CHAPTER 3

Liberties and the Republic: The Division of the Nation over Foreign Policy Issues

From 1793 to 1800 the party struggles that had so inflamed congressional debates from 1791 on spread to the whole nation by means of a fervid press. At a time when monarchical Europe was joining forces against the French republic, foreign policy was more than ever an ideological battleground: on one side, there were Republicans, who had confidence in the future of a democratic American republic (and were thus close to France), and on the other, there were Federalists, whose main goal was to ensure that the nation’s elite continued to prosper (and who were thus close to Great Britain). While the divisions in Congress grew stronger and became institutionalized, the ideological oppositions spread to the whole nation. Three stages punctuated this process of increasing polarization and confrontation: the year 1794, marked by the suppression of the Whiskey Rebellion and the signing of Jay’s Treaty; 1796, marked by the excesses of the presidential campaign; and 1798, marked by the passing of the exception laws.

For five years the whole country was up in arms over issues of national interest that should have sealed the nation’s unity. The failure to maintain a consensus was, however, offset by restructuring on the national level, even though such restructuring was not altogether clear to those involved. Indeed, far from being simply the reconstruction of an ideology that had been developed in another time and place, as Lance Banning claims in *The Jeffersonian Persuasion,* the two-party system that emerged in Congress and then spread to the whole country was the first manifestation in the United States of a modern political life of the liberal type. But although American politicians—both Federalists and Republicans—were involved in this development, they did not possess the analytical tools to comprehend it. They made it up as they went along, without having the full picture, and often without approving of it since it called to mind a “party spirit” that the still dominant classical republican ideology had hitherto condemned.

At a time when the tradition of legitimate political opposition was only just beginning, it was not surprising that each party called the legitimacy of the other
party into question. For the party in power, it was very tempting to take control of the democracy before it had even emerged in its modern form, to refuse to allow political opposition in times of crisis, and to adopt authoritarian practices that were hardly compatible with the spirit of a republican government as had been inherited from the American Revolution. For Madison and Jefferson, who wrote the Virginia and Kentucky Resolves of 1798, it was clear that infringement on the part of the administration upon the liberties inscribed in the Bill of Rights amounted to rejecting the democratic heritage of the Revolution and thereby jeopardizing the nation’s identity and principles.

The Ideological Turning Point of 1794

Jay’s Treaty

At the end of 1793 and the beginning of 1794, the Federalists had not yet fully taken over the administration. Although Jefferson had left George Washington’s government at the end of 1793, he was replaced by another Republican, Edmund Randolph. For the time being, the president remained above the political scuffles. Meanwhile, for Hamilton and his allies, controlling the government did not simply mean checking the political orientation of cabinet members; it was also a matter of enacting a particular program based on good relations between the United States and Great Britain. At the end of 1793 and the beginning of 1794, however, instead of friendship, dissension appeared to set in between the two countries, and this had the potential of tipping the balance in favor of the pro-French policy of the Republicans.

The disagreement between the United States and Great Britain arose in part because of the aid provided by the British to the Indians of the Northwest, as we have already seen. Another factor was France’s declaration of war on Great Britain on February 1, 1793, and the outbreak of hostilities between the two nations. As a maritime power, Great Britain had every intention of using all the means at its disposal in the fight against its enemy France. The British were aware of the fact that the French wanted to buy the staples they lacked from the United States, not only because the United States was a large producer of grain and other food products, but also because it was a neutral country. In the 1778 treaty of commerce between France and Great Britain, it was stipulated that “free Ships shall also give a freedom to Goods.” The French government thus counted on American goods reaching France without incident, especially in view of the fact that this rule had been adopted since 1778 in treaties the United States had signed with the United Provinces and with Prussia; this rule had thus acquired a certain weight at the international level. France had not taken Great Britain into consideration, however. Great Britain refused to rec-
ognize the new rule and followed, rather, the previous custom (consolato del mare), which allowed warring nations to inspect neutral ships if they carried goods belonging to the enemy or products listed as contraband. The American merchant marine received its first blow on June 8, 1793, when the British cabinet decreed an Order in Council according to which all neutral ships headed to France and carrying wheat or flour were to be brought into British ports so that the cargo could be seized and purchased by the British government. This Order in Council, which constituted a threat to the American merchant marine, also endangered the interests of American farmers. Jefferson had barely had the time to make official representations to the London government when news reached the United States that another Order in Council had been passed, one that was even more unpalatable to the American merchant marine. The point of this new order, which was dated November 6, 1793, was to sever economic relations between France and its colonies by prohibiting neutral powers from transporting colonial products: “all ships laden with goods [that are] the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony” were to be stopped and detained, and brought in “for prize-court adjudication.” This order was unacceptable for two reasons. First of all, it was made public only in December, which meant that British war vessels had time to reach the Caribbean before American ships could withdraw to the U.S. coast. Secondly, this order was based on a rule of international law that was peculiar to the British—the rule of 1756—according to which trade that was closed in peacetime could not be opened up in wartime without being subject to sanction. Although France did open up its colonies more to American trade after hostilities had broken out, much of the French Caribbean trade had already been open to Americans before. The British had thus defied their own rule: it was clear that in wartime no law mattered to them.

In Congress news of the inspection of more than 250 American vessels came at the perfect time for the Republicans. Jefferson had just presented his final report on the economic relations between the United States and its major partners, and it was thus in the midst of the uproar over the situation of the American merchant marine in the French Caribbean that the House of Representatives immediately set about examining Jefferson’s report. Madison could once again propose discriminatory measures, as he had done before—to no avail—in 1789 and 1790. Once again, however, the debate was short-lived. The measures that Madison proposed were to appear insufficient in the wake of a speech pronounced by Lord Dorchester to the Indians of the Seven Villages of Lower Canada on February 10, 1794, in which he declared that the actions of the American people would most likely lead to war between Great Britain and the United States, and in that event the “warriors” would draw the line. This speech contained a two-pronged threat of war: with England, and also with the Indians, whom the American army had not yet come close to defeating.
According to John Jay, passions were roused, both in the public at large and in Congress: “There is much irritation and agitation in this town, and in Congress. Great Britain has acted unwisely and unjustly; and there is some danger of our acting intemperately.” There was a threat of war. Hamilton, however, managed to turn the situation to his advantage by proposing to send to London an envoy extraordinary, in the person of John Jay. This measure, which was presented as the last attempt at conciliation with Great Britain before war broke out, was approved by the Senate. Hamilton had thus found a way of avoiding both war and Madison’s proposals. All that remained to be done was to make sure that this conciliatory attempt was successful and that it led to the signing of a treaty that would seal the agreement that he had been working on from 1789 to 1793. In order to avoid any chance of the negotiation failing, the true intellectual leader of American diplomacy had to make sure that John Jay’s orders contained no demands that the British would find hard to meet. Hamilton managed this perfectly since he essentially drafted them himself. In intent, Jay’s orders followed the Federalist view expressed by Hamilton in George Washington’s cabinet, with some minor points added by Edmund Randolph. As to the wording of the orders, it was particularly flexible and thus quite unconstraining: there were nineteen recommendations but only two sine qua nonns. Whereas the secretary of state in charge was a Republican, in fact “the ideas of Hamilton dominated the negotiation.” As Samuel Flagg Bemis observed, in the realm of foreign policy “Hamilton’s influence was now practically unlimited.” In only four months after Jefferson’s departure, Hamilton had managed to take control over U.S. foreign policy. He could now redirect this policy the way he wanted, namely, toward increased cooperation with Great Britain. Insofar as the Federalists were ready to give in on virtually every front in order to achieve an agreement, all that was required was for England to find the agreement worth its while. This was precisely the turn the events took when John Jay reached London. Faced with the spectacular victories scored by the French armies, the first coalition that had been formed against France was beginning to weaken, and England stood to find itself alone in the fight. England could not afford to lose a special economic partner and to scatter its army. John Jay was therefore well received, as he confided to Edmund Randolph and more pointedly to Alexander Hamilton. On the one hand, Secretary of State for Foreign Affairs Lord Grenville went back on the Orders in Council of June and November 1793. Meanwhile, the negotiations made headway, and on September 30, 1794, John Jay transmitted to Lord Grenville a draft of the final version of the treaty. This draft was actually much more ambitious than the treaty that was eventually signed on November 19, 1794. Indeed, it included among other clauses the rule that “free ships make free goods,” which was not included in the final draft.

How can one account for the new inflexible stance that was adopted by the British starting on September 30 and carried over into the final treaty? This
stance was in fact the unintended by-product of Hamilton’s persistent efforts at parallel diplomacy meant to better ensure the success of John Jay’s mission. Indeed, on September 20, Lord Grenville had learned from George Hammond in Philadelphia that Hamilton had assured him that the United States would not join in armed neutrality. Suddenly the Americans’ wrath no longer seemed so menacing to the British government. Whereas the negotiation had gotten off to an auspicious start for Jay, it ended up favorably for the British, as can be seen from the terms of the treaty that was signed on November 19, 1794.24

Most historians who have analyzed the treaty draw a negative assessment of it. One such assessment is that of L. S. Kaplan:

When Jay was dispatched to London, his major mission was to end British depredations on the high seas. The treaty he signed not only had nothing to say on the subject but also appeared to accept the British depredations of neutral rights and freedom of the seas. British interpretations of international law were written into the treaty. Nor did Jay secure the commercial treaty Hamilton had wanted or the privileges such a treaty would have accorded American commerce, with the exception of a limited entry into the West Indies which was so inadequate that Article XII, in which it was embodied, was deleted by the Senate. Conspicuous by its silence in the treaty was the flaming issue of impressment. . . . Westerners were upset over Jay’s failure to gain a British commitment against interference in Indian affairs in the Northwest, while Southerners were angry over his failure to provide compensation for loss of slave property carried away by the British army during the war.25

In fact, even S. F. Bemis conceded in his own way that diplomacy had not played a primary role in the signing of Jay’s Treaty: he observed that this was the best treaty Jay could get if he really wanted a treaty.26 What the Federalists and Alexander Hamilton wanted was a treaty, any treaty, not with a view to solving all the issues between the United States and Great Britain, but in order to avoid a falling out between the two countries.

Through this treaty Hamilton believed that his policy of Anglo-American rapprochement was given substance and recognition. And through this victory in foreign policy, he hoped to establish the preeminence of the Federalist Party line. He succeeded on the first score: the last chance mission was changed into a “quasi alliance” with Great Britain, with several aspects and provisions of the treaty clearly trampling over the 1778 treaty with France in both spirit and letter and actually jeopardizing Franco-American friendship.27 This clearly constituted a reversal of alliances, however, and for most Americans, who less than a year before had thought they were on the brink of war with Great Britain,
and who felt very close to the French “sister republic,” such a reversal amounted to exchanging something certain for something uncertain. In South Carolina, for instance, all strata of the population were incensed at the British decision not to reimburse the planters for slaves captured or freed during the War of Independence, against the stipulations of the 1783 peace treaty. Senator Jacob Read, whose vote made the ratification of Jay’s Treaty possible, could not go back home to Charleston for fear of the riots that would follow from too speedy a return. The Republicans in particular were determined not to go along with this. They now knew, however, that they could no longer count on George Washington’s support.

The Whiskey Rebellion

Until 1794 the president had managed to stay above partisan squabbles and remain the symbol of nascent national union, centered on the Constitution. Now, however, the protests of western pioneers (from western Pennsylvania, Maryland, Kentucky, North Carolina, Virginia, and the Northwest Territory) against the 1791 excise tax on whiskey were pushing him toward the Federalist side. Indeed, the political unrest of the 1790s was matched by forms of social unrest that revealed the deep tensions within American society. In the cities, the emergence of new, capitalistic types of work relations altered the old structures of the craftsman’s world and resulted in social conflicts. In the country, and especially on the frontier, the 1790s witnessed a growing opposition between two social categories: on the one hand, there were small farmers who sought free or cheap access to the virgin lands, and on the other hand, there were great landowners who used political connections to acquire large land grants. In this context, the whiskey tax constituted a war cry for the pioneers, squatters, and small landowners; these groups resented having to pay a tax that weighed much more heavily on themselves than on the eastern seaboard, home of the Federalist leaders and the great landowners. Indeed, the price of whiskey was much lower in the West than in the East, whereas the tax was uniformly set at seven cents per gallon. Moreover, in the West whiskey was a common drink, a token of exchange, and an indispensable component of social and economic life, which was not the case elsewhere.

Instead of gradually receding, the troubles that this new tax caused intensified with time, especially in western Pennsylvania, where, under the aegis of democratic societies, various assemblies of citizens strongly condemned the federal tax in 1794. These peaceful protests were accompanied by outbreaks of violence that were typical of frontier life: tax collectors were threatened or chased away, ambushes and raids were organized, and houses were burnt down. Such a climate of insurrection was intolerable for George Washington, who was himself a great landowner in absentia in this area, and who, as a statesman and
man of law and order, could not bear to see the authority of the state and the social order being jeopardized. Although the rebels fought against the tax in the name of the revolutionary tradition of 1776, that is, the rights of citizens to oppose the powers that be, George Washington clearly meant to impress upon them the fact that he no longer abided by that tradition. In his Proclamation of August 7, in which he condemned the rebellion, he declared that such “combinations” were “proceeding in a manner subversive equally of the just authority of Government and of the rights of individuals.”

George Washington did not doubt for a moment that the true impetus behind this social movement came from the democratic-republican societies, which were inspired by Genêt and, through him, by the principles of the French Revolution:

That these societies were instituted by the artful and designing members . . . primarily to sow the seeds of jealousy and distrust among the people, of the government, by destroying all confidence in the Administration of it; and that these doctrines have been budding and blowing ever since, is not new to anyone. . . . I early gave it as my opinion to the confidential characters around me that, if these Societies were not counteracted . . . or did not fall into disesteem from the knowledge of their origin, and the views with which they had been instituted by their father, Genet, for purposes well known to the Government; that they would shake the government to its foundation. Time and circumstances have confirmed me in this opinion. . . . I see, under a display of popular and fascinating guises, the most diabolical attempts to destroy the best fabric of human government and happiness.

At the end of August, the president initiated a military campaign, the goal of which was to end unrest in the area. This decision was not only meant to restore the government’s authority over the frontier, but it was also geared at putting down once and for all a political and social movement that he saw as linked to the Republican Party; moreover, from the mere fact that this movement was rebelling against the administration, he also believed that it constituted a fatal threat to the government. By so openly siding with the Federalists and refusing to allow for opposition, George Washington lost his status as “Father of the Nation,” and his political action lost its unifying dimension. In trying to further the nation’s unity in the direction he wanted, George Washington ended up undermining the pioneers’ loyalty to the federal government, which was now Federalist.

At the end of this military campaign, which was totally lacking in greatness, the president himself emphasized the political nature of the operation. In his message to Congress on November 19, 1794, he publicly linked the Whiskey Rebellion to “certain self-created Societies.” It was clear to everyone what this
obscure expression referred to: the democratic societies, which were linked to
the Republican Party. For the president, a sector of public opinion as well as
a political party (i.e., the Republicans) had thus ceased to be simply the oppo-
sition and had become the enemy. The nation was now divided into two hos-
tile camps, one conservative and elitist (i.e., the Federalists), and the other closer
to the people and their demands (i.e., the Republicans); from that moment
on, George Washington made no attempt to hide his Federalist sympathies.

In emphasizing a narrow connection between the democratic societies (and
by implication the Republican Party) and the western rebels, George
Washington considerably overstated these societies’ agenda. Although
Republican politicians did express outrage at the strong-arm tactics of the gov-
ernment’s campaign against the Whiskey Rebellion, they cannot seriously be
considered the direct instigators of this farmer revolt. In the West itself, the
democratic societies, which had supported the movement in the beginning,
distanced themselves from it, and their leaders tried in vain to appease the farm-
ers’ anger when the revolt turned into an insurrection.38 A good illustration—
almost to the point of caricature—of the “radical” limits of the Republicans’
democratic ideology as revealed by the Whiskey Rebellion is the case of lawyer
Hugh Henry Brackenridge. An ambitious lawyer with Republican leanings,
Brackenridge joined the rebellion of the Pennsylvania farmers in order to tem-
per their anger. Soon overtaken by the mob, he derived from this experience
a lasting disgust of the simple frontier citizens.39 The Republicans were not inter-
ested in satisfying the egalitarian aspirations of farmers and craftsmen; they
sought first and foremost to rally their energies and votes in support of their
own moderate political agenda.40 The Republican leaders’ democratic commit-
dment did not mean that they intended, once in power, to end social inequalities
in the new republic, be it in New York or in South Carolina.41 While the
Whiskey Rebellion was, in the words of Thomas P. Slaughter, the “last violent
battle over the meaning of the Revolution,”42 it was not waged in the name of
goals that could easily be endorsed by the Republican leaders.

Driving Out the Last Republicans from the Administration

When the treaty Jay had concluded reached Philadelphia, the only motive that
could have prevented George Washington from signing it was his mistrust of
the former enemy in the War of Independence; indeed, that mistrust was doubt-
less strengthened in the spring of 1795, when the British renewed their mea-
sures of June 1793. Neither the fierce press campaign that the Republicans
launched nor the opposition of Republican voters could affect him.43 Seeing
that the treaty was likely to be sent back to Great Britain for further negoti-
ation, Edmund Randolph, the secretary of state who was the last Republican
member of the cabinet, wrote in hopeful terms to James Monroe, on July 14,
1795: “The treaty is not yet ratified by the president nor will it be ratified, I believe, until it returns from England, if then.”

Little could Randolph imagine then that barely one month later he would help bring about what he feared most, that is, the signing of the treaty by George Washington. Indeed, at the end of July, George Hammond forwarded to Secretary of War Timothy Pickering a dispatch from Joseph Fauchet, the French plenipotentiary in Philadelphia, which had been intercepted by the British during the preceding winter. Written at the time when George Washington was preparing to put down the Whiskey Rebellion, Joseph Fauchet’s dispatch contained disclosures that incriminated the secretary of state on two counts: it mentioned criticism leveled by Randolph at other members of the American cabinet during past discussions with Fauchet, and, more importantly, it hinted that Randolph had requested financial aid to rekindle the Republican ardor of western political leaders. The virtuous French minister cried, “Thus a few thousand dollars would have been enough for the French republic to decide the issue between civil war and peace!” Then he added, without being able then to perceive the irony of the remark: “It is true that the certainty of these painful conclusions will remain indefinitely within our archives.”

For the American president, such remarks were unquestionable proof that Edmund Randolph was in cahoots with the western rebels; on August 19, without investigating the matter, he showed the letter to Randolph and refused to accept his explanations. The secretary of state denied ever having betrayed his government, but nonetheless had to resign. The political changes that the administration had initiated in putting down the Whiskey Rebellion thus came to a head: now that the Republicans had no representatives in George Washington’s cabinet, they became the de facto opposition. The myth of an executive branch embodying national unity crumbled—at the very moment when Congress was clearly splitting into two groups: those who supported Jay’s Treaty and those who were opposed to it; meanwhile, the Republican base was growing stronger in the areas where the administration had come down hardest. For the Federalists to achieve their goal of total control of government, all that remained to be done was to oust the last Republican in a high-ranking position, namely, James Monroe, the American minister in Paris.

Monroe had left the United States in the spring of 1794, at the height of the Anglo-American crisis. From his instructions, which were written by Randolph, one easily perceives a desire to keep up close relations with France, the only great power that was a U.S. ally. The secretary of state knew that John Jay’s departure for London would most likely make the French uneasy, and he advised Monroe to depict the political opposition between Federalists and Republicans in a softer tone than what the French might have hitherto imagined. Indeed, the French justifiably felt that the American government was more eager to cultivate a friendship with Great Britain than to strengthen Franco-American ties.
By producing statements in favor of France and the revolutionary spirit uniting the two nations, Monroe managed to redress a state of affairs that had deteriorated partly because of the aristocratic discourse of his predecessor Gouverneur Morris and the added circumstance of John Jay’s departure for London. Through Edmund Randolph, George Washington even congratulated Monroe. The French were now convinced that the American government supported France and that the United States belonged to the side of democratic republics along with France.

When the news of the signing of Jay’s Treaty reached Monroe and the Committee of Public Safety, the American minister in Paris sought at all costs a way to silence accounts according to which: “Mr. Jay had not only adjusted the points in controversy, but concluded a treaty of commerce with that government. Some of those accounts state that he had also concluded a treaty of alliance, offensive and defensive.” Monroe also was anxious to quell the doubts that arose in his own mind as he wondered whether he was not the “organ of . . . a double and perfidious policy,” sent to Paris to allay French suspicions until an Anglo-American treaty was signed. He therefore asked Jay to give him the text of the treaty, but Jay refused to do so. Jay placed no trust in the Republican, who, in his view, only wanted to sell out the United States to France. Monroe also did not receive any further instructions from his government, and he thus became an impotent witness to the rising anger of French leaders against the Federalist administration. After wanting to believe as long as possible that the treaty would not be ratified, the French gave free rein to their wrath once the bad news was announced.

In the pages of the Moniteur, one editorialist exclaimed: “Indeed, there were dangers for you to face; but was there not also a sacred debt to be paid off, and national honor to be defended? Who held up your forts and captured your vessels? England did. Who sought to enslave you? Who brought you war with the Algerians and the Indians? England did. And who defended you when you broke your chains? France did. Who, for her own sake, wants you to preserve your liberty? France does.”

After the president ratified the treaty, it was all too easy for Timothy Pickering, successor to Edmund Randolph, to send James Monroe long explanatory dispatches and to incriminate the American minister in Paris for his misinterpretations. How could Monroe have given an accurate interpretation of a treaty he was denied access to? In spite of Monroe’s efforts to avoid a rift between the United States and France in the spring of 1796, Pickering notified him of his recall in a letter dated August 22, 1796. For the Federalists, Monroe was a convenient scapegoat; they pointed to him as the sole cause of the misunderstanding that now existed between the United States and France. The last influential Republican was thus eliminated. As the undisputed holders of power, the Federalists could now implement their policies.
The 1796 Presidential Campaign:  
The French Faction vs. the English Party

Political Passions and Conspiracy Theories

In this period, that is, the end of the eighteenth century, the political life of the United States foreshadowed that of modern capitalist democracies. Under pressure from ideological struggles and events in foreign policy, Americans went through political conflicts in the heat of passion, without moderation and reason, or even strategic planning and negotiation. For Marshall Selmer, the Federalist period was the “age of passions,” the three dominant passions being, in his analysis, hatred, anger, and fear. As was the case with George Washington’s indictment of the democratic societies during the Whiskey Rebellion, politicians, whether Republican or Federalist, could not bring themselves to treat their opponents as respectable citizens, merely professing different views. Any opponent was bound to be an enemy, or worse a traitor, a conspirator, or even a foreign agent. Foreign policy had contributed to fashioning the parties; it now became the principal ingredient of the political hatreds that made up the bulk of public debate in the United States after Jay’s Treaty. Passions were fully unleashed during the presidential campaign of 1796, with verbal slander reaching a climax.

Each party’s press was in search of sensation and allotted a good deal of space to all kinds of denunciation of the other party. Politicians’ correspondence was also laden with virulent quarrels. The Federalist Gazette of the United States charged Thomas Jefferson, the Republican candidate in the 1796 presidential election, with failure to comply with the president’s authority in his dealings with Genêt, the former French minister. In this view, Jefferson had forsaken his patriotism. He and his friends were also corrupt, according to the Federalist Minerva. For this paper, giving free rein to that clan would amount to electing Genêt president and turning the United States into “a French colony.” The Republicans were not considered to be worthy opponents, but rather traitors who once in office would sell out the country to foreign interests. Just as the Federalists viewed the Republicans as a “French party” and more globally as a band of traitors to the country, the Republicans similarly denounced the Federalists as an “English party.” According to the Republican Aurora, John Adams, who was the Federalist candidate in the 1796 election, was “the friend of hereditary power.” Federalist pamphleteers were reputedly in the pay of Great Britain. With regard to the chief editor of the Gazette of the United States, John Fenno, the Aurora wrote: “his modes of acting and thinking are entirely English.”

No better treatment was granted to Noah Webster, the chief editor of the Minerva: “Noah is patronized by old Tories and British agents.” In the opinion of Republican editorialists, the hidden influence of British thinking and the supposed role
of British agents were geared at dismantling a national edifice that, in their view, rested on the Constitution and on republicanism. The Republican *National Gazette* thus logically interpreted John Adams's ideas and Federalist vociferation as signaling a will to destroy the nation's founding principles. It claimed, for example, that Adams preferred a limited monarchy to the federal form of government.61

John Adams, on the other hand, felt that the Republicans’ “zeal for France” was “greater than their love for the United States.”62 Once he was elected, that opinion found further confirmation in his correspondence with his son John Quincy Adams, the American minister plenipotentiary in The Hague and then in Berlin. The young Adams learned about events in the United States with a delay of several months. Meanwhile, he witnessed the European expansion of revolutionary France under the Directory, and at the same time he was avidly reading European counterrevolutionary writers; this was to shape his thinking in a significant way.63 If one were to believe John Quincy Adams, the Republicans were not only “the enemies to the government of the United States” but also traitors to the nation and sowers of civil war. The president’s eldest son considered the corruption of Jefferson’s party to be less serious than its lack of patriotism and its revolutionary internationalism. The true danger that lay within the secret alliance of the Republicans with France was civil war and the destruction of the national edifice. A Republican, according to John Quincy Adams, would hold that “his countrymen are his enemies and France is his ally.”64 The young diplomat regarded the Republican Party as a French fifth column, made up of men who had lost all national feeling; in agreement with France, these men were plotting to overthrow the government and transform the United States into a French satellite.

The 1796 presidential campaign thus set the stage for a form of political debate that was highly dangerous for the nation’s unity, as both parties accused each other of being in the pay of the enemy and denied each other any kind of legitimacy. From that moment on, and until 1800, the political debate was to be impregnated and fed by this obsession with conspiracy, which took on the same forms as those of the conspiracy narratives that Raoul Girardet has discussed (i.e., fear of a fifth column and of a “foreign party” conspiring to take over, insurrections supposedly plotted by secret organizations under foreign guidance, etc.).65 In the presidential election of 1796, all of John Adams’s supporters called Thomas Jefferson a traitor to his country, while all of Jefferson’s supporters charged Adams with monarchism. Thus, these accusations were not specific to isolated, marginal, or socially victimized groups; instead, they were shared by the entire political class, the press, and probably a large part of public opinion. Indeed, the Federalist political press was no longer alone in trying to instill mistrust of the French Revolution in the minds of American citizens. Preachers, especially in New England, watched France fall
into the fallacy of deism, an even worse evil than papism, from which they had thought the Revolution would save the country. Borrowing from counterrevolutionary thought, they then started to propagate the myth of conspiracy in fiery sermons that, as in the case of the Boston minister David Osgood, denounced the abolition of all religion in France, and called the French Republicans “infernal” creatures and “demons” in human form.66

Insofar as it permeated all of political life, the conspiracy theme cannot be equated with a mere rhetorical trick, but at the same time it does appear as a political myth. As a matter of fact, although the nation was tearing itself apart, a study of the factual foundations of this myth reveals that neither one of the two opposing parties was actually aligned with a foreign power. The Federalists certainly wanted to maintain the best relations with Great Britain, but that did not make them “Tories,” ready to betray their country and turn it into a British satellite, as the Republicans claimed. As we have seen, John Adams had been suspected of monarchism by the Republicans ever since his *Defence of the Constitutions of Government of the United States and Discourses on Davila.*67 The Republicans construed his admiration for British institutions as renunciation of the principles of 1776 and a desire to restore the monarchy. This suspiciousness was strengthened by the aristocratic habits and conservative principles that prevailed in Federalist circles; thus, the Republicans concluded, a monarchist conspiracy was being fomented by their political enemies. In point of fact, the president was a devout nationalist, whose handling of the XYZ crisis would lead the United States toward true independence from European powers.

As for the Federalists, they did not doubt for a moment that the French enjoyed Republican support in the United States for their alleged expansionist plots.68 As concerns French expansion, Genêt’s sole mission was to propagate revolutionary principles in Spanish Louisiana so as to destabilize the area (Spain was an British ally at that time); this was supposed to be achieved with the help of the pioneers, whose ambitions Genêt knew about. France had no intention of setting up secret military operations unbeknownst to the American government; it simply wanted to work toward goals common to both countries, with the tacit agreement of the United States.69 Moreover, had France actually wanted to conduct operations for its own benefit, it would have been barred from doing so by its local allies, that is, the western pioneers, whose help, which was essential, was only dictated by the need to defend their own interests. Finally, far from regarding Republicans as mercenaries in the pay of France, Joseph Fauchet, the successor to Genêt, viewed them as “respectable citizens” with a concern for the future of their country: “The men we have just mentioned [i.e., Jefferson and Madison] unquestionably desire no more, as do a great many respectable citizens, than that the spirit of a government which is believed to be guided by anglophobia become more congenial to republicanism.”70
When Jay’s Treaty was discussed in the House of Representatives, James Madison was not the one who led the fight against the president. In 1796 Pierre-Auguste Adet, Fauchet’s successor who was then trying to influence the presidential campaign, held interviews with local leaders rather than with the major leaders of the Republican Party. As Fauchet observed, the great leaders of the Republican Party defended first and foremost their conception of U.S. national interest, and not the French conception. Still, because of a clumsy maneuver, some Republican leaders did in fact lend credence to the story of a Franco-Republican conspiracy. Indeed, by inciting the French minister plenipotentiary to interfere in the 1796 presidential campaign, they drove public opinion away from the Republican cause that it had hitherto espoused.

Adet’s Intervention in the Presidential Campaign

The Republicans had hoped to capitalize on public hostility to Jay’s Treaty in order to prevent the financial clauses from being implemented in the House of Representatives, but the signing of Pinckney’s Treaty on October 27, 1795, which fulfilled the expectations of the entire western population, frustrated their plans. In the spring of 1796, as they held the majority in the House, they demanded that the president submit to them the documents pertaining to the negotiation of Jay’s Treaty before they would authorize the necessary expenditures for its execution. George Washington refused to comply and instead linked the fate of Jay’s Treaty to Pinckney’s Treaty, which was very popular among Republican voters.71 While the debate dragged on in vain, neither treaty could be implemented, and the House was inundated with petitions hostile to it, which swayed the majority of representatives.72 With the 1796 presidential election in mind, the Republican leaders wanted to keep their voters, whom they had angered. Some Republicans, however, who were aware of the oversimplified view of American politics that French leaders had, decided to request French interference in U.S. domestic policies. They communicated their plan to Pierre-Auguste Adet, the French minister in Philadelphia after Fauchet’s departure, who commented: “Our friends have no doubt of succeeding if the rumor now circulating here is confirmed, if the Executive Directory in France makes known its opinion on the conduct of the federal government, if it thereby imparts new strength to the men who are devoted to us.”73 The French minister did not hesitate to embark on a campaign:

Our friends in Massachusetts were especially dejected—they had interpreted the French government’s silence as unfavorable to them, and they were almost resolved to give up the upcoming election to their adversaries. I boosted their dwindling morale, I rekindled their hopes, I announced to them that the French Republic, far from deserting them as they feared, had felt bitter
indignation at the news of the treaty being concluded with Great Britain; that it had measured the price of the efforts made by the friends of liberty and that it would certainly not abandon them to the mercy of England; and that was enough to bolster their zeal again.74

In order to fully “bolster their zeal again” and to marshal the support of public opinion, Adet’s “friends” counseled him on the policy to follow: “They told me that it was necessary for France to adopt such measures as would make merchants concerned about their property, so that they would be compelled to place at the head of the government a man whose known character would inspire trust in the French republic and enable him to serve as mediator between the republic and the United States.”75 In compliance with this policy, so as to make a stronger impression upon voters and incite them to “vote right,” Adet announced on the eve of the election the measures taken by France against the United States: diplomatic relations between the two countries were suspended, and France would henceforth treat the American merchant marine the same way Great Britain would.76 A few days later, the *Aurora* published a translation of a long letter from Adet to Timothy Pickering, enumerating all the French grievances against the American government.77

In the name of Republican solidarity, the French stance was supposed to rally a majority of votes for the candidate favored by France, but this scheme failed. The plotters who urged Adet to act miscalculated the consequences of such a move, mistakenly reasoning that a French intervention in favor of Thomas Jefferson would better underscore the profound difference between Jefferson and John Adams. Jefferson was supposed to emerge as the candidate of the people and the one who would bring about reconciliation with France, in short as the democrat par excellence, whereas John Adams stood for conservative forces and an elite that opposed the power of the people.78 But the scheme actually had the opposite effect: such an interference in U.S. national politics tarnished France’s image in the eyes of the American public, and aroused or even exacerbated patriotic feelings. As France persisted in this analysis of the American political situation, U.S. public opinion soon warmed up to the Federalists, who had previously been out of favor because they were deemed too close to Great Britain. This new Federalist sympathy did not arise from a consensus on their politics, but from the assumption that they truly embodied national resistance to foreign interference.

**Liberties Threatened: The Special Laws of 1798**

In January 1797 France refused to receive James Monroe’s successor, General Charles Cotesworth Pinckney, and this gave the Federalists an opportunity to strengthen their hold on public opinion. France was no longer the ally, but a
great power that sought to humiliate the new American republic. In addition, on March 2 the Executive Directory promulgated an order that violated the treaty of 1778 insofar as it annulled the principle of freedom of the seas for neutral countries.79 This act also held that any American serving under an enemy flag would be considered a pirate, and that any American vessel without a muster roll would be free game. From this moment on, French privateers based in Guadeloupe zeroed in on ships from the American merchant fleet that maneuvered in the Caribbean.80 This plundering had in fact begun soon after Jay's Treaty was signed, but now it took on unprecedented proportions. President Adams convened a special session of Congress for May 15, 1797.81 Adams did not think that the time had come for a split; rather, he was seeking to obtain approval for a conciliatory mission to France, as well as for several defense measures. Led by Hamilton, the Federalists felt that this program, which was firm but peaceful, could only help them win over an ever bigger portion of public opinion, while waiting until the public was ready to accept open war with France.82

The orders that John Marshall, Charles Cotesworth Pinckney, and Elbridge Gerry received from Timothy Pickering were therefore completely devoid of any sort of conciliatory tone, and in this regard they reflected the secretary of state’s true motives, for Pickering was probably the most pro-British of the Federalists.83 These orders stressed the need to obtain compensation for U.S. trade losses resulting from French decrees, as though the Americans were free of blame. With regard to the treaty of 1778, the United States asked to be officially relieved of its obligation to defend the French Caribbean in case of attack. They also requested that the Franco-American treaty be altered on the basis of Jay’s Treaty, which amounted to an admission that Jay’s Treaty violated the clauses of the Franco-American Treaty. The United States was demanding a great deal but was offering almost nothing in return.

The French still believed that only a cynical policy could ensure Republican success and renew good relations between France and the United States.84 In fact, they played into the hands of the ultra-Federalists by granting quite an original welcome to President Adams’s envoys. On October 14, 1797, after the three envoys had been waiting for an official audience since the fifth, Talleyrand explained to them that they would only be granted such an audience on the condition that they would provide clarification on “certain topics that were mentioned in the President’s speech.”85 That condition was, of course, not sufficient. On October 17, the Swiss banker Hottinguer, who was the first of Talleyrand’s secret emissaries to make contact with the Americans, disclosed the other prerequisites to them. Once accepted, these conditions were to “form the basis of a treaty between the two nations to negotiate which [the envoys] should be publicly received.” In the words of one of the “XYZ” envoys, these conditions were the following:
It was absolutely acquired [i.e., taken for granted] that we should give satis-
faction to the honor of France wounded by the speech of the President, that
we should pay the debts due by contract from France to our citizens, that we
should also pay for the spoliations committed on our commerce for which
France should be adjudged liable by commissioners to be appointed as in the
British treaty and that we should make a considerable loan to an extent not
defined in the proposition. Besides this . . . there must be something for the
pocket. On being asked to explain himself he [Hottinguer] said that there
must be a considerable sum for the private use of the Directoire and minister
under the form of satisfying claims which did not in fact exist.86

Two points in these propositions deserve special attention. The first is the
secret loan as a prerequisite to negotiation. Talleyrand's special emissaries,
Hottinguer and also Bellamy and Hauteval, were to return time and again
to this point, alternating sweet talk and threats as means of persuasion. Provision
for such a loan was not included in the envoys' orders, and this presented an
insurmountable obstacle to them. Lending money to France in wartime seemed
tantamount to siding with France in the hostilities, a turn of events that the
Americans wanted to avoid at all costs.

The other crucial point was Talleyrand's request for "something for the pocket."
In April 1798, when the correspondence of the three envoys extraordinary was
published in the United States, this condition more than any other caused a
stir of nationalist feeling throughout the country. After Adet's abuses and in a
time of increasing attacks on the American merchant marine by French pri-
vateers, it was the ultimate and most intolerable show of humiliation.
Talleyrand's demand provoked massive rallying of public opinion in favor of
the Federalist Party, which seemed to be the best defender of the nation's honor.
The envoys' mission failed and ended in March 1798. As far as the Federalists
were concerned, it primarily served to bring France's ruthlessness and hostil-
ity toward the United States out in the open.

In preparation for imminent war, the Federalists took several military mea-
ures. Then on July 7, 1798, the United States abrogated its treaties with France.
As early as April 1798, the publication of documents relating to the XYZ affair
had revealed to the American public the dishonest proposals of Talleyrand
and his emissaries; as a result, the entire American population joined
together to back John Adams and the Federalist Party, in a surge of patriotic
feeling.87 Even though this national consensus meant that the Federalists were
certain to have the backing of public opinion and silence from the
Republicans, they did not take advantage of the situation to establish them-
selves as the party of national unity, to cement the Union, and to appease pas-
sions.88 Instead they sought above all to put the "quasi war" toward partisan
use, thus furthering the nation's divisions.89
Meanwhile, the Franco-American crisis facilitated the diplomatic plans that the Federalists had long had in mind for their country. The policy of rapprochement with England, which Alexander Hamilton had unfalteringly advocated since 1789, finally bore fruit: the former enemy of 1776 now proposed a military “quasi alliance” to its former colony. In Bradford Perkins’s bold appraisal, the period between the publication of the XYZ dispatches and the Convention of Mortefontaine was characterized by a level of military cooperation that was to remained unmatched for the next century.90

Cooperation was first established on the material level, with the British supplying arms to the United States.91 But there was also cooperation on the logistical level, since the British quite willingly agreed to escort convoys of American merchant ships so as to ward off easy capture by French privateers.92 Finally, there was a strategic aspect, since the two navies divided up the tasks of watching the coasts and seas: thus, it fell to the powerful British navy to oversee the Atlantic Ocean, while the small American navy, with its more manageable vessels, was to operate in the Caribbean and near the coasts.93 Although this cooperation was to a large extent the outcome of Federalist foreign policy, and especially that of Alexander Hamilton, it still did not satisfy the Federalist thirst for power. It is unclear whether the Federalist attitude was dictated by aristocratic mistrust of public opinion, which they judged inconsistent, or by their own lack of political maturity, or by an authoritarian rejection of the rules of democracy.94 The fact remains in any case that for the Federalists it was not enough to control both the administration and Congress. Although they were beginning to enjoy some popular support, they wanted to silence the opposition, so as not to have to face challenges in the following election. At the height of the Franco-American crisis, the slogan “Millions for Defence, not one cent for tribute”—a proud proclamation of American independence—became very popular.95 It was during this period that the Federalists proposed a series of special laws, which they managed to have passed by Congress, still under the spell of the XYZ affair: the Naturalization Act (passed June 18, 1798), the Alien Act (June 25), the Act Respecting Alien Enemies (July 6), and the Sedition Act (July 14).96

Only the Act Respecting Alien Enemies was a war measure: it allowed the American government, in case of war or foreign invasion, to capture or deport any citizen of the enemy nation.97 This law reflected the paranoid concerns about “French agents” that the Federalists had been voicing since the mid-1790s. However, in her study of French émigrés in the United States during this period, Frances Childs concluded that the refugees contributed to their own bad press by making their quarrels too public.98 Meanwhile, other groups of foreign residents were targeted by the other three acts, which clearly revealed the Federalists’ goal in domestic policy, that is, to exclude foreigners from political life in the United States. Such was indeed the Federalists’ rather undemocratic dream;
for them, immigrants, who were often poor and destitute, did not deserve to become full-fledged citizens. Thus, the Naturalization Act set the longest required length of stay for obtaining citizenship in the entire history of the United States. Rather than xenophobia, however, political scheming was the real motive behind these laws. In fact, an influx of political refugees from Great Britain and Ireland had been thickening the Republican ranks since 1793. These new voters not only provided extra weight in elections; they were also very active in their commitment to democracy. In the decade 1790–1800, immigrants edited one-fourth of Republican newspapers. As historian Michael Durey observes, the immigrants were all the more influential as some of them controlled certain of the best-known, most widely read, and most strategically located papers in the years leading up to Jefferson’s victory in 1800.

In order to keep these foreigners from supporting the Republican cause, it was not enough to keep them from voting; their actions also needed to be curtailed. As the Act Respecting Alien Enemies could only apply to French émigrés, Congress resolved to take measures that could affect foreigners even in the absence of a conflict between the United States and their home countries. This new law was called the Alien Act, and it reflected the obsessive fear of conspiracy that consumed Federalist political thought. If every Republican was a traitor and a potential French agent, what could be said of an Irishman, who had been driven out of Great Britain for having attempted a revolution there with French support, such as Wolfe Tone, who had landed in the United States in 1795? The Alien Act was drafted and voted on at a time when the Federalists had both power and public support at their disposal. The first article, which was inspired by the political hatred of the times, allowed the president of the United States to order those foreigners he deemed dangerous to the nation or the government to leave American territory. The same obsession with conspiracy permeated yet another legislative text, namely, the Sedition Act, which aimed at eradicating criticism by U.S.–born Republicans; the word “conspiracy” appeared twice in the first article. In the Federalist view, the opposition sought to raise insurrections and riots; it could therefore not be legitimate and must be annihilated.

By passing this series of acts, the Federalists shamelessly trampled on civil liberties that were written into the Bill of Rights, especially the Fifth and Sixth Amendments (with the Alien Act), and the First and Tenth Amendments (with the Sedition Act). They thus confirmed their authoritarian, conservative, and antidemocratic biases. It was more and more obvious that the Federalists were intent on erasing the whole democratic and liberal heritage from the American political tradition. During the congressional debates, Republicans came to the defense of the civil liberties that were being crushed, and once the bills were passed, they did not give up the fight. Thomas Jefferson, the true leader of the Republican Party since his return to Washington, D.C., in 1796 as vice
president, drafted various resolutions attacking these blackguard laws, which were adopted by the Kentucky legislature in November 1798. Then in collaboration with James Madison, he wrote another set of resolutions, which were approved by the Virginia assembly. The Kentucky and Virginia Resolutions sought to contain the power of the federal government within those limits defined by the Constitution; these resolves are often considered to be the foundation of the theory of states' rights in opposition to the federal government. The resolves demonstrated that in passing the acts of June and July 1798, Congress had overstepped the constitutional framework. The resolves claimed to safeguard the Constitution and the Union (Kentucky resolution no. 7), called for enforcing the civil liberties that were written into the amendments (Kentucky resolutions nos. 6-3-4), and, in keeping with the American revolutionary tradition, protested the excessive powers assumed by the executive.

Although these resolves had only a limited impact, with no other state following the example of Virginia and Kentucky, the Republicans did not let themselves be overwhelmed by the authoritarian impulse of the Federalists. In spite of the fact that, under the Sedition Act, lawsuits were brought against owners of Republican-leaning newspapers (such as Benjamin Bache and his successor as head of the *Aurora*, William Duane) and members of Congress (such as Matthew Lyon, a Vermont representative), Republicans actively prepared for the 1800 election. Republican newspapers increased in number from twenty to fifty, and naturalized American voters of foreign origin showed their objection to the Alien Act by voting en masse for the Republicans. After Thomas Jefferson won the presidential election in 1800, the threat of alien and sedition acts vanished.

How should one assess the domestic reaction of the Federalists to this foreign crisis? Their uneasiness is clearly discernible from the fact that they did not shrink from actions that were bound to split the nation further, and did not respect the rights of the opposition. The acts passed in the summer of 1798 shocked American citizens, who rejected them by voting the Federalists out in the 1800 election. These acts made it clear to American voters that their lawmakers refused to abide by the rules of liberal democracy that had gradually set in from 1789 to 1800. The Federalist defeat was a defeat of an archaic vision of political relations, as much as Thomas Jefferson's success was that of a democratic and liberal conception of American society. In lieu of the classical perspective of republicanism, there had now risen an opposition between a conservative side (the Federalists, who were close to the ideas of the European counterrevolution) and a democratic one, whose members advocated true sovereignty of the people, which they saw as the authentic legacy of the American Revolution. The year 1800 was no longer the time of the virtuous citizen, but that of the citizen, period. No matter what that citizen's occupation or place in society was, the Republican Party gave him the opportunity to voice his concerns.
This last assertion, however, needs one qualification: Thomas Jefferson’s party still remained a party of the elite. The Republican leaders retained the liberal and democratic heritage of the American and French Revolutions, and not the radical social message that was embodied in the Whiskey Rebellion. Once he took office, Jefferson would no longer invoke the example of the French Revolution to support and justify his own reading of the American Revolution: in the French Revolution he no longer saw anything but its bloody excesses. In contrast, the American Revolution was now defined as a homogeneous political movement that brought democracy without shedding blood. As historian Michael Hunt has observed, Jefferson and Adams later even came to agree that the American Revolution was a “model of revolutionary moderation and wisdom,” a measuring stick for evaluating any other revolution. Although there did exist ideological conflicts in the 1790s, the Republican elite had, by turning democratic energies to its advantage, channeled and diverted social discontent that had not found its full expression. The indifference that the Republicans displayed toward France once they came to power in 1800 foreshadowed the direction of their political evolution.