

Primary Source

Virginia Resolution 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 they judged to be in clear violation of the constitutional compact. In the 1820s and 1830s South Carolinians, including John C. Calhoun, drew on the Kentucky and Virginia Resolutions in constructing their doctrine of Nullification. Printed below are some of the resolutions adopted by Virginia’s legislature on December 21, 1798. They were secretly authored by James Madison, though this fact was not made public until 1807.

IN THE VIRGINIA HOUSE OF DELEGATES, *Friday, Dec. 21, 1798.*

RESOLVED,

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid that they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and, that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation were the less

liable to be misconstrued) so as to destroy the meaning and effect, of the particular enumeration which necessarily explains, and limits the general phrases, and so as to consolidate the States by degrees, into one Sovereignty, the obvious tendency and inevitable result of which would be, to transform the present republican system of the United States, into an absolute, or at best, a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the “Alien and Sedition Acts” passed at the last session of Congress; the first of which, exercises a power no where delegated to the Federal Government, and which by uniting Legislative and Judicial powers to those of Executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts, exercises in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power, which more than any other, ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

Source: *The Virginia and Kentucky Resolutions of 1798 and '99* (Washington: Jonathan Elliot, 1832), pp. 5-6.