the region to make their valuations for the House Tax. Their timing could not have been worse.

The older citizens of Bucks, Montgomery, and Northampton counties remembered the last stamp act imposed on them in 1765, and younger ones learned from their parents and the campaign of 1798. They spliced the Stamp Act and Direct Tax together as parts of a single program and protested against them in a manner similar to their protests against the British Stamp Act. Many, including the rebellion's namesake John Fries, were Revolutionary War veterans themselves.³⁸ Thus, in the autumn of 1798, they and their families verbally accosted house tax assessors as "damned stamplers" and "Tory rascals," donned tricolored "liberty caps," and danced around "liberty poles" in open defiance.³⁹ Resistance also

by George Ball to Timothy Pickering, who related it to George Washington in a letter, Oct 27, 1798, *Pickering Papers*, 9 522, emphasis in the original

³⁷ Keller, "Diversity and Democracy," 231, *Readinger Adler*, Oct 30, 1798

³⁸ Davis, *Fries Rebellion*, 9-10 Through the depositions in the Rawle Papers, HSP, and the trial testimony in Carpenter, *Two Trials*, I compiled the names of 182 people from Northampton, Bucks, and Montgomery counties who participated in either the tax resistance, the writing of petitions, signing of associations, or the rescue. The total number of participants was assuredly much higher. Of the sample of 182, 57 (31.3%) actually fought in the Revolution two decades before. Another 36 were immediate family members of war veterans (raising the number of those connected with the war to 51%). It is likely that many of the remaining 89 were at least cousins or nephews of war veterans, Military Abstracts Card File for Revolutionary War, 1775-1783 Active Duty Militia, Miscellaneous Payments, Continental Units, Pennsylvania State Archives, microfilm, rolls 3891-3909

³⁹ Testimonies of William Henry, William Barnett, John Barnett, Christian Roths, Christian Winters, William Nichols, Philip Schlaugh, and Joseph Horsefield in Carpenter, *Two Trials*, 24-43, *Readinger Adler*, March 5, 12, 1799

entailed temporary detention of assessors and occasional dousings with hot water as the assessors measured windows.⁴⁰ One patriotic German hausfrauen splashed an assessor with the contents of a chamber pot; as repulsive as that act may have been, this was the extent of the violence through the entire affair.⁴¹ The resisters believed their actions to be legal and consistent with the Constitution. As U.S. Marshall William Nichols attested, John Fries asserted that "they could not be punished" because the laws they opposed "were unconstitutional."⁴²

Obviously, the resisters erred in their opinion of the unconstitutionality of the tax, yet they perceived the tax as a transgression upon the Constitution. No doubt the local Lutheran ministers had a hand in interpreting the Constitution for their parishioners, as they had used their pulpits for political preaching for years.⁴³ Insisting that a national tax on property should only be levied by the people at large, Rev. Jacob Eyermann appealed to the German Americans' zeal for popular sovereignty and thus further heightened fears that such taxation endangered their liberty.⁴⁴ The region's German Lutheran majority agreed with his reasoning, especially when considering the men appointed to assess and collect their taxes. In an effort to stave off ethnic tensions, the president and Treasury Secretary Wolcott appointed a rather equal mixture of Anglo and German-American Federalist assessors for the region. Jacob Eyerle, the defeated Federalist Moravian candidate for Congress, received the post of commissioner for Pennsylvania's fifth district (Northampton, Luzerne, and Wayne counties), while Seth Chapman, a Quaker relative of John Chapman, was commissioner for the third district (Bucks and Montgomery counties). They subsequently appointed fellow Federalist Moravians and Quakers as assessors and assistants to levy the House Tax. The German Lutheran patriots, remembering the pacifism pledged by Quakers and Moravians during the Revolution, tagged them as tories and traitors and by 1798 still regarded them as such.

It should not seem unreasonable, then, for the Kirchenleute to consider

⁴⁰ Testimonies of William Nichols and Jacob Eyerle in Wharton, *State Trials*, 503-6, 513-15. The *Aurora* reported the dousings on March 12, 1799.

⁴¹ *Aurora*, Oct. 27, 1800, recounts the dumping of urinals on the heads of unsuspecting assessors.

⁴² Testimony of William Nichols in Wharton, *State Trials*, 505.

⁴³ Roeber, *Palatines, Liberty, and Property*, 2-7, 243-55.

⁴⁴ Depositions of John Lehrfoss and Konraad Draesy, Feb. 1, 1799, Rawle Papers, 11.

unconstitutional a tax that seemed to resemble the British Stamp Act, a tax assessed and charged by those whom they considered Anglophiles, a tax to fund a program conceived by an administration that the local Republican press portrayed as monarchical and pro-British, and especially a tax laid upon their property—their homes—which to them formed the core of their ideological conception of their liberty. Their legal logic may have been flawed, but it was certainly not the product of ignorance, as some have charged. Instead, the experience of the Revolution had conditioned them to zealously protect their liberty, i.e., their property.

The Revolutionary experience educated even those born after the war. The testimony of William Nichols, the arresting marshal, shows how the adult children of war veterans became versed in Revolutionary rhetoric. Speaking about a leader of the tax resistance, Henry Shankwyler, Nichols reported, "He spoke a good deal about the stamp act, and the house tax . . . and he said he had fought against it, and would not submit to it now; I told him he appeared to be too young to have fought on either side during the war: he then said his father had; he then added that there were none in favour of those laws but Tories."⁴⁵ Revolutionary parents passed their struggle for liberty on to the first post-Revolutionary generation through evening stories and supper-time conversations. Children listened and learned basic lessons about politics, government, and their rights as American citizens earned for them by their parents.

As much as the Revolution, the Pennsylvania Germans used the Constitution itself to frame their active resistance to the Federalist legislation. Many of the resisters served in the local militia, and many, including Capt. John Fries, had marched west less than five years earlier with Hamilton and Washington to smash the "Whiskey Rebellion" when protest against the excise tax had turned violent.⁴⁶ These men certainly remembered this experience; they knew firsthand how the Federalists dealt with those who violently opposed federal law; they had seen the suppression of the Whiskey Rebellion with their own eyes. They were determined not to make the same mistake. At the same time, it was not

⁴⁵ Testimony of William Nichols in Wharton, *State Trials*, 503-4.

⁴⁶ Davis, *Fries Rebellion*, 10. Of the above-mentioned sample of 182 participants in the events surrounding Fries's Rebellion, 27 had marched west in 1794 as part of the expedition to quell the Whiskey Rebellion, RG-4, Records of the Office of the Comptroller General, Western Expedition Accounts, Pennsylvania State Archives, microfilm, rolls 4264, 4265.

their object to oppose the government. They opposed specific laws which to them violated the Constitution. In the days before *Marbury vs. Madison* and judicial review, when Thomas Jefferson and James Madison were suggesting that the states could test the constitutionality of federal laws, these Pennsylvania Germans logically asserted that in a government based on popular sovereignty the people ought to have that privilege as well.

They would oppose an "unconstitutional tax" by acting in accordance with the Constitution and by refraining from violence. They used their First Amendment right of assembly to organize public meetings to coordinate resistance. They again drew on the First Amendment when, during one of those meetings, they drafted and signed petitions to Congress. A petition addressed to Quaker assessor Henry Strauss read: "We let you know by these few lines that you shall cease to measure the houses until further orders, and if it must be done, we will ourselves elect a sober, fit man to do the business in our township."⁴⁷ Another such petition addressed to Congress reveals not only the petitioners' attachment to the Constitution, but the republican character of their resistance as well. "That while we are warmly attached to the Union," they affirmed, "we cannot but express our concern at several acts passed in the last two sessions of Congress: 1. The law for erecting a standing army." Here they objected to the "Provisional Army Act"⁴⁸ by assuring and reminding Congress that "we are ready at any call, to defend our country against any foreign enemy or domestic insurrection" in the form of the militia. They opposed, second, the Alien and Sedition Laws, which produced "more disunion than union." They further disputed "the inconvenience of procuring and using stamped paper," and suggested that "the name of a Stamp Act [was] odious to most Americans." And last, they objected to the Direct Tax because "[i]t is now well known, that the owners of houses in Pennsylvania will pay much more in proportion to the value of their property than the holders of uncultivated lands."⁴⁹ The tax seemed to punish those who settled on their land and improved their property—those who virtuously pursued liberty—while allowing speculators to continue their self-interested pursuits unabated and without subjection to the public interest.

⁴⁷ Deposition of Henry Strauss, Feb. 16, 1799, Rawle Papers, 15-16.

⁴⁸ Peters, *Public Statutes at Large*, 1:558-561, May 28, 1798, "An Act Authorizing the President of the United States to raise a Provisional Army."

⁴⁹ *The Oracle of Dauphin, and Harrisburg Daily Advertiser*, Jan. 23, 1799.

These petitions, which called for the repeal of all the odious legislation, or at least for the appointment of Kirchenleute tax assessors and stamp commissioners, reached Philadelphia in the last days of the Fifth Congress. In January and February 1799, Congressman Robert Brown presented petitions to Congress, signed by over 3,000 citizens of Northampton and Montgomery counties, decrying the legislation of the spring and summer of 1798 "as contrary not only to the spirit but to the letter of the Constitution."⁵⁰ The Fifth Congress would adjourn in March. Perhaps in the next Congress, the resisters hoped, their actions would effect a repeal of the destructive and unconstitutional laws. Thus they would wait and refuse to allow the assessors to value their property until they received word from the new Congress. The previous Congress had convened in March 1798, and the Fourth met in May 1797. Perhaps they did not realize that the Sixth Congress would wait until December 1799 to convene.

Through their meetings, the people of Northampton County successfully organized their resistance and prevented the assessment of their property in the fifth district. They used techniques and rituals learned in the Revolution, not only because they were familiar tools but because they conferred legitimacy on their actions. Resisters erected liberty poles throughout the region.⁵¹ In one instance a militia company "rode round the Liberty Pole" while the captain declared that he would not suffer his "house to be appraised by anybody that had been a Tory in the last War." Other spectators pronounced "that they were willing to pay a land tax if it was laid as they had petitioned Congress," that is, if their own people were the assessors.⁵² A few days before Christmas 1798, Henry Hembolt and his neighbors erected a liberty pole on his farm. Hembolt gave James Jackson some pasteboard, needle and thread, and some red, white, and blue ribbon, and instructed him to make a liberty cap. Jackson made the cap and they placed it atop the pole. They then nailed a sign about the middle which read: "The Constitution Sacred, No Gagg Laws,

⁵⁰ Jan 28 and Feb 21, 1799, *Annals of Congress*, 5th Cong., 3d Sess., 2795, 2955

⁵¹ For the use of liberty poles during the Revolution, see Peter Shaw, *American Patriots and the Rituals of the Revolution* (Cambridge, Mass., 1981), 12, 14, 180-84

⁵² Deposition of John Fogel, Jr., given before Judge William Henry, Jan 29, 1799, Rawle Papers, 10

Liberty or Death."⁵³ At another militia pole-raising on Christmas, Capt. John Jarret ordered his men to "take off their hats, ride around the pole, and huzzah for liberty, and they cursed and swore they would rather die than submit to the Stamp Act and the House Tax Law which was Slavery and Taking the Liberty Away!"⁵⁴ By reenacting the patriotic rituals of the American Revolution, the German Americans furthered their political integration by striving to protect what they perceived as their rights, not as a foreign minority but as equal citizens in an American national community.⁵⁵

Another tactic reminiscent of the Revolution was the formation of "associations," in which signers pledged to one another not to allow their homes to be valued by assessors.⁵⁶ In late November over 100 Northamptoners signed an association at Mechler's Tavern, in Plainfield Township, warning assessor James Williamson not to go about his business because the law "was unconstitutional." Again, however, the threat was far from violent. Williamson said they assured him "that if I should incur any penalty for not bearing the execution of my duty they would reimburse me."⁵⁷ In December John Shimer of Upper Milford called a township meeting at Haas's Tavern, at which he announced that "all those who would stand by him and Liberty should follow him into the Road." Nearly every one of the sixty in attendance followed. Shimer then commanded, "all those that are for Liberty shall swing their hats and huzza for Liberty." After three thunderous huzzas they marched back

⁵³ Deposition of James Jackson, given before John Curwan, justice of the peace, Oct. 23, 1799, Rawle Papers, 131.

⁵⁴ Deposition of Philip Wescoe, Rawle Papers, 99.

⁵⁵ On the integrative role of political rituals as agents in political action—not solely as mirrors of contemporary popular opinion, see Catherine M. Bell, and David I. Kertzer, *Ritual Theory, Ritual Practice* (New York, 1992); Susan G. Davis, *Parades and Power: Street Theatre in Nineteenth-Century Philadelphia* (Berkeley, 1988); David I. Kertzer, *Ritual, Politics, and Power* (New Haven, 1988); Albrecht Koschnik, "Political Conflict and Public Contest: Rituals of National Celebration in Philadelphia, 1788-1815," *PMHB* 118 (1994), 209-48; Sally Falk Moore and Barbara G. Myerhoff, eds., *Secular Ritual* (Assen, Netherlands, 1977); Sean Wilentz, ed., *Rites of Power: Symbolism, Ritual, and Politics Since the Middle Ages* (Philadelphia, 1985).

⁵⁶ On the use of such tactics in the Revolution, see David Ammerman, *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, 1974).

⁵⁷ Deposition of James Williamson, given before Judge Richard Peters, April 15, 1799, Rawle Papers, 78. For other accounts of the promise to reimburse, see depositions of Valentine Bobst, given before Michael Bobst, justice of the peace, Berks County, April 18, 1799 (p. 84), and deposition of John Jameson (p. 92).

into the tavern and swore to resist the assessment by the Moravian Christian Heckewelder.⁵⁸ In another association, formed in Weisenburg Township, over 600 men bound themselves under Jacob Lerch, "to oppose all those laws respecting the Stamp Act & Tax Law," and, in a foreshadowing of events to come, "that in case any one of them was put into confinement upon account of the opposition that they would rescue them." Lerch told the men of a rumor he had heard, that the House Tax might not be a congressional law, but "a contrivance of Jacob Eyerle" to fund Federalist monarchical schemes, and that they ought "to wait until the new Congress" before complying.⁵⁹

The Reverend Eyermann made the same supposition just days later. He told a meeting at Phillip Schupp's: "Jacob Eyerle had made the House Tax Law . . . the people should only oppose the law [not the government] . . . otherwise they would be bound and [one] tax after another would ensue, the people would have to pay tythes . . . and they would be slaves." Eyermann then pulled from his pocket a book "which he pretended contained the Constitution and laws of the country" and explained to the people that the Federalists' laws violated the Constitution.⁶⁰

Simultaneously, an unconnected resistance evolved in northern Bucks and Montgomery counties, characterized as well by organization, petitions, associations, and liberty poles. Resistance there centered around the township of Lower Milford, which bordered Upper Milford, Northampton's hotbed of resistance. Here John Fries—public auctioneer, militia captain, and veteran of the Revolutionary War and the expedition to quell the Whiskey Rebellion—led the resistance. He was assisted by Conrad Marks, tavernkeeper and fellow Revolutionary War veteran. Fries and Marks drafted an association paper entitled "LIBERTY" that was signed at a meeting in Marks's tavern. Fries swore, "we never shall submit to the law [house tax] but it shall be repealed."⁶¹ In both districts,

⁵⁸ Deposition of John Moritz, given before Judge Richard Peters, April 8, 1799, Rawle Papers, 56.

⁵⁹ Deposition of Michael Bobst, given before Judge William Henry, Jan. 28, 1799, Rawle Papers, 4.

⁶⁰ Deposition of John Lehrfoss, given before Judge William Henry, Feb. 1, 1799, Rawle Papers, 11.

⁶¹ Affirmation of Everhard Foulke, given before Judge Richard Peters, March 22, 1799, Rawle Papers, 25.

then, the resisters protested against specific laws, particularly the House Tax, and not governmental authority in general. They sought to protect their liberty on constitutional grounds in a manner they considered consistent with the Constitution, while waiting for a response from the next Congress. Was it truly a law? And if so, could it be repealed or at least amended to allow their own people, and not the "damn'd tories," to make the assessments? An answer would come before the next Congress met in the form of warrants for arrests.

Disgusted with the Northampton residents of his district, Jacob Eyerle requested Associate Judge William Henry to subpoena the resisters to resolve the situation. In their depositions, the resisters remained recalcitrant and subsequently continued their opposition to the law. The depositions then landed on the desk of U.S. District Judge Richard Peters who, in light of the persistence of the Northampton malcontents, issued warrants for arrests. Since Northampton's justice of the peace, John Schmyer, and other minor judiciary were among the resisters, Peters sent U.S. Marshall William Nichols to Northampton County on February 25. By March 6 he had arrested twenty violators. He took them to the Sun Tavern in Bethlehem, the Moravian center of the region, where they were held pending removal to Judge Peters's court in Philadelphia for trial.⁶² The local German Americans then contested the arrests, again on constitutional grounds. While Philadelphia borders Bucks and Montgomery counties, Judge Peters's court lay fifty miles away and across one broad cultural boundary from the center of resistance in Northampton. The rural Pennsylvania Germans of Bucks and Montgomery feared that Philadelphia, an Anglo-American city, could not provide their Northampton neighbors with a jury of their peers. Reacting to a violation of Sixth Amendment rights, the Bucks and Montgomery German Americans organized under the leadership of local militia commander John Fries. They met on the evening of March 6 at Jacob Fries's tavern (John's cousin) where they received news that some Northamptoners planned a march to Bethlehem. Fries, Marks, and several others resolved to gather the next morning at Marks's tavern and march to Bethlehem as a unit to secure the release of the prisoners. By consciously choosing to use the

⁶² Davis, *Fries Rebellion*, 21-22, 43, 45-46; Henderson, "Treason, Sedition, and Fries' Rebellion," 310; Levine, "Social Violence," 247-49; testimonies of William Nichols, Jacob Eyerle, and Judge Richard Peters in Wharton, *State Trials*, 502-4, 514-16, 532-35.

militia, they again tried to act within constitutional boundaries, utilizing their Second Amendment right to protect themselves against federal transgressions.⁶³

On March 7 Fries led the Bucks company toward the Sun Tavern.⁶⁴ Around noon Fries and his men reached the toll bridge that led into Bethlehem. There they met Captain Jarret's company from Northampton, and the combined force totalled 130 to 140 men. Some were on horse but most were on foot, and about half of them armed. Before crossing, they paused as Fries agreeably paid the toll for the whole group—certainly not the trademark of an unruly mob.⁶⁵ They entered the town of Bethlehem in military fashion, marching in step to the cadence of fife and drum, donning their liberty caps with “cockades of blue and white, blue and red.”⁶⁶ Upon reaching the tavern, the men deployed in single rank and surrounded the building. Taking thirty of his men, some armed, some not, Fries entered the tavern and found Marshall Nichols with a small posse that he had hurriedly assembled. Nichols anxiously requested that the riflemen wait outside; Fries agreed and disarmed himself as well. Then the negotiations began. Over and over, throughout the day, Fries offered to post bail for the Northamptoners, and stated that he had “no objection” to the prisoners’ trial, as long as “they were to be tried in their own courts and by their own people.”⁶⁷ Time after time Nichols refused, vowing to fulfill his duty. Hours elapsed and still they remained

⁶³ On the contemporary, popular perception of the Second Amendment's meaning, see Pauline Maier, “Popular Uprisings and Civil Authority in Eighteenth-Century America,” *WMQ* 27 (1970), 32-33. There was actually debate among the rescuers concerning whether or not to march in their uniforms. When John Fogel, Jr., declared that he would march but not in uniform, he was harassed by several men in his company. In his deposition, Fogel—who appears by his cooperation and apologetic tone to have been trying to cover himself against charges—explained that he was against going in uniform because it would then look “as if we wanted war.” The others argued that they had “bought the uniforms with our own money” and that it was their right to do so. Again, as in the case of the liberty poles and liberty caps, the wearing of their militia uniforms—in many cases by Revolutionary War veterans or descendants of veterans—legitimized their actions as republican and American, see deposition of John Fogel, Jr., given before Judge Richard Peters, April 13, 1799, Rawle Papers, 69.

⁶⁴ Davis, *Fries Rebellion*, 54-56, testimonies of John Barnett and William Nichols in Wharton, *State Trials*, 500, 504-6.

⁶⁵ District Attorney Sitgreaves's opening remarks in Wharton, *State Trials*, 495.

⁶⁶ Testimony of Judge William Henry in Wharton, *State Trials*, 497.

⁶⁷ Testimony of William Nichols in Wharton, *State Trials*, 505-6, Levine, “Social Violence,” 252.

at an impasse. Had Fries and his men not been concerned with the constitutionality of the laws they defied, or the action they took to defy them, they could easily have overrun the makeshift jail. They could have subdued the marshall, abused his posse, and forcibly taken the prisoners. Violence would have been the easy way to procure the release of the prisoners. Instead, the German Americans were patient, uncharacteristically patient for an eighteenth-century "mob."

By late afternoon Fries noted that the lengthy negotiation had taken its toll on the men. He finally warned Nichols that although it was not his intention to start a riot, he was unsure how much longer he could restrain his troops, especially as some Bethlehem townsfolk joined them in the street and shouted for the prisoners' release (although, from the Moravian perspective, for the sake of keeping the peace). Nichols stood fast. The militiamen's patience waned and several called out to take the prisoners by force. Caught between principle and the possibility of a riot, Fries decided to appease his men by making one last attempt to persuade Nichols by reentering the tavern with a second armed delegation. As he announced his plan to his troops, Fries begged them, "Please, for God's sake, don't fire *except* we are fired on first."⁶⁸ His apprehension mounting, Nichols released the prisoners to defuse the growing crowd and to protect the lives of his deputies. He refused to accept Fries's offer for bail and chose instead to report the prisoners stolen rather than accept an unauthorized bond. Fries understood and left the tavern with the prisoners. Within minutes all parties dispersed, the streets emptied, and the "horrible" Fries's Rebellion peacefully concluded.⁶⁹

Following the "rebellion" the participants returned to their everyday activities, confident that their actions would not merit a government reprisal. After all, they had tailored the rescue to conform with the Constitution. Fries himself actually went back to work as a vendue crier and was conducting a public auction when authorities apprehended him.⁷⁰ This display of collective self-assurance further attests the German Ameri-

⁶⁸ Testimony of William Thomas in Carpenter, *Two Trials*, 187, emphasis in the original. See Slaughter, "Interpersonal Violence in a Rural Setting," 111-15, who shows that violent acts toward local constabulary were commonplace in eighteenth-century rural Pennsylvania.

⁶⁹ Davis, *Fries Rebellion*, 25-36; testimonies of John Rodrock and Cephas Childs, assistant assessors, in Wharton, *State Trials*, 525-32.

⁷⁰ Davis, *Fries Rebellion*, 9.

cans' perception of their actions as constitutional. Actually, there was no rebellion. The resisters believed that they had acted in accord with, and in support of, the Constitution—not against it—to preserve and not undermine its laws, in order to secure the liberty that it promised. At most, they were guilty of rioting and kidnapping federal prisoners. As far as rebellions go, it hardly amounted to the “most unreasonable riot n’ rescue” that John Adams described fourteen years afterward.⁷¹

Not a single shot was fired. Still, the Federalists, especially the Hamiltonians, interpreted the rescue as “overt acts of levying war against the United States.”⁷² A number of factors produced this result. First, the Federalists believed that the French or their American sympathizers, the Republicans, had organized the insurrection. French-inspired defiance of a tax intended to fund the Quasi War only made sense.⁷³ Federalist newspapers also contributed greatly to the exaggerated notion of rebellion. Five days after the rescue, William Cobbett’s *Porcupine’s Gazette* of Philadelphia warned that “if the Provisional Army be not ratified without delay, a *civil war* or *surrender of Independence*, is not more than twelve month’s distant.”⁷⁴ The *New York Daily Advertiser* alerted its subscribers that the rebels remained at large, and that “some of them [are] now on the way to this city!”⁷⁵

The American tradition of riotous violence in response to taxation also

⁷¹ John Adams to Thomas Jefferson, June 30, 1813, in Lester J. Cappon, ed., *The Adams-Jefferson Letters* (New York, 1959), 346

⁷² McHenry to Hamilton, March 15, 1799, *PAH*, 22:539-41

⁷³ There was no direct connection between the French Revolution and Fries’s Rebellion; the German Americans of the region showed no affinity for the French or their revolution. In the testimony of Israel Roberts, in Carpenter, *Two Trials*, 113-14, he swore that he saw John Fries at a tricounty meeting held just days following President Adams’s proclamation, and heard him signify “his determination to defend the country against any invasion, if any army should invade our land, he would, at any time, lay all this aside, and turn out against them, and particularly France.” He further testified that “from all he heard and all he saw, they [the meeting] were generally disposed against the French.”

⁷⁴ *Porcupine’s Gazette*, March 12, 1799, emphasis in the original

⁷⁵ *New York Daily Advertiser*, March 23, 1799

served to heighten the Federalist perception of rebellion rather than riot.⁷⁶ Daniel Shays's and the Whiskey rebellions were only the most dramatic examples.⁷⁷ Even more frightening to Federalists, the Northampton insurrection was Pennsylvania's fourth such disturbance in thirteen years. In 1786 and 1787, Shays-like outbursts had erupted in York and Carlisle, and in 1794 the Whiskey Rebellion exploded in western Pennsylvania.⁷⁸

Further deepening Federalist suspicion of rebellion was that once again, as in York and Carlisle, the rebels were German Americans. Ethnocentric Anglo-Americans in Philadelphia had distrusted Germans since they first immigrated to Pennsylvania early in the century.⁷⁹ The state's ethnic composition and its legacy of rebellion prompted John

⁷⁶ Useful to these topics is Alfred F. Young, ed., *The American Revolution: Essays in the History of American Radicalism* (Dekalb, Ill., 1976), of particular importance are Edward Countryman, "Out of the Bounds of the Law: Northern Land Rioters in the Eighteenth Century," 37-70, Dirk Hoerder, "Boston Leaders and Boston Crowds, 1765-1776," 233-72, and M. L. M. Kay, "The North Carolina Regulation, 1766-1776: A Class Conflict," 71-124. Also crucial is Patricia U. Bonomi, *A Factious People: Politics and Society in Colonial New York* (New York, 1971), Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (Baltimore, 1981), Paul A. Gilje, *The Road to Mobocracy*, Sung Bok Kim, "Impact of Class Relations and Warfare in the American Revolution: The New York Experience," *Journal of American History* 69 (1982), 326-46, Jesse Lemisch, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America," *WMQ* 25 (1968), 371-407, Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," Gary Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, 1979), Slaughter, "Crowds in Eighteenth-Century America," and Gordon Wood, "A Note on Mobs in the American Revolution," *WMQ* 23 (1966), 635-42. For an account of Stamp Act resistance, see Edmund S. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill, 1953).

⁷⁷ Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville, 1993), Slaughter, *The Whiskey Rebellion*, David Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst, 1980).

⁷⁸ For an account of the York riot, see W. C. Carter and A. J. Glossbrenner, *History of York County* (Harrisburg, 1930), 75. For an account of the Carlisle riot, see Saul Cornell, "Aristocracy Assailed: The Ideology of Backcountry Anti-Federalism," *Journal of American History* 76 (1990), 1148-72. David Szatmary notes that Shays-like outbursts erupted in every state, *Shays' Rebellion*, 124-126. For an excellent example outside Massachusetts and Pennsylvania, see Jean Butenhoff Lee, "Maryland's Dangerous Insurrection of 1786," *Maryland Historical Magazine* 85 (1990), 329-44.

⁷⁹ Thomas J. Archdeacon, *Becoming American: An Ethnic History* (New York, 1983), 20, John Higham, *Send These to Me* (Baltimore, 1975), 19. Federalist Uriah Tracy offered a typical Anglo-Philadelphian view of backcountry Germans when he remarked on the Fries's Rebellion in a letter to Oliver Wolcott, "The Germans are both stupid, ignorant and ugly," Tracy to Wolcott, Aug. 7, 1800, *MAWA*, 2:230. Equally representative is Robert Goodloe Harper's remark to James McHenry concerning the rebels: "The people to be dealt with are ignorant, biggoted, numerous and united," *LCJM*, 433-434.

Adams to comment that "Pennsylvania is the most villainous compound of heterogeneous matter conceivable."⁸⁰

The organized nature of the resistance and its proximity to Philadelphia, then the nation's capital, reinforced the Federalist perception of insurrection. Rebuffed assessors reported such organized efforts as the township meetings for petitions and associations and the militia musters and liberty pole raisings. To them it resembled the work of the whiskey rebels and thus signalled that rebellion was either at hand or very nearby, perhaps with civil war close behind. Considering the aggregate of reasons the Federalists had to fear the Northampton insurrection, the close proximity of Bethlehem to the nation's temporary capital made Fries's Rebellion seem particularly dangerous. The disaffected region was within two days' travel.

The key to understanding how and why the Federalists made a rebellion out of a rather orderly kidnapping lay within the ideology of their own brand of republicanism, just as the German Americans' actions stemmed from their version of a republican political culture. In particular, the Federalist response depended on their definition of liberty in an ordered republic and their conception of themselves as protectors of the republic and sole guarantors of republican liberty.

Many of the Constitution's supporters in the 1780s subscribed to a Federalist style of republicanism in the debates over the issues and crises of the 1790s. First among these men were the likes of Hamilton and Washington. In the course of the development of an American identity, through the arduous shift from a monarchical to a republican political culture, these republicans retained certain monarchical ideas about governing.⁸¹ Federalists adhered to a republican ideology that stressed the necessity of individual virtue among citizens to sustain republican government, yet their pessimistic view of human nature simultaneously prevented them from believing that the mass of citizens possessed the virtue to govern themselves. Widescale democratic participation would decline into self-interested, factionalized politics that could prostrate government, lead to anarchy, and then, quite possibly, to a surrender of independence back

⁸⁰ Adams to Wolcott, April 2, 1799, *MAWA*, 2:230.

⁸¹ In *The Radicalism of the American Revolution*, Gordon S. Wood traces this transfer of political culture in America, and points out that no transfer of political culture is ever wholesale, as remnants of prior systems continually overlap with revolutionary ones.

into the hands of a European power. To cap this broadened sense of liberty and thus to protect the people from themselves, Federalists demanded order. They would hold the line on voting requirements, allowing only free men of property to elect wealthier, elite men of leisure to govern. Such men would be wealthy enough to be above corruption, leisured enough to be educated, and thus wise enough to serve as a natural aristocracy in the new republican order that would secure the blessings of liberty and independence won by the Revolution and solidified by the Constitution. The government, like its operators, would be a structure of stability for the nation and thus, ironically, demanded deference from the source of its power, the people.

While in control of the nation for twelve years, Federalist policies exuded their obsession with order. Hamilton sought to order the economy to stabilize and energize the national government in 1790 with his plans for assumption and funding of the war debt, and creating the Bank of the United States. When he and other Federalists advocated a trading relationship with the British over opening newer avenues with the French or other nations, they did so because the existing order of the British trade network allowed for a wider market for American agricultural exports, while satisfying a domestic demand for British manufactured goods. Such a course would benefit both the governing class—American plantation owners, shippers, and international merchants—and stabilize the national government by bolstering the economy, thereby creating order all around.

When, from their own ranks, an opposition party formed to counter this formula for an ordered republic, Federalists recoiled in draconian fashion, fearing that the Republicans, should they ever gain power, would destroy all that Federalism had created. Federalists particularly feared the Republican attachment to the French and their revolution, which toppled the aristocratic order in bloody fashion and seemed to threaten the moral order of America.⁸² Given the ideology of their political culture

⁸² Several books and articles support my brief characterization of Federalist ideology, not the least among them are Banner, *To the Hartford Convention*, Banning, *Jeffersonian Persuasion*, Buel, *Securing the Revolution*, Elkins and McKittrick, *The Age of Federalism*, Fischer, *The Revolution of American Conservatism*, Kerber, *Federalists in Dissent*, Drew McCoy, *The Elusive Republic Political Economy in Jeffersonian America* (New York, 1980), McDonald, *Alexander Hamilton*, Slaughter, *The Whiskey Rebellion*, Stourzh, *Alexander Hamilton and the Idea of Republican Government*

when the Quasi War erupted, it is no wonder that the Federalists sought to bind the Republicans with sedition bills and alien laws, in addition to defending against a foreign attack. Little wonder too, that they saw rebellion rather than riot, less than a year later in Northampton, when the people took politics into their own hands and tested the constitutionality of Federalist legislation. Even if it was not really a rebellion, Federalists knew that it had to be treated like one, if only to legitimize their rule, regain the respect and deference of the people, and to sustain liberty with order.

Together these factors produced a Federalist reaction to a rebellion rather than a "riot and rescue." News of the insurrection shocked John Adams. He immediately issued a proclamation demanding that the "insurgents" of Northampton, Montgomery, and Bucks counties cease their "treasonable proceedings . . . on or before Monday next, being the eighteenth day of the present month, to disperse and retire peaceably to their respective abodes."⁸³ Three days after Adams's proclamation, over 200 citizens of the three disaffected counties met at Conrad Marks's tavern to consider their response. To expedite a decision, each county appointed a committee of four members as representatives. The committeemen reached a consensus with little debate, ordering their neighbors "to desist from further opposition to the assessors and other officers in the execution of their duties."⁸⁴ This they did in complete compliance with the presidential proclamation, three full days prior to the president's deadline. Nevertheless, this act of submission failed to satisfy Adams and the Federalist Party. In fact, it mattered not how the insurgents behaved after the proclamation because, even before the president spoke, the Federalists had already decided to send troops to the tricounty area. Still fearing French involvement and seeking a quick restoration of order, Adams commanded Gen. William MacPherson to capture the rebels.

Just five days before Fries's rescue mission, on the second of March, Congress had passed the Eventual Army Act, which gave "eventual authority to the President of the United States to augment the army . . . in case war shall break out" by calling forth and combining the militia of various states.⁸⁵ On March 11 Secretary of War McHenry wrote to

⁸³ The proclamation appears in full in Wharton, *State Trials*, 458-59.

⁸⁴ Davis, *Fries Rebellion*, 67-69.

⁸⁵ Peters, *Public Statutes at Large*, 1:726, March 2, 1799, "An Act giving eventual authority to the President of the United States to augment the Army."

MacPherson and advised him that the president had signed his commission as a brigadier general of the United States Eventual Army, which would be assembled and sent to suppress Fries's Rebellion.⁸⁶ Nine days later, Adams ordered McHenry to request the assistance of the Pennsylvania militia, and preparations were well underway to begin the expedition.⁸⁷ The government had hoped that MacPherson and the volunteer Eventual Army would be ready to march by the 28th, but not until a week later, April 4, did the mission commence.⁸⁸

Exactly four weeks had elapsed since the rescue at the Sun Tavern, and not a single act of violence had followed. For two weeks before MacPherson's departure, the *Aurora*, a major Republican Philadelphia newspaper, had published numerous reports of peacefulness in the counties in question. On the very day that the citizens of the disaffected counties met and resolved to cease further resistance to the tax and to "retire peaceably to their respective abodes," the *Aurora* reported that the "insurrection of Northampton county is cooled down to an ordinary process at law, to which all the parties have voluntarily submitted."⁸⁹ Then, following the government announcement that troops would be raised to march on eastern Pennsylvania, the *Aurora* noted that "Even FRIES has declared his readiness to submit, and to take his trial, whenever summoned thereto; and yet we hear nothing but military movements!"⁹⁰ Despite the fact that it was a Republican newspaper, sympathetic to any group resisting Federalist policies, the "friends of order" were not deaf to the *Aurora's* reports.

Slowly, it occurred to them that the insurrection was not as serious as they had originally thought. Nonetheless, they believed that if it was not extinguished Fries's Rebellion could explode into civil war, and they continued in their pursuit of order.⁹¹ On March 18, Alexander Hamilton

⁸⁶ PAH, 378-88.

⁸⁷ Davis, *Fries Rebellion*, 75; *Aurora*, March 22, 1799.

⁸⁸ *Aurora*, March 22, 1799; *Porcupine's Gazette*, April 4, 1799.

⁸⁹ *Aurora*, March 15, 1799.

⁹⁰ *Aurora*, March 22, 1799, emphasis in the original. For other accounts of tranquility in Northampton, Bucks, and Montgomery counties prior to April 4, see *Aurora*, March 28, 1799 and April 1, 1799.

⁹¹ For an excellent account of the "Federalist hysteria" of 1798-1799, due to their belief in the real possibility of the outbreak of civil war throughout the nation, see Richard H. Kohn *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802* (New York, 1975), 239-255. In particular, Kohn remarks that the outbreak of Fries's

advised McHenry: "Beware, my dear sir, of magnifying a riot into an insurrection, by employing in the first instance, an inadequate force. 'Tis far better to err on the other side. Whenever the government appears in arms, it ought to appear like a Hercules and inspire respect by display of strength."⁹² Similarly, on April 2, Adams expressed his belief that, "[i]t may however, be nursed into something more formidable."⁹³ Thus, two days later, fearing a possible disaster, the Federalists sought to "inspire respect" for their authority "by display of strength" with the march of over 500 federal troops under General MacPherson.⁹⁴ In less than three weeks MacPherson returned to Philadelphia with thirty-one insurgents, while much of the armed forces remained in the tricounty region to prevent further uprisings.⁹⁵

Not a single account of further resistance to the Eventual Army or the Pennsylvania militias exists. General MacPherson's own correspondence even attests the stillness of the neighborhood.⁹⁶ Yet Hamilton and McHenry refused to drop their guard. All throughout the summer, letters between them and their field commanders contained orders for troop positionings and arguments over the size of the round-the-clock military guard needed to prevent the rescue of Fries.⁹⁷ Even more than

Rebellion "gave credence to Federalists' worries" of civil war, especially on the part of Alexander Hamilton (p. 351).

⁹² Hamilton to McHenry, March 18, 1799, *LCJM*, 433.

⁹³ Adams to Wolcott, April 2, 1799, *MAWA*, 2:230.

⁹⁴ Davis, *Fries Rebellion*, 80; *New York Daily Advertiser*, March 30, 1799. Along with the federal force, Davis notes that the U.S. government placed over 1,000 militiamen from both Pennsylvania and New Jersey on alert and stationed them in strategic locations surrounding the disaffected region.

⁹⁵ *Aurora*, April 11, 1799, reported the arrest of fifteen men on the charge of treason and sixteen charged with misdemeanors, some of whom traveled to Philadelphia and surrendered themselves.

⁹⁶ William MacPherson to Major Ford, April 2, 1799; MacPherson to Ford, April 3, 1799; William Nichols to MacPherson, April 4, 1799; MacPherson to Ford, April 6, 1799; Ford to MacPherson, April 7, 1799; MacPherson to Ford, April 13, 1799; Ford to MacPherson, April 14, 1799; MacPherson Manuscripts, Military Papers Correspondence, April 1799, Historical Society of Pennsylvania (hereafter, HSP); Jacob Eyerle to MacPherson, April 19, 1799, W. M. Hornor Collection, MacPherson Family, HSP.

⁹⁷ Hamilton to McHenry, May 25, 1799, *PAH*, 23:148; McHenry to Hamilton, May 28, 1799, 152-3; McHenry to Hamilton, June 4, 1799, 164; Hamilton to McHenry, June 6, 1799, 171; McHenry to Hamilton, June 6, 1799, 172; Hamilton to David A. Ogden, June 7, 1799, 175; Ogden to Hamilton, June 7, 1799, 176; Hamilton to Capt. John Adlum, June 8, 1799, 178; McHenry to Hamilton, July 2, 1799, 236; Adlum to Hamilton, July 22, 1799, 280; Hamilton to Adlum, Aug. 23, 1799, 343; McHenry to Hamilton, Sept. 13, 1799, 411; Richard

a preventive measure against a possible second and more violent outburst, the Federalists over-reacted to Fries's Rebellion to assert their authority and protect their conception of ordered liberty.

Despite the total lack of further resistance and the easy arrest of the rescuers, the Federalists loudly demanded that Fries and his cohorts be hanged. The call for their execution began even before their capture. On March 30, before the trial, the Federalist newspaper *Porcupine's Gazette* demanded that "the principals of the insurrection must be eradicated, or anarchy must ensue."⁹⁸ Nevertheless, the rebels received due process of law. On April 12 a grand jury indicted Fries and two of his accomplices on charges of treason and set their trial for the end of the month.⁹⁹ For his defense, Fries relied on two prominent Pennsylvania lawyers, Alexander James Dallas and William Lewis.¹⁰⁰ For nine days they vigorously argued that Fries's actions did not constitute treason, but on May 9 the jury returned a unanimous verdict that Fries was guilty as charged. Sentencing was scheduled for the following week.

Finally, Federalists could breathe easily as a traitor would hang—unlike the outcome of Pennsylvania's rebellion five years earlier. Many Federalists believed that it was due to Washington's leniency with the Whiskey Rebels that a spirit of insurrection survived in 1799.¹⁰¹ Disgusted with the Pennsylvanians and wary of future outbursts, one Hamiltonian sympathizer noted that "if some executions are not had of the most notorious offenders I shall regret the events of leniency in '94 & '99 as giving a fatal stroke to government."¹⁰² The day following Fries's conviction, Secretary of State Timothy Pickering concurred in a letter to the president:

This conviction is of the highest importance to vindicate the violated laws and support the Government . . . an example or examples of conviction and punishment of such high handed offenders are essential to ensure future obedience to the laws . . . and to suppress future insurrections. The examples appear singularly important in Pennsylvania, where treason

Peters to Timothy Pickering, Sept. 12, 1799, 411; Hamilton to Lloyd Moore, Sept. 16, 1799, 412; McHenry to Hamilton, Sept. 20, 1799, 445-46.

⁹⁸ *Porcupine's Gazette*, March 30, 1799.

⁹⁹ Henderson, "Treason, Sedition, and Fries' Rebellion," 312.

¹⁰⁰ Elsmere, "Trials of John Fries," 437.

¹⁰¹ Timothy Pickering to James Pickering, June 7, 1800, *Pickering Papers*, 13:542.

¹⁰² Uriah Tracy to James McHenry, May 6, 1799, *LCJM*, 436.

and rebellion have so repeatedly reared their heads. And as painful as is the idea of taking the life of a man, I feel a calm and solid satisfaction that an opportunity is now presented in executing the just sentences of the law, to crush that spirit, which if not overthrown and destroyed, may proceed in its career and overthrow the Government.¹⁰³

A hanged John Fries would be a symbol of Federalist order and, some thought, was necessary to sustain the Federalist idea of liberty.

But just as it appeared that the Federalists would get their example, Fries's defense counsel William Lewis pulled the rug from underneath them. On May 17 he presented evidence to Judge Iredell that one of the jurors "declared a prejudice against the prisoner after he was summoned as a juror in the trial," by declaring that Fries ought to be hanged.¹⁰⁴ Iredell reluctantly declared a mistrial that spared Fries for the time being and scheduled a new trial for the following April. Timothy Pickering was shocked: "that juror only thought and spoke as every other person did who was equally informed of the facts, without any symptom of malice."¹⁰⁵ But Pickering and the Federalists were confident that the next trial would deliver the offenders to their just demise.

The hanging of the insurgents, however, was not a forgone conclusion. On the same day that Iredell declared the mistrial, Adams wrote to Oliver Wolcott and requested that he obtain from Fries's defense attorney, William Lewis, a full written account of the insurrection.¹⁰⁶ It may seem odd that the president sought the opinion of the defense lawyer over that of the presiding judges, but Adams had good reason. He had heard a rumor that after the trial Fries had admitted to a clerk of the prison "that great men were at the bottom of this business."¹⁰⁷ Adams thus made this unorthodox request in an effort to determine if Fries's Rebellion really did have its roots in France or among the pro-French Republican opposition. Whatever his reason for obtaining Lewis's remarks, Adams would use them one year later as the basis for his decision to pardon Fries.

The loudest calls for Fries's execution came from the group of men

¹⁰³ Pickering to John Adams, May 10, 1799, *Pickering Papers*, 37:417.

¹⁰⁴ Wharton, *State Trials*, 608-9.

¹⁰⁵ Pickering to Rufus King, May 22, 1799, *Pickering Papers*, 11:140.

¹⁰⁶ Adams to Wolcott, May 17, 1799, *MAWA*, 2: 240.

¹⁰⁷ Wolcott to Adams, May 25, 1799, *ibid.*

who believed that John Adams had veered from the Federalist path and who for over a year had shifted their allegiance to Alexander Hamilton. A series of confrontations over the two previous years had created the Hamiltonian perception of a disloyal John Adams. The pardon confirmed this perception.

The faction commonly labeled the "Hamiltonian wing" of the Federalist Party was actually led by two men, Hamilton and Timothy Pickering. Hamilton's name adorns it because of the correspondence and advice he so often extended to Adams's cabinet members: Pickering, Wolcott, and McHenry. Congressmen and senators also respected his opinions on the need for taxes, a professional army, closer economic ties with Britain, and other matters. But just as often Congress listened to the pitch of Timothy Pickering.

In the summer of 1798 Adams passed over General Hamilton as second in command of the new army under the semiretired George Washington. Pickering openly and successfully campaigned for Hamilton, enlisting pressure from Washington himself.¹⁰⁸ Adams later complained that Pickering had "crammed Hamilton down my throat."¹⁰⁹ In December Adams further dismayed the Hamiltonians by announcing his decision to send yet another peace envoy to France.¹¹⁰ Not only was Adams's concession "at the expense of [national] honor," as Hamilton lamented, but as Pickering also bemoaned, "not one officer about him had any knowledge of his design."¹¹¹ Nonetheless, Adams persisted and, to the dismay of the Hamiltonians, dispatched the mission to France in the autumn of 1799, despite intervening troubles and persisting cabinet pleas to delay it.

Then, in early May 1800, came the most serious of the president's moves against the Hamiltonians to date. Within a week he compelled the resignation of Secretary of War James McHenry and fired Timothy Pickering.¹¹² Hamiltonian Federalists were stunned. Even Charles C.

¹⁰⁸ McDonald, *Alexander Hamilton*, 340, 341.

¹⁰⁹ Pickering to Charles Pinckney, May 25, 1800, *Pickering Papers*, 13:520.

¹¹⁰ McDonald, *Alexander Hamilton*, 342.

¹¹¹ "Letter from Alexander Hamilton, Concerning the Public Conduct and Character of John Adams, esq. President of the United States," *PAH*, 25:169-234; Pickering to George Cabot, May 25, 1800, *Pickering Papers*, 13:520.

¹¹² James McHenry to John McHenry, May 20, 1800, *MWA*, 2:346-348; Adams to Pickering, *Pickering Papers*, 13:498, 500a.

Pinckney, Adams's friend and running mate in the upcoming election, expressed astonishment in a letter of condolence to Pickering.¹¹³ But slowly the president's action in this case and in that of the mission to France began to make sense to his intraparty opponents. Both actions appeared to be attempts to appease the Republican Party. Hamilton wrote to Pickering on May 15:

I perceive that you as well as Mr. McHenry are quitting the Administration. . . . Allow me to suggest, that you ought to take with you copies and extracts of all such documents as will enable you to *explain* both *Jefferson* and *Adams*. . . . The time is coming when men of real integrity must unite against all conspiracies.¹¹⁴

After almost two years of discord and despite suspicions of conspiracy, the Hamiltonians had not yet relinquished their support for Adams's reelection. This all changed, however, with the signing of a presidential pardon.

In the last days of April 1800 the second trial of Fries and his accomplices, John Gettman and Frederick Hainey, commenced. Again, the U.S. district attorney, William Rawle, charged the three with treason, and for a second time the jury found all three guilty. Judge Samuel Chase sentenced them to hang on May 23, 1800.¹¹⁵ Finally, it appeared that the sentence would be carried out, the insurgents executed, and an example at long last made.

By this time, however, President Adams was entertaining second thoughts about the sentence. He had read the opinion and description of the rebellion offered by Fries's defense attorney a year earlier and decided that Fries and his men were guilty only of inciting a riot and kidnapping federal prisoners. They were not French-directed traitors deserving of the rope. They were merely "miserable Germans," he concluded, "as ignorant of our language as they were of our laws."¹¹⁶ When Adams consulted his cabinet about a pardon, they unanimously agreed that at least Fries should hang.¹¹⁷ Nevertheless, it was on the twenty-

¹¹³ Pinckney to Pickering, May 25, 1800, *Pickering Papers*, 13:520.

¹¹⁴ Hamilton to Pickering, May 15, 1800, *ibid.*, 26:118, emphasis in the original.

¹¹⁵ Elsmere, "Trials of John Fries," 442.

¹¹⁶ *Ibid.*

¹¹⁷ Timothy Pickering to James Pickering, June 7, 1800, *Pickering Papers*, 13:542.

first, as “[p]reparations were making for the execution . . . When Lo!,” Pickering angrily exclaimed, “the pardon was issued.”¹¹⁸

News of the pardon first astonished and then outraged Timothy Pickering. Suddenly, the president’s behavior of the last two years made sense. As Hamilton had suspected just a week prior to the pardon, there was a conspiracy, or as Pickering wrote to Benjamin Goodhue, “*there was a coalition*,” in which Adams was attempting “to secure the office of the Vice-President under Jefferson.” “You well know Mr. Adams anxiety to be in office,” he continued, “and that he in your last conversation with him, complained that after forty years of public service, he must return to Quincy and follow the plough,” as he believed Jefferson’s election inevitable.¹¹⁹ Indeed, “After . . . the pardons of Fries, Gettman and Hainey,” Pickering exclaimed, “I can believe Mr. Adams capable of anything to promote his personal views.”¹²⁰ And it was this “*new system of politics*—the *coalition*,” the ex-secretary charged, which “can alone account for the astonishing act . . . of *grace* to the Jacobins.”¹²¹

Hamilton and his “High Federalist” devotees—Pickering, Wolcott, McHenry, Robert Goodloe Harper, Uriah Tracy, and the like—strictly adhered to the Federalist brand of republicanism that could not conceive of liberty without order. Adams, it seemed, threatened to destroy that order by defecting to the Jeffersonian cause; hence the call to abandon the Adams ship. Pickering himself bailed out as early as May 28 when he wrote that “the cause of federalism (which we consider to be the cause of our country) will be as little or as less in jeopardy under Mr. Jefferson than under Mr. Adams. But we shall all strive to place General Pinckney in the chair.”¹²² Next went McHenry, on June 16, when he informed George Cabot that he certainly would not support Adams equally on a ticket with Pinckney because “it is clear to my mind that we shall never find ourselves in the straight road of Federalism while Mr. Adams is President.”¹²³

¹¹⁸ Ibid.

¹¹⁹ Pickering to Benjamin Goodhue, May 26, 1800, *Pickering Papers*, 13:526, emphasis in the original.

¹²⁰ Pickering to Samuel Gardener, June 21, 1800, *ibid.*, 13:551.

¹²¹ Timothy Pickering to James Pickering, June 7, 1800, *ibid.*, 13:542, emphasis in the original.

¹²² Pickering to David Humphreys, May 28, 1800, *ibid.*, 11:166.

¹²³ McHenry to Cabot, June 16, 1800, *MAWA*, 2:371.

The schism became a chasm on July 1 when Hamilton began composing his "Letter from Alexander Hamilton, Concerning the Public Conduct and Character of John Adams, Esq. President of the United States."¹²⁴ Hamilton designed the letter to vindicate his character as a patriot and to destroy the president's campaign for reelection. Intended for circulation among a few influential Federalists in the twilight of the campaign, the letter sought to persuade them to support Pinckney for president. Hamilton wanted Adams out of office. Like Pickering, he realized that Pinckney's chances were slim and that Jefferson would likely be elected. But, "[u]nder Adams as under Jefferson the government will sink," Hamilton theorized, and "[t]he party in the hands of whose chief it shall sink will sink with it and the advantage will be on the side of his adversaries."¹²⁵ When it came time to rebuild the Federalist boat, Hamilton clearly wanted to be in charge of the shipyard.

While Hamilton's letter was still in press, Aaron Burr obtained a copy and released it to the *Aurora*, which published extracts on October 25.¹²⁶ In order to avoid misrepresentation by newspaper editors quoting him out of context, Hamilton decided to release the entire letter as a pamphlet for public sale. As Hamilton hoped, the letter damaged Adams's bid for reelection, but it simultaneously ruined his own career and divided the party. Appropriately, the *Aurora* advertised the sale of Hamilton's pamphlet as "The Last Speech and Dying Words of Alexander Hamilton," as it effectively alienated him from most of the Federalist Party who still supported the president.¹²⁷ Unfortunately for Hamilton, his career was not all he would lose at the hands of Aaron Burr.

The "Letter" is also significant in that it clarifies the Hamiltonian reasons for withdrawal of support from John Adams. Hamilton emphasized Adams's decision to send a peace envoy to France without consulting his cabinet, the dispatch of that mission in the "dangerous" autumn of 1799 "without a ratification of assurance by the New Directory," and "the dismissal of the two Secretaries, PICKERING and M'HENRY," without "any new or recent cause for their dismissal."¹²⁸ But this was

¹²⁴ Hamilton to McHenry, July 1, 1800, *ibid.*, 376.

¹²⁵ Hamilton to Theodore Sedgwick, May 10, 1800, *PAH*, 25:173.

¹²⁶ Syrett provides a history of the "Letter" in *PAH*, 25:173-74.

¹²⁷ *Aurora*, Oct. 31, 1800.

¹²⁸ "A Letter for Alexander Hamilton," Oct. 24, 1800, *PAH*, 25:211, 214, 216, 221-22, emphasis in the original.

not all; there remained one further and even more perplexing presidential action that drew Hamiltonian contempt.

"The last material occurrence in the administration of Mr. Adams of which I shall take notice, is the pardon of *Fries*," Hamilton charged.¹²⁹ This, he wrote, was "the most inexplicable part of Mr. Adams' conduct."¹³⁰ The pardoning of the Fries insurgents, who—by resisting Hamilton's own House Tax—had threatened the existence of the republic by raising the specter of civil war, proved to Hamiltonians that John Adams was a danger to the nation. Hamilton concluded his criticism of Adams with this remark concerning the pardon:

It shows him so much at variance with himself, as well as with sound policy, that we are driven to seek a solution for it in some system of concession to his political enemies; a system the most fatal for himself, and for the cause of *public order*, of any that he could possibly devise. It is by temporisings like these, that men at the head of affairs, *lose the respect* of both friends and foes—it is by temporisings like these, that in times of fermentation and commotion, Governments are prostrated, which might easily have been upheld by an *erect and imposing attitude*.¹³¹

For Hamilton and Pickering, the pardon of Fries and his insurgents was indeed the last straw. Wolcott and McHenry could hardly disagree; they followed their Federalist allies and deserted Adams. Thus, with the defection of the four men who had constituted the heart of the Federalist Party just a few years before, and with the recent death of Washington, only a skeleton of the party remained. Coupled with Jeffersonian popularity, the Federalist Party's diminished influence all but assured their defeat in November.

Although the execution of John Fries surely would not have salvaged the election for the divided Federalists, it might have fused them enough to survive the election and reorganize, possibly under Alexander Hamilton, their strongest leader. Instead, the Hamiltonians broke from the party following the pardon in the summer of 1800, Hamilton wrote his "Letter," and the Federalists never again held the executive office. The

¹²⁹ Ibid., 25:225, emphasis in the original.

¹³⁰ Ibid., 25:227.

¹³¹ Ibid., emphasis is mine.

German Americans' defense of their constitutional rights through "Fries's Rebellion" and the pardon of John Fries—the last and "most inexplicable" of the president's deviations "from the road of Federalism"—played a vitally important role in the fissure between Hamiltonians and Adamsites and the breakup of the Federalist Party in 1800.

More important, Fries's Rebellion reveals the attitudes of ordinary citizens about their role in republican politics. The participants in "Fries's Rebellion" are instructive of the process of political education unleashed by the American Revolution. These Pennsylvania Germans, ordinary Americans who historians commonly label "the inarticulate," were in fact politically literate and vocal. And while some may have been "ignorant of our language," as Adams suggested, they were not so ignorant "of our laws."¹³² They perceived themselves as American citizens, constitutionally entitled to protect the liberty secured by the Revolution, not solely for themselves as Germans but for all citizens of the republic. The republican ideology that forged the Revolution and which the governing elite used to create the Constitution stressed the virtue of the average citizen and the necessity of political engagement on the part of common men, teaching the American electorate that regardless of class or culture they were political equals.¹³³ Fries's Rebellion reveals how well the German Americans learned these lessons and, to the Federalists' surprise and chagrin, how well they had taught their pupils.

University of Kentucky

PAUL DOUGLAS NEWMAN

¹³² Elsmere, "Trials of John Fries," 442.

¹³³ For the radical nature of the American Revolution and its unintended democratizing, transforming effects on American society, see Wood, *Radicalism of the American Revolution*.

