HIST 135J: Hamilton and Jefferson
Professor Joanne Freeman

By submitting this essay, I attest that it is my own work, completed in accordance with University regulations. —Jacob Anbinder

"In the Fold of America": Immigration Politics in the Alien and Sedition Era

by Jacob Anbinder

Sunday, the ninth of February, 1799, was one of those miserably slushy days in the nation's capital, and as if the weather weren't hassle enough, John Connor was also late for church. It had rained the day before, melting most of the snowbanks that had accumulated in Philadelphia, but as Connor made his way through the streets of Society Hill, he wasn't sure if the puddles that had replaced them presented a real improvement. In time he reached the brick frontage of St. Mary's, the second-oldest Catholic church in Philadelphia but one that many well-known protestants had frequented over the years, among them George Washington and other members of the Continental Congress.[1]

Today, though, Connor noticed something a bit amiss: a poster tacked to the wall of the church beside the door. "Natives of *Ireland*, who worship at this Church," it read, "are requested to remain in the yard after divine service, until they have affixed their signatures, to a memorial for the *repeal* of the *ALIEN BILL*." There was no signature, but it was well-known whose work it was: a group of recently immigrated Irishmen led by Dr. James Reynolds, rumored to have fled conviction for having fomented the ongoing revolution against the British in Ireland.[2]

Inside the church, the reverend was already aware of the bill, and had asked one James Gallagher, a parishioner of his, to tear it down and confront its authors. He did just that, and after

[1] John Adams to Abigail Adams, 9 February 1799: "We had a great Rain last night, which has carried off all the snow, except the deep banks." In "Adams Family Papers: An Electronic Archive" at masshist.org. Accessed 2 November 2012.

[2] Maurice Bric, "The United Irishmen: International Republicanism and the Definition of the Polity in the United States of America, 1791-1800," *Proceedings of the Royal Irish Academy* vol. 104C, no. 4 (2004): 19.

dismissal walked outside to find Reynolds and his colleagues standing beside the church, asking those exiting mass for their support. Gallagher heard one of the men call him "an impertinent scoundrel" for tearing down their notice. "No *Jacobin* paper has a right to a place on the walls of that church," Gallagher brashly replied. Some supporters began to gather behind him. "Turn him out!" one of them cried, referring to Reynolds. No one could agree on precisely what happened next, but soon after, Reynolds drew a pistol. "A great commotion took place at this moment," Connor later testified in court. "The cry was by several that he had a pistol in his hand…there was such a concourse of people I was shoved away." There was little agreement later on whether Reynolds had pointed his gun at the crowd or into the air, but in any case Gallagher stood his ground. "I struck at [Reynolds]," he said. "He wheeled…[and] I kicked him twice or three times while he was down." A brawl ensued, and soon Reynolds and his group were in police custody, charged with inciting a riot.[3]

Eleven days later, the men went before a jury at the State House, but from the outset it was clear that the trial would be about much more than a scuffle in a churchyard. Already, the city's newspapers had pounced. Reynolds and the others were "openly and declaredly …assaulted, and abused," declared the *Philadelphia Aurora*, a Republican journal. To the Federalist *Gazette of the United States*, though, the fight was not the real issue at stake. The poster, its editors wrote, was "impudent, seditious, and inflammatory." Reynolds and his colleagues "pass censures on *our* government, *our* laws, *our* principles, and *our* general conduct." "If the authors of this petition are Irishmen," it concluded, "*they have no voice here*."[4]

Partisanship even crept into the trial itself. "You have heard [the defendants] called Jacobins!" said Alexander James Dallas, attorney for the defendants. "What!...When we have

[3] William Duane. "A Report of the Extraordinary Transactions Which Took Place at Philadelphia." (Philadelphia: "Printed at the office of the *Aurora*), 1799.
[4] *Gazette of the United States*, 12 February 1799; *Aurora Daily Advertiser*, 12 February 1799.

passed laws which deprive such men of the rights of freemen, only because they have not lived one year longer among us, must an additional cruelty be added to their injury, of denying them the right to remonstrate?" For good measure, he added a crack at the current administration: "By kicking Doctor Reynolds three times while down, [Gallagher] became qualified to *carry dispatches to France, or to go on an embassy to the savages*."[5] Nor could prosecutor Joseph Hopkinson resist an ethnic joke in his closing statement. Of the Irish, he said, "If they choose to keep a tavern in their churches, we are not bound to suffer or to sanction it." Then, he turned serious. "Aliens have no right whatever to petition, or to interfere in any respect with the government of this country," he said. "If aliens do not like the laws of this country, God knows there are ways and wishes enough for them to go back again."[6]

Hopkinson's nativism did not find favor with the cosmopolitan Philadelphia jury, which quickly and anticlimactically acquitted the men on all charges. But though his prosecution may have been unsuccessful, Hopkinson's rhetoric represented a strain of nativism that had only recently become a theme in American politics "I will say that the greatest evils this country has ever endured, have arisen from the ready admission of foreigners to a participation in the government," Hopkinson told the jury. "Had the Americans been left to themselves, we should not this day have been divided and rent into parties."[7]

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How had America come to this? How, in the course of less than a decade, had the nation gone from President Washington calling on immigrants to "intermix with our people" to a country where some newspapers were calling for their deportation for petitioning the

[5] Duane, "Extraordinary Transactions."
[6] Ibid.
[7] Ibid.

government?[8] To a degree, the change in heart was the product of a decade in which diplomacy, politics, and the continuing uncertainty of America's place in the world caused native-born Americans to turn against their foreign neighbors—even those who had come to their shores with the intention of becoming American. But this change was by no means total. As the *Aurora* editorial demonstrates, half of the country still stood in solidarity with the "aliens." As with so many issues in the late 1790s, immigration was being drawn into the morass of bitter partisanship.

Still, there exists a crucial difference between the other issues on which there emerged diametric opposition between Federalists and Republicans and the particular transformation that the issue of immigration underwent. Unlike other debates, immigration *explicitly* dealt with many of the foundational values of the United States—ideals of tolerance, equality, and freedom of expression enshrined in the Declaration of Independence. The late 1790s saw the Federalist Party use its legislative power to abandon these values for the cause of political entrenchment. Their vehicle was the very laws Reynolds and his men had petitioned against on that wet February day: the Alien and Sedition Acts, comprising four separate bills on naturalization, the deportation of alien residents, and the publication of literature critical of the government.

The highly controversial nature of the Alien and Sedition Acts has secured their place in American history. Even today, they remain symbolic of the perils inherent in partisan power—the product of "a dramatic struggle in which the white-hot issue of individual rights was hammered out on the anvil of American political experience," to quote the historian James Morton Smith.[9] Smith's book *Freedom's Fetters* remains the most complete analysis of the

[8] George Washington to John Adams, 15 November 1794, at masshist.org. Accessed 2 November 2012.
[9] James Morton Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties*, (Ithaca: Cornell University Press, 1956), ix.

legislation, and it is typically the only major work on the topic cited in academic literature.[10] And though Smith does not hesitate to discuss the bills as they pertained to immigrants—particularly in his small chapter on the Naturalization Act—his book is very much a product of the McCarthy Era in that it mainly focuses on the bills' effect on the First Amendment liberties of those who were already American citizens.

It is here that Smith's analysis falls short: not on facts but on emphasis. This is not to say the old Bill of Rights-based perspective has no merit. Rather, given the substantial amount of scholarship on immigration that historians have produced in the half-century since *Freedom's Fetters*, we begin to see the bills as *fundamentally* targeted at America's burgeoning immigrant communities.[11] Doing so not only provides a deeper understanding of the intent behind and reaction to the legislation, it also demonstrates how deeply Federalists and Republicans believed their political futures were on the line during this tumultuous decade in American history. With a few extreme exceptions, it was not that Federalist politicians and the Federalist press set out with the goal of eliminating immigrants from American society. Rather, the Alien and Sedition Acts were the culminating point of a decade in which nativism emerged as a by-product of the nation's pivot toward partisanship—and the future of America's policy toward immigrants was made to hang in the balance.

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[10] See Manning J. Dauer, *The Adams Federalists* (Baltimore: The Johns Hopkins Press, 1953); John C. Miller, *The Federalist Era: 1789-1801* (New York: Harper & Brothers, 1960); Stanley Elkins and Eric McKitrick, *The Age of Federalism: The Early American Republic, 1788-1800* (Oxford: Oxford University Press, 1995), the latter of which also mentions Miller's *A Crisis in Freedom* but notes Smith's book to be far superior.

[11] Notably (but perhaps unsurprisingly), it is scholars of early Irish-American history who have taken the lead in this approach, though usually with just a sentence or two about the acts. See Kerby A. Miller et al., *Irish Immigrants in the Land of Canaan: Letters and Memoirs from Colonial and Revolutionary America, 1675-1815*, (Oxford: Oxford University Press, 2003), 587.

To understand the degree to which the partisanship surrounding the Alien and Sedition Acts represented a transformation of immigration's role in the nation's political discourse, one must first understand just how non-partisan the country's earliest immigration debates were. March 1790 saw Congress pass the county's first naturalization bill, which stipulated a two-year residency and confirmation of the immigrant's "good character" for citizenship. The debate over the measure was amicable, revolving mostly around the minutiae of the act.[12] In fact, many of the arguments for tightening the wording of the law came from congressmen who would later comprise the pro-immigrant Republicans. "Aliens might acquire the right of citizenship, and return to the country from which they came, and evade the laws intended to encourage the commerce and industry of the real citizens," warned James Madison on the House floor, echoing a position that his Federalist arch-rivals would take nine years later.[13] Nonetheless, the law passed without controversy.[14]

Five years later, Congress reconvened to consider a new naturalization law, one that mandated a more restrictive two-step application process and a new waiting period of five years. Again, the principles of the bill were uncontroversial. And again, many of the arguments that it should be *less* restrictive came from future Federalists, such as Jonathan Dayton of New Jersey, who voiced his concern that the new requirement to have witnesses attest to the applicant's moral character would be an undue burden on poorer immigrants.[15] Nor did the press take much notice of the naturalization debate—beyond the perfunctory descriptions of it in the national gazettes, there was virtually no notice paid to the act at all.

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[12] Edward C. Carter, II, "A 'Wild Irishman under Every Federalist's Bed: Naturalization in Philadelphia, 1789-1806," *Proceedings of the American Philosophical Society* vol. 133, no. 2 (1989): 19.
[13] *Annals of Congress* 1790, 1150.
[14] Smith, 22.
[15] *Annals* 1794, 1024.

This lack of attention was not for lack of immigrants to naturalize. By the mid-1790s, there were already at least four naturalized citizens serving in Congress, the majority of whom—as with non-English immigrants in this era in general—were Irish.[16] Historians have estimated that on the eve of the Revolutionary War perhaps 300,000 people of Irish birth or ancestry, mostly Scots-Irish Protestants, were already living in the United States. Over the course of the eighteenth century, these Irish had settled as far north as New Hampshire and as far south as Georgia, with the largest concentration probably in Pennsylvania.[17] Many were quite poor—indentured servitude was a popular way to finance one's passage—and more likely to remain transient than other groups of immigrants, a characteristic that would later fuel the perception that Irishmen were not committed to staying in America and becoming American.[18] Thousands continued to immigrate every year after independence—about 3,000 per year arrived in Philadelphia alone—as poverty, disease, and an increasingly unstable political landscape in Ireland became more influential pushes for the Irish to emigrate.[19] Upon arrival, they found an American government welcoming them with open arms. Treasury Secretary Alexander Hamilton, for one, went to great lengths to profess his desire for open borders, calling immigrants "an important resource, not only for extending the population, [but] with it the useful and productive labor of the country" in his *Report on Manufactures*. "There are…valuable workmen, in every branch," he wrote, "who are prevented from emigrating solely by the want of means."[20] President Washington himself was no less inviting. As president he told the

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[16] Maurice Bric, "The Irish Immigrant and the Broadening of the Polity in Philadelphia, 1790-1800," in *Empire and Nation: The American Revolution in the Atlantic World*, eds. Eliga H. Gould and Peter S. Onuf (Baltimore: The Johns Hopkins University Press, 2005), 165.

[17] Miller et al.,145.

[18] Kevin Kenny, *The American Irish: A History* (New York: Longman, 2000), 32.

[19] Miller, 59.

[20] Alexander Hamilton, "Report on Manufactures" in *Alexander Hamilton: Writings*, ed. Joanne B. Freeman (New York: Library of America, 2001), 662.

Philadelphia Emigration Society that he took "particular pleasure" in making America a "grateful residence to persons emigrating from foreign Countries," and in a letter to Joseph Mandrillon expressed dismay that foreign gossip about the Whiskey Rebellion "seem principally designed to deter People from migrating to America."[21]

In fact, it was Washington's handling of the Whiskey Bill and the subsequent rebellion that helped effect a more partisan discourse on immigration issues. This is not to say that Americans began to feel particularly strongly about immigrants per se, even though the act was widely seen as disproportionately affecting the Scots-Irish communities of frontier Pennsylvania.[22] Rather, Federalists feared what they saw as mob rule in western Pennsylvania, and the fact that the "mob" was mostly Scots-Irish gave them a new channel through which to voice their opposition to what they perceived as excessive democracy. Conversely, the immigrant rebels suppressed by Washington's forces became somewhat of a cause célèbre for those already opposed to the administration's tactics. The Hartford *Federal Gazette*, for example—later to become the ultra-Republican *Philadelphia Gazette*—called the issue a matter of "an Irishman's morality." "It…is really hoped, that Congress at their next session, will have a little regard to the morals of the back Pennsylvanians," it stated, "if, as they say, their morals are really in danger from the advanced price of rum and whiskey."[23]

The national press's focus on the immigrant aspect of the rebellion increased as the conflict wore on. On 2 September 1794, the *New-Hampshire Gazette* published an alarmist letter from Fort Pitt that summed up the stakes in the media, if not in reality. "We are all in confusion

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[21] George Washington to the Philadelphia Emigration Society, 22 February 1796, in "The writings of George Washington from the original manuscript sources," Electronic Text Center, University of Virginia Library, at virginia.edu (accessed 2 November 2012); GW to Joseph Mandrillon, 29 August 1788, in "The Papers of George Washington: Digital Edition" ed. Edward G. Lengel, at rotunda.upress.virginia.edu (accessed 2 November 2012).
[22] Miller et al., 137.
[23] *Federal Gazette,* 3 September 1791.

at present," it read. "The wild Irish have assumed the reins, and have threatened to shoot every man who may not choose to oppose the old, in hopes to establish a new government. *Brackenridge, Gallatin* and *Smilie* are spoken of for chiefs, and it is reported that Gen. *Simcoe* is to supply arms and ammunition."[24] Hugh Brackenridge, Albert Gallatin, and John Smilie were three immigrant congressmen of the day, and John Simcoe was commander of the British army in Canada, thus alluding to a multilateral conspiracy against the United States.[25] Similarly incendiary rumors existed on the anti-administration side: In a memoir of the rebellion published in 1796, Irish-born congressman William Findley attacked Hamilton, accusing him of using his office to shape the outcome of the rebels' trials and prevent Congress from providing reparations to Pennsylvanians.[26]

In reality, none of these claims were true. The three aforementioned congressmen were actually moderates tasked with negotiating a settlement, the British military never provided any active assistance to the insurgents, and historians have been unable to find any evidence of wrongdoing on Hamilton's part.[27] The claims were hardly the first instance of fallacious accusations in the American press, yet the *Gazette* letter and Findley's book show how the Whiskey Rebellion provided the first opportunity for the country to apply its growing partisanship to the topic of immigrants well before the Alien and Sedition Acts came to the fore. The *Gazette*, moreover, is evidence of a rhetorical practice that would remain stubbornly prevalent well into the years of the Alien and Sedition Acts: inciting xenophobia by implying that immigrants were complicit in a plot led by America's enemies to overthrow the government.

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[24] *New-Hampshire Gazette,* 2 September 1794.
[25] "Simcoe, John Graves," in "The Dictionary of Canadian Biography Online" eds. University of Toronto and Université Laval, at biographi.ca (accessed 2 November 2012).
[26] William Findley, "History of the Insurrection in the Four Western Counties of Pennsylvania." 292-305.
[27] Nicholas Dungan, *Gallatin: America's Swiss Founding Father* (New York: New York University Press, 2010), 58-59; Forrest McDonald, *Alexander Hamilton: A Biography* (New York: W.W. Norton, 1979), 431.

The next time such an accusation was made, however, it would be the government itself pointing the finger.

Thereafter, the partisan divide over the issue of immigration increased year by year, just as it did in most other aspects of the republic's political discourse. To Federalists, at least, this was part of the problem. Immigration mattered, and immigrants were uniquely poised to make an impact at the ballot box as they began to craft a political identity for themselves. A glance at the returns from the presidential elections of the era shows the degree to which naturalized citizens tacked toward the new Republican Party. Anti-Federalist electors won less than a quarter of the 1792 vote in Pennsylvania, the state with the most immigrants and one of the few with a direct popular vote for President. Four years later, Election Day saw the anti-administration Republicans eke out a one-point victory there.[28] The margins were greater still in the urban precincts of Philadelphia County that teemed with Irish-Americans. In Southwark, one such district, Jefferson received 91 percent of the vote.[29]

The immigrant communities' swing to the Republicans paralleled the rise of a more acerbic Federalist press when it came to the issue of immigration. "Are you patriots because you have nothing American about you?" asked the *Gazette of the United States* with the utmost sarcasm. "Because most of you are aliens by birth, enemies to America in principle."[30] The presidential endorsement of the *Aurora General Advertiser* provided a succinct rebuke. "Time has evinced to us the politics of our [current] government," it read. "It cannot possibly have

[28] "Pennsylvania Presidential Election Returns 1796," ed. Harold Cox (Wilkes University), at wilkes.edu (accessed 2 November 2012).
[29] Carter, 332.
[30] *Gazette of the United States*, 28 March 1796.

escaped our notice, who are our true friends…and it will be recollected that a JEFFERSON has invariably been our warmest friend."[31]

Amid the press's prattle, though, it was clear that the evermore-partisan political environment and the ongoing immigration trends were resulting in immigrant Republicans wielding increased influence at the ballot box. In several instances, this new power came in the form of immigrant candidates. Elections from 1794 to 1798 saw a significant number of recently naturalized citizens win election to Congress, from Blair McClenachan, who had helped organize protests against the Jay Treaty and seized the Pennsylvania seat belonging to the first Speaker of the House, to the Vermonter Matthew Lyon, whose altercations with Federalists would make him one of the more infamous congressmen of the period.[32] Of course, just because these men had been elected to the legislature was no guarantee they would be treated with honor upon arrival at Congress Hall. Lyon was singled out for particular mockery at the hands of *Porcupine's Gazette*, his ethnicity always the main object of derision. "This singular animal is said to have been caught on the bog of Hibernia," wrote editor William Cobbett, himself an English immigrant but by this point a thoroughbred nativist. "[He] has never been detected in having attacked a *man*, but report says he will eat women."[33] Nor was the world of poetry immune from ethnic parodies of Lyon. So went one: "I'm rugged Mat, the Democrat, / Berate me as you please Sir, / True Paddy whack ne'er turned his back, / Or bowed his head to Caesar."[34]

Some Federalist opposition tactics were less lighthearted, such as those employed in the 1797 election for Philadelphia's district in the Pennsylvania state senate. The race pitted

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[31] *Aurora General Advertiser*, 13 August 1796.
[32] Bric in Gould and Onuf, 165.
[33] *Porcupine's Gazette*, 6 June 1797.
[34] Aleine Austin, *Matthew Lyon: "New Man" of the Democratic Revolution, 1749-1822* (University Park: The Pennsylvania State University Press, 1981), 92.

Benjamin Morgan, a Federalist, against a Republican named Israel Israel, a well-respected innkeeper in Philadelphia's working-class community.[35] On Election Day in October, Israel prevailed, with 60-point margins in his favor in the working-class suburbs of Southwark and Northern Liberties offsetting Morgan's advantage in the central precincts.[36] "Proofs of the flourishing state of republicanism!!" reported the New York *Spectator* with glee. A victory for "Jews over the Gentiles," Cobbett fumed. [37] Sensing a possibly embarrassing defeat, the Federalists pounced, insisting that aliens had actually cast many of the ballots from Irish precincts like Northern Liberties. Furthermore, one newspaper wrote, Israel's Irish supporters had been unduly influenced by the lure of a network of "taverns…kept open for a week previous to the election."[38]

A state investigation took three months, and in February 1798 ruled in the Federalists' favor, invalidating the election and setting a re-election date later that month. It was then that the Federalist media blitz of ethnic fear-mongering began. This time, cried the *Gazette of the United States*, they would make the naturalized "take out their certificates" and ensure they had paid all their taxes.[39] "I seize this earliest opportunity of observing to the people of *property* and of *good intentions*, particularly the Quakers in Philadelphia county," wrote Cobbett in *Porcupine's Gazette,* "that unless they turn out and clap their shoulders to the wheel, I most sincerely wish they may next be represented by a Chimney Sweep"—the last reference an apparent swipe at

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[35] Harry Martin Tinkcom, *The Republicans and Federalists in Pennsylvania, 1790-1801* (Harrisburg: Pennsylvania Historical and Museum Commission, 1950), 177. It should be noted here that it has been a subject of historical inquiry whether Israel was actually Jewish (as his name implies). Tinkcom explicitly states so, but he may just be inferring. Bric, writing later, says that no clear evidence exists to confirm the fact.

[36] Richard G. Miller, *Philadelphia—The Federalist City: A Study of Urban Politics, 1789-1801* (Port Washington: Kennikat, 1976), 98-100.

[37] *The Spectator* (New York), 18 October 1797; *Porcupine's Gazette*, 16 October 1797.

[38] Bric, "The United Irishmen," 93.

[39] *GOTUS*, 14 February 1798.

Israel's social class.[40] Republican correspondents retaliated with an equally ferocious get-out-the-vote campaign. "YOU are once more called…to exercise the greatest privilege enjoyed by freemen," announced *Carey's United States Recorder*. "Party spirit, by cunning, intrigue, an a partial application of the election laws…has set aside your choice of a senator, and deprived Israel Israel of his seat."[41] But the effort fell short—with increased Federalist scrutiny at the polls, Israel lost by 357 votes.[42]

By the time the Alien and Sedition Acts went into effect, the Federalists thus already had experience with wielding their political clout to disenfranchise immigrants and keep Republican candidates out of office. The key difference is that there did not yet exist an opportunity to effect such voter suppression at the national level. But in 1798 the convergence of two events created a window of opportunity that, to their credit, the Federalists recognized and seized. In March, the Adams administration made public the XYZ Affair, causing the United States to enter a period of diplomatic hostility with France and boosting public support for the president. That same spring, a series of skirmishes between British troops and Irish insurgents broke out in Ireland. The rebellion was quickly put down, and many of the "radicals" were banned from setting foot on Irish soil as long as the British controlled it. Suddenly stateless, many of the refugees fled for the United States, among them United Irishmen like our Dr. Reynolds from the Philadelphia churchyard.[43]

The Federalist press did its utmost to spread the notion that the new immigrants arriving on America's shores were of a more insidious variety. "Unnatural and bloodthirsty ruffians," declared one newspaper. "The United Dagger-Men of Philadelphia," read another. Congressman

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[40] *Porcupine's Gazette*, 2 February 1798.
[41] *Carey's United States Recorder*, 17 February 1798.
[42] Bric in Gould and Onuf, 171. Israel would later serve as Philadelphia's sheriff.
[43] David A. Wilson, *United Irishmen, United States: Immigrant Radicals in the Early Republic* (Ithaca: Cornell University Press, 1998), 34.

Uriah Tracy, Federalist of Connecticut, called them "the most God-provoking Democrats on this side of Hell," and the editors of the *Salem Gazette* likely spoke for many Federalists when they told of how "every ship vomits United Irishmen" onto American shores.[44] These are the "hordes of wild Irishmen" Congressman Harrison Gray Otis would famously decry on the House floor as he spoke in favor of a $20 tax on naturalization certificates.[45]

We will never be able to ascertain what proportion of Irish immigrants in any given year comprised such "radicals," though historians of early Irish immigration have written that it was not a large one.[46] But it must be said that the Federalist broadside was not entirely fallacious. It is true, for example, that the United Irishmen had sought support for their revolutionary cause from France—the prominent United Irishman Theobald Wolfe Tone had himself met with the French foreign minister Pierre Auguste Adet, who helped Tone secure passage to France from the United States.[47] And it was also true that some of the "radical" immigrants had been convicted of crimes in Ireland, albeit political ones. They included men like Archibald Hamilton Rowan, who had already served a two-year prison sentence for distributing seditious pamphlets in Dublin by the time he reached Philadelphia.[48] Finally, once in America these refugees often spoke of their return to Ireland, which served to increase native-born Americans' perception of them as unwilling to integrate.[49] Reading Republican newspapers, however, it is difficult to believe that these supposedly radical Irish were the least bit controversial. "A New York paper recommends

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[44] Bric, "The United Irishmen," 87; Wilson, 1; *The Salem Gazette,* 1 September 1798.
[45] Smith, 24.
[46] Miller et al., 587.
[47] Theobald Wolfe Tone, *The Autobiography of Theobald Wolfe Tone* ed. Sean O'Faolain (New York: Thomas Nelson & Sons, 1937), 90-95.
[48] Ibid., 82.
[49] Maurice Bric, *Ireland, Philadelphia, and the Re-Invention of America, 1760-1800* (Portland: Four Courts, 2008), 234. Whether this is true or not will be difficult to ever conclusively prove. We know, for example, that Reynolds and other United Irishmen quickly reconvened once they had all reached American shores and kept in constant contact. Then again, one of their leaders, Theobald Wolfe Tone, admits in his memoirs that upon renting a cottage in Princeton, N.J. he "began to think my lot was cast to be an American farmer."

the perusal of an examination of certain leaders of the *United Irishmen*," noted the *Aurora*. "No doubt the editor is very sincere in his recommendation, because perhaps he has not seen the [*illegible*] evidence of the *veracity*, the *fidelity*, the lens of *honor*, the exemplary policy of those *noble creatures*, the Peers of Ireland."[50]

It is no coincidence that the Federalists waited until they had a domestic scapegoat in the United Irishmen to introduce the various bills that would become the Alien and Sedition Acts. After all, if their intention had truly been to take legislative action against French enemy agents, there would have been no need to introduce an omnibus like the Alien and Sedition Acts. The Alien Enemies Act—a bill so universally called for that it was "virtually a Republican measure" and remains U.S. law today—would have been sufficient.[51] Nor did the legislation represent a sudden shift in how Federalists perceived the motives of immigrants; they had been lobbing the title of "Jacobins" at the Republicans and their immigrant supporters for years via their network of media outlets. Now, however, the Federalists' public national-security goal of protecting the United States from France perfectly aligned with their private electoral goal of curtailing the power of the Republican Party, and it was "radical" Irish immigrants who were allowing them to bridge the rhetorical divide between the two.

The legislative effort on the Naturalization Act began with the House Commerce and Defense Committee officially recommending a longer waiting period for naturalization, a national registry of aliens in the United States, and a strong deportation law.[52] Debate commenced in May 1798 on all three of these topics. From the outset, the Federalists did not make a great effort to hide that the bill was intended to create an electoral firewall. In his speech on the House floor, John Allen of Connecticut made reference to "the vast number of

[50] *Aurora General Advertiser,* 5 November 1798.
[51] Smith, 48-49; 50 USC 3.
[52] Dauer, 242.

naturalizations which lately took place city to support the party opposed to the president in a particular election" as being the primary reason for the act.[53] No Republican congressman had a direct response to his claim, suggesting that the party recognized this fact and its helplessness in preventing the law's passage. Nor was there much attempt to conceal the United Irishmen as the target: On the first day of debate, Federalist Samuel Sewall of Massachusetts introduced language extending the law's impact to any immigrant who entered the country since 1795, the year most of the United Irishmen began to arrive after their organization was made illegal in Ireland the year before. In this instance, Sewall's fellow Bay Stater Joseph Varnum, a Republican, immediately picked up on the opposition's intentions. "The impulse of the moment [leads] members to believe that these restrictions upon foreigners [are] necessary," Varnum told the assembly, adding that he didn't believe any such measures were needed "except such as belong to the nation with whom we expect to be at war."[54] Despite the limited debate on the bill, the vote was 41 to 40 in favor, and from there on easily passed the Federalist-dominated Senate and was signed into law by Adams on 22 May.[55]

Outside the halls of Congress, the Federalist press was busy assuring the general public of the necessity of the legislation. Less than a week after debate began on the Alien and Sedition Acts, Cobbett published "Detection of a Conspiracy, formed by the United Irishmen," a 40-page pamphlet whose purpose was to link the new Irish immigrants with the French government by dissecting, line-by-line, a document Cobbett claimed was the United Irishmen's constitution. France, Cobbett reasoned, needed agents well-acquainted with the United States to successfully foment a Jacobin revolution in North America. "Natives," though—by which he meant native-born Americans—have less incentive to join because there is "less poverty" in America. As a

[53] Bric in Gould and Onuf, 171.
[54] *Annals* 1798, 1980.
[55] Smith, 56.

result, the French turned to the Irish, "instruments more fit for their purpose…without property, without principles, without country and without character."

Cobbett then argued that the Irishmen should be feared because they are both ethnically united and lacking an ethnic identity, thus opening themselves to France's entreaties. He cited a passage stating "Irishmen are united at home, we will not be disunited abroad," then went on to decry the fact that under the group's bylaws, "every scoundrel, of whatever nation, is eligible, provided he has been manacled…for some attempt at rebellion or some act of treason...just as bees swarm when the hive is over-crowded." "That this conspiracy is intended to aid the cause of France, it is hardly necessary to insist on;" Cobbett wrote. "Every one must perceive it at the first glance—what can these ragged ruffians expect to do *alone?*"

Then, in case he had failed thus far in instilling fear in his American readers, Cobbett made a ludicrous appeal to their basest racial sentiments. "It is said that some of the *free* negroes have already been admitted into the conspiracy of the UNITED IRISHMEN," he warned, and went on to claim that some French-sympathizing slaveholders in the Carolinas and Virginia have already set their slaves free to cause disruptions in their state governments.[56] Having concluded this particularly far-fetched argument, Cobbett ends by commenting ominously on the Alien Enemies Act pending in Congress: "Any ALIEN LAW, which extends only to ALIENS of a *nation committing hostilities on the United States*, will not reach the members of this affiliation."[57]

Indeed, it was this fear of America's enemies not necessarily being from countries with which it was officially at war that prompted the Federalists to introduce the Alien Friends Act, a companion to the uncontroversial Alien Enemies Act. The latter bill allowed for deportation of

[56] Suffice to say there is no evidence to suggest any of this.
[57] Peter Porcupine, "Detection of a Conspiracy Formed by the United Irishmen," 1-40.

people from countries with which America was officially at war, but the former would permit the federal government to deport any foreign national at any time. Again, the Republicans chose by and large not to oppose the bill on the floor of the House—members approved the measure 46 to 40, and it went into effect that June.[58]

In fact, the Adams administration had already begun to wield its executive-branch power to decrease further Irish immigration to America, perhaps in the event that the highly controversial Alien Friends Act did not pass Congress. Rufus King, the Adams administration's minister to Great Britain, successfully negotiated a deal with his counterparts in the Court of St. James's that prevented many of the United Irishmen's most important leaders in British custody from traveling to America.[59] King's correspondence with Senator William Bingham of Pennsylvania is also notable as being among the bluntest assessments of the bills' purpose made by a Federalist. "A late law has rendered a longer residence necessary to naturalization," Bingham wrote King in September 1798, "but this will not prevent their seeking an asylum here, *altho' it will deprive them of the power of influencing elections*."[60]

Despite Adams signing the Alien Friends Act into law, it was controversial enough even among Federalists that not a single deportation ever took place under it. (Hamilton, for one, called it "deficient in precautions against abuse and for the security of Citizens.")[61] But correspondence between Adams and Secretary of State Timothy Pickering, whom he had placed in charge of the act's implementation, reveals that immigrants were among the intended targets—if, that is, they were prominent enough to constitute political opponents. Among these men were William Duane, editor of the *Aurora*, and John Daly Burk, editor of the New York

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[58] Smith, 61.
[59] Wilson, 112.
[60] William Bingham to Rufus King, 30 September 1798, in *The Life and Correspondence of Rufus King*. Accessed electronically via Google Books, 2 November 2012.
[61] Hamilton, 914.

Time Piece. Ultimately, the Adams administration decided to prosecute the men—Irish immigrants both—under the Sedition Act rather than deport them, but Adams and Pickering were chomping at the bit to rid themselves of such well-known Irish-American Republicans. "If Burk is an alien," Pickering wrote the New York district attorney, "no man I a fitter object for the operation of the alien law."[62]

As for the Sedition Act, its role as an electoral tool rather than a national-security strategy cannot be doubted—it had a sunset clause that caused it to expire the day Thomas Jefferson was inaugurated.[63] But an often-overlooked fact about the Sedition Act is just how many of the prosecutions it led to involved immigrant publishers. Matthew Lyon had predicted such an outcome, declaring the law "very likely would be brought to bear on me the very first."[64] He was, in fact, the first prosecuted under the act—he received a four-month prison sentence but managed to win re-election anyway. James Callender, a Scottish muckraker, also went to jail in June 1800 and was not released until the day of President Jefferson's inauguration. And let us not forget Duane, publisher of the *Aurora*, one of the last staunch Republican journals in a city teeming with Federalist writers.[65]

It was Duane, in fact, who organized the protest against the Alien Friends Act that culminated in the "Plea of Erin," a heartrending example of why the Irish immigrant community stood against the bill. It was the very same petition—or one quite similar to it—that James Reynolds was arrested for promoting in front of St. Mary's. The Plea begins with a rebuke of the Adams administration, reminding the president that as a delegate to the Continental Congress he had supported Irish asylum in the United States. "The fertile regions of America would afford

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[62] Smith, 172-173.
[63] Smith, 130.
[64] Ibid., 221.
[65] Jeffrey L. Pasley, *The Tyranny of Printers: Newspaper Politics in the Early American Republic* (Charlottesville: University Press of Virginia, 2001). Page 117 has an excellent map illustrating this point.

you [Irish] a safe asylum from poverty, and, in time, from oppression also," Duane recalls Adams saying. Now, however, "the alien law of 1798 has alarmingly changed our condition, [and] we tremble at our present situation." The Irish were "apprehensive," Duane wrote, "from the *misrepresentations* incessantly propagated concerning us and our countrymen in the American gazettes, that *unjust impressions*, *concerning the Irish residents in the United States, and the Irish in general*, may have contributed to the adoption of this law." The note closes on a wish for a future free of such onerous legislation. "The heads and the hearts of the Americans and Irish commenced their intercourse on the endearing ground of mutual benefits," Duane writes. "So may it ever continue, and if their political shepherds shall fail to 'temper the wind to the shorn lamb' in the rich pastures of Ireland, may they find in the fold of America the proffered asylum."[66]

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As naïve as it may read, the Plea of Erin should not be taken as an idealistic vision of an unattainable future immigration politics, but rather one rooted in a reality that had existed a mere decade before. From 1789 to 1799, America went from a state that had embraced immigrants in its founding documents and first generation of politicians to one that passed bills aimed at restricting the role of immigrants in American society. There is no single cause for this. To a certain extent, it was the predictable response of a nation that, confronted with the realities of its own existence on the border between two tumultuous centuries, began to look inward instead of out. Perhaps it was a defense mechanism that protected American sovereignty in an era of great transatlantic unrest. Above all, though, it was the culmination of an environment in which immigrants had become merely just another constituency to be wooed or defeated—in short, the essence of partisanship. It was an evolution of American politics that caused so much vitriol that

[66] William Duane, "The Plea of Erin."

it is difficult to imagine the reason behind the Alien and Sedition Acts as being anything other than xenophobic hatred.

It wasn't, though. As many a historian has demonstrated, Federalists intended to stay in power, and the disenfranchisement and intimidation of immigrants became merely a means to that end. In a sense, there is some hope in this truth—the idea that at our core as a nation we are not *inherently* intolerant of outsiders. Simultaneously, though, it demonstrates why viewing the Alien and Sedition Acts through the lens of immigration history is so much more vital a perspective even than viewing them through the lens of the First Amendment. The Federalists of the 1790s may not have been innately anti-immigration, but in passing a series of legislation so clearly aimed at America's immigrants they were, in the words of historian Maurice Bric, the first to "define America by what it was not." They did so for the sake of politics, but for the generations that followed the intolerance was more deeply rooted. Since that decade, millions of immigrants who arrived on our shores have been greeted with the same intolerance that greeted James Reynolds. It will surely remain so for the millions yet to come.

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