

Primary Source

# Kentucky Resolutions of 1798

*In 1798 Federalists in Congress passed and President John Adams signed a series of controversial laws usually referred to collectively as the Alien and Sedition Acts. One of these laws, which was nakedly partisan, sought to silence Republican journalists critical of Adams. Another permitted the federal government to deport immigrants judged to be “dangerous.” Republican leaders were appalled, and accused Congress and the president of usurping powers not granted by the Constitution. The Republican-controlled legislatures of Kentucky and Virginia passed resolutions declaring the laws unconstitutional and asserting the right of states to “void” laws that it judged to be in clear violation of the constitutional compact. In the 1820s and 1830s South Carolina politicians, including John C. Calhoun, drew on the Kentucky and Virginia resolutions in constructing their doctrine of Nullification. Printed below are two resolutions adopted by Kentucky’s legislature on November 10, 1798. They were authored by Thomas Jefferson, though this was not known by the public until years later.*

1. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes,—delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United

States, piracies, and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that “the powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people,” therefore the act of Congress, passed on the 14th day of July, 1798, and intituled “An Act in addition to the act intituled An Act for the punishment of certain crimes against the United States,” as also the act passed by them on the — day of June, 1798, intituled “An Act to punish frauds committed on the bank of the United States,” (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution,) are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory.

**Source:** *The Writings of Thomas Jefferson* (Washington: Taylor & Maury, 1854), vol IX, pp. 464-465.