

Politics at the Poles:  
Liberty Poles and the Popular Struggle for the New Republic

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**TABLE OF CONTENTS**

Introduction.....	2
Chapter 1: Revolution and Regulation.....	12
Chapter 2: Debating Dissent in the Whiskey Rebellion.....	39
Chapter 3: The Alien and Sedition Laws and Federalist Popular Politics.....	82
Chapter 4: “Wandering Apostles of Sedition” .....	115
Chapter 5: From Poles to Polls.....	150
Chapter 6: Partisan Politics and Poles in the Nineteenth Century.....	181
Epilogue.....	208
Acknowledgments.....	212

**Introduction:  
Politics at the Poles**

*“Instead of the great tree which used to shelter the quiet little Dutch inn of yore, there now was reared a tall naked pole, with something on the top that looked like a red nightcap, and from it was fluttering a flag, on which was a singular assemblage of stars and stripes—all this was strange and incomprehensible.”*

- Rip Van Winkle by Washington Irving, 1819

In 1766, the New York City Sons of Liberty erected a tall, wooden mast on the Common and met there frequently to discuss the city’s occupation by British troops. Frustrated by the recalcitrant colonists, the redcoats tore down the pole, as well as the three replacements the colonists subsequently raised. As news of the conflict spread throughout the other colonies, wooden poles became a symbol of American liberty in the face of tyranny. During the imperial crisis, colonists raised over fifty liberty poles as they prepared to declare independence.

In 1799, Isaac Feather, a Pennsylvania innkeeper and Revolutionary war veteran, placed a liberty pole in his front yard to signal opposition to a new federal tax. Shortly thereafter, several men from a neighboring town, many of whom had also fought in the war, forced him to chop down the pole. Scores of similar events occurred between 1794 and 1800 as Americans raised over one hundred liberty poles to protest the federal government and others toppled them to defend majority rule. These actions sparked violent confrontations, vicious print battles, legal fights, and electoral fallout.

Why did Americans continue to use a Revolutionary symbol years after they had won independence? And why did other Americans tear them down? In the early republic, Americans raised and destroyed liberty poles to express their disagreement over what their Revolution had been fought for and what it had achieved. This struggle centered on the meaning of popular sovereignty – the notion that the government derives its power from the will of the people.

To function, popular sovereignty requires representative government, in which citizens elect officials to govern on their behalf. In 1988, Edmund S. Morgan wrote provocatively that representative democracy rests on a set of fictions in which we “make believe that the representatives of the people *are* the people.” He argued that we support these fictions “by moving the facts to fit the fiction, by making our world conform more closely to what we want it to be.” But as Americans navigated their transition from subjects to citizens, they disagreed over the distance between the facts and fictions of representation. The nation’s founding documents did not specify the amount of political power citizens yielded to their representatives through the act of election. Nor did they delineate the boundaries of what a person could and should do when they disagreed with their representatives. As the American experiment in popular sovereignty began, the nature of representative government, the meanings of elections, and the responsibilities of citizenship remained ambiguous.<sup>1</sup>

This uncertainty yielded a spectrum of opinion on the form of popular political participation that would best protect American liberty. Some citizens claimed a Revolutionary right to protest and resist legislation they deemed unjust. They argued that popular sovereignty required the people’s regular scrutiny of officials and participation in the execution of the laws. One newspaper explained, “An interest in the approbation of the people, and a strong sense of accountability to them, in all official conduct, is the greatest or rather the only effectual security against abuses in those who exercise the powers of government.” Others argued that dissatisfied citizens should instruct and petition their representatives, but never protest or resist government. “If they oppose the laws, they are insurgents and rebels; they are not the people,” explained a congressman. “The people act in their elections by displacing obnoxious Representatives, and by

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<sup>1</sup> Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Company, 1989), 13-14.

the irresistible force of their opinions; when the people wills, the Government is convinced and obeys.” Another group insisted that the election cycle provided a sufficient mechanism to keep officials accountable to their constituents. They articulated a narrow view of popular sovereignty that limited the citizen’s political role to voting in elections; anything else risked undermining government’s authority and destabilizing the republic. One man clarified, “It is often said that ‘the sovereign and all other power is seated *in* the people.’ This idea is unhappily expressed. It should be ‘all power is derived *from* the people.’ They possess it only on the days of their elections. After this, it is the property of their rulers.”<sup>2</sup>

The liberty pole became a flashpoint in this struggle over popular politics in the new nation. Critics of the federal government raised liberty poles to protest legislation and rally resistance. They used their poles to evoke the Revolution and position themselves as its true defenders. Others viewed liberty poles as an improper form of political expression because they challenged an elected government. They argued that colonial liberty poles had been acceptable, but that the advent of republican government rendered such protest methods illegitimate. They tore down the poles to weaken opposition and reassert the supremacy of majority rule. As the partisan press spread word of these conflicts, the raising and destroying of liberty poles fueled a national conversation over the citizen’s power in the young republic.

The liberty pole first emerged in New York City when the Sons of Liberty raised a pine mast to celebrate the Stamp Act’s repeal in 1766. The city’s British garrison tore down the pole, believing it an affront to imperial authority. This action sparked a back and forth of erecting and destroying poles that lasted for years, leading to the first outbreak of violence between colonists

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<sup>2</sup> *The Herald* (New York City), July 14, 1794; Annals of Congress, House of Representatives, 5<sup>th</sup> Congress, 2<sup>nd</sup> Session, 2096; Benjamin Rush, “Address to the People of the United States,” *American Museum*, January 1787.

and British troops in a seaport prior to the American Revolution. The January 1770 Battle of Golden Hill, as it came to be known, preceded the Boston Massacre by six weeks. In the wake of this conflict, liberty poles spread throughout the colonies as emblems of Patriot defiance.

During the Revolution and Confederation period, rural Americans engaged in “regulation” by using crowd action to oppose oppressive economic policies. They closed courts and auctions, intimidated and attacked officials, and barricaded roads to seal their towns off from external efforts to enforce tax collection and debt payment. Regulators aimed to protect their communities while simultaneously pressuring government officials to amend or repeal oppressive legislation. Both the liberty pole and the act of regulation formed important precedents for the protestors of the early republic.

These two trends combined for the first time during the Whiskey Rebellion of 1794, a tax resistance in western Pennsylvania, Maryland, and Virginia. Westerners viewed the new whiskey excise tax as disproportionately disruptive to their economy. They opposed the law by raising liberty poles, attacking assessors and collectors, and refusing to pay. Fearful of federal reprisal, other westerners tore down the poles. Although united in their dislike of the excise, they disagreed over how dissatisfied citizens should voice opposition to a law passed by their elected representatives. The Whiskey Rebellion raised these questions for the first time, but the Washington administration’s quashing of the resistance failed to settle them.

Over the next few years, American partisan identities hardened as differences over political economy and foreign policy fractured the national political scene. Partisans on the ground also divided over the place of protest in American politics. The Republicans, the emergent opposition party, advocated for an activist citizenry that aimed to impede any unjust exercise of federal power. The Federalists, those who supported the Washington and Adams

administrations, argued that representative government implied an obligation for citizens to defer to their elected officials. If unhappy, citizens had to wait until the next election for recourse. But in enforcing this vision through attacks on liberty poles, Federalists created their own brand of popular politics that used crowd action to bolster the government's authority and enforce majority rule by silencing dissidents.

These conflicting forms of popular politics emerged in response to a spate of Republican liberty poles raised to protest the Stamp Tax, the Direct Tax, and the Alien and Sedition Laws of 1798. Grassroots Federalists tore down the poles, harassed pole-raisers, and condemned them in the press. Like their Republican counterparts, Federalists mobilized on the ground to enact their definition of popular sovereignty. Both sides then spun their actions in the press to downplay the strength of their opponents and to claim that their actions best strengthened and sustained representative government.

Despite uniting in their distrust of the Federalists, grassroots Republicans advanced much more radical views than the party leadership, who struggled to contain Republican actions on the ground. During 1798 and 1799, a cohort of itinerant Republican activists inspired liberty pole raisings by preaching a vision of republicanism that linked political and economic equality. Unlike elites who maintained that liberty necessitated the absolute protection of private property, these radicals insisted that American democracy could only be safeguarded through a relatively equal distribution of wealth that ensured no class of people became too influential. They condemned the Federalists' economic policies as a plot to impoverish the people and enhance the wealth and power of an elite few.

While eager to capitalize on the backlash against the Federalists' legislation, Thomas Jefferson and James Madison feared that radical ideas and actions within their coalition would

strengthen Federalist accusations of Republicans promoting anarchy. As a result, Republican leaders disassociated themselves from Fries's Rebellion, a 1799 tax resistance in Eastern Pennsylvania, while still encouraging peaceful opposition to the Adams administration.

Their strategy paid off in the Pennsylvania gubernatorial election of 1799 and the presidential election of 1800. In both races, the Republicans channeled outrage over Federalist legislation and the violent suppression of dissent into winning campaigns. Ironically, the Republicans won by adhering to the Federalist prescription for political change: using elections, rather than crowd action. In transitioning from poles to polls, Republicans beat the Federalists at their own game, but in doing so, they sacrificed the more expansive vision for popular sovereignty promoted by the radical wing of their movement. With Jefferson in office, grassroots Republicans abandoned the protest tradition and instead raised liberty poles in support of the administration.

The Second Party System completed these changes as both Whigs and Democrats raised liberty poles not in resistance to legislation, but in support of their candidates. With the peaceful rotation of power now a given, pole-raisers sought political change through elections and so channeled dissatisfaction with government into institutional politics. As a result, liberty poles transitioned from protest to campaign symbols. The consolidation of the two-party system and the corresponding focus on elections sacrificed the more regular, decentralized, and participatory model of politics advanced by grassroots Republicans. Despite their political losses, the Federalists' narrower definition of popular sovereignty won. Only with the breakdown of institutional politics during nullification and secession did Americans temporarily return to the liberty pole's more radical origins.



Newspapers and legal records provide the main sources for uncovering liberty pole conflicts. To piece together the political, social, and cultural world of grassroots partisans, I have also relied on political pamphlets and broadsides, correspondence, tax data, election returns, militia records, and local histories. For insight into national politics, I have consulted elite correspondence and congressional records. This narrative will interweave the two stories to demonstrate how ordinary citizens both responded to and shaped developments on the national political scene.

This dissertation reframes the First Party System as a contest over the nature of popular sovereignty and the power of citizens in American politics. It highlights the actions of grassroots partisans and examines their struggle to determine their relationship to the new federal government. As a result, this work introduces a new cast of characters to the political history of the early republic and their stories offer fresh perspectives on well-worn events, including the Whiskey Rebellion, the Alien and Sedition Laws, and the Election of 1800.

This study contributes to the field of political culture in the founding era, a field pioneered by David Waldstreicher, Simon Newman, and Len Travers in 1997. Their cultural analyses of political celebration in the early republic demonstrate that these events became increasingly partisan as both Federalists and Republicans held separate celebrations and claimed in the press that their side represented the true legacy of the American Revolution. Since then, historians have used this expanded definition of political behavior to explore the development and practices of the Republican opposition movement. This scholarship has yielded a robust literature on Republican popular political culture, but the work on Federalist responses to

Republican opposition remains focused on elites. As a result, our understanding of Federalist popular political culture has remained limited to annual celebrations.<sup>3</sup>

Attention to grassroots Federalists' reactions to liberty poles reveals a dynamic and spontaneous popular politics that developed in tandem with that of the Republicans. By attacking liberty poles and pole-raisers, Federalists created a popular politics that went beyond public celebration of holidays. They used crowd action to defend the government's authority and enforce its will on unruly populations. Despite a rhetorical disapproval of any popular political activity between elections, grassroots Federalists enacted a political role for citizens in which they vigilantly defended representative government by attacking its critics. Republicans and Federalists developed their ideas and actions through conflict, both in person and in the press. To understand how and why the First Party System developed on the ground, their stories must be told together.

Focusing on liberty pole conflicts also decentralizes elections as the key measure of political participation and instead reveals a wide range of early American political activity. Liberty pole raisings were often community celebrations, and so created a space for unenfranchised white men, women, and children to engage in politics. Liberty poles also politicized everyday interactions. For instance, neighbors refused to greet each other or patronize

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<sup>3</sup> David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: The University of North Carolina Press, 1997); Simon P. Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997); Len Travers, *Celebrating the Fourth: Independence Day and the Rites of Nationalism in the Early Republic* (Amherst: University of Massachusetts Press, 1997); for works that emphasize Republican popular politics see, Terry Bouton, *Taming Democracy: 'The People, the Founders, and the Troubled Ending of the American Revolution* (Oxford, 2007), Paul Douglas Newman, *Fries's Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004), Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986); for works that emphasizes elite Federalist responses to Republican popular politics, see Carol Berkin, *A Sovereign People: The Crises of the 1790s and the Birth of American Nationalism* (New York: Basic Books, 2017), James Roger Sharp, *American Politics in the Early Republic: A New Nation in Crisis* (New Haven: Yale University Press, 1993).

a business if they suspected the other person of holding opposite views on the local pole. The threat of violence hovered over these interactions as pole-raisers often stationed armed guards around their pole. Tensions occasionally boiled over and fights over liberty poles resulted in injuries, property destruction, and sometimes death.

This dissertation aligns with recent scholarship that argues that the Second Party System's focus on institutional politics resulted in a less democratic political culture. Seth Cotlar, Barbara Clark Smith, and Rosemarie Zagarri have all argued convincingly that the consolidation of the two-party system and the corresponding expansion of the franchise for white men sacrificed an earlier, more decentralized model of political participation. The liberty pole's transition to a campaign symbol reinforces this interpretation. Electoral politics largely replaced extra-institutional protest as Americans narrowed the definition of acceptable political engagement and raised poles only in support of their candidates. The developments usually heralded as democratic gains, such as higher rates of enfranchisement and turnout, elevated institutional politics and so enshrined a more conservative interpretation of popular sovereignty. Placing the early republic in conversation with the antebellum period reveals that the latter marked a retreat from the democratic potential witnessed in the First Party System.<sup>4</sup>

This is a story about how Americans struggled to define what it meant to live under a government of their own making. It speaks to the complex relationship between citizens, political parties, and elected officials at the core of all democracies. As such, this dissertation offers a historical framework for current battles over protest, dissent, and partisan polarization

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<sup>4</sup> Seth Cotlar, *Tom Paine's America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville: University of Virginia Press, 2011); Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York: The New Press, 2010); Rosemarie Zagarri, *Revolutionary Backlash: Women and Politics in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2008).

occurring in the United States and around the world. The history of the liberty pole demonstrates that these issues' origins stretch back to the founding of American democracy.

**Revolution and Regulation:  
Liberty Poles and Protest During America's Founding Moment**

*"This monument is erected in terrorem not only to  
the Tories of the present, but of future generations."  
- Massachusetts Spy, November 3 1774*

On May 20, 1766, news reached New York City that Parliament had repealed the Stamp Act, a hated tax on printed documents, and the city burst into celebration. Residents flooded the streets amid the din of ringing church bells. Young boys ran through the crowd carrying poles with handkerchiefs on top.<sup>5</sup> Festivities continued the next morning at dawn. City dwellers declared an impromptu holiday and gathered at "the Fields," an open green area in lower Manhattan also referred to as "the Commons," now City Hall Park. There, they feasted and fired guns and cannons into the air. The party continued after nightfall, illuminated by fireworks and bonfires. The highlight of the celebration occurred when the Sons of Liberty raised a tall, pine mast and affixed to it a sign that read "George 3<sup>rd</sup>, Pitt – and Liberty." A local newspaper later described the pole as a monument to "the Triumph of Constitutional Liberty over the Attempts of arbitrary Power to destroy it." A few weeks later, on the King's birthday, city residents added a flag with St. George's cross to their pole.<sup>6</sup>

Although initially a symbol of gratitude and loyalty to the empire, the liberty pole became an emblem of resistance as tensions mounted between New Yorkers and British soldiers

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<sup>5</sup> For the use of processional poles during the Stamp Act crisis see Alfred F. Young, *Liberty Tree: Ordinary People and the American Revolution* (New York: New York University Press, 2006), 361-362.

<sup>6</sup> *New York Gazette, and Weekly Mercury*, February 12, 1770 (New York Historical Society); *The New-York Gazette*, May 26, 1766 (David Library of the American Revolution); Shira Lurie, "Liberty Poles and the Fight for Popular Politics in the Early Republic," *Journal of the Early Republic* 38, no. 4 (Winter 2018): 676-677; James Gabriel Montresor and John Montresor, *The Montresor Journals*, ed. G.D. Scull (New York: Printed for the New York Historical Society, 1882), 367-368, 370 (David Library of the American Revolution); For a description of the King's birthday celebrations, see *The New-York Gazette*, June 9, 1766; For the news of the Stamp Act's repeal, see *The New-York Gazette*, May 21, 1766 (David Library of the American Revolution); A flag displaying "King, Pitt, and Liberty" was paraded by Boston boys around the Liberty Tree in August 1765. See David Hackett Fischer, *Liberty & Freedom* (New York: Oxford University Press, 2005), 21.

stationed in the city. Between 1766 and 1770, the Sons of Liberty replaced their liberty pole four times after the redcoats destroyed each one. The struggle in New York City confirmed colonial suspicions of a standing army and solidified the liberty pole as an emblem of American defiance. As the imperial relationship crumbled during the mid-1770s, liberty poles sprung up across the American colonies as potent symbols of the Patriot cause.

While the colonies waged a war for home rule, some colonists grew frustrated with those who ruled at home. During the 1770s and 1780s, rural Americans felt the combined pressures of new taxes, mounting debt, a lack of circulating currency, and restrictive land policies. Drawing on the Revolution's sanction of crowd action against unjust authority, communities banded together to protect their indebted neighbors from speculators, creditors, and tax collectors. By closing courts and auctions, intimidating and attacking officials, and barricading roads, they sealed their towns off from external intrusions, thereby preventing the enforcement of economic policies they could not afford. This phenomenon, known as "regulation," aimed to protect vulnerable communities while simultaneously pressuring government officials to amend or repeal oppressive legislation.

During the Revolutionary era, these two trends emerged along parallel tracks. Regulators did not raise liberty poles to symbolize their resistance to colonial and state governments. Still, both developments formed important precedents for future citizens of the United States. When liberty poles and regulation finally merged in the 1790s, protestors combined these practices to position themselves as the true inheritors of the Revolution's traditions.

## I. ORIGINS

*"A Monument of Gratitude to his Majesty, and the British Parliament who repealed the Act, and to those worthy Patriots, by whose Influence the repeal was obtain[e]d."*

*- New-York Gazette, and Weekly Mercury, February 12, 1770*

The liberty pole drew upon familiar symbols. In Ancient Rome, officials granted slaves their freedom by touching them with a *vindicta*, a long wooden wand, and giving them a *pileus*, a stocking cap. In the eighteenth century, British artists depicted both “Britannia” and the Roman goddess of liberty carrying a *vindicta* with a *pileus* on top (see *Figure 1*). Anglo-American paintings, political cartoons, and coins used the image of a liberty cap balanced on a pole to connote freedom. During the War of Independence, the Continental Congress, the *Pennsylvania Magazine*, and several military units all displayed the device. The New York City pole functioned as an enlarged *vindicta*, making it legible to spectators as an emblem of liberty.<sup>7</sup>



*Figure 1*: Francesco Bartolozzi, *Britannia*, Frontispiece Etching (London: J. Almon, 1768). Accessed Library of Congress: LC – USZ62-45529.

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<sup>7</sup> J. David Harden, “Liberty Caps and Liberty Trees,” *Past & Present*, no. 146 (Feb; 1995): 74-80; Fischer, *Liberty and Freedom*, 41, 49; Young, *Liberty Tree*, 361-362; Wendy Bellion, “Mast Trees, Liberty Poles, and the Politics of Scale in Late Colonial New York,” in *Scale* ed. Jennifer L. Roberts, Terra Foundation Essays vol. 2 (Chicago: Chicago University Press, 2016), 234; In 1790, Benjamin Franklin gave George Washington his walking stick with a gold liberty cap on top. See Young, *Liberty Tree*, 362.

European tradition offered further connections between wooden poles and the struggle for freedom. During the seventeenth century, rural men and women raised maypoles on festival days, especially the first of May, or “May Day,” the celebration of spring. May Day featured the relaxation of social norms, including feasting and sexual license. Europeans also associated maypoles with the carnivalesque’s ritualistic social inversion. The American liberty pole drew upon these traditions to signify liberty, independence, and the reversal of hierarchy. Maypoles could also be political. During the English Civil Wars, Royalists adopted maypoles as an icon of their cause, using them to register defiance of the Puritan Parliamentarians’ opposition to traditional festive culture as popish. Similarly, in seventeenth-century France, peasants raised maypoles as rallying signs when they rioted against their landlords.<sup>8</sup>

The New York City liberty pole drew more immediate inspiration from Boston’s Liberty Tree, a large elm near the Boston Common. Beginning in the summer of 1765, Bostonians centered their political expression around the tree, using it to hang effigies, post messages, string up lanterns, and raise flags. Colonists also used it as a gathering place for their meetings and demonstrations, as well as a site of extra-institutional justice. Bostonians led victims of tarring and featherings to the Liberty Tree and called officials to “Liberty Hall,” the space around the foot of the tree, to resign their commissions.<sup>9</sup>

Communities throughout New England adopted the symbol and designated liberty trees of their own. The people of Braintree, Massachusetts placed a sign on a sycamore that read “The

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<sup>8</sup> David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (New York: Oxford University Press, 1985), 88, 177; Christina Hole, *British Folk Customs* (London: Hutchinson & Co., 1976), 136-138; Harden, “Liberty Caps and Liberty Trees,” 70; Simon P. Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997), 130; Young, *Liberty Tree*, 359.

<sup>9</sup> Young, *Liberty Tree*, 327-331, 336-337; Fischer, *Liberty & Freedom*, 23, 26-27; Arthur M. Schlesinger, “Liberty Tree: A Genealogy,” *The New England Quarterly* 25, no. 4 (Dec; 1952): 437-440, 443; Boston’s Liberty Tree was allegedly planted in 1646. See Young, *Liberty Tree*, 363.



Tree of Liberty, and cursed is he who cuts this tree!” In Newport, Rhode Island, a wealthy merchant gave a sycamore to the local Sons of Liberty for use as a liberty tree in April 1766. On July 25, 1768, the people of Providence chose a large elm as their liberty tree and called upon all assembled to remember the “Liberty which our Forefathers sought out, and found under Trees, and in the Wilderness.” From 1765 to 1776, colonists named at least thirteen liberty trees, the majority in New England, but the practice spread south to Maryland, South Carolina, and Georgia.<sup>10</sup>

The liberty pole possessed several symbolic features that distinguished it from the liberty tree. The New Yorkers’ manmade pole suggested a more anthropo-centric, deliberate view of liberty; one in which the people created and defended freedom, rather than it springing naturally from the ground. The liberty pole was also more versatile - it could be created, modified, moved, and decorated as desired – and more visually striking than a tree.<sup>11</sup>

The material and location of the New York City liberty pole imbued it with further meaning for city residents. The Sons of Liberty fashioned their pole out of a ship’s mast made from white pine. The British navy valued white pines for their slender, straight build and light weight, making it the perfect wood for masts, beams, and bowsprits. During the 1690s, Parliament monopolized the harvesting of white pines for naval use by fining colonists one hundred pounds sterling for felling a white pine over twenty-four inches in diameter. Outraged colonists protested these laws by stealing white pine logs from British officials. New Yorkers deliberately used a ship mast made of white pine for their liberty pole to position it within this

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<sup>10</sup> John Adams, *Works* (Boston: 1850-1856) II, 194 quoted in Schlesinger, “Liberty Tree,” 440; Harriet S. Tapley, *Salem Imprints, 1768-1825* (Salem, 1927), 14, quoted in Schlesinger, *Liberty Tree*, 444; Schlesinger, “Liberty Tree,” 441, 446; Young, *Liberty Tree*, 347; Fischer, *Liberty and Freedom*, 24.

<sup>11</sup> Fischer, *Liberty and Freedom*, 38, 42-43; Bellion, “Mast Trees,” 233; Harden, “Liberty Caps and Liberty Trees,” 76.

larger context. “The mast tree was already political to its core,” explains Art Historian Wendy Bellion, “it quite literally embodied the imperial pressures of the sawmill, the shipyard, and the British Empire.”<sup>12</sup>

The Sons of Liberty who raised the pole had strong ties to shipping and seafaring. Joseph Allicocke, John Lamb, Alexander McDougall, and Isaac Sears made their fortunes as merchants, despite humble origins. The son of an oysterman, Sears, for instance, won riches as a privateer during the Seven Years War before becoming a prosperous and influential merchant in the city. Although wealthy, all four retained close bonds with the city’s sailors, dockworkers, and artisans. Evoking these connections, their liberty pole celebrated the city’s maritime industry as central to residents’ collective identity.<sup>13</sup>

By erecting their pole on the Fields, the Sons of Liberty chose a location that encapsulated the tensions between city residents and British regulars simmering since the Seven Years War. The British victory in that conflict brought enormous territorial gains in North America, including Canada, Florida, and all French-claimed land east of the Mississippi River. Anxious over the security of their newly enlarged empire and a £133 million war debt, imperial officials kept nearly 10,000 men in North America and demanded that the colonists help pay for their upkeep. But the colonists balked at the expense and Parliament’s efforts to tax them without the consent of their colonial legislators. Despite the concern of imperial officials, American colonists felt secure, having ousted the French from the continent. They viewed the lodging and provisioning of British troops as at best, unnecessary, and at worst, a threat to their liberty. “It is

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<sup>12</sup> Bellion, “Mast Trees,” 228, 224-225.

<sup>13</sup> Fischer, *Liberty and Freedom*, 39-40.

a very improbable supposition, that any people can long remain free, with a strong military power in the very heart of their country,” Samuel Adams warned in the *Boston Gazette*.<sup>14</sup>

New York City served as the army’s headquarters on the continent, and so housed two regiments, which city residents resented. At first, the colonial assembly refused to supply the troops, but gave in after Parliament threatened to suspend the legislature. The Sons of Liberty then took up the cause, stirring up opposition at meetings and in writing. The Upper Barracks for the British soldiers stood at one end of the Fields, and Abraham Montayne’s Tavern, the headquarters of the city’s Sons of Liberty, lay at the other. By placing their liberty pole between the two, the Sons of Liberty marked the fraught space with an assertion of colonial rights.<sup>15</sup>

Initially, the New York City liberty pole embedded opposition within a strong declaration of loyalty to the crown and empire. In particular, colonists expressed their gratitude and devotion with a sign that celebrated the King and William Pitt, a former Prime Minister beloved by the colonists for his outspoken opposition to the Stamp Act. A local paper pronounced the pole “a Monument of Gratitude to his Majesty, and the British Parliament who repealed the Act, and to those worthy Patriots, by whose Influence the repeal was obtain[e]d.” General Thomas Gage, Commander-in-Chief of the British Army in North America, described the pole as the means by which the people “testif[ied] their Joy and Thankfulness.” In its first iteration, the liberty pole

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<sup>14</sup> Harry Alonzo Cushing, ed., *The Writings of Samuel Adams*, vol. 1 (New York: G.P. Putnam’s Sons, 1904), 264; Alan Taylor, *American Revolutions: A Continental History* (New York: W.W. Norton & Company, 2016), 47-53; Stephen Conway, *War, State, and Society in Mid-Eighteenth Century Britain and Ireland* (New York: Oxford University Press 2006), 236-247; Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 1992), 101-147.

<sup>15</sup> Lee R. Boyer, “Lobster Backs, Liberty Boys, and Laborers in the Streets: New York’s Golden Hill and Nassau Street Riots,” *New York Historical Society Quarterly* 57 (1973): 284-285; Young, *Liberty Tree*, 349.

stood as a testament of loyalty to an empire of liberty that had recognized the colonists' rights. But not all saw it that way.<sup>16</sup>

## II. REACTION

*“Cutting this Post down can only be done with a Design to affront all the Sons of Liberty in this place, [and] the Perpetrators would do well to consider the Consequences.”*

*- New York Gazette, or Weekly Post Boy, August 14, 1766*

Trouble began when Gage transferred the 28<sup>th</sup> Regiment of Foot, a unit notorious for clashes with civilians, from Quebec to New York City in 1766. They arrived in early August and lodged in the city's Upper Barracks, near the liberty pole. Resenting the pole as an affront to imperial authority, the soldiers snuck out of their barracks and cut it down on the night of August 10. A local newspaper insisted that the assault had clearly “been done by Way of Insult to the Town.” Ironically, the soldiers' actions reified the pole's meaning as a symbol of the colonists' struggle for liberty in the face of metropolitan encroachment. The *New York Gazette* explained, the Sons of Liberty initially viewed their pole as a “Trifle” and would not have worried if “it had fallen by natural Decay.” But after “being destroyed by Way of Insult, we could not but consider it as a Declaration of War against our Freedom and Property, and resent it accordingly.”<sup>17</sup>

On August 11, the Sons of Liberty amassed a crowd of three thousand colonists and raised another pole where the first one had stood. But violence soon broke out between the colonists and soldiers. The pole-raisers' bats and pistols clashed with the soldiers' bayonets, injuring several. Eventually, the 28<sup>th</sup> Regiment's commanding officer and General Gage's aide-

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<sup>16</sup> *New-York Gazette, and Weekly Mercury*, February 12, 1770; Thomas Gage to Henry Seymour Conway, May 28, 1766, *The Correspondence of General Thomas Gage with the Secretaries of State, 1763-1775* vol. 1, ed. Clarence Edwin Carter (New Haven: Yale University Press, 1931), 92 (Small Special Collections Library at the University of Virginia).

<sup>17</sup> *New York Gazette, or Weekly Post Boy*, August 14, 1766; *New York Gazette, and Weekly Mercury*, February 12, 1770; Lurie, “Liberty Poles and the Fight for Popular Politics,” 677; Fischer, *Liberty and Freedom*, 44; For a theoretical discussion of iconoclasm, see Bellion, “Mast Trees,” 220-221.

de-camp ushered the regulars back to their barracks. The *New York Gazette* remarked, “the People are in general very uneasy that such a Number of arm’d Men, without any visible Occasion for them, are station’d among us, and suffer’d to patrol the Streets, as in a Military or conquer’d Town.”<sup>18</sup>

One month later, the soldiers of the 28<sup>th</sup> Regiment again cut down the new liberty pole. When the Sons of Liberty erected a third pole, the soldiers again destroyed it. The Sons of Liberty once more erected a replacement, but this time took deliberate measures to defend it. On March 19, 1767, they sunk their new pole deep into the ground and reinforced it with iron around its base. The soldiers made several unsuccessful attempts on the new pole over the next few weeks, including a plan to bore a hole into it, fill it with gunpowder, and blow it up. In the wake of these events, the *New York Gazette* published a defiant denunciation of the 28<sup>th</sup> Regiment’s actions: “Cutting this Post down can only be done with a Design to affront all the *Sons of Liberty* in this place, [and] the Perpetrators would do well to consider the Consequences...for they may know, that such a Body of People who would not yield to be enslaved by the most august Body on Earth, will not tamely submit to such a mean low-lived Insult on their Liberty, as this is.”<sup>19</sup>

To diffuse tensions, Gage transferred the 28<sup>th</sup> Regiment to Ireland and brought in the 16<sup>th</sup> Regiment of Foot to replace them. But the city’s residents continued to chafe under, what they deemed, needless military occupation. Likewise, the new soldiers inherited their predecessors’ frustrations with the restless populace who met frequently at the liberty pole to denounce them. “People seem distracted everywhere,” Gage wrote to Lieutenant Colonel William Dalrymple in

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<sup>18</sup> *New York Gazette, or Weekly Post Boy*, August 14, 1766; Montresor, *The Montresor Journals*, 382-383; *New York Mercury*, August 25, 1766; Fischer, *Liberty and Freedom* 44; Thomas Gage to Duke of Richmond, August 26, 1766, *Gage Correspondence*, 103-104; Shortly after, Major Brown received two writs for £5,000 in damages, see Montresor, *The Montresor Journals*, 384.

<sup>19</sup> *New York Gazette, or Weekly Post Boy*, March 26, 1767, September 25, 1766; See also, supplement to *New York Gazette, or Weekly Post Boy*, March 26, 1767, quoted in “The Liberty Pole on the Commons,” *The New York Historical Society Quarterly Bulletin* 3, no. 4 (Jan; 1920): 112-114; Fischer, *Liberty and Freedom*, 44-45.

London. “It is now as common here to assemble on all occasions of public concern at the Liberty Pole and Coffee House as for the ancient Romans to repair to the Forum. And orators harangue on all sides.”<sup>20</sup>

Colonists viewed the soldiers’ repeated assault on their liberty pole as confirmation that the troops aimed to subjugate, not defend, them. Many New Yorkers also blamed the soldiers for exacerbating the economic woes of city residents. After the Assembly’s passage of the Supply Act of 1769, which taxed colonists to provision the garrison, McDougall censured the legislators: “And what makes the Assembly’s granting this Money the more grievous, is, that it goes to the Support of Troops kept here, not to protect, but to enslave us.” Laborers who worked along the docks felt particularly aggrieved as off-duty soldiers often undercut them by accepting lower wages. Lamb lambasted those who employed the soldiers. “Is it not enough that you pay Taxes for Billeting Money to support the Soldiers,” he fumed, “without giving them the Employment of the poor, who you must support if you don’t employ them, which adds greatly to swell the Poor Tax?”<sup>21</sup>

Violence once again broke out on the night of January 13, 1770, when the 16<sup>th</sup> Regiment tried, in vain, to blow up the liberty pole. Reenacting the plan of the 28<sup>th</sup> Regiment, the soldiers bored a hole and filled it with gunpowder. But before they could light the fuse, men at

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<sup>20</sup> Gage to Lt. Col; William Dalrymple, January 8, 1770, Gage Papers, Clement Library, quoted in Fischer, *Liberty and Freedom*, 45; John W. Shy, *Toward Lexington: The Role of the British Army in the Coming of the American Revolution* (Princeton: Princeton University Press, 1965), 382; For more on tensions between colonists and troops, see *The New York Journal*, October 23, 1766, November 6, 1766 (David Library of the American Revolution).

<sup>21</sup> Alexander McDougall, “To the Betrayed Inhabitants,” quoted in Boyer, “Lobster Backs,” 286; Brutus, “To the Public,” January 15, 1770, New York City, (Library Company of Philadelphia); Boyer, “Lobster Backs,” 283-287, 294, 305-306; Young, *Liberty Tree*, 351; “It is not doubted here that these Disturbances were promoted by the Ennemys [sic] of Government in order to raise an indignation against the Assembly (then setting [sic]) for granting Money to the Soldiers who were represented as ready to cut the throats of the citizens.” Cadwallader Colden to the Early of Hillsborough, February 21, 1770, *The Colden Letter Books*, vol. II (New York: Printed for the New York Historical Society, 1878), 211.

Montayne's Tavern heard the noise and raised the alarm. Frustrated, the soldiers turned their destructive energies on the tavern, smashing the front windows and several bowls and lamps, and cutting the forehead of a patron inside. Appealing to taxpayers, Lamb circulated a broadside denouncing the attack. "All the Money that you have hitherto given them," he vented, "has only taught them to despise and insult you." Lamb called for a meeting at the liberty pole at noon on January 17 to discuss opposition to the soldiers.<sup>22</sup>

On the eve of the meeting, the soldiers cut down the pole and left it in pieces on Montayne's doorstep. Three thousand colonists gathered the next day at the stump and resolved to find and punish those responsible. They vowed to treat all soldiers out at night as "Enemies of the Peace of this City." They further affirmed that the multiple attempts to destroy their "Memorial of Freedom" offered "incontestable Proof, that [the soldiers] are not only Enemies to the Peace and good Order of this City; but that they manifest a Temper, devoted to destroy the least Monument, raised to shew [sic] the laudable Spirit of Liberty, that prevails among the Inhabitants." The redcoats' actions proved their intent to "enslave" the colonists and confirmed their reputation as the "mortal Enemies to all that is dear and valuable to Englishmen."<sup>23</sup>

The 16<sup>th</sup> Regiment rebutted Lamb's broadside and the subsequent resolutions in a broadside of their own. They denied destroying the pole and mocked the Sons of Liberty for their complaints: "observe, how chagrined those pretended S[ons] of L[iberty] look as they pass thro' the streets; especially as these great heroes thought their freedom depended in a piece of wood." The soldiers blamed the recent disturbances on the Sons of Liberty who "in defiance of the laws

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<sup>22</sup> Brutus, "To the Public," January 15, 1770; *New York Gazette, or Weekly Post Boy*, January 15, 1770, February 5, 1770; Boyer, "Lobster Backs," 289-292; Fischer, *Liberty and Freedom*, 45-46; Colden wrote of the broadside, "Numerous Papers were dispersed about the Town exciting the People to sedition and to exasperate them against the soldiers then quarter'd in the Place." *Colden Letter Book*, 217.

<sup>23</sup> *New York Gazette, or Weekly Post Boy*, January 22, 1770, February 5, 1770; Boyer, "Lobster Backs," 292-294; Fischer, *Liberty and Freedom*, 46.

and good government of our most gracious sovereign, they openly r[iotous]ly assemble in multitudes, to stir up the minds of his Majesty's good subjects to sedition." While the soldiers worked to ensure the safety of the city's inhabitants, ungrateful rabble rousers libeled them. "May the shame they mean to brand our names with, stick on theirs," declared the author.<sup>24</sup>

As a handful of soldiers posted their broadside along city streets, Sears and Walter Quackenbos, a baker, confronted them. Sears demanded to know "what Business [they] had to put up Libels against the Inhabitants?" Violence broke out and Sears managed to arrest two of the soldiers, carrying out, in his mind, the resolutions of a few days prior. Sears brought the soldiers to Mayor Whitehead Hicks's residence, where a crowd formed, including a group of soldiers who demanded the release of their men. The mayor ordered the assembly to disperse. The soldiers walked to the top of nearby Golden Hill, so named for the "golden" grain that grew there, followed by an angry group of Sons of Liberty, armed with sleigh rungs and stones. The twenty soldiers turned on the crowd, drew their bayonets, and pledged to "cut our way through," allegedly crying "Where are your Sons of Liberty Now?" As the two sides clashed, forty more soldiers appeared at the bottom of the hill, opening up a second front. But soon Hicks and several officers arrived and the "Battle of Golden Hill" ended with several injuries on both sides, but no casualties.<sup>25</sup>

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<sup>24</sup> 16<sup>th</sup> Regiment of Foot, "God and a Soldier all Men doth adore..." New York City, January 19, 1770, (Early American Imprints, Series I).

<sup>25</sup> *New York Gazette, or Weekly Post Boy*, February 5, 1770; Boyer, "Lobster Backs," 295-300; Lurie, "Liberty Poles and the Fight for Popular Politics," 677; Gage downplayed the clash in a letter to Hillsborough: "Endeavours were not only used to Set the People against the Bill for quartering, but also against the Soldiers, and provoked them to a Quarrell [sic]. The Minds of the Soldiers were at length so sowered [sic], as to become alarming, and to require uncommon Care to restrain them from Excess. But thro' the Diligence of the Civil and Military Powers, Harmony and good Order was soon restored." *Gage Correspondence*, 248; Colden also stressed that the Sons of Liberty had inflamed the public: "An ill humour had been artfully worked up between the Towns People & Soldiers, which produced several affrays, and daily, by means of wicked Incendiaries, became more serious." *Colden Letter Books*, 210.



Smaller scuffles continued for several weeks afterward. Town residents hurled insults and stones at the soldiers, who threatened them with bayonets, allegedly cutting a few. “We are all in confusion in this city,” lamented one inhabitant. That March, Gage sent the 16<sup>th</sup> Regiment to Florida. With their assailants gone, the Sons of Liberty applied to the mayor to raise a replacement pole on the Fields. But the City Corporation refused, believing a new pole would spark further disorder. “We question,” seethed the Sons of Liberty, “whether this Conduct can be paralleled by an Act of any Corporation in the British Dominions, chosen by the Suffrages of a free People.” Sears circumvented the authorities by purchasing a private lot near the Fields, where the Sons of Liberty raised their tallest pole yet – eighty-eight feet high – while French horns played “God Save the King.” They topped it with a gilded vane and flag that both read “Liberty.” Once again, the pole-raisers preempted would-be assailants by surrounding the base with iron, nails, and metal hoops.<sup>26</sup>

As the imperial crisis intensified, the liberty pole completed its transformation into a symbol of colonial resistance. In 1774, New Yorkers met at the pole to celebrate the destruction of a tea ship’s cargo by some colonists. In 1775, a crowd of two hundred men attacked a pair of Loyalists for refusing to kneel to the liberty pole and curse the king. Rather than a declaration of the colonists’ rights within the empire, the pole now symbolized New Yorkers’ defiance of British authority and their hostility to local Loyalists. The pole stood until the fall of 1776, when

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<sup>26</sup> “To the Sons of Liberty in this City,” February 3, 1770, New York City (New York Historical Society); *Pennsylvania Chronicle*, February 5, 1770; *New York Gazette, or Weekly Post Boy*, February 5, 1770; *New York Gazette, and Weekly Mercury*, February 12, 1770; Minutes of the Common Council of the City of New York, vol. 7, 203-204, 46-47; Boyer, “Lobster Backs,” 304; Some of the 16<sup>th</sup> Regiment vowed to take pieces of the liberty pole with them, but the Sons of Liberty set up a nocturnal guard to defend the pole to foil the soldiers, see *Pennsylvania Chronicle*, March 26, 1770.

British Governor William Tryon denounced it as a “monument of insult to the Government” and ordered its removal.<sup>27</sup>

The New York City example inspired fifty-five pole raisings throughout the colonies, the bulk of which followed the Coercive Acts of 1774, Parliament’s legislative retribution for the Boston Tea Party. That year, Patriots in Farmington, Connecticut raised a liberty pole and burned at its base an effigy of Massachusetts Royal Governor Thomas Hutchinson and a copy of the Boston Port Act, which closed the port of Boston. By June 1775, liberty poles had spread as far as Savannah, Georgia. The people of Hanover, Massachusetts raised a liberty pole “as a lasting monument, in praise and commendation, of that glory of patriotism and love of this country, which not long since have taken possession of the worthy inhabitants of this county.” In the *Massachusetts Spy*, the pole-raisers stated boldly, “This monument is erected in terrorem not only to the tories of the present, but of future generations.” They threatened potential assailants with “the flaming vengeance of the majesty of the people.”<sup>28</sup>

Despite such warnings, or perhaps because of them, redcoats and Loyalists regularly attacked liberty poles and those who raised them. As in New York City, such actions galvanized Patriots to re-erect their poles and vigorously defend them as emblems of their commitment to resistance. This was the case in Boston after British troops hacked down the Liberty Tree in the wake of Lexington and Concord. The Sons of Liberty responded by raising a liberty pole to replace the tree that August, on the anniversary of the Stamp Act’s repeal. In Sandwich,

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<sup>27</sup> William Tryon to Lord George Germain, November 26, 1776, quoted in “The Liberty Pole on the Commons,” 126; Young, *Liberty Tree*, 351; Schlesinger, “Liberty Tree,” 451.

<sup>28</sup> *Massachusetts Spy*, November 3, 1774, June 2, 1774; Lurie, “Liberty Poles and the Fight for Popular Politics,” 678; Young, *Liberty Tree*, 347; Fischer, *Liberty and Freedom*, 47-49; Schlesinger, “Liberty Tree,” 445-452; When war broke out, Patriot units from New York carried flags with liberty poles on them, see Fischer, *Liberty and Freedom*, 49; The residents of Plymouth decided to raise a liberty pole on top of their famous rock. But in their attempt to move Plymouth Rock to the center of town, they accidentally split the rock in two. They left half by the water and moved the other half into town, where it served as the foundation of their liberty pole until the rock was reformed in 1881. See Fischer, *Liberty and Freedom*, 48.

Massachusetts, after three Loyalists tore down the local liberty pole, the community raised a replacement and forced the guilty persons to apologize and pay £5 each in damages. British Officials, Soldiers, and Loyalists continued to mock the Patriot obsession with liberty poles. One Tory taunted that “Liberty,” to them, “is the *Happiness of Assembling in the open Air*, and performing *Idolatrous and vociferous Acts of Worship, to a Stick of Wood*, called a Liberty Pole.”<sup>29</sup>

Few poles appeared during the war, as displays of resistance gave way to actual fighting. But the pole-raisers of the 1790s drew upon its Revolutionary origins to cast themselves as Patriots and their opponents as monarchists. Anyone who tore down the pole risked confirming that association. Future pole-raisers also drew upon another tradition that grew increasingly visible during this era: regulation. They positioned their opposition to federal policies as the latest in a long line of Anglo-American resistance movements against unjust exercises of power.

### III. REGULATION

*“That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.”*  
- *Pennsylvania State Constitution, 1776*

While the colonists in New York City tangled with the British regulars over their liberty pole, those in North Carolina struggled against colonial officials who enforced harsh land and tax policies. Backcountry residents felt overburdened by mounting debt, cash scarcity, and rising taxes. “Currency of all kinds has becom[e] so very Scarce, it is believed by the most Knowing that the whole of it now within this County...would not be Sufficiant [sic] to pay the Taxes only,” declared a 1766 petition to Royal Governor William Tryon and the colony’s General

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<sup>29</sup> *New York Gazette, and Weekly Mercury*, April 23, 1770; Fischer, *Liberty and Freedom*, 47-49; Schlesinger, “Liberty Tree,” 445-452.

Assembly. Frustrated by a lack of response from those in power, colonists from Orange County formed the Sandy Creek Association in August 1766 to coordinate their resistance. Encouraged by the recent widespread opposition to the Stamp Act, the association urged other communities to organize and nullify their colonial government's oppressive policies.<sup>30</sup>

In April 1768, the Sandy Creek Association combined with colonists from Rowan, Anson, and Mecklenburg Counties to form the "Regulators," a term derived from mid-seventeenth-century England referring to people who corrected government abuses. Inspired by the Sons of Liberty, the Regulators pressured the colonial government to correct course and respond to the needs of the people. But Tryon scoffed at their pretended legitimacy and demanded that they stop referring to themselves with "the borrowed Title of Regulators assuming to themselves Powers and Authorities unknown to the Constitution."<sup>31</sup>

The Regulators pledged to elect men who would serve the public good, instruct their officials on the people's interests, and revoke unjust taxes. They first took direct action against a Hillsborough sheriff who had seized a colonist's horse as payment for the man's back taxes. Over seventy Regulators confronted the sheriff, tied him up, and carried him to the village. Those in procession also shot at the home of Edmund Fanning, a hated Orange County judge. The Regulators then returned the mare to its owner. Fuming at the "traitorous" and "rebellious" behavior, Fanning appealed to Tryon for assistance. The Royal Governor issued two proclamations denouncing the Regulators for "Confederat[ing] together to oppose the just

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<sup>30</sup> Petition of Pasquotank Inhabitants, November 20, 1766, quoted in Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: The University of North Carolina Press, 2002), 67; Kars, *Breaking Loose Together*, 5-6, 65-68, 111-112; Abby Chandler, "'Unawed by the Laws of their Country': Local and Imperial Legitimacy in North Carolina's Regulator Rebellion," *The North Carolina Historical Review* vol. 92, no; 2 (April 2016): 120-126; Taylor, *American*, 70.

<sup>31</sup> Herman Husband, *An Impartial Relation of the First Rise*, 265 quoted in Kars, *Breaking Loose Together*, 138; Kars, *Breaking Loose Together*, 2, 112, 138; Chandler, "Unawed by the Laws," 126.

Measures of Government.” He ordered the colony’s militia to Orange County to assist in the restoration of law and order.<sup>32</sup>

That May, the Regulators issued a petition to the Royal Governor blaming the recent trouble on corrupt officials and reiterating their earlier complaints of harsh taxes and a lack of specie to pay them. Tryon remained unmoved. “The Grievances complained of,” he countered, “by no means Warrant the extraordinary steps [taken].” Tempers flared again during the fall of 1769, when Tryon dissolved the Assembly following the election of four Regulators to the legislature. In response, many farmers refused to pay their taxes. Meanwhile, the courts ruled against the Regulators in a series of cases. On September 24, Regulators took out their frustrations on county officials, beating two justices, a law clerk, and Fanning. The following day, they pulled down Fanning’s house and broke the windows of several stores.<sup>33</sup>

Tryon called the Assembly into session to pass a new riot act for “preventing tumultuous & riotous Assemblies.” The law provided for the retroactive prosecution of anyone who had interfered with an official’s discharge of his duty. On March 15, 1771, a Special Court of Oyer and Terminer indicted sixty-one Regulators for rioting under the new law. At the same time, the Royal Governor organized a military expedition to suppress the Regulators. On May 16, Tryon and 1,100 men faced down 2,500 poorly armed Regulators at Alamance Creek. The resulting battle yielded 29 fatalities and 150 wounded, almost all on the Regulator side. Lingered for a week, Tryon’s forces set fire to Regulators’ homes, destroyed their crops, and requisitioned supplies. Overawed and humbled, 6,400 men signed an oath of allegiance, promising to obey the

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<sup>32</sup> Edmund Fanning to John Gray, April 13, 1768 quoted in Kars, *Breaking Loose Together*, 139; William Tryon, “Proclamation of Governor William Tryon,” April 27, 1768, Box 6, Colonial Governors Papers, State Archives of North Carolina, quoted in Chandler, “Unawed by the Laws,” 128; Kars, *Breaking Loose Together*, 138-140, 144; Chandler, “Unawed by the Laws,” 126-129.

<sup>33</sup> Council Minutes, June 20, 1768 quoted in Kars, *Breaking Loose Together*, 149; Kars, *Breaking Loose Together*, 148-149, 170-175, 179-185; Chandler, “Unawed by the Laws,” 129-141; Taylor, *American Revolutions*, 70-71.

law and pay their taxes. Twelve Regulators stood trial under the new riot law and six were hanged on June 19. With the North Carolina Regulation finally over, Tryon accepted the promotion to become royal governor of New York, a larger and richer colony.<sup>34</sup>

Soon after he began his new position, Tryon faced another regulation, this time in northeastern New York. During the 1760s, the governors of New Hampshire and New York granted the same land to two different sets of people. The New Hampshire speculators sold their lots to settlers at low prices, hoping to solidify their claim through occupation and improvement. But the New York government declared the New Hampshire claim invalid and warned the settlers that to avoid eviction, they had to purchase New York land titles. Led by Ethan Allen and calling themselves the Green Mountain Boys, the settlers formed a local government and militia to resist and oust New York claimants. The Green Mountain Boys blocked sheriffs from serving eviction notices, set fire to the property of New York title holders, and violently intimidated officials from surveying the settled land. Allen insisted that the only legitimate form of possession was “sealed and confirmed with the Sweat and Toil of the Farmer.” Tryon issued a warrant for Allen’s arrest and put a bounty on his head, but the Green Mountain Boys avoided capture. Vermont, as the area came to be known, declared independence in 1777 as an autonomous republic.<sup>35</sup>

During the late 1780s, as state governments tried to finance the war with new taxes and higher land prices, they faced off against regulators who resented these policies. To fund the

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<sup>34</sup> “Bill for preventing tumultuous & riotous Assemblies, etc.” December 15, 1770, North Carolina General Assembly Session Records, Box 4, State Archives of North Carolina quoted in Chandler, “Unawed by the Laws,” 141; Kars, *Breaking Loose Together*, 186-187, 196-206; Chandler, “Unawed by the Laws,” 141-143; Taylor, *American Revolutions*, 71.

<sup>35</sup> Ethan Allen, *A Brief Narrative of the Proceedings of the Government of New York...* (Hartford: 1774), 136 quoted in Darline Shapiro, “Ethan Allen: Philosopher-Theologian to a Generation of American Revolutionaries,” *The William and Mary Quarterly* 21, no. 2 (Apr; 1964): 242-243; Taylor, *American Revolutions*, 71-72; Shapiro, “Ethan Allen,” 240-245; James M; Greene, “Ethan Allen and Daniel Shays: Contrasting Models of Political Representation in the Early Republic,” *Early American Literature* 48, no. 1 (2013): 129-130.

army and pay down its share of the war debt, the Massachusetts legislature implemented nine different direct taxes from 1780 to 1786. Rural communities petitioned the legislature to lighten the load. “The Taxes . . . the last twelve months is more than the full improved Value of all the property of Said Town,” explained the residents of Mount Washington in Berkshire County. The tax burden would “reduce the said Town to desperation & ruin.” To make matters worse, in 1781 the state repealed the tender status of paper money, making scarce specie the sole means to pay taxes and debts. The state’s constitution also severely limited poorer residents’ rights to political participation. The constitution implemented a £60 property qualification to vote and a £200, £300, and £1,000 property qualification to serve as a legislator, senator, and governor respectively.<sup>36</sup>

Matters came to a head in 1786 when the legislature passed the largest direct tax yet and demanded that residents pay one-third of it in specie. In response, communities organized a series of county conventions throughout the Massachusetts countryside. The conventions issued petitions and addresses calling for a more democratic constitution, paper money as legal tender, lower taxes and legal fees, and reduced government salaries. But elites in Boston dismissed the conventions as resulting from “British emissaries” or “wicked and unprincipled men” and the legislature ignored the complaints. That summer, 1,500 armed men of Hampshire County barricaded the county’s court of common pleas and declared their intent to close the court until officials addressed “the present Circumstances of the good People of this Commonwealth & also consider[ed] the great Scarcity of Cash.” The court did not reopen that session. Shortly

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<sup>36</sup> Mount Washington Petition, MA v. 188: 80-81 quoted in Sean Condon, *Shays’s Rebellion: Authority and Distress in Post-Revolutionary America* (Baltimore: John Hopkins University Press, 2015), 21; Condon, *Shays’s Rebellion*, 16, 13, 21, 6-7; Taylor, *American Revolutions*, 366-367; According to Donald Ratcliffe, the property requirement to vote likely disenfranchised very few people. Donald Ratcliffe, “The Right to Vote and the Rise of Democracy, 1787-1828,” *Journal of the Early Republic* 33, (Summer 2013): 228.

afterwards, hundreds of Worcester County men closed their local courthouse, despite a proclamation from Governor James Bowdoin warning against such action as rebellion. Similar court closings followed in Concord, Middlesex, Taunton, and Berkshire.<sup>37</sup>

Like their North Carolina counterparts, the Massachusetts court-closers called themselves “Regulators.” They hoped to achieve through direct action what they had failed to gain through petition: reforms by an insensitive government, especially with regard to tax and debt relief. In the short term, they provided relief by preventing the courts from prosecuting public and private debtors. Their direct action protected their communities, while pressuring officials to institute legislative changes. “I had no intention to destroy the government but to have the courts suspended to prevent such abuses as have late taken place,” a leading Regulator later explained. But those in power, led by Bowdoin, denounced them as rebels who disturbed the peace and threatened law and order. Government supporters rejected the legitimacy of regulation, insisting instead that citizens had to obey the decisions of their elected officials. Unresponsive representatives should be voted out of office, not extorted into action by illegal displays of mob rule.<sup>38</sup>

The two sides met in September at the Springfield courthouse where 800 militiamen confronted 1,200 Regulators who intended to prevent the Supreme Judicial Court from opening its quarterly session. Among them was Daniel Shays, a farmer and War of Independence veteran.

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<sup>37</sup> *Hampshire Herald*, September 19, 1786 quoted in Condon, *Shays's Rebellion*, 48; Massachusetts Archives, CLXXXIX, 1-5 quoted in Robert J. Taylor, *Western Massachusetts in the Revolution* (Providence: Brown University Press, 1954), 143; Condon, *Shays's Rebellion*, 44-57.

<sup>38</sup> Adam Wheeler declaration, November 17, 1786, petitions folder, Shays's Rebellion Papers (American Antiquarian Society) quoted in William Pencak, “‘The Fine Theoretic Government of Massachusetts Is Prostrated to the Earth’: The Response to Shays's Rebellion Reconsidered,” in Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville: University of Virginia Press, 1993), 126; Alan Taylor, “Regulators and White Indians: The Agrarian Resistance in Post-Revolutionary New England,” in Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville: University of Virginia Press, 1993), 151-152.



Shays and six others wrote a petition to the judges asking them to refrain from issuing any indictments for the court closings until the legislature addressed their grievances. After several failed attempts to empanel grand juries, the court adjourned.<sup>39</sup>

When the legislature convened a few days later in Boston, thirteen communities submitted petitions reiterating rural concerns. Meanwhile, Regulators continued to shutdown courthouses. The legislature passed several modest reforms, including the acceptance of some tax payment in goods, rather than specie, and the extension of the tax payment deadline by four months. Still, representatives did not embrace paper money, the Regulators' chief demand. The legislators also passed a riot act that empowered local officials to prosecute assembled persons who failed to disperse when ordered, as well as bystanders who refused to assist in suppressing resistance. Most ominously, the act shielded from prosecution any official who harmed a rioter resisting arrest. On November 15, the legislature offered clemency to Regulators if they ceased their activities and took an oath of allegiance by January 1. Otherwise, they faced prosecution. The legislature declared that it would not "indulg[e]" an attitude of "unreasonable Jealousy & a complaining Temper." They had heard the people's complaints, and now the people must submit to the law.<sup>40</sup>

Unbowed, the Regulators continued to close county courts in Western Massachusetts. An infuriated Bowdoin mobilized 4,400 men and ordered them to Springfield to block Regulators' plans to close the court there. In late January, about 2,000 Regulators led by Shays marched on the Springfield arsenal, defended by Bowdoin's militiamen. The government forces opened fire, killing four Regulators and injuring many more. The Regulators broke and fled. They

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<sup>39</sup> Condon, *Shays's Rebellion*, 57-61, 65-72; Taylor, "Regulators and White Indians," 146-147; Taylor, *American Revolutions*, 368.

<sup>40</sup> *Acts and Resolves, 1786-1787*, 102-3 quoted in Condon, *Shays's Rebellion*, 72; Condon, *Shays's Rebellion*, 65-72.

reorganized in the hilly town of Pelham to the north of Springfield. The Regulators and militia stared each other down in a two-day stalemate. On February 4, the Regulators retreated further north to Presham where the militiamen, shielded by a snowstorm, overwhelmed the camp in a surprise attack. The government force arrested 150 Regulators. Most of the remaining number, including Shays, fled to New York, New Hampshire, and Vermont. Smaller skirmishes continued in nearby areas as the militia captured more men, resulting in four more deaths.<sup>41</sup>

The Massachusetts legislature sought to make an example of many involved in the so-called “Shays’s Rebellion.” On February 16, the legislators passed the Disqualification Act, which mandated that anyone who had mobilized against the government or given aid to the Regulators lost his civil rights and must apply for a pardon. The law barred any pardoned man from voting, standing for office, working as a teacher, or selling alcohol for up to three years. All told, 790 men received a pardon. The Supreme Judicial Court indicted sixty Regulators for treason, convicted five and sentenced them to death. But the government reversed course after the electorate delivered a strong rebuke in the spring election. Most incumbents, including Governor Bowdoin, lost reelection. The new legislature restored the civil rights of those pardoned and stayed the executions of the condemned men, eventually pardoning them as well. During the summer of 1788, the legislature even pardoned Shays, but he never returned to Massachusetts.<sup>42</sup>

Although less centrally organized, many rural Pennsylvanians also engaged in regulation during the 1780s. Like their counterparts in North Carolina and Massachusetts, they responded to heavy taxes, cash scarcity, and mounting debt. To prevent the collection of harsh taxes, many county tax officials defaulted, believing that the people could not afford to pay. “The payment of

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<sup>41</sup> Condon, *Shays’s Rebellion*, 73-104; Taylor, *American Revolutions*, 368.

<sup>42</sup> Condon, *Shays’s Rebellion*, 106-111, 114-118; Taylor, *American Revolutions*, 369.

the present Taxes is an intolerable grievance & altogether beyond our power to comply with,” explained Westmoreland County commissioners. Locally elected, per Pennsylvania’s Constitution, Justices of the Peace often allied with their communities by stalling tax-related suits. Occasionally, county sheriffs and constables also joined the resistance by refusing to deliver arrest warrants or hold foreclosure auctions.<sup>43</sup>

Where they could not count on cooperative officials, civilians organized more defiant measures. To prevent the sale of foreclosed property, locals crowded auction sites but refused to bid. “It is in vain to expose the Goods of Inhabitants for Sale,” related a Northampton commissioner, “for there are none to be purchasers.” Communities also used crowd action to intimidate officials into either resigning or neglecting their duties. For instance, during the spring of 1786, farmers accosted a Washington County tax collector. The men broke his pistol, ripped up his papers and threw them in the mud, cut off his hair, and marched him through town, forcing him to drink a shot of whiskey at every tavern they passed. By 1785, resistant Pennsylvanians had cost state revenues \$1.2 million in unpaid taxes.<sup>44</sup>

Between 1786 and 1787, scattered regulations also occurred in Maryland, New Hampshire, New Jersey, South Carolina, Vermont, and Virginia. Rural communities plagued by economic injustice banded together to close courts, stop foreclosure sales, and violently intimidate officials. In Greenbier County, Virginia, for instance, farmers formed an anti-tax association, freed arrested debtors by force, and set fire to the local jail. In New Jersey, angry residents boarded up several county courthouses and impaled an effigy of the governor after he

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<sup>43</sup> William Moore, James Lawson, and William Jack, Westmoreland County, to Nicholson, December 1786, file 13, Records of the Comptroller General, Pennsylvania historical and Museum Commission, Harrisburg quoted in Bouton, *Taming Democracy: ‘The People,’ the Founders, and the Troubled Ending of the American Revolution* (New York: Oxford University Press, 2007), 148; *Taming Democracy*, 145-153, 156-157, 208.

<sup>44</sup> Commissioners of Taxes Northampton County, August 25, 1783, *Pennsylvania Archives*, series 1, vol. 10, 92 quoted in Bouton, *Taming Democracy*, 158; Bouton, *Taming Democracy*, 157-163; Bouton, *Taming Democracy*, 166.

opposed paper money as legal tender. In Charles County, Maryland, regulators disrupted court proceedings against a slate of debtor defendants. In attendance that day, Alexander Hamilton later explained the disturbance in Charles County and elsewhere as the product of “some radical Deffect [sic] in our Constitution” that required repair. Otherwise, “by aiming at too much Liberty we shall lose it all together.”<sup>45</sup>

Many conservatives agreed with Hamilton of the need to restrain the democratic excesses that the Revolution had unleashed. Elites sought to replace the Articles of Confederation with a stronger national constitution that would check state power and limit popular influence on government. The resulting document, drafted at the Philadelphia Constitutional Convention in the summer of 1787, empowered the federal government to enforce tax collection by mobilizing state militias, prevented states from issuing their own paper money or forcing creditors to accept it in payment, and created large electoral districts to the House of Representatives. The delegates created a system designed to benefit creditors, prevent future regulations, and, above all, empower elites. Hamilton declared that the new Constitution enjoyed “the good will of most men of property in the several states who wish a government of the union able to protect them against domestic violence and the depredations which the democratic spirit is apt to make on property.” By July 1788, eleven states ratified the Constitution, making it the law of the land.<sup>46</sup>

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<sup>45</sup>Hamilton to Fergusson, June 18, 1786, quoted in Jean B. Lee, *The Price of Nationhood: The American Revolution in Charles County* (New York: W.W. Norton & Company, 1994), 235; Louis Maganzin, “Economic Depression in Maryland and Virginia, 1783-1787 (PhD diss., Georgetown University, 1967), 191-199; Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill & Wang, 2007), 10-12, 145-152; Lee, *The Price of Nationhood*, 232-239; Michael A; Bellesiles, *Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier* (Charlottesville: University Press of Virginia, 1993), 246-248; Jerome J; Nadelhaft, *The Disorders of War: The Revolution in South Carolina* (Orono: University of Maine at Orono Press, 1981), 168; Taylor, *American Revolutions*, 368-369.

<sup>46</sup>“Conjectures about the New Constitution, [17–30 September 1787],” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Hamilton/01-04-02-0139>. [Original source: *The Papers of Alexander Hamilton*, vol. 4, *January 1787–May 1788*, ed. Harold C; Syrett; New York: Columbia University Press, 1962, pp. 275–277;] Taylor, *American Revolutions*, 369-374; Bouton, *Taming Democracy*, 171-180.

After ratification, Pennsylvania officials cracked down on community regulation. In March 1788, the legislature passed a new law that stiffened penalties for reluctant tax collectors and constables, including harsh fines and imprisonment. In 1790, the state ratified a new constitution that granted the governor the power to appoint justices of the peace, ending the tradition of local elections and thereby making justices much less responsive to their communities. The new constitution also gave the governor more oversight over sheriff elections, allowing him to choose between the two candidates who received the most votes. State officials sought to break the alliances between local officials and their neighbors by increasing both the rewards for obedience and the penalties for noncompliance.<sup>47</sup>

In response, communities developed a more desperate protection strategy: they barricaded the roads leading into their towns to isolate themselves from the outside world. The road closures occurred in two major waves in 1788 and 1792, both following increased prosecution of tax collectors. Pennsylvanians piled up logs and stones, dug ditches, and built fences on roads to thwart access to county courthouses and stop outsiders from entering their communities. With newly intrusive state and federal governments, communities tried to obstruct unjust policies from reaching their towns by walling themselves off from external threats.<sup>48</sup>

In the District of Maine, settlers used similar tactics to ensure local autonomy. These “Liberty Men” aimed to claim and hold land by improving it, rather than buying exorbitant titles from wealthy speculators, the “Great Proprietors.” Liberty Men defended their homesteads by violently preventing surveyors, sheriffs, and proprietor agents from entering their communities. “Every avenue to their settlement was strictly guarded to prevent the approach of any officer,” described a deputy sheriff of Winslow, “and [they] emphatically declared they would kill any

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<sup>47</sup> Bouton, *Taming Democracy*, 197-209.

<sup>48</sup> Bouton, *Taming Democracy*, 197-200, 213-215.

officer who should serve any writs of ejectment or upon whom any such writs were found.” Liberty Men shored up internal solidarity by destroying the properties of those suspected of siding with external elites. Like the Pennsylvania road closures, these efforts sealed off communities from official intervention, thereby thwarting proprietor attempts to establish control through eviction, lawsuit, or arrest.<sup>49</sup>

Sometimes regulators wrested legislative concessions from elites, but often they suffered costly defeats. Still, the significance of these movements goes beyond a mere win/loss record. Regulators raised important questions about how self-government would and should function. Did citizens have a right to disobey the law to protect themselves? Should ordinary Americans have a say in the enforcement of laws in their communities? How should elected officials respond to extra-legal protests? These issues persisted into the 1790s as regulators raised liberty poles and declared themselves the true defenders of American liberty and independence.

In the early republic, as some federal policies seemed to jeopardize self-government’s promises, rural regulators appropriated the liberty pole to invoke the Revolution as vindication for their movement. By merging these two trends, regulators could denounce their opponents as enemies of the Revolution. Like the redcoats of colonial New York City, federal supporters who assailed the liberty pole seemed to serve a tyrannical regime that allegedly sought to enslave rural Americans.

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<sup>49</sup> Henry Johnson’s deposition, February 15, 1808, Council Files, box 16, Massachusetts Historical Society quoted in Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement of the Maine Frontier, 1760-1820* (Chapel Hill: The Institute of Early American History and Culture by the University of North Carolina Press, 1990), 120; Taylor, *Liberty Men and Great Proprietors*, 89-121; Taylor, “Regulators and White Indians,” 145-146, 152-160.

In this way, the liberty pole became the symbol through which Americans channeled disagreements over the power the Revolution had granted the citizenry. Those who raised liberty poles asserted a right to protest, resist, and regulate the government born of the Revolution's guarantee that sovereign power derived from the will of the people. However, others feared regulation as anarchic. Those who tore down liberty poles argued for the supremacy of majority rule and the necessity of deferring to elected officials for representative government to function. The Washington administration's Whiskey Excise Tax of 1791 proved the catalyst for this struggle that pitted neighbors, officials, and politicians against each other in the fight to determine the meaning of popular sovereignty.

### Debating Dissent in the Whiskey Rebellion

*The mere act of raising a liberty pole is, in itself, a harmless thing; the question is, what is the meaning of it.*

– Alexander Addison, 1794

In January 1795, Daniel Montgomery, Justice of the Peace for Northumberland County, Pennsylvania, viewed a courtroom from an unfamiliar vantage point - the defendant's chair. Montgomery appeared in court to answer accusations that he had failed in his duty as justice of the peace by letting opponents of the whiskey excise law raise a liberty pole on his watch. Liberty poles were "the avowed standards of rebellion," argued the prosecution, so raising one constituted a riot. The community relied on justices of the peace to suppress such activities, but although called upon by Justices William Wilson and John MacPherson to intervene, Montgomery had done nothing. The defense countered by claiming that "the mere erection of a liberty pole was innocent in itself." No official had the right to impede an act of peaceful political expression.<sup>50</sup>

The Northumberland liberty pole formed part of a western resistance movement against the whiskey excise of 1791, which taxed whiskey production. Opposition to the excise began in 1791 in the western counties of Pennsylvania – Allegheny, Fayette, Washington, Westmoreland, and Bedford – among those who believed it disproportionately burdened western farmers. By 1794, resistance had spread to parts of central Pennsylvania, Kentucky, Maryland, and western Virginia. Opponents, like those in Northumberland, raised liberty poles to signal the links between their opposition to the excise and the Patriots' struggle against taxation without representation – both relied on crowd action to resist unjust legislation. Their refusal to pay the tax and their attacks on collectors constituted the first armed challenge to federal authority under

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<sup>50</sup> Alexander Addison, *Reports of Cases in the County Courts of the Fifth Circuit and in the High Court of Errors and Appeals in the State of Pennsylvania* (Philadelphia: Kay & Brother, 1883), 419-420.



the new Constitution. The Washington administration knew, as Fisher Ames put it, “governments are oftenest lost by flinching from trial.” The federal government had to assert its strength to enforce its will in this first critical moment or any citizen would feel emboldened to disobey the law in the future if he disagreed with it. After much cajoling from Hamilton, Washington sent an army of 15,000 into western Pennsylvania and Maryland in the fall of 1794.<sup>51</sup>

The Whiskey Rebellion, as it came to be known, sparked a national debate about the nature of political opposition in a republic. In the Montgomery case, the court’s decision rested on whether the erection of a liberty pole constituted a legitimate form of free speech. While the judges conceded that raising a wooden pole in the town square was legal in principle, the symbolism of the liberty pole rendered it seditious. “The mere act of raising a liberty pole is, in itself, a harmless thing,” Alexander Addison, President Judge of the Fifth Judicial District of Pennsylvania, wrote later, “the question is, what is the meaning of it.” With the so-called Whiskey Rebellion in full force, the judges decided that the pole-raisers encouraged opposition to federal law and intimidated those in support of government. In that case, Montgomery had failed in his duty to promote law and order.<sup>52</sup>

Although Addison condemned pole-raisers and those who tolerated them, he was a relatively moderate Federalist. Addison empathized with western objections to the tax, denouncing the excise as “odious and unequal.” Still, he recognized limits on the legitimate

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<sup>51</sup> Fisher Ames, *Works of Fisher Ames: With a Selection from his Speeches and Correspondence*, Vol. 1 (Boston: Everett and Monroe, 1809), 174; Dorothy Elaine Fennell, “From Rebelliousness to Insurrection: A Social History of the Whiskey Rebellion, 1765-1802,” PhD, University of Pittsburgh, 1981, 44; For Washington’s decision to make western Pennsylvania the “test case” for federal might, see Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), 117-121; Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubled Ending of the American Revolution* (New York: Oxford University Press, 2009), 226-227.

<sup>52</sup> Addison, *Reports of Cases*, 420, 126; In September, 1795, Addison ruled that raising a liberty pole in a public space was illegal in *Pennsylvania v Morrison*. Addison, *Reports of Cases*, 275.

exercise of opposition to the government. Disgruntled citizens could petition for redress, but they could not overtly and violently resist federal authority. To Addison, liberty poles fell within the latter category. But to others, liberty poles formed part of a catalogue of extra-legal resistance activities available to local communities when government proved unresponsive (or antagonistic) to their demands.<sup>53</sup>

The Whiskey Rebellion revealed a spectrum of opinion over how and when opposition to the government should be expressed. At one extreme, Alexander Hamilton and other staunch Federalists denounced all forms of resistance to the excise as a seditious assault on federal authority and law and order. According to English common law, words, either written or spoken, that criticized the government constituted sedition. Federalists acknowledged that the First Amendment guaranteed the freedom of speech, but they defined that freedom narrowly. The government had no right to impose a prior restriction on speech, like through a press licensing system, but it could still hold citizens responsible for their words once stated or printed. Moreover, Federalists believed that popular sovereignty implied an obligation for citizens to support their elected officials. “The very idea of the power and the right of all the people to establish government presupposes the duty of every individual to obey the established government,” Washington proclaimed in his Farewell Address. Popular resistance weakened public confidence in government and so undermined federal authority. As such, Federalists

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<sup>53</sup> Judge Addison to Secretary Dallas, April 22, 1795 in *Pennsylvania Archives* Second Series, Vol. IV (Harrisburg: B.F. Meyers, 1876), 530; G. S. Rowe, “Alexander Addison: The Disillusionment of a ‘Republican Schoolmaster,’ *The Western Pennsylvania Historical Magazine* 62, no. 3 (July 1979): 233; For Addison’s Federalist-leaning views and later overt partisanship, see Rowe, “Alexander Addison,” 221-250; For Federalist complaints about Addison’s criticism of the excise, see George Clymer to Tench Coxe, April 21, 1794, Oliver Wolcott, Jr. Papers (Connecticut Historical Society).

viewed opposition to the excise as the opening volley in an attack on government that aimed to overthrow the social order and replace it with anarchy.<sup>54</sup>

Moderates, like Addison, did not believe that all popular resistance was seditious. They distinguished between legal means of redress, like petitions, as legitimate and illegal actions, like the intimidation of excise collectors, as unacceptable. Along with the Federalists, moderates condemned those who refused to pay the tax and obstructed its enforcement as rebels bent on destroying government. Still, they could countenance popular criticism of elected officials without portending social collapse, as long as discontented citizens used the appropriate channels to communicate their dissent.

But contrary to the Federalists' and moderates' assumptions, the tax resisters aimed to regulate, not overthrow, the government. They employed what Historian Pauline Maier has termed "extra-institutional" tactics ranging from non-compliance to violence to locally nullify the law, sheltering their communities from its effects until they secured legislative changes. Regulators held that violent resistance could legitimately be employed to frustrate the enforcement of unjust laws, especially when elected officials turned a deaf ear to their complaints.<sup>55</sup>

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<sup>54</sup> *Washington's farewell address*, (New York, New York Public Library, 1935), pg. 105, 136 - Courtesy of the Milstein Division of United States History, Local History & Genealogy, The New York Public Library, Astor, Lenox and Tilden Foundations. (on Archive.gov); Terri Diane Halperin, *Alien and Sedition Acts of 1798: Testing the Constitution* (Baltimore: John Hopkins University Press, 2016), 63-66; Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville: University of Virginia Press, 2009), 149-150; The Sedition Act of 1798 amended English common law by allowing truth as a defense and enabling juries to decide questions of fact and law. See Halperin, *The Alien and Sedition Acts*, 63-64.

<sup>55</sup> Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1766* (New York: W.W. Norton & Company, 1991), 5; For more on "regulation," see Alan Taylor, *American Revolutions: A Continental History, 1750-1804* (New York: W.W. Norton & Company, 2016), 367, 413-414; Bouton, *Taming Democracy*, 218-219; Terry Bouton has called for a change in the name of the Whiskey Rebellion to the "Pennsylvania Regulation of 1794." While I concede that this term is more accurate, I will continue to use the term "Whiskey Rebellion" in deference to contemporary terminology and modern common usage. See Bouton, *Taming Democracy*, 218.

The regulators' liberty poles divided neighbors along this spectrum. Recent descriptions depict the rebellion as either an economic protest by poor farmers against wealthy elites or a regional struggle by western frontiersmen opposing eastern officials. In both cases, historians depict western Pennsylvanians as united in opposition. But conflicts over liberty poles reveal significant disagreement within western communities over the legitimacy of popular resistance in a representative government. This first constitutional crisis of the new republic exposed competing popular visions of the meaning of government by the people.<sup>56</sup>

## I. GRIEVANCES

*To be subject to all the burdens and enjoy none of the benefits from government is what we will never submit to.*

*—Remonstrance of Washington County, 1794*

In 1791, at Secretary of the Treasury Alexander Hamilton's recommendation, Congress levied an excise tax on distilled liquor to raise revenue to fund the national debt. The excise taxed whiskey at 25 percent of its market value per gallon. Hamilton and other Federalists supported a strong national government and saw the excise as the best method of taxation. While revenue from a tariff could be diminished by war, piracy, smuggling, or shipwreck, a tax on internal production offered a more secure and predictable source of income. The Federalists also rejected a land tax, which would burden more citizens. Instead, the excise allowed citizens to

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<sup>56</sup> Johann N. Neem makes a similar distinction, although he emphasizes party lines and focuses on political elites. See Johann N. Neem, "Freedom of Association in the Early Republic: The Republican Party, the Whiskey Rebellion, and the Philadelphia and New York Cordwainers' Cases," *The Pennsylvania Magazine of History and Biography* 127, no. 3 (July 2003): 259-290.

For examples of the Whiskey Rebellion as an economic protest, see Fennell, "From Rebelliousness to Insurrection." Bouton, *Taming Democracy*; For an example of the rebellion as a regional conflict, see Slaughter, *The Whiskey Rebellion*; None of these descriptions are inaccurate, but they miss this central aspect of the rebellion that adds complexity to each of their narratives.

control how much of the tax they paid based on their own consumption. “It depends on themselves,” Hamilton explained, “by diminishing the consumption to restore equality.”<sup>57</sup>

But farmers in the west regarded the excise as disproportionately burdensome because of whiskey’s centrality to their local economy. Farmers had to cross the Allegheny Mountains over bad roads to carry their produce to eastern markets. To ease their journey and maximize profits, they reduced their bulky grains to higher value and more potable whiskey. “We are therefore distillers through necessity,” explained Albert Gallatin in a 1792 petition to Congress, “not choice.” Cash scarcity also forced westerners to use whiskey as a medium of exchange in their barter system. Consequently, a distiller could not simply raise his price to incorporate the excise, for he usually received payment in kind, not cash. And given that most distillers processed their neighbors’ grain, the excise forced them to charge more from their friends.<sup>58</sup>

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<sup>57</sup> “Report on the Difficulties in the Execution of the Act Laying Duties on Distilled Spirits, [5 March 1792],” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-11-02-0079>; [Original source: *The Papers of Alexander Hamilton*, vol. 11, *February 1792–June 1792*, ed. Harold C. Syrett; New York: Columbia University Press, 1966, pp. 77–106.] “Final Version: First Report on the Further Provision Necessary for Establishing Public Credit, [13 December 1790],” *Founders Online*, National Archives, last modified December 6, 2016, <http://founders.archives.gov/documents/Hamilton/01-07-02-0227-0003>; [Original source: *The Papers of Alexander Hamilton*, vol. 7, *September 1790–January 1791*, ed. Harold C. Syrett; New York: Columbia University Press, 1963, pp. 225–236;] James Kirby Martin, “Introduction: The Whiskey Rebellion Redivivus,” in Stephen R. Boyd, ed., *The Whiskey Rebellion: Past and Present Perspectives* (Westport: Greenwood Press, 1985), 4; Slaughter, *The Whiskey Rebellion*, 96–99; Leland D. Baldwin, *Whiskey Rebels: The Story of a Frontier Uprising* (Pittsburgh: University of Pittsburgh Press, 1968), 61–68.

For an account of the adoption of the whiskey excise law, see William D. Barber, “‘Among the Most Tetchy Articles of the Civil Police’: Federal Taxation and the Adoption of the Whiskey Excise,” *The William and Mary Quarterly* 25, no. 1 (Jan; 1968): 58–84; That the revenue from the excise law would be used as part of Hamilton’s funding program was also a major cause of complaint in the west, see Bouton, *Taming Democracy*, 220–221.

<sup>58</sup> “1792; Petition Against Excise,” in Albert Gallatin, *The Writings of Albert Gallatin*, ed. Henry Adams (Philadelphia: J.B. Lippincott & Co., 1879), 3 (Library Company of Philadelphia); H.M. Brackenridge, *History of the Western Insurrection Commonly Called the Whiskey Insurrection, 1794* (Pittsburgh: W.S. Haven, 1859), 17; William Findley, *History of the Insurrection in the Four Western Counties in the Year M;DCC;XCIV*, (Philadelphia: Samuel Harrison Smith, 1796), 41; Baldwin, *Whiskey Rebels*, 25, 69; Fennell, “From Rebelliousness to Insurrection,” 56; Baldwin estimates that about one-quarter of operational stills in 1794 were located in Pennsylvania’s western survey. Baldwin, *Whiskey Rebels*, 107.

Rather than taxing the sale of whiskey, the excise applied to production, meaning that a distiller had to absorb the cost upfront with no guarantee of a return. If he produced more whiskey than he could sell, he could not recoup the already paid tax. Moreover, violators had to appear before a federal court in Philadelphia, some three hundred miles away. Trial in a distant court, reminded one writer, remained a “traditional aggravation with the Anglo-American, and is as old, at least, as Magna Charta. It forms a most prominent item in our Declaration of Independence.”<sup>59</sup>

The excise posed less inconvenience to large distillers in eastern towns. Such men sold their whiskey for cash, easily recouping the cost of the excise from their customers. Indeed, some eastern distillers even praised the excise for giving them a competitive advantage over small backcountry producers. Because of the smaller supply, whiskey in the east was worth double that of the west. But despite their larger profits, eastern farmers paid the same tax rate per gallon as westerners. “The inequality of the duty between the farmers on the west and on the east side of the mountains,” the son of a regulator later remarked, “could not fail to strike the most common mind.”<sup>60</sup>

Westerners preferred a land tax, which would have borne more heavily on the higher value lands to the east. Many settlers hoped that taxing land would encourage speculators to sell some of their large holdings in the west at lower prices. This would have the dual benefit of increasing access to landownership and spurring economic development in the west. A 1792 petition argued that a tax not related to wealth “is unjust in itself, and oppressive upon the poor.”

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<sup>59</sup> H.M. Brackenridge, *History of the Western Insurrection*, 68; Baldwin, *Whiskey Rebels*, 72; In a petition to the House of Representatives in 1792, Albert Gallatin observed that since the tax relied “on the oath of the payer, [the law] offers, at the expense of the honest part of the community, a premium to perjury and fraud;” See “1792; Petition Against Excise,” *The Writings of Albert Gallatin*, 3.

<sup>60</sup> H.M. Brackenridge, *History of the Western Insurrection*, 17-18, 25; Baldwin, *Whiskey Rebels*, 70-71;

A Virginia militia unit also demanded a land tax to discourage “men of wealth from engrossing land profusely.” Improving the ability of poor men to own land “ought to be the true object of a republican government.”<sup>61</sup>

The excise law compounded westerners’ other grievances against the federal government. Between 1783 and 1794, westerners experienced increasing class stratification as commercialization elevated some to wealth and impoverished many others. By 1794, 60 percent of the taxable population in the west owned no land. While the wealthiest 10 percent enhanced their holdings, the sons of smaller farmers turned to wage labor. Land-hungry frontiersmen provoked bloody clashes with Native Americans as they tried to expand further west. Historian Thomas P. Slaughter estimates that Natives killed, injured, or captured 1,500 whites in western Pennsylvania and Virginia between 1783 and 1790. Westerners expressed frustration at the federal government’s ineptitude in defending them from Native attacks and at conquering the contested land. “The government of America extends its arm of protection to all the branches of the union, but to your remonstrants,” complained the people of Washington County in the winter of 1794. The government had also failed to gain control of the lower Mississippi River from the Spanish, who held New Orleans, nor could they oust the British from their western outposts along the Great Lakes. Westerners regarded the federal excise law as demanding disproportionate financial support from them to benefit a government that failed to meet their needs. “To be subject to all the burdens and enjoy none of the benefits from government,” declared the Washington County petitioners, “is what we will never submit to.”<sup>62</sup>

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<sup>61</sup> Minutes of the Meeting at Pittsburgh, 1792 in *Pennsylvania Archives* Second Series, Vol. IV; Resolves of Ohio County, Virginia in *Pennsylvania Archives* Second Series, Vol. IV, 269; Baldwin, *Whiskey Rebels*, 10, 71; James Roger Sharp, “The Whiskey Rebellion and the Question of Representation,” in Boyd, *The Whiskey Rebellion*, 121.

<sup>62</sup> The Remonstrance of the society of Hamilton’s district of Washington County in Pennsylvania, quoted in Slaughter, *The Whiskey Rebellion*, 164; Fennell, “From Rebelliousness to Insurrection,” 38-39, 76-97; Slaughter,

In fact, western Pennsylvanians had avoided paying a state excise tax on whiskey since 1784 by intimidating collectors into resigning. Western grievances against an excise tax “were not new,” observed William Findley, a western Pennsylvania congressman. “I found them in use against the state excise.” In 1791, regulators secured a repeal of the law when the state legislature conceded it was unenforceable. Encouraged by this victory, they employed the same methods of “riots, tarring and feathering, and carrying off papers” in their efforts to defeat the federal excise.<sup>63</sup>

## II. REBELLION

*The disease however with which we have to contend appears more and more of a malignant nature not confined to the opposition to a particular law but proceeding from a general disorderly spirit.*

*- Alexander Hamilton to Thomas Sim Lee, September 17, 1794*

Western resistance to the federal excise began with petitions to Congress, instructing representatives to vote against the bill. When that failed, opponents elected delegates to local protest conventions that drafted remonstrances. On September 7, 1791, delegates met in Pittsburgh and declared the excise “obnoxious” and an “infringement[t] on liberty.” Hamilton denounced the Pittsburgh meeting as “inflammatory” and intended “to render the Government itself unpopular and odious.” But Findley described the gathering as meant “to promote submission, and not opposition, to the law.” The delegates hoped to avoid an outbreak of violence by funnelling opposition into legal modes of redress.<sup>64</sup>

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*The Whiskey Rebellion*, 94; Baldwin, *Whiskey Rebels*, 8-9, 73; For complaints about the Mississippi River, see for example Resolves of Ohio County, Virginia in *Pennsylvania Archives* Second Series, Vol. IV, 270.

<sup>63</sup> Findley, *History of the Insurrection*, 41; “Judge Alexander Addison on the Origin and History of the Whiskey Rebellion,” in Boyd, *The Whiskey Rebellion*, 53; Fennell, “From Rebelliousness to Insurrection,” 15-24; Baldwin, *Whiskey Rebels*, 58-60.

<sup>64</sup> Minutes of the Meeting at Pittsburgh in *Pennsylvania Archives* Second Series, Vol. IV, 21, 85; Findley, *History of the Insurrection*, 42-43; Slaughter, *The Whiskey Rebellion*, 109-113; Fennell, “From Rebelliousness to Insurrection,” 46-47.



Instead, violent intimidation erupted against tax collectors and their supporters. Just four days after the Pittsburgh meeting, sixteen men disguised as women tarred and feathered Robert Johnson, an excise collector in Washington County. Fearing for his own safety, the Deputy Marshal responsible for issuing arrest warrants hired a cattle driver to perform the task. The regulators stole his belongings, tarred and feathered him, and left him tied to a tree. A few months later, a man who denounced the tax resisters as lawless also received a coat of tar and feathers for his trouble.<sup>65</sup>

When Congress ignored the Pittsburgh protest petition, twenty-four delegates met again in Pittsburgh in mid-August of 1792. The delegates included such prominent citizens as David Bradford, a successful lawyer, Albert Gallatin, a U.S. senator, and Benjamin Parkinson, a justice of the peace.<sup>66</sup> They established a committee of correspondence to coordinate action throughout the disaffected areas. They also resolved to treat all supporters of the excise “as unworthy of our friendship, [and to] have no intercourse or dealings with them, withdraw from them every assistance . . . and upon all occasions treat them with the contempt they deserve.” They vowed to pursue “every other legal measure that may obstruct the operation of the Law until we are able to obtain its total repeal.” Hamilton later scoffed at, what he called, this “contradiction in terms:” “The idea of pursuing *legal* measures to *obstruct* the *operation* of a *Law* needs little comment . . . The *operation* (or what is the same thing, the *execution*) of a *law* cannot be *obstructed* after it has been constitutionally enacted without illegality and crime.”<sup>67</sup>

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<sup>65</sup> Slaughter, *The Whiskey Rebellion*, 113-144; Baldwin, *Whiskey Rebels*, 82-84; John Neville to George Clymer, December 11, 1791, Oliver Wolcott, Jr. Papers (Connecticut Historical Society).

<sup>66</sup> Despite his election to the Senate in 1793, Federalists secured his removal from office by arguing that he did not meet citizenship requirements.

<sup>67</sup> Minutes of the Meeting at Pittsburgh, 1792 in *Pennsylvania Archives* Second Series, Vol. IV 30-31; The Secretary of the Treasury to President Washington, August 5, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 92; Slaughter, *The Whiskey Rebellion* 116; Baldwin, *Whiskey Rebels*, 86.

While Hamilton questioned the legitimacy of any resistance, the regulators viewed their struggle as part of a longstanding tradition of crowd action. Historian Pauline Maier has documented the history of Anglo-American “insurgents defend[ing] the urgent interests of their communities when lawful authorities failed to act.” The Patriot revolution belonged to this tradition, giving renewed sanction to crowd action that obstructed the enforcement of unjust laws in the name of American liberty. The regulations of the 1770s and 1780s further solidified the practice.<sup>68</sup>

To the Pennsylvania regulators, this history legitimized their efforts. “They did not consider it *immoral*, or treasonable, to resist in every way a particular law by ‘intemperate resolutions,’ and even by direct acts of violence” the son of a regulator later explained. “They had examples before them of their British ancestors, in Hamden, Cromwell and Pym, and more recently in the Patriots of the Revolution, who encountered the stamp excise by ‘intemperate resolutions,’ and other odious measures of the British government, by violence, both open and disguised.” They acted as heirs to a tradition of community action that regulated government when it overreached.<sup>69</sup>

The regulators saw the whiskey excise as proof that government officials remained unresponsive to their needs despite the promises of representative government. “Every law made by the representatives not agreeable to the voice of those from whom they derive their authority is tyrannical and unjust,” declared the citizens of Nawville in Cumberland County in August

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<sup>68</sup> Maier, *From Resistance to Revolution*, 4, 3-26; Bouton, *Taming Democracy*, 218-219; Neem, “Freedom of Association,” 276-277; Alan Taylor, “Regulators and White Indians: The Agrarian Resistance in Post-Revolutionary New England,” in Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville: University of Virginia Press, 1993), 145-160; For more on regulation in the 1770s and 1780s, see Chapter One.

<sup>69</sup> H.M. Brackenridge, *History of the Western Insurrection*, 39; David Bradford, a leader of the Whiskey Rebellion, had been brought up on charges for closing roads throughout the 1790s. See Bouton, *Taming Democracy*, 226.

1794 and should therefore be resisted. To do so, the regulators turned to the time-tested methods of local nullification: non-compliance, intimidation, violence, and, eventually, liberty poles.<sup>70</sup>

But moderates and conservatives argued that representative government rendered the resistance tactics of the past illegitimate. With the ratification of the Federal Constitution, the United States had replaced extra-institutional action with electoral politics. In 1792, Chief Justice Thomas McKean denounced as absurd the application of resistance methods developed under a monarchy to the politics of a republic: “They quarrel with a constitution and government purchased at the expense of much blood and treasure, and framed by themselves; they despise the rulers of their own choice, and trample on laws of their own making.” While regulators positioned their cause as a continuation of the Revolution, their critics condemned them as rebels who threatened the new republic. “I consider the Conduct of the Tories during the War to have been temperate and magnanimous,” declared Governor Thomas Mifflin, “compared with the Course of the present opposition.”<sup>71</sup>

In denouncing the regulators, moderate political leaders distinguished between legitimate and illegitimate modes of resistance. If unhappy with legislation, citizens could petition their representatives for amendment or repeal. They could not, however, simply disobey any law with which they disagreed. “As Freemen let us always remonstrate against actual wrongs, but” cautioned Mifflin, “as Citizens let us always obey existing Laws.” Mifflin and McKean advocated for submission and a reliance on institutional politics to change the law. Indeed, the

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<sup>70</sup> *Carlisle Gazette*, August 20, 1794.

<sup>71</sup> Charge of Chief Justice McKean and Reply of the Grand Jury, November 8, 1792, in *Pennsylvania Archives* Second Series, Vol. IV; Address to the Officers of the Militia of the City and County of Philadelphia, September 10, 1794, in *Pennsylvania Archives*, Series 9, Volume II, 852; See also *The Baltimore Daily Intelligencer*, September 20, 1794; For more on representative government replacing extra-legal crowd action, see Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York: The New Press, 2010); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: The University of North Carolina Press, 1990).

Pennsylvania Constitution stated that a citizen possessed the right “to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.” Mifflin and McKean condemned overt tax resistance and the violent intimidation of officials. “If you permit [the law] to be resisted or overthrown, with impunity, on any pretext, you in effect set an example to violate them on every pretext,” Mifflin explained.<sup>72</sup>

Addison also differentiated between legitimate and illegitimate resistance methods. To oppose the excise, he encouraged “constitutional resistance,” meaning obedience to the law while petitioning Congress to address westerners’ concerns. He warned that violent opposition would never bring a repeal because it would set too dangerous a precedent: “if one law is repealed, at the call of armed men, government is destroyed; no law will have any force; every law will be disobeyed, in some part of the union.” Compliance, not local nullification, he insisted, provided the best way forward: “We have reason to believe, that our remonstrance would be listened to more effectually, if, by obedience we put ourselves in a capacity of being heard.”<sup>73</sup>

Hamilton dismissed Addison’s notion of “constitutional resistance” as nonsensical: “The Theory of every constitution pre-supposes as a *first principle* that the *Laws are to be obeyed*. There can therefore be no such thing as ‘constitutional resistance’ to Laws constitutionally

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<sup>72</sup> Governor Mifflin to the Judges of the Supreme Court, March 21, 1794 in *Pennsylvania Archives* Second Series, Vol. IV, 58; Section 20, Article IX of Pennsylvania Constitution of 1790 in Penn Archives, Series 3, Volume 10, 748 ([http://www.duq.edu/assets/Documents/law/pa-constitution/\\_pdf/constitutions/1790/const-1970-pa-archives-vol10.pdf](http://www.duq.edu/assets/Documents/law/pa-constitution/_pdf/constitutions/1790/const-1970-pa-archives-vol10.pdf)); Address to the Officers of the Militia of the County of Lancaster, September 26, 1794, in *Pennsylvania Archives*, Series 9, Volume 2, 877; Saul Cornell, “‘To Assemble Together for their Common Good’: History, Ethnography, and the Original Meanings of the Rights of Assembly and Speech,” *Fordham Law Review* 84, (2015): 931-932.

<sup>73</sup> Judge Addison to Secretary Dallas, April 22, 1795, in *Pennsylvania Archives* Second Series, Vol. IV, 530; Addison, *Reports of Cases*, 49; Judge Addison’s Charge to the Grand Jury of Allegheny, September 1, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 244; Rowe, “Alexander Addison,” 233-235; Addison allowed those writing resolutions against the excise to prepare them in his house, although he did not sign the eventual document. See Rowe, “Alexander Addison,” 233.

enacted.” Hamilton drew no distinction between the Pittsburgh petition and the violent attacks on Johnson and others. He wrote to Washington, “These acts of violence were preceded by certain Meetings of Malcontent persons, who entered into resolutions calculated at once to confirm, inflame, and Systematize the Spirit of opposition.” Hamilton insisted that the Pittsburgh meeting caused the violence that followed by denouncing the law and thereby encouraging opposition. All resistance methods combined to undermine the will of the majority and replace law and order with “the Hydra Anarchy.”<sup>74</sup>

The August meeting’s resolutions, along with reports of gunfire at a Washington County inspection station, led the Washington administration to consider their response carefully. Hamilton advocated an immediate deployment of troops to the disaffected areas, but Washington resolved to use force only as a last resort. He issued a proclamation on September 15 calling for obedience to the law. In addition, Hamilton crafted a report on the petitions Congress had received opposing the excise. He mentioned the Pittsburgh petition of 1791 and rejected the idea that the law should be amended in response to a minority’s grievances. “As to the circumstance of equality,” he wrote, “it may be safely affirmed to be impractical to devise a tax which shall operate with exact equality upon every part of the community.” Hamilton’s dismissal of their petitions provided regulators with evidence that so-called legitimate resistance methods did not bring change. The amendments to the law Hamilton did suggest derived from easterners’

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<sup>74</sup> Alexander Hamilton, Secretary of the Treasury, to President Washington, September 2, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 291; “To George Washington from Alexander Hamilton, 5 August 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Washington/05-16-02-0357>; [Original source: *The Papers of George Washington*, Presidential Series, vol. 16, *1 May–30 September 1794*, ed. David R. Hoth and Carol S. Ebel; Charlottesville: University of Virginia Press, 2011, pp; 478–508;] “Tully No. IV, [2 September 1794],” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0145>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett; New York: Columbia University Press, 1972, pp; 175–180.]

complaints, including the request by New York distillers for a slight reduction to the excise on domestic whiskey and a matching increase on imported whiskey to aid domestic distillers.<sup>75</sup>

Washington's proclamation and Hamilton's amendments had no effect in the western counties where opposition continued to stymie tax collection. Benjamin Wells, an excise officer in Fayette County, resigned his post after six men with blackened faces broke into his house in the middle of the night and demanded his papers at gunpoint. Crowds in other areas burned their collectors in effigy. Those who complied with the excise law also faced harassment. After registering their stills with their excise inspector, two men had their stills and other property destroyed by regulators.<sup>76</sup>

At Hamilton's request, Congress passed a bill in June 1794 that allowed the trial of tax evaders to take place in state courts in areas more than fifty miles away from Philadelphia. With this major concession made to the regulators, Hamilton insisted that the moment had now come to "try the efficiency of the laws in prosecuting with vigor delinquents and offenders." District Attorney William Rawle eagerly answered Hamilton's call by securing writs for the appearance of over sixty delinquent distillers from western Pennsylvania. However, the court processed these writs under the previous law, meaning that the accused had to appear before the federal court in Philadelphia that August. United States Marshal David Lenox delivered most of the

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<sup>75</sup> "Report on the Difficulties in the Execution of the Act Laying Duties on Distilled Spirits, [5 March 1792]," *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-11-02-0079>; [Original source: *The Papers of Alexander Hamilton*, vol. 11, *February 1792–June 1792*, ed. Harold C. Syrett New York: Columbia University Press, 1966, pp. 77–106;] Kohn, "The Washington Administration's Decision," 569-571; Proclamation of the President, September 15, 1792, in *Pennsylvania Archives* Second Series, Vol. IV, 32-33; Slaughter, *The Whiskey Rebellion*, 145.

<sup>76</sup> Slaughter, *The Whiskey Rebellion*, 150-151, 166; For an account of the attack on Wells, see Deposition of Benjamin Wells, January 29, 1794, Oliver Wolcott, Jr. Papers.

writes without incident until he accepted the help of John Neville who offered to accompany him through Allegheny County, provoking, as one contemporary termed it, a “civil war.”<sup>77</sup>

Save for Hamilton, Neville was the most hated man in western Pennsylvania. Initially, as a member of the state assembly, Neville had opposed all excise taxes, state and federal. However, he reversed his position when offered the lucrative office of federal excise inspector for southwestern Pennsylvania. For this duty, he earned \$450 annually plus one percent of the revenue he collected. To his countrymen, Neville’s about-face made him a traitor and the epitome of a corrupt salaried official. Neville further outraged them by reportedly stating that he gladly “would forfeit the good opinion of his neighbours” for his “independent salary.” This admission seemed all the more odious because Neville already held immense wealth by local standards. His home, for instance, a five-bedroom mansion he called “Bower Hill,” was worth \$5,000, compared to most local cabins that rarely exceeded \$100 in value.<sup>78</sup>

At midday on June 15, 1794, Lenox and Neville rode to William Miller’s farm to deliver a summons. “I felt my blood boil,” Miller later told a friend, “at seeing General Neville along, to pilot the sheriff to my very door. He had been against the excise law as much as anybody.” Miller also complained of the financial burdens the summons forced upon him: “I thought 250 dollars would ruin me; and to have to go to the federal court, at Philadelphia, would keep me from going to Kentucky this fall.” As Miller argued with Lenox and Neville, thirty laborers from a nearby farm armed with muskets and pitchforks approached. Hearing a rumor that Neville was dragging tax resisters to Philadelphia, they rushed to Miller’s defense. After allowing Lenox and

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<sup>77</sup> The Secretary of the Treasury to President Washington, August 5, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 99; John Gibson to Governor Mifflin, July 18, 1794, Oliver Wolcott, Jr. Papers; Slaughter, *The Whiskey Rebellion*, 177, 169-170; Baldwin, *Whiskey Rebels*, 110-111.

<sup>78</sup> Findley, *History of the Insurrection*, 79-80; Slaughter, *The Whiskey Rebellion*, 152-153; Baldwin, *Whiskey Rebels*, 68; H.M. Brackenridge, *History of the Western Insurrection*, 21.

Neville to ride away, one member of the crowd fired a shot into the air. The two men fled - Lenox to Pittsburgh and Neville to Bower Hill.<sup>79</sup>

The next day, Neville awoke to find thirty-seven Mingo Creek militiamen surrounding his house, hoping to pressure him into resigning as inspector. Neville and a handful of his slaves fired on the assailants. After the smoke cleared, one of the militiamen lay dead; killed, rumor had it, by Neville's own shot. The militia retreated to amass a larger force. In the meantime, Neville secured the assistance of Major James Kirkpatrick and ten federal soldiers from Fort Pitt. The following evening, about 600 militiamen led by James McFarlane, a popular Revolutionary War veteran, marched to Bower Hill and demanded that Neville resign his commission. Kirkpatrick smuggled Neville and his family out of the house, and they fled to Pittsburgh. But the soldiers were outmatched by the manpower of the militia who, after an exchange of gunfire, set Bower Hill ablaze. Their victory, however, came at a cost: Kirkpatrick shot and killed McFarlane. At his funeral, regulators arranged a meeting for July 23 at the Mingo Creek meetinghouse to plan their retaliation.<sup>80</sup>

The Mingo Creek meeting radicalized the regulation, merging the two strains of resistance activity, meetings and petitions on the one hand and crowd action on the other. Bradford, Findley, and Hugh Henry Brackenridge, a former assemblyman, retained local leadership despite the radical turn. Brackenridge later stressed that "the mob" had coerced moderate citizens like himself into supporting radical action. He alleged that after the attack on

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<sup>79</sup> Hugh H. Brackenridge, *Incidents of the Insurrection in the Western Parts of Pennsylvania in the Year 1794* (Philadelphia: John McCulloch, 1795), 7, 122; Slaughter, *The Whiskey Rebellion*, 177-178; Miller had plans to sell his farm in Pennsylvania and start a new one in Kentucky. See Bouton, *Taming Democracy*, 231.

<sup>80</sup> Slaughter, *The Whiskey Rebellion*, 179-180, 183; H.M. Brackenridge, *History of the Western Insurrection*, 42-50; H.H. Brackenridge, *Incidents of the Insurrection*, 18-22; Baldwin, 116-124; General Gibson to Governor Mifflin, July 18, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 69-70.



Neville's house, a number of participants went to Bradford and warned that, if he did not support their actions, he "would be treated in the same, or a worse manner, with the excise officer."<sup>81</sup>

The Mingo Creek meeting called for townships in western Pennsylvania and Virginia to send delegates to an assembly at Parkinson's Ferry on August 14. In the meantime, mysterious notes signed by "Tom the Tinker" appeared targeting various "delinquents," those who had complied with the excise law. After registering his stills, one man received a notice threatening the destruction of his property unless he published the note in the *Pittsburgh Gazette* at his own expense. In the notice, "Tom the Tinker" warned all collaborators with the excise that "he or they will be deemed as enemies, and stand opposed to virtuous principles of republican liberty, and shall receive punishment according to the nature of the offense."<sup>82</sup>

On July 26, Bradford organized an effort to rob the mail sent from Pittsburgh to Philadelphia, hoping to reveal local traitors who secretly advocated for federal intervention to

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<sup>81</sup> H.H. Brackenridge, *Incidents of the Insurrection*, 31; Slaughter, *The Whiskey Rebellion*, 183-184; In 1795, Hugh Henry Brackenridge published his *Incidents of the Insurrection*, admitting at the outset that he wrote with the intention "to explain my own conduct, which has not been understood." Two years later, William Findley wrote his own book to explain the events from his perspective and correct any misrepresentations arising from the work of Brackenridge and others. The next generation also attempted a retelling of the Whiskey Rebellion to defend their relatives' reputations. In 1851, Neville Craig's *History of Pittsburgh* condemned Brackenridge, Findley, and others as responsible for the rebellion. Henry Marie Brackenridge responded to this attack on his father with a series of articles in Pittsburgh's *Commercial Journal*, followed by the publication of his *History of the Western Insurrection* in 1859. Craig also published a book that year, with the telling title *Exposure of a Few of the Many Misstatements in H.M. Brackenridge's History of the Whiskey Insurrection*. For an excellent discussion of these sources and historians' use of them, see Thomas P. Slaughter, "The Friends of Liberty, the Friends of Order, and the Whiskey Rebellion: A Historiographical Essay," in Boyd, *The Whiskey Rebellion*, 9-30.

The evidence does suggest that intimidation did occur. The secret vote at Parkinson's Ferry described below reveals widespread recognition that some men felt threatened by others. In addition, other contemporaries echoed Brackenridge's descriptions of intimidation. For instance, in *Pennsylvania v Morrison* (see below), Alexander Addison mentioned Braddock's Field as an example of rebels pressuring otherwise moderate men into radical action. In addition, William Bradford wrote to the President, "the terror excited by the late violence has been extreme. It has converted many into gross hypocrites." See Addison, *Reports of Cases*, 275; "To George Washington from William Bradford, 17 August 1794," *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Washington/05-16-02-0389>; [Original source: *The Papers of George Washington*, Presidential Series, vol. 16, *1 May–30 September 1794*, ed. David R. Hoth and Carol S. Ebel; Charlottesville: University of Virginia Press, 2011, pp. 568–571.]

<sup>82</sup> *Carlisle Gazette*, August 6, 1794; Slaughter, *The Whiskey Rebellion*, 184-185; Rumor has it that John Holcroft was responsible for the "Tom the Tinker" notes. See H.H. Brackenridge, *Incidents of the Insurrection*, 79;

suppress the regulators. Finding incriminating letters from Pittsburgh men, Bradford and six others published a circular letter announcing that “some of the people of the country” held opinions “hostile to our interest.” The time had come, the regulators asserted, for “every citizen [to] express his sentiments not by his words but by his actions.” The circular instructed armed volunteers to assemble at Braddock’s Field on August 1 to march on Pittsburgh and punish the traitors. Seven thousand men answered the call.<sup>83</sup>

As the crowd prepared to raid Pittsburgh, the members raised a liberty pole, the first reported pole of the Whiskey Rebellion. At the top, they flew a flag bearing six stripes, one for each of the six counties in the regulation: Washington, Westmoreland, Fayette, and Allegheny counties in Pennsylvania, and Ohio and Monongalia in Virginia. As the regulators gathered in unprecedented numbers to attack the major local town, they claimed revolutionary legitimacy with their liberty pole. As they marched, the men cried, “Huzzah for Tom the Tinker!” But the residents of Pittsburgh pre-empted their would-be assailants, greeting them with whiskey and pledges that they had banished the authors of the incriminating letters. Appeased, the regulators aborted their raid and marched peacefully through the city and back home.<sup>84</sup>

News of the mass action convinced Washington and his cabinet that they needed to act decisively to suppress a rebellion against federal authority. On August 7, the President issued a proclamation ordering the “rebels” to disperse by the first of September or he would send in federalized militia. He also appointed Attorney General William Bradford, Senator James Ross, and Pennsylvania Supreme Court Justice Jasper Yeates as federal commissioners authorized to

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<sup>83</sup> Circular of the Western Insurgents to the Militia Officers, July 28, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 98; Slaughter, *The Whiskey Rebellion*, 185; H.H. Brackenridge, *Incidents of the Insurrection*, 39, 79; Baldwin, *Whiskey Rebels*, 138-139.

<sup>84</sup> Fennell, “From Rebelliousness to Insurrection,” 69, 117-118; Slaughter, *The Whiskey Rebellion*, 185-188; Bouton, *Taming Democracy*, 235; For notices of banishment, see Resolves of the Committee of Pittsburgh, Respecting Gen. Gibson and Col. Neville, in *Pennsylvania Archives* Second Series, Vol. IV, 158-159.

meet with the regulators and offer amnesty and absolution for previous unpaid taxes in exchange for pledges of loyalty and future obedience to the law. Ross arrived first – just in time for the start of the Parkinson’s Ferry meeting.<sup>85</sup>

On the morning of the meeting’s second day, in defiance of the federal proclamation, regulators erected a pole on the meeting ground with the six-striped flag. Benjamin Parkinson affixed a board on the pole that read “Equal taxation, and no excise. No asylum for traitors and cowards.” Led by Associate Judge Edward Cook and Gallatin, the delegates adopted four temperate resolutions. They condemned trials in distant courts, created a committee of sixty to petition Congress for repeal, promised their compliance with state and municipal laws, and appointed a committee of twelve to meet with the commissioners to negotiate. In doing so, the delegates posed as reasonable citizens with specific grievances, not rebels bent on overthrowing the federal government.<sup>86</sup>

In his report of the Parkinson’s Ferry meeting, Ross described divisions among the regulators over proceeding to overt rebellion. The smallest and most radical group seemed intent on violent opposition at all costs, including secession from the Union. The second abhorred any attempts at independence, but still advocated armed resistance to the excise law, even if it led to

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<sup>85</sup> Kohn, “The Washington Administration’s Decision,” 575-576; Slaughter, *The Whiskey Rebellion* 196; Proclamation of President Washington, in *Pennsylvania Archives* Second Series, Vol. IV, 123-127; Instructions to the United States Commissioners, August 8, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 137-139; For an example of communications to Washington, see James Wilton to George Washington, August 4, 1794 in Rawle Family Papers, (Historical Society of Pennsylvania), in which Wilson reports “in the Counties of Washington and Allegheny in Pennsylvania, Laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshal of that district.”

<sup>86</sup> H.H. Brackenridge, *Incidents of the Insurrection*, 99; Findley, *History of the Insurrection*, 115; James Carnahan, “The Pennsylvania Insurrection of 1794,” *Proceedings of the New Jersey Historical Society*, 1852, 134; Franklin Ellis, *History of Fayette County, Pennsylvania* (Philadelphia: L.H. Everts & Co., 882), 168; Meeting at Parkinson’s Ferry, August 14, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 159-161.

Parkinson’s leading role in the pole-raising indicates that such activities were not confined to lower-class rebels, as some contemporaries claimed. See, for example, Addison, *Report of Cases*, 275; *Dunlap and Claypoole’s American Advertiser*, September 20, 1794; This point is discussed in more detail below.

confrontation with federal forces. This group, being “numerous & violent” intimidated the third, more moderate faction who preferred submission after receiving the presidential proclamation. Although a majority, these men feared to exert their influence, given “the threats which have been expressed against all who countenance the excise, the banishment of some reputable citizens on that account, & the destruction of property.” Ross and his fellow commissioners insisted that only a massive display of federal force could compel compliance to the law in western Pennsylvania.<sup>87</sup>

Bradford and Yeates arrived in Pittsburgh on August 18, greeted by a newly erected liberty pole outside of their accommodations. According to Brackenridge, the pole-raisers planned to fly the six-striped standard. But cooler heads prevailed and they instead raised the national fifteen-striped flag. Still, the pole represented a clear attempt to intimidate the commissioners and demonstrate the strength and determination of the regulators. Addison later denounced the men for erecting their pole in Pittsburgh, “the only part of this country where government was supposed to have strength.”<sup>88</sup>

But the commissioners pressed on with their negotiations, hoping for a submission to federal law and order. On August 22, they submitted a proposal to the regulators offering a general pardon in exchange for a declaration of submission. The committee of sixty put the matter to a vote, but many voiced concerns about intimidation. Some expressed reticence even to use a ballot for fear that a man’s handwriting may give his opinion away. Finally, the committee

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<sup>87</sup> The United States Commissioners to the Secretary of State, in *Pennsylvania Archives* Second Series, Vol; IV, 164-166; See also Yeates’s letter to his wife: “The Tempest once raised, is not easily laid; Our propositions therefore must be submitted to the People at large, and on this Conduct will depend the eventual movements of the Executive.” Jasper Yeates to Sally Yeates, August 22, 1794, Jasper Yeates Papers, (Historical Society of Pennsylvania).

<sup>88</sup> Addison, *Reports of Cases*, 243-244; H.H. Brackenridge, *Incidents of the Insurrection*, 102; There are records for three of the eight men responsible for the Pittsburgh pole in the Pennsylvania Septennial Census of 1800; Charles Craig was a shoemaker, Adam Craig was a hatter, and Patrick Preston was a cordwainer. *Pennsylvania, Septennial Census, 1779-1863* [database on-line] Provo, UT, USA: Ancestry.com Operations, Inc., 2012.

agreed to give each man prewritten ballots with “yea” and “nay” on them. They would cast their votes with the one and destroy the other – a powerful indication of the tense divisions among the regulators over the prospect of rebellion. A majority of 34 to 23 voted in favor of the terms, but the commissioners rejected the result. Dissatisfied with the slim majority and the secretive vote, they called for a public declaration of submission. On September 11, every citizen would sign a loyalty oath at their polling place or risk war with the United States.<sup>89</sup>

In preparation, Washington ordered federalized units of state militias to assemble at Carlisle, Pennsylvania and Cumberland, Maryland. He would decide whether to send them further west once he had received the results of the September 11 vote. Militia captains, however, struggled to fill their quotas. Many men in central Pennsylvania and western Maryland and Virginia refused to serve, citing their discomfort in “serving against their countrymen, who were oppressed and could no other way obtain redress but by resort to arms.” The men of Hagerstown, Maryland, “beat their officers from the field” after an attempted draft and erected a liberty pole bearing the motto “Liberty or Death.” In the end, mostly poor men filled the ranks in return for large sums to substitute for an unwilling draftee.<sup>90</sup>

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<sup>89</sup> H.H. Brackenridge, *Incidents of the Insurrection*, 112-113, 116-117; Slaughter, *The Whiskey Rebellion*, 200-201; The U.S. Commissioners to the Committee of Conference, September 1, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 233-237.

<sup>90</sup> Willis Wilson to H, Lee, September 15, 1794, quoted in Slaughter, *The Whiskey Rebellion*, 212; Kohn, “The Washington Administration’s Decision,” 581; *Baltimore Daily Intelligencer*, September 8, 1794; *Gazette of the United States*, September 24, 1794, October 4, 1794; Slaughter, *The Whiskey Rebellion*, 210; “From Alexander Hamilton to Thomas Sim Lee, 6 September 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0157>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp. 201–202;] Note 4, Secretary Dallas’ Report to the Senate, September 10, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 280-282; Bouton, *Taming Democracy*, 238-241; Kohn, “The Washington Administration’s Decision,” 581; Slaughter, *The Whiskey Rebellion*, 213-214; For a dramatic account of a militia unit refusing to march against the regulators by throwing down their weapons, see Examination of Mitchell Scott, February 2, 1795, Rawle Family Papers and Examination of John McKibbens, February 2, 1795, Rawle Family Papers.

When Colonel Thomas Sprigg heard of the Fredericktown militia’s plan to cut down the Hagerstown pole, he warned against it. Although he had personally attempted to prevent the raising of the first pole, he feared that if they cut down the new one “and no force remained in that place to prevent its being set up again, the mob would return more enraged than before, set up the liberty-pole, and insult the inhabitants, who were not in a situation to

The Washington administration faced similar disappointment with the September 11 vote. While some western townships submitted, violence and intimidation reigned in others. In Franklin Township, for instance, a band of regulators stormed the polling place and demanded the list of signatories, but an official destroyed it to protect the men who had signed the oath. In neighboring Strawbane Township, regulators raised a liberty pole outside of the polling place as a warning to those who considered voting for submission.<sup>91</sup>

Regulators erected dozens of liberty poles over the next few weeks, sparking debates about resistance within many communities (See Appendix I). In most places, the pole raisings followed a similar pattern. Regulators gathered in the town square, often numbering in the hundreds, and raised their pole amidst celebratory drinking, drumming, parading, and gunfire. By placing their liberty pole in a public space, they implied that it represented the community's sentiments. This forced those in town who disagreed to make a difficult decision: allow the pole to stand and risk federal retribution or destroy the pole and risk the ire of their neighbors. In Carlisle, for example, regulators raised a liberty pole on the day of the submission vote and only

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defend themselves." He hoped those opposed to the pole would wait until they had sufficient numbers to ensure that another pole could not be raised and "bring those to justice who had thus offended against the laws of the country." See John Thomas Scharf, *History of Western Maryland*, Vol. 1 (Clearfield Company, 1995), 168-169.

On September 6, Hamilton wrote to Maryland Governor Thomas Sim Lee, warning him that the "riotous proceedings" in Hagerstown indicated that the rebellion had spread to his state. Hamilton advised the Governor to suppress the rebellious spirit with "an early display of energy" and "thereby check the progress of an evil, which radically threatens the order, peace and tranquility of the Country." Lee wrote back to Hamilton that conditions in Maryland grew worse. He reported that the regulators had "established a correspondence and connected themselves with the insurgents of Pennsylvania." He also complained that these men evaded the draft, raised liberty poles and guarded them with arms, and declared for a revolution. "In short," he wrote, "every thing [sic] wears the aspect of confusion and danger." "From Alexander Hamilton to Thomas Sim Lee, 6 September 1794," *Founders Online*, National Archives, last modified October 5, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0157> [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp; 201–202;] "To Alexander Hamilton from Thomas Sim Lee, 13 September 1794," *Founders Online*, National Archives, last modified October 5, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0183>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett; New York: Columbia University Press, 1972, pp. 231–233.]

<sup>91</sup> Slaughter, *The Whiskey Rebellion*, 203; Fennell, "From Rebelliousness to Insurrection," 118; For more accounts of violence and intimidation at the polls, see Baldwin, *Whiskey Rebels*, 210-214.

one week before the federal troops were scheduled to arrive there. Some locals feared that raising a liberty pole in this charged atmosphere guaranteed violent conflict with federal forces. Writing to the *Carlisle Gazette*, “A Yellow Breeches Farmer” voiced his opposition: “shall we adopt a more violent measure to oppose the laws which we ourselves have made, and which it is at our pleasure to repeal at any time we think proper?” But the pole-raisers held that the tensions of the moment made their actions all the more necessary.<sup>92</sup>

In areas where residents tore down liberty poles, regulators raised replacements and intimidated, threatened, and ostracized their opponents. In Washington County, “Several hundreds of persons assembled around with Guns Swords and Clubs,” and erected a liberty pole outside of the courthouse. “They have kept up an Armed Guard by Night to prevent its being cut

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<sup>92</sup> *Carlisle Gazette*, September 17, 1794; *Dunlap and Claypoole’s American Advertiser*, September 20, 1794; Deposition of George Rowan, September 27, 1794, Rawle Family Papers; Deposition of James Dill, September 28, 1794, Rawle Family Papers; Notes of Testimony in U.S. vs Samuel Hayes, et al, Rawle Family Papers; *Dunlap and Claypoole’s American Advertiser*, September 20, 1794; *American Minerva*, October 7, 1794; *Spooner’s Vermont Journal*, October 27, 1794; For fears that a liberty pole would result in the loss of lives and property, see Deposition of Benjamin Young, October 16, 1794, Rawle Family Papers; In Morgantown, Virginia, after regulators raised a pole, a group of townspeople resolved their “attachment to Government” and promised to “aid the Executive in inforcing [sic] the Laws of the Union.” See Peregrine Foster to Dwight Foster, September 22, 1794, Dwight Foster Papers (Massachusetts Historical Society).

The first pole in Carlisle stood in the public square and read “Liberty and No Excise, O Whiskey.” But the morning after regulators had raised it, several residents cut it down. Townsman Jacob Heydrick spearheaded the effort to raise the second pole. Heydrick walked into town on September 11, the day of the submission vote, brandishing his gun and proclaiming loudly that “they were damned laws and would be pulled down and they had backing sufficient to do it, he had a good gun and could shoot damned straight.” Heydrick forcibly took a pick and shovel from workmen who were paving a path next to the church. He tried, too, to take their axe, but the men hid it from him. Two of Heydrick’s accomplices opted for compensation rather than intimidation. They paid a third man to cut them a pole and help them carry it into town. Two hundred men assembled in the town square that night to raise the pole. The next night, the men burned an effigy of the Chief Justice at the base of the pole, cheering “Huzza, here is old McKean in blue blazes.” Wary of another attack, the pole-raisers organized an armed guard to defend the pole. Some neighbors complained that the guard fired their guns into their air throughout the night and even stopped people in the street to extort money for whiskey. The pole survived until early October, when Mifflin ordered its destruction. Deposition of Francis W; Gibson, October 11, 1794, Rawle Family Papers; Deposition of Anthony Fearer, September 29, 1794, Rawle Family Papers; Deposition of George Rowan, September 27, 1794, Rawle Family Papers; Deposition of James Dill, September 28, 1794, Rawle Family Papers; Notes of Testimony in U.S. vs Samuel Hayes, et al, Rawle Family Papers; Judith Ridner, *A Town In-Between: Carlisle, Pennsylvania, and the Early Mid-Atlantic Interior* (Philadelphia: University of Pennsylvania Press, 2011), 193; *Carlisle Gazette*, September 17, 1794; *Dunlap and Claypoole’s American Advertiser*, September 20, 1794; *American Minerva*, October 7, 1794; *Spooner’s Vermont Journal*, October 27, 1794; Slaughter emphasizes the peaceful and communal nature of the Carlisle pole, but the evidence presented clearly challenges this interpretation. Slaughter, *The Whiskey Rebellion*, 208.

down,” one witness reported. A Carlisle resident observed that the pole-raisers in his town “seem to shun the conversation of any person who they thought was opposed to their proceeding, and it was thought advisable to say but little to them.” Indeed, one Carlisle regulator vowed that “he would be damned if some lives should not be lost if attempts were made to prevent putting up the [second] pole” after some in town had destroyed their first.<sup>93</sup>

Washington viewed the flurry of pole raisings and the failure of the loyalty oaths with alarm. He ordered federal forces to march west on September 25. Hamilton explained to Rufus King, “Nothing from the Western Country authorises an expectation of a pacific termination of that business. All of the Militia are going forward as fast as they can be got forward.” Findley asked Washington to delay the advance of troops, explaining that “it required time for the well disposed people to know in whom they could confide” and create an alliance strong enough to compel their neighbors to submit. But Washington denied his request, citing the spate of new liberty poles as evidence that “the flame ha[d] caught in Maryland, and symptoms of it [had] been discovered in some other places in Pennsylvania.” He could not “delay the expedition till the spring, lest the flame should spread further.” As the pole-raisers intended, and their opponents feared, a liberty pole marked an entire town as rebel territory.<sup>94</sup>

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<sup>93</sup> “To Alexander Hamilton from Thomas Sim Lee, 13 September 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0183>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp. 231–233] Note 2; Deposition of Francis W. Gibson, October 11, 1794, Rawle Family Papers; Five hundred rebels of Franklin County marched to Chambersburg to raise a pole and force the excise officer there to resign. When confronted by county justices who asked to speak to their officers, the men replied “they had no officers, they were all as one!” When the judges accused them of illegal behavior, the men declared that they “cared for no law, court, sheriff, or justice” and “would set up the pole if the Devil stood at the door.” Deposition of Owen Ashton, March 30, 1795, Rawle Family Papers; Bouton, *Taming Democracy*, 238.

<sup>94</sup> “From Alexander Hamilton to Rufus King, 17 September 1794,” *Founders Online*, National Archives, last modified October 5, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0199>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp. 241–242;] Findley, *History of the Insurrection*, 172–173, 178, 312.



As the 15,000 troops from Virginia, Maryland, New Jersey, and Pennsylvania marched west, no rebel army materialized to oppose them. Instead, federal forces faced liberty poles that sprung up anonymously overnight just before they rode through western towns. The army arrested hundreds for treason, but about 2,000 regulators, including David Bradford, evaded the army by fleeing further west. One of only two fatalities occurred when federal troops accidentally shot a Carlisle boy, the younger brother of a man suspected of raising the town's liberty pole. Hamilton and Federal District Judge Richard Peters accompanied the army and conducted interrogations, deciding who to free and who to send to Philadelphia for trial. In the end, thirty-five regulators faced indictments for treason, but only two were found guilty by trial juries. Washington pardoned them both, declaring them lacking mental competence. In doing so, he played the role of magnanimous leader, eager to forgive the wayward and unify the nation. The Whiskey Rebellion ended without the battle between federal forces and lawless insurgents that many had dreaded. Still, the Washington administration could view this first test of federal authority as a success. "Anarchy trembles," wrote one soldier of the expedition, "and order triumphs."<sup>95</sup>

In the wake of these events, Washington blamed the rebellion on the Democratic-Republican societies that had sprung up in western Pennsylvania. Republicans formed these

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<sup>95</sup> Notes on the March from September 30, Until October 29, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 432; Slaughter, *The Whiskey Rebellion*, 217-220; *General Advertiser*, October 27, 1794, quoted in "From Alexander Hamilton to Jared Ingersoll, 10 October 1794," *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0298>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp. 315–317] Note 3; Findley, *History of the Insurrection*, 143-144; H.M. Brackenridge, *History of the Western Insurrection*, 268; *Gazette of the United States*, October 4, 1794; Richard A. Ifft, "Treason in the Early Republic: The Federal Courts, Popular Protest, and Federalism During the Whiskey Insurrection," in Boyd, *The Whiskey Rebellion*, 172; For examples of liberty poles, see Notes on the March from September 30, Until October 29, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 429. With regard to the lack of violence, Benjamin Rush commented, "How differently do monarchies, directed by absolute monarchs, terminate rebellion! But here we are all members of one family, and have a common interest in the preservation of each others lives and honor." See Benjamin Rush to James Currie, November 30, 1794, Benjamin Rush Papers (American Philosophical Society).

“self-created societies,” as Washington described them, in 1793 and 1794 to organize discontented citizens and denounce the federal administration. While many societies condemned the excise and called for “legal opposition” to it, they had, in fact, denounced violent resistance as rebellious and a threat to democratic rule. Some society members even joined the ranks of the army to put down the rebellion. But Washington refused to distinguish them from the regulators. “That [the self-created societies] have been the fomenters of the western disturbances,” he wrote to John Jay, “admits of no doubt in the mind of anyone.” If they “cannot be discountenanced,” he told Edmund Randolph, “they will destroy the Government of this Country.” Washington voiced these views in his State of the Union that November. His remarks led to a viscous debate in the House of Representatives over a resolution, narrowly defeated, that echoed the President’s condemnation of the societies.<sup>96</sup>

Washington and Hamilton could not countenance any form of legitimate popular opposition to a representative government. Historian Rudolph M. Bell has observed that Washington’s criticism “was not merely a partisan tirade against Democratic Societies or an opposing party. Rather, it was an attack on all forms of meaningful opposition to an existing government.” The Whiskey Rebellion provided the opportunity for Federalists to articulate their vision of republican governance. That is, a society in which citizens voted in elections and in

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<sup>96</sup> “From George Washington to John Jay, 1–4 November 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Washington/05-17-02-0088>; [Original source: *The Papers of George Washington*, Presidential Series, vol. 17, *1 October 1794–31 March 1795*, ed. David R. Hoth and Carol S. Ebel; Charlottesville: University of Virginia Press, 2013, pp. 125–129;] “From George Washington to Edmund Randolph, 16 October 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Washington/05-17-02-0049>; [Original source: *The Papers of George Washington*, Presidential Series, vol. 17, *1 October 1794–31 March 1795*, ed. David R. Hoth and Carol S. Ebel, Charlottesville: University of Virginia Press, 2013, pp. 71–73;] Sharp, “The Question of Representation,” in Boyd, *The Whiskey Rebellion*, 124–128; Neem, “Freedom of Association,” 264, 271, 274; Baldwin, *Whiskey Rebels*, 260.

For the importance of French “Jacobin clubs” in inspiring condemnation of the Democratic-Republican Societies see Seth Cotlar, *Tom Paine’s America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville: The University of Virginia Press, 2011), 186–192.

between deferred to their representatives the business of legislating. If unhappy with the actions of their representatives, they had to await recourse on the next election day. Citizens could not protest a particular policy or administration without opposing the entire system of republican government.<sup>97</sup>

But moderates tried to delineate between the peaceful resistance of bodies like the Democratic-Republican Societies and the collective violence by the regulators. Moderates believed that representative government did not obviate political engagement and organized criticism between elections. “It is equally absurd to assert,” wrote Findley, “that because our laws are enacted by our own representatives, therefore we ought to submit to them without remonstrance . . . This doctrine is supported by a presumption, that a government of representatives can never mistake the true interests of their constituents.” Still, moderates limited the methods of resistance to angry words rather than violent deeds. They feared the twin threats to representative government posed by Federalist inflexibility, on the one hand, and regulator defiance, on the other.<sup>98</sup>

But the regulators lacked confidence in the institution of representative government. Congress’s passage of the whiskey excise and disregard for subsequent western petitions revealed its indifference to frontier conditions. Faced with an unresponsive government and an unjust law, regulators used local nullification to protect their communities and pressure authorities for repeal. As Historian Terry Bouton explains, “the goal of popular protest was not to overthrow the government but to find new ways for citizens to get their voices heard by political leaders.”<sup>99</sup>

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<sup>97</sup> Rudolph Bell, *Party and Faction in American Politics: The House of Representatives, 1789-1801* (Westport: Greenwood Press, 1973), 47.

<sup>98</sup> Findley, *History of the Insurrection*, 49; Neem, “Freedom of Assembly,” 263.

<sup>99</sup> Bouton, *Taming Democracy*, 218.

This debate occurred throughout the west as liberty poles divided neighbors into Federalists, moderates, and regulators. In Northumberland, Pennsylvania, citizens clashed violently at their liberty pole over competing definitions of popular sovereignty. This conflict continued for months as residents defended their positions in the marketplace, in the courtroom, and at the ballot box. By offering an intimate look at these events, the following case study demonstrates that although almost all westerners disliked the excise, the Whiskey Rebellion revealed significant divisions over how to express dissent in a republic.

### III. NORTHUMBERLAND

*It was said by the whole of the people that liberty poles were raised last war and they ought to be raised now.*

*- Henry Lebo, 1794*

County Constable William Bonham led the raising of a liberty pole in Northumberland County in September 1794. Bonham's grievances echoed those held throughout the west. He believed that government policy favored land speculators over small-scale farmers. He denounced the excise as "oppressive on the poor people" and evidence that "the officers of Government and the Land Jobbers were engrossing all the property of the country." Instead of the whiskey excise, Bonham proposed a land tax because "the land jobbers should pay the taxes," not farmers. "Government had carried themselves to[o] high and must be taken down," he proclaimed. Citing the liberty poles in other areas as examples, Bonham proposed to his neighbors that they raise their own because "a Revolution in this country is highly necessary."<sup>100</sup>

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<sup>100</sup> Deposition of Daniel Rees, December 10, 1794, Rawle Family Papers; Deposition of Peter Faulkner, December 10, 1794, Rawle Family Papers; Deposition of James Jenkins, November 12, 1794, Rawle Family Papers; Notes of Testimony in U.S. vs Bonham, Rawle Family Papers; Bonham also stated that he could raise a force of 150 men to join the insurgents further west, see Deposition of Daniel Rees, October 17, 1794.

On September 20, Bonham and several supporters went to a nearby mill and made a pole by cutting down a tree and stripping its branches. They met a crowd of men in the town square where they raised the pole and adorned it with a flag bearing the initials “L.E.,” for liberty and equality. As they huzzaed and drank whiskey in celebration, they linked their liberty pole to those raised during the Revolution. “It was said by the whole of the people that liberty poles were raised last war,” reported one witness, “and they ought to be raised now.” But other residents denounced the pole. Led by William Perry Brady, a cabinet-maker, the critics cut down the pole, which they deemed an insult to republican government.<sup>101</sup>

Brady’s actions did not surprise Bonham, as a few weeks prior Bonham had confronted Brady about raising a liberty pole. Brady declared that he would cut down such a pole and “not think it a crime if the pole was put there in opposition to Government.” Bonham taunted Brady to do so “if you dare” for Bonham would whip him if he tried. Brady countered that he would drag Bonham and his fellow rebels to Philadelphia by his horse’s tail to face federal justice. Bonham departed with a final promise: if Brady cut down their pole, they would raise another one with “Liberty, Equality, Change of Ministers, and No Excise” written on the flag. He proved true to his word.<sup>102</sup>

Shortly following Brady’s attack, Bonham and fifty others met at a local tavern and unanimously vowed to erect a replacement. They put to a vote every detail of the pole raising – who would cut the pole, who would dig a hole for it, and who would assemble the crowd. The

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<sup>101</sup> Deposition of Henry Lebo, January 7, 1795, Rawle Family Papers; Deposition of Peter Faulkner, December 10, 1794, Rawle Family Papers; “To George Washington from Bernard Hubley, Jr., 8 October 1794,” Founders Online, National Archives, last modified October 5, 2016, <http://founders.archives.gov/documents/Washington/05-17-02-0022>; [Original source: The Papers of George Washington, Presidential Series, vol. 17, 1 October 1794–31 March 1795, ed. David R. Hoth and Carol S. Ebel Charlottesville: University of Virginia Press, 2013, pp. 27–32;] William Gray Murdock, *Brady Family Reunion and Fragments of Brady History and Biography* (Milton: 1909), 67.

<sup>102</sup> Deposition William P. Brady, October 15, 1794, Rawle Family Papers.

men even voted on whether Brady and his gang should be tarred and feathered (this motion failed). While the meeting's votes gave the illusion of unanimous popular backing for the pole, Bonham also intimidated critics in the community.<sup>103</sup>

Bonham accosted several residents at their homes, threatening retribution if they did not assist with the pole raising. Doctor Benjamin F. Young reported that when he objected to the second pole, Bonham warned that he was "liable to be punished" for such cowardice "by way of ducking." Others threatened Young with a tarring and feathering. Bonham cautioned another man not to voice opposition or he would burn down his house like those in Allegheny had Neville's. Some critics left town on the day of the pole raising to avoid being called upon to assist.<sup>104</sup>

The liberty pole raising forced all Northumberland residents to make a decision about their views on resistance in a republic. Erecting a liberty pole was a community event where participants noticed absences. Bonham and his men purposefully increased this public pressure by confronting wavering neighbors and compelling them to choose a side. With their liberty pole, the Northumberland regulators brought the debates over the legitimate extent of protest into their town.

Critics worried that a liberty pole invited an escalation of resistance to collective violence. Young felt that the pole would antagonize the authorities and result in the loss of lives and property. Another man denied that extra-legal regulation was appropriate now that Americans "had a constitutional mode of redress." But Bonham and his followers retorted that "they had

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<sup>103</sup> Deposition of John McGrath, December 22, 1794, Rawle Family Papers; Deposition of Robert Lyon, December 12, 1794, Rawle Family Papers; Deposition of James Allen, December 12, 1794, Rawle Family Papers; Deposition of William Spring, December 12, 1794, Rawle Family Papers; Bouton, *Taming Democracy*, 238.

<sup>104</sup> Deposition of Benjamin F. Young, October 16, 1794, Rawle Family Papers; Deposition of Benjamin Young, December 9, 1794, Rawle Family Papers; Deposition of James Jenkins, November 12, 1794, Rawle Family Papers; Deposition of Rosewell Douty, December 27, 1794, Rawle Family Papers; Jasper Ewing, of Northumberland, to Charles Hall, of York, September 27, 1794, *Pennsylvania Archives* Second Series, Vol. IV, 380.

petitioned but could get no redress.” After three years of voicing their complaints to Congress, the excise remained on the books and Washington had sent in an army to enforce it. Rather, Bonham believed that the people’s liberty poles and refusal to comply with the law would bring about its repeal because the government “would see the people were uneasy under it.”<sup>105</sup>

As Bonham and his men prepared the new pole, Judges William Wilson and John MacPherson caught wind of the plan and rode to town to avert the raising. They called upon Daniel Montgomery, the local justice of the peace, but he refused to help, warning, “We might as well pretend to turn the Susquehanna, as to stop them, for they [are] determined to have their grievances redressed, and our going there would answer no good end.” Montgomery agreed to accompany them, but he offered no assistance when the posse arrived at the town square and found sixty men crowded around to defend their newly raised liberty pole. Wilson asked the men their intentions, to which Bonham replied that their pole stood for “Liberty, Equality, and support of Government.” The entire assembly huzzaed in agreement. Unconvinced, Wilson declared that they pursued these goals in a “very improper manner.” He then read the assembly the riot act and ordered them to disperse.<sup>106</sup>

The crowd left the pole, but many went to John Brady’s tavern where more trouble ensued. At Brady’s, the pole raisers met Young and some others who had rebuffed Bonham’s requests for help with the pole. Bonham and one of them came to blows. Men from both sides ran towards the commotion, some with arms drawn. Wilson ordered them to stop where they

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<sup>105</sup> Deposition of Jonathan Walker, December 10, 1794, Rawle Family Papers; Deposition of William Spring, December 12, 1794, Rawle Family Papers; Deposition of Christian Yentzen, December 27, 1794, Rawle Family Papers; Deposition of Benjamin F. Young, October 16, 1794, Rawle Family Papers; Deposition of Robert Gray, December 10, 1794, Rawle Family Papers; For further examples of Bonham eschewing petitions, see Deposition of Daniel Rees, October 17, 1794, Deposition of Robert Lyon, December 12, 1794, Rawle Family Papers.

<sup>106</sup> Deposition of Flavel Roan, January 4, 1795, Rawle Family Papers; William Wilson, October 20 1794, Rawle Family Papers; Deposition of Rudolph Simmons, October 18, 1794, Rawle Family Papers.

were, pointing his pistol at the crowd. In retaliation, a man aimed his musket at Wilson, who managed to wrestle it away. Wilson again read the riot act and the men retired to their homes.<sup>107</sup>

To deter Brady, the pole-raisers organized an armed guard to stand watch around the pole at night. The guard received instructions from Bonham and others violently to resist anyone who attempted to cut down the pole. One man vowed to “blow [any assailant] through” with his gun. Citing Bonham’s position as constable, an opponent of the pole lamented to a friend that he had wanted to tear it down, “But when the officers of Government take a decided part with the rioters, what can possibly be expected.”<sup>108</sup>

Regulators ostracized minorities who opposed their actions. Joseph Priestley, an English scientist and theologian residing in Northumberland, complained to John Adams that his baker refused to sell him bread because he thought Priestley disliked the pole. “Such was the spirit of this place,” he described, “or rather of the lower class of people.” Priestley hoped that the arrival of the troops would quiet the rabble so that he could resume buying his daily bread. And although he insisted that “nothing can excuse an open opposition to the bringing of any tax laid by the representatives of the people,” he questioned the wisdom of “[hazarding] the authority of government” by passing a “very unpopular” law. “People will choose to do without government rather than pay so dear for it,” he warned.<sup>109</sup>

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<sup>107</sup> Deposition of William Wilson, October 20 1794, Rawle Family papers; Deposition of William Wilson, November 29, 1794, Rawle Family Papers; Deposition of John MacPherson, December 20, 1794; Rawle Family Papers; Addison, *Report of Cases*, 419; “To George Washington from Bernard Hubley, Jr., 8 October 1794,” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Washington/05-17-02-0022>; [Original source: *The Papers of George Washington*, Presidential Series, vol. 17, *1 October 1794–31 March 1795*, ed. David R. Hoth and Carol S. Ebel Charlottesville: University of Virginia Press, 2013, pp; 27–32;] Note 2.

<sup>108</sup> Deposition of Rudolph Simmons, October 18, 1794, Rawle Family Papers; Jasper Ewing, of Northumberland, to Charles Hall, of York, September 27, 1794, *Pennsylvania Archives* Second Series, Vol. IV, 380.

<sup>109</sup> “To John Adams from Joseph Priestley, 13 November 1794,” *Founders Online*, National Archives, last modified October 5, 2016, <http://founders.archives.gov/documents/Adams/99-02-02-1584>; Joseph Priestley to John Vaughan, August 1, 1794, Joseph Priestley Papers (American Philosophical Society); In Hagerstown, the *Baltimore*



Although Priestley characterized the regulators as poor, the leaders of both the pole-raisers and their opponents had comparable levels of above average wealth. Bonham and Brady, for example, both owned about \$300 worth of property, whereas the average Northumberland property holder was worth \$171. Bonham's neighbors certainly would not have viewed him as "lower class." In addition to his post as constable, he owned two houses, a servant, and a carriage. However, owning little or no property did make a man more likely to support the liberty pole. Several poorer men appear as pole-raisers, while none do among the liberty pole's opponents. Still, while some scholars argue that communities like Northumberland broke along economic lines, class constituted only one determinant of who would or would not become a regulator. For example, Joseph Haines, the man who supplied the wood for the second pole, was worth \$400. Despite their relative wealth, such men still despised the excise and the government that clung to it and ignored their protests. These local leaders rallied poorer neighbors to demonstrate their resolve to resist an unjust law.<sup>110</sup>

On October 2, County Lieutenant Bernard Hubley, Jr. ordered the Northumberland militia to cut down the pole, but his men refused to comply. In a letter to the President, Hubley recalled "[the captain] really believed any Person that would Attempt to take it down, that they would loose [sic] their Lives thereby." Hubley sympathized, describing the "Countenances of those

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*Daily Intelligencer* reported that the town merchants refused to sell the pole-raisers gunpowder or flint. *Baltimore Daily Intelligencer*, September 8, 1794.

<sup>110</sup> *United States Direct Tax of 1798: Tax Lists for the State of Pennsylvania*, M372, microfilm, 24 rolls, Records of the Internal Revenue Service, 1791-2006, Record Group 58; National Archives and Records Administration, Washington, D.C. Pennsylvania Historical & Museum Commission; Records of the Office of the Comptroller General, RG-4, *Tax & Exoneration Lists, 1762-1794*, Microfilm Roll: 331.

The same holds true for liberty poles outside of Northumberland. Recall that Benjamin Parkinson appeared to lead the effort to raise the pole at Parkinson's Ferry. For scholars who emphasize class in the Whiskey Rebellion, see Fennel, "From Rebelliousness to Insurrection;" Slaughter, *The Whiskey Rebellion*; Bouton, *Taming Democracy*; Again, that men of middling and upper classes participated in pole-raising does not discount Fennel's well-supported argument that most regulators were men who had been left behind by a commercializing economy. It merely suggests that class did not constitute the sole determinant of whether or not a man became a regulator. Opposition to the excise did not necessarily translate to the acceptance of extra-legal resistance methods and a more comfortable economic status did not necessarily translate to a moderate position.

Pole men” as “wild” and “ferocious.” But while local militiamen feared reprisals from their neighbors, outsiders from Wyoming in Luzerne County had no love for the men of Northumberland. One week later, a troop of Luzerne volunteers, led by Captain Ebenezer Bowman, cut down the Northumberland pole, expressing thereby their “abhor[rence] . . . that in a Republican government, the few should give laws to the many.” Wilson and Hubley later wrote to the Governor, requesting that Bowman and his troop remain in Northumberland for a few extra days to quell the “disorderly and riotous spirit” that had awakened in the county due to the “baneful & poisonous heads” of the recent liberty poles raised by the “Northumberland anarchists.”<sup>111</sup>

Divisions over the liberty pole affected the election for county sheriff that October. Robert Irwin, a Republican, received the majority of votes, but Federalist John Brady, brother of William Perry Brady, contested the results. Brady accused Irwin of spreading the rumour that Brady had opposed their liberty pole. Many in town had publicly refused to vote for Brady because of his brother’s previous actions. In Younkmanstown, a town in neighboring Buffalo Township, Brady allegedly approached a group of people raising a liberty pole and “expressed himself too freely against such unlawful measures, which exasperated the people so much, that it had completely ruined his election in the Buffalo district.” Jonathan Walker, one of Bonham’s opponents, alleged that Daniel Montgomery confided that he and the other “pole people” were

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<sup>111</sup> Judge Addison to Governor Mifflin, November 4, 1792, *Pennsylvania Archives* Second Series, Vol. IV, 36; Messrs. Wilson and Hubley, of Northumberland, to Governor Mifflin, October 8, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 402-403; George Eddy to Governor Mifflin, October 9, 1794, in *Pennsylvania Archives* Second Series, Vol. IV, 404; William Henry Egle, *Notes and Queries Historical, Biological, and Genealogical Relating Chiefly to Western Pennsylvania* (Harrisburg: Harrisburg Publishing Company, 1898), 202.

The Governor agreed that Bowman should not ride on for Bedford until a peaceful submission to law and order prevailed throughout Northumberland. Once Bowman’s troop left, they made their way to Bedford by way of several other towns with liberty poles. See Governor Mifflin to Capt. Ebenezer Bowman, October 10, 1794, *Pennsylvania Archives* Second Series, Vol. IV, 407; George Eddy to Governor Mifflin, October 9, 1794, *Pennsylvania Archives* Second Series, Vol. IV, 405.

determined to “run Robert Irwin in their own defense ... [as] a number of them might be indicted for the pole business” and they “had nothing to expect from John Brady” by way of favors if he became Sheriff.<sup>112</sup>

Several friends of Brady, including Wilson, sent a memorial to Governor Mifflin complaining that the slander against Brady had cost him the election. They reported that the men of their county “furnished daily proofs of a disposition inimical to the cause of Government, by erecting what they call liberty poles.” Friends of Irwin rode through the area, warning voters that “if [Brady] was elected, he would summon juries friendly to the Government, and that they would all be hung.” The memorial concluded by asking Mifflin to appoint Brady as sheriff, although he had received fewer votes, for Pennsylvania law allowed the governor to choose a county sheriff from the two leading candidates in an election. Mifflin decided to commission Brady, explaining that he had been convinced by “a complaint that irregularities had been committed at the said election by the friends of Mr. Irwin.” Mifflin’s actions offered clear proof to the regulators of the failure of the democratic process. Even when they tried to use their votes to influence government, as the Federalists demanded, officials conspired to circumvent their choices.<sup>113</sup>

Further trouble ensued on November 15, when Bonham arrested Wilson for assault on a warrant issued by Montgomery. The Justice of the Peace had received complaints from two men who had been at the tavern on the night of the second pole raising. The first man claimed that Wilson had pointed his pistol at him and the second asserted that Wilson had seized him. Wilson appeared in court before Montgomery, stating that he had drawn his weapon only to execute his

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<sup>112</sup> Deposition of Jonathan Walker, October 18, 1794, Rawle Family Papers; John Blair Linn, *Annals of Buffalo Valley, Pennsylvania, 1755-1855* (Harrisburg: Lane S. Hart, 1877), 291; For election results, see 288.

<sup>113</sup> Executive Minutes, November 29, 1794, in *Pennsylvania Archives*, Series 9, Vol. II, 888; Linn, *Annals of Buffalo Valley*, 290-291.

duty to suppress the riot. Believing his actions justified, Wilson refused to pay bail, informing Montgomery that he would rather go to jail. In the end, Montgomery discharged him. But Wilson remained outraged by the whole affair, feeling persecuted by the Northumberland officials. “I consider Daniel Montgomery Esq. to be the principal in this business,” he vented, “and William Bonham the executor of all his secret orders.”<sup>114</sup>

Seeking vengeance, Wilson filed an information for a misdemeanor against Montgomery for failing in his duty as justice of the peace to suppress a riot. In January 1795, the Supreme Court of Pennsylvania heard arguments from both sides to determine whether the case should go to trial. The defense argued that since “the mere erection of a liberty pole was innocent in itself,” Montgomery could not have predicted that events would degenerate into chaos that night. “[He] is not to be punished for want of foresight.” Rather, Montgomery had done his best to maintain the peace in his refusal to interfere, since he “perceive[d] the inutility as well as the danger of opposing” the pole-raisers. He had judged it better to let them raise their harmless pole than to create a disturbance by attempting to obstruct them, as Wilson had done. As for the warrants against Wilson, the defense stressed that Montgomery had simply performed his duty. Since he did not witness the altercation that night, Montgomery merely followed due process after two citizens swore complaints against Wilson. Finally, the defense cautioned the court not to accept Wilson’s characterizations of the liberty pole as seditious. After all, “It [is] essential to the freedom of a republic, that people should speak their minds on laws and all public transactions.”<sup>115</sup>

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<sup>114</sup> Deposition of William Wilson, October 20 1794, Rawle Family Papers; Wilson, November 29, 1794, Rawle Family Papers; Deposition of Daniel Montgomery, January 10, 1795, Rawle Family Papers; For copies of the complaints against Wilson, see Deposition of William Huffman, November 5, 1794, Rawle Family Papers, and Deposition of William Cool, November 15, 1794, Rawle Family Papers; Addison, *Reports of Cases*, 419-420.

<sup>115</sup> Addison, *Reports of Cases*, 419; Tabatha Abu El-Haj, “Changing the People: Transformations in American Democracy, 1880-1930,” (PhD diss., New York University, 2008), 123-124; See Cornell, “To Assemble

The prosecution refuted these claims, maintaining that no onlooker, let alone a justice of the peace, could fail to understand the seditious nature of the liberty pole. The prosecution argued that, although the Bill of Rights guaranteed citizens freedom of speech, that freedom was limited by the responsibility to exercise it in a reasonable manner: “The people may meet and discourse on public measures, and the public mind may thus be illustrated and informed; but if they meet for seditious purposes, or when met, go into seditious resolutions, they are amenable to the law.” In this way, the prosecutor articulated a moderate stance on popular resistance: disgruntled citizens could meet and discuss politics, but they could not use extra-institutional tactics to encourage outright resistance to the law.<sup>116</sup>

He reminded the court of the context of insurrection, well known to Montgomery, promoted by rebels who raised liberty poles to enrage their neighbors against the government. In such a climate, Montgomery could not have been “so unconscious of his duty” as to misunderstand the raising of a liberty pole as a peaceful exercise, for poles were “the avowed standards of rebellion.” Montgomery’s failure to interfere reflected a dereliction of duty and perhaps even sympathy with the pole-raisers. Indeed, both Wilson and MacPherson claimed that Montgomery had promised to “lift or pull at the rope [to raise the pole], if required by the ‘people’” on September 30, when they had first asked him for help. Montgomery’s issuing of warrants against Wilson further proved his allegiances. Such action “more probably arose from a

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Together,” 930-933 for his argument that contemporaries understood the freedom to assemble not as an individual right, but one linked to the common good.

Wilson and MacPherson conducted most of the depositions for this case, despite the apparent conflict of interest.

<sup>116</sup> Addison, *Reports of Cases*, 419-420; Cornell, “To Assemble Together,” 927.

desire to screen the rioters or himself, and deter prosecutions, than a sense of duty and the advancement of public justice.”<sup>117</sup>

The case pivoted, as Wilson’s had, on whether raising a liberty pole constituted a breach of the peace. The judges unanimously agreed with the prosecution: “The setting up of a pole at any time, in a tumultuous manner, with arms, is a riot,” they ruled. The judges insisted that Montgomery should have arrested those unlawfully assembled. But the ruling went further, arguing that “an erection [of liberty poles], when the army were known to have been on their march in support of the constitution and the laws, could only be attributed to an avowed design of giving aid to the insurgents, and intimidating the executives of government.” As such, Montgomery’s failure to act implicated him in treason against the federal government. The Whiskey Rebellion “would have been quelled [in] the beginning,” they declared, had justices of the peace acted more vigorously in the execution of their duties. The judges ruled that a trial should take place and Montgomery paid a \$500 recognizance to answer the information. However, no record of a subsequent trial exists.<sup>118</sup>

In *Pennsylvania v Morrison*, Addison found the six men who had raised the Pittsburgh liberty pole guilty of opposition to the government. In his decision, Addison affirmed the illegality of the raising of a liberty pole in a public place since they were “a notorious symptom of dissatisfaction” that “promoted violence” against the government. He expressed frustration that rather than employing “constitutional resistance,” pole-raisers inflamed public opinion and provoked violent opposition. In his subsequent “Reflections on the Late Insurrection,” Addison blamed the liberty poles for the failure of the submission vote: “What was it but those pole-

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<sup>117</sup> Addison, *Reports of Cases*, 419-420; Jonathan Walker similarly argued to Bonham that the context of the rebellion made liberty poles illegitimate, see Deposition of Jonathan Walker, December 10, 1794, Rawle Family Papers.

<sup>118</sup> Addison, *Reports of Cases*, 422.

risings, and their attendant circumstances, that prevented our return to submission and duty, and a general acquiescence with the terms offered by the commissioners, and made it necessary for government to march an army into this country, to subdue the spirit of sedition and riot, which blind madness first excited, and those pole-risings kept alive?” He believed that liberty poles turned a reasoned opposition to an unjust law into an irrational and violent hostility to government. “What is the liberty, which those pole-raisers wanted?” he fumed. “A liberty to be governed by no law . . . a liberty to do what mischief they pleased.”<sup>119</sup>

In the fall of 1794, federal troops arrested Bonham and brought him to Philadelphia for trial. Unable to muster sufficient evidence to enter a charge of treason, the U.S. Circuit Court settled for a misdemeanor. William Perry Brady served as a witness for the state. The prosecution described Bonham as “an evil-disposed, pernicious, and seditious person.” By raising a liberty pole, he attempted “to encourage and incite the citizens of the said United States . . . to oppose and resist the laws and authority of the said United States and [wage] insurrection and war against the same United States.” Like Addison, the jury viewed liberty poles not as legitimate, extra-institutional forms of political expression, but as inflammatory symbols that encouraged rebellion and threatened law and order. They found Bonham guilty, but Washington pardoned him twenty days into his sentence.<sup>120</sup>

The Northumberland liberty poles became flashpoints for conflict in the community over the legitimate bounds to popular resistance in a republic. The poles forced all in town to choose which vision of government by the people they wanted for their new nation: one that countenanced poles as rallying points for dissenting citizens or one that disavowed them as

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<sup>119</sup> Addison, *Reports of Cases*, 126-127, 274-275.

<sup>120</sup> *U.S. Circuit Court Criminal Case Files, 1790-1871* [database on-line]; Provo, UT, USA: Ancestry.com Operations Inc, 2009; Appendix A in Boyd, *The Whiskey Rebellion*, 200-201; Linn, *Annals of Buffalo Valley*, 286.

sedition assaults on majority rule. As tensions reached a boiling point, men on both sides displayed their willingness to enforce their views through violence. This debate extended into the courtroom, as both Wilson and Montgomery defended their actions based on their clashing positions on the pole's legitimacy. And while the state court ultimately sided with Wilson, Brady's election controversy demonstrates that popular opinion remained uneasy even after the pole had fallen.

During the Whiskey Rebellion, all involved saw the promises of their Revolution endangered. Federalists and moderates viewed regulator activity as an attempted usurpation of representative government by an armed minority. The effort to extort concessions from the government by force jeopardized the premise of majority rule and threatened the complete unravelling of law and order. "How nearly do the opposite extremes of toryism and anarchy approach each other?" observed the *Baltimore Daily Intelligencer*, "Are they not twin brothers?" But to the regulators, the excise displayed an ignorance of western conditions that made it smack of taxation without representation. Recourse to Revolutionary methods was both legitimate and necessary.<sup>121</sup>

This disagreement boiled down to a fundamental difference in opinion over the promise of representative government. The Federalists hoped that while majority rule would be the final arbiter of disputes, more often, Congress would reach a consensus over policy. Only rarely would a minority viewpoint develop and, when it did, it would yield to the wishes of the majority. This occasional sacrifice was a small price to pay for a functional and peaceful democratic system that served the common good. "The power of the majority and liberty are

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<sup>121</sup> *The Baltimore Daily Intelligencer*, September 20, 1794.



inseparable,” proclaimed Hamilton. But moderates and regulators believed representative government had room for dissenting opinions when it operated unjustly or oppressively. Moderates still insisted on the supremacy of majority rule, but they acknowledged that minority interests should not be silenced once outvoted. To the regulators, the whiskey excise offered proof that representative government had completely malfunctioned. In practice, a republic seemed no different to a monarchy when it ignored the complaints of its citizens and saddled them with burdensome taxes.<sup>122</sup>

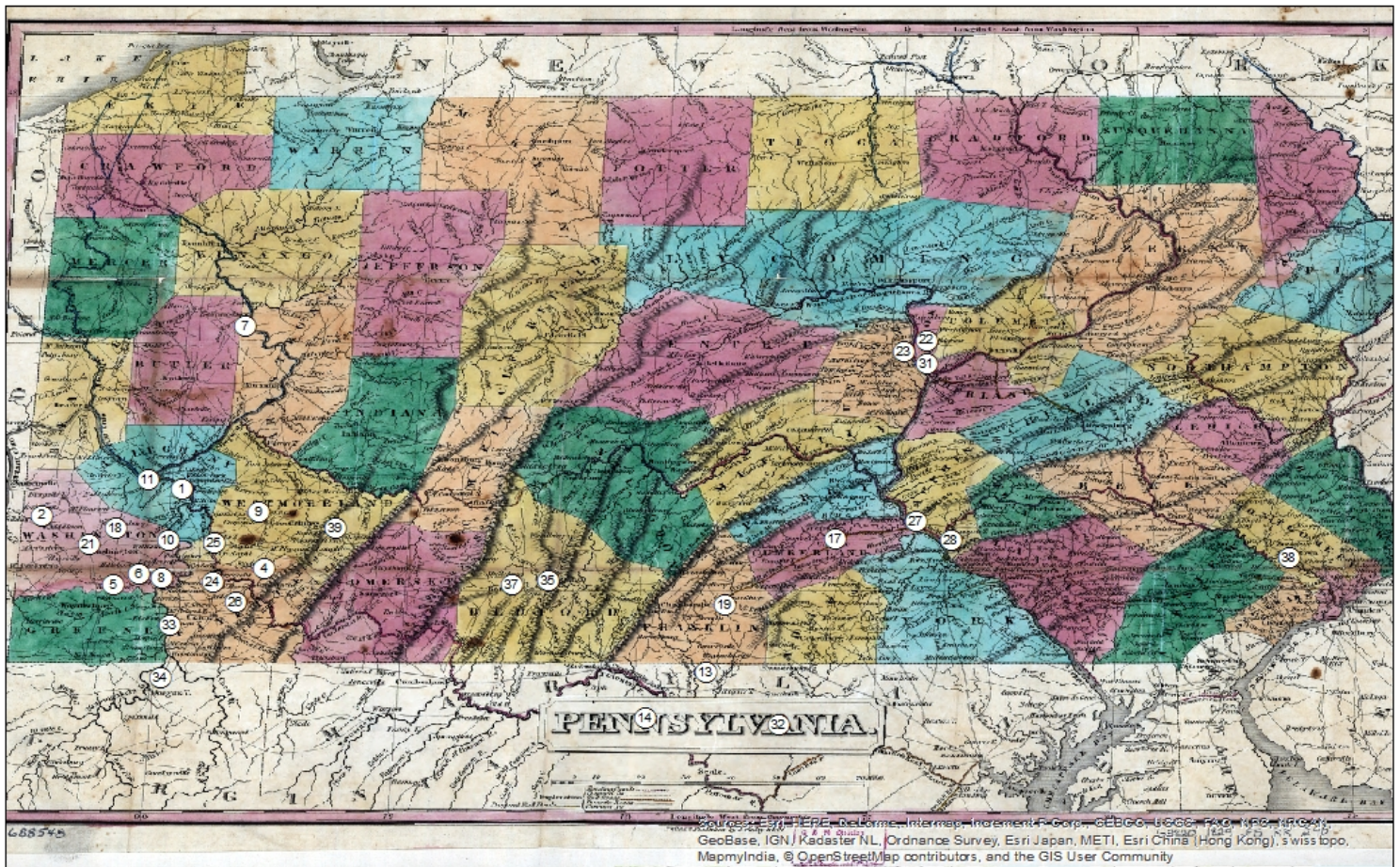
For the regulators, the Whiskey Rebellion can only be classified as a failure. Resistance crumbled as soon as the federal government exerted real pressure and the excise tax remained on the books until 1802. In the rebellion’s aftermath, Addison confidently asserted, “the danger of sedition has been set before the people of this country, which, I trust, they will never forget, and, I believe, will never need to be repeated.” But he spoke too soon. The questions the Whiskey Rebellion raised about opposition in a republic still remained unresolved. Liberty poles sprung up anew in 1798 as the Sedition Act rekindled debates over free speech and dissent.<sup>123</sup>

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<sup>122</sup> “Tully No. IV, [2 September 1794],” *Founders Online*, National Archives, last modified December 28, 2016, <http://founders.archives.gov/documents/Hamilton/01-17-02-0145>; [Original source: *The Papers of Alexander Hamilton*, vol. 17, *August 1794–December 1794*, ed. Harold C. Syrett New York: Columbia University Press, 1972, pp; 175–180;] Neem, “Freedom of Associations,” 260-262.

<sup>123</sup> “Judge Alexander Addison on the Origin and History of the Whiskey Rebellion,” in Boyd, *The Whiskey Rebellion*, 55.

### Appendix I Map of Liberty Poles in the Whiskey Rebellion



Locations are approximations

Base map: Finley, A. *Pennsylvania*. Philadelphia, 1829. Retrieved from the Library of Congress.

1	August 1	Braddock's Field, Brownsville, Allegheny County	24	November 5*	Franklin Township, Chester County
2	August 8	Washington County	25	No Date	South Huntingdon Township, Westmoreland County
3	August 10	Bullskin Township, Fayette County	26	No Date	Fayette County
4	August 11	Bullskin Township, Fayette County	27	No Date	Harrisburg, Dauphin County
5	August 13	Washington County	28	No Date	Middletown, Dauphin County
6	August 14	Washington County	29	No Date	near Derrstown, Northumberland County
7	August 14	Catfish, Madison Township, Lackawanna County	30	No Date	near Wilson's Tavern, Northumberland County
8	August 15	Washington County	31	No Date	near Wilson's Tavern, Northumberland County
9	August 15	Greensburg, Westmoreland County	32	No Date	Fredericktown, Cecil County (Maryland)
10	August 15	Parkinson's Ferry, Washington County	33	No Date	Masontown, Fayette County
11	August 18	Pittsburgh, Allegheny County	34	No Date	Morgan's Town, Monangalia County (Virginia)
12	September 1	Hagerstown, Washington County (Maryland)	35	No Date	Bloody Run, Bedford County
13	September 5*	Hagerstown, Washington County (Maryland)	36	No Date	Bedford County
14	September 8*	Martinsburg, Berkeley County (Virginia)	37	No Date	Bedford County
15	September 8	Carlisle, Cumberland County	38	No Date	Stony Creek, Montgomery County
16	September 10*	Bedford County	39	No Date	Fort Ligonier, Westmoreland County
17	September 11	Carlisle, Cumberland County			
18	September 11	Strawbane Township, Washington County			
19	September 16	Chambersburg, Franklin County			
20	September 20	Northumberland County			
21	September 25	Washington Town, Washington County			
22	September 26	Milton, Northumberland County			
23	September 30	Derrstown, Northumberland County			

\* indicates an approximate date

Please note that some poles do not appear on the map because they have the same location as a later pole. In those cases, the more recent pole is labelled. Eg. Numbers 3 and 4

### **The Alien and Sedition Laws and Federalist Popular Politics**

*“Nothing [is] more easy than to assert that liberty ha[s] always been destroyed by an excess of power in the Executives of Governments; but [I believe] it ha[s] more frequently been destroyed by democratic mobs, by the erection of whiskey poles and liberty poles.”*

*–George Thatcher, Fifth Congress, Second Session*

On July 4, 1798, the Republicans of Mendham, New Jersey raised a liberty pole, placed a liberty cap atop, and delivered a series of toasts critiquing the Federalists in power. They raised their glasses to “The inestimable Constitution of the United States – May the People claim its guardianship against domestic usurpations and foreign influence.” Five weeks later, twenty-three Federalist militiamen from the neighboring town of Brunswick rode to Mendham, cut down the pole, stole the liberty cap, and burned it. In reporting the episode, the Federalist press emphasized the lack of opposition mounted by the Mendham Republicans. The *Commercial Advertiser* observed that despite being forewarned, “not a soul appeared, to make opposition.” The failure of the Republicans to protect their pole allegedly proved “that these creatures have not the spirit to defend their favourite principles.”<sup>124</sup>

In response, the Republican press denounced the assault as a “cowardly act” that re-enacted “the old scenes of the ‘British refugees’” – a reference to Loyalists of the Revolution. The Republicans claimed that the Federalists had attacked the pole “while the men were in their fields and meadows,” which prevented them from mounting an effective defense. Within minutes of felling the pole, the assailants “fled out of the town, before the men could be collected from the fields to apprehend them.” Twelve days later, the Mendham Republicans raised a replacement pole.<sup>125</sup>

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<sup>124</sup> *Aurora General Advertiser*, July 20, 1798; *Commercial Advertiser*, August 22, 1798.

<sup>125</sup> *New Jersey Journal*, August 21, 1798; *Centinel of Freedom*, August 21, 1798.

The partisan battle over the Mendham liberty pole and subsequent struggle to control the event's narrative in the press was one of over seventy similar conflicts that occurred in 1798 and 1799. Republicans resumed the practice of raising liberty poles in 1798 after the Federalists in Congress passed a series of controversial measures to prepare the nation for a war with France. The Alien and Sedition Laws, which tightened executive control over immigration and criminalized criticism of the government, sparked the most outrage. Unlike in 1794, Federalists faced not a localized tax resistance, but an expanding opposition movement spread across numerous states and loosely organized under the Republican party banner. The question of dissent in a republic resurfaced, but this time as part of a raging partisan battle.

Federalists worried about a foreign invasion facilitated by domestic agents drawn from the Republican opposition. Republican pole-raisers' Francophilia, displayed in their messages of liberty and equality and use of the liberty cap, stoked these fears. Federalists also worried about the Republican press's frequent praise of French revolutionaries and criticism of the federal government. "Give to any set of men the command of the press," Alexander Addison warned, "and you give them the command of the country." As Republicans raised scores of liberty poles throughout the Northeast, local Federalists organized to tear them down.<sup>126</sup>

An examination of direct action against liberty poles reveals a tension within Federalist ideology. Federalists' emphasis on representation and majority rule caused them to disavow displays of popular politics. But their reactions to liberty poles reveal a more complex position. By attacking liberty poles to shutdown Republican popular protests, Federalists, in fact, enacted a popular politics of their own. To combat the Republicans' popular politics of dissent that protested the government, Federalists created a popular politics of assent that supported the

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<sup>126</sup> Alexander Addison, *Charges to Grand Juries of the Counties of the Fifth Circuit in the State of Pennsylvania* (Washington: John Colerick, 1800), 283-284.

government. These actions implied a political role for citizens in between elections – one in which grassroots Federalists vigilantly defended representative government by attacking its critics. Federalists then emphasized the legitimacy of their popular politics in print.<sup>127</sup>

By introducing the Federalists' popular politics of assent, this chapter goes beyond the traditional political narrative of the late 1790s in two ways. First, the spread of Republican liberty poles in 1798 and 1799 challenges the usual emphasis on the Virginia and Kentucky Resolutions as the primary response to the Alien and Sedition Laws. Attention to liberty poles demonstrates that the Republican reaction was not confined to political elites, legislation, or Southern Republican strongholds. Second, a focus on Federalist responses complicates the familiar story that the Republican backlash overwhelmed the Federalists, leading inevitably to their defeat in 1800. The Federalists did not yield popular politics to the Republican party. They, too, mobilized on the ground and tried to sway public opinion. The partisan conflict of the late 1790s was not merely a clash over *whether* citizens should engage in politics outside of elections, but also *how* they should.<sup>128</sup>

## I. ENEMIES

*“Unanimity amongst ourselves is now the only thing which can ensure our safety. If the French can get us divided, as they have other nations which they have conquered, we will fall an easy prey to them.”*

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<sup>127</sup> Seth Cotlar, *Tom Paine's America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville, 2011), 189; Terry Bouton, *Taming Democracy: 'The People, the Founders, and the Troubled Ending of the American Revolution'* (New York: Oxford University Press, 2007); Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York: The New Press, 2010).

<sup>128</sup> For works that focus on the Virginia and Kentucky Resolutions, see John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston: Little, Brown, and Company, 1951); Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 719-726; For works that stress the Republican backlash to the 1798 legislation without also examining Federalist responses, see Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville: University of Virginia Press, 2009); James Roger Sharp, *American Politics in the Early Republic: A New Nation in Crisis* (New Haven: Yale University Press, 1993), 187-207; For work that looks at Federalist legal responses to Republican protest, see James Morton Smith, “The Federalist ‘Saints’ versus ‘The Devil of Sedition’: The Liberty Pole Case of Dedham, Massachusetts, 1798-1799,” *The New England Quarterly*, 28 (Jun; 1955), 198-215.

–*The Spectator*, November 28, 1798

When the French Revolution began in the summer of 1789, Americans welcomed the spread of republicanism across the Atlantic. The creation of a French republic confirmed that the American experiment was not a fluke, but an example that others nations could replicate. “That the principles of America opened the Bastille is not to be doubted,” wrote Thomas Paine to Washington upon his deliverance of the key to the Bastille, a gift from the Marquis de LaFayette. “Therefore the Key comes to the right place.” Most importantly, the French Revolution indicated that the United States stood poised to lead the world in a march toward liberty. “France has not only profited by our example,” observed a Philadelphian, “but the Old World bids fair to be regenerated by the New.” Americans hoped that the French Revolution formed the first in a series of revolutions triggered by their own that would topple monarchies across the globe.<sup>129</sup>

But failure of republicanism in France could portend disaster for her American counterpart. “Upon the establishment or overthrow of liberty in France probably will depend the permanence of the Republic in the new world,” predicted newspaper editor Benjamin Franklin Bache. French-sympathizers like Bache feared that failure of the revolution in France would embolden the Anglo-Federalists to promote monarchy in America. Jefferson explained to a friend in France, “I hope [your revolution] will end in the establishment of some firm government, friendly to liberty, and capable of maintaining it. If it does, the world will inevitably

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<sup>129</sup> “To George Washington from Thomas Paine, 1 May 1790,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Washington/05-05-02-0238> [Original source: *The Papers of George Washington*, Presidential Series, vol. 5, 16 January 1790–30 June 1790, ed. Dorothy Twohig, Mark A. Mastromarino, and Jack D. Warren; Charlottesville: University Press of Virginia, 1996, pp. 369–370;] Robert Porter, *An Oration, to Commemorate the Independence of the United States of North-America*, quoted in David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997), 126.

become free. If it does not, I feel the zealous apostles of English demidespotism here will increase the number of its disciples.”<sup>130</sup>

When the French Revolution turned bloody in late 1792 with the September Massacre of 1,500 people, Federalists condemned the French as an example of a revolution gone too far. They were further horrified in early 1793 when radicals, known as Jacobins, executed King Louis XVI and thousands of civilian opponents. Federalists feared the spread of French fanaticism to America, which would promote radical egalitarianism and democracy. Hamilton stressed the differences between the peaceful resolution of revolution in America and the violence and chaos raging in France: “The cause of France is compared with that of America during its late revolution. Would to Heaven that the comparison were just. Would to heaven that we could discern in the Mirror of French affairs, the same humanity, the same decorum, the same gravity, the same order, the same dignity, the same solemnity, which distinguished the course of the American Revolution.” The Federalists instead celebrated Britain as sharing with the United States in the promotion of rational liberty with public order.<sup>131</sup>

France’s declaration of war with Britain in 1793 placed the United States in, as Washington put it, a “delicate situation.” While France had offered key assistance during the War of Independence, the young United States depended upon its trading ties with Britain for economic survival. After a bitter cabinet debate, Washington opted for neutrality in the spring of

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<sup>130</sup> *General Advertiser*, July 26, 1793; “From Thomas Jefferson to Brissot de Warville, 8 May 1793,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Jefferson/01-25-02-0620> [Original source: *The Papers of Thomas Jefferson*, vol. 25, *1 January–10 May 1793*, ed. John Catanzariti, Princeton: Princeton University Press, 1992, pp. 679–680;] Sharp, *American Politics*, 69-74; Cotlar, *Tom Paine’s America*, 73.

<sup>131</sup> “From Alexander Hamilton to ———, [18 May 1793],” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Hamilton/01-14-02-0312>, [Original source: *The Papers of Alexander Hamilton*, vol. 14, *February 1793–June 1793*, ed. Harold C. Syrett; New York: Columbia University Press, 1969, pp. 473–476;] Sharp, *American Politics*, 73-74; Alan Taylor, *American Revolutions: A Continental History, 1750-1804* (New York: W;W; Norton & Company, 2016), 415-416; Terri Diane Halperin, *Alien and Sedition Acts of 1798: Testing the Constitution* (Baltimore: John Hopkins University Press, 2016), 14-15.

1793, aiming to remain “friendly and impartial toward the belligerent powers” and avoid a further splintering of politics at home.<sup>132</sup>

But in the winter of 1794, word reached the United States that the British navy had seized 250 American ships sailing to and from the French West Indies. Washington sent Chief Justice John Jay to London to negotiate a settlement. The resulting treaty, signed on November 19, won a series of concessions from the British including the evacuation of its outposts in the Northwest Territory and the granting of American trading privileges with the British West and East Indies. It did not, however, recognize American neutral shipping rights to trade with the French. “The success of Mr. Jay will secure peace abroad, and kindle war at home,” predicted Federalist Congressman Fisher Ames.<sup>133</sup>

Indeed, critics denounced the Jay Treaty for forging a closer, and so increasingly dependent, trade relationship with Britain. They lamented the corresponding blow to Franco-American relations and the weakening of American sovereignty on the world stage. A New York crowd famously stoned Hamilton after he tried to defend it. Bache claimed that the treaty terms revealed the Federalists’ blinding love of England. “Perhaps,” he mocked, “some gentlemen think that even *the name* of a treaty with Great Britain is honourable and beneficial” and that its contents of little concern. On the Fourth of July, a Wilmington crowd denounced “The coalition

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<sup>132</sup> “From George Washington to the Cabinet, 18 April 1793,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Washington/05-12-02-0358> [Original source: *The Papers of George Washington*, Presidential Series, vol. 12, *16 January 1793–31 May 1793*, ed. Christine Sternberg Patrick and John C. Pinheiro, Charlottesville: University of Virginia Press, 2005, pp. 452–454;] “Neutrality Proclamation, 22 April 1793,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Washington/05-12-02-0371> [Original source: *The Papers of George Washington*, Presidential Series, vol. 12, *16 January 1793–31 May 1793*, ed. Christine Sternberg Patrick and John C. Pinheiro, Charlottesville: University of Virginia Press, 2005, pp. 472–474;] Sharp, *American Politics*, 75–78; Taylor, *American Revolutions*, 415–416; Halperin, *Alien and Sedition Acts*, 14–15.

<sup>133</sup> Fisher Ames, *Works of Fisher Ames: With a Selection of his Speeches and Correspondence*, ed. Seth Ames, vol. 1 (Boston: Little, Brown and Company, 1854), 166; Sharp, *American Politics*, 113–137; Elkins and McKittrick, *The Age of Federalism*, 389.



of hypocritical federalism and malignant toryism” that had produced “its offspring, Justice Jay’s treaty.” The Federalists dismissed these objections as the empty clamor of the ill-informed. Ames quipped that the treaty had “more criticks [sic] than readers.” Congress ratified the Jay Treaty that summer.<sup>134</sup>

The Jay Treaty controversy solidified the polarization of American politics that had begun with Hamilton’s financial program at the start of the decade. Jefferson explained to James Monroe, “The war [in Europe] has kindled and brought forward the two parties with an ardour which our own interests merely, could never excite.” By 1795, the emergent opposition combined elite politicians like Jefferson and Madison with popular protestors to coalesce into the Republican party. Although neither the Federalists nor the Republicans constituted institutionalized parties by modern standards, lacking national infrastructures, nominating conventions, and official memberships, both sides had a recognized ideological coherence and identity.<sup>135</sup>

Regarding humanity as innately self-interested, Federalists believed that society needed a strong government to avert a descent into chaos. While Republicans claimed that liberty was a right that protected individuals from their government, Federalists argued that liberty was an ideal assured by the government for the people. One Federalist explained the difference with

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<sup>134</sup> *Aurora General Advertiser*, July 13, 1795, February 6, 1795; Fisher Ames, *Works of Fisher Ames, Compiled by a Number of his Friends* (Boston: T.B. Wait, 1809), 71 (New England Historic Genealogical Society); Sharp, *American Politics*, 113-137; Andrew W. Robertson, “Look on This Picture...And on This!” Nationalism, Localism, and Partisan Images of Otherness in the United States, 1787-1820,” *American Historical Review*, 106 (Oct. 2001): 1271; Joanne Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001), xiii-xiv; Bache expressed his confidence that public demonstrations against the treaty would convince the president not to sign it. See Benjamin Franklin Bache to Margaret Bache, July 8, 1795, Castle-Bache Collection (American Philosophical Society); For an account of a town meeting in Boston to discuss the treaty, see Benjamin Franklin Bache to Margaret Bache, July 15, 1795, Castle-Bache Collection.

<sup>135</sup> “From Thomas Jefferson to James Monroe, 4 June 1793,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Jefferson/01-26-02-0180> [Original source: *The Papers of Thomas Jefferson*, vol. 26, 11 May–31 August 1793, ed. John Catanzariti, Princeton: Princeton University Press, 1995, pp. 189–190;] Sharp, *American Politics*, 136; Halperin, *Alien and Sedition Acts*, 26-28.

regard to the freedom of the press: “They will say, that so long as [the press] remains unshackled by the law; so long as the law does not invade its liberty, it is free. No; it is not so. The law is made to protect the weak and the injured, as well as to punish the guilty.” Because they understood liberty in positive terms, Federalists viewed anarchy as the greatest threat to liberty and defended strong institutions as the best bulwark against it. By winning the War of Independence, Americans had secured representative government as the institutional apparatus to maintain order. As such, the principle of majority rule secured the Revolution’s legacy. Citizens threatened the republic if they opposed laws passed by the will of the majority or undermined respect for elected representatives. “To profligate a jealousy of government,” opined a New York Federalist, “is adopting a principle, which may be proper where the government is independent of the People, but which in our country can only be viewed as contemptible.”<sup>136</sup>

In contrast, Republicans held a negative view of liberty, believing that humanity was naturally virtuous and could best enjoy liberty uninhibited by authority. Americans had fought the War of Independence to preserve their liberty in the face of tyrannical encroachments. Their version of the Revolution had secured for citizens the ability to regulate government conduct through popular action and critique. “The Constitution supposes, and the principle of free government supposes, that the voice of the people ought to govern,” explained “Hancock” for the *Aurora General Advertiser*, “and if that voice was competent to decide upon a form of government, it must be equally, if not more capable to judge of those regulations made under it.”

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<sup>136</sup> William Cobbett, *The Republican Judge* (London: J. Wright, 1798), 89 (Library Company of Philadelphia); 18; Peter Van Schaack to Theodore Sedgwick, December 3, 1795, Sedgwick Family Papers (Massachusetts Historical Society); Paul Douglas Newman, *Fries’s Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004), 48-53; Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: The University of North Carolina Press, 1990), 49-59.

To this end, Republicans saw free speech and vigilance against power as crucial to republican government.<sup>137</sup>

Intensifying partisanship encouraged the growth of the press as printers established new newspapers every year to capitalize on public interest and disseminate their party's message. Over the course of the decade, the number of newspapers in the United States grew by 240 percent, from 110 papers in 1790 to 265 in 1800. The greatest increases occurred during the major partisan controversies of the decade: the Whiskey Rebellion, the Jay Treaty, and the Alien and Sedition Laws. In this way, politics drove the press just as the press drove politics. Most newspapers were overtly partisan. "Professions of *impartiality* I shall make none," declared a Federalist printer on the cover of his debut issue. "To profess impartiality here, would be as absurd as to profess in a war between Virtue and Vice, Good and Evil, Happiness and Misery." The stakes framed thus, both parties unabashedly used newspapers to rally support, defend their actions, and criticize their opponents. According to Historian Jeffrey L. Pasley, newspapers created an "imagined partisan community" that united elite politicians and grassroots political actors under one ideological banner.<sup>138</sup>

After 1795, newspapers doubled-down on accusations that their opponents were in league with a foreign power. William Cobbett, the British editor of Philadelphia's *Porcupine's Gazette*, denounced the Republicans as Jacobins bent on overthrowing the government and seizing power. The French faction consisted of "open discontents and advocates of sedition in Virginia," "exiled Jacobins," and "erectors of Liberty Poles," who "pursu[ed] the worst purposes by the worst

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<sup>137</sup> Quoted in *Greenleaf's New York Journal*, August 25, 1795; Smith, *The Freedoms We Lost*,

<sup>138</sup> *Porcupine's Gazette*, March 4, 1797; Jeffrey L. Pasley, *The Tyranny of Printers: Newspaper Politics in the Early American Republic* (Charlottesville, University of Virginia Press, 201), 96, 403-404, 48-78; Pasley's observation draws from Benedict Anderson's seminal work, Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 1983).

means.” He lambasted Republican editors, who “perceiving the partiality of the most numerous class of their subscribers for [the French] revolution,” printed laudatory accounts of the French republic to “flatter” their readers. “Their papers, which swarm like summer flies, are become the vehicles of falsehood in place of truth, of ignorance in place of knowledge.”<sup>139</sup>

The grandson of Benjamin Franklin and printer of the leading Republican newspaper, the *Aurora General Advertiser*, Benjamin Franklin Bache offered a counterweight. He denigrated the Federalists as the “British party” who aimed to provoke a war with France, thus forcing an American alliance with Britain that would “reduce us to our former condition of *British Vassals!* and undo all that France has done for us.” In response to the intensifying print war, Benjamin Rush remarked with disgust, “We have not it is true erected a guillotine in our country, but we enjoy similar spectacles of cruelty in the destruction of public and private characters in our newspapers.”<sup>140</sup>

Partisans externalized political divisions, fostering the illusion of one party defending domestic harmony disrupted by outside influences. By “othering” political rivals as dangerous aliens, partisans claimed to speak for the broad consensus of authentic citizens. They maintained that the current internal discord was artificial, the product of foreign meddling facilitated by domestic puppets. Historian Andrew W. Robertson notes the striking “symmetry” of the rhetorical “binary opposites” used by partisans: “Cries of ‘Tory’ are matched to those of ‘Jacobin’; ‘British tyranny’ is paralleled to French ‘atheism.’” These binaries encouraged

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<sup>139</sup> *Porcupine’s Gazette*, February 16, 1799; William Cobbett, “The Political Censor, Third Edition,” in William Cobbett, *Porcupine’s Works*, Vol. 2 (Philadelphia, William Cobbett: 1796), 38 (American Philosophical Society); Cotlar, *Tom Paine’s America*, 98-101; Pasley, *Tyranny of Printers*, 79-104; Cobbett repeatedly claimed Bache was in cahoots with French officials, see Pasley, *Tyranny of Printers*, 100; Carol Sue Humphrey, *The Press of the Young Republic: 1783-1833* (Westport: Greenwood Press, 1996), 59; For Cobbett’s full explanation of the French conspiracy, see “New Discoveries in the Regions of Corruption,” in *Porcupine’s Works*, Vol. 2.

<sup>140</sup> *Aurora General Advertiser*, December 19, 1796; Cotlar, *Tom Paine’s America*, 98 – 101; Pasley, *Tyranny of Printers*, 79-104; Benjamin Rush to William Marshall, September 15, 1798, Benjamin Rush Papers (American Philosophical Society).

Federalists and Republicans to collapse the distinctions between domestic political opponents and hostile foreign powers and thereby cast their own party as the key to national security.<sup>141</sup>

This rhetorical strategy arose from anxieties over the growing partisanship in American politics. In the early republic, Americans viewed political parties as evil for they rejected the concept of a loyal opposition. Rather than understanding party conflict as a competition in which each side vied for power in a series of elections, Federalists and Republicans saw their opponents as illegitimate and bound for dissolution. The other party did not represent a legitimate ideology and policy alternative, but rather constituted a fringe group who divided Americans to gain or hold power. Americans lamented these false divisions, since consensus was considered elemental to a political system in which the people ruled. “As Republics are, in their nature, essentially democratic, union, to them, is of supreme importance,” explained New England Minister Samuel Austin. “[Divisions] disarm it of the possibility of defence, exhaust its energy, inspire its enemies with confidence, and invite their aggressions.” Each party aimed to destroy the other and restore unanimity and security to the polity.<sup>142</sup>

Federalists especially feared disunity in light of the French threat to invade. Complaining of a liberty pole raising in Newburgh, New York, the *Daily Advertiser* bemoaned Republican divisiveness: “will any real friend of America suffer party or personal prejudice and passion to hurry him into any action calculated to sow divisions among the people, when it is obvious that *division now* would be our *utter ruin*?” *The Spectator* laid out the threat even more plainly: “Unanimity amongst ourselves is now the only thing which can insure our safety. If the French

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<sup>141</sup> Robertson, “Look on this Picture,” 1277.

<sup>142</sup> Samuel Austin, *An Oration, Pronounced at Worcester, on the Fourth of July, 1798* (Worcester: Leonard Worcester, 1798), 35, (Library Company of Philadelphia); For anxieties over partisanship in the First Party System, see Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969); Robertson, “Look on This Picture;” Waldstreicher, *In the Midst of Perpetual Fetes*.

can get us divided, as they have other nations which they have conquered, we will fall an easy prey to them.”<sup>143</sup>

As the parties polarized, the moderates of 1794 abandoned their middle course and chose sides. For Alexander Addison, the Whiskey Rebellion had eroded his faith in moderation, so he aligned with the Federalists. In particular, the regulators’ failure to submit to federal demands for obedience soured Addison on the prospects of constitutional resistance. Whereas in 1794 he had denounced the whiskey excise as “odious and unequal,” he subsequently urged absolute respect for all laws. “However unfashionable or unpopular a law may be,” Addison opined to a grand jury in 1795, “while it exists, it ought to be constantly respected, exerted, and obeyed: if it be not, the existence of all laws, and all government, becomes precarious.” The Whiskey Rebellion had demonstrated to Addison that “ignorant, rash, and violent men” could too easily “pervert” criticism into outright opposition, “which may weaken the force, and destroy the benefit of government, and introduce confusion and anarchy. This perhaps was not sufficiently discerned and considered, till an unfortunate experience taught us its importance.”<sup>144</sup>

Addison grew increasingly frustrated with the state of American politics as the Republican opposition eroded popular faith in government. By weakening public support, the Republicans “deprive the constitution, the laws, and the administration, of all respect and efficacy, and surrender the nation a prey to any invader.” In particular, Addison blamed the Republican press for stoking resentment of the government, while simultaneously inculcating a love of France. In the spring of 1798, Republicans in Washington County, Pennsylvania raised a liberty pole with a French flag, thereby confirming Addison’s worst fears. By 1798, he was a

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<sup>143</sup> *Daily Advertiser*, July 21, 1798; *The Spectator*, November 28, 1798.

<sup>144</sup> Addison, *Charges to Grand Juries*, 146-147; G. S. Rowe, “Alexander Addison: The Disillusionment of a ‘Republican Schoolmaster,’” *The Western Pennsylvania Historical Magazine* 62, no. 3 (July 1979): 240-241.

staunch Federalist, firm in his belief that absolute respect for the law remained the only way to ensure the republic's survival.<sup>145</sup>

Thomas McKean also abandoned his moderate stance, but moved in the opposite political direction, embracing the Republicans. He felt a strong kinship with French revolutionaries and distrusted the federal government's Francophobia. The adoption of the Jay Treaty sealed McKean against the Federalists, whom he believed had sacrificed American economic interests and independence. "Our public affairs are at a crisis," he wrote to John Dickinson, complaining of the Federalists "who are straining every sinew and exhausting every art and cunning to involve us in a war" with France. While pole-raisers had burned him in effigy in 1794, those in 1799 toasted his electoral success in the Pennsylvania governor's race.<sup>146</sup>

In response to the Jay Treaty, the French Directory announced its intentions to seize any ships carrying British goods. In July 1797, Adams sent three envoys, John Marshall, Charles Cotesworth Pinckney, and Elbridge Gerry, to France to negotiate for the recognition of American neutrality. But the French proved intransigent. Foreign Minister Talleyrand refused to meet with them, forcing the commissioners to deal with four unofficial agents, whom Adams subsequently nicknamed "W, X, Y, and Z." These agents demanded a bribe of \$250,000 and a sizeable loan to their government before the peace talks could begin. The Americans returned home without a deal. But as the prospect of a war with France grew, Congress began calling for the commissioners' communications to understand why the negotiations had failed. Adams delivered the "XYZ dispatches" to Congress, which the press quickly circulated across the country. The

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<sup>145</sup> Addison, *Charges to Grand Juries*, 285, 268; Rowe, "Alexander Addison," 242-243; For a fuller narrative of Addison's growing frustrations with American politics, see Rowe, "Alexander Addison," 240-248.

<sup>146</sup> Thomas McKean to John Dickinson, April 2, 1798, R.R. Logan Collection of John Dickinson Papers, (Historical Society of Pennsylvania); G.S. Rowe, *Thomas McKean: The Shaping of an American Republicanism* (Boulder: Colorado Associated University Press, 1978), 282-287; See Chapter Five for liberty poles and McKean's electoral victory.

revelation of French obstinacy and corruption provoked a wave of anti-French feeling, which embarrassed the Republicans and emboldened the Federalists, delivering them majorities in both houses in the midterms. Massachusetts Federalist Thomas Dwight noted to a friend, “The great body of our citizens are I think wide awake and affected by the intelligence. . . I am much more pleased with present prospects in regard to our Country, than with any that have presented for two or three years past.”<sup>147</sup>

Capitalizing on their popular approval, the Federalists in Congress passed a series of controversial measures aimed to put the nation on a war-footing. They expanded the army and navy and suspended trade with France. To fund the enlarged military, Federalists introduced two new taxes: the Stamp Tax and the Direct Tax. Like its British predecessor, the Stamp Tax required the use of government-issued paper for official documents like wills, deeds, and bills of exchange. The Direct Tax was a progressive property tax that operated on a graduated scale. For instance, those with a house valued at less than \$500 owed twenty cents for every \$100 of value, whereas those with a house of \$1,000 owed forty cents for every \$100. Assessors surveyed each freeholder’s property, counting the windows, outhouses, and stories of each dwelling to determine its worth. By distributing the tax burden based on wealth, Hamilton hoped to rectify the mistakes of the whiskey excise. The Direct Tax also applied to land and slaves, but at a fixed rate.<sup>148</sup>

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<sup>147</sup> Thomas Dwight to Theodore Sedgwick, April 21, 1798, Sedgwick Family Papers (Massachusetts Historical Society); Sharp, *American Politics*, 164-176; Elkins and McKittrick, *The Age of Federalism*, 537-588; Humphrey, *The Press of the Young Republic*, 57-58; For more Federalist discussions of the effect of the dispatches on the public, see Theodore Sedgwick to Rufus King, May 1, 1798, July 1, 1798, Sedgwick Family Papers; “From Alexander Hamilton to Rufus King, [6 June 1798],” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Hamilton/01-21-02-0272> [Original source: *The Papers of Alexander Hamilton*, vol. 21, *April 1797–July 1798*, ed. Harold C. Syrett; New York: Columbia University Press, 1974, pp. 490–491.]

<sup>148</sup> Newman, *Fries’s Rebellion*, 75-77; Peter Levine, “The Fries Rebellion: Social Violence and the Politics of the New Nation,” *Pennsylvania History* 40, no. 3 (1973): 242-243; Bouton, *Taming Democracy*, 245-249; Halperin, *Alien and Sedition Acts*, 53.



Federalists also passed the Alien and Sedition Laws in 1798 to clamp down on internal opponents. The Alien Law consisted of three pieces of legislation: the Naturalization Law lengthened residency requirements for citizenship from five to fourteen years, the Alien Friends Act allowed the President to detain and deport aliens he deemed dangerous, and the Alien Enemies Act enabled the automatic deportation of aliens from countries with which the United States was at war. These laws, Federalists hoped, would enable the federal government to control the flood of European immigrants who had come to the United States over the past several years. Federalists suspected immigrants, especially those from Ireland and France, of importing radical, disruptive ideas. Federalist Theodore Dwight explained the danger, “Escaping from their own country, embittered against its government. . .and holding the rights of man in one hand, and the seeds of Rebellion in the other, they harangue the mob, preach against the oppression of the laws, rail at all good men.” These foreigners, he argued, are the “disturbers of Legislative decorum, and the authors of Whiskey-Insurrections.” Worst of all, immigrants voted Republican.<sup>149</sup>

The Sedition Law targeted disloyal citizens and, especially, the Republican press. The law made it a federal crime to organize with the intent of opposing the law, as well as to print or publicly make “false, scandalous, and malicious” statements against the government and its officials. Violators faced hefty fines and imprisonment. Federalists explicitly sought to weaken the Republican press, which they justified as an essential national security measure. A representative from Connecticut, John Allen, explained to Congress, “At the commencement of the Revolution in France those loud and enthusiastic advocates for liberty and equality took

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<sup>149</sup> Theodore Dwight, *An Oration Spoken at Hartford, in the State of Connecticut, on the Anniversary of American Independence, July 4<sup>th</sup>, 1798* (Hartford: Hudson and Goodwin, 1798), 20-21; Halperin, *Alien and Sedition Acts*, 35-37, 54-61; Bradburn, *The Citizenship Revolution*, 162-165; For an explanation of Federalist xenophobic views of citizenship and its relation to the Alien Law, see Bradburn, *The Citizenship Revolution*, 148-167.

special care to occupy and command all the presses in the nation. . . The Jacobins of our country, too, sir, are determined to preserve in their hands, the same weapon; it is our business to wrest it from them.” Addison celebrated the Sedition Law as meant to “disarm France of that weapon, of which she could most effectually injure us, the power of spreading slander and sedition against the government.”<sup>150</sup>

The Sedition Law also took aim at the type of popular political activity Federalists had decried during the Whiskey Rebellion. It reinforced Federalist denunciations of organized opposition by criminalizing all forms of protest – citizens could no longer legally meet to discuss their opposition to legislation and contemplate modes of redress. Federalists drew no distinction between such activities and outright defiance of the law. On the House floor, Allen proclaimed, “if they oppose the law, they are insurgents and rebels; they are not the people.”<sup>151</sup>

In a series of grand jury charges, Addison defended the constitutionality of the Alien and Sedition Laws. Federalists circulated his arguments in a pamphlet entitled *Liberty of Speech, and of the Press*. Addison explained that the Sedition Law did not infringe the First Amendment because it did not enforce any prior restriction on speech; it just held people responsible for what they said and wrote: “Every man is free to speak, but he speaks at his peril, and is answerable for all he says, if it tend to the injury of another.” The Sedition Law merely restrained people’s liberty to infringe upon the rights of someone else by damaging his reputation, which Addison

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<sup>150</sup> *An Act for the punishment of certain crimes against the United States*, 5<sup>th</sup> Cong., 2<sup>nd</sup> sess., 112; *Annals of Congress*, 5<sup>th</sup> Congress, 2<sup>nd</sup> Session, 2098; Alexander Addison, *Charges to Grand Juries*, 286; Thomas Jefferson informed James Madison, “The object of [the Sedition Law] is the suppression of the whig presses. Bache’s has been particularly named.” “To James Madison from Thomas Jefferson, 26 April 1798,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Madison/01-17-02-0081> [Original source: *The Papers of James Madison*, vol. 17, *31 March 1797–3 March 1801 and supplement 22 January 1778–9 August 1795*, ed. David B. Mattern, J. C. A. Stagg, Jeanne K. Cross, and Susan Holbrook Perdue, Charlottesville: University Press of Virginia, 1991, pp. 120–122;] Sharp, *American Politics*, 176–177; Taylor, *American Revolutions*, 423–424; Halperin, *Alien and Sedition Acts*, 61–71.

<sup>151</sup> *Annals of Congress*, 5<sup>th</sup> Congress, 2<sup>nd</sup> Session, 2096.

described as a type of property. “And to claim such an unlimited use of my right, as to encroach on the right of another, is to claim, not liberty, but tyranny; not right, but oppression.” In addition, unlike the English common law, the Sedition Law allowed truth as a defense in court. The law only policed statements that misled the public and unjustly maligned officials with false information. If a defendant could convince a jury of the veracity of his statements, he would be acquitted.<sup>152</sup>

The Federalists’ legislation of 1798 further polarized the two sides, creating a divisive spiral in which Republican resistance sparked Federalist direct action, which in turn caused further resistance. Liberty poles functioned as the symbol through which grassroots partisans focused this struggle.

## II. RESPONSE

*“I hope the citizens of America will never, through an improper deference to those in power, concede the wholesome practice of erecting Liberty Poles, and whenever one shall fall by the axe of aristocracy, may ten thousand be reared in its stead.”*

*- Aurora General Advertiser, May 3, 1799*

To Republicans, the Federalists’ legislation of 1798 signaled a troubling consolidation of the federal government’s power. “Our government is, and has been, in my opinion, long before the *Whiskey* business, endeavouring to place the executive in as strong and permanent a position as possible,” warned *Greenleaf’s New York Journal*, “and their late laws will, in my opinion, nearly compleat [sic] their object.” Republicans feared that the new taxes formed part of a Federalist plot to enrich elites and impoverish the people. A witness to a pole-raising in eastern Pennsylvania reported hearing that soon “we should have a number of great Lords and the people

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<sup>152</sup> Addison, *Charges to Grand Juries*, 282, 281; Pasley, *Tyranny of Printers*, 119; Elkins and McKittrick, *The Age of Federalism*, 694-706; For the full text of Addison’s *Liberty of Speech, and of the Press*, see Addison, *Charges to Grand Juries*, 270-289.

would be slaves. And also that the President would make himself to be a king of the country.” Indeed, the Stamp Tax seemed to attest that the Federalists had no reservations about emulating the actions of their British predecessors.<sup>153</sup>

Republicans voiced particular outrage at the Alien and Sedition Laws. They argued that the Alien Law granted too much power to the executive branch by enabling the president to deport any alien who opposed him. “He can thereby considerably diminish the influence of such political principles he dislikes,” argued “Cato” for the *Stewart Kentucky Herald*. And so “do a great deal in this way towards securing his own election.” Similarly, they denounced the Sedition Law’s muzzling of free speech, which insulated those in power from the opinions of their constituents. “Cato” observed, “If then the officers of our government are not responsible to, but entirely secured from the interference of the people, is not the government assimilated to that in which all power originates independently of the will of the people?” Republicans condemned the laws as unconstitutional and a threat to the survival of republican government. One Republican warned, “our liberty is in greater danger [now] than it was when we lifted arms against King George, in the year 1775.”<sup>154</sup>

In 1798 and 1799, Republicans raised seventy-one liberty poles to protest this apparent assault on the Revolution’s legacy. The majority of the pole-raising occurred in Northeastern areas where Republicans challenged Federalist elites: Connecticut, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, Vermont, and the District of Maine. Southern Republicans enjoyed strong majorities and so raised only three poles, one each in North Carolina, South Carolina, and Virginia (See Appendix I). In addition to a stronger Republican

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<sup>153</sup> *Greenleaf’s New York Journal*, July 7 1798; Deposition of Henry Ohl, April 27, 1799, Rawle Family Papers (Historical Society of Pennsylvania); Bouton, *Taming Democracy*, 246-249; See Chapter Four for more on economic arguments against the Federalists.

<sup>154</sup> *Stewart Kentucky Herald*, December 18, 1798, September 11, 1798.

presence in local government, Southern states also lacked a tradition of erecting liberty poles, as few Southern Patriots had raised them during the Revolution. Further, these slave societies had good reason to avoid a symbol that, in the words of Historian Simon Newman, “proclaimed liberty and recalled revolution.” A fear confirmed when African-Americans in Albany, New York allegedly raised a pole with a flag that read “FREEDOM TO AFRICANS.”<sup>155</sup>

Despite their lack of liberty poles, Southerners also protested the Alien and Sedition Laws through resolutions and petitions passed by local communities. But Southern Republicans were careful to couch their complaints in deferential language. As one observer described, they “denounc[e] the Alien & Sedition laws in the strongest terms, but at the same time expres[s] a determination to repel invasion & to obey all constitutional laws.” For instance, the people of Fayette County, Kentucky assured, “We will, to the utmost of our power, oppose *any* enemy, that may invade our country.” They also promised “a prompt obedience” and “assist[ance] in preventing any infraction” of all just laws. The Alien and Sedition laws, though, they declared unconstitutional and so unworthy of their compliance. A resident of Frankfurt reported to Jefferson that similar meetings occurred at every courthouse in Kentucky. “They are warmly attached to the Union & the Constitution of the U. States, but they are equally determined to defend their Rights,” he explained. Southern opposition culminated in the Virginia and Kentucky Resolutions, penned by James Madison and Thomas Jefferson respectively. Echoing their local counterparts, the resolutions denounced the laws as unconstitutional and the Kentucky Resolutions pronounced them null and void.<sup>156</sup>

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<sup>155</sup> Newman, *Parades and Politics*, 174; *Albany Register*, November 5, 1798.

<sup>156</sup> “To Thomas Jefferson from John Brown, 15 September 1798,” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Jefferson/01-30-02-0362>; [Original source: *The Papers of Thomas Jefferson*, vol. 30, 1 January 1798–31 January 1799, ed. Barbara B. Oberg, Princeton: Princeton University Press, 2003, pp. 519–521;] *Kentucky Gazette*, August 15, 1798; Bradburn, *Citizenship Revolution*, 168–205; Simon Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997), 174; Halperin, *Alien and Sedition Acts*, 100–107.

Northeastern pole-raising, on the other hand, were much rowdier affairs. Crowds often numbering in the hundreds assembled and partook in celebratory toasts, parades, and, on one occasion, the burning of the Alien and Sedition Laws. Republicans decorated their poles with signs denouncing the Federalists' legislation and foreign policy, which lacked any of the conciliatory rhetoric of their Southern counterparts. "1776. LIBERTY, JUSTICE. THE CONSTITUTION INVIOLE. NO BRITISH ALLIANCE. NO SEDITION BILL," read a pole in Newburgh, New York. Federalists viewed these pole raisings as a violation of the Sedition Law and some pole-raisers faced legal action. However, echoing the regulators of 1794, Republicans stressed the legitimacy of their actions by casting themselves as Patriots and their opponents as British tyrants. As one witness explained, "They connected with this [direct tax] law, the stamp tax, and alien and sedition acts, and said they had fought against such laws once already, and were ready to do it again." In most cases, pole-raisers erected their liberty poles in public spaces, like the town square or outside of the local tavern. By marking these shared spaces, pole-raisers claimed to speak for their communities and implied unanimous approval of their pole.<sup>157</sup>

Newspapers carried word of the diffusion of liberty poles to other areas. At the close of 1798, the *Gazette of the United States* expressed anxiety over the spreading spirit of opposition: "[The] *Long Knives of Kentucky*; the *Whiskey Boys*, of the woods of *Pennsylvania*; - the *Rebellion Pole Lads*, of *New-Jersey*; and the *United Irishmen of Virginia*, and other Southern States, are all cock-a-top for *moody insurrection*, and confusion." Hamilton, too, lamented "that serious discontents exist" throughout the country. Republican liberty poles confronted

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<sup>157</sup> *Daily Advertiser*, July 21, 1798; Deposition of James Williamson, April 15, 1799, Rawle Family Papers; For examples of liberty poles on private property, see *Porcupine's Gazette*, February 2, 1799; Newman, *Parades and Politics*, 176; See Chapter Four for a discussion of pole-raisers charged under the Sedition Law.

Federalists with an unwelcome truth: opposition was no longer confined to a mere tax resistance in the backcountry of a few states. They now faced a widespread popular reaction against the federal government.<sup>158</sup>

The revival of the liberty pole stoked Federalist fears of the disintegration of law and order. As they had during the Whiskey Rebellion, Federalists maintained that liberty poles constituted an illegitimate form of political expression because they undermined an elected government's authority. "In a country like ours where the people choose their own rulers and consequently have the right to advise them, and even to change them by elections if they please," argued the *Middlesex Gazette*, "I say in such a country it is not strange that men of candour should view with astonishment an ensign of Sedition under the specious name of a Liberty-Pole." Federalists insisted on the supremacy of majority rule as the backbone of representative government. By protesting legislation passed by a majority in Congress, pole-raisers threatened the implementation of republican government on a national scale.<sup>159</sup>

For the Federalists, the poles conjured the recent specter of the Whiskey Rebellion. After the erection of a liberty pole in Greensburgh, Pennsylvania with a placard signed by "Tom the Tinker," a citizen of nearby Westmoreland reminded his neighbors that "Whiskey Poles were first erected in this country by the leaders of rebellion; and that they served as a signal for the perpetration of those crimes which has fixed an everlasting stigma upon our country." In the resurrection of liberty poles, the Federalists saw the renewed threat of civil war that they had overcome in 1794. In Massachusetts, the *Berkshire Gazette* drew this connection: "liberty poles

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<sup>158</sup> *Gazette of the United States*, December 18, 1798; "From Alexander Hamilton to James Gunn, [22 December 1798]," *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Hamilton/01-22-02-0205-0002> [Original source: *The Papers of Alexander Hamilton*, vol. 22, *July 1798–March 1799*, ed. Harold C. Syrett, New York: Columbia University Press, 1975, pp. 388–390;] For examples of news of liberty poles spreading, see *The Daily Advertiser*, July 21, 1798; *Alexandria Advertiser*, February 5, 1798.

<sup>159</sup> *Middlesex Gazette*, February 22, 1799; See also, *The Spectator*, November 28, 1798.

have been erected in the United States by those who are unfriendly to the Federal Government, and are intended as beacons to invite faction, turbulence, insurrection and rebellion in our country.”<sup>160</sup>

Federalists also associated Republican pole-raisers with French Jacobins. Republicans strengthened this comparison by often adorning their poles with liberty caps, a symbol worn by French revolutionaries. On the Fourth of July, Federalists in Hackensack, New Jersey tore down the liberty cap from their town’s pole. They considered it “an *obsolete* and *offensive* symbol of our *late* connexion with France, and of the *exploded Jacobinism* of ’93.” Federalists also feared that the outburst of liberty poles would signal growing instability to France. The *Albany Gazette* complained that liberty poles would “afford a grand subject for the vehicles of sedition and leaders of opposition, to enlarge upon the discontents of the people; and the drooping spirits of Talleyrand may yet be revived and encouraged, still to view us a divided and discontented people.”<sup>161</sup>

Local Federalists tore down liberty poles to destroy the visual symbols of sedition, diminish the appearance of Republican strength, and inhibit the use of poles as rallying points. In doing so, Federalists contradicted their calls for an apolitical citizenry in between elections. By destroying Republican liberty poles, grassroots Federalists acted politically. They performed a popular politics that supported and enforced majority rule by silencing dissidents. While local Federalists did not coordinate with each other, their popular politics of assent did contain certain patterns in how they organized, destroyed the poles, and justified their actions in print.

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<sup>160</sup> *Albany Gazette*, March 8, 1799; *Berkshire Gazette*, February 13, 1799.

<sup>161</sup> *Porcupine’s Gazette*, July 14, 1798; *Albany Gazette*, March 8, 1799; Newman, *Fries’s Rebellion*, 165-167; See also, *Porcupine’s Gazette*, March 22, 1798.



Federalists toppled liberty poles in all-male groups, usually formed along institutional structures already in place. For example, militia units often attacked liberty poles. In other instances, militia captains assembled posses by asking for volunteers. A militia captain in Reading, Pennsylvania circulated a sign-up list on the community's court day for those who wished "to go under [his] command and destroy the Sedition Poles at that time standing within the county of Berks." Sixteen men answered the call. Although often militaristic, civil officials sometimes headed the groups. This was the case in Queen's County, New York when "great numbers" assembled under the leadership of a local judge, sheriff, justice of the peace, and district collector, in addition to several militia officers.<sup>162</sup>

By the late 1790s, militias acted as political organizations and captains often doubled as local political leaders. Historian Albrecht Koschnik observes, "Like other partisan associations, volunteer militia companies drew men into politics and acted as the smallest, yet highly effective units of political organization." Federalist militia units often led local Fourth of July celebrations and fraternized with other like-minded organizations, like the Society of the Cincinnati. In their local militias, Federalists found an association perfectly suited to attack liberty poles: a politicized group organized around the idea of defending the republic through the mobilization of collective force.<sup>163</sup>

With only one exception, the Federalists who tore down the poles were white men, which contrasts the Republican pole-raising.<sup>164</sup> White women did not erect liberty poles, but, since the pole-raising were large, public events, they attended the celebrations and occasionally made the

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<sup>162</sup> *The Oracle of Dauphin and Harrisburgh Daily Advertiser*, February 6, 1799; *New York Gazette*, February 7, 1799.

<sup>163</sup> Albrecht Koschnik, "Let a Common Interest Bind Us Together": *Associations, Partisanship, and Culture in Philadelphia, 1775-1840* (Charlottesville: University of Virginia Press, 2007), 91, 90-148.

<sup>164</sup> See the *Albany Centinel*, August 10, 1798 for report of "patriotic ladies" who "intend to rise *en masse* and prostrate the poles of rebellion low in the dust."

decorations. Federalists' militaristic destruction of the poles, however, made no room for women. But in their rhetoric, the reverse was true. That is, Federalists celebrated women in their speeches as republican mothers, whereas Republicans rarely acknowledged them. Unlike Republicans' emphasis on white male equality, the Federalists' belief in an unequal social order allowed them to countenance a degree of political inclusion for minorities without granting them equal rights. However, the Federalists' hierarchy required a deferential society in which citizens submitted to the laws passed by their representatives. Ironically, their enforcement of this vision relied on a practice of destroying liberty poles that was exclusively white and male.<sup>165</sup>

While destroying the poles, Federalists engaged in ritualized behavior that inverted Republican pole-raising celebrations. For example, on November 15, 1798, over one hundred people gathered in Vassalborough, in the District of Maine, and erected an eighty-five-foot tall liberty pole. The pole-raisers made a series of toasts denouncing the Sedition Law and Federalist paranoia: "May the virtues of our rulers shine so conspicuously, that they need not pass any unconstitutional bills to ward off the darts of thunder." At the base of their pole, the Republicans burned copies of the Alien and Sedition Laws. The Federalists of Vassalborough and the surrounding areas criticized these actions as "an open insult to the Government and to the People." One week later, a party of men led by their militia captain destroyed the pole and drank their own celebratory toasts. "May the Jacobins throughout the Union either fall by the weapons of reason, like the Opposition Pole this day," they cried, "or become as insignificant as the junto

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<sup>165</sup> Rosemarie Zagari, "Gender and the First Party System," in *Federalists Reconsidered*, eds. Doron Ben-Atar and Barbara B. Oberg (Charlottesville: University of Virginia Press, 1998), 118-134. For women making liberty pole decorations, see Deposition of James Jackson, October 23, 1799, Rawle Family Papers. Although there is no definitive evidence that women attended most pole-raising, the crowd sizes reported (often hundreds assembled) indicate the extreme likelihood of female attendance. In addition, other scholars have emphasized female participation in similar political celebrations, see Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007); Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1992).

of Jacobins [in] Vassalborough.” Similarly, Federalists in Hackensack, New Jersey carried out a mock funeral procession, eulogy, and burial for the liberty cap they tore off of their local pole.<sup>166</sup>

Such displays presented a “ritual alternative” to Republican popular politics, to quote Newman. Federalists contested Republican control of the public sphere and offered a different form of political action for citizens to participate in and read about. Furthermore, these spectacles downplayed the appearance of Republican strength. Federalists infiltrated the spaces where Republicans had raised poles and occupied them with their own ceremonies. Federalists displayed their numerical force and emphasized the lack of effective Republican opposition to counter them. The Vassalborough Federalists underlined this point with their description of the local “junto of Jacobins” as “insignificant.”<sup>167</sup>

Federalist destructive rituals also often included the destruction of all evidence of the liberty pole’s existence. In Wallingford, Vermont, Federalists felled their pole, burned it, and “scattered the ashes to the wind.” In the District of Maine, Federalists chopped up a liberty pole into pieces “so that no more remembrance of so offensive an object might be seen.” By burning, hacking, or burying the poles, Federalists removed any trace of Republican opposition from the landscape. These erasures further solidified Federalist control of public spaces in their communities.<sup>168</sup>

The Federalist press amplified these local actions by disseminating accounts of them beyond their immediate communities. Federalist printers employed two rhetorical strategies that, like the destructive rituals, diminished the appearance of Republican strength. First, Federalist

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<sup>166</sup> *Independent Chronicle*, December 6, 1798; *Columbian Centinel*, December 5, 1798; *Massachusetts Spy*, December 12, 1798; *Federal Gazette*, December 19, 1798; *Columbian Centinel*, December 5, 1798; *Gazette of the United States*, December 17, 1798; *Commercial Advertiser*, December 8, 1798; For further examples of Federalist toasts after destroying a liberty pole, see *Albany Gazette*, August 27, 1798; *Porcupine’s Gazette*, July 14, 1798; Newman, *Fries’s Rebellion*, 176.

<sup>167</sup> Newman, *Parades and Politics*, 176.

<sup>168</sup> *Time Piece*, January 19, 1798; *Federal Gazette*, December 19, 1798.

writers and editors emphasized that Republicans comprised only a tiny minority and that their liberty poles did not speak for their communities. A man of Butternuts, New York insisted that the local liberty pole “was erected by very few individuals, and before the three quarters of the town could hear of that proceeding.” Reporting on a liberty pole in western Pennsylvania, one man claimed “that a few sneaking, cowardly reptiles came creeping in from the country, and embraced the most silent hours of the night to accomplish their design.” He stressed that town residents had played no part. These accounts stripped the liberty poles of their symbolic power to stand for the popular will and enabled the Federalists to imply that they acted on behalf of the majority by destroying them.<sup>169</sup>

In addition, Federalists maintained that the support Republicans did enjoy was artificial. Rather than expressions of genuine popular opposition, liberty poles provided “testimony of the surprising influence which a sly insidious man may have over the simple,” claimed one Federalist. Federalists’ accusations that pole-raisers had been duped enabled them to attack the Republicans as dangerous without aggrandizing them. This narrative suggested that the Republicans were not a real power rival, but rather a minority who inflated their perceived influence through deception. Once people awoke to the conspiracy, opposition would melt away and unanimity would be restored.<sup>170</sup>

In Federalist eyes, Matthew Lyon, a prominent Republican congressman, Irish immigrant, and printer from Vermont, provided the archetypal Republican demagogue. Lyon used his paper, the *Farmers’ Library*, to bitterly attack the Federalists. His rivals despised Lyon for his relentless criticism and accused him of perverting public opinion to gain election. In an

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<sup>169</sup> *Otsego Herald*, May 3, 1798; *Albany Gazette*, March 8, 1799; See also, *Gazette of the United States*, December 17, 1798; *Independent Chronicle*, December 6, 1798.

<sup>170</sup> *Middlesex Gazette*, February 22, 1799.

open letter, a contributor to *Spooner's Vermont Journal* accused Lyon of employing “arts and intrigues” to “[persuade] a few illiterate people, and beardless boys, to erect here and there a poor solitary *liberty*, or *rather libertine pole*, in defiance of the stamp act.” The *Columbian Centinel* similarly blamed him for opening “a *Pandora's box* of anarchy and Jacobinism” and encouraging “a few unthinking people” to raise liberty poles.<sup>171</sup>

The Federalists denounced rabble-rousers like Lyon as liars and those who fell for their tricks as fools. “We believe that the raising of Liberty Poles, and the discontents against the Stamp Act, has been excited by misrepresentations, by private revenge or by a false zeal,” proclaimed the Federalists of Butternuts, New York. Elsewhere, Federalists claimed that pole-raisers were “dupes,” “degraded and deluded characters,” and “ignorant and misguided followers” of demagogues who stirred up hatred of the government. In this way, Federalists minimized the significance of Republican liberty poles, portraying them as a poor indication of the opposition's strength.<sup>172</sup>

Federalists used the idea of Republican “dupes” to further justify the Sedition Law. As Addison explained, the law combatted those demagogues who aimed “to misrepresent the character and conduct of the magistrates, to pervert the judgment of the people, and render it impossible for them to make a right choice.” Rather than an attack on republican government, the law provided a necessary weapon in the republic's arsenal: “It forbids not diffusing information, but diffusing corruption, among the people; misleading their judgment, and

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<sup>171</sup> *Spooner's Vermont Journal*, April 4, 1798; *Columbian Centinel*, January 24, 1798; Pasley, *Tyranny of Printers*, 109-111; Halperin, *Alien and Sedition Acts*, 80; For an example of Federalist complaints about Lyon, see Henry Van Schaack to Theodore Sedgwick, April 20, 1798, Sedgwick Family Papers (Massachusetts Historical Society).

<sup>172</sup> *Otsego Herald*, May 3, 1798; See also *Porcupine's Gazette*, March 22, 1798.

seducing them from their duty.” Addison argued that the Sedition Law would help restore American consensus by silencing those voices who provoked divisions with false information.<sup>173</sup>

In their actions and words, the Federalists sought to combat their opposition without acknowledging its power. By attacking dissidents while simultaneously emphasizing their insignificance, Federalists defended the federal government from both criticism and embarrassment. This strategy would have been more effective, though, had the Republicans acquiesced and remained silent.

The Republican press contested the idea that liberty poles were emblems of insurrection, radicalism, and divisiveness, instead reminding readers of their Revolutionary symbolism. “Is it possible that they [Federalists] are so *besotted* as to believe the erection of *a pole*, decorated with the *classical and long established emblem of Liberty* the LIBERTY CAP, can possibly be an *offence* committed against the principles of republicanism, or incompatible with the good order of society?” asked “An Old Fashioned Republican.” “No, the enemies of the *Liberty Cap* are only to be found in that class of beings who *maintain monarchy* to be the *ne plus ultra* of human excellence and a republic a non-entity” he concluded. The Republican press derided the Federalists for attacking a symbol of their late Revolution. “Is there any thing [sic] in bare poles that is offensive to the gentlemen,” asked the *Aurora*, “or is it the patriotic spirit of ‘76’ they are disgusted with?”<sup>174</sup>

Republicans also took issue with Federalists’ claims to speak for the majority. They maintained that those “who stile [sic] themselves federalists. . . are very inconsiderable in point of

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<sup>173</sup> Alexander Addison, *Analysis of the Report of the Committee of the Virginia Assembly, on the Proceedings of Sundry of the Other States in Answer to their Resolutions* (Raleigh: Hodge & Boylan, 1800), 42, 52 (Library Company of Philadelphia).

<sup>174</sup> *Aurora General Advertiser*, May 3, 1798, August 18, 1798.

number and abilities.” Because they were only a minority, Federalists who attacked liberty poles often had to do so on the sly or with force. After Federalists cut down a liberty pole in Springfield, New Jersey, Republicans chided them for doing so “assassin like” at night to avoid an open confrontation. “Debased indeed must be the wretches, who at midnight will purloin from their neighbours the emblem of their freedom.” Elsewhere, Republicans accused Federalists of arming themselves with “pistols, swords, and bludgeons” and “terrify[ing] women and children” to gain access to local liberty poles. These depictions contradicted Federalist accounts that emphasized their confident, celebratory, and uncontested campaigns.<sup>175</sup>

The Republican press linked Federalist attacks on liberty poles with those by British redcoats during the Revolution. “Is our condition in such circumstances better than when we were the degraded colonists of England?” asked the *Aurora*, “The only difference is that then our tyrants were *foreign* here they are *domestic*.” To Republicans, Federalist attacks on liberty poles provided further corroboration of what their legislation had already made plain: Federalists aimed to magnify their own power by restricting the people’s liberty. The *Centinel of Freedom* warned, “Citizens beware! The men who will pilfer from you the *Emblem of your Freedom*, would were it in their power, rifle from you the SUBSTANCE.” The Republican press also refuted Federalist claims that their use of the liberty cap proved their allegiance to the Jacobin mob. “The cap was the emblem of liberty long before the French Revolution,” observed one newspaper. The Federalists promoted this false link to use anti-French sentiment as a cover for their “hatred of liberty.”<sup>176</sup>

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<sup>175</sup> *Aurora General Advertiser*, August 18, 1798; *Centinel of Freedom*, November 13 1798, August 21, 1798; *The Bee*, September 5, 1798.

<sup>176</sup> *Aurora Daily Advertiser*, April 25, 1799, August 23, 1798; *Centinel of Freedom*, April 17, 1798; *Commercial Advertiser*, August 22, 1798.

Republicans also raised replacement liberty poles. For instance, Republicans in Mendham, New Jersey put up a pole “as like the former as possible and with the same kind of cap on top” after Federalists cut their previous one down. In doing so, Republicans sought to reclaim their control of space and ritual in their communities. By reiterating their commitment to opposition, they undid the work of the Federalists’ popular politics that attempted to minimize their depth and strength.<sup>177</sup>

As local Federalists tried to combat the hydra of Republican popular opposition, those in power assailed the movement’s leaders. Led by Secretary of State Timothy Pickering, the Federalists indicted editors of the four major Republican newspapers, including Bache, as well as several outspoken Republicans, including Lyon, under the Sedition Law. The trials occurred in the summer and fall of 1800, coinciding with the presidential election. Capitalizing on the charged atmosphere and national attention, the defendants made political statements against the Sedition Law and the Federalist regime during their trials. For instance, Lyon represented himself in court and argued for the unconstitutionality of the Sedition Law and the “ridiculous pomp and parade” of the president. The Federalists won every trial, but lost in the court of public opinion as imprisoned Republicans embraced martyrdom, writing plaintive accounts of their ordeals and raising money to pay their fines. In addition, the Alien Law turned out to be little more than an empty threat. President Adams kept a handful of aliens under surveillance, but he did not deport anyone during his tenure.<sup>178</sup>

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<sup>177</sup> *Carey’s United States Recorder*, August 25, 1798; *Massachusetts Spy*, August 29, 1798.

<sup>178</sup> Matthew Lyon, “Colonel Lyon’s Address to his Constituents...” quoted in Halperin, *Alien and Sedition Acts*, 82; Halperin, *Alien and Sedition Acts*, 73-96; Pasley, *Tyranny of Printers*, 125.



The 1798 legislation proved even less successful in the long term. The new taxation sparked widespread resistance in eastern Pennsylvania in which property-holders harassed tax collectors and refused to have their properties assessed.<sup>179</sup> In addition, Republican newspapers boomed in the aftermath of the Sedition Law, with forty-four new papers founded in the two and a half years following the law's passage. Finally, the Federalists' popular politics of assent failed to adequately combat the Republican opposition and stifle the party's growth. Indeed, their attacks on liberty poles mobilized further Republican reaction, which had electoral consequences in 1799 and 1800.<sup>180</sup>

The events of 1798 and 1799 clarified the lines between the two parties. Put simply, Federalists stood for a strong central government, British alliance, and an acquiescent citizenry, whereas Republicans emphasized individual liberty, French ties, and the right to critique and regulate government. But these differences derived from the shared assumption that the new nation was fragile. Both sides agreed that the American experiment in republicanism faced grave danger from threats both foreign and domestic. They clashed over what those threats were and how best to protect the republic from them. Republicans feared the federal government's menace to individual liberty and so practiced a popular politics focused on dissent and opposition to unjust laws. The Federalists worried that Republican challenges to law and order would undermine representative government and enacted a popular politics of assent that aimed to silence the government's opponents and diminish their strength.

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<sup>179</sup> See Chapter Four.

<sup>180</sup> Pasley, *Tyranny of Printers*, 408-409; See Chapter Five for an explanation of the electoral consequences of Federalist popular politics.

The parties embraced contrasting types of popular politics for citizens in a republic. The Alien and Sedition Laws sparked a popular backlash, but it did not isolate and overwhelm the Federalists, who, in fact, mobilized their own popular response. Grassroots Federalists, like their Republican neighbors, used crowd action to defend their liberty and secure the type of republic they envisioned. Liberty poles provided the catalyst for this direct action and the flashpoint for conflict between local partisans. Federalists enacted their brand of popular politics and, in doing so, sparked a further articulation and defense by Republicans of their own. To each side, either the erection or destruction of the poles confirmed the danger that their opponents posed to the survival of the republic.

**Appendix I**  
**Recorded Liberty Poles Raised in 1798 and 1799**

1	January 1, 1798	Wallingford, VT	38	January 6, 1799*	Myerstown, PA
2	February 24, 1798	Skeensborough, NY	39	January 14, 1799*	Long Island, NY
3	March 1, 1798*	Newport, RI	40	January 23, 1799	Jones Town, PA
4	April 1, 1798	Huntington, NY	41	February 1, 1799	Roxbury, PA
5	April 16, 1798	Salem, NY	42	February 6, 1799*	Reading, PA
6	April 17, 1798	Newark, NJ	43	February 6, 1799*	Reading, PA
7	April 25, 1798	Butternuts, NY	44	February 8, 1799	Southampton, NY
8	May 1, 1798	Paterson, NJ	45	February 16, 1799*	Blockley, PA
9	May 7, 1798*	Washington, PA	46	February 22, 1799	Middletown, CT
10	July 4, 1798*	Hackensack, NJ	47	February 22, 1799	New Hanover, PA
11	July 4, 1798	Morristown, NJ	48	February 25, 1799	Greensburg, PA
12	July 7, 1798	Bloomington, NY	49	February 25, 1799*	Jericho, NY
13	July 18, 1798*	Fishkill, NY	50	March 6, 1799	New York City, NY
14	July 18, 1798*	Goshen, NY	51	March 12, 1799	Hackensack, NJ
15	July 18, 1798*	Montgomery, NY	52	March 12, 1799	Small Lotts, NJ
16	July 18, 1798*	Newburgh, NY	53	March 16, 1799	Slauterdam, NJ
17	August 10, 1798*	Herkimer, NY	54	March 20, 1799	Wallingsford, VT
18	August 13, 1798*	Ulster, NY	55	April 1, 1799*	Reading, PA
19	August 15, 1798	New Cornwall, NY	56	April 1, 1799*	Reading, PA
20	August 15, 1798	New Windsor, NY	57	April 1, 1799*	Reading, PA
21	August 16, 1798	Pownal, VT	58	April 1, 1799*	Reading, PA
22	August 17, 1798	New Hurley, NY	59	May 6, 1799	Washington, PA
23	August 18, 1798	Florida, NY	60	May 27, 1799*	Wayne, PA
24	August 27, 1798	Pleasant Valley, NY	61	July 4, 1799	Jefferson's Village, NJ
25	September 1, 1798*	Newburgh, NY	62	July 4, 1799	Bennington, VT
26	September 15, 1798	Shaftsbury, VT	63	July 4, 1799	North Farms, NJ
27	September 22, 1798	Grenville, SC	64	No Date	Millerstown, PA
28	November 1, 1798	Dedham, MA	65	No Date	Greenwich, PA
29	November 3, 1798*	Springfield, NJ	66	No Date	Weisemburg, PA
30	November 5, 1798	Albany, NY	67	No Date	Williams, PA
31	November 15, 1798	Vassalborough, ME	68	No Date	Lower Merino, PA
32	November 28, 1798	Brownsburgh, VA	69	No Date	Penn Township, PA
33	December 5, 1798	Bushwick, NY	70	No Date	Milford, PA
34	December 12, 1798*	Bridgehampton, NY	71	No Date	Newbern, NC
35	December 12, 1798	Southampton, NY			
36	January 6, 1799*	Lebanon, PA			
37	January 6, 1799*	Millerstown, PA			

\* indicates an approximate date

**“Wandering Apostles of Sedition”:  
Itinerant Republican Activists in Dedham and Hamilton**

*“They have sent runners everywhere to blow the trumpet of sedition.”  
- Fisher Ames, December 18, 1798*

On December 18, 1798, Fisher Ames wrote to his friend Christopher Gore in a fury over recent events in his hometown of Dedham, Massachusetts. “The struggle with our Jacobins is like the good Christian’s with the evil one,” he fumed. Ames recalled that Republican support had waned after the publication of the XYZ dispatches. But over the past year, “The alien and sedition bills, and the land tax, were chosen as affording topics of discontent, and, of course, a renewal of the popularity of the party.” Amidst the Republican resurgence, a “vagabond ragged fellow” named David Brown had come to Dedham “telling everybody the sins and enormities of the government.” Brown’s agitating inspired residents to raise a liberty pole in protest of the Federalist administration. But Ames maintained that the danger was not confined to Dedham. “They have sent runners everywhere to blow the trumpet of sedition,” he warned Gore.<sup>181</sup>

These “runners” were a cohort of grassroots Republican activists who travelled through the northeast preaching opposition to the Federalists and inspiring liberty pole raisings in local communities. They argued that political equality required greater economic equality. Hence, republicanism needed a roughly equal distribution of wealth, ensuring that no class of people became too influential. These itinerant radicals believed, as future Republican Senator William Findley had observed in 1786, that “wealth in many hands operates as many checks.” The activists condemned the Direct Tax and the Stamp Tax as evidence of the Federalists’ plot to enslave the people. By increasing economic inequality through burdensome taxes, the Federalists

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<sup>181</sup> Fisher Ames to Christopher Gore, December 18, 1798, in Fisher Ames, *Works of Fisher Ames: With a Selection from his Speeches and Correspondence*, vol. 1, ed. Seth Ames (Boston: Little, Brown and Company, 1854), 245-247.

sought to impoverish the masses and keep them subject to elite power. At the start of 1799, Thomas Jefferson wrote to Elbridge Gerry of the mounting criticism: “The alien & sedition acts have already operated in the South as powerful sedatives of the XYZ inflammation. In your quarter. . .the direct tax is likely to have the same effect, & to excite enquiries into the object of the enormous expences [sic] & taxes we are bringing on.”<sup>182</sup>

Federalists recognized the potential unpopularity of their new policies, but hoped that the country would accept them as military necessities in light of the French threat. “It cannot be denied that the people wish to avoid new taxes and especially one upon land,” conceded Senator George Cabot, “but the rapidity with which the people have come to a right way of thinking on French politics lead me to believe that almost any measures the Gov’t may take would be approved.” Others were not so sure. “Not that we apprehend insurrections, for our Countrymen are cured of them,” remarked Massachusetts Federalist Thomas Dwight, “but that [the taxes] may be taken as good ground on which to cherish uneasiness and to sour the minds of the people against the administration of the Gen’l. Gov’t.” Dwight soon found that his countrymen were not entirely cured.<sup>183</sup>

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<sup>182</sup> Matthew Carey, ed., *Debates and Proceedings of the General Assembly of Pennsylvania on the Memorials Praying a Repeal or Suspension of the Law Annulling Charter of the Bank* (Philadelphia, 1786), quoted in Andrew Shankman, *Crucible of Democracy: The Struggle to Fuse Egalitarianism & Capitalism in Jeffersonian Pennsylvania* (Lawrence: University Press of Kansas, 2004), 5; “From Thomas Jefferson to Elbridge Gerry, 26 January 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Jefferson/01-30-02-0451> [Original source: *The Papers of Thomas Jefferson*, vol. 30, *1 January 1798–31 January 1799*, ed. Barbara B. Oberg, Princeton: Princeton University Press, 2003, pp. 645–653;] For the history of Americans linking political and economic equality, see Terry Bouton, *Taming Democracy: The People, the Founders, and the Troubled Ending of the American Revolution* (New York: Oxford University Press, 2007); Bouton argues that the link between political and economic equality was first established in Pennsylvania in the 1760s; See Bouton, *Taming Democracy*, 11, 31-51.

<sup>183</sup> George Cabot to Oliver Wolcott, Jr., May 15, 1797, Oliver Wolcott, Jr. Papers, (Connecticut Historical Society); Thomas Dwight to Theodore Sedgwick, February 6, 1797, Sedgwick Family Papers (Massachusetts Historical Society); See Chapter Three for more information on the Federalists’ 1798 legislation and the threat of war with France.

In the fall of 1798, farmers in eastern Pennsylvania resisted the execution of the Direct Tax by refusing to have their properties assessed, intimidating tax collectors and assessors, and raising liberty poles. Led by German Calvinist preacher Jacob Eyermann in Hamilton Township, the regulators echoed the sentiments of Brown and other radicals, denouncing the tax as an attempt to strip poor farmers of their land and independence. “If things should go on the way they had begun,” one declared, “we should have a number of great Lords and the people would be slaves.”<sup>184</sup>

Mainstream Republicans distanced themselves from this radical strand within their coalition. While party leaders welcomed the popular disapproval of the new taxes, they worried that grassroots opposition would go too far and discredit the movement. At the beginning of 1799, Jefferson explained their difficult position in a letter to James Madison: “Opinion is manifestly veering [against the Federalists] . . . if so we shall be gainers on the whole.” But, he cautioned, “the only question is whether [popular agitation] will not carry things beyond the reach of rectification” through “rash or threatening” actions. Radicals like Brown and Eyermann, and the extra-institutional protests that they inspired, bolstered Federalist claims that Republicans were radicals and anarchists who undermined law and order and destabilized the republic. As a result, the Republican establishment walked a fine line: they worked to isolate the radicals from their party and discourage extra-legal protests, while still stoking popular disapproval of the Federalists.<sup>185</sup>

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<sup>184</sup> Deposition of Henry Ohl, April 27, 1799, Rawle Family Papers (Historical Society of Pennsylvania).

<sup>185</sup> “From Thomas Jefferson to James Madison, 30 January 1799,” Founders Online, National Archives, last modified February 1, 2018, <http://founders.archives.gov/documents/Jefferson/01-30-02-0460> [Original source: The Papers of Thomas Jefferson, vol. 30, 1 January 1798–31 January 1799, ed. Barbara B. Oberg, Princeton: Princeton University Press, 2003, pp. 665–667.]

As Jefferson and his colleagues feared, the Federalists condemned Brown and Eÿermann as Republican rabble-rousers. In both the courts of law and public opinion, critics accused the activists of deceiving the people and drumming up opposition in otherwise peaceful areas. “Eÿermann created the disturbance” in Hamilton, declared one witness. “[Without him] there would have been little or no opposition to the assessment.” Federalists depicted these men as inflammatory agitators and partisan demagogues, rather than serious thinkers with legitimate critiques. They excused the activists’ followers as the victims of deceit, preferring to fault the outsiders rather than confront the rifts within their communities.<sup>186</sup>

The documentary record of this grassroots movement is sparse. Brown and Eÿermann both appeared in court and so their words and actions survive in the depositions, court records, and press reports of their trials. Their stories must stand in for the bulk of these activists who did not leave behind any records. However, Massachusetts farmer William Manning’s *The Key of Liberty* [sic], the only surviving manifesto of Republican radicalism, provides the movement’s foundational text. First penned in 1797 and subsequently revised several times, *The Key of Liberty* lays out Manning’s plan for a new form of political organization that would restore power to the people.

Manning viewed society, and especially government, as a perpetual struggle between “the Few,” meaning wealthy, influential men whose incomes far outstripped their labor, and “the Many,” the farmers, artisans, and laborers who produced all property. Federalists claimed that the Few were best suited to the complicated work of governing, but Manning criticized this argument as an excuse for the Few to exploit the Many: “[They] are ever hankering and striving after monarchy or aristocracy, where the people have nothing to do in matters of government but

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<sup>186</sup> Deposition of John Serfass, February 1, 1799, Rawle Family Papers.

to support the Few in luxury and idleness.” As evidence, Manning cited “the Excise Act, Stamp Act, land tax, the alien and sedition bills; also their zeal and preparations for war and for a standing army.”<sup>187</sup>

To facilitate a true republic governed by the Many, Manning proposed a national association, called the Labouring Society, which would instruct ordinary citizens about political matters through a monthly publication and local classes. The Labouring Society would mobilize the lower orders into a voting bloc that could wrest power from the Few. Currently, the Many lacked the necessary knowledge and organization, while the Federalists had both. “If the Many were one-quarter part so well organized as the order of Cincinnati and the other orders of the Few are, they would always carry their points in elections,” he insisted. Alarmed by Shay’s Rebellion, Manning, however, did not believe in extra-institutional regulation: “All laws made by [the people’s] representatives must be obeyed, let them be ever so wrong or bad in their opinion; and that there is no remedy for grievances but by petitioning and using their rights in elections.” He hoped that the Labouring Society would provide dissatisfied citizens with an apparatus for translating their grievances into political change, thereby making regulations like Shay’s Rebellion and the Whiskey Rebellion unnecessary.<sup>188</sup>

In *The Key of Liberty*, Manning depicted the Federalists as elitists who used their power to amass wealth and keep the people submissive. He characterized the Direct Tax and Stamp Tax as key instruments in the Federalists’ assault on liberty and popular sovereignty. As activists like Brown and Eyermann travelled through the northeast, they echoed these claims, creating an

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<sup>187</sup> William Manning, “The Key of Liberty (1799),” in Michael Merrill and Sean Wilentz, eds., *The Key of Liberty: The Life and Democratic Writings of William Manning, ‘A Laborer,’ 1747-1814* (Cambridge: Harvard University Press, 1993), 127, 138, 152; Michael Merrill and Sean Wilentz, “The Invention of American Politics,” in Michael Merrill and Sean Wilentz, eds., *The Key of Liberty: The Life and Democratic Writings of William Manning, ‘A Laborer,’ 1747-1814* (Cambridge: Harvard University Press, 1993), 4-6, 48.

<sup>188</sup> William Manning, “The Key of Liberty,” 157, 134; Merrill and Wilentz, “The Invention of American Politics,” 65-66.



undercurrent of popular resentment that simultaneously opposed the Adams administration and challenged the Republican establishment.

Building off of the work of Historians Terry Bouton, Seth Cotlar, and Andrew Shankman, this chapter denaturalizes the link between unbridled economic opportunity and American liberty. It demonstrates that a cohort of political thinkers espoused an alternate economic vision during the founding era in which political equality and a rough economic equality would reinforce each other. It also reveals a class of Republican leadership that influenced people on the ground in ways both more intimate and radical than party elites.<sup>189</sup>

## I. BROWN

*“Liberty poles were raised by a shallow, deluded set whom artful rogues had set on and then left in the lurch.”*

*- Independent Chronicle, August 15, 1799*

In the mid-1790s, the town of Dedham’s three parishes each had its own political identity. One Federalist resident explained, “Thatcher’s parish is confessedly the worst [in terms of Jacobinism]. The south (Chickering’s) is decidedly federal; and the old parish, where I live, is divided - the old are half Demos, the young chiefly Feds.” Reverend Thomas Thatcher frequently espoused Republican principles in his sermons. For instance, in 1795 he praised France and criticized the “piracy of the British” whose “hatred and rancour, could only be equalled by their plunder and robbery.” On one occasion, when several offended congregants left in the middle of a service, he quipped, “I see I have at least one apostolic gift – the power to cast out devils.”<sup>190</sup>

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<sup>189</sup> Bouton, *Taming Democracy*; Cotlar, *Tom Paine’s America*; Shankman, *Crucible of American Democracy*; For an interpretation that links democracy with unlimited economic opportunity, see Gordon Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993).

<sup>190</sup> Fisher Ames to Timothy Dwight, December 7, 1798, *Works of Fisher Ames*, 244; Thomas Thatcher, “A discourse, delivered at the Third Parish in Dedham, 19th February, 1795,” (Boston: Thomas Fleet, 1795), 18; Warren, *Jacobin and Junto*, 105; Chickering and Fisher Ames were in the same class at Harvard. Robert Brand Hanson, *Dedham, Massachusetts, 1635-1800* (Dedham: Dedham Historical Society, 1976), 174 (New England Historic Genealogical Society); Thatcher was ordained over the parish in June of 1780 and remained there until his

Families also divided along partisan lines, as was the case with the Ames brothers. Fisher was a lawyer, politician, and firm Federalist. He first developed a taste for Bostonian high society and Federalist principles as a delegate to the state ratification convention in 1787 and representative to the General Court the following year. Fisher defeated Samuel Adams for a House seat in the First Congress and was re-elected for three consecutive terms until failing health forced his retirement. Fisher detested the growing Republican opposition who aimed to “se[t] mobs above the law.” “Shall I be called upon to offer my proofs?” he asked his fellow representatives on the House floor in 1796. “They are here, they are every where [sic]. No one has forgotten the proceedings of 1794.” Fisher described Republican followers as poor, ignorant, and deluded, like his “plain neighbors” in Dedham. “In the resources of money,” he remarked, “the jacobins are weak indeed.” And as for their intellect, “if they are not ignorant, they are wicked; it is possible they are both.”<sup>191</sup>

In contrast, Fisher’s older brother and local doctor, Nathaniel, emerged as one of Dedham’s leading Republicans. Unlike Fisher, Nathaniel eschewed the high politics of Boston and Philadelphia. He declined the office of Representative to the General Court when Dedham elected him in 1790. When elected again in 1791, he agreed to serve “as a nominal Representative only to save the Town from being fined.” Nathaniel preferred a simple, small-

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death in October, 1812. He engaged frequently with the wider world, becoming a member of the Academy of Arts and Sciences and serving with Fisher as a representative to the state’s ratification convention in 1788. These activities may explain his Republican leanings despite living in New England his entire life. Erastus Worthington, *The History of Dedham, from the Beginning of its Settlement in September 1635 to May 1827* (Boston: Dutton and Wentworth, 1827), 118 (New England Historic Genealogical Society).

<sup>191</sup> Fisher Ames to Dwight Foster, January 4, 1796, Fisher Ames to Oliver Wolcott, November 14, 1796, in *Works of Fisher Ames*, 181-182; Fisher Ames, *Works of Fisher Ames, Compiled by a Number of his Friends. To which are Prefixed Notices of his Life and Character* (Boston: T.B. Wait, 1809), 72 (New England Historic Genealogical Society); Fisher Ames, “Laocoon I,” *Works of Fisher Ames*, 116-117; Hanson, *Dedham*, 168-170; Fisher was selected to be President of Harvard, but he declined. Worthington, *The History of Dedham*, 94; In his eulogy of George Washington, Fisher condemned the class-based language that Republicans learned from French Jacobins: “The leaders of the French revolution, from the beginning, excited the poor against the rich; this has made the rich poor, but it will never make the poor rich.” Ames, *An Oration on the Sublime Virtues*, 21.

town life. He championed common men and excoriated the lawyers who led the Federalist party. Nathaniel held particular contempt for John Adams, whom he described as “an aristocratic lawyer in favor of British dignities, manners, and Government.”<sup>192</sup>

The Ames brothers clashed especially over the local newspaper, *The Minerva*, which began circulation in the fall of 1796 to over 200 subscribers and possessed a Federalist slant. The paper’s editors, Benjamin and Nathaniel Heaton, criticized the “Jacobin opinion, that the way to make liberty stronger is to make government weaker.” They also repeatedly lamented the growing Republican strength in Dedham and the surrounding areas: “Perhaps there is no part of the country, outside of the southern states, where the friends of France are more numerous or violent, than in the adjacent towns.” Nathaniel Ames denounced the paper as “wholly dictated by F[isher] A[mes] to smother political enquiry & make public Servants, Lords” and cancelled his subscription.<sup>193</sup>

Despite *The Minerva*’s influence, Fisher worried that his party was losing the battle for public opinion. “The Jacobins in fact have possession of the ground, and they will not fail to fortify themselves in their acquisition,” he wrote to Secretary of the Treasury Oliver Wolcott, Jr. Fisher feared that “the Jacobins had the people so long” and had filled their “weak heads” with false arguments against the government. “Emissaries are sent to every class of men, and even to every individual man, that can be gained. Every threshing-floor, every husking, every party at

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<sup>192</sup> Robert Brand Hanson, ed., *The Diary of Dr. Nathaniel Ames of Dedham, Massachusetts 1758-1822* (Camden: Picton Press, 1998), 508, 489; Warren, *Jacobin and Junto*, 12; Hanson, *Dedham*, 168; Worthington, *The History of Dedham*, 93; Winfred E.A. Bernhard, *Fisher Ames: Federalist and Statesmen, 1758-1808* (Chapel Hill: The University of North Carolina Press, 1965), 255-256 (David Library of the American Revolution); Fisher may have had some role in persuading Nathaniel to accept the position. See Fisher Ames to Daniel Howard, May 15, 1794, Fisher Ames Papers (Dedham Historical Society); For Nathaniel’s hatred of lawyers, see Warren, *Jacobin and Junto*, 9; For Nathaniel’s opinions on foreign policy, see Warren, *Jacobin and Junto*, 71, Bernhard, *Fisher Ames*, 256.

<sup>193</sup> *The Minerva*, May 10, 1798, September 20, 1798 (Dedham Historical Society); Hanson, *Diary of Nathaniel Ames*, 610, 639; Hanson, *Dedham*, 172.

work on a house-frame or raising a building, the very funerals are infected with bawlers or whisperers against government,” he insisted. Fisher believed that as Republicanism spread, its followers grew increasingly fervent and so harder to contain: “Jacobinism has become here, as in France, rather a sect than a party; inspiring a fanaticism that [is] equally intolerant and contagious.”<sup>194</sup>

Federalists elsewhere also worried about grassroots Republican agitation. A pamphlet published in Worcester, Massachusetts bemoaned the “number of itinerant declaimers [who] roam about the streets, like wolves in sheep’s clothing” telling all who listen “frightful stories of the plans laid by their rulers, to enslave them and their children.” In western Massachusetts, Thomas Dwight reported seeing men “riding and running from place to place writing and preaching constantly against the government itself and more against the administration of it.” Peter Van Schaack of New York similarly lamented the widespread “attempts to poison the Publick [sic] Mind by exciting jealousy and distrust [of government], in which taxes form a copious theme.” These complaints reveal a cohort of itinerant activists who travelled through the northeast spreading contempt for the Federalist regime.<sup>195</sup>

Federalists feared that these radicals undermined national security by stirring up opposition to the new taxes. As ever, the Federalists argued that majority rule formed the backbone of representative government. For the republic to function, the people had to submit to the will of the majority as expressed in Congress. The Quasi-War heightened these concerns as

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<sup>194</sup> Fisher Ames to Oliver Wolcott, Jr., July 9, 1795, July 22, 1800, March 24, 1797, Oliver Wolcott, Jr. Papers (Connecticut Historical Society); Fisher Ames, “Laocoon I,” *Works of Fisher Ames*, 116-117; Fisher Ames, *An Oration on the Sublime Virtues of General George Washington* (Boston: Young & Minns, 1800), 23-24 (New England Historic Genealogical Society); See also, Fisher Ames to Oliver Wolcott, Jr., January 12, 1800, Oliver Wolcott, Jr. Papers.

<sup>195</sup> A Friend to Rational Liberty, “The Jacobin Looking-Glass,” (Worcester: Leonard Worcester, 1795), 18-19 (Massachusetts Historical Society); Thomas Dwight to Theodore Sedgwick, April 11, 1800, Sedgwick Family Papers (Massachusetts Historical Society); Peter Van Schaack to Theodore Sedgwick, December 25, 1799, Sedgwick Family Papers.

popular unrest could hamper military preparations and embolden the French. The people must prove “that they are worthy of the government they at present enjoy” by “cheerfully submit[ting] to the expenses of maintaining it,” explained future Congressman Daniel Dewey. By stressing the necessity of the taxes, Dewey and other Federalists contested the radicals’ arguments that the measures were part of a plot to funnel wealth to the elite. Rather, they maintained that the liberty and safety of all Americans depended upon prompt obedience to the legislation. “If the people will not submit to the burden of expenses, they may at once renounce all pretensions to their freedom and independence,” Dewey concluded.<sup>196</sup>

During the summer of 1798, Fisher took matters into his own hands and organized a Fourth of July dinner and oration for sixty of his neighbors to promote the Federalist cause. He read an address to the president that excoriated the rebellious and anarchic tendencies of the opposition: “It is the duty of every Patriot, of every wise and candid man, to yield all constitutional obedience, to the constitutional laws of his country, and use his best endeavours, to allay the ferment of zeal and passion, and to promote harmony and order, rational due obedience.”<sup>197</sup>

Fisher boasted of the event’s success to his friends. “At last the seeds of federalism which have slept so long in our Dedham ground seem to be sprouting,” he wrote to Wolcott. Fisher considered the many signatories to his address proof that extolling Federalist principles could inspire “political conversion” among people who had “been exceedingly misled.” To Timothy Pickering, he predicted that the meeting would “rally the friends of Government to their posts.” Nathaniel, however, mocked his brother’s optimism, noting instead that most of the town

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<sup>196</sup> Daniel Dewey to Theodore Sedgwick, February 6, 1799, Sedgwick Family Papers.

<sup>197</sup> Fisher Ames, “Political Speech (ca. 1798),” Papers of Fisher Ames and Fowler Families (Harvard University Archives); Fisher Ames to Timothy Pickering, July, 1798, in *Works of Fisher Ames*, 231.

“grumbl[ed] at the High Federalist frolic” and that the “Tools of F.A. work[ed] hard to get signers to [the] Address.”<sup>198</sup>

Despite Fisher’s efforts, Dedham experienced a Republican resurgence a few months later when David Brown arrived spouting criticism of the Federalist elite. Brown was an itinerant political activist and Revolutionary War veteran from Bethlehem, Connecticut who had preached opposition to the Federalists throughout Massachusetts for the last two years. Brown lectured to crowds from his manuscript entitled “Dissertations.” He also met privately in residents’ homes to discuss his political philosophy. In addition to inspiring opposition to the Federalists, Brown hoped to gain enough subscribers to have his manuscript published before the next election.<sup>199</sup>

In his teachings, Brown declared that the wealthy had corrupted the Constitution and aimed to use their political power to increase their own fortunes at the expense of the common people: “all our administration is as fast approaching to Lords and Commons as possible, that a few men should possess the whole country and the rest be tenant to the others.” Republicanism, he believed, had broken down as elected representatives “act more like the enthusiastic ravings of mad men than the servants of the people and are determined to carry their own measures by

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<sup>198</sup> Fisher Ames to Oliver Wolcott, Jr., July 6, 1798, Oliver Wolcott, Jr. Papers; Fisher Ames to Timothy Pickering, July, 1798, in *Works of Fisher Ames*, 231; Warren, *Jacobin and Junto*, 78-79; *Columbian Centinel*, July 11, 1798.

<sup>199</sup> Fisher Ames to Christopher Gore, December 18, 1798, in *Works of Fisher Ames* (1854), 247; *Independent Chronicle*, June 20, 1799; Records of the U.S. Circuit Court at Boston, 1799 (National Archives); For two historical accounts of Brown, the liberty pole, and the resulting court cases, see Frank M. Anderson, “The Enforcement of the Alien and Sedition Laws,” *Annual Report of the American Historical Association for the Year 1912* (Washington: 1914), 122-126; James Morton Smith, “The Federalist ‘Saints’ versus ‘The Devil of Sedition’: The Liberty Pole Case of Dedham, Massachusetts 1798-1799” *The New England Quarterly* 28, no. 2 (June 1955): 198-215; Brown never published his “Dissertations” and it no longer exists in manuscript form. However, the United States Circuit Court quoted from “Dissertations” extensively during Brown’s sentencing.

There are several David Browns who served in Connecticut regiments during the Revolutionary War. It is possible that the Brown in question served as a Lieutenant in the 9<sup>th</sup> Connecticut Militia Regiment in Captain James Green’s Company, where he suffered several injuries fighting in New York. It is also possible that he served in Captain Eleazer Hutchinson’s Company of Militia and deserted for six weeks in the fall of 1776. Charles J. Hoadley, *The Public Records of the State of Connecticut, from May, 1778, to April, 1780, inclusive* (Hartford: The Case, Lockwood & Brainard Company, 1895), 328; *Rolls and Lists of Connecticut Men in the Revolution, 1775-1783* (Hartford: Connecticut Historical Society, 1901), 161; I am grateful to Bill Ferraro for these sources.

the point of a bayonet.” He compared “the land tax, stamp act, and treason-law” with “the exorbitant taxes Britain were about to fetch on us without representation.” The Federalists who passed such laws acted like the “representatives of speculators, not of the people” and would “bring the country into lords, tenants, and boroughs.”<sup>200</sup>

Like Manning, Brown explained that the Federalists’ doctrine of deference encouraged an improper reverence for elected officials. Their notion of a natural aristocracy, “by teaching that a few men were cloth’d by God to govern in Church and State,” demanded the people’s unthinking submission. “Like the subjects of Julius Caesar, we must bow down and worship our Leaders as the Gods of Jupiter and Mars.” Federalists invoked the language of deference to shield themselves from criticism as they lined their own pockets. “The history of the ages,” Brown maintained, “hath not produced a set of leaders that hath so fraudulently taken the property of the Union from [the people].” The current administration cultivated both political and economic inequality to keep the masses subject to their power.<sup>201</sup>

Brown advocated extra-institutional protest to combat the Federalist threat. “All the petitions and remonstrances to Congress they take no notice of it,” he complained. “And if [the people] do not get a redress of their grievances by petitioning for it, they will finally break out like the burning mountain of Etna, and will have an unconditional redress of their grievances.” In his travels, Brown had seen such resistance in several Massachusetts counties where people refused to pay the Direct Tax. In these areas, “the tyrannical measures of our government has

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<sup>200</sup> Records of the U.S. Circuit Court at Boston, 1799; *Independent Chronicle*, June 20, 1799; Richard L. Bushman traces the fear of “lords, tenants, and boroughs” to a colonial suspicion of monarchical bureaucracy, particularly a dread of the replacement of private property with large landlords; Massachusetts colonists came to view their assembly as an important check on the ambitions of royal officers. See Richard L. Bushman, *King and People in Provincial Massachusetts* (Chapel Hill: University of North Carolina Press, 1985).

<sup>201</sup> Records of the U.S. Circuit Court at Boston, 1799.

made more conversions to republicanism than there was to the spread of the gospel in the same term of time.”<sup>202</sup>

Brown invoked the writings of Thomas Paine and Joel Barlow, two radical republican thinkers. In “Dissertations,” Brown twice implored his readers to study Barlow’s denunciations of government by an elite few, which always degenerated into “aristocratical tyrannies.” In meetings with the residents of Dedham, Brown discussed Paine’s controversial *The Age of Reason*, which attacked organized religion and linked the fate of political self-government with religious self-expression.<sup>203</sup>

Although there is no evidence that Brown ever met William Manning, their writings share several striking similarities. Brown echoed Manning’s construction of a conflict between the Few and the Many: “There [always] has been an eternal struggle between the laboring part of the community and those lazy rascals that invented every means that the Devil, has put into their heads, to destroy the laboring part of the community.” They both believed that the Few used their authority to enrich themselves and impoverish the people, thereby maintaining their hold on power. In addition, Brown and Manning both insisted that the Federalists inflated the threat of France to raise taxes and create a standing army. “They wish for a standing army of slaves to execute their arbitrary measures,” wrote Manning, and they “will catch hold of every little misunderstanding or uneasiness” as “a pretext to raise and keep a standing army.” Likewise, Brown accused the Federalists of beating the drums of war to create a “pretext to enslave the

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<sup>202</sup> Records of the U.S. Circuit Court at Boston, 1799.

<sup>203</sup> Joel Barlow, *The Political Writings of Joel Barlow* (New York: Mott & Lyon, 1796), ix (Library Company of Philadelphia); Records of the U.S. Circuit Court at Boston, 1799; *Independent Chronicle*, June 20, 1799; For an account of Paine and Barlow’s relationship, see Robert McColley, “A Tale of Three Cities,” *Journal of the Early Republic* 3, no. 1 (Spring 1983): 1-16; Of Paine’s *Age of Reason*, William Cobbett wrote, “His religion is exactly of a piece with his politics. One inculcates the right of revolting against government, and the other that of revolting against God.” William Cobbett, “The Political Censor, Third Edition,” in William Cobbett, *Porcupine’s Works*, Vol; 2 (Philadelphia; William Cobbett: 1796), 197 (American Philosophical Society).



farmers” and fund an army who will “hurl you into prison. . .if you will not submit.” And they both estimated that the Federalists had the support of only one-eighth of the population. In the words of Historians Michael Merrill and Sean Wilentz, Brown and Manning “clearly came from different corners of the same political opposition and shared many of the same criticisms of the existing order.”<sup>204</sup>

Brown’s ideas found fertile ground in Thatcher’s parish where the minister’s preaching had warmed his congregation to Republican principles. In October, a few weeks after Brown had left for Andover, a group inspired by his teachings raised a liberty pole on the main road with a liberty cap on top and a sign that read, “Liberty and Equality – No Stamp Act – No Sedition, or Alien Bills – No Land Tax – Downfall to the Tyrants of America – Peace and Retirement to the President – Long Live the Vice-President and the Minority – May Moral Virtue be the basis of Civil Government.” A week later, District Judge John Lowell ordered Federal Marshal Samuel Bradford to “demolish” the “Symbol of Sedition.” But the Federalists of Chickering’s parish cut it down before he arrived and saved the “libellous label” as evidence for the marshal. “The Government must display its power *in terrorem*,” Fisher fumed. “Though the liberty-pole is down. . .the devil of sedition is immortal.” Matching Fisher’s ire, the Federalist press denounced the liberty pole as “a rallying point for the enemies of a Free Government” and an emblem of “insurrection and civil war.” In nearby Salem, a judge cited the Dedham pole as evidence of the need for the Sedition Law.<sup>205</sup>

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<sup>204</sup> Records of the U.S. Circuit Court at Boston, 1799; William Manning, “The Key of Liberty,” 142, 131; Merrill and Wilentz, “The Invention of American Politics,” 74; See Chapter 2 for similar critiques made by William Bonham.

<sup>205</sup> Warren, *Jacobin and Junto*, 105-106; *Massachusetts Mercury*, November 9, 1798; Fisher Ames to Christopher Gore, December 18, 1798, Fisher Ames to Jeremiah Smith, November 22, 1798, Fisher Ames to Timothy Pickering, November 22, 1798, in *Works of Fisher Ames* (1854), 247, 240, 242; *Courier of New Hampshire*, November 10, 1798; *The Diary of William Bentley, D. D. Pastor of the East Church, Salem, Massachusetts* Volume 2 (Salem: The Essex Institute, 1907), 289 (Massachusetts Historical Society); Smith, “The Federalist ‘Saints,’” 203; For an example of John Lowell’s Federalism, see John Lowell, Jr., *An Oration*

Bradford issued arrest warrants for those involved in the pole-raising for violating the Sedition Law. In March 1799, officials apprehended Brown in Andover. The court set his bail at \$4,000. Unable to pay, he awaited his June trial date in a Salem jail. Brown's imprisonment did not allay Federalist fears, for his fellow activists remained at large. "There is now on foot a plan of the Jacobins" to win a majority in Congress, declared the *Salem Gazette*. "Already one, Brown, is now in our jail committed for seditious conduct to accomplish such purposes; and from most respectable authority I am assured the plan is assiduously pursu[ed] by the disorganizing agents in every county in the Commonwealth." Aided by a posse of Dedham Federalists, officials arrested Benjamin Fairbanks, a former town selectman and member of one of Dedham's most prominent families, alleging that he had helped lead the pole-raising.<sup>206</sup>

In June, the United States Circuit Court in Boston indicted both Brown and Fairbanks and they appeared before Associate Justice of the United States Supreme Court Samuel Chase for trial. Both men initially plead "not guilty," but reversed their pleas in recognition of the strength of the state's cases against them. At Fairbanks's sentencing, Fisher testified on his behalf, recommending leniency because Fairbanks had been duped by Brown and the Republicans of Thatcher's parish: "unfortunately, the scene he lives in and the persons in whom he misplaced his confidence, has exposed him, and many others like him, to *delusion*, and in consequence to *guilt*." Fisher denounced Brown, in particular, as a "wandering apostle of sedition" who spread "bold falsehoods" and "artful and inflammatory sophistry." Fisher conceded that Fairbanks had acted criminally on this occasion, but given the circumstances and Fairbanks's prior unblemished

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*Pronounced July 4, 1799, At the Request of the Inhabitants of the town of Boston, in Commemoration of the Anniversary of American Independence* (Boston: Manning & Loring, 1799) (New England Historic Genealogical Society).

<sup>206</sup> *Salem Gazette*, March 29, 1799; *Columbian Centinel*, November 7, 1798, November 10, 1798; *Oracle of the Day*, April 6, 1799; Warren, *Jacobin and Junto*, 106.

record, Fisher assured the court of his confidence that the defendant would behave as a good citizen in the future.<sup>207</sup>

Fairbanks submitted a written statement to the court that also emphasized his ignorance. He admitted to attending the pole-raising, but insisted that he had not understood “how heinous an offense it was.” “I am in my heart a friend to my country,” he averred, and pledged to do his “duty as a good citizen, in support of the laws and government of the United States” in the future. Chase accepted Fairbanks’s statement and “wished him and all who had been deluded” a return to confidence in their government. Chase sentenced Fairbanks to just six hours’ imprisonment and imposed a token fine of five dollars plus the costs of the proceeding (\$10.50). The judge explained that Fairbanks had already demonstrated his “reformation.”<sup>208</sup>

In contrast, Brown received neither supportive witnesses nor the sympathetic ear of the court at his sentencing. Despite Brown’s admission of guilt, Chase had the prosecution examine all seven of the state’s witnesses to establish the degree of his culpability. One man testified that he saw Brown reading from his manuscript to a crowd of people, telling them that the object of government “was to plunder and steal.” The witness asserted that Brown “appeared to him to make impressions on several of the bystanders, unfavourable to the government.” The court did not offer the defendant a chance to cross-examine. The prosecution also read excerpts from Brown’s manuscripts that, according to reports, contained “the most virulent invective against the President and Government of the United States.”<sup>209</sup>

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<sup>207</sup> *Independent Chronicle*, June 20, 1799; Fisher declined to act as Fairbanks’s lawyer for the case, stating “considering my local situation, and other obvious circumstances, that it would be unbecoming and improper for me to appear as his advocate.”

<sup>208</sup> *Independent Chronicle*, June 20, 1799.

<sup>209</sup> *Independent Chronicle*, June 20, 1799; Smith, “The Federalist ‘Saints,’” 211; Unable to afford a lawyer, Brown represented himself in court.

Instead of the magnanimity that he had shown Fairbanks, Chase scolded Brown for the “malignity and magnitude” of his crimes. Chase demanded that Brown reveal the names of his subscribers, but Brown refused, fearing he would “loose [sic] all my friends.” Brown apologized to the court for his behavior and promised upright conduct in the future. Given his poverty, he asked the judge to limit his punishment to imprisonment as he could not afford a fine. Unmoved, Chase handed down the most severe sentence issued under the Sedition Law: a \$400 fine, plus \$80 in court costs, and eighteen months’ imprisonment. Because of his inability to pay the fine, Brown served an additional six months.<sup>210</sup>

Brown’s activities in Dedham worried mainstream Republicans who feared that his ideas would paint the entire party as radical levellers. In the wake of his trial, the Republican press distanced the party from Brown by demonizing him as a liar and trickster. The *Independent Chronicle* asserted, “All the means which a vicious ingenuity could suggest appear to have been used by [Brown] to create discontent and to excite among the people hatred and opposition to their Government.” Several months later, the paper went further, reminding readers that the Dedham liberty pole was “raised by a shallow, deluded set whom artful rogues had set on and then left in the lurch.” But the *Independent Chronicle* remained supportive of liberty poles and critical of the Federalists’ destruction of them: “It is true in ’75, the British Government destroyed the poles as the rallying posts of sedition and rebellion; but they were tyrants for so doing. And it is true in ’98, the American Federal Government did the same; but they were not tyrants for doing it, because the Sedition Law forbids our calling them so.” The *Aurora* similarly

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<sup>210</sup> *Independent Chronicle*, June 20, 1799; Smith, “The Federalist ‘Saints,’” 212-214; Brown twice petitioned Adams for clemency to no avail. Jefferson granted him a full pardon on March 12, 1801; Anderson, “The Enforcement,” 124-125; “Pardon for David Brown, 12 March 1801,” Founders Online, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Jefferson/01-33-02-0209>; [Original source: The Papers of Thomas Jefferson, vol. 33, 17 February–30 April 1801, ed. Barbara B. Oberg; Princeton: Princeton University Press, 2006, pp. 251–252.]

denounced the Federalists for prostrating the Dedham pole like “the mercenary hirelings of George the Third,” but did not mention Brown.<sup>211</sup>

The prosecution subpoenaed Nathaniel’s testimony in Brown’s trial, but he refused to appear, claiming that he “was not legally summoned and had not time to attend.” District Attorney John Davis arrested him for contempt and the circuit court fined him eight dollars. Nathaniel protested the fine, but the judge dismissed his complaint and “add[ed] insult” by suggesting that Nathaniel ask his brother for legal assistance. Nathaniel’s unwillingness to testify matched his uncharacteristic silence on Brown and the liberty pole in his diary. Perhaps he had something to hide. No court ever accused Nathaniel of participating in the pole-raising. But in 1811, the *Columbian Centinel* alleged that he had written the liberty pole’s sign and that “dread of discovery made him *contemn the order of the United States Court.*”<sup>212</sup>

As Brown’s arrest and trial turned attention to Boston, officials began measuring the homes of Dedham residents to determine their rates under the Direct Tax. When the local assessor asked for the details of his property, Nathaniel attached a lengthy preamble in protest. He expressed his “regre[t]” for the “short dawn of rational Liberty” and bemoaned the “blindness and apathy of that People who once dared to defy & trample on the minions of foreign tyrants,

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<sup>211</sup> *Independent Chronicle*, January 13, 1799, August 15, 1799, February 25, 1799; *Aurora General Advertiser*, November 22, 1798; Francis Dana identified Brown as a “strange Irishman.” See “To John Adams from Francis Dana, 3 November 1798,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-02-02-3195>.

<sup>212</sup> Hanson, *Diary of Nathaniel Ames*, 684-685, 691; Warren, *Jacobin and Junto*, 110-111; *Columbian Centinel*, August 3, 1811; Hanson, *Dedham*, 175-176; Nathaniel had a history of writing monument inscriptions. After the Stamp Act’s repeal, Nathaniel led the effort to memorialize the event by erecting a Pillar of Liberty on High Street near his tavern. The monument had a granite base that supported a wooden column about twelve feet tall. On top of the column, the Dedham Sons of Liberty placed a bust of William Pitt. Nathaniel wrote the inscription on the base that dedicated the Pillar of Liberty “To the honor of William Pitt Esq; and other Patriots who saved America from impending slavery, and confirmed our most loyal affection to King George III by procuring a repeal of the Stamp Act.” *Massachusetts Bay Tercentenary: Dedham, October 6-11, 1930* (Dedham: The Transcript Press, 1930), 20-22 (New England Historic Genealogical Society); The stone base survived and was rededicated in 1836. Samuel F. Haven, *An Historical Address, delivered before the Citizens of the Town of Dedham, on the twenty-first of September, 1836, being the Second Centennial Anniversary of the Incorporation of the Town* (Dedham: Herman Mann, 1837), 43 (New England Historic Genealogical Society); Hanson, *Dedham*, 141, 132, 140-141.

only to be trampled on by domestic traitors.” Nevertheless, Nathaniel paid his share of, what he termed, the “unconstitutional tax.” But many did not limit their protest to written complaints. When word reached Dedham that farmers in eastern Pennsylvania refused to pay the tax and intimidated assessors with armed force, Fisher wrote to President of Yale Timothy Dwight with alarm. “Pennsylvania is revolutionized,” he declared, “[and I fear that] a civil war will break out.”<sup>213</sup>

## II. EYERMANN

*“The democrats have commenced their usual opposition, and have stirred up many honest, but [illiterate] people obstinately to oppose the apportioning and collection of this fair and equitable tax, and in consequence of their artful insinuations, the usual emblems of rebellion to government are already displayed.”*

*- Gazette of the United States, February 1, 1799*

The Pennsylvania resistance to the Direct Tax began in the fall of 1798 in Northampton and Bucks Counties, but shortly spread to Montgomery, Berks, Dauphin, York, and Lancaster Counties. Rural German-speakers in these areas flooded Congress with petitions containing thousands of signatures. While they awaited legislative change, regulators prevented the execution of the tax by pledging non-compliance, refusing to have their properties assessed, violently threatening assessors and tax collectors, and raising liberty poles. Occasionally, women scared off assessors by dousing them with boiling water, leading some to refer to the tax

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<sup>213</sup> Warren, *Jacobin and Junto*, 124; Fisher Ames to Timothy Dwight, December 22, 1799, Fisher Ames Papers (Dedham Historical Society).

In May 1801, Jason Fairbanks, a relative of Benjamin, was sentenced to death for the murder of Elizabeth Fales. That August, Fairbanks escaped from jail. The *Columbian Centinel* blamed the pole-raisers of 1798 for the prison break. “We learn that JASON FAIRBANKS, under sentence of death for murder, and confined in *Dedham* jail, was liberated therefrom on *Monday*, night last, by a banditti of the liberty-pole gentry of that part of the country.” *Columbian Centinel*, August 19, 1801; Hanson, *Dedham*, 176-185.

resistance as the “Hot Water War.” But these women’s actions proved the exception. In all other instances, regulators only threatened violence.<sup>214</sup>

The people of eastern Pennsylvania opposed the Direct Tax because they feared that it would strain their already tight resources and set a precedent for further taxation. In these areas, 83 percent of households contained boys under the age of twenty-five. Most families owned farms, but landholdings had begun to shrink and many fretted that they would have nothing to pass on to their sons. An economic decline in the final years of the decade worsened these concerns. In the late 1790s, cash scarcity, debt, and foreclosure plagued the farmers of eastern Pennsylvania. Although the average family owed less than six dollars under the Direct Tax, many worried that the federal government would use the assessments as the basis for further property taxes. Amidst the economic uncertainty, easterners felt that they could ill afford a spate of new taxes. They believed, as one man put it, that if they “did not oppose the laws they would certainly loose [sic] their lands.”<sup>215</sup>

They also objected to the tax because it constituted the latest in a series of policies that favored speculators over farmers. State law allowed speculators to hold huge tracts of land with only a small down payment. Beginning in the late 1780s, the state government prosecuted farmers for unpaid taxes, but granted extensions to speculators. The Direct Tax Law continued

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<sup>214</sup> Paul Douglas Newman, *Fries’s Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004), xi, 13, 110, 121; For more details of this opposition, see the depositions in boxes five and six of the Rawle Family Papers at the Historical Society of Pennsylvania; James Roger Sharp describes Fries’s Rebellion as “the missing piece of evidence – the Rosetta Stone – that served to confirm the Federalists’ most terrifying fears.” James Roger Sharp, *The Deadlocked Election of 1800: Jefferson, Burr, and the Union in the Balance* (Lawrence: University Press of Kansas, 2010), 64.

<sup>215</sup> Deposition of Henry Ohl, April 27, 1799, Rawle Family Papers (Historical Society of Pennsylvania); Bouton, *Taming Democracy*, 247; Newman, *Fries’s Rebellion*, 35, 32, 4-5; For more on the economic grievances of eastern Pennsylvanians, see Terry Bouton, “‘No Wonder the Times were Troublesome’: The Origins of Fries Rebellion, 1783-1799,” *Pennsylvania History* 67, No; 1 (Winter 2000): 21-42; For an explanation of the link between landowning and political independence in American consciousness, see Bouton, *Taming Democracy*, 17-18.

this trend by applying the land tax to the value, not the size, of the property. As a result, a farmer who cleared fields and built a house paid a higher tax than a speculator who owned unimproved land. And by taxing both houses and land, the law posed a double burden to small farmers. The people of Dauphin County emphasized the imbalance in their petition to Congress: “[It] is now well known, that the owners of Houses in Pennsylvania will pay much more in proportion to the value of their property than the holders of uncultivated land.” One regulator warned that this skewed policy would enable speculators to buy up the land of destitute farmers and “lease it out again to the people for their life or perhaps two lives.”<sup>216</sup>

In addition, the Direct Tax Law called for federally appointed tax assessors, which contradicted the Pennsylvania tradition of relying on locally elected assessors. Outrage grew when the Adams administration appointed a Moravian, Jacob Eyerly, and a Quaker, Seth Chapman, as commissioners for the eastern counties, and they then selected other Moravians and Quakers as assessors. The pacifism of Moravians and Quakers during the Seven Years War and the War of Independence and their subsequent support for the Federalists made them doubly odious to the Lutheran and Reformed Church majority in these counties. Regulators denounced the authority granted to those who “during the American war, were (and are yet consistent) *Traitors to their Country*.”<sup>217</sup>

Eastern Pennsylvanians had a history of distrusting tax assessors. In both Berks and Northampton counties, residents had recently complained of officials over-collecting taxes and pocketing the balance, as well as withholding tax revenue from the Treasury. During the

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<sup>216</sup> *The Oracle of Dauphin and Harrisburgh Advertiser*, January 23, 1799; Examination of Henry Ohl, April 27, 1799, Rawle Family Papers; Newman, *Fries's Rebellion*, 35-36.

<sup>217</sup> A Citizen, “To the Electors of Cumberland County,” Philadelphia, 1799 (The Library Company of Philadelphia); Newman, *Fries's Rebellion*, x, 2, 41, 87; Robert H. Churchill, “Popular Nullification, Fries’ Rebellion, and the Waning of Radical Republicanism, 1798-1801,” *Pennsylvania History* 67, no. 1 (Winter 2000): 118.



regulation, a resident of Reading in Berks County threatened to tie the local collector “fast to the Liberty Pole and keep him there” until he accounted for their previously paid taxes, which he believed the official had spent “on drink, or on idle whores.” Furthermore, the tax required these untrustworthy assessors to enter onto an individual’s property to measure and count their windows, embodying intrusive government.<sup>218</sup>

Local politicians and militia captains spearheaded the opposition. Northampton Brigadier General and Republican state assemblyman, Jonas Hartzell, stirred up the people of Millers Town in Macungie Township, warning them “that the Laws of Congress lately made where [sic] very dangerous to the liberties of the people. . . and that the people should not be so still about it.” However, Hartzell advocated regulation, not insurrection. Upon his return from Philadelphia, he informed a friend that Congress had received numerous petitions against the Direct Tax and Stamp Tax and so “the people should only keep the tax assessors back so that the rates should not be taken before the next Congress” when the laws would likely be repealed. However, if Congress did not repeal the laws and violence broke out, he vowed “we would then show them who the People are, we’re ‘The People.’”<sup>219</sup>

Heeding Hartzell’s call, and led by militia captain and justice of the peace Henry Jarret, the people of Miller’s Town raised a liberty pole in late December 1798. Once erected, Jarret’s men paraded around the pole, one of the number shouting that “he would not suffer his house to be appraised by anybody that had been a Tory in the last war.” The company removed their hats, huzzaed for liberty, and “swore they would rather die than submit to the Stamp Act or House Tax

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<sup>218</sup> Deposition of Philip Kremer, February 13, 1799, Rawle Family Papers; Newman, *Fries’s Rebellion*, x, 2, 31, 41, 87, 122; For accusations against Eyerly, see *Bee*, January 8, 1800.

<sup>219</sup> Deposition of John Jarett, April 10, 1799, Deposition of Jacob Gorr, October 7 1799, Deposition of Andrew Schlechter, April 6 1799, Rawle Family Papers; Newman, *Fries’s Rebellion*, 84; For a detailed description of the creating and raising of a liberty pole, see Deposition of James Jackson; Oct 23 1799, Rawle Family Papers; For discussion of the militia’s centrality to the tax resistance, see Newman, *Fries’s Rebellion*, 94.

Law which was slavery and taking their liberty away.” Shortly after, Jarret circulated a written association committing all who signed to oppose the execution of the Direct Tax Law. Similar events occurred in Weisenburg Township, where militia captain Conrad Spring led a liberty pole raising and passed around a paper declaring that those who signed “would defend themselves against the Government.” In other areas, regulators threatened to tie assessors to the local liberty pole if they attempted to take the measurements.<sup>220</sup>

In Hamilton Township, a Reformed preacher and political activist named Jacob Eÿermann spread a radical message similar to that of David Brown. Eÿermann had left Germany for Philadelphia in 1796. After arriving in the United States, he travelled through Pennsylvania as a Calvinist minister, temporarily settling in Hamilton Township at the start of 1798. Eÿermann campaigned vigorously against the Direct Tax as a Federalist ploy to strip the people of their property and enslave them. He warned that the Federalists were “cursed, damned villains and Robbers” who had “made such laws to rob the people.” If the farmers of the United States did not oppose the Direct Tax “they would be bound, and tax after another would ensue. The people would have to pay tythes [sic] and every other species of taxation, and they would be slaves.” Under such a regime, “they would be as bad off as they were in Europe.”<sup>221</sup>

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<sup>220</sup> Deposition of Philip Wesco, undated, Deposition of John Fogel Jr. January 29 1799, Deposition of Michael Bapot, April 10 1799, Deposition of Jacob Gorr, October 7 1799, Rawle Family Papers; For examples of threats to tie officials to the liberty pole, see Examination of Samuel Clark, undated, Deposition of Jacob Brown, February 11, 1799, Deposition of Philip Kremer, February 13, 1799, Rawle Family Papers; Jarret even travelled to Upper Milford to campaign for opposition, see “Loose unlabeled notes,” in folder 3, box 6 of Rawle Family Papers; These associations included the boycott of assessors’ businesses; See Newman, *Fries’s Rebellion*, 20; Upon finding out his community’s petition did not contain a section on the whiskey excise, one man declared, “then through [sic] the petition into the fire and erect a Liberty Pole and let us fight.” See Deposition of Frederick Seiberling, January 28, 1799, Rawle Family Papers.

<sup>221</sup> Deposition of John Serfass, February 1, 1799, Rawle Family Papers; *Two Trials of John Fries*, 222; Deposition of John Synder, October 7, 1799, Examination of Jacob Eyerman, June 14, 1799, Rawle Family Papers; Newman, *Fries’s Rebellion*, 103.

Eyermann also claimed that the Direct Tax was unconstitutional because it disproportionately burdened farmers over speculators and merchants. Several Hamilton residents recalled Eyermann reading from a book that he pretended contained the Constitution and concluded that the federal government “had no right to pass such laws.” Eyermann encouraged the people of Hamilton to resist the execution of the law and told would-be assessors to decline their posts. Eyermann warned the assessor for Hamilton Township that if he accepted his commission, he “might meet with some evil.” For his part, Eyermann vowed that he “would lay his black coat aside and fight for a whole week.”<sup>222</sup>

That winter, the Adams administration grew alarmed at the “palpitation on the political pulse” and cracked down on the restive Pennsylvanians. Congress rejected the regulators’ petitions, upholding their legislation as vital “to guard not only against the usual consequences of war, but also against the effects of unprecedented combinations to establish new principles of social action, and the subversion of religion, morality, law, and government.” On February 20, Federal District Court Judge Richard Peters issued seventeen arrest warrants for the ringleaders of the opposition. On March 6, Federal Marshal William Nichols’s deputy arrested Eyermann, interrupting his delivery of a funeral sermon. The marshal took Eyermann and the other prisoners to the Sun Tavern in Bethlehem, Northampton, pending transportation to Philadelphia for trial in the federal district court.<sup>223</sup>

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<sup>222</sup> Deposition of John Lerfas, February 1, 1799, Deposition of Conrad Kroesy, February 1, 1799, Deposition of John Synder, October 7, 1799, Deposition of John Lerfas, February 1, 1799, Rawle Family Papers; *The Two Trials of John Fries*, 222; For an explanation of regulators’ arguments that the Direct Tax was unconstitutional, See Newman, *Fries’s Rebellion*, 119.

<sup>223</sup> Chauncey Goodrich to John Treadwell, February 6, 1799, John Treadwell Papers (Connecticut Historical Society); *Annals of Congress*, 5<sup>th</sup> Cong., 3<sup>rd</sup> sess., February 25, 1799, 2990-92, quoted in Newman, *Fries’s Rebellion*, 122; *The Two Trials of John Fries* (Philadelphia: William W. Woodward, 1800), 40; Dwight F. Henderson, “Treason, Sedition, and Fries’ Rebellion,” *The American Journal of Legal History* 14, no. 4 (Oct. 1970): 310; Newman, *Fries’s Rebellion*, 109, 125, 138-140.

The following morning, militia captain John Fries led four hundred men, including Jarret's troop, to the Sun Tavern to liberate the prisoners. Like the regulators of 1794, Fries and his men objected to the trial of their neighbors in a distant court. En route, Fries cried, "All those people who were Tories in the last war mean to be the leaders, they mean to get us quite under, they mean to make us slaves." When they arrived, Fries entered the tavern unarmed and assured Nichols that he and his men would not hurt any officials as long as Nichols did not remove the prisoners to Philadelphia. He offered to post bail for the detained if the marshal allowed them "to be tried in their own courts, and by their own people." But Nichols refused to surrender his charges unless forced by an armed challenge. After several hours, Fries gave in. He led a group of armed men into the tavern to demand the prisoners, but instructed them "not to fire first." Nichols acquiesced and released the prisoners. Neither side fired a shot. Fries "expressed a great solicitude for the safety of Eyermann" and confirmed with Nichols that he had been released before departing, vowing that the party "would not march without him." The posse disbanded peaceably and returned home, while Eyermann fled to New York state.<sup>224</sup>

Despite the lack of violence, Federalists decried the crowd action as an unlawful revolt, which they named the "Northampton Insurrection," and later "Fries's Rebellion." They viewed the lawlessness in Northampton as the beginning of a second Whiskey Rebellion. "ANOTHER INSURRECTION has broken out [in Pennsylvania]," declared the *Gazette of the United States*. "A most rebellious disposition pervades the whole county of Northampton, insomuch that no man dare avow his attachment to government." A contributor to the *Oracle of Dauphin* from Trenton, New Jersey related that "the spirit of disaffection to the Federal government, on account

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<sup>224</sup> Deposition of Phillip Schlough, April 15, 1799, Rawle Family Papers; *Two Trials of John Fries*, 221, 26, 41; Newman, *Fries's Rebellion*, ix; *The Constitutional Diary and Philadelphia Evening Advertiser*, December 13, 1799; For more information on John Fries, see Newman, *Fries's Rebellion*, 114-119.

of the tax act, is spreading itself into the northern part of this state, bordering on Northampton county.” In their correspondence, Federalist elites discussed their suspicions that most eastern Pennsylvanians “would join the French, if they invaded the country.”<sup>225</sup>

The Federalists’ reaction confirmed the fears of mainstream Republicans. Even before the rescue in Bethlehem, Jefferson had worried that the discontent in eastern Pennsylvania would lead to an outburst, which the Federalists could spin as rebellion. “[Insurrection] is the only thing we have to fear,” Jefferson confided to a friend. “The appearance of an attack of force against the government would check” the popular progress toward Republicanism and instead “rally [the people] round the government.” Despite having once advocated “a little rebellion now and then,” Jefferson condemned the extra-legal tactics of the regulators in favor of “the constitutional means of election and petition.” He feared that the regulation would strengthen Federalist claims that the Republican opposition was made up of radicals bent on undermining representative government. Even the *Aurora* bemoaned the rescue: “No republican can justify the conduct of those people who resisted the marshal in the execution of his duty; it was highly reprehensible and ought to be punished.”<sup>226</sup>

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<sup>225</sup> *Gazette of the United States*, March 11, 1799; *Oracle of Dauphin*, April 10, 1799; Bernard C. Steiner, *The Life and Correspondence of James McHenry: Secretary of War under Washington and Adams* (Cleveland: The Burrows Brothers Company, 1907), 437; Newman, *Fries’s Rebellion*, 142-143.

<sup>226</sup> “From Thomas Jefferson to Archibald Stuart, 13 February 1799,” Founders Online, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Jefferson/01-31-02-0022> [Original source: The Papers of Thomas Jefferson, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B. Oberg; Princeton: Princeton University Press, 2004, pp; 33–36;] “From Thomas Jefferson to Edmund Pendleton, 14 February 1799,” Founders Online, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Jefferson/01-31-02-0024>; [Original source: The Papers of Thomas Jefferson, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B; Oberg Princeton: Princeton University Press, 2004, pp; 36–39;] *Aurora General Advertiser*, March 22, 1799; Newman, *Fries’s Rebellion*, 150-151; See also “From Thomas Jefferson to Edmund Pendleton, 14 February 1799,” Founders Online, National Archives, last modified February 1, 2018, <http://founders.archives.gov/documents/Jefferson/01-31-02-0024> [Original source: The Papers of Thomas Jefferson, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B; Oberg; Princeton: Princeton University Press, 2004, pp. 36–39.]

In the meantime, Nichols rode to Philadelphia and reported the prison break to Judge Peters, stressing the need of a strong force to restore law and order in Northampton. Peters wrote to Secretary of State Timothy Pickering of the “treasonable opposition” and the necessity of “military force.” On March 12, Adams issued a proclamation declaring the direct action in Bethlehem treasonous and ordering all tax resisters in eastern Pennsylvania to cease their opposition by March 18. On the morning of the eighteenth, two hundred men from Bucks and Northampton Counties met under the leadership of Fries and Jarret to declare their intention to obey the president’s proclamation and submit to the law. The Republican press eagerly spread word of the “tranquility and submission” in Northampton. “The terrible *hot water* insurrection in Northampton county is cooled down to an ordinary process at law, to which all the parties have voluntarily submitted,” reported the *Aurora*.<sup>227</sup>

But the Adams administration had already begun military preparations to suppress the supposed revolt. Days before the rescue, Congress passed the Eventual Army Act, authorizing the president to mobilize state militias to augment the army in case of emergency, including domestic insurrection. To the Adams administration, the regulators’ prison break provided such a crisis. On March 11, the day before he issued his proclamation, Adams invoked the Eventual Army Act and placed Brigadier General William MacPherson in command of a force to put down the rebellion. He added militia units from Pennsylvania, Maryland, New Jersey, New York, and Vermont to MacPherson’s 600 regulars, for a total of 2,920 men. Writing to Secretary of War James McHenry, MacPherson’s aide-de-camp Robert Goodloe Harper stressed the need for the government to demonstrate its power to enforce the law and “overawe the rebels.” Failure

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<sup>227</sup> *American State Papers, Miscellaneous*, vol. 1 (Washington, D.C.: Gales and Seaton, 1834), 1: 185-186, quoted in Newman, *Fries’s Rebellion*, 143; *Aurora General Advertiser*, March 22, 1799, March 15, 1799; Newman, *Fries’s Rebellion*, 143-144.

to do so will “appear to them as proof of weakness on the part of the government, which must encrease [sic] their audacity!” Hamilton shared the same sentiment: “Whenever the Government appears in arms it ought to appear like *Hercules*, and inspire respect by the display of strength.” The government had to display its might and nip the resistance in the bud before all law and order broke down. Accordingly, Adams ordered the troops to assist the local authorities in taking the assessments and arresting those active in the tax resistance and rescue.<sup>228</sup>

Despite the reports of submission, the army marched for Northampton on April 4. “Government should not cringe,” declared one Federalist on the eve of the mission. Ahead of their arrival, MacPherson distributed a pamphlet he had written that explained why the regulation constituted such a serious threat to the republic: “Congress must decide when, and in what manner, [the power to tax] ought to be exercised, and this decision must be declared by a majority. When declared, it must be obeyed; otherwise the Constitution must be destroyed, with it all government, law and order must perish, and disunion, civil war, and anarchy must ensue.” His forces aimed to restore respect for the law and demonstrate that a disgruntled minority could not counter the will of the majority.<sup>229</sup>

As part of their mission to compel obedience and deference, MacPherson’s men tore down the regulators’ liberty poles. After receiving intelligence that “the people were in very

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<sup>228</sup> Steiner, *The Life and Correspondence of James McHenry*, 433-434; “To Alexander Hamilton from James McHenry, 15 March 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Hamilton/01-22-02-0331> [Original source: *The Papers of Alexander Hamilton*, vol. 22, *July 1798–March 1799*, ed. Harold C. Syrett, New York: Columbia University Press, 1975, pp. 539–542;] “From Alexander Hamilton to James McHenry, 18 March 1799,” *Founders Online*, National Archives, last modified February 1, 2018, <http://founders.archives.gov/documents/Hamilton/01-22-02-0344> [Original source: *The Papers of Alexander Hamilton*, vol. 22, *July 1798–March 1799*, ed. Harold C. Syrett, New York: Columbia University Press, 1975, pp. 552–553;] Newman, *Fries’s Rebellion*, 145-156.

<sup>229</sup> Chauncey Goodrich to Oliver Wolcott, Jr., April 1799, Oliver Wolcott, Jr; Papers (Connecticut Historical Society); William MacPherson, *William MacPherson, Brigadier General in the Army of the United States, Commanding the troops destined to act against the Insurgents in the Counties of Northampton, Montgomery, and Bucks, in the State of Pennsylvania*, Philadelphia, 1799 (The Library Company of Philadelphia).

great disturbance, and were everywhere raising Liberty-Poles,” MacPherson instructed Major Mahlon Ford, commander of a detachment of artillerists, to destroy the poles he encountered. “With respect to the Liberty, or more properly speaking Sedition Poles,” MacPherson wrote to Ford, “should any appear on your route, it’s my wish they should be cut down as they can be considered in no other light than as rallying points for the disaffected.” The men complied and felled the poles they found, which angered locals and Republicans throughout Pennsylvania.<sup>230</sup> The *Aurora* reported that the troops destroyed multiple liberty poles as part of their “system of terror” that also included entering homes in the middle of the night, requisitioning supplies from civilians without compensation, and abusing their prisoners.<sup>231</sup>

Within two weeks, MacPherson’s forces arrested thirty-one men and received bail from ninety-two others. At no point did they encounter any armed opposition. On April 16, Macpherson instructed Eyerly to attempt assessments in Upper Milford and Macungie “to ascertain whether the people, in the several counties where insurrections have existed, are now disposed to submit peaceably to the execution of the laws.” Eyerly reported back that the people had mounted no opposition to the assessments. On April 18, MacPherson wrote to Secretary of War James McHenry that his mission had concluded successfully.<sup>232</sup>

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<sup>230</sup> MacPherson’s forces cut down one pole in Millerstown and four poles in Reading. They likely cut down more, but these instances went unrecorded. *Aurora General Advertiser*, April 13, 1799, May 24, 1799. See Chapter Five for a more detailed examination of troops’ attacks on liberty poles and the political repercussions.

<sup>231</sup> Note of Information from Colonel Valentine Eckhart, April 12, 1799, MacPherson Family Papers (Historical Society of Pennsylvania); William MacPherson to Mahlon Ford, March 27, 1799, April 15, 1799, MacPherson Family Papers; *Aurora General Advertiser*, April 11, 1799; See also *Aurora General Advertiser*, April 13, 1799, April 16, 1799, May 21, 1799; The reports to the *Aurora* came from Thomas Leiper’s Fourth Troop of Philadelphia City Cavalry, a Republican unit. Leiper and his troop will be discussed in the next chapter. Albrecht Koschnik, *Let a Common Interest Bind us Together: Associations, Partisanship, and Culture in Philadelphia, 1775-1840* (Charlottesville: The University of Virginia Press, 2007), 127-128.

<sup>232</sup> William MacPherson to Jacob Eyerly, April 16, 1799, MacPherson Family Papers; Newman, *Fries’s Rebellion*, 157-162.



In May, Pickering received word that Eÿermann had made his way to New York and the Secretary of State instructed New York District Judge John Sloss Hobart to arrest the radical refugee. “This Eyeraman has been in America but two years and a half; and wears a clerical garb to cloak his licentiousness in morals as well as politics,” seethed Pickering. “I earnestly hope the miscreant may be arrested and secured.” The following month, New York officials apprehended Eÿermann and transported him to Philadelphia for trial.<sup>233</sup>

The U.S. Circuit Court indicted Eÿermann for violating the Sedition Law, as well as participating in a prison break and conspiring to oppose the Direct Tax Law. On October 16, he appeared in court before Judges Bushrod Washington and Richard Peters and plead “not guilty.” District Attorney William Rawle told the court that Eÿermann had spent his time in the United States “recommend[ing], both by his advice and example, an opposition to those laws by which the whole community were bound.” Rawle called a number of witnesses who confirmed that Eÿermann had preached opposition to the people of Hamilton “in a violent manner” instructing them “not [to] let the assessors take down their taxation.” In addition, Nichols testified “that Eyerman’s deliverance was a particular object” of Fries and his posse.<sup>234</sup>

As in Fairbanks’s sentencing, the prosecution blamed the defendant for the community’s opposition. Rawle asked several witnesses whether the people of Hamilton would have resisted the execution of the Direct Tax had it not been for Eÿermann. In every instance, they testified that Eÿermann had caused the opposition. “If this minister had not come into [our] neighborhood,” claimed one resident, “there would have been no disturbance there.” “I knew of no other person there who went about to advise the people to opposition,” stated another. Unable

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<sup>233</sup> Timothy Pickering to John Jay, May 21, 1799, Timothy Pickering Papers (Massachusetts Historical Society); Timothy Pickering to John Sloss Hobart, May 21, 1799, June 8, 1799, Timothy Pickering Papers; See Rawle Family Papers Box 6, Folder 3 for Eÿermann’s arrest warrant.

<sup>234</sup> *The Two Trials of John Fries*, 220-222; Newman, *Fries’s Rebellion*, 175-176.

to afford an attorney, Eÿermann did not mount a defense. He merely stated that any wrongdoing had been unintentional and asked the court for leniency, promising that “he would endeavor in the future course of his life to do better.”<sup>235</sup>

In his charge to the jury, Judge Washington upheld Rawle’s contention that Eÿermann had sparked the opposition in Hamilton Township. He asserted that citizens only oppose the government when someone “more knowing, and more wicked than the general mass of society, endeavors to advise and mislead the ignorant and unwary.” As for the prosecution’s case, Washington affirmed “that the proof is as clear against him as any thing [sic] can possibly be.” The jury deliberated for only fifteen minutes, returning with a verdict of “guilty” on all three counts. Washington sentenced Eÿermann to one year’s imprisonment and a fifty dollar fine.<sup>236</sup>

The courts convicted thirty-one others of conspiracy, unlawful assembly, and prison break. Jarret received the harshest sentence: a \$1,000 fine and two-years imprisonment. Fries and two others were found guilty of treason and sentenced to death. Eÿermann, Jarret, Fries, and thirteen others petitioned Adams for clemency. “We reflect with abhorrance [sic] on our past Conduct,” wrote Eÿermann, “and make the sacred Promise as before God, that in future through his Grace we will demean ourselves not only on our own part as peaceable and obedient Citizens but use all our Endeavours to encourage amongst our Neighbours the same spirit of true Citizenship.” Despite his cabinet’s advice to the contrary, Adams issued a general pardon to all insurgents on May 21, 1800, just two days before Fries was scheduled to hang. He later explained his reasoning, “What good? What Example would have been exhibited to the Nation

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<sup>235</sup> Deposition of John Synder, October 7, 1799, Rawle Family Papers; *The Two Trials of John Fries*, 223-224; See also, Deposition of John Lertas, February 1, 1799, Rawle Family Papers.

<sup>236</sup> *The Two Trials of John Fries*, 224-226; *Commercial Advertiser*, October 22, 1799.

by the Execution of three or four obscure miserable Germans, as ignorant of our Language, as they were of our Laws and the nature and definition of Treason?”<sup>237</sup>

Adams’s pardon intensified his feud with leading Federalists. He recently had made several other conciliatory gestures to the Republicans, including authorizing a second peace mission to France and removing McHenry and Pickering from his cabinet. After the pardons, several Federalists broke with Adams, believing that he had brokered a secret deal with Jefferson to secure a second term. Hamilton penned a vitriolic pamphlet condemning Adams and recommending Pinckney for president. Hamilton lambasted Adams for pardoning Fries, asserting that “it was impossible to commit a greater error.” He concluded that such an irresponsible decision could only be explained by conspiracy: “It shews [sic] him so much at variance with himself, as well as with sound policy, that we are driven to seek a solution for it in some system of concession to his political enemies.”<sup>238</sup>

But since the beginning of the tax resistance, Adams and his colleagues had described the Pennsylvania regulators as too ill-informed to understand their actions. During the regulation, leading Federalists described the participants as “ignorant & mulish,” “strongly prejudiced,”

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<sup>237</sup> “To John Adams from Jacob Eyermann, 5 June 1800,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-02-02-4398> “From John Adams to James Lloyd, 31 March 1815,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-02-02-6445>; *The Two Trials of John Fries*, 226; Newman, *Fries’s Rebellion*, 180-183; Several women also petitioned the president, see Susannah S. Woodrow, et al, “To the President of the United States,” Miscellaneous Manuscripts Collection, 1668-1983 (American Philosophical Society); Fries received two trials. Judge Iredell threw out the guilty verdict in the first after Fries’s attorney presented evidence that one of the jurors had publicly stated that Fries should be hanged. See Appendix II, *Two Trials of John Fries*; Newman, *Fries’s Rebellion*, 173.

<sup>238</sup> “Letter from Alexander Hamilton, Concerning the Public Conduct and Character of John Adams, Esq. President of the United States, [24 October 1800],” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Hamilton/01-25-02-0110-0002> [Original source: *The Papers of Alexander Hamilton*, vol. 25, *July 1800–April 1802*, ed. Harold C. Syrett, New York: Columbia University Press, 1977, pp. 186–234]; Newman, *Fries’s Rebellion*, 180-188; See also George Cabot to Oliver Wolcott, Jr., January 16, 1800, Oliver Wolcott, Jr. Papers; For an allegation that Adams consulted Fries’s lawyer’s opinions and not the judges’, see Timothy Pickering to Oliver Wolcott, Jr., June 24, 1800, Oliver Wolcott, Jr. Papers; Regarding Hamilton’s public letter, Jedidiah Morse commented that it would add “oil rather than water to the fire.” Jedidiah Morse to Oliver Wolcott, Jr., October 27, 1800, Oliver Wolcott, Jr. Papers.

“deluded,” and “silly.” They believed that a handful of rabble-rousers like Eÿermann and Fries had stirred an ignorant people to rebel. Allegedly most were too simple to understand their accusations against the government, nor could they comprehend the seriousness of their crimes. “The stupid Spirit of Insurrection which so blindly led the ignorant people of Northampton, was soon quelld [sic], by the appearance of some troops” summarized Abigail Adams. By casting the regulators as fools, the Adams administration dismissed the economic grievances articulated by Eÿermann.<sup>239</sup>

Eager to downplay the events in Northampton, the Republican press latched onto the idea that the regulators acted out of ignorance. “The people are a plain people – they have but a limited knowledge of the world,” explained the *Bee*. The paper also observed that the regulators’ “weapons” were merely “*ridicule and hot water*,” and so the Adams administration need not have sent in federal troops. Similarly, the *Aurora* emphasized that the Pennsylvanians’ “opposition was directed against a tax, of which they mistook the nature” and that local authorities could have dealt with the conflict. Like the Adams administration, the Republican press minimized the regulators’ economic critiques. They portrayed the regulation as a misunderstanding to which the Federalists characteristically overreacted.<sup>240</sup>

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<sup>239</sup> “To George Washington from James McHenry, 30 March 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Washington/06-03-02-0342> [Original source: *The Papers of George Washington*, Retirement Series, vol. 3, *16 September 1798–19 April 1799*, ed. W. W. Abbot and Edward G. Lengel Charlottesville: University Press of Virginia, 1999, pp. 451–452;] “To John Adams from Oliver Wolcott, Jr., 25 May 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-02-02-3559>; William MacPherson to Mahlon Ford, April 15, 1799, William MacPherson Papers; “From John Adams to Abigail Smith Adams, 11 March 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-03-02-0371>; “From Abigail Smith Adams to John Quincy Adams, 30 July 1799,” *Founders Online*, National Archives, last modified November 26, 2017, <http://founders.archives.gov/documents/Adams/99-03-02-0435>.

<sup>240</sup> *Bee*, January 8, 1800; *Aurora General Advertiser*, July 15, 1799.

Nathaniel Ames followed Fries's case from Dedham. "Fries, after nine days on trial before the Federal Court found guilty of Treason only for joining the old woman in Northampton County who poured her water on the base assessor attacking her windows!" he chronicled in his diary. Of course, he viewed the verdict as further evidence of Federalist corruption: "If opposing unconstitutional laws is worthy of death what are those worthy of who break down the great paramount Law the Constitution itself?" But when news of Adams's pardons reached him, Nathaniel did not celebrate. Mocking those who praised the president for this "good deed," Nathaniel observed that no free government should consider punishing "resisters of unconstitutional acts" in the first place.<sup>241</sup>

Despite Adams's last-minute reversal, the Federalists' actions over the past two years embittered many voters against the party. Initially, itinerant radicals like Brown and Eÿermann fed this backlash by describing the Federalists' economic policies as an attack on representative government, and so, American liberty. Their narrative clarified and intensified the threat that the Federalists posed. It also provided an alternate vision for the nation's political economy, one in which economic and political equality went hand in hand.<sup>242</sup>

But neither party took this economic vision seriously. Mainstream Republicans distanced themselves from the radicals and downplayed the unrest that they caused. The Federalists denounced all opposition to their legislation as disloyal and irresponsible. As the Republican leadership feared, the Federalists cited the radicals as examples of Republican firebrands who misled the people to rebellion with their inflammatory and deceitful rhetoric. "The main object of [Brown's] writings," raged an Andover man for the *Columbian Centinel*, "is to alarm the

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<sup>241</sup> Hanson, *The Diary of Dr. Nathaniel Ames*, 696; Warren, *Jacobin and Junto*, 125-126.

<sup>242</sup> Since both Brown and Eÿermann were itinerants, neither of them owed any money under the Direct Tax. For an emphasis on this point with regard to Eÿermann, see Philanthropist, "Something Respecting the Parson Eÿermann," October 20, 1799, in Rawle Family Papers.

Farmers, Mechanicks [sic], and Labourers, with an apprehension, that the preservation of their liberty and property depends on a thorough Revolution.”<sup>243</sup>

Indeed, the radicals did help to enact a revolution, albeit a peaceful one. By fuelling the popular reaction to the Federalists’ legislation, grassroots activists assisted the Republican leadership in provoking a revolt at the polls at the close of the decade. “The people must wake at last,” predicted Nathaniel in the spring of 1799. “Such reiterated insolence of the British Junto cannot long be borne.” But although the radicals helped ensure Republican victories in 1799 and 1800, they would ultimately be disappointed by the party leadership’s relative conservatism once established in power.<sup>244</sup>

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<sup>243</sup> *Columbian Centinel*, March 27, 1799.

<sup>244</sup> Warren, *Jacobin and Junto*, 119.

**From Poles to Polls:  
The Elections of 1799 and 1800**

*“Let that party set up a broomstick, and call it a true son of Liberty, a Democrat, or give it any other epithet that will suit their purpose, and it will command their votes in toto!”*

*- George Washington, July 21, 1799*

In the winter of 1799, the residents of Small Lotts, New Jersey raised a liberty pole with a liberty cap and a flag that read “WE WILL DEFEND OUR RIGHTS.” The *Centinel of Freedom* praised this political display: “[the pole], although the neighborhood is small where it was erected, is evincive of the patriotic spirit that actuates them, and augurs much good at the next election.” The paper cheered the Small Lotts pole, and those elsewhere, as signs of a Republican wave soon to crash over the Federalists and wash them out of office. In response, however, the Federalists stepped up their attacks on liberty poles and pole-raisers.<sup>245</sup>

On the afternoon of April 3, 1799, Isaac Feather, a German innkeeper in Reading, Pennsylvania, heard the front window of his house shatter. When he went outside to investigate, he found fifteen men of the Lancaster Troop of Horse standing in his yard. The militiamen seized Feather and demanded that he cut down the “damned liberty pole” that stood in front of his house. The men warned Feather that if he should hesitate or resist, “they would run their swords through [his] body.” Once Feather downed the pole, the men departed.<sup>246</sup>

That April, militiamen waged a two-day campaign against liberty poles in Reading, which sparked a partisan firestorm in the press and led to the beating of two newspaper editors. In Pennsylvania, the Republican press highlighted these events during the state’s gubernatorial contest to turn popular opinion against the Federalists. The Republican party repeated this tactic

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<sup>245</sup> *Centinel of Freedom*, March 12, 1799.

<sup>246</sup> *Aurora General Advertiser*, May 24, 1799.

in the 1800 presidential campaign, emphasizing the Adams administration's repressive legislation, violent troops, and assault on free speech.

The Pennsylvania governor's race of 1799 and the presidential election of 1800 formed a referendum on the power of the citizenry in a republican government. Unhappy with the Federalists' muzzling of popular protest, Republicans fought back electorally. Ironically, they used their vote to counter their rivals' claim that citizens only had a political role through elections. But these Republican victories contained a further irony: with the "friends of the people" in office, grassroots Republicans abandoned the extra-institutional regulatory tradition and the Federalists, once in opposition, refused to revive it. By the 1820s, Americans raised liberty poles to celebrate the government's achievements and demonstrate support for elected officials.

**I. READING<sup>247</sup>**

*"The sedition which began in the county of Northampton, ran in a vein through the counties of Berks and Dauphin, spreading the infection by means of liberty poles."* - Alexander Graydon, *Memoirs of his own Time*, 1846

During the 1799 regulation, eastern Pennsylvanians erected nineteen liberty poles as part of their resistance to the Direct Tax, Stamp Tax, and Alien and Sedition Laws.<sup>248</sup> Communities gathered together to construct their poles, adorn them with political messages, and toast to their cause. Henry and Peggy Lynn Hembolt hosted a pole-raising at their home in Montgomery County on the evening of December 22, 1798. The Hembolts and their friends passed around whiskey and cider while they made their decorations: a liberty cap and a board that read, "The

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<sup>247</sup> The "Reading" and "McKean" sections are drawn from Shira Lurie, "Liberty Poles and the Fight for Popular Politics in the Early Republic," *Journal of the Early Republic* 38, no; 4 (Winter 2018): 673-697.

<sup>248</sup> I derived this number from evidence contained in the Rawle Family Papers (Historical Society of Pennsylvania) and contemporary newspapers; For more on the 1799 regulation, see Chapter Four.



Constitution Sacred, No Gagg [sic] Laws, Liberty or Death.” Regulators like the Hembolts used liberty poles to express resistance and link it to the Revolution.<sup>249</sup>

But the soldiers and militiamen sent to put down Fries’s Rebellion resented the poles, especially Captain William Montgomery’s Lancaster Troop of Horse. Montgomery and his troop were prominent Federalist leaders in their community. Montgomery and nine of his men served on a committee of correspondence supporting James Ross, the Federalist candidate for governor in 1799. Indeed, Ross had been Second Lieutenant of the Lancaster Troop earlier in the decade. Several men of the troop represented Lancaster in the state legislature, and two, Thomas Boude and Robert Jenkins, sat as Federalists in Congress from 1801 to 1803 and 1807 to 1811 respectively. The Lancaster Troop’s Federalist politics placed them at odds with the Pennsylvania regulators, especially the pole-raisers. Several Lancaster Troopers signed a circular denouncing those “who falsely call themselves Republicans, who are opposed to the whole administration of the Federal Government; and under the pretense of supporting the Constitution, are assailing it with all the Arts that malice can invent.”<sup>250</sup>

As the Lancaster Troop set out in the spring of 1799, their orders were to rendezvous in the Borough of Reading in Berks County with several other troops before riding on to Northampton. When the troop arrived in Reading, they were disgusted to discover that four

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<sup>249</sup> Deposition of James Jackson, October 23, 1799, Rawle Family Papers; Newman, *Fries’s Rebellion*, 3.

<sup>250</sup> Edward Hand, “Circular,” Lancaster, 1799, Library Company of Philadelphia; *Circular Letter*, Philadelphia, Apr. 4 1799, Library Company of Philadelphia; “Circular,” *Philadelphia Gazette and Universal Daily Advertiser*, Apr. 11, 1799; *Kline’s Carlisle Weekly Gazette*, Apr. 17, 1799; “Circular,” *The Universal Gazette*, May 23, 1799; Alexander Harris, *A Biographical History of Lancaster County* (Lancaster, PA, 1872); I. Daniel Rupp, *History of Lancaster County* (Lancaster, PA, 1844); There is no complete muster or payroll list for the Lancaster Troop of 1799. As Constable for Reading, George Shoemaker identified John Frey, Adam Reigart, and Tobias Cryder as involved in the whipping of Schneider. See *Aurora General Advertiser*, May 24, 1799; For all other names, I have used the 1794 Payroll obtained from the Lancaster Historical Society.

residents had raised liberty poles on their properties. Viewing the poles as an insult to government, the Lancaster Troop made their way to the offenders' homes.<sup>251</sup>

On the morning of April 3, fifteen members of the Lancaster Troop arrived at the house of Jacob Gossin, a blacksmith. They seized Gossin's workmen, pointed their pistols and swords at him, and demanded that he destroy the liberty pole in his yard or they would pull down his house. "Like highwaymen," Gossin described, "with a pistol in one hand and a sword in the other, they approached me, threatening to dispatch me instantly, if I uttered one word." As Gossin hesitated, one of the men kicked his child and threatened his wife. When Gossin still refused to fell his pole, the militiamen seized his axe and downed it themselves. They then rode on, carrying away Gossin's axe.<sup>252</sup>

The troop went next to the home of John Strohecker, a mason, arriving at noon. While Strohecker and his family ate lunch, the Lancaster Troop entered his home. Inside, they found a small wooden pole with a rag on top; a pretend liberty pole that Strohecker's children had made. The men took the pole outside and cut it to pieces "to the great terror of the children." They reentered the house, according to Strohecker, "with their swords drawn, cursing and swearing

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<sup>251</sup> We have the names of five of the Reading pole-raisers, since they offered sworn accounts of their treatment at the hands of the Lancaster Troop. Jacob Gossin had emigrated from Germany in 1788 with his wife and two children. John Strohecker, Isaac Feather, and Jacob Epler were all of German descent and Revolutionary War veterans. No records exist for Rudolph Sample. *Aurora General Advertiser*, May 24, 1799; *The Universal Gazette*, May 30, 1799; *Herald of Liberty*, June 10, 1799; William Henry Egle, *Names of Foreigners who took the Oath of Allegiance to the Province and State of Pennsylvania, 1727-1775, with the foreign arrivals, 1786-1808* (Baltimore: Genealogical Publishing Co., 1967), 533; Ellwood Roberts, *Biographical Annals of Montgomery County, Pennsylvania* (Montgomery: T.S. Benham, 1904), 187; *Laws enacted in the third sitting of the eleventh General Assembly of the Commonwealth of Pennsylvania* (Philadelphia: T. Bradford, 1787), 320; Morton L. Montgomery, *History of Berks County, Pennsylvania, in the Revolution, from 1774 to 1783* (Reading: C;F; Haage, 1894), 207; *Lineage Book – National Society of the Daughters of the American Revolution*, vol. 50 (Washington, D.C.: Judd & Detweiler, Inc, 1922), 189; *Lineage Book – National Society of the Daughters of the American Revolution*, vol. 53 (Washington, D.C.: Judd & Detweiler, Inc, 1922), 126-127; *The Free Press*, September 30, 1820; *State of the accounts of Jacob Morgan, Senior, late lieutenant of Berks County, from March 1777 to March 1780* (Philadelphia: Robert Aitken, 1783), 15; Epler volunteered for multiple Republican committees of correspondence and served in the state assembly in 1804; *The Oracle of Dauphin & Harrisburgh Advertiser*, October 20, 1804; *Aurora General Advertiser*, June 18, 1806; November 24, 1807.

<sup>252</sup> These details are taken from Gossin, Strohecker, Sample, Feather, Epler, and Schneider's sworn testimony printed in the *Aurora General Advertiser*, May 24, 1799.

most profanely and violently.” The troopers stole several of Strohecker’s rudders, as well as the rag that had adorned the children’s pole.<sup>253</sup>

The militamen next visited Rudolph Sample. As he exited his house, they surrounded him and ordered that he cut down the liberty pole that stood a few yards from his front door. Sample refused. The men then pointed their swords at him, insisting, Sample claimed, “that in case I made the smallest hesitation, they would beat me in a manner that would make me repent my non-compliance.” Sample acquiesced and felled his liberty pole under the watchful eyes of the troopers, who next rode for Isaac Feather’s house.<sup>254</sup>

Word of the Lancaster Troop’s campaign circulated through Reading that evening. The following morning, Jacob Epler and his neighbors stood guard at the liberty pole near his house. The Lancaster Troop approached Epler’s property, but stopped about eighty yards away upon seeing the armed defenders. After a brief parlay between the two parties, the men of the troop admitted that they had no formal orders to cut down the liberty pole. They then rode away for Northampton, allowing Epler’s pole to remain standing, eliciting cheers from his supporters.<sup>255</sup>

On April 9, the local Republican newspaper, the *Reading Adler*, printed an article by the pseudonymous “A Friend to Truth,” who condemned the troopers’ harassment of the people of Reading. The author detailed their trip through the area and alleged that this “party of banditti” terrorized women and children in their crusade against “the Ensign of true Liberty.” “A Friend to Truth” also claimed that the militiamen had flogged a young boy who begged them not to throw pieces of a torn-down liberty pole into the Schuylkill River. The author denounced the violence

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<sup>253</sup> These details are taken from Gossin, Strohecker, Sample, Feather, Epler, and Schneider’s sworn testimony printed in the *Aurora General Advertiser*, May 24, 1799.

<sup>254</sup> These details are taken from Gossin, Strohecker, Sample, Feather, Epler, and Schneider’s sworn testimony printed in the *Aurora General Advertiser*, May 24, 1799.

<sup>255</sup> These details are taken from Gossin, Strohecker, Sample, Feather, Epler, and Schneider’s sworn testimony printed in the *Aurora General Advertiser*, May 24, 1799.

as suited only to “a country where despotism prevails.” To the Lancaster Troop, these were fighting words.<sup>256</sup>

Eleven days after the *Reading Adler* ran the condemnatory article, the Lancaster Troop rode back to Reading to await their discharge from MacPherson. Robert Goodloe Harper, a Federalist from South Carolina who was serving as MacPherson’s aide-de-camp, accompanied them. As a congressman, Harper had helped to formulate the Alien and Sedition Acts and campaigned vigorously for their passage. He firmly believed that only a strong federal government and a large standing army could protect Americans from the French menace. Any attempt to challenge that authority posed a national security risk. Accordingly, when the *Reading Adler* criticized the federal force, Harper led the Lancaster Troop to the newspaper’s door.<sup>257</sup>

Upon arriving in Reading, Harper and the troopers barged into the printing office and accosted the editor, Jacob Schneider. They demanded to know the identity of “A Friend to Truth,” but Schneider refused. “Like banditti of robbers and assassins,” he reported, they “with violence forced me out of my office . . . damning themselves if I did not proceed instantly without the smallest resistance, they would with their swords split my scull [sic], cut off my head, &c.” The men marched Schneider to a nearby inn where Captain Montgomery lodged. He interrogated Schneider, who still withheld the name of the author. Infuriated, Montgomery promised that the tight-lipped editor would “feel the effects of our displeasure for six months at least.” The captain ordered his men to take Schneider to the Market House and give him twenty-five lashes. Forced to strip at gunpoint, Schneider felt six cracks of the Lancaster Trumpeter’s

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<sup>256</sup> *Aurora General Advertiser* May 13, 1799 (translated from the *Reading Adler*, April 9, 1799); See Newman, *Fries’s Rebellion*, 80 for more information on the *Reading Adler*.

<sup>257</sup> Joseph W. Cox, *Champion of Southern Federalism: Robert Goodloe Harper of South Carolina* (Port Washington: Kennikat Press, 1972), 145-156; C. W. Sommerville, “Robert Goodloe Harper” (PhD Diss., Johns Hopkins University, 1899), 10-13; Newman, *Fries’s Rebellion*, 162; Bernard C. Steiner, *The Life and Correspondence of James McHenry: Secretary of War under Washington and Adams* (Cleveland: The Burrows Brothers Company, 1907), 433-434.

cowhide whip before Captain Thomas Leiper's Fourth Troop of Philadelphia City Cavalry, a Republican unit, intervened to stop the violence.<sup>258</sup>

The Fourth Troop objected to Schneider's abuse at the hands of Federalist soldiers. Leiper, a wealthy tobacco merchant, had had served as a sergeant during the War of Independence and later belonged to the First Troop of Philadelphia City Cavalry, a Federalist volunteer unit. In 1794, the troop elected Leiper as a lieutenant. However, that October, Leiper resigned due to an "indisposition." His resignation coincided with the First Troop's participation in quashing the Whiskey Rebellion, suggesting that Leiper left the troop for ideological reasons. Indeed, Leiper had criticized the whiskey excise since its passage in 1791. Soon after leaving the First Troop, Leiper established his own Republican Philadelphia City Cavalry. During the late 1790s, he became a financial backer of the *Aurora*, a regular chair of Republican meetings, and corresponded with Jefferson. In their 1799 Fourth of July toasts, Leiper's Fourth Troop endorsed Republican candidate Thomas McKean for governor. They also criticized the Lancaster Troop by insisting that militia should "be conspicuous for discipline and respect for the laws."<sup>259</sup>

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<sup>258</sup> *Herald of Liberty*, May 20, 1799 (translated from the *Reading Adler*, April 23, 1799); *Aurora General Advertiser*, May 24, 1799 (translated from the *Reading Adler*, April 23, 1799).

<sup>259</sup> *By-Laws, Muster-Roll, and Papers Selected from the Archives of the First Troop Philadelphia City Cavalry, from November 17, 1774 to March 1, 1856* (Philadelphia: J.B. Smith and Co., 1856), 16, 55; Albrecht Koschnik, *Let a Common Interest Bind us Together: Associations, Partisanship, and Culture in Philadelphia, 1775-1840* (Charlottesville: The University of Virginia Press, 2007), 99, 134; Andrew Shankman, *Crucible of American Democracy: The Struggle to Fuse Egalitarianism & Capitalism in Jeffersonian Pennsylvania* (Lawrence: University of Kansas Press, 2004), 47-48; *Aurora General Advertiser*, July 9, 1799; Leiper and several citizens of Reading, including Schneider, later recommended First Lieutenant John Smith of the Fourth Troop to Thomas Jefferson for a federal appointment. Jefferson made him marshal of the eastern district of Pennsylvania; See notes of "To Thomas Jefferson from John Smith, 11 March 1801," Founders Online, National Archives (<http://founders.archives.gov/documents/Jefferson/01-33-02-0204> [last update: 2015-02-20]; Source: *The Papers of Thomas Jefferson*, vol. 33, *17 February-30 April 1801*, ed. Barbara B. Oberg; (Princeton: Princeton University Press, 2006), 246-247; "To Thomas Jefferson from Thomas Leiper, 8 March 1801," Founders Online, National Archives (<http://founders.archives.gov/documents/Jefferson/01-33-02-0175> [last update: 2015-02-20]; Source: *The Papers of Thomas Jefferson*, vol. 33, *17 February-30 April 1801*, ed. Barbara B; Oberg (Princeton: Princeton University Press, 2006), 215-217.

After his whipping, Schneider applied to the local magistrate for warrants to arrest his attackers, but Montgomery blocked those arrests. Then he marched his troop out of Reading the next evening. Republicans denounced the Lancaster Troop's violence and evasion of arrest as a dangerous precedent. The *Aurora* challenged its readers, "After the outrages which were committed . . . in Reading, which of you will say, that it may not be his turn next, to be assaulted in his house and treated with barbarian fury?"<sup>260</sup>

In contrast, the Federalists described the events in Reading as an essential defense of law and order. Gottlob Jungman's *Weekly Advertiser of Reading*, a Federalist rival to the *Reading Adler*, claimed that Captain Montgomery and his troop had, in fact, met no opposition in their quest to rid Reading "of those Nuisances which have so long reared their audacious heads and waved their flags as a signal for sedition and defiance to the Laws." Omitting the vigorous defense of Epler's pole, Jungman maintained that the troop felled the poles without any complaint or interference from the community. As for the whipping, he contended that the *Reading Adler's* charges were so outrageous and unwarranted that they entitled the Lancaster Troop to seek satisfaction. While Jungman clarified that he did not condone extralegal violence, he emphasized that Schneider must have foreseen the possibility that "*his* hide would pay" when he decided to publish the article.<sup>261</sup>

Other Federalists on the Northampton expedition also came to the Lancaster Troop's defense. On May 10, Harper and Jonathan Williams, another of MacPherson's aides-de-camp, wrote to the *Aurora* to vindicate Montgomery and his troopers. Like Jungman, they denounced the "sedition poles" as an attempt to undermine representative government and the laws of the nation. Harper and Williams contested the accusations of misconduct during the expedition. The

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<sup>260</sup> *Aurora Daily Advertiser*, May 21, 1799.

<sup>261</sup> *The Weekly Advertiser of Reading*, April 6, 1799, April 27, 1799, May 25, 1799.

militiamen “confined themselves, entirely to cutting down the Sedition-poles” and did so with “the utmost propriety towards the inhabitants.” Harper and Williams conceded that the troop did confront Schneider at his printing office after hearing of the *Reading Adler*’s spurious charges against them. However, in their version of events, Schneider confessed that he had written the condemnatory article. The trumpeter administered six lashes not for withholding the identity of “A Friend to Truth,” as Republican reports had claimed, but for admitting that he was the author.<sup>262</sup>

The Federalist press rallied to Harper’s and Williams’s version of events. *The Philadelphia Gazette* extolled the two men’s “candor and politeness,” stating “we could not desire a more clear or dispassionate refutation of the various slanderous imputations which have recently issued from the Aurora.” *Porcupine’s Gazette* insisted that the letter provided “an ample refutation of the infamous falsehoods, promulgated through the channel (or rather the gutter) of the [Aurora].” Federalists saw cutting down liberty poles and punishing a libelous editor as appropriate forms of popular action. In this version, Montgomery and his men had acted to restore obedience to an elected government among a rebellious minority of Pennsylvanians.<sup>263</sup>

The Federalists contested only two aspects of Republican reports. The Federalists denied that the pole-raisers and their neighbors had defended their liberty poles or that the militiamen had mistreated the people of Reading. The Federalists claimed instead that the Lancaster Troop had met no opposition as they passed through the area and so required no coercive methods. This narrative of events stripped the liberty poles of their symbolic power to stand for the popular will

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<sup>262</sup> *Aurora General Advertiser*, May 13, 1799; *The Universal Gazette*, May 16, 1799.

<sup>263</sup> *The Philadelphia Gazette and Universal Daily Advertiser*, May 13, 1799; *Porcupine’s Gazette*, May 15, 1799.

and enabled the Federalists to claim that the troop fulfilled the majority's wishes by destroying them.

In response to Harper's and Williams's account, the *Aurora* printed a letter to the editor by "Marcellus" who reminded his readers "*Sedition poles* are what were called in 1776, '*liberty poles*.'" He asserted that the Lancaster Troop had committed illegal acts of trespass and violent intimidation, for which the *Aurora* had provided "full and decisive evidence." Marcellus cited the admission of Schneider's whipping as proof that the troop did not "confi[n]e themselves to cutting down Sedition poles" as the Federalists had claimed. "And yet," Marcellus concluded, "Mr. Harper sets up for a lover of law and order and an enemy to Jacobins – and he expects the public to give credit to what he says!"<sup>264</sup>

Republican fury intensified after General MacPherson and President Adams commended Montgomery and his men for their "orderly and soldier-like conduct" in suppressing Fries's Rebellion. To Pennsylvania Republicans, this high-ranking approval demonstrated the administration's complicity in the violence. The *Herald of Liberty* criticized the President's "audacity" in thanking militiamen who acted more like "the cruel master of a Turkish Galley, than men who were sent by the President to enforce Law & Good Order." The *Aurora* similarly denounced MacPherson, who "said much about the fitness of obedience to the laws; but whether he performed his promises, and whether he manifested *his* respect and reverence for the laws, let the case of SCHYNDER [sic] declare, which happened under his nose."<sup>265</sup>

Republicans and Federalists used their press coverage of the incident to advance their own ideas of the role of citizens in politics. Because Federalists linked liberty with order, they

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<sup>264</sup> *Aurora General Advertiser*, May 14, 1799.

<sup>265</sup> *Herald of Liberty*, August 12, 1799; *Aurora General Advertiser*, May 6, 1799; For MacPherson's remarks, see *The Universal Gazette*, May 16, 1799.



commended the men for practicing a popular politics of assent that reinforced government authority. Indeed, the Lancaster Troop had acted within its mandate to compel obedience to the law. Jungman explained, “Every unprejudiced mind will at once acknowledge that Captain MONTGOMERY and his Troop have conducted themselves in a manner suitable to what their appearance lead [sic] us to expect they would, viz. – As GENTLEMEN and MEN OF HONOUR.”<sup>266</sup>

To Republicans, however, the Lancaster Troop’s campaign against the people of Reading offered further proof of Federalist misrule. The troop’s assault on political expression would, according to “A Friend to Truth,” “be more apt to excite the people to insurrection and raise them against their government, than to enforce obedience and peaceable quietness.” They regarded the Federalists as posing the greatest threat to national stability because of their intolerance of popular political participation.<sup>267</sup>

The *Aurora*’s coverage of the Northampton expedition led to another confrontation at a Republican printing office. Leiper and his men submitted letters to the *Aurora* detailing the misconduct by Federalist troops. The Republican militiamen described troops breaking into houses in the middle of the night, requisitioning supplies and billeting in civilian homes without compensation, cutting down liberty poles, and burdening prisoners with heavy chains and long marches. “Had I conceived that some things which I have witnessed here, could have taken place, I should never have given my assent to march a mile on the expedition,” wrote one disgusted correspondent. Leiper’s men stressed that the guilty parties in Northampton surrendered voluntarily and displayed no violent sentiment. They contended that a force of such

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<sup>266</sup> *Weekly Advertiser of Reading*, April 27, 1799.

<sup>267</sup> *Aurora General Advertiser* May 13, 1799 (translated from the *Reading Adler*, April 9, 1799).

size imposed an unnecessary burden on the local population and displayed a foolish flexing of federal muscle.<sup>268</sup>

On May 15, John Morrell, captain of the Third Troop of Philadelphia City Cavalry, and his lieutenant, Pieter Miercken, entered the *Aurora*'s printing office and demanded to know who had written the letters. The editor, William Duane, refused to name the authors. The men left, but returned two hours later with thirty reinforcements. The group descended upon Duane, hitting him several times. They then dragged him out of his office by the throat emitting, according to Duane, "war-whoop[s]" like "federal savages." Once outside, the men continued to rain down blows, eventually also using a cowskin. The assailants left Duane unconscious in the street.<sup>269</sup>

In the attack's aftermath, Duane linked his assault to the precedent set by the Lancaster Troop in Reading. After authorities ignored such a blatant contravention of justice, Duane maintained, "it was hardly to be expected that any *republican* printer or editor should be exempt from similar violence." In fact, Duane contended that his attackers whipped him "in imitation of *Captain Montgomery*" and his men. Frustrated by the authorities' inaction and fearful of further assaults, Pennsylvania Republicans pinned their hopes for change on the upcoming gubernatorial election.<sup>270</sup>

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<sup>268</sup> *Aurora General Advertiser*, May 16, 1799, April 11, 1799, April 13, 1799, April 16, 1799, May 21, 1799; Albrecht Koschnik, *Let a Common Interest Bind us Together: Associations, Partisanship, and Culture in Philadelphia, 1775-1840* (Charlottesville: The University of Virginia Press, 2007), 127-129; *Gazette of the United States*, May 15, 1799; *Herald of Liberty*, June 3, 1799; *The Philadelphia Gazette & Universal Daily Advertiser*, May 15, 1799; *The Universal Gazette*, May 23, 1799; *Minutes of Examination, taken in short notes on the trial of the rioters, for a riot and assault on William Duane, on the 15 May, 1799, trial 28 April, 1801*, 1970, NCR Microcard Editions, 1-24; Some details of Duane's account were refuted by *The Philadelphia Gazette & Universal Daily Advertiser*, May 16, 1799.

<sup>269</sup> *Aurora General Advertiser*, May 21, 1799; *Minutes of Examination*, 1-6.

<sup>270</sup> *Aurora General Advertiser*, May 16, 1799, May 21, 1799.

## II. McKEAN

*“The conduct of the Lancaster troop ought to awaken [the citizenry] to a sense of danger. If such is federalism, it is highly time they understand it and guard against it.”*

*- Aurora General Advertiser, April 30, 1799*

With incumbent Thomas Mifflin not running, the 1799 race for the governor’s chair pitted Republican Thomas McKean against Federalist James Ross. McKean served as Chief Justice of the Pennsylvania Supreme Court, and Republicans celebrated his credentials as a signatory to the Declaration of Independence and veteran of the Revolutionary War. In contrast, Ross had avoided military service and, as a Senator, had helped to write the Sedition Bill. Republicans underscored these political sins by linking Ross to the events in Reading. They contended that, if elected, Ross would rule as a despot who would rob Pennsylvanians of their liberties. He was, as one article insisted, “the candidate of *the Lancaster county* troop.”<sup>271</sup>

Republican writers adopted the idea of the partisan “dupe” pioneered by the Federalists and hoped that the Federalists’ recent violence would open the people’s eyes to the deceit. “Numbers have been induced to join their party, not from an evil design, but merely from thinking them the real friends to the country,” observed Philip Morin Freneau, a Republican writer and newspaper editor. But the Federalists have “thrown off the mask” for “Captain *Montgomery’s* new method of *preserving the laws inviolate*, have clearly exhibited the cloven foot.” The Republican press insisted that the recent attacks proved that the Federalists were tyrants who must be vigilantly opposed: “The conduct of the Lancaster troop ought to awaken [the citizenry] to a sense of danger. If such is *federalism*, it is highly time they understand it and

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<sup>271</sup> *Aurora General Advertiser*, April 30, 1799; For Republican descriptions of McKean and Ross, see, for example, A Citizen, “To the Electors of Cumberland County,” Philadelphia, 1799 (Library Company of Philadelphia).

guard against it.” With Ross as governor, any Republican who attempted to express dissent “will be served, according to the examples you have seen in Reading and Philadelphia.”<sup>272</sup>

The Federalists, on the other hand, warned that a Republican governor would exacerbate instability. By electing a Federalist, citizens could “suppress the spirit of anarchy and insurrection; [and] retain the true republican characteristics – equality of rights and subjection to the constitution and laws established by the will of the whole society.” Federalists alluded to both the Whiskey Rebellion and Fries’s Rebellion as evidence that Pennsylvania Republicans were riotous and could not be entrusted with power. Alexander Addison and several members of the Lancaster Troop served on committees of correspondence in support of Ross, believing that only his election would ensure the “happiness and tranquility of the state.”<sup>273</sup>

But the Republican press flipped their opponents’ accusations of disorder and claimed instead that the Federalist troops’ lawlessness proved that Ross and his ilk posed the real threat of anarchy. “Let the people look to the case of SCHYDER [sic],” declared the *Aurora*. “No man can say, that his turn may not come to be tied up to a post and whipped at the discretion of a banditti - If the laws are no longer to protect the citizen, let it be publicly announced, that each citizen may arm himself and prepare for his defense.” The *Herald of Liberty* concurred, arguing that “the extreme indifference” with which the administration viewed such “a flagrant breach of the law by a military force” demonstrated that “our Liberty is only the phantom of a skeleton, & our Constitution truly, a bundle of miserable shifts and expedients.”<sup>274</sup>

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<sup>272</sup> Philip Morin Freneau, *Letters on Various Interesting and Important Subjects* (Philadelphia: D. Hogan, 1799), 30 (Library Company of Philadelphia); *Aurora General Advertiser*, April 30, 1799, July 30, 1799.

<sup>273</sup> “Philadelphia Circular,” May 27, 1799 (Library Company of Philadelphia); Samuel Postlethwaite “Circular Letter,” March 6, 1799 (Historical Society of Pennsylvania); For more of Addison’s campaign activities, see, for example, Alexander Addison, “Copy of a Letter from Alexander Addison. . .to the Reverend Nathaniel Grier,” (Historical Society of Pennsylvania).

<sup>274</sup> *Aurora General Advertiser*, May 6, 1799; *Herald of Liberty*, August 12, 1799; See also *Aurora General Advertiser*, May 21, 1799; See *Aurora General Advertiser*, May 14, 1799 for accusation that the Lancaster Troop acted like Jacobins.

By August, Pennsylvania Republicans felt confident that the events in Reading had increased anti-Federalist sentiment among voters. Elijah Griffiths, a doctor at the Philadelphia almshouse, wrote to Thomas Jefferson that “the whipping business which follow’d the Northampton expedition” had soured many in Pennsylvania against the Federalists. He had “no doubt of Mr. McKean’s being Elected to the Governor’s chair by a very respectable majority.” Washington, too, saw a connection between liberty poles and Republican electoral prospects. In a letter to Jonathan Trumbull, he lamented, “Let that party set up a broomstick, and call it a true son of Liberty, a Democrat, or give it any other epithet that will suit their purpose, and it will command their votes in toto!” He added, “As an analysis of that position, look to the pending Election of Governor, in Pennsylvania.”<sup>275</sup>

As the Republican press had hoped, and Griffiths and Washington had prophesized, McKean won with 53 percent of the popular vote that November. With the memory of the Lancaster Troop’s treatment fresh in their minds, Reading Republicans turned out in record numbers on election day. In the Congressional and Presidential elections of 1796, Reading’s Berks County had voted only 43 percent and 55 percent Republican respectively. In the 1798 Congressional election, however, that number rose to 69 percent. In the 1799 gubernatorial election, the county voted 84 percent Republican. In the Borough of Reading, voters delivered 86 percent for McKean. Statewide voter turnout for the previous three gubernatorial contests had hovered around 30 percent. For the election of 1799, this figure jumped to 57 percent. In Berks

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<sup>275</sup> Elijah Griffiths to Thomas Jefferson, August 4, 1799; *The Papers of Thomas Jefferson Digital Edition*, ed. Barbara B. Oberg and J. Jefferson Looney (Charlottesville, 2015); George Washington to Jonathan Trumbull, Jr., 21 July 1799” *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Washington/06-04-02-0165> [Original source: *The Papers of George Washington*, Retirement Series, vol. 4, *20 April 1799–13 December 1799*, ed. W. W. Abbot Charlottesville: University Press of Virginia, 1999, pp. 201–204.]

County, 80 percent of all registered men voted in the election. The 1799 election found the people of Reading more politically engaged and anti-Federalist than ever before.<sup>276</sup>

Still, McKean was an unlikely champion for liberty pole-raisers and their allies. Only five years earlier, pole-raisers had burned McKean in effigy for his criticism of Pennsylvanians who violently opposed the Whiskey Excise Tax. While he moved from the political middle to the Republican side over the next few years, he never publicly changed his position against extralegal protest. Nevertheless, in 1799, the vast majority of Reading men cast their vote for him. Their recent tangle with Federalist troops helps explain McKean's overwhelming success in Reading. *The Oracle of Dauphin and Harrisburgh Advertiser* reminded readers during the campaign, "much depends upon the election of a firm Republican for governor."<sup>277</sup>

The 1799 gubernatorial election in Pennsylvania offered a rehearsal for the presidential election of 1800. Republicans had seen the success of emphasizing Federalist misconduct. They positioned a vote for Jefferson as the best, and perhaps last, step to defend American liberty and liberty poles. But as in Pennsylvania, Republicans rallied behind a candidate who ultimately did not share their views on extra-institutional protest and regulation.

### III. 1800

*"May the example of Pennsylvania be followed by the Union."*

*- Citizens of Potts Grove, November 8, 1799*

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<sup>276</sup> Lampi Collection of American Electoral Returns, 1788-1825; – American Antiquarian Society, 2007; Kenneth W. Keller, *Rural Politics and the Collapse of Pennsylvania Federalism* (Philadelphia, 1982), 40-41; Curtis Gans and Matthew Mulling, *Voter Turnout in the United States, 1788-2009* (Washington, D.C., 2011), 44-57; Since Thomas Mifflin ran with bipartisan support in the two preceding gubernatorial elections, I did not use those statistics as reliable indicators of Republican strength. In the 1802 gubernatorial election, Reading voted 88 percent Republican. In 1805, this number dropped to 71 percent and continued to decline thereafter. The Federalists received a 53 percent majority in Reading in 1814.

<sup>277</sup> *Oracle of Dauphin and Harrisburgh Advertiser*, May 22, 1799; Examination of Francis Gibson, September 29, 1794, Rawle Family Papers (Historical Society of Pennsylvania); For more on McKean during the Whiskey Rebellion, see Chapter Two; For McKean's conversion to Republicanism, see Chapter Three.

The Republicans celebrated McKean's victory as the beginning of a positive shift in the party's political fortunes. After the election, James Monroe wrote to the new governor to congratulate him and augur his victory as a sign of things to come. "I considered [your election] as the happy commenc[e]ment of a change in our political system," he wrote. "I trust we are daily gaining ground, and that the election which is to take place this fall will secure for us – those liberties we acquired by revolution." McKean also believed that the tide of public opinion had turned against the Federalists. "I can assure you there is now a strong counter-current," he told Samuel Adams, "and our old fashioned republican principles are once more become fashionable."<sup>278</sup>

As the Republican elite celebrated, their supporters similarly cheered the dawning of a new era. "May the example of Pennsylvania be followed by the Union," cried the citizens of Potts Grove in Montgomery County as they toasted McKean's triumph. "Rarely has so great a cha[n]ge taken place in the minds of any people, as the State of Pennsylvania," declared the *Herald of Liberty*. Confident in their ability to replicate McKean's victory, Republicans anticipated the 1800 presidential contest with excitement and expectation.<sup>279</sup>

Echoing the McKean campaign, the Republican press reminded its readers of the objectionable legislation of 1798 and argued that another Federalist electoral victory would guarantee a further assault on individual liberty. Charles Pinckney, cousin of the Federalist Charles Cotesworth Pinckney, explained that voters had to use the election as an opportunity to demonstrate "a marked disapprobation of this [sedition] law, by a change of men." Voting

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<sup>278</sup> James Monroe to Thomas McKean, July 12, 1800, Thomas McKean Papers (Historical Society of Pennsylvania); Thomas McKean to Samuel Adams, March 31, 1800, Samuel Adams Papers (David Library of the American Revolution).

<sup>279</sup> *Aurora General Advertiser*, November 8, 1799; *Herald of Liberty*, November 24, 1800; See Weisberger, *America Afire*, 232-233 for Pennsylvania as an accurate predictor of national trends.

Republican would, he argued, “enable your members fully to know what are your opinions, how far you will go, and how much you are content to bear.” In this way, Republicans positioned the 1800 election as a referendum on the Adams administration’s controversial legislation and an opportunity to avoid further obnoxious laws.<sup>280</sup>

Republican newspapers also reported on intensifying liberty pole conflicts as the election neared. On July 4, 1798, in Hackensack, New Jersey, local Federalists had vandalized the town’s liberty pole by stealing the liberty cap that stood atop and burying it. The *Centinel of Freedom* warned the pole’s assailants that their actions “had the good effect to awaken the people of this country from a lethargy into which they appeared to have been falling. . .and roused them to farther exertions of the same nature.” Undeterred, the Federalists chopped down the pole in the winter of 1800. An action, the *Centinel of Freedom* claimed, that demonstrated “that the Anglo-Federalists of that place, begin to be *panic struck* as to the event of the ensuing election, knowing that the people of that County are beginning to arouse from their former state of lethargy and supineness.”<sup>281</sup>

Republican politicians and editors hoped that the Federalists’ objectionable legislation and their draconian methods of enforcement would rouse the citizenry to the danger that the party posed. Republicans adopted the Federalists’ language of dupery and claimed that the Federalists’ misrule would reveal their elitism and corruption. One Republican paper declared, “the people at large will not be duped any longer by those *exclusive federalists*, the mist is fast dispelling from before their eyes.” The Republican leadership also subscribed to this theory. In a letter to Edmund Pendleton in January of 1799, Thomas Jefferson predicted that the Alien and Sedition Laws, the Stamp Tax, the Direct Tax, and the expansion of the military would ensure

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<sup>280</sup> *Herald of Liberty*, December 1, 1800; *Aurora General Advertiser*, October 20, 1800.

<sup>281</sup> *Centinel of Freedom*, March 12, 1799, March 25, 1800.



that “the understanding of the people could be rallied to the truth . . . by exposing the dupery practised [sic] on them.” The liberty pole in Small Lotts, observed one newspaper, demonstrated that “the people” had begun to “enquire” as to the cause of their persecution and learned “how they have been duped by a certain class of men in the county, and the genuine republican cause thereby strengthened.”<sup>282</sup>

In addition, the Republican press frequently invoked a language of sleeping and awakening to animate their calls for political vigilance. One Republican paper exhorted its readers to “rouse from your political slumbering, and by your united exertions shake off the mask of delusion which has so long hid from your eyes the true light of the spotless sun of liberty.” In September, Abraham Bishop offered a stirring call to arms in an address to a New Haven crowd that was subsequently widely circulated. “Republicans be awake,” he cried, “the day is more important than any day of your revolution. Now republicanism dies or lives forever.”<sup>283</sup>

Once the citizenry awoke to the Federalist danger, Republicans maintained that they would win the election handily. The *Centinel of Freedom* asserted that “there is a large majority of republicans in the aggregate of the United States” and that the Federalists “evil machinations and villainous intrigues” had obscured this reality. Bishop also advanced this theory, estimating that only “*one tenth* of society” were true Federalists and that the remainder of their followers

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<sup>282</sup> *The Constitutional Telegraphe*, March 15, 1800; “From Thomas Jefferson to Edmund Pendleton, 29 January 1799,” *Founders Online*, National Archives, last modified April 12, 2018, <http://founders.archives.gov/documents/Jefferson/01-30-02-0458> [Original source: *The Papers of Thomas Jefferson*, vol. 30, 1 January 1798–31 January 1799, ed. Barbara B. Oberg Princeton: Princeton University Press, 2003, pp. 661–663;] *Centinel of Freedom*, March 12, 1799.

<sup>283</sup> *Centinel of Freedom*, December 16, 1800; Abraham Bishop, *Connecticut Republicanism: An Oration, on the Extent and Power of Political Delusion* (Philadelphia: Matthew Carey, 1800), 66 (Library Company of Philadelphia); For another comparison of the ensuing election to the Revolution see, *Herald of Liberty*, September 29, 1800.

had been “secured by favors, or deluded, by their enchantments.” He warned his listeners against confusing “the *deceiving few*” with “the *deceived many*.”<sup>284</sup>

The Federalists, on the other hand, greeted McKean’s election with apprehension. Like their opponents, they saw in their Pennsylvania defeat the probability of more losses. Pennsylvania Congressman Samuel Sitgreaves wrote to a colleague in Massachusetts of his “despondency” over “the recent triumph of Jacobinism in Pennsylvania, at the Election of Governor, the general interest which that occasion had excited throughout the Union, and the possible influence of the event on the many.” Another Federalist declared that the Republican victory marked a “gloomy aspect” on the “political horizon.” “I shall not be surprised ere long we see a McKean at the head of every public department,” he lamented. William Cobbett predicted that the Republican capture of “undeniably the most influential State in the Union” had unleashed “a struggle, which will terminate in the complete triumph of Democracy.”<sup>285</sup>

The Federalists feared that the Republicans had embraced their prescriptions for political action through elections, not just protests. “Here [at the polls] at last the jacobins have taken their post, and here they have intrenched [sic] themselves to assail our sober and orderly liberty,” warned Fisher Ames. Federalists worried that the critics of government had channeled their talent for mobilizing extra-institutional action into turning out Republican voters. A Federalist circular in New Jersey explained their tactics: “On the expiration of his [Mifflin’s] office, the present governor was brot [sic] in on the same principles, which now serve the advocates of Mr.

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<sup>284</sup> *Centinel of Freedom*, December 23, 1800; Bishop, *Connecticut Republicanism*, 40; Abraham Bishop, *Oration Delivered in Wallingford* (New Haven: William W. Morse, 1801), 37 (Library Company of Philadelphia).

<sup>285</sup> Samuel Sitgreaves to Theodore Sedgwick, December 8, 1799, Sedgwick Family Papers (Massachusetts Historical Society); Charles L. Ogden to David Meredith, May 3, 1800, Meredith Family Papers (Historical Society of Pennsylvania); *Porcupine’s Gazette*, October 19, 1799.

Jefferson: The same *means* were employed in boasting of *republicanism* and crying out, against *government* and *taxes*.” Ames similarly warned that “the Jacobins have been everywhere in movement, preparing every engine of power and influence” to win the presidency.<sup>286</sup>

Amid these concerns, Federalists took solace in their conviction that radical Republicans had duped most of their supporters. In a sermon to congregants in Concord that summer, a Federalist minister asserted that “by far the greater part of those who have appeared in opposition to government, have been influenced and misled by false information.” He assured his listeners that once properly informed, the administration’s critics would reverse their positions. Writing to his brother from Monongalia County, Virginia, Peregrine Foster explained that although his neighbors possessed “prejudices against the measures of Government,” it only took “twenty minutes” of reasoned explanation to “remov[e] the veil which misrepresentation and prejudice had placed over their political eyes” and turn them into “firm Federalists.”<sup>287</sup>

In the run-up to the election, Federalist editors peppered their papers with descriptions of deceived Republicans and warned readers to beware of trickery. A paper from Maine advised that, “We ought to be on our guard lest we be duped by intriguing men. It is notorious that there is a party in this country disaffected to the government. Some of the party may be actuated by pure motives, being deceived; while others, it is obvious, are influenced by wicked designs.” *The New Hampshire Gazette* similarly warned its readers to “be on your guard” against Republicans and “suffer yourselves not to be duped by the artifices of ambitious Demagogues.” To avert

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<sup>286</sup> John Black, et al, *Address to the Federal Republicans of Burlington County* (Trenton: Sherman, Mershon & Thomas, 1800), 29 (Library Company of Philadelphia); Ames, “Laocoon No. II,” *Works of Fisher Ames*, Vol. 2, (1854), 127; Smith, “The Federalist ‘Saints’,” 207-209.

<sup>287</sup> Noah Worcester, *An Election Sermon, delivered at Concord, June 4, 1800* (Concord: Elijah Russell, 1800), 13 (Library Company of Philadelphia); Peregrine Foster to Dwight Foster, May 21, 1798, Dwight Foster Papers (Massachusetts Historical Society); See also Daniel Dewey to Theodore Sedgwick, July 27 1798, Sedgwick Family Papers (Massachusetts Historical Society).

another loss, Federalists had to combat the Republicans' misinformation campaign and emphasize the threat that Jefferson's election posed.<sup>288</sup>

Fearing that Republican efforts outpaced their own, Federalists exhorted each other to contradict the opposition's accusations. One writer compared the exigencies of the ensuing election to those of the Revolution. "It is high time therefore, for us to awake from our lethargy, and attend to the means of our safety," he warned. New York Minister Claudius Herrick, too, stressed the importance of the election and the growing strength of the Republicans. "And will Federalists still slumber? . . . Let them wake to their duty - defend our social institutions - support men of integrity, and tried virtue, and vindicate our constitution and government against the machinations, and calumnies of Jacobins," he declared. "The infernal *spirit of Jacobinism* never sleeps," warned the *Columbian Centinel*. The Federalists had to be equally aggressive in disseminating their message.<sup>289</sup>

In particular, Federalists filled their publications with accusations that Jefferson was an atheist and would usher in an age of godlessness and disorder. One pamphlet explained, "if there be no God, there is no law." Hence, any vote for Jefferson would be a vote "to destroy religion, introduce immorality, and loosen all the bonds of society." Federalists argued that Jefferson's alleged atheism proved his affinity for Jacobinism and that his election would unleash an American version of the French Terror. "Convulsions, tumults, insurrections, terror and

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<sup>288</sup> *The Eastern Herald and Gazette of Maine*, March 31, 1800; *The New Hampshire Gazette*, March 12, 1800.

<sup>289</sup> Chauncey Lee, *The Tree of Knowledge of Political Good and Evil* (Bennington: T. Collier, 1800), 29 (Library Company of Philadelphia); Claudius Herrick, *An Oration, Delivered at Deerfield, on the Fourth of July, 1800* (Greenfield: Thomas Dickman, 1800), 18 (Library Company of Philadelphia); *Columbian Centinel*, October 18, 1800.

destruction are but the natural fruit of having such ambitious, unprincipled and atheistical characters in office,” insisted Noah Worcester of Concord.<sup>290</sup>

But Federalist infighting weakened their cause. Having broken with Adams, Hamilton threw his support behind Charles Cotesworth Pinckney for president. Dividing Federalist support was an immense gamble, but Hamilton preferred even a Jefferson victory to Adams’s reelection: “If we must have an *enemy* at the head of the government, let it be one whom we can oppose, and for whom we are not responsible, who will not involve our party in the disgrace of his foolish and bad measures.” According to Hamilton, both Jefferson and Adams would have disastrous terms, so he reasoned that “the advantage will all be on the side of his adversaries.” The electorate punished Hamilton by answering his prayers.<sup>291</sup>

That fall, Jefferson won nearly 62 percent of the popular vote and eight more electoral college votes than Adams. The Federalists maintained their stronghold in New England, with Adams winning all five states. In Pennsylvania, the Federalists continued to hemorrhage voters. They received almost 13,000 fewer votes in 1800 than they had in 1799. This, combined with a Republican win in New York and a virtual southern and western sweep for Jefferson cast Adams

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<sup>290</sup> William Linn, *Serious Considerations on the Election of a President: Addressed to the Citizens of the United States* (New York: Jay Furman, 1800), 19, 24 (American Philosophical Society); Noah Worcester, *An Election Sermon, delivered at Concord, June 4, 1800* (Concord: Elijah Russell, 1800), 13 (Library Company of Philadelphia).

<sup>291</sup> “From Alexander Hamilton to Theodore Sedgwick, 10 May 1800,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Hamilton/01-24-02-0387> [Original source: *The Papers of Alexander Hamilton*, vol. 24, *November 1799–June 1800*, ed. Harold C. Syrett New York: Columbia University Press, 1976, pp. 474–475;] Sharp, *The Deadlocked Election of 1800*, 98-101; For more on the Hamilton/Adams split, see Chapter Four.

from office. Of the 28 counties that hosted liberty pole conflicts in the preceding years for which election data is available, 25 voted Republican.<sup>292</sup>

However, the Republican victory carried a surprising addendum: Jefferson and his running-mate Aaron Burr tied in the Electoral College with 73 votes each. The Constitution assigned to the House of Representatives breaking an electoral tie by granting each state delegation a single vote. Although the Republicans had received a majority of House seats, the newly elected congressmen would not assume their duties until the start of the next session. Hence, the lame-duck, Federalist dominated Congress would decide the 1800 presidential contest.<sup>293</sup>

Some Federalists advocated supporting Burr as the lesser of two evils. “He is not a democrat” and so “will not have the cordial support of Jacobins,” affirmed Speaker of the House Theodore Sedgwick. His son concurred, “If Burr is chosen, we have some solace for our afflictions, some balsam for our wounds. The remedy is horrid but not so bad as the disease.” But Hamilton frantically warned his colleagues that Burr was “the most unfit man in the U.S. for the office of President.” “As a politician his sole spring of action is an inordinate ambition,” Hamilton explained to James Bayard of Delaware. “Men never played a more foolish game than will do the Federalists if they support Burr.” Another faction advocated stalling any decision by the House until after March 4, when Adams’s term would end. According to a 1792 statute, the presidency would then pass to the President Pro Tempore of the Senate, a Federalist.<sup>294</sup>

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<sup>292</sup> Sharp, *The Deadlocked Election of 1800*, 117, 119, 126, 128; Dunn, *Jefferson’s Second Revolution*, 192-195; Election data taken from the House of Representatives returns on Lampi Collection of American Electoral Returns, 1788-1825; -- American Antiquarian Society, 2007.

<sup>293</sup> Sharp, *The Deadlocked Election of 1800*, 117, 119, 126, 128; Dunn, *Jefferson’s Second Revolution*, 192-195; In 1800, the Republicans received a twenty-four seat majority in the House of Representatives and a five seat majority in the Senate. Dunn, *Jefferson’s Second Revolution*, 192.

<sup>294</sup> Theodore Sedgwick to Thomas Dwight, January 24, 1801, Theodore Sedgwick, Jr; to Theodore Sedgwick, February 9, 1801, Sedgwick Family Papers (Massachusetts Historical Society); “From Alexander Hamilton to James A. Bayard, 27 December 1800,” *Founders Online*, National Archives, last modified June 13,

Balloting in the House began in February of 1801. Jefferson received votes from the Republican dominated delegations of Georgia, Kentucky, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, and Virginia, while the Federalist led delegations from Connecticut, Delaware, New Hampshire, Massachusetts, Rhode Island, and South Carolina backed Burr. The evenly divided Vermont and Maryland delegations could cast no vote. Thirty-five consecutive votes yielded the same result: eight states for Jefferson, one short of the required majority of the sixteen.<sup>295</sup>

As the March 4 deadline loomed, McKean prepared to defend the Republican presidency by force. In case the Federalists tried to install one of their own, the Governor drafted a proclamation “enjoining obedience on all officers civil & military and the citizens of this State to [Jefferson] as President and Mr. Burr as Vice-President.” McKean kept the state legislature in session so that they could immediately issue a resolution in support of it. He also secured “arms for upwards of twenty thousand” militiamen and intended to order “the arresting & bringing to justice every member of Congress, or other person found in Pennsylvania, who should have been concerned in the treason.”<sup>296</sup>

But McKean’s efforts proved unnecessary as the tide in Congress turned in mid-February. After Bayard declared his intention to change his vote from Burr to Jefferson, the

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2018, <http://founders.archives.gov/documents/Hamilton/01-25-02-0146> [Original source: *The Papers of Alexander Hamilton*, vol. 25, *July 1800–April 1802*, ed. Harold C. Syrett New York: Columbia University Press, 1977, pp. 275–277;] “From Alexander Hamilton to Gouverneur Morris, [13] January 1801,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Hamilton/01-25-02-0165> [Original source: *The Papers of Alexander Hamilton*, vol. 25, *July 1800–April 1802*, ed. Harold C. Syrett New York: Columbia University Press, 1977, pp. 314–316;] Sharp, *The Deadlocked Election of 1800*, 139-140; Dunn, *Jefferson’s Second Revolution*, 202-204.

<sup>295</sup> Sharp, *The Deadlocked Election of 1800*, 149-159.

<sup>296</sup> “To Thomas Jefferson from Thomas McKean, 21 March 1801,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/01-33-02-0335> [Original source: *The Papers of Thomas Jefferson*, vol. 33, *17 February–30 April 1801*, ed. Barbara B. Oberg Princeton: Princeton University Press, 2006, pp. 391–393;] Sharp, *The Deadlocked Election*, 154-155.

Federalist caucus reluctantly agreed to cede the election to the Virginian. On February 17, Federalists within the Vermont and Maryland delegation withdrew, allowing those states to vote for Jefferson. The Federalists of Delaware and South Carolina cast blank ballots. Thus, the deadlock finally came to an end with Jefferson receiving ten votes to Burr's four. The republic had survived its first electoral crisis. "The storm we have passed through proves our vessel indestructible," Jefferson affirmed.<sup>297</sup>

#### IV. JEFFERSON

*"Absolute acquiescence in the decisions of the majority, the vital principle of republics."*

*- Thomas Jefferson, March 4, 1801*

On March 4, the day of Jefferson's inauguration, Republicans across the country took to the streets in celebration. They paraded through their towns, played music, raised liberty poles, and toasted to the "completion of the revolution of 1776, and the commencement of the era of true liberty." A Rhode Island paper declared that "The FOURTH OF MARCH, 1801, will become as celebrated in history as the 4<sup>th</sup> of July, 1776...The election of a Republican President is a new Declaration of Independence." But in office, Jefferson proved cool to any form of a politically radicalized and active citizenry.<sup>298</sup>

Jefferson first indicated his conservatism in his inaugural address. He emphasized that "absolute acquiescence in the decisions of the majority" constituted "the vital principle of republics" and the bedrock on which the American experiment stood. Although he clarified that

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<sup>297</sup> "From Thomas Jefferson to Lafayette, 13 March 1801," *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/01-33-02-0229> [Original source: *The Papers of Thomas Jefferson*, vol. 33, 17 February–30 April 1801, ed. Barbara B. Oberg, Princeton: Princeton University Press, 2006, p. 270;] Sharp, *The Deadlocked Election of 1800*, 158-159; Dunn, *Jefferson's Second Revolution*, 213.

<sup>298</sup> *Aurora General Advertiser*, March 9, 1801, quoted in Newman, *Parades and Politics of the Street*, 81; *Guardian of Liberty*, January 3, 1801; Newman, *Parades and Politics of the Street*, 80-81.



“the minority possess their equal rights,” his majoritarian stance left no room for the citizenry to regulate the government. Rather, Jefferson left it to institutional politics to defend minority rights: “equal law must protect [them], and to violate would be oppression.” Like the Federalists, Jefferson hoped that the federal government could rule by consensus and avoid the development of an opposition. Now that the people had elected representatives who would govern for the public good, partisanship could give way to harmony. “We are all republicans, we are all federalists,” he proclaimed.<sup>299</sup>

To help achieve this consensus, Jefferson and his fellow Republican elites shunned the more radical elements of their coalition. Although Duane and other radical Republican editors had provided the backbone of the Republican opposition and Jefferson’s campaign, the new President snubbed them in his distribution of most government printing contracts. “I think Duane’s zeal merits tenderness and satisfaction,” Jefferson explained to Madison, “while his precipitancy makes him improper to be considered as speaking the sense of the government.” Instead, the more moderate Samuel Harrison Smith of the *National Intelligencer, & Washington Advertiser* received the lucrative printing contract of the House of Representatives. Jefferson even awarded contracts to some moderate Federalists, including the *Connecticut Journal’s* Thomas Green, the *Rutland Herald’s* Samuel Williams, and the *North Carolina Journal’s* Abraham Hodge. The Federalist press returned the favor by distinguishing Republicans, “the well informed, well disposed citizens, who opposed the federal party,” from Jacobins, “the *rubbish* of our community.” According to this distinction, true Republicans spurned the radical ideas of economic equality and an active, participatory citizenry as Jacobin nonsense. “The

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<sup>299</sup> Thomas Jefferson: "Inaugural Address," March 4, 1805, Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=25804>; Dunn, *Jefferson’s Second Revolution*, 222-223; For a detailed discussion of Jefferson’s First Inaugural Address, see Weisberger, *America Afire*, 279-284.

leaders of the Jeffersonians and Federalists sought a rapprochement,” explains historian Seth Cotlar, “and found common ground in their banishment of 1790s radicals from the mainstream of American political life.”<sup>300</sup>

Having dissociated himself from his embarrassing left flank, Jefferson then cracked down on his right. In a letter to McKean after the governor’s re-election in 1802, the President complained of the “tory presses” who by “licentiousness” and “lying” had “deprive[d] [newspapers] of all credit” with the public. As a cure, he advocated for the states to prosecute a few of “the most eminent offenders.” Connecticut, New York, and Pennsylvania officials obeyed and charged a number of Federalist editors with seditious libel against the President. Jefferson grew even more obstinate in 1808 as the citizenry chafed under his embargo. He instructed his Secretary of the Treasury Albert Gallatin “to crush every example of forcible opposition to the law.” Echoing the words of his adversaries a decade earlier, the President denounced any resistance as “amount[ing] almost to rebellion & treason.” Jefferson proved no more willing to countenance extralegal political opposition than had his Federalist predecessors. Both his presidency and earlier reaction to the pole-raisers of the late 1790s demonstrates that Jefferson was the uneasy beneficiary, not the catalyst or champion, of the Republican popular opposition movement.<sup>301</sup>

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<sup>300</sup> “To James Madison from Thomas Jefferson, 16 August 1803,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Madison/02-05-02-0332> [Original source: *The Papers of James Madison*, Secretary of State Series, vol. 5, 16 May–31 October 1803, ed. David B. Mattern, J. C. A. Stagg, Ellen J. Barber, Anne Mandeville Colony, and Bradley J. Daigle, Charlottesville: University Press of Virginia, 2000, pp. 314–315;] *Gazette of the United States*, March 11, 1801; Cotlar, *Tom Paine’s America*, 213, 211–214; Culver H; Smith, *The Press, Politics, and Patronage: The American Government’s Use of Newspapers, 1789–1875* (Athens: The University of Georgia Press, 1977), 43–47; See the Appendix in Donald H; Stewart, *The Opposition Press of the Federalist Period* (Albany: State University of New York Press, 1969) for a list of newspapers and their partisan affiliations; For more on Duane’s struggle to receive financial rewards from the Jefferson administration, see Noble E. Cunningham, Jr., *The Jeffersonian Republicans in Power: Party Operations, 1801–1809* (Chapel Hill: The University of North Carolina Press, 1963), 268–274.

<sup>301</sup> “From Thomas Jefferson to Thomas McKean, 19 February 1803,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/01-39-02-0461> [Original source: *The Papers of Thomas Jefferson*, vol. 39, 13 November 1802–3 March 1803, ed. Barbara B. Oberg, Princeton: Princeton

With the Republicans in power, people erected liberty poles not as emblems of protest, but of approval. On July 1, 1802, the residents of Ludlow and Granby, Massachusetts celebrated abolition of the Whiskey Excise Tax by raising a liberty pole with the American flag “for the purpose of expressing their hearty approbation of the present administration, and their joy at the repeal of the Internal Taxes.” They then toasted to Jefferson, Burr, and Congress. On the second anniversary of Jefferson’s inauguration, the people of Paterson, New Jersey gathered by their liberty pole “in commemoration of the day whereon political delusion took its flight, and gave us Jefferson.” In 1808, the people of Murfreesborough, North Carolina erected a ninety-five-foot liberty pole in support of Jefferson’s most controversial policy. “May the Embargo continue until European Despots respect our rights,” proclaimed the pole’s sign. And when the War of 1812 broke out, citizens raised liberty poles as “emblem[s] of their patriotism.”<sup>302</sup>

The Republican ascendancy emphasized institutional politics at the expense of the protest tradition. No longer the opposition, Republicans sought to maintain their dominance. They celebrated the administration and looked to the ballot box to assure their liberty and power. Grassroots political actors grew less concerned with regulation and more attentive to the expansion of the franchise. Hence, popular politics grew increasingly attached to electoral

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University Press, 2012, pp; 552–555;] “From Thomas Jefferson to Albert Gallatin, 19 April 1808,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/99-01-02-7857>; Sharp, *American Politics in the Early Republic*, 281-282; “From Thomas Jefferson to Thomas Lehrs, 8 November 1808,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/99-01-02-9058>; Levy, *Jefferson and Civil Liberties*, 58-67; Dunn, *Jefferson’s Second Revolution*, 235; For a discussion of scholars’ accusations of hypocrisy, see Sharp, *American Politics in the Early Republic*, 279-282.

In 1802, the same year McKean won reelection, his government impeached Addison for showing political bias on the bench. See Rowe, “Alexander Addison,” 248-249.

<sup>302</sup> *American Mercury*, July 1, 1802; *Centinel of Freedom*, March 15, 1803; *Public Advertiser*, June 22, 1808; *Green-Mountain Farmer*, June 22, 1812; See also, *Eastern Argus*, July 4, 1812, *Saratoga Patriot*, October 19, 1813, *American Watchman and Delaware Republican*, November 17, 1813.

politics, marking a shift from pole-raisers' earlier claims to the rights of protest and regulation between elections.<sup>303</sup>

During the early nineteenth century, Republican dominance ensnared the Federalists in a bind: they now formed the opposition party, the legitimacy of which they had long denied. Unsure of how to proceed, Federalists expressed a range of opinions. Some maintained that the only “remedy for our national decline” was “a total change of our rulers” by election. Others advised that disenchanted Federalists utilize the methods of opposition “designated in our constitution and laws” like petitions and remonstrances, but stop well short of “open opposition to the laws.” In a letter to his constituents, Harper affirmed that the Federalist party would not “resor[t] to those factious and profligate arts which have been employed against themselves.” Federalists would scrutinize the conduct of the government, but present their criticism based on “truth and fair argument, not by slander, misrepresentation and falsehood.” And some, seeing no way forward, abandoned public life. “I renounce the wrangling world of politics,” Ames wrote in 1803, “I will not be a Tom Paine for the federal side.”<sup>304</sup>

In the winter of 1814, twenty-six New England Federalists met in Hartford, Connecticut to protest the war declared by the Republicans against the British. They issued resolutions that criticized the past decade and a half of Republican governance and called for a series of

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<sup>303</sup> Zagari, *Revolutionary Backlash*, 157; Cotlar, *Tom Paine's America*, 206-207; For more on changes in electioneering, see Robertson, “Voting Rites and Voting Acts,” *Beyond the Founders* and Fischer, *Revolution in American Conservatism*, 91-109.

<sup>304</sup> James S. Green, *An Address delivered before the Washington Benevolent Societies of Cranberry and Princeton, in the state of New-Jersey, on the 22nd of February, 1815* (New-Brunswick: Lewis Deare, 1815), 21 (American Philosophical Society); Condé Raguet, *Oration delivered before the Washington Benevolent Society at their Second Anniversary Meeting on the Twenty-Second of February, 1814* (Philadelphia: William Fry, 1814), 18 (American Philosophical Society); Robert Goodloe Harper, *A letter from Robert Goodloe Harper, of South Carolina, to his Constituents* (Providence: John Carter, 1801), 3 (Library Company of Philadelphia), Fisher Ames to Oliver Wolcott, March 9, 1803, Oliver Wolcott, Jr. Papers (Connecticut Historical Society); For more on this subject see Linda K. Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (Ithaca: Cornell University Press, 1970).

Constitutional amendments to check the South's disproportionate federal power. The delegates sought to revoke the three-fifths clause in the constitution and to remove the requirement of a two-thirds majority in Congress for declarations of war, embargoes, and admitting new states to the Union. They also proposed limiting the presidency to one term and requiring that he come from a different state than his predecessor. The Republicans declared the convention treasonous for its challenge to government during wartime. "Such is the character and lot of all opposition," reflected one delegate. "While it struggles, it is faction; when it triumphs, it is the people." Still, the Hartford Convention constituted a far cry from the popular protests of the 1790s. While accused of advocating disunion, the Federalist delegates merely recommended a set of institutional changes to the already existing governing structure. They were not regulators and they raised no liberty poles.<sup>305</sup>

The First Party System concluded with a series of twists. The Federalists' attempts to shore up their own power by destroying liberty poles and silencing opposition proved their ultimate undoing. The Republicans won by adhering to the Federalist prescription for political change, shifting from poles to polls. But in beating the Federalists at their own game, grassroots Republicans sacrificed the tradition of extra-institutional protest and regulation. The Federalists lost the election of 1800, but their narrow vision of the political process won, coopted by moderate Republicans.

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<sup>305</sup> Harrison Gray Otis, *Letters Developing the Character and Views of the Hartford Convention, by 'One of the Convention'* (Washington: 1820), 21 (Connecticut Historical Society); *Amendments to the Constitution Proposed by the Hartford Convention: 1814*, The Avalon Project" Documents in Law, History, and Diplomacy, [http://avalon.law.yale.edu/19th\\_century/hartconv.asp](http://avalon.law.yale.edu/19th_century/hartconv.asp); James M. Banner, Jr., *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts, 1789-1815* (New York: Alfred A. Knopf, 1970), vii-ix, 294-350.

### Partisan Politics and Poles in the Nineteenth Century

*“The Whigs of Wheeling, Va. have raised a Liberty Pole two hundred and thirty feet high. We hope they will not forget that the essential thing is, to raise their majority.”*

*- The Log Cabin, August 8, 1840*

In 1838, William H. Seward’s election to the governorship of New York marked a key victory for the Whig Party. Frustrated by the Van Buren administration’s economic policies, the Whigs hoped Seward’s success would build momentum for the presidential contest in two years’ time. To celebrate their win, the New York City Whigs raised a 157-foot-tall liberty pole in Seward’s honor. But instead of a flag denouncing Democratic policies or politicians, the pole-raisers placed a marble slab at the base of the pole that read “Erected by the Whigs and Conservatives, To commemorate their glorious triumph in 1838, Wm. H. Seward, Governor elect, 10421 Majority, New York, Dec. 20<sup>th</sup>, 1838.” Those assembled burned no effigies, circulated no pledges, and stationed no guards - they merely placed election returns at the foot of the pole. Rather than an emblem of extra-institutional protest, this liberty pole served as a memorial to the Whigs’ electoral triumph.<sup>306</sup>

The Second Party System completed the transformations to American political culture initiated by Jefferson’s election - both Whigs and Democrats raised poles not in resistance to legislation, but in support of their candidates. Having witnessed several peaceful rotations of power, antebellum Americans had more trust in institutional politics than their predecessors. Most people accepted the notion of a loyal opposition and heralded partisanship as a boon to democracy. Competition between political parties reassured many Americans that institutional politics checked the powerful, represented minority views, and invigorated public debate. As a result, they felt comfortable channelling dissatisfaction with government into voting for a

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<sup>306</sup> *Hudson River Chronicle*, December 25, 1838.

preferred party. Even Jefferson admitted to a friend in 1811 that political parties “are perhaps essential to preserve the purity of the government, by the censorship which these parties habitually exercise over each other.”<sup>307</sup>

This popular faith in partisanship motivated party leaders to cultivate strong rivalries by clearly differentiating themselves from their opponents. “A party is in no danger from direct hostility, if the principles upon which it is founded, be just and patriotic,” declared a Democratic paper. “It may suffer temporary defeats; but in the end it is certain to acquire additional strength by investigation, and to become more powerful by the attacks of adverse parties or factions.” Although anti-party rhetoric persisted into this period, most used it to smear their opponents and position their own party as the authentic manifestation of the popular will. Antebellum partisans, in the words of historian Adam I.P. Smith, “challenged the notion that parties were inherently antagonistic to the interests of the many, but they did so in a way that avoided them having to recognize the legitimacy of their opponents.”<sup>308</sup>

This emphasis on party competition led more white men to demand and exercise their right to vote. Whereas three-quarters of the states had suffrage property requirements in 1790, only one quarter did by 1840. By 1860, all states had eliminated property requirements for white male citizens and only six states required tax-paying to vote. The expansion of the suffrage accompanied other political reforms, including secret ballots, party nominating conventions, increased polling places, and the selection of presidential electors by popular vote in every state

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<sup>307</sup> “Thomas Jefferson to Destutt de Tracy, 26 January 1811,” *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/03-03-02-0258>. [Original source: *The Papers of Thomas Jefferson*, Retirement Series, vol. 3, *12 August 1810 to 17 June 1811*, ed. J. Jefferson Looney. Princeton: Princeton University Press, 2006, pp. 334–339]; For more on the different views on partisanship from the First Party System to the Second, see Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969).

<sup>308</sup> *Albany Argus* quoted in *New Hampshire Patriot & State Gazette*, April 19, 1824; Michael F. Holt, *The Political Crisis of the 1850s* (New York: W.W. Norton & Company, 1983), 12-13, 36-38; Adam I.P. Smith, *No Party Now: Politics in the Civil War North* (Oxford: Oxford University Press, 2006), 17.

except South Carolina. Antebellum party leaders also employed more spectacle in their campaigns than before. They vied to mobilize voters with barbeques, bonfires, parades, hot-air balloon rides, and pole-raising. Due in part to these developments, the Second Party System witnessed the highest voter turnout in American history, peaking at 78 percent in 1840.<sup>309</sup>

The political pageantry and high rates of enfranchisement and turnout have led most scholars to view the Second Party System as an era of increased democratization and political engagement. “With the full establishment of the second party system, campaigns were characterized by appeals to the common man, mass meetings, parades, celebrations, and intense enthusiasm, while elections generated high voter participation,” writes William E. Gienapp. “In structure and ideology, American politics had been democratized.” However, historians Glenn C. Altschuler and Stuart M. Blumin dissent, arguing instead that these statistics belie most Americans’ detachment from politics. They maintain that partisanship, and especially the partisan spectacles of the post-Jackson campaigns, enabled political leaders to marshal large numbers of voters at elections, voters who otherwise lacked strong political commitments. But Altschuler’s and Blumin’s analysis fails to explain why voters chose one party over another when both Democrats and Whigs employed similar campaign tactics by 1840. Given the major

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<sup>309</sup> Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 24-25; Jon Grinspan, *The Virgin Vote: How Young Americans Made Democracy Social, Politics Personal, and Voting Popular in the Nineteenth Century* (Chapel Hill: The University of North Carolina Press, 2016), 6-8; Glenn C. Altschuler and Stuart Blumin, *Rude Republic: Americans and their Politics in the Nineteenth Century* (Princeton: Princeton University Press, 2000), 14-17, 57-69; Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 2006), 232; Jon Grinspan has shown that voting provided young men with an important rite of passage to adulthood that they otherwise lacked. See Grinspan, *The Virgin Vote*; For a useful summary of the legal, institutional, and cultural changes to the political landscape during this period, see Reeve Huston, “Rethinking the Origins of Partisan Democracy in the United States, 1795-1840” in *Practicing Democracy: Popular Politics in the United States from the Constitution to the Civil War*, eds. Daniel Peart and Adam I.P. Smith (Charlottesville: University of Virginia Press, 2015), 56-65; For a contextualization of these statistics, see Andrew W. Robertson, “Jeffersonian Parties, Politics, and Participation: The Torturous Trajectory of American Democracy,” in *Practicing Democracy*, 99-122.



economic and demographic changes, voters had good reason carefully to consider the distinct visions that each party offered.<sup>310</sup>

This chapter, however, decentralizes elections as the key measure of political participation. Building off of the work of Seth Cotlar, Barbara Clark Smith, and Rosemarie Zagari, it argues that the antebellum era marked a retreat from the democratic potential of the First Party System's popular politics. The Second Party System's focus on institutional politics sacrificed the more decentralized politics of the 1790s pole-raisers and destroyers. In the earlier period, those with and without the franchise formed and articulated beliefs in defiance of elite politicians or the election cycle. Sometimes they did so by raising or destroying liberty poles. But the consolidation of the two-party system led to greater reliance on electoral politics and the expansion of white male suffrage. Thereafter, antebellum Americans sought political change at the ballot box as the only legitimate outlet. In this new context, the liberty pole became a mere adjunct to electoral purposes. Although ostensibly defeated in 1800, the Federalist vision for politics implicitly prevailed as representation replaced regulation.<sup>311</sup>

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<sup>310</sup> William E. Gienapp, "Politics Seem to Enter into Everything": Political Culture in the North, 1840-1860," in *Essays on American Antebellum Politics, 1840-1860*, ed. Stephen E. Maizlish (Arlington: Texas A&M University, 1982), 15; Altschuler and Blumin, *Rude Republic*, 3-13, 272-273; For historians' responses to Altschuler and Blumin's thesis, see "Political Engagement and Disengagement in Antebellum America A Roundtable," *Journal of American History* 84, no. 3 (December 1997): 833-854 and Jeffrey L. Pasley, "Party Politics, Citizenship, and Collective Action in Nineteenth-Century America: A Response to Stuart Blumin and Michael Schudson," *Communication Review* 4, (2000): 39-54; For an example of a description of the Second Party System as an era of increased democratization, see Gienapp, "Politics Seem to Enter into Everything," Michael E. McGerr, *The Decline of Popular Politics: The American North, 1865-1928* (New York: Oxford University Press, 1986); For an examination of the practices of nineteenth century voting that challenges the notion of elections as democratic expressions of rational choice, see Richard Bense, *The American Ballot Box in the Mid-Nineteenth Century: Law, Identity, and the Polling Place* (New York: Cambridge University Press, 2004).

<sup>311</sup> Seth Cotlar, *Tom Paine's America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville: University of Virginia Press, 2011), 206-209; Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York: The New Press, 2010), 183-210; Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2008), 148-180; for an argument that elections constituted a carnivalesque social inversion that legitimized the power of elites by marking the power of "the people" as temporary, see Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Company, 1989), 197-208.

**I. PARTISANS**

*“The signs of the times indicate that the head of James K. Polk of Tennessee, will culminate in November, as high above that of Henry Clay, as our Polk Stalk does above the Clay Pole on Oglethorpe Street.”*

*- The Macon Daily Telegraph, June 25, 1844*

The first poles of the era appeared during the 1828 presidential election that pitted war hero Andrew Jackson against incumbent John Quincy Adams. Jackson’s devotees raised hickory poles, a reference to the nickname “Old Hickory” that the general had earned for his strong performance during the War of 1812. These liberty poles made from hickory wood evoked his reputation as a tough, unyielding frontiersman ready to defeat the soft, would-be aristocrat of New England. The poles also drew on the earlier pole-raising protest tradition to reinforce Jackson’s image as a political outsider. They symbolized Jackson’s promise to subvert the status quo, challenge political corruption and elitism, and empower ordinary white men. The Jackson campaign emphasized this message by hammering Adams for his alleged “corrupt bargain” with Henry Clay in the presidential election of 1824. Despite winning the most electoral votes, Jackson had fallen short of a majority, forcing the presidential contest into the House of Representatives where Adams eventually triumphed. President Adams made Clay his Secretary of State, leading to widespread accusations that the two men had brokered a “corrupt bargain” behind closed doors.<sup>312</sup>

Adams’s supporters denounced the hickory poles as idolatrous and representative of Jackson’s blasphemous and anarchic tendencies. “We discover a great similarity between the worshippers of hickory poles, and those who worshipped the golden cal[f] under the Mosaic

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<sup>312</sup> Watson, *Liberty and Power*, 87-95, 77; Michael F. Holt, *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln* (Baton Rouge: Louisiana State University Press, 1992), 34-36; For examples of hickory poles, see *Daily National Journal*, June 7, 1828, *United States’ Telegraph*, July 2, 1828, *New Orleans Argus*, July 14, 1828, *Connecticut Mirror*, November 17, 1828, *Enquirer*, March 17, 1829.

dispensation,” declared the *Delaware Journal*. “The worshippers of Jackson and *hickory poles*, wish to lead this happy people back to barbarism.” But the promises of Jacksonianism proved irresistible to most voters, for he won with 56 percent of the popular vote and 68 percent of the electoral college, confining the younger Adams, like his father, to one term.<sup>313</sup>

But the liberty pole reverted back to its more radical origins during the Nullification Crisis. In 1828, Congress had passed a high protective tariff to stimulate domestic manufacturing. Southerners decried the “tariff of abominations” as a plot to enrich the industrializing Northeast at the expense of the agricultural South that would pay more for manufactured goods while selling their exported crops on unprotected international markets. John C. Calhoun, Jackson’s South Carolinian vice-president, led the opposition. Calhoun advanced a doctrine of “nullification,” which held that a state could deem a federal law unconstitutional, and so declare it null and void within its territory. Nullification provided an institutionalized form of regulation – one in which a state government could shelter its citizens from a burdensome federal law. In November 1832, South Carolina convened a Nullification Convention that declared the enforcement of the tariff within the state illegal and threatened secession should the federal government intervene.<sup>314</sup>

Although no lover of tariffs, Jackson could not countenance this assault on majority rule. That December, he issued a proclamation denouncing nullification as unconstitutional and “incompatible with the existence of the Union.” Congress passed legislation that gradually reduced the tariff over the next eight years but authorized the president to use military force to compel payment in every state. South Carolina wisely retracted its nullification ordinance.<sup>315</sup>

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<sup>313</sup> *Delaware Journal* quoted in *Daily National Journal*, June 7, 1828; Watson, *Liberty and Power*, 94.

<sup>314</sup> Watson, *Liberty and Power*, 113-127.

<sup>315</sup> “President Jackson’s Proclamation Regarding Nullification,” December 10, 1832, The Avalon Project; Watson, *Liberty and Power*, 122, 127-131.

The Nullification Controversy temporarily revived debates over regulation's legitimacy, and with them, regulatory liberty poles. In July 1831, 1,500 Charleston nullifiers raised a liberty pole with a model ship on top that said "Hurrah for Free Trade." In Greenville, a Unionist stronghold, residents decorated their liberty pole with the American flag to demonstrate their opposition to nullification. Unlike the Democratic hickory poles, these emblems displayed resolve for a cause, not a candidate and so signalled a brief return to the 1790s brand of pole-raising. By 1833, South Carolina remained the only state without a two-party tradition, which helps explain why the sole exception to the antebellum partisan poles occurred within its borders.<sup>316</sup>

Jackson adhered more firmly to Democratic principles with his war on the Second Bank of the United States. Acting on the advice of Clay, Bank President Nicholas Biddle requested a new charter for the bank in 1832, four years before the existing one expired. Viewing the bank as a bastion of elitism and corruption, Jackson vetoed the bill. The Democratic press positioned his veto as part of ordinary citizens' larger struggle against financial exploitation by a wealthy, urban elite. "The Jackson cause is the cause of democracy and the people, against a corrupt and abandoned aristocracy," declared one newspaper. Local Jacksonians raised hickory poles to express their support for Jackson and his bank war. In Berks County, Pennsylvania, once a hotbed of Republican liberty poles, Jacksonians erected a hickory pole with a flag that read "Jackson, Liberty, and no Bank." In addition to flags and signs, Jacksonians decorated their

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<sup>316</sup> *United States' Telegraph*, July 20, 1831; *Greenville Mountaineer*, March 2, 1833; Archie Vernon Huff, Jr., *Greenville: The History of the City and County in the South Carolina Piedmont* (Columbia: University of South Carolina Press, 1995), 105; Holt, *The Political Crisis of the 1850s*, 7; For South Carolina's anti-party tradition, see James M. Banner, Jr., "The Problem of South Carolina," in *The Hofstadter Aegis: A Memorial*, eds. Stanley Elkins and Erik McKittrick (New York: Alfred A. Knopf, 1974), 60-93; Nullifiers also used Palmetto Trees as symbols, see for example *Niles Weekly Register*, April 20, 1833; I am very grateful to Brian Neumann for these sources and his helpful explanation of Nullification and South Carolina politics.

hickory poles with celebratory busts of Jackson and mocking effigies of his opponents, especially Biddle.<sup>317</sup>

The Nullification Crisis and the bank war cultivated a commitment to majority rule and white male equality, and an aversion to federal involvement in economic development among Jacksonians. Led by New Yorker Martin Van Buren, Jackson's right hand man, the Democratic leadership institutionalized their movement with partisan patronage, a network of Democratic newspapers, and regular party conventions. The Democrats embraced their partisan identity and insisted that their party defended a healthy democracy. Van Buren, in particular, celebrated partisanship's ability to channel personal ambition and ease sectional tensions. "If [party feelings] were suppressed," he wrote, "Geographical divisions founded on local interests or, what is worse prejudices between free & slave holding states will inevitably take their place." In 1835, the Democratic National Convention argued that parties "check attempts at the usurpation of power, and thereby preserve the rights of the People," while also strengthening the bonds of Union by extending into every region. The address called for party unity in the upcoming election: "We invite [all Democrats] to let a common interest bind us together, and to let the only competition be, who shall render most service to the good old Democratic cause."<sup>318</sup>

The election of 1836 tested whether party loyalty could survive without Jackson as the standard-bearer. Van Buren faced off against Daniel Webster, William Henry Harrison, and Hugh Lawson White, all members of the emergent Whig Party. The Whigs supported federally funded internal improvements, the development of domestic and international export markets,

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<sup>317</sup> Quoted in Watson, *Liberty and Power*, 152; Watson, *Liberty and Power*, 138-139, 142-148, 151-157; *The Globe*, June 28, 1834; *New Hampshire Patriot and State Gazette*, July 13, 1835; *New Bedford Mercury*, November 30, 1837.

<sup>318</sup> Martin Van Buren to Thomas Ritchie, January 13, 1827, *Martin Van Buren Papers* (DLC), Series 5; *The Globe*, August 6, 1835; Watson, *Liberty and Power*, 173-175, 201-202; Hofstadter, *The Idea of a Party System*, 224; Holt, *The Political Crisis of the 1850s*, 20-21.

and a stable national currency. The Whig doctrine appealed mainly to those who enjoyed the benefits of a modernizing and diversifying economy, but the party also attracted some Southern planters who turned against Jackson for his anti-nullification stance. These Democratic defectors feared Jackson's appeals to majority rule and expansive executive power as a potential future threat to slavery. All contingents of the Whig coalition decried "King Andrew I" for his abuse of presidential power. They united under the Whig party banner, so named for the English political party that had sought to check rule by an arbitrary Crown.<sup>319</sup>

Initially, the Whigs proved less comfortable with partisanship than the Democrats. Born as an opposition party, they drew on earlier anti-party rhetorical traditions to denounce career politicians like Van Buren who encouraged "party loyalty" among the masses to achieve his personal ambitions. Should he win the presidency, Whigs predicted that "the necks of the American people [will be] forever subjected to the yoke of a system of party discipline subversive of personal independence, destructive to freedom of opinion, and fatal to our institutions."<sup>320</sup>

Van Buren squeaked out a victory in 1836. His thin 50.2 percent of the popular vote proved enough to capture 170 electoral votes and secure a Democratic presidency for another four years. The hickory pole outlasted the Jackson administration and became an emblem of the Democratic Party. Whig papers mocked the persistence of hickory poles as evidence of the party's overreliance on Jackson's inflated reputation. "How very like a symptom, that the follower is entirely dependent on the popularity of the old ex-President. . . One thing is certain

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<sup>319</sup> Watson, *Liberty and Power*, 130, 158-159, 198-202, 211-212, 242-248; Howe, *The Political Culture of the American Whigs*, 13, 16-17; Holt, *Political Parties and American Political Development*, 47-51.

<sup>320</sup> Quoted in Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 31; Holt, *The Rise and Fall of the American Whig Party*, 31-32; Smith, *No Party Now*, 21-22; Daniel Walker Howe describes the Whigs as being "as much a cultural or moral posture as an economic or political program." Howe, *The Political Culture of American Whigs*, 18.

that Van Buren has worn out the modicum of popularity transferred by Old Hickory, at the other election,” scoffed *The Natchez Daily Courier*.<sup>321</sup>

An economic recession began almost immediately after Van Buren took the oath of office in March 1837, which turned public opinion against the Democrats. As their political fortunes rose, the Whigs eased into their partisan identity. In 1840, in recognition of past mistakes, they united behind a single candidate chosen at a nominating convention, a Democratic practice they had previously denounced. The Whigs nominated William Henry Harrison, a retired general and former senator from Ohio. Reporting on the nomination, the *Baltimore Republican*, a Democratic newspaper, mocked Harrison’s age with the infamous quip, “Give him a barrel of hard cider, and settle a pension of two thousand a year on him, and my word for it, he will sit out the remainder of his days in his log cabin.” But the Whig press turned the insult into an asset. They celebrated Harrison as a man of the people and painted the Democrats as elitists who turned up their noses at ordinary Americans. Whigs across the nation built log cabins and held mass rallies complete with raucous singing, fiery speeches, and lots of hard cider.<sup>322</sup>

Whig liberty poles exploded in connection with Harrison’s Log Cabin Campaign. Reminiscent of the 1828 hickory poles, the Whig poles positioned Harrison as a non-establishment candidate who would represent the common man. After the Whigs of Providence, Rhode Island erected their log cabin, they planted next to it a ninety-foot-tall liberty pole “deep and firm, in token of the depth and firmness of our unified determination” to support Harrison for president. In Winchester, Virginia, Whigs decorated their log cabin with banners bearing the

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<sup>321</sup> *The Natchez Daily Courier*, May 26, 1840; Watson, *Liberty and Power*, 204-205.

<sup>322</sup> *Baltimore Republican*, December 11, 1839, quoted in Watson, *Liberty and Power*, 215; Watson, *Liberty and Power*, 205-217; Holt, *Political Parties and American Political Development*, 152-153. Holt, *The Rise and Fall of the American Whig Party*, 31-32; for more on the growing acceptance of partisanship by 1840, see Joel H. Silbey, *The American Political Nation, 1838-1893* (Stanford: Stanford University Press, 1991), 33-72.

names Harrison and Tyler. On their accompanying pole, they raised a flag that read “Union of the Whigs for the sake of the Union.” In Washington, D.C., the “Tippecanoe Club of Washington” raised a white flag on their liberty pole for every state that voted Whig in 1840.<sup>323</sup>

The Whigs used the traditional moniker of “liberty pole” to evoke the earlier poles and distance their symbols from the Democratic displays. Whigs emphasized that their liberty poles symbolized “a return to first and correct principles,” rather than the hero worship and “hickory pole patriotism” of the Democrats. Occasionally, Whigs even placed liberty caps on top of their poles to demonstrate “the defence of their assailed rights.” Despite recalling revolution, the Whigs remained committed to seeking change through institutional means. Their poles, like their opponents’, served only to excite and mobilize the electorate to vote – not to resist particular laws. “From the top of this splendid Pole, on the evening of the 4<sup>th</sup> of November next, we will wave the stripes and stars, over one of the greatest political victories ever achieved in this or any other country,” affirmed *The Hudson River Chronicle*.<sup>324</sup>

Harrison flattened Van Buren in the electoral college by a vote of 234 to 60 but the victor succumbed to pneumonia just a few weeks after his inauguration. His supporters flew mourning flags from their liberty poles. The Whig leadership had chosen John Tyler of Virginia as Harrison’s running mate to appeal to the Southern wing of their coalition. A slaveholder and states-rights champion, Tyler lacked loyalty to the broader Whig vision, and once in power, sought territorial expansion as aggressively as any Democrat. In particular, he hoped to annex Texas, which had recently declared independence from Mexico, to the United States. This stance

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<sup>323</sup> *The Madisonian*, March 9, 1840, May 28, 1840; See also *Haverhill Gazette*, July 4, 1840, *The Madisonian*, October 6, 1840, *Daily National Intelligencer*, April 1, 1840, *Pennsylvania Inquirer and Daily Courier*, April 6, 1840, *Scioto Gazette*, May 28, 1840.

<sup>324</sup> *Hudson River Chronicle*, July 9, 1839, September 15, 1840, December 25, 1838; *Daily National Intelligencer*, October 7, 1840; *Daily Herald and Gazette*, December 27, 1838.



put Tyler at odds with most members of his party who feared territorial expansion as a threat to sectional harmony and economic development.<sup>325</sup>

The Texas question provided the wedge issue for the 1844 election. The Whigs hoped Henry Clay would unseat Tyler, who ran as an independent with little support, while the Democrats nominated James K. Polk, former Governor of Tennessee. During the campaign, both major parties displayed poles closely associated with their candidates. The Whigs renamed theirs “Clay poles” and “Ash poles,” a reference to Clay’s Kentucky Ashland estate, while the Democrats sometimes referred to their hickory poles as “Polk Stalks.” “The signs of the times indicate that the head of *James K. Polk* of Tennessee, will culminate in November, as high above that of Henry Clay, as our Polk Stalk does above the Clay Pole on Oglethorpe Street,” declared the *Macon Weekly Telegraph*. The paper proved prophetic as Polk’s expansionist platform won out over Clay and his anti-annexation stance.<sup>326</sup>

In the dying hours of his presidency, Tyler asked Congress for a joint resolution in favor of annexation and admitted Texas into the Union. This action led to a two-year war with Mexico, which had never accepted Texas’s independence or her robust territorial claims that extended deep into New Mexico. A minority of Americans opposed the Mexican-American War as a pro-slavery ploy and a waste of resources. But no one raised liberty poles to protest the war. In the winter of 1848, the Treaty of Guadalupe Hidalgo ended the fighting, granting the United States

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<sup>325</sup> *The Whig*, September 22, 1841; Watson, *Liberty and Power*, 226-229; Holt, *The Political Crisis of the 1850s*, 40-41.

<sup>326</sup> *Macon Weekly Telegraph*, June 25, 1844; *Ohio Statesman*, June 12, 1844, July 17 1844; *Ohio State Journal*, June 19, 1844; *Pittsfield Sun*, August 1, 1844; *Hudson River Chronicle*, August 6, 1844; *New Hampshire Patriot and State Gazette*, September 26, 1844, October 10, 1844; *Emancipator and Weekly Chronicle*, September 25, 1844; Watson, *Liberty and Power*, 229-230; For Whigs’ purposeful re-use of the Harrison poles in 1844, see *The Cleveland Herald*, March 15, 1844.

nearly 1.2 million square miles of new territory in exchange for \$15 million paid to Mexico. That November, a war hero and Whig candidate, Zachary Taylor won the presidency.<sup>327</sup>

Congress deadlocked over whether the new territories carved from the Mexican cession should enter the Union as slave or free states. Clay proposed a compromise in which California would enter as a free state, the residents of Utah and New Mexico would vote on their status (known as popular sovereignty), the slave trade would be abolished in the District of Columbia, and Congress would impose a harsher fugitive slave law on northern states. Taylor did not live to see the Compromise of 1850 become law. He died on July 9, 1850, succeeded by Vice-President Millard Fillmore.<sup>328</sup>

The Compromise of 1850, particularly the new fugitive slave law, fractured the Whig party along sectional lines. The Democrats capitalized in 1852 and Franklin Pierce, a northern supporter of southern principles, won the presidency. The ensuing controversy over Kansas further splintered the Whigs. In 1854, Congress passed the Kansas-Nebraska Act, which empowered voters in both territories to decide their slavery question through popular sovereignty. Widespread violence and fraud, however, marred the elections in Kansas, leaving over fifty dead. Many Northern Whigs split irrevocably from their Southern counterparts and found a new political home in an emergent third party, the Know Nothings.<sup>329</sup>

Growing out of a secret fraternal order, the Know Nothings advanced a nativist platform meant to keep immigrants, especially Catholics, out of American politics. They also vowed to end the corruption of partisanship. Their 1855 platform averred “hostility to the corrupt means by which the leaders of party have hitherto forced on us our rulers and our political creeds [and]

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<sup>327</sup> Watson, *Liberty and Power*, 230; Varon, *Disunion!*, 165-200.

<sup>328</sup> Varon, *Disunion!*, 210-227.

<sup>329</sup> Holt, *The Political Crisis of the 1850s*, 139-180; Varon, *Disunion!*, 251-268.

Implacable enmity against the prevalent demoralizing system of rewards for political subserviency, and of punishment for political independence.” The Know Nothings raised no poles, preferring instead clandestine initiation rituals and loyalty oaths. But the Know Nothings failed to hold onto their members, many of whom grew frustrated with the party’s inaction, secrecy, and alliances with urban gangs. By 1855, most of these disenchanting former Whigs shifted to another new party, the Republicans.<sup>330</sup>

The Republicans inherited many of the Whigs economic ideas and married them to a rejection of slavery’s territorial expansion. They believed that confining slavery to the South would initiate its gradual extinction and provide the safest way for the United States to become a fully free society. The Republicans criticized slavery as incompatible with American democracy. They warned of a “Slave Power Conspiracy” in which Southern slaveholders infringed on the rights of white men to protect their domination over enslaved people.<sup>331</sup>

As the Second Party System gave way to the Third, liberty poles achieved a new uniformity. During the elections of 1852 and 1856, virtually all pole-raisers adorned their poles with flags bearing the two names at the top of their tickets. Liberty poles flying “Scott and Graham,” “Pierce and King,” “Fremont and Dayton,” and “Buchanan and Breckenridge”

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<sup>330</sup> Quoted in Holt, *The Political Crisis of the 1850s*, 167; Holt, *The Political Crisis of the 1850s*, 156-181; Smith, *No Party Now*, 11-12; Varon, *Disunion!*, 257-259; For an argument connecting Know Nothing nativism to the free labor ideology, see Stephen E. Maizlish, “The Meaning of Nativism and the Crisis of the Union: The Know-Nothing Movement in the Antebellum North,” in *Essays on American Antebellum Politics, 1840-1860*, ed. Stephen E. Maizlish (Arlington: Texas A&M University, 1982), 166-198.

<sup>331</sup> Holt, *The Political Crisis of the 1850s*, 190-197; Varon, *Disunion!*, 260-266; for more on Republican ideology see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1995); For more on the Slave Power Conspiracy and the coming of the Civil War, see William W. Freehling, *The Road to Disunion: Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007).

functioned, like modern-day lawn signs, as markers of the surrounding area's partisan allegiance and a promise to vote the party ticket.<sup>332</sup>

## II. POLES

*“During the reign of the Alien and Sedition Laws, armed men went travelling over the country destroying Liberty poles, that the stern democrats of that day put up. The Federalists of the present day will fare no better than they did in the time [of] old John Adams.”*

*- The Ohio Statesman, January 14, 1845*

Antebellum newspaper editors used pole raisings to track party feeling across the country and anticipate election results. In 1834, the *Baltimore Patriot* reported that a resident of Southwark, Pennsylvania cut down the local hickory pole that had “once [been] surrounded by thousands.” No one re-erected it. Instead, a nearby community raised a liberty pole, a sign of growing anti-Jacksonian sentiment. Editors also used the state of a local pole as an indication of the surrounding community's political leanings. For instance, *The North American and Daily Advertiser* described a hickory pole in Bucks county as “shabby and decayed.” “Shall we pursue the simile, and reflect how the hickory pole and the hickory party topple down together?” the paper asked. A neglected pole signaled a decline in party loyalty and enthusiasm. By the mid-1840s, the Jacksonian era hickory poles in eastern Pennsylvania appeared “twisted and shattered” and the flags bearing Democratic messages “ha[d] been torn to ribbons.” A sign, claimed *The North American* of Philadelphia, that the area had switched allegiance to the Whigs.<sup>333</sup>

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<sup>332</sup> For examples of flags with candidates' names, see *Daily Ohio Statesman*, July 27, 1852, *Bangor Daily Whig & Courier*, August 10, 1852, *Daily Atlas*, August 12, 1852, *New Hampshire Patriot and State Gazette*, September 29, 1852, October 6, 1852, September 3, 1856, *Arkansas Whig*, October 21, 1852, *Farmer's Cabinet*, July 17, 1856, August 7, 1856.

<sup>333</sup> *Baltimore Patriot*, August 30, 1834; *The North American and Daily Advertiser*, September 3, 1842; *The North American*, October 16, 1846; *Log Cabin*, August 8, 1840; *Mississippi Free Trader and Natchez Gazette*, August 3, 1844; *Daily Ohio Statesman*, July 27, 1852; See also *The North American and Daily Advertiser*, August 7, 1844; *The Boston Daily Atlas*, November 7, 1844; *The North American*, October 16, 1846; *Milwaukee Daily*

But editors hailed a strong pole and an enthusiastic raising as a good omen for future party fortunes. In 1844, the *Ohio Statesman* heralded a report of a hickory pole in Bellefontaine, Ohio with the headline “THE DEMOCRACY AWAKE IN BELLEFONTAINE.” In their coverage of pole-raising, editors cheered the crowds of people present – sometimes numbering into the thousands – as an indication of future voting strength. Editors often bragged that the size of the pole signalled the potency of the pole-raisers’ commitment to the cause. But some commentators doubted that the excitement of pole-raising would translate into voter turnout. In 1840, a New York paper reminded Whigs that in addition to raising liberty poles, they must “not forget that the essential thing is, to raise their majority” that fall.<sup>334</sup>

The Democrats delighted in a story from Fort Ann, New York on the eve of the 1844 election. As a crowd gathered to erect a hickory pole, one of the speakers asked if any present had supported Harrison. Thirty-six men came forward and affirmed that, although they had voted Whig in 1840, they intended to “use all honorable means to secure the election of the democratic candidates” this time. The thirty-six converts received the honor of raising the hickory pole to the delight of all assembled. Soon after, four more former Whigs publicly declared their support for the Democratic ticket. “Such a demonstration is cheering to every democrat,” affirmed the report.<sup>335</sup>

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*Sentinel*, September 14, 1852, September 18, 1852; Papers also reported on poles destroyed by weather as signs of divine disfavor, see, for example, *The Cleveland Herald*, June 26, 1844; *The Boston Daily Atlas*, August 26, 1844; *Weekly Ohio Statesman*, September 11, 1844; *Fayetteville Observer*, October 23, 1844.

Occasionally, fatal accidents occurred while raising poles, see, for example, *The North American and Daily Advertiser*, October 10, 1842, October 3, 1844; *Daily National Advertiser*, August 19, 1844, September 30, 1844; October 1, 1844; *The Boston Daily Atlas*, October 19, 1844.

<sup>334</sup> *Ohio Statesman*, September 4, 1844; *Log Cabin*, August 8, 1840; *Mississippi Free Trader and Natchez Gazette*, August 3, 1844; *Daily Ohio Statesman*, July 27, 1852, September 6, 1852.

<sup>335</sup> *Vermont Gazette*, October 8, 1844. For similar events, see *Daily National Intelligencer*, July 13, 1844, September 23, 1844, September 13, 1852.

Although the antebellum poles no longer signified community resistance to external power, they remained meaningful and, as a result, contentious. Both Whig and Democratic papers smeared each other with stories of assaults on partisan poles, each claiming that the other “can’t bear the emblem of liberty.” But partisan competition for votes, not opposing visions for citizenship, animated these conflicts. Partisans assailed each other’s poles to vent frustration, cause mischief, or challenge their rival’s dominance in a community.<sup>336</sup>

When partisans re-erected their poles, they did so not to reaffirm their right of political expression, but to demonstrate their undeterred energy to elect their candidate. In 1844, after a handful of Whigs in Columbus tore down a hickory pole bearing the flag “The Democracy of Ohio,” Democrats re-erected it and restored their flag. A local newspaper compared the Whig attack with the Corrupt Bargain of 1824. “The righting of the pole, the raising aloft of the flag, reminds us of the times of 1828 and ’32,” declared the paper, “when that foul bargain was rebuked, and its authors sent into a political retracy [sic], as eternal as will be the infamy of the transaction.”<sup>337</sup>

While these encounters often played out between sides of relatively equal strength, sometimes an anonymous pole appeared to the horror of the local majority. In the fall of 1856, the people of Portsmouth, Virginia awoke to find a liberty pole bearing the name of John C. Frémont, the Republican presidential candidate. Disturbed, they quickly tore it down. “No Virginian can read the narrative of the affair without a blush of shame,” lamented the *Richmond Enquirer*.<sup>338</sup>

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<sup>336</sup> *Ohio Statesman*, August 12, 1840; See also *Daily National Intelligencer*, November 6, 1844; *The Daily Ohio Statesman*, September 25, 1852.

<sup>337</sup> *Ohio Statesman*, June 5, 1844; See also *The Daily Atlas*, July 11, 1844.

<sup>338</sup> *Enquirer* quoted in *Ohio State Journal*, October 29, 1856.

Occasionally, these conflicts turned violent. During the 1834 mid-term elections, a clash between the partisans of Moyamensing, a township near Philadelphia, made national news. The area seemed primed for trouble as the Whig headquarters, a tavern, stood across the street from the Democratic headquarters in a tent. The Whigs erected a liberty pole outside of their tavern and surrounded it with ten feet of iron, while the Democrats raised a hickory pole. After the polls closed, rumors of an unexpected Whig upset circulated and several frustrated Democrats attacked their opponent's headquarters. Whigs poured onto the street and confronted their assailants. During the melee, the Whigs tore down the hickory pole and, according to a Democratic newspaper, set fire to a wooden bust of Jackson. In response, the Jacksonians attacked the Whig liberty pole, while others threw bricks and stones at the tavern, prompting those inside to respond with gunfire. The Jacksonians charged the building and dragged several people and furniture into the street. They piled the latter against the liberty pole and set it on fire. The tavern quickly began to burn and the flames spread to several surrounding buildings. According to a Whig newspaper, the Jacksonians refused to let anyone intervene to suppress the flames. "Many were openly threatened that if they put a drop of water on the fire they would be beaten," claimed the *Baltimore Patriot*. Several papers estimated a total of \$5,000 in damages, eighteen wounded, and one fatality.<sup>339</sup>

A similar event occurred in 1840 when the Whigs of northern Baltimore celebrated Harrison's victory by cutting the local hickory pole to pieces. Armed with axes and clubs, the Democrats rushed to defend their pole. The resulting riot left a number of broken windows and

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<sup>339</sup> *Baltimore Patriot*, October 17, 1834; *New Hampshire Gazette*, October 21, 1834; *Daily Atlas*, October 17, 1834, October 18, 1834; *Newport Mercury*, October 18, 1834; *Portsmouth Journal of Literature and Politics*, October 25, 1834; *Rhode-Island Republican*, October 29, 1834; *Daily National Intelligencer*, October 17, 1834; The Whig candidates of Moyamensing won the election by about 200 votes, despite the area being previously Democratic, see *Haverhill Gazette*, October 11, 1834.

several injured, including a police officer and a former mayor. “Political excitement” caused the conflict, explained the *Baltimore Sun*. “In the name of liberty, patriotism, and honor, we beg that more forbearance will be used in these electioneering contests.”<sup>340</sup>

Like their predecessors during the 1790s, partisan papers of the antebellum era smeared liberty pole assailants as monarchists and tyrants. The *Vermont Patriot* lambasted local Whigs as a “tory-whig gang” for their assault on a Democratic hickory pole “in imitation of their tory ancestors of the Revolution.” The Whigs similarly painted the Democrats as enemies of the Revolution. One newspaper claimed that after a group of Philadelphia Democrats had ridiculed the raising of a Whig liberty pole, they “express[ed] their anti-American and monarchical feelings” by raising a hickory pole and adorning it with a flag that said “TORY POLE.”<sup>341</sup>

More often, editors drew comparisons with the 1790s poles. “A Whig” issued a call for his party men to raise liberty poles throughout the nation in the *United States’ Telegraph*. Referring to the Jeffersonians as “democratic Whigs,” he positioned the current Whig party as the true heirs to the liberty pole tradition: “It is the legitimate insignia of Whig principles, consecrated by the patriotism and blood of the Revolution, and hallowed and rendered clear by its association with true democracy in the contest of 1800.”<sup>342</sup>

Democrats, however, cast the Whigs as neo-Federalists continuing the Hamiltonian policy of federal leadership in economic development. In contrast, Democrats defended the Jeffersonian celebration of agriculture, individual liberty, and states’ rights. Democrats used Whig attacks on liberty poles to reinforce these claims. “Democrats never assail any emblems of

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<sup>340</sup> *The Sun*, November 4, 1840.

<sup>341</sup> *Vermont Patriot*, July 29, 1839; *United States’ Telegraph*, September 2, 1834; See also *New Hampshire Gazette*, October 8, 1844, *New Hampshire Statesman and State Journal*, May 24, 1834; *Cleveland Daily Herald*, June 8, 1840, June 18, 1840; *Weekly Ohio Statesman*, April 3, 1844.

<sup>342</sup> *United States’ Telegraph*, September 27, 1834.



liberty,” affirmed a Connecticut editorial, just as “Democratic Republicans never attack[ed] liberty poles!” But “not so with the federalists,” who destroyed poles regularly, just like the “tory whigs” of the present day.<sup>343</sup>

During the 1840 campaign, the *Ohio Statesman* printed the *Aurora General Advertiser*'s coverage of the Reading liberty pole conflict of 1799 to warn voters against electing Harrison. The editor explained, “By these recollections we wish to impress upon our thinking republican fellow-citizens the fact, that the present party which is organized under the name of ‘Whig,’ is *in body and soul* the same, which heretofore was known as the Federal party, and was guilty of such monstrous crimes.” While the Federalists had used violence to subjugate American citizens, the Whigs now aimed to accomplish the same result through “pecuniary distress.” The paper repeated the same points in three issues that August by reprinting accounts from Schneider and the other victims of Federalist suppression in Reading. The paper concluded the series with a firm warning: “And what reason have we to believe that the same aristocracy under the title of whigs, will behave in a manner less OVERBEARING and TYRANICAL, if they should get the same power into their hands, through the election of a federal President?”<sup>344</sup>

After a party of Whigs tore down a hickory pole in Xenia, Ohio, an editorial in the *Ohio Statesman* claimed that the Federalists were back to “their old tricks.” The author reminded readers that during John Adams’s administration “armed men went travelling over the country destroying Liberty poles, that the stern democrats of that day put up.” But pole-raisers defeated those Federalists, and the “Federalists of the present day” will suffer the same fate.<sup>345</sup>

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<sup>343</sup> *Connecticut Courant*, October 28, 1837; See also *Vermont Patriot*, July 5, 1839.

<sup>344</sup> *Ohio Statesman*, August 12, August 21, August 26, 1840.

<sup>345</sup> *Ohio Statesman*, January 14, 1845.

Although both parties emulated the Republicans in practice, their liberty poles differed in meaning from the predecessors of the 1790s. The newer poles reflected the major transformations in American political culture during the nineteenth century. Antebellum Americans accepted the two party system as the only vehicle for legitimate protest and agitation. They saw their rivals as misguided political adversaries, rather than menacing puppets of foreign enemies. Most could now distinguish between a particular federal or state administration and government as a whole, and so they believed that political change could wait until the next election. They trusted in the electoral process to defend their liberty. As a result, Whigs and Democrats used their poles to ensure their candidate's election, rather than to resist legislation.<sup>346</sup>

But these developments came at a cost. Partisanship's entrenchment made elections the key to political success, and so elevated voting as the ultimate form of political participation. As ordinary Americans looked forward to election day, their interest in a more regular, extra-institutional form of politics waned. Electoral politics stripped the liberty pole of its original, more radical meanings as it became a mere campaign symbol. The antebellum era marked the narrowing of political activity originally championed by Federalists, but ultimately claimed by Republicans and inherited by both the Whigs and Democrats. They all agreed that popular sovereignty became manifest only at elections.<sup>347</sup>

That system held until 1860, when the results of one election proved unacceptable to most in the South. Only then did the liberty pole return to its radical roots.

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<sup>346</sup> Of course, many antebellum Americans still engaged in some form of political activism. However, these individuals and organizations mainly sought legislative reform by pressuring political leaders and educating the public. They seldom broke the law and did not organize large-scale resistance or regulatory movements. For a discussion of temperance, Sabbatarian, anti-slavery, and abolitionist tactics, see Johann N. Neem "Two Approaches to Democratization: Engagement versus Capability," in *Practicing Democracy*, 251-268.

<sup>347</sup> Cotlar, *Tom Paine's America*, 206-209.

### III. DISUNION

*“A secession pole, one hundred feet high, with the Palmetto flag, was hoisted on the most prominent street yesterday morning, amid the cheers from a large crowd. The pole was sawed down this morning just before the dawn of day by an unknown party, and the flag carried off.”*

- *The New York Herald*, December 24, 1860

The election of 1860 pitted Republican Abraham Lincoln against a fractured Democratic field. Illinois Senator Stephen Douglas had the backing of Northern Democrats, while Vice-President John C. Breckenridge claimed Southern support. Tennessee Senator John Bell led the new Constitutional Union Party, made up of the remnants of the Whigs and Know Nothings who refused to join the two major parties. Lincoln, Douglas, and Breckenridge followers all used poles to rally support during the campaign. In Milwaukee, Wisconsin, Republicans described their pole as “a symbol of the straight forward Republican principles” that would encourage citizens to support the party ticket. Elsewhere, editors used pole-raising to emphasize party strength. For instance, a hickory pole raised by Douglas Democrats in Whitewater, Wisconsin reassured those who worried that the area “was so steeped in Black Republicanism that not enough Democrats could be found in that vicinity to form a respectable school meeting.”<sup>348</sup>

Tensions ran high in Occoquan, Virginia, where partisans clashed violently over a Republican pole raised on the Fourth of July with the flag “Lincoln and Hamlin.” Many in the area abhorred the pole, believing it a symbol of “Black Republicanism” that threatened to end slavery, amalgamate the races, and subordinate the South. The residents of neighbouring Brentsville met and resolved that “the flag was an insult to the people of Virginia, and incendiary

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<sup>348</sup> *Milwaukee Daily Sentinel*, October 9, 1860; *Wisconsin Patriot*, July 21, 1860; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 213-233; The election of 1860 witnessed the formation of the Wide Awakes, a paramilitary political group of young men who campaigned for Lincoln and the Republicans. The Wide Awakes offer another example of popular political organizing focused on electoral victories. For more on the Wide Awakes, see Jon Grinspan, “‘Young Men for War’: The Wide Awakes and Lincoln’s 1860 Presidential Campaign,” *Journal of American History* 96, (Sept. 2009): 357-378.

in the object it was raised to promote, and should be torn down.” Two weeks later, over forty armed men surrounded the pole and hacked it to pieces. Several skirmishes followed, including the beating of the man who owned the property where the pole had stood.<sup>349</sup>

Lincoln won the electoral college with 40 percent of the popular vote and a virtual Northern sweep. The South Carolina legislature immediately called for a secession convention. Thousands of Charleston residents greeted the news by flooding the streets and raising a secession pole bearing the state flag. The pole, a Charleston paper reported, offered “evidence of their love and devotion to South Carolina, and their lively sympathies in the great Southern movement of resistance to fanaticism, and the establishment of an independent government.” The *Philadelphia Inquirer* maintained that the pole-raisers pressured state officials: “The people have taken the matter of secession almost entirely out of the hands of politicians, and have determined upon prompt action.” But the convention delegates agreed with the pole-raisers and unanimously voted for secession on December 20.<sup>350</sup>

Other Deep South states followed suit and more secession poles sprung up as popular endorsements of the conventions’ decisions. Texans in Galveston, Gonzales, and Houston raised poles bearing the lone-star flag. The residents of Mobile erected their pole and fired 101 guns to celebrate the secession of Alabama and 15 for their “sister State of Florida.” By February 1861, all seven states in the Deep South had seceded from the Union and formed a new nation, the Confederate States of America.<sup>351</sup>

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<sup>349</sup> *The New York Herald*, July 27, 1860, July 29, 1860, July 30, 1860.

<sup>350</sup> *The Charleston Courier*, November 20, 1860; *Philadelphia Inquirer*, November 19, 1860; McPherson, *Battle Cry of Freedom*, 232-235.

<sup>351</sup> *The New York Herald*, January 20, 1861; *The Sun*, November 17, 1860; *New Hampshire Statesman*, November 24, 1860; *Houston Tri-Weekly Telegraph*, November 27, 1860.

As Upper South state officials contemplated secession, ordinary citizens erected and destroyed poles to promote their views. After residents of Petersburg, Virginia raised a one-hundred-foot tall secession pole on the main street, a group of unionists secretly cut it down just before dawn. Fearing more violence, the Mayor ordered a rival Union pole taken down. He then “interdicted by proclamation the erection of poles in the public streets.” Similarly, in Knoxville, Tennessee, a gathering of unionists toppled a secession pole and pledged to “fight against disunion in each and every form, as traitorous and damnable – even if Tennessee seceded.”<sup>352</sup>

Union and Confederate forces first clashed at Fort Sumter in Charleston that April. When a Union vessel attempted to resupply the federal garrison, the Confederates opened fire and won control of the fort. In response, Lincoln declared insurrection and issued a call for 75,000 militiamen to suppress the rebellion. The prospect of waging war against their Southern brethren proved too much for four states in the Upper South. Arkansas, North Carolina, Tennessee, and Virginia joined the Confederacy by June. Residents greeted their secession ordinances with poles bearing the Confederate flag.<sup>353</sup>

As both sides mobilized, Northerners deployed liberty poles to demonstrate their commitment to the Union and their intention to defend it by force. In Southington, Connecticut, Unionists raised a liberty pole and resolved “that our national government, constitution and liberty must be maintained at whatever cost of treasure and blood.” In Winterport and Frankfort, Maine, inhabitants erected a pole bearing the national flag and pledged “to support the Government in the defence of its undoubted constitutional rights.” Northern newspapers eagerly

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<sup>352</sup> *The Philadelphia Inquirer*, January 1, 1861; *The Macon Daily Telegraph*, February 9, 1861; *The New York Herald*, December 24, 1860; McPherson, *Battle Cry of Freedom*, 254; for an account of secession commissioners attempts to enlarge the Confederacy, see Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University of Virginia Press, 2001).

<sup>353</sup> McPherson, *Battle Cry of Freedom*, 264-307; *The Sun*, April 20, 1861.

reported on the non-partisan nature of these pole-raising, stressing that citizens joined together “without distinction of party” to raise a “Union pole.” In Aledo, Illinois, Republicans and Democrats took bipartisanship even further by chopping down their two partisan poles, cutting them in half, and joining the pieces together to form a single Union pole. Although the electoral cycle and party competition persisted in the Northern states during the war, only a handful of partisan poles appeared.<sup>354</sup>

By erecting poles, both Confederates and Unionists claimed the legacy of the American Revolution. Confederates described secession as an assertion of independence from a tyrannical North. “We recur to the principles upon which our Government was founded,” declared Jefferson Davis in his farewell address to the Senate after Mississippi seceded. “We but tread in the paths of our fathers when we proclaim our independence.” But Unionists saw the restoration of the Union as a defense of the Revolution’s major achievement: a democratic republic protected by the Constitution. They believed that the permanent fracture of the Union would destroy the cause of self-government. “In this great struggle, this form of Government and every form of human right is endangered if our enemies succeed,” Lincoln warned an Ohio regiment.<sup>355</sup>

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<sup>354</sup> *Hartford Daily Courant*, April 30, 1861; *Bangor Daily Whig & Courier*, May 2, 1861; *Freedom’s Champion*, May 11, 1861; *The Wisconsin State Register*, May 11, 1861; see also *Bangor Daily Whig & Courier*, May 4, 1861, *Columbus Journal* quoted in *The Wisconsin State Register*, May 18, 1861, *Daily Evening Bulletin*, May 27, 1861, *The New York Herald*, June 7, 1861, *Milwaukee Morning Sentinel*, June 28, 1861; For partisan poles during the war, see *Newark Advocate*, November 28, 1862; See also *Newark Advocate*, August 14, 1863, September 23, 1864; *Bangor Daily Whig & Courier*, September 4, 1863; *New Hampshire Statesman*, September 2, 1864; for a discussion of wartime partisan politics in the North, see Jack Furniss, “States of the Union: The Rise and Fall of the Political Center in the Civil War North,” PhD diss., University of Virginia, 2018; for Unionism and its links to the Revolution, see Gary W. Gallagher, *The Union War* (Cambridge: Harvard University Press, 2011).

<sup>355</sup> Jefferson Davis’s Farewell Address, January 21, 1861, *The Papers of Jefferson Davis*, Volume 7, pp. 18-23. Transcribed from the Congressional Globe, 36th Congress, 2d Session, p. 487; Speech to the One Hundred Sixty-Fourth Ohio Regiment, August 18, 1864, *Collected Works of Abraham Lincoln*, Volume 7, (Ann Arbor: University of Michigan Digital Library Production Services, 2001), 505.

As the war stretched on, poles attracted conflict. In the North, Unionists accused Copperheads, Northern Democrats who favored a peace settlement with the Confederacy, of cutting down Union poles. “Miscreants who do such dastardly work are not deserving of the blessings of free government and would look better to emigrate South,” declared a Vermont paper after four poles mysteriously toppled overnight. In addition, occupying troops used poles to wage symbolic warfare on the local populace. When Union forces won control of an area, they destroyed secession poles and substituted their own bearing the national flag. Likewise, Confederate troops tore down Union poles and Republican liberty poles whenever possible. Soldiers also used poles to hang effigies of their foes.<sup>356</sup>

Secession and war represented a rejection of institutional and partisan politics in the South. The Confederate States lacked confidence in the Democratic Party’s ability to counter the power of a Republican president who had no obligation to Southern voters. To them, the election of a sectional president constituted a failure of representative government. Like nullification, this challenge to federal power structures initiated a return to the more radical pole-raising of the 1790s in which participants erected and destroyed poles to express their political ideas and intimidate their opponents without citing candidates or upcoming elections. Civil War pole-raisers dispensed with references to political parties and instead pledged allegiance to their own interpretations of their Revolutionary inheritance.<sup>357</sup>

After the war, both parties resumed raising poles bearing their candidates’ names at election time. But partisan pole-raising gradually waned as they seemed increasingly old-fashioned. “[The hickory pole is] emblematical, perhaps, of the fact that a great many Democrats

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<sup>356</sup> *Vermont Watchman and State Journal*, July 17, 1863; *North American and United States Gazette*, November 2, 1863; *The Ripley Bee*, June 27, 1861; *Daily Evening Bulletin*, April 11, 1862; *Freedom’s Champion*, August 16, 1862; *Bangor Daily Whig & Courier*, July 23, 1863; *New Haven Daily Palladium*, April 13, 1865.

<sup>357</sup> Holt, *The Political Crisis of the 1850s*, 220-259.

are still innocently voting for Jackson, and that the whole party is digging in the dead past for the issues of 1868,” scoffed *The Daily Cleveland Herald*. The Revolution’s Centennial offered further reminders of the liberty pole’s age. Newspapers relived the redcoats’ assaults on Patriot liberty poles and communities raised “Centennial liberty poles” bearing the stars and stripes as they sang songs, gave historic addresses, and read the Declaration of Independence. These poles stood for the shared past that united citizens of different parties and sections. No one tore them down.<sup>358</sup>

Most historians mistakenly treat the Second Party System as a democratic advance from the supposed elitism of the First Party System. The arc of the liberty pole tells a different story, revealing that as American democracy became institutionalized in rival parties, Americans increasingly accepted a more conservative interpretation of popular sovereignty in which political parties limited local dissent by channelling it into national partisan competition. This history shows that modern descriptions of partisanship as the root of political and social divisions are mistaken. The consolidation of the two-party system in American political culture has ensured that political conflict largely plays out among an electoral elite conducting partisan institutions, rather than between ordinary citizens around a liberty pole.<sup>359</sup>

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<sup>358</sup> *The Daily Cleveland Herald*, September 7, 1868; *Newark Advocate*, August 14, 1868; *Daily National Intelligencer*, August 19, 1868, August 22, 1868, August 24, 1868, August 29, 1868, September 17, 1868; *Boston Daily Advertiser*, September 9, 1868; *Lowell Daily Citizen and News*, September 22, 1868; *Bangor Daily Whig & Courier*, May 27, 1872; *The Cleveland Morning Daily Herald*, August 8, 1872; *The Milwaukee Sentinel*, August 15, 1872, September 23, 1872; *St. Louis Globe – Democrat*, August 23, 1876; *Inter Ocean*, September 4, 1876.

For examples of Centennial commemorations see *Boston Daily Advertiser*, April 20, 1875, July 15, 1876; *The Congregationalist*, April 22, 1875; *Bangor Daily Whig & Courier*, May 18, 1875; *Milwaukee Daily Sentinel*, July 4, 1876, July 22, 1876; *Arizona Weekly Miner*, July 21, 1876.

<sup>359</sup> David Waldstreicher, Jeffrey L. Pasley, and Andrew W. Robertson, “Introduction: Beyond the Founders,” in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, eds. Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill: The University of North Carolina Press, 2004), 2-3; Daniel Peart and Adam I.P. Smith, “Introduction,” in *Practicing Democracy*, 7-8.



**Epilogue:  
“Forgetting While Remembering”**

*“Who can remember what a Liberty Pole is? Have any of us actually seen one and know what it stood for?”  
- Roy D. Goold, SAR Magazine, Fall 1983*

During the fall of 1919, the New York Sons of the American Revolution met with representatives from the New York Historical Society at Fraunces Tavern to discuss the creation of a liberty pole monument in City Hall Park. They hoped to erect a metal pole on the site where the Sons of Liberty had first raised their poles during the imperial crisis. The men had both the War of Independence and the recently concluded First World War on their minds. Their resolution described the pole “as a memorial of the staunch and unflinching patriotism of the New York Troops and their valor and unparalleled success on the Battle Fields of Europe.” In 1921, the group erected their monument. The plaque at its base declared it a memorial to the “five liberty poles” of colonial New York City and a tribute “in grateful remembrance of all lovers of our country who have died that the liberty won on these shores might be the heritage of the world.”<sup>360</sup>

Over sixty years later, the New York Sons of the American Revolution regretted that the monument had not done enough. Member Roy D. Goold penned an article for the organization’s magazine that lamented the lost history of pole-raising. “Who can remember what a Liberty Pole is? Have any of us actually seen one and know what it stood for?” he asked. Goold recalled the battles over the New York City liberty poles and the spread of the symbol across the colonies.

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<sup>360</sup> Robert H. Kelby, Meeting Minutes, November 5, 1919, “Liberty Pole – Documents Concerning the 1922 Rededication,” (New York Historical Society); The bottom two thirds of the pole consisted of Douglas Fir from Oregon and the top third was wood from Maine “joining the East and the West as contributors to the completion of the pole.” Joint Committee of Historical Society and Sons of the Revolution to George A. Zabriskie, July 14, 1820, “Liberty Pole – Documents Concerning the 1922 Rededication.”

But few Americans knew this part of their past. “Is it not time to re-erect and protect the Liberty Pole, to restore the forgotten symbol of our Nation, to re-unite it with the Flag?” he concluded.<sup>361</sup>

But the Revolutionary liberty poles have not been entirely forgotten. They live on not only in the New York City monument, but also in late nineteenth and early twentieth century art (see *Figure 1*), street names, and community celebrations. For instance, every April, the residents of Bedford, Massachusetts hold a “pole-capping” ceremony in which Patriot reenactors raise a liberty pole and place a liberty cap atop while Loyalist reenactors attempt to interfere. One participant commented, “There are these issues of authority and liberty, and I think it really is important that people understand their history.”<sup>362</sup>



Figure 2. "Raising the liberty pole, 1776" painted by F.A. Chapman; engraved by John C. McRae, N.Y. 1875. Library of Congress – USZC4-12378.

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<sup>361</sup> Roy D. Goold, "Liberty Poles – Symbols of Freedom," *The Sons of the American Revolution Magazine* 78, no. 2 (Fall 1983): 20.

<sup>362</sup> Kristin LaFratta, "Bedford 'Pole Capping' ceremony: the Massachusetts tradition you've probably never heard of," *MassLive*, April 8, 2017; some examples of street names include Liberty Pole Road in Hingham, Massachusetts and Springwater New York, Liberty Pole Way in Rochester, New York, and Liberty Pole Point in Stonington, Maine.

Even protestors still rely on liberty poles. In April 2015, marijuana legalization and D.C. statehood activists raised a 42-foot liberty pole on the National Mall and chained themselves to it. One of the leaders explained that their demonstration sought to highlight the federal government's undemocratic control of the District: "We see a lot of similarities between how the English treated the colonists and how Congress treats D.C. residents." The participants took turns shackling themselves to the pole. However, nobody climbed it to place a liberty cap on top; they were likely already high enough.<sup>363</sup>

In all of these ways, Americans continue to use the liberty pole to evoke the American Revolution and interpret its legacy. For the New York Sons of the American Revolution, the liberty pole recalls the Revolution's promise of freedom for all people, in the United States and around the world. For the residents of Bedford, their annual celebration comments on the struggle between government power and individual liberty that the Revolution failed to perfect. For the D.C. activists, the Revolution's promise of self-government remains unfulfilled.

While far from ubiquitous, these efforts have sustained the place of Revolutionary liberty poles in American popular memory. The 1790s liberty poles, however, remain forgotten. There are no monuments, paintings, or celebrations of these poles. The only commemorative pole-raising occurred in a 2018 promotion for Liberty Pole Spirits, a whiskey distillery in Washington, Pennsylvania that aims to capitalize on the local Whiskey Rebellion history.<sup>364</sup>

Americans' preference for the Revolutionary poles speaks to the broader ways in which popular memory limits the Revolution by focusing on its origins and the war against Britain

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<sup>363</sup> Perry Stein, "Marijuana and statehood activists are chaining themselves to 'liberty pole' on the Mall," *The Washington Post*, April 15, 2015.

<sup>364</sup> Diana Nelson Jones, "Rebel history makes for spirited tour in Washington County," *Pittsburgh Post-Gazette*, June 9, 2018; Celine Roberts, "Distillery in Washington, Pa., looks to history," *Pittsburgh City Paper*, July 6, 2016.

while overlooking the messier, subsequent contests that divided Americans over its legacy. This “forgetting while remembering,” as Alfred F. Young put it, offers Americans a simplified narrative defined by British malevolence and American resilience. This story is peopled by a handful of white men who bequeathed a legacy of liberty and prosperity to Americans in their founding documents. A mythic history defined by genius and consensus is comforting to those who look to the glory of the past to heal the wounds of the present. Moreover, phenomena like constitutional originalism and “Founders Chic” both demand and reinforce a cohesive founding vision.<sup>365</sup>

Americans have forgotten the early republic poles because they stand for division. They remind that neither the Revolution nor the federal constitution yielded singular definitions of citizenship, popular sovereignty, or political expression. As a result, the poles reveal early American political competition as a reckoning with the instability of concepts at the heart of American democracy, which is why recovering their history is so important. Liberty pole conflicts laid the foundations for current struggles over protest, dissent, and the First Amendment. By recalling them, we recover the truest legacy of the American Revolution.

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<sup>365</sup> Alfred F. Young, *The Shoemaker and the Tea Party: Memory and the American Revolution* (Boston: Beacon Press, 1999), 113; Alan Taylor, “Our Feuding Founding Fathers,” *The New York Times*, October 17, 2016; For more on the Declaration of Independence in popular memory, see Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Knopf, 1997).

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This is a story of ordinary people who did their best in uncertain times. I tell it in the memory of my departed relatives who did the same.

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