CHAPTER 1

Refugees Push Back

We did and do now reside . . . in Vine St. No. 167 [Philadelphia] and do intend to fix ourselves as long as by complying with the laws of the United States, we [should] find in this continent the safety peace and protection which has been heretofore granted us.

— Landing Reports of Aliens, No. 161, Marie Dominique Jacques D’Orlic and Marie Laurence Carrere D’Orlic, January 14, 1799

In Philadelphia in the summer of 1798, the French refugee Médéric-Louis-Élie Moreau de St. Méry recorded in his diary that President John Adams and Secretary of State Timothy Pickering had “made a list of French people to be deported” and, much to his surprise, Moreau de St. Méry himself was on that list. During his time in the United States, after fleeing France in 1794, Moreau de St. Méry had run a bookstore in Philadelphia and cultivated a small circle of French intellectual friends in exile. Perhaps he did associate with US Republicans, and wore a tricolor ribbon, but he was no French spy. Not without friends in high places, Moreau de St. Méry inquired through Senator John Langdon “to find out what I was charged with.” In his diary, Moreau de St. Méry wrote down Adams’s supposed reply: “Nothing in particular, but he’s too French.”

The exchange between Adams and Moreau de St. Méry represents an important shift in the decline of alien legal rights that coincided with the rise of national citizenship in the 1790s. When Congress passed the Alien Act in 1798, the executive branch of the federal government gained the power to deport aliens—without a trial. But doing so also invited aliens like Moreau de St. Méry to issue a challenge to that law: was he not a person entitled to his legal rights? How could he be deported without having been charged with a crime? Adams’s supposed reply also reveals a new way in which citizenship was being equated with nationality: Moreau de St. Méry hadn’t done anything, but his birth within the French colonial empire and possession of whatever other qualities Adams deemed to be
“too French” meant that he did not belong among the community of American citizens, and ought to be deported. Sensing a hostile climate, Moreau de St. Méry opted to join the many ostensibly voluntary migrants repatriating to the French empire, under pressure from Adams and Secretary of State Timothy Pickering.²

The Alien and Sedition Acts and related 1798 laws were an attempt to forge a national citizenship, but that national citizenship as it came to be was not necessarily one that fully reflected Federalist ideals. One of the key elements in the nationalization of citizenship occurred through the creation of specific rights of citizenship at the national level. These rights were carved out of alien penalties and responsibilities, even if it was not necessarily Federalists’ intention to create national citizenship specifically in this way. The passage of the laws was part of the process of the formulation of national citizenship; it was driven by nativist fears, but altered in its legal form by the lawmaking process and political opposition. This linkage between legal rights and citizenship preceded the strong relationship between them that emerged from the conflicts of Civil War and Reconstruction.³

Migrants from the French empire were a part of this process of the creation and enforcement of the Alien and Sedition Acts and, with those laws, changes to citizenship and its associated rights. This chapter, in demonstrating the role of migrants in shaping the laws and their enforcement, critiques the approach of Rogers Smith, who has used a top-down model focused on actions of lawmakers and judges: Smith’s work draws on national debates, laws passed by Congress, actions taken by federal appointees governing Western lands, and the influence of the courts. In contrast, this chapter, and this book more generally, emphasize the role of the migrants themselves in affecting the development of citizenship and its rights. It does not deny the power of political elites, and shows that they not only tried to shut foreign migrants and nonwhite people out of citizenship, but they placed further penalties on aliens by carving out rights of citizenship. Nonetheless, migrants were able to push back, most notably in preventing a blanket ban on the entry of French citizens. Migrants also worked to affect the law in their everyday engagement in public, and also with the government officials with whom they interacted. These engagements showed differing deployments of citizenship and rights-based claims: they included an assertion of cultural citizenship (“the right to be different”) that included a liberal right to act in support of the French Republic as part of a broader right to be politically active. They also showed the deployment of a form of social contract wherein obedience to the law came with a reciprocal right of residence and asylum. Finally, French migrants
also asserted a narrow citizenship that included legal rights for naturalized citizens, even though many of them rejected cultural integration.4

During the period of the early American republic, citizenship and nationality were not so intertwined as they are in the present. Citizenship was both a narrowly defined legal status indicating a subordinate relationship to a representative government, and also a marker of integration into the political sphere of the citizen’s local American community. Nationality was an emerging cultural concept of membership in a broader community, the nation. Many elite Americans worried that significant differences among the inhabitants of the United States could jeopardize the nationalizing project. In the late 1790s, elite Americans agreed that “national characteristics” should define American-ness, but disagreed as to what criteria should qualify individuals for membership in the nation. Federalists chose to emphasize birth within the borders of the United States and white racial status. Republicans tended to emphasize a belief in republicanism and American political institutions, but agreed in equating whiteness with American-ness. Conflicts between liberals and nativists were inflamed by the Atlantic revolutions of the 1790s, and in 1798, Federalist lawmakers embarked on a legislative program that they hoped would strengthen national citizenship and exclude dangerous foreigners from the polity. Republicans worked to alter that program, and in the process also contributed to the creation of a national citizenship that accorded rights to citizens and assigned legal penalties to aliens.5

White migrants from the French empire were active participants in shaping the laws of citizenship that were formed in 1798. Moreau de St. Méry was part of a body of people who had migrated to the United States as a result of the Haitian and French revolutions, and who carried with them different ideas of citizenship and its relation to the nation. Through every step from conception, debate, passage, interpretation by the executive, and attempts at enforcement, the laws—and with them the processes of naturalization and the definition of citizenship—changed. Migrants from the French empire were among those who influenced those changes. Although these laws were driven by Federalist nativism and molded by the Republican opposition, French migrants actively lobbied and influenced the laws throughout the process. French migrants intervened to prevent the US government from forbidding them entry, countered hostile descriptions of themselves in the press, often refused to comply with compulsory alien registration, and attempted to influence the naturalization process.6

Citizenship, particularly during this period, was not necessarily national. Some migrants asserted liberal ideas of citizenship that were associated with
political ideals more than national identification. Others asserted a kind of multicultu-
ral citizenship that incorporated national difference into the definition of citizenship. And some asserted the local citizenship preferred by native-born Republicans. But the move toward national citizenship tended to eclipse these other options, even as they were asserted. In 1798, national citizenship began to supersede local citizenship while the two maintained an uneasy coexistence.

In 1798, concern over the possibility of war with France and the possible presence of foreign sympathizers and spies caused Federalists and other Americans to scrutinize the foreign migrant population in the United States for signs of disloyalty and danger. French migrants who openly expressed Republican sympathies found themselves the targets of both official and informal public hostility. Coupled with provisions in the Naturalization Act of 1798 that required all white aliens to register with the federal government, many French migrants would be compelled to respond and offer a defense of their beliefs and their presence in the United States.

French National Characteristics: Cutthroats, Religious Danger, Licentiousness, the Tricolor, and Anti-Jacobinism

The naturalization laws that emerged in the 1790s, which ultimately began to create a US national citizenship, fed in part on fears of French national character. They were related to the emergence of a particular form of nativism—here defined as “the attitude, practice, or policy of protecting the interests of native-born or existing inhabitants against those of immigrants”—a form that saw French migrants as a particular threat to the nascent republic of the United States. Federalist nativism especially saw French migrants as a cultural and political threat to American people and the American political system. French migrants were repeatedly stereotyped in nativist press coverage of local encounters as lawlessly violent, irreligious, sexually licentious, and politically dangerous. Francophobic views in the 1790s were associated with members of the Federalist Party rather than Republicans, who tended to see the French Revolution in more positive terms.

Francophobia in the 1790s United States drew on anti-Jacobin accounts of the French Revolution. In particular, Federalist newspapers chose to emphasize a supposed French thirst for lawless violence and bloodshed, adherence to non-Protestant beliefs, and sexual licentiousness. These alleged tendencies were symbolized by the tricolor cockade worn by not only (non-Royalist) French migrants, but also by adherents of the Republican Party in the US.
Conflicting views regarding French migrants in the United States borrowed from a number of traditions as well as American reactions to the events of the French and Haitian revolutions. Many Americans sympathized with white refugees from the Haitian Revolution, as well as those from the French Revolution. Yet many colonists had also long viewed France as a source of luxury, decadence, and atheism. A longstanding anti-Catholic tradition had centered on the role of France as the preeminent Catholic power in the eighteenth century. France was seen as the source of attempts to impose absolute monarchy and abolish traditional Anglo-American political liberties. The French Revolution upended these traditional views by disassociating France from Catholicism because of the Revolutionary government’s disagreements with the Catholic Church and the Jacobin de-Christianization of France. While some Americans viewed the French Revolution as a source of political liberty, others saw it as a source of lawlessness and violence. If some Americans continued to admire France, an increasing number (even Republicans) began to suspect French migrants of harboring characteristics dangerous to the new republic.

US criticism of the French Revolution began in earnest after the September Massacres in 1792, when Parisians seized and executed prisoners in an attempt to prevent counterrevolutionary activity during a period of military reverses and foreign invasion. Conservatives were alarmed by the revolution’s mob violence and disregard for due process. In their eyes, France had ceased to be a civilized nation. The arrival in the US of European radicals, along with the public celebration of French revolutionary violence, including 1793 reenactments of the beheading of the French King Louis XVI and demonstrations of the guillotine in Philadelphia in 1794, caused conservatives to fear that revolution and mob violence could spread to the United States. These fears were further amplified by alarmist reports in the Federalist press. Although much alarm was directed at local Republicans and radicals from the British Isles, articles describing French Republicans attempted to describe a type of danger embodied by supposed French national qualities.

First among these was a delight in lawlessness and violence. In one instance in June 1798, a concerned Philadelphian wrote to Fenno’s Gazette of the United States reporting a truly shocking scene: a fire had broken out at the Philadelphia jail, and while the citizens of Philadelphia were attempting to put it out, they were obstructed by “some scoundrel Frenchmen” who displayed “the most open remarks of exultation at the alarming situation.” The writer came to what was the most obvious conclusion for him: “They were doubtless of the infernal Jacobin brood.” And really, what could “be expected of a Frenchman” who had
“been received with open arms into a hospitable asylum” and yet wore a tricolor emblem, the “ensign of bloodshed, carnage, and malice?” Surely, such a man possessed “a soul ripe for murder, treasons, plots and dark conspiracies.”

Connecting the propensity for violence with the threat of importing revolutionary political change, the Philadelphia-based newspaper Porcupine's Gazette carried a story about a “Frenchman” who had been brought before a court for allegedly claiming that President John Adams’s “head would be off in 6 months time” to be replaced by Thomas Jefferson, and that “If no one else could be found” that the Frenchman himself “would be the executioner.”

Similarly, the aforementioned Frenchmen who confounded the attempted extinguishing of the city jail fire shared a disregard for lawful institutions. Such activities might be viewed with greater suspicion when those same jails were used to imprison French privateers, who themselves also showed a flagrant disregard for American law and legal institutions. In one instance, an American sea captain who had just arrived in Baltimore encountered by chance the commander of a French privateer who had seized the American’s ship. According to one newspaper account, the Frenchman, when confronted by the American captain, replied “Heh, that is nothing,” and also “had the impudence to make him a low bow,” prompting to the American sea captain to have him “immediately lodged in jail, to shew whether it was nothing or not.” However, these jails did not always succeed in holding French privateers. Readers were warned of an escape made from the Lancaster, Pennsylvania, jail, where two French privateering sailors had escaped, along with a runaway slave on the same day.

No news story involving French residents in the United States in 1798 captured the attention of readers more than a dramatic murder-suicide that took place in New York. Newspapers from Maine to South Carolina covered it, as well as non-English-language papers. Federalist readers encountered a very different version of story than the one that appeared in Republican papers, ascribing the violence of the event to the French national character rather than presenting it as a tragedy of domestic violence not unique to any ethnicity. Monsieur and Madame Gardie were refugees from Saint-Domingue; M. Gardie was “a young gentleman of considerable fortune” who was forced to flee the Haitian Revolution. Once in the United States, he and his wife “behaved with a coming deportment of people . . . who had seen better days.” This deportment apparently included M. Gardie’s teaching French and perhaps Mme Gardie’s work as an actress, but their debts exceeded their income and M. Gardie was in danger of being sent to debtors’ prison. Mme Gardie had received an offer of acting work in New Orleans, and she proposed that they separate and he return to France, out of economic
necessity. M. Gardie appeared to agree, but nursed a grudge and jealous streak, purchased a knife from a French shopkeeper, and with it murdered his wife and then committed suicide. Coverage tended to be sympathetic to Mme Gardie, if also interested in the gory details of her death.\textsuperscript{15}

Readers of Federalist publications learned where such violence came from. The anti-Republican Porcupine’s Gazette covered the murder-suicide under the headline “French Philosophy.” Another Federalist paper claimed that such behavior was typical of the French national character, noting that “every thinking man will be reminded of the country from which Gardie sprang,” which was where “the seeds of his inhumanity were planted.” While it made the murder no less unpalatable, his Frenchness could “sufficiently account for his barbarity,” and the editor finally noted that “to abandon cruelty, a Frenchman must flee from himself!” Lest readers not be aware of the possible contamination of French traits, the article on the Gardie murder was immediately followed by a story headlined “MORE IMMORALITY!!” recounting a Fredericksburg, Virginia, Republican feast at which “much wine was drank . . . on the SABBATH DAY” and was presided over by none other than the “professed deist” Thomas Jefferson.\textsuperscript{16}

Also part of the French national character, according to Federalist newspapers, was a lack of Protestant faith. The opposition to French atheism (and “philosophy”) was built on an earlier tradition of Anglo-American anti-Catholicism. By turning away from God, the French had gotten revolution and civil disorder as punishment for their sins. Americans should not be tempted to adopt French ideas and religious beliefs lest they suffer the same fate. In addition to Cobbett’s headline of the Gardie murder as “French Philosophy,” there were other newspaper stories. A New England newspaper reported a supposed interview between President John Adams and “a Frenchman” who “began to descant largely upon . . . the evils of [religion,]” arguing that the United States “had better do as we do in France, lay it all aside.” When questioned, the “atheistical reformer” stated “I profess No religion,” to which Adams replied “there is the door,” ending the interview.\textsuperscript{17}

For women from the French empire, there was the additional charge of sexual licentiousness. The case of Mme Gardie, for some readers, only served to confirm their attitudes. Mme Gardie was already engaged in acting, a questionable trade for women, and her offer of work in New Orleans, some articles implied, may have involved prostitution or courtesanship. William Cobbett also accused her of having cuckolded her husband, justifying his rage (according to Cobbett), even as such bloodthirstiness was part of his inherently depraved national character.
Cobbett’s views also extended to the vogue for French fashions, in particular the French West Indies turban, and favored by “fieryrenchifieddames.” The wordrenchifiedalso meant suffering from venereal disease, meaning Cobbett was further attempting to present French fashions as vectors of decadence and disease.18

The chief symbol that seemed to exemplify the spread of French ideas and habits in the minds of Federalists was the French tricolor. This symbol was well explicated by a story regarding a Stockbridge, Massachusetts, gentleman farmer whose crops were being attacked “by a set of unprincipled, lawless Crows, who, like Frenchmen, regardless of the right of property, take it wherever they can find it.” In response, the farmer made a scarecrow “dressed . . . in the Uniform of a French Soldier, with the National cockade in his hat.” According to the news report, “The crows beheld this object of Terror, with surprise and horror” and formed a council of war, wherein they “determined that the Frog-eating Rascal, altho’ he appeared in the Garb of a civilized being” was not so, and “had more of the Devil in his heart, than any terrible object they had ever seen.” The crows decided that the time had come to leave, and “get out of the reach of the [French soldier’s] Fraternal embraces.” Here, the tricolor was combined with the French uniform, and referred not only to American actions toward the French and French depredations upon American shipping, but also French destruction or overthrow of fellow European republics.19

The tricolor was particularly alarming when it appeared on actual living Frenchmen, and in Philadelphia the tricolor was a part of the city’s rough-and-tumble politics. The Gazette of the United States gleefully reported an attack on a French resident of Philadelphia who audaciously wore the tricolor, noting that “some spirited citizens very meritoriously struck the tri-color from his chapeau.” Similarly, Moreau de St. Méry, residing in Philadelphia, wore the French tricolor. He noted the increasingly hostile climate and wrote in his diary, “Antagonism against the French increased daily.” He further claimed in retrospect that he was “the only person in Philadelphia who continued to wear the French cockade.” He met with Republicans who provided him “keys to two shelters in which I and my family could take refuge in case my house were attacked.” Four days later, he booked passage back to France. It was at this time that Moreau de St. Méry wrote that he had appeared “on a list of French people to be deported” and issued his indirect challenge to the Alien Act.20

Collectively, the view that readers of Francophobic articles began to see was one that highlighted dangers to the republic: lawless violence associated with mob rule, an emphasis on the longstanding tradition of viewing France
as a danger to traditional “English” liberties, further amplified by references to French destruction of the Venetian Republic. Many American readers subscribed to a belief that civic virtue was necessary for the survival of the nascent American republic, and that if the citizens of the republic lapsed into mob rule, decadence, and immorality, the republic would be destroyed, much like the ancient Roman Republic. The actions of French migrants were thus not only a danger to individuals, but a danger to the nation. As part of a national characteristic that was unchangeable, they could not be molded into new American citizens. The legal solution, then, would have to eliminate the migrants from political participation and the American public sphere, or send them outside the borders of the United States.

Federalists Legislate a National Alien Policy and Ascribe Rights to Citizenship

The above concerns about the French presence in the United States and belief in French national characteristics led nativists to seek a national, legal solution to the possible threat that they presented. They were greatly assisted in this task by the diplomatic crisis known as the XYZ affair, in which the French foreign minister Charles-Maurice de Talleyrand’s intermediaries demanded a large payment before meeting with American diplomatic envoys, as well as making additional demands for loans to the French government. In the meantime, French seizures of American merchant ships continued, angering Americans engaged in commerce. When news of the scandal broke in the spring of 1798, war seemed imminent. And something would have to be done to counter the French threat from within.21

The ultimate legislative response was Congress’s passage of the Alien and Sedition Acts, as well as the Naturalization Act of 1798. Legislators had designed these laws to exclude foreign migrants from the polity and prevent foreign espionage. The laws also allowed the federal government to surveil aliens, regulate their presence, and remove those deemed dangerous or whose residence in the United States was otherwise undesirable. But they were not simply a direct, unaltered implementation of the Federalists’ intended legislative program. The laws instead took form as they moved from committee, to debate on the house floor, and faced amendments, changes, and obstruction by the Republican opposition. A key shift during this process was the exclusion of naturalized citizens from the provisions that otherwise penalized aliens. Although it was not necessarily the specific intention of legislators to do so, the debate and
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The amendment process in Congress concerning national alien policy resulted in the ascription of rights to citizenship and legal penalties for aliens. Rights, in other words, drifted away from the complicated web of social status that gave rights to legal persons and citizenship began to be a source of rights in and of itself. The new laws privileged US citizens by exempting them from surveillance and deportation, while aliens felt the burdens of the national government’s surveillance and harassment.  

The first step in this process of lawmaking was the intent to introduce bills to address the nativist concerns about foreign migrants and control their activities and movements. Nativists already had a vision of excluding dangerous migrants from the polity through increasingly high barriers to naturalization, allowing the federal government to regulate the presence of aliens within the nation’s borders. To put this vision into law, it would first be necessary to draft a bill with these provisions. The change in public mood after Adams released the first of the documents relating to the XYZ affair on April 3, 1798, and the ensuing public uproar about the treatment of American envoys by the French government gave the Federalists the political momentum to draft and push their desired bills through Congress. After an initial flurry of war preparations, Congress acted to address the issue of aliens and citizenship. On April 17, the Federalist Joshua Coit of Connecticut moved for a committee to look into revision of the 1795 Naturalization Act.  

The resulting recommendations were an attempt to nationalize governmental authority over citizenship, secure control and knowledge about the movement and whereabouts of aliens in the United States, and prevent persons of foreign birth from naturalizing. On May 1, the committee issued a report that recommended longer terms of residence prior to naturalization, compulsory “report and registry” of all aliens, and a law that would allow for the “apprehending, securing, or removal” of male enemy aliens over fourteen years of age, as well as aliens who “shall threaten, attempt, or perpetrate any invasion or predatory incursions upon [US] territory,” largely the provisions that would appear in the Naturalization Act of 1798, the Alien Act, and the Alien Enemies Act.  

The committee’s recommendations contained several possible new penalties that, once passed as law, would not apply to citizens. The Alien Act would deny aliens the right to trial, and would also allow for the peacetime deportation of aliens. Both the Naturalization Act of 1798 and the Alien Act collectively contained provisions that would require compulsory registration of all aliens. Since these provisions were largely preserved during the debate and amendment
process, they are discussed, along with the importance of their role in creating rights of citizens, in the following sections on those two pieces of legislation.25

The recommendations were then subjected to debate and amendments in the process of becoming law. During these debates, congressmen articulated their specific concerns about the foreign threat and what additional measures ought to be taken to address it. The debate and amendment process would also shape the laws so that rights and penalties adhered along an axis of citizenship/alienage.

The Federalists, in control of the federal government, had the power to draft the first version before it could be altered, reframe, or blocked by partisan opposition and immigrant lobbying. The Federalist project of national citizenship sharpened the divide between citizen and alien over two kinds of rights: right of residence, and a right to privacy. But other divides were on the table: nationality/ethnicity rather than citizenship per se, meaning that natives could have rights that naturalized citizens did not. Federalists also would consider laws that barred immigration over nationality/ethnicity. As the debates continued, opposition Republicans also influenced the shape of the laws, using constitutional objections and understandings of international law. As discussed in later sections of this chapter, French immigrants themselves would be active in further lobbying and resistance to enforcement, but in these earlier debates, Francophone influence was limited to the Swiss-born opposition leader Albert Gallatin.

In debating a federal bill to specifically exclude French passengers from entry to the United States, nativist legislators argued that French persons inherently possessed such dangerous characteristics that they should be excluded from the United States. When debating the laws that became the Alien and Sedition Acts, which targeted a broader swath of foreign migrants as well as the domestic opposition, legislators focused less on inherent national characteristics than on the extent to which French migrants in the US were acting as direct agents of the French government. Legislators asserted that these agents spied for France, or might issue privateering commissions for France à la Citizen Genet. They worked to “alienate the affection of the people,” and printed French government propaganda.26

Some Federalists proposed more stringent regulations that would disallow naturalization entirely and restrict citizenship to those born in the United States. The Federalist congressman Harrison Gray Otis also recommended that citizens of foreign birth be excluded from holding office, as was the case for naturalized subjects in Great Britain. Republicans responded to both movements by successfully arguing that the Constitution did not grant the federal government the authority to restrict either ability, or create a second-class citizenship for naturalized citizens.27
The Republican opposition, led Albert Gallatin, centered on constitutional objections to Federalist measures. Republicans appealed to the Constitution as the document that checked, rather than enhanced, the reach of federal authority over national citizenship and alienage. The Republican opposition repeatedly argued that the Constitution did not grant the federal government the power to regulate alien migration and naturalization in the ways that nativists wished: either birthright citizenship only or new penalties for naturalized citizens that denied them the rights to political participation and officeholding. Their objections resulted in the creation of rights that adhered along an axis of citizenship/alienage, rather than an additional right of legal personhood attaching to birthright citizenship to the exclusion of naturalized citizens, as some nativists wished.28

Since constitutional objections halted the creation of a second-class citizenship, Federalists instead opted for an extremely long residency requirement that effectively barred alien residents from naturalizing. The amendment passed narrowly, 41–40. Albert Gallatin successfully included measures that allowed immigrants who had arrived before 1795 to naturalize under the terms of the 1795 Naturalization Act, which required five years of residence instead of fourteen. Republicans then further moved, unsuccessfully, to lower the residence requirement to seven years from fourteen.29

The Alien Act: Citizen Rights and Alien Penalties in Deportation and the Right to Trial

Although the Alien Act was devised chiefly as a way to expel foreigners whose presence Federalists thought endangered the United States, it nationalized regulation of migration by enabling the emerging nation-state to regulate the persons within its borders, and expel them if necessary. The act also created a new penalty for aliens: deportation in peacetime. Local attempts to regulate migration had centered on the exclusion of paupers and carriers of disease, but these paupers and disease vectors could be citizens or aliens; it was not their foreignness that subjected them to restriction of movement. The Act also allowed for deportation without charge of a crime. The law replaced the trial with an opportunity for the alien, once already served with a deportation order, to provide evidence to “such person or persons as the president shall direct” that “no injury or danger to the United States will arise from suffering such alien to reside within.” In so doing, the act further contained the right to trial as a privilege of citizenship. Previously, aliens had held the right as legal persons to have a trial when faced with government prosecution.30
The Alien Act gave authority to the federal government to do what states and localities had done in the past—try to control migration within their borders. Local governments could “warn out” the undesirable wandering poor: individuals were informed by local officials of their ineligibility for poor relief and sent to their ostensible place of origin, often a nearby town. City ports could also institute quarantines and exclude paupers. State governments passed a flurry of largely ineffective laws barring the immigration of paupers in the 1780s and 1790s. South Carolina, concerned about refugees of color destabilizing Carolinian society, banned their entry in 1793. When panic about a rumored invasion from Saint-Domingue gripped Philadelphia in 1798, the Pennsylvania governor Thomas Mifflin “prohibit[ed] the landing of French negroes.” The new federal power did not prevent local governments from continuing they had before—indeed, Mifflin saw the federal regulations as assisting Pennsylvania in enforcing its own exclusion more effectively.\textsuperscript{31}

The move from aliens’ rights stemming from their status as common law legal persons to a construction of rights around citizenship was spurred by fears of French spies. A number of French migrants had worked to gather intelligence on North American affairs for the French Directory. The most prominent of these was the French soldier Georges Henri Victor Collot. President Adams and Secretary Pickering also suspected that Johann Schweizer (sometimes spelled Sweitzer) and Pierre-Samuel Dupont de Nemours were engaged in similar activities. There had additionally been suspicions about the traveling French scientist Constantin-François Chasseboeuf, Comte de Volney. Adams and Pickering suspected that there were more French agents operating in the United States. Pickering also received warnings about European Jacobins and United Irishmen from other Federalist leaders. The “too French” intellectual Moreau de St. Méry’s act of wearing a tricolor cockade, associating with Republicans, hosting a French intellectual salon, running a bookstore, and corresponding with prominent French officials, including Foreign Minister Talleyrand, must have earned his place on the list of deportees by his activities as well as his ethnicity.\textsuperscript{32}

By simply beginning deportation proceedings against aliens, Adams and Pickering reinforced the strength of the federal government and reified its authority to police its borders and points of entry. More importantly, they made clear that there would not be a trial for the aliens they intended to deport. Pickering himself was to look over any proof of innocence that the aliens in question might provide, and in Collot’s case, “permission to offer proof [could] be merely formal,” because in Pickering’s opinion, Collot had no “good reason for Staying
here” and would be unable to provide “any fact” that he was not “a French intriguer & bitter enemy” of the United States.\footnote{33}

In practice, deportation was difficult to accomplish, because the executive lacked a large bureaucracy to adequately monitor candidates for deportation. Secretary Pickering, the law’s chief enforcer, was overloaded with other duties, which caused delays in the process, “and the pursuit of . . . aliens was overlooked.” Ultimately there were no deportations prior to the expiration of the Alien Act in 1800. The law, however, was most effective as a threat: Thomas Jefferson wrote that “the threatening appearances from the Alien Bills have so alarmed the French that they are going off” and that “a ship chartered for this purpose will sail within about a fortnight for France with as many as she can carry.” At least two prominent French migrants chose to leave the United States while the Alien and Sedition Acts were being drafted. In addition to Moreau de St. Méry, there was the scientist Volney, whom Jefferson noted was “the principal object aimed by the law” and who received a passport from Timothy Pickering.\footnote{34}

Despite the broad powers of the act, it turned out that important, powerful, and dangerous migrants were more difficult to expel and deport than Federalists had originally expected. Secretary Pickering lamented that the law lacked the power to detain aliens prior to deportation, or “post sureties pending their departure.” Adams and Pickering also differed over enforcement—Pickering wanted broad authority to expel as many migrants as he thought necessary, and wrote to Adams requesting blank warrants for deportation. Adams favored what he termed a “strict construction” of the law and wanted individual deportation cases to be cleared through him before he would sign any blank warrants. Of the small number of French aliens whom Adams and Pickering agreed were worthy candidates for enforcement of the law, each escaped expulsion for a variety of reasons. Volney left before the passage of the Alien Act, as did the newly arrived French Consul Victor Marie Dupont, whose diplomatic credentials Adams had refused to accept. For Victor Collot, Pickering concluded that the intelligence he had gathered would be more dangerous if he delivered it in France, so he halted deportation proceedings, despite having a signed order from President Adams. Instead, because Collot was a paroled British prisoner of war he persuaded the British minister to delay his exchange, preventing Collot from leaving with his information about weak American defenses along the border with Spanish Louisiana, a territory soon to be re-acquired by France. Pickering feared that Collot “had formed plans of attack upon the United States from that quarter” that would be carried out should he return to France. British Minister Robert Liston accordingly “prevented his departure” citing a halt in negotiations over prisoners
of war. Collot would not be able to sail to France until after the expiration of the Alien Act in 1800.35

Ordinary migrants appear to have been more easily swept away by the hand of the national government. Pickering was aided in his organization of migrants’ voluntary return passage by improved conditions in Saint-Domingue and metropolitan France. The Alien Act was not passed until June 25, 1798, but in early May, Thomas Jefferson wrote in the letter quoted above that a number of French residents had chartered ships for return passage to France and Saint-Domingue. Pickering viewed these activities with approval, and granted the ships documents for safe passage to France, a necessary step in the war-swept Atlantic of 1798, where ships were often stopped, boarded, and privateered. Pickering viewed these actions as a useful step toward removing undesirable French and other aliens from the United States, even if it was voluntary. Pickering recorded fifteen ships by August 23, 1798, and had taken care to work with customs officials to ensure that they were filled with passengers rather than goods: “If an American vessel is designed to deport French persons according to the [Alien Enemies Act], as many passengers will ordinarily be engaged as she can conveniently carry. . . .” Pickering wrote with the presumed expectation that the undeclared war would become a full-scale, officially declared war between the US and France. In the meantime, ships full of passengers would carry French citizens to various destinations in the French empire: Bordeaux, Cap-Français, Port-au-Prince, Guadeloupe, and Cayenne.36

In the view of Federalists, persons who did not possess what they deemed American “ancestry, manners, character, habits, language, and support of the government,” were an obstacle to the unification of the citizenry. The removal of foreign persons, particularly those whose political views were at odds with the Federalist/nationalist vision, strengthened Federalists’ belief in the possibility of realizing their vision.37

The Naturalization Act of 1798:
Privacy for Citizens, Surveillance for Aliens

Deportation was not the only new power the federal government acquired in 1798. The federal government began to systematically gather information on aliens as well. The Naturalization Act of 1798 was a highly partisan measure through which Federalists hoped to exclude foreign migrants from the polity by lengthening terms of naturalization, and also a means to subject aliens to a “system of national surveillance.” In requiring aliens to register through district
courts, and in requiring local ports to collect and pass on registers of incoming aliens, the 1798 Naturalization Act envisioned the creation of a national citizenship by collecting information about aliens, partially in cooperation with local authorities. Moreover, by reserving the privilege of privacy for citizens and instituting compulsory registration for aliens, it added to the personal legal disabilities of aliens, in effect creating a right of citizens that applied at the national level. Similarly, the Alien Act gave the federal executive the power to deport aliens, while citizens could not be expelled under the terms of the act.  

Federalist fear of French (and other) migrants contributed strongly to the form that both acts took—in particular, the fear of infiltration by foreign spies such as Victor Collot, and the need to track their movements. To respond to this danger required a national, centralized gathering of information and data about aliens, among whom suspicious persons circulated and in whose communities they received assistance from witting or unwitting co-nationals. Federalists intended for the government to use this information to surveil, and hoped to seize and expel those foreign migrants deemed sufficiently dangerous to warrant expulsion—the two chief dangers in question were alleged spies, and editor-journalists of the opposition press. The second group is discussed in greater depth in Chapter 3.

The Alien Enemies Act also worked to nationalize citizenship. It differed from the rest of the 1798 legislation in that it originated from the Republican opposition, who hoped to temper what they saw as arbitrary and excessive executive authority by demanding that the Federalist administration follow a legal process when arresting or expelling alien enemies in time of war. In other words, Republicans saw the measure as a necessary evil to prevent possible arbitrary actions by the Federalist-controlled national government. The act granted the authority to expel alien enemies to the federal executive (both to the president and federal marshals), as well as to state courts and federal courts. Like the Alien Act, the Alien Enemies Act broadened the authority of the federal executive to act where aliens were concerned, but also granted authority at the state level through state courts. Federal marshals, as appointees of the executive, were an extension of executive authority into local communities. But since the Alien Enemies Act did not come into force during the undeclared quasi-war with France from 1798 to 1800, its provisions and extensions of federal power would not be tested until the War of 1812, when it would be used by the Republican Party against subjects of the British Empire; its enforcement is further discussed in Chapter 4. Despite its lack of immediate effect, the Alien Enemies Act had the most lasting consequence of all the 1798 legislation, serving as the basis for the
formation of alien policy for every declared war the United States has fought against a foreign nation, and remains in effect in 2012.  

A FELT BILL, which never became law in part because of successful lobbying by French migrants, aimed specifically to exclude French passengers from entering the United States. Initially spurred by a panicky report suggesting collaboration between white Jacobins from Saint-Domingue and their Black counterparts, debates centered more generally on whether French migrants were so dangerous that the federal government, rather than local or state governments, should be responsible for excluding them.

The migrants arrived at the height of nativist fears surrounding the XYZ affair in 1798. The migrants, however, were not Jacobins but rather predominantly Royalist refugees who had sided with the British forces that had invaded revolutionary Saint-Domingue. Losing ground to Toussaint L’Ouverture’s forces, British commanders negotiated a withdrawal from Saint-Domingue, and French collaborators in Port-au-Prince and in other British-held areas began to look for refuge elsewhere, and thought they had found it on ships bound for the United States.  

The migrants’ arrival incited panic and demands that the federal government act to prevent their entry. Although the passengers were predominantly white and had brought with them some people in slavery, an inflammatory account by the French-born US general Louis Tousard claimed that the ships contained “between two hundred and fifty and three hundred negroes, well-armed, trained to war, and saying they will land.” The Pennsylvania governor Thomas Mifflin wrote to John Adams, stating that he himself “had determined to prohibit the landing of any French negroes” but since he held jurisdiction only over Pennsylvania, federal action would be necessary, lest they land and come “through the Jerseys with all their owners to Philadelphia.” He also suggested that the embargo be extended to “white men.” Adams passed Mifflin’s letter on to the Senate, and the Federalist senator William Bingham of Pennsylvania introduced a bill to exclude French passengers (including whites) from entry to the United States. Other 1798 legislation was written to target foreign migrants generally, but this bill, spurred by fears of “French negroes,” was the only (potential) part of the legislative package that specifically targeted foreign migrants of a particular nationality.  

The bill quickly passed the Senate, while in the House debates on the bill led to a second debate over the nature of national characteristics and citizenship. American congressmen debated who was actually a Frenchman. This debate
returned to the issue of the mutability of allegiance and the place of birthright or liberal citizenship. Could those Dominguans who had sided with British forces be regarded as Britons? Federalists argued indirectly for birthright citizenship and Republicans argued against it.43

The controversy was raised when the Republican Joseph Bradley Varnum of Massachusetts stated that many of the French passengers in question were British subjects, because they “had taken arms against the French Government, and . . . had of course alienate[d] themselves from it.” Furthermore, Varnum stated, “the appellation of ‘Frenchman’ would [not] apply to persons born in the West Indies, though born of French parents.” For Varnum, citizenship was a mutable characteristic that could change with political activities and was not necessarily tied to national origin.44

In contrast, Harrison Gray Otis stated, “A Frenchman is a Frenchman everywhere.” Otis argued that nationality stemmed not from a changeable allegiance but rather from national character, elaborating that a Frenchman might “take his naturalization oath in this country, it does not alter his character; he is still called, and known to be a Frenchman.” Otis argued that if the bill were to become law, nationality and citizenship would be treated separately by the federal government—the law applied to nationality rather than citizenship status—although he had previously argued for an immutable, birthright citizenship during the debates over the previous 1798 legislation.45

The French passengers bill ultimately did not pass, owing to timely intervention and successful lobbying by detained French passengers and the owners of detained vessels. Their lobbying efforts and effects on House debates are discussed later in this chapter. Congress passed no further laws directly relating to naturalization for the remainder of Adams’s presidency. In the meantime, French migrants had to contend with the existing package of laws that were directed at foreign migrants and the emerging national citizenship that was strongly disadvantageous to them as aliens in an unfriendly nation.46

Migrant Response to the Federalist Program: Challenge or Leave?

French residents of the United States were compelled to respond to both the 1798 legislative program and the hostile public climate. The migrant response took several forms. Many migrants chose to leave the United States. Some migrants challenged the legitimacy of new alien legal disabilities. They asserted their perceived right to due process or refused to comply with compulsory registration. Some migrants did embrace violent resistance or preserved loyalties to
France or revolutionary Saint-Domingue. White migrants also challenged negative coverage of them in the press, presenting themselves as peaceful, law-abiding citizens deserving of the welcome and asylum given to white refugees in the early 1790s—a contrary form of self-representation. Also, in coordination with merchants trading in the French empire, they successfully lobbied to defeat a bill to exclude French people from entering the United States.

Some of these migrant responses successfully impeded the growth of US national citizenship, particularly the widespread refusal to comply with compulsory alien registration and the lobbying against the French Passengers Bill. But other forms of resistance that attempted to frustrate, impede, or challenge national citizenship inadvertently worked to strengthen it. Actions such as leaving the United States or attempting to assert local citizenship worked to justify the Federalist nationalizing program: nativists could justify it as an effective solution to the achieve their goals or prove the need for the laws passed in 1798. Thus, the impact of French resistance on the development of citizenship laws is more complex than previously recognized.37

The main French response, of which other foreign targets in 1798 generally did not avail themselves, was to leave. The reasons for leaving were not just the hostile US climate. As previously mentioned, conditions in the French empire had changed significantly. Both France and northern Saint-Domingue were returning to political stability. In France, the Terror had ended, and the Directory had curbed extralegal violence and seizure of property despite its shaky hold as a sovereign government. Directory officials also began to remove individuals from the list of émigrés who had been barred from entering France, while Toussaint L’Ouverture had consolidated his political hold in Northern Saint-Domingue and encouraged the return of the planter class to help revive the economy.48

The owners of the ships carrying migrants back to France and its colonies included British-Americans such as William Moodie and Thomas Caldwell and Franco-Americans such as “Lewis” Crousillat, Benjamin Nones, and Stephen Girard. Among the prominent French migrants in the United States who chose to leave at this time were Moreau de St. Méry and the scientist-historian Volney.49

By leaving, French migrants accomplished “voluntarily” what Federalist nativists hoped to accomplish by law: the removal of non-Anglo-Americans. With these foreign migrants gone, nativists hoped, Jacobinism and philosophy would disappear from America. Of course, if they stayed, their continued presence justified the continued legal deportation of aliens. Once they chose to remain,
however, they had several options about how to engage with the federal government. A small number of migrants, overwhelmingly French, complied with the provisions of the 1798 Naturalization Act and registered themselves as aliens in federal district court. Most French migrants, however, did not, and they were joined in noncompliance by British and Irish migrants as well—in effect, completely frustrating federal compulsory registration of aliens.50

Moreau de St. Méry’s response to his appearance on President Adams’s list of deportees also exemplifies part of the French migrant challenge to Federalist alien policy, and with it, the adherence of rights and citizenship. Targeted as a suspicious person, he inquired through intermediaries “to find out what crime [he] was charged with,” an indirect challenge to the law’s removal of the right of trial or defense for alien deportations. In other words, Moreau de St. Méry was arguing that under common law, he had rights as a legal person and a free white man despite his status as an alien. Never formally deported but subjected to xenophobic street harassment and official political pressure, and sensing an improved climate in France, Moreau de St. Méry departed, but not before he attempted to change and influence alien policy. This view of alien legal rights, however, would not prevail.51

Many migrants also refused to comply with compulsory registration that was part of the national system of alien surveillance instituted under the Naturalization Act of 1798 and the Alien Act. The full extent of noncompliance is difficult to determine, but migrants were able to frustrate the enforcement and the federal government was unable to punish those who refused to register. This noncompliance was practiced primarily by aliens already resident in the United States as opposed to new arrivals, who were already subject to local port information-gathering, which the 1798 legislation decreed would now be forwarded to the federal government. In Federalist-controlled areas such as New England and Petersburg, Virginia, at least, returns were forwarded. The widespread noncompliance in 1798 was not repeated during the War of 1812, when British subjects registered as alien enemies with the federal government in large numbers, as detailed in Chapter 4.52

Noncompliance can be determined by the relative absence of extant alien returns, although records are incomplete. Nonetheless, the federal court district for Pennsylvania registered only 172 heads of household during this period, when a much larger number of foreign migrants resided in Philadelphia and nearby areas. The act required aliens to register in a federal court, and this was the only one available to them without crossing state lines.53
Some French migrants did embrace violent resistance or announced public sympathy with such resistance, although there is only secondhand evidence recorded in alarmist accounts in the Federalist press. The violent resistance included the previously mentioned incident involving the alleged French migrant who claimed he would be willing to behead President John Adams and was prosecuted for uttering “seditious words.” Taken at face value, his activities show several different strands of political activity. First, by supporting Jefferson, he was taking an active part in American politics. Second, by mapping the execution of Louis XVI onto John Adams, he was, like many Americans, placing the politics of the United States in the broader context of a pan-Atlantic republican struggle. He also spoke about national figures and the presidency rather than about local partisan concerns, and it was his discussion of the presidency that spurred his prosecution. Last, he intended to fully integrate himself into the polity by naturalizing the day after his arrest. This “seditious Frenchman” simultaneously sought to resist the Federalist program while also bringing about coverage of his actions that the Federalist press presented as justifying the exclusionary and punitive measures taken against foreign migrants: this Frenchman should not be allowed to naturalize, and was, in the eyes of the *Porcupine’s Gazette*, deserving of his prosecution for his seditious utterances.\(^\text{54}\)

In Newark, New Jersey, another French migrant was prosecuted for the same crime. Lespenard Colie (also Lespinard, and possibly L’Espagnard) was prosecuted along with Luther Baldwin and Brown Clark for remarks concerning the cannonade greeting President Adams as he rode through Newark. Baldwin allegedly remarked that John Adams “was a damned rascal and ought to have his arse kicked, and one of the cannon shot through it.” Clark and Colie, associates of Baldwin, were also charged with “seditious words.” According to one account, Colie also stated that “if the French came he would joint them & fight for a shilling a day, & deliver up any that were inimical to them.” These remarks were seditious not only for being defamatory toward the presidency, but were indicative of the threat of violent resistance to the US government.\(^\text{55}\)

Colie had initially pled not guilty, but then changed his plea on the same day, and paid a fine of $40, “being very poor,” while his friends were brought to trial one year after the incident. Colie and his friends found the Adams welcome ceremony rather pompous and, in keeping with Republican concerns about political ceremonies and the presidency, perhaps veering uncomfortably toward monarchy. The inhabitants of Newark, including the dram-keeper who had supplied them with alcohol that morning, felt that their remarks had become seditious, and rather than actually dangerous, were an affront to the display of community
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harmony and order. According to the Newark Centinel of Freedom, the inhabitants of the town were disappointed that Adams did not stop when he passed through, and in consequence “bent their malice on poor Luther [Baldwin] and the cry was, that he must be punished.”

French migrants also engaged in a frequent public defense against the depictions of them in the nativist press. They countered the view of French migrants as lawlessly violent Jacobins by presenting themselves as predominantly white, peaceable, unarmed, wealthy, and strictly obedient to local and national American laws and regulations. Additionally, they, like other foreign migrants, emphasized the American national vision as a place of asylum from the war-torn Atlantic. They did so not only in public forums such as newspapers, but also in their encounters with the American government. This defense was intended to sway public opinion, and to bring about more favorable treatment in personal encounters with federal officials and other enforcers of migration laws. Engagement could strengthen federal authority by acknowledging the legitimacy of that authority, while at the same time migrants forced officials to explain why harsh measures were being taken against migrants who presented themselves as peaceable and nondangerous.

Among those aliens who did register with the federal government, a number departed from the simple data that they were required to provide and explained more about the circumstances that caused them to come to and remain in the United States. They chose to emphasize their status as refugees and the asylum they received in the United States. Elite women asserted their legal status in these documents alongside their husbands. Those who did take steps toward becoming citizens seem to have been motivated by their dislocations as a result of the Haitian Revolution.

Among those who emphasized their status as refugees were those who had fled from the 1793 battle and subsequent fire that engulfed the city of Cap-François (now Cap-Haïtien) on the north coast of Saint-Domingue. Jacques Julien Robert Malenfant, a “sugar refiner and overseer of sugar plantation” working as a clerk for Peter Stephen Duponceau at the time of his registration, stated that he was “a Fugitive from the Conflagration of Cape François in the Island of St. Domingo” and that “he left that town [on June 2, 1793] when it was actually in Flames.” Francis (or François) Mery, a “Watch-maker” also stated that he had fled from Le Cap “where he resided at the Time of the Conflagration.” Migrants could also more clearly emphasize the importance of racial solidarity that they felt white Americans owed them. Charles Collet, “following the profession of
ice cream maker” in Philadelphia, stated that he was “a fugitive from the persecutions of black men in the Cape Français where he had arrived one year before from France.”58

Other registrants emphasized their peaceful nature and willingness to live quiet, law-abiding lives while in the United States. Joseph Marie Thomas, a clerk and “teacher of the French language,” his wife, Jeanne Felicité, who was “about 44 years having no trade” as well as her adult sons from a previous marriage collectively stated that that they settled in Philadelphia “after the Conflagration of Cape Français,” where they “intended to fix their residence” until they could return “with safety” to Le Cap. In the meantime, “bound by Gratitude” for “the Hospitality they have received in this Country” they stated that they all would continue to “behave in a Manner as suitable with the Government of the United States as it become honest people that Misfortune has struck but not debased.” Lewis Francis (Louis-François) Morin Duval, a “chemist” and paroled prisoner of war who arrived from Jamaica, stated that although he was “bound to an Oath of Allegiance to the French Republic” he registered himself as an alien “to shew himself submissive to the Laws of Government in which he resides” conditionally stating “the two Countries as yet being at peace with one another.” Jean Lefeve, “by trade a glass cutter,” and living in Philadelphia “from six months ago” resided with his uncle “opposite city tavern exercising my trade,” which Lefeve hoped “to pursue in the United States in the most peaceful manner and with honesty.” Also “pursuing their trade in the most peaceable manner and with honesty” were the coopers Etienne Paris, Pierre Nauze, and Louis Neau, who reported themselves as a single household.59

Similarly, the D’Orlic family attempted to emphasize the peaceful nature of their stay in the United States. Marie Dominique Jacques D’Orlic and his wife, Marie Laurence Carrere D’Orlic, both signed their alien report. Mme D’Orlic was not unusual in cosigning the landing report: many elite-status French women did the same. Their report noted that M. D’Orlic was “late employed in King’s household” although the couple had in fact arrived in the US from the French West Indies in 1793. Unsurprisingly, they described themselves as subjects of the king of France rather than citizens of the French Republic. They lived in reduced circumstances, living “upon the means we brought with us” at “Vine Street No. 167.” The D’Orlics hoped that “by complying with the laws of the United States, we [should] find in this continent the safety peace and protection which has been heretofore granted us.” The D’Orlics were clearly emphasizing that prior to 1798, they had been relatively unmolested and indeed found safety, peace, and protection in the United States, but that recently that had seemed less
the case, despite their impeccable Royalist credentials. While not condoning the law, they hoped that their compliance with it demonstrated that they were not in the class of dangerous aliens who needed to be expelled or could be subjected to informal violence or harassment. The D’Orlics hoped to succeed in obtaining favorable treatment from the US government while also maintaining a French identity and legal status.60

In short, families like the D’Orlics and those who chose to present themselves similarly sought to change and influence the enforcement of the laws on the ground—they complied with the law but made clear that they saw a different picture of the United States and their particular place within it. They were peaceful people, refugees, seeking asylum. They felt that presenting themselves in that way to officials of federal courts was a beneficial strategy. Like Moreau de St. Méry, they viewed their rights as legal persons as entitling them to dignified treatment by their host country. This strategy had its limits, in that it did not prevent federal officials from enforcing compulsory registration and using the threat of deportation against those French migrants whom they wished to expel from the United States.

Some migrants displayed a different challenge to national citizenship by refusing to associate citizenship with nationality, either by showing their integration into the Philadelphia community, or by explicitly claiming to be citizens of foreign localities rather than the French Directory. Royalists explained that they had fought with coalition forces and argued that they were no longer legally French, regardless of how nativists like Harrison Gray Otis chose to view them. A few men, already required to list their alien dependents, mentioned their American-born wives, while others displayed their investment in their communities as taxpayers. Louis Duvivier, who “practice[d] phisick and kept an apothecary shop,” stated, “I am maryed to an American and living in South Front Street Number 375.” Similarly, Joseph Aubaye, a “merchant taylor” stated that after arriving in Philadelphia from Saint-Domingue in 1794, he “married an American lady.” Petter Joubert, a goldsmith who “emigrated from Cape Phrensy” stated that he “has paid tax since his arrivle in . . . 1793” Lewis (Louis) Deseuret, not only “paid tax” but also “married a native of this country” [the US] from which union he had “one child born a daughter.” Deseuret intended “to be and remain a true citizen as long as I remain in [Philadelphia.]” Despite these provisions, federal officials in the 1790s made no move to treat binational couples differently, although they would in the War of 1812. Similarly, the presence of taxpayers, who qualified as Pennsylvania voters, indicated that national citizenship overruled local standing—the penalties of being a national alien overruled local status.61
Other migrants chose to unlink citizenship from nationality by disassociating the terms from one another in alien registrations, much as Deseuret attached himself to Philadelphia rather than the US. Francis (François) Rosset displayed just such a disassociation by stating that he was “a citizen of Grenoble subject of the Government of France.” Jean Baptiste Lamdry, a tailor, reported himself as “a citizen of Abbeville in the French Republic.” Andrew Vanderherchen, who arrived in the US from Cap-Français in 1793, stated that he was “a native of Namur” which he described as being in “Germany,” or what was then the Holy Roman Empire and what is presently Belgium. Similarly, Jean Baptiste Thiry, “a native of the province of Luxembourg,” stated that he was “a subject of the Emperor” but also that he was an “Officer in the army of his Britannic Majesty at St. Domingo.” Henry Roberjot was born in Bordeaux but stated that he was “a citizen of Hamburg since the 10th may 1784.”

Still others noted that their aid to British forces that had invaded Saint-Domingue or as aristocratic émigrés in Europe had caused them to cease to be legally French. Charles Colbert stated that he was “lately from England where he was Captain in the British Service.” Thomas Badaraque stated that he was a “subject of his Britannic Majesty by letters of Naturalization Granted to me by Lord Balcares Governor of the Island of Jamaica.” The aforementioned Louis Duvivier was “a native of Paris” but a “subject of the King of England.”

Looking at the overall self-presentation of the migrants appearing in the landing reports, their attitudes toward naturalization itself show that citizenship was most important for those fleeing from revolution and sensing that return was not feasible. The sense that naturalization was a valuable protection competed with other possible understandings of their status: exile from their true homeland and a cultural premium on things French, especially for those employed in occupations such as dancing instructors, French teachers, and artists. More broadly, migrants were especially likely to have taken steps toward naturalization if they were middle-aged, well-off, highly skilled artisans. For people who held high positions in government, or hoped to revive plantation slavery on Saint-Domingue, naturalization held less appeal.

What these documents also show is a community of foreign migrants who were well-informed about American public events and had a working knowledge of the American legal system. These migrants worked with their lawyers and cultivated a relationship with the federal district court in Philadelphia for their naturalization and other legal needs. Thus, the accounts of suffering in Saint-Domingue, and expectations of asylum, safety, and peace in the United States make clear that they believed that their accounts of themselves would elicit favorable treatment from
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federal authorities and allow them to avoid deportation in the event of a declared war. In order to effect changes in alien policy, it was necessary to engage with federal officials and work with the machinery of the state. That engagement would have to be on terms with which decision-makers were familiar. Thus, refugees from the Haitian Revolution emphasized their status as asylum seekers and depiction of the United States as a neutral refuge from the wars of the Atlantic revolutions, and indirectly attempted to validate their presence based on an American self-conception of the United States as an “asylum for mankind.”

One of the most effective attempts to influence national policy relating to citizenship and migration was the successful halting of the passage of the bill that would have prevented French citizens from entering the United States. The Senate had already passed the French Passengers Bill and it was being debated in the House, while panicky rumors of a combined invasion of French “Jacobins” and Black Dominguans swirled around Philadelphia. The passengers of the ship \textit{Melpomene}, predominantly French Royalists who had aided British forces in Port-au-Prince, were detained and forbidden entry into Philadelphia. Together with the merchants who owned the \textit{Melpomene} and other ships arriving from Saint-Domingue, they launched a public campaign to halt the bill and allay fears stemming from the misinformed rumors gripping Philadelphians.

On June 29, as the House debated their exclusion, the passengers and crew on board the \textit{Melpomene}, along with its owner, signed a memorial that they forwarded to Congress and to local newspapers. The memorial was a public reply to published rumors of the supposed invasion that had appeared the previous day, which the memorial stated were “false, groundless, and calumnious.” The passengers emphasized their white racial status and control of people of African descent on board, their peaceableness, their lack of arms, their wealth, and their strict obedience to local and national American laws and regulations.

Countering accusations of low economic status, they stated that “we are not vagabonds and ‘without any funds,’” but rather possessed “sums [of money] on board more than sufficient to convince the government” of the contrary. Rather than overwhelmingly Black, the passengers were evenly split between white (fifty-six passengers) and “negroes” (fifty-five). The memorial stated that rather than rebellious, “All of the slaves have followed their owners from choice . . . nor is there one of them that ever bore arms.” The crew was predominantly white as well.

The passengers strongly emphasized their obedience to the law. They stated that “we have submitted ourselves to the laws of the country, and so strictly have
we done this” that they had prevented “two Americans” from carrying a sailor off the ship in violation of quarantine, and that all communications with other vessels had been done in good order and obedience to quarantine. The effectiveness of the memorial can be seen in the sudden change in the terms of the debate of the bill in Congress. Shortly after Otis had argued that “a Frenchman is a Frenchman everywhere,” Congressman Samuel Smith of Maryland and Albert Gallatin began to argue along the lines of the memorial that Congress was about to formally receive—that the passengers had been compelled to board the ships in Saint-Domingue, and that the merchants who owned the ships were at risk for financial hardship over a controversy in which they had no choice but to accept the passengers. Reflecting the memorial of the passengers, Smith also argued that the enslaved people aboard accompanied their masters by choice, and were “determined to abide by their masters,” and it would be “cruelty” to “separat[e] these faithful slaves from their masters, who had preferred this state with them, to freedom without them.” It would be even worse, according to Smith, to require the ships’ owners to deport the passengers at the merchants’ expense, which would be “cruelty never before heard of.” The House did not pass the bill.68

In this instance, French migrants were able to mobilize a public response and effective lobbying campaign in coordination with Philadelphia-based merchants, defeating an attempt to achieve further national governmental power to regulate immigration. The merchants do not appear in the congressional record by name, but they are probably the same merchants involved in trade with revolutionary Saint-Domingue—including the Franco-Americans Stephen Girard, Benjamin Nones, and the Bousquet brothers. But responses by French migrants were not always effective in stemming the growth of a nationally regulated citizenship.69

The presence of French migrants, refugees from the Haitian and French revolutions, spurred nativist fears about foreign intrigue, which in turn led the passage of the Alien and Sedition Acts. The acts were part of a Federalist attempt to create a national citizenship. The acts linked rights to citizenship by denying rights to privacy and freedom from deportation to aliens in peacetime, which explains how citizenship and rights became linked in the process of the nationalization of citizenship. More practically, the Federalist program gave the federal government powers it had previously lacked. The Alien Enemies Act, in particular, would come very much into force during the War of 1812, as described in Chapter 3.

Alien resistance to the Federalist program and nationalization of citizenship, however, could also work to strengthen national citizenship. Migrants who
threatened violent resistance gave nativists a chance to enforce the new laws against them, as Colie’s prosecution indicates. The presence of actual French spies such as Victor Collot provided an excuse to place the entire foreign population in the United States under surveillance. Even when migrants sought to influence the on-the-ground enforcement of national citizenship, they were forced to acknowledge federal authority and allow the laws the power of enforcement. Nonetheless, migrant lobbying also won important victories that limited federal power, most notably in defeating the blanket ban on the entry of French citizens into the United States.

French migrants employed a number of strategies, but differed from British and Irish migrants from the 1790s in their engagement with the American public sphere. While French migrants carefully lobbied against laws specifically directed at them, and engaged with federal officials enforcing compulsory registration, British and Irish migrants engaged in a boisterous public campaign against the Federalist program, and worked closely with the Republican opposition and press to challenge the Federalists. These activities are discussed in the following chapter.