Alien and Sedition Acts

From earlier readings, you know that John Adams faced many challenges as president: in foreign policy he confronted France's angry reaction to the Jay Treaty between the United States and Great Britain and on the home front Adams's primary political opposition came from his own vice president Thomas Jefferson. French seizure of American ships threatened to lead to war and Adams accordingly prepared the United States for invasion by tripling the size of the army and coaxing General George Washington out of retirement to command it. You remember that Jefferson left Washington's cabinet because of his support for the French and Washington's siding with Alexander Hamilton's pro-British sentiments. Jefferson and his supporters opposed Adams's hostile policy toward France. To control dissent at home, the Federalists (Adams's supporters) in 1798 passed four acts collectively referred to as the Alien and Sedition Acts. These acts limited freedoms of speech and press and threatened the liberty of foreigners in the United States (because recent immigrants tended to favor Jefferson).

1) Naturalization Act – extended from 5 to 14 years the time that an immigrant must live in the United States before applying for citizenship (today it is 5 years). With citizenship came the right to vote for most free white men and so this act would delay citizenship and the right to vote for immigrants.

2) Alien Act and Alien Enemies Act – during wartime empowered the president to order the imprisonment or deportation of suspected aliens.

3) Sedition Act – authorized heavy fines and imprisonment for anyone convicted of "writing, printing, uttering or publishing any false, scandalous and malicious" remarks against the government or its officers (Sec. 2).

You can read the Alien Act and the Sedition Act here:
http://avalon.law.yale.edu/subject_menus/alsedact.asp

When you read the above summary of these acts (or the acts themselves), what do you think? Does the Sedition Act violate the First Amendment's guarantee of freedom of speech and press? Does the Bill of Rights extend its protections only to American citizens? Look at those amendments (1-10) again and notice that "person" not "citizen" is used (e.g., in the Fifth Amendment).

Under the provisions of these acts, the Federalists indicted leading Jeffersonian Republican newspaper editors and writers, fining and imprisoning at least twenty-five,
and convicting Congressman Matthew Lyon for publishing libelous statements about President Adams.

Kentucky and Virginia Resolves of 1798

The Kentucky and Virginia Resolves establish a precedent of a state's right to refuse to enforce federal legislation (called nullification). We will revisit states' rights again this week when we discuss the Hartford Convention in opposition to the War of 1812 and in subsequent weeks when we focus on the nullification crisis during Andrew Jackson's Administration and, in the next course (Hist 147), when we review the buildup to the Civil War.

Thomas Jefferson and his closest friend James Madison (one of the authors of the Federalist Papers written in support of the Constitution's ratification) objected strenuously to the Alien and Sedition Acts. James Madison drafted the Virginia Resolves (1798) and Jefferson the Kentucky Resolves (1799). The legislatures of those states passed the resolutions to protest the Alien and Sedition Acts. Both documents advanced the idea that states may judge the validity of a federal government’s action if that action involved a power not delegated in the Constitution. The Kentucky version referred specifically to "nullification" of the Alien and Sedition Acts because they were "palpable violations" of the Constitution (see paragraph that begins "RESOLVED").

You can read the Virginia and Kentucky Resolutions here:
http://avalon.law.yale.edu/subject_menus/alsedact.asp

Alien and Sedition Acts Today

From your textbook, you know that Jefferson's election in 1800 resulted in the repeal of the Alien and Sedition Acts. The Campaign of 1800 was the first in American history that featured two national political parties in a bitter contest. Jefferson's supporters coalesced into the Jeffersonian Republican Party (also called "Democratic Republican Party" and the predecessor of today's Democratic Party)* and Adams’s as the Federalist Party. We will examine the American political party system repeatedly in this course as one party fades (e.g., the Federalist) and others emerge (e.g., the Republican).

Can you see how the Alien and Sedition Acts of 1798 continue to influence us today? Look above at the Sedition Act and think about the Patriot Act that was passed after the attacks of September 11, 2001. Do we debate today questions about surrendering our liberties for security as we expect the government to protect us from terrorist attacks?
* Note that to avoid confusion between the Jeffersonian Republican Party and today's Republican Party, the Jeffersonian Republicans are also referred to as Democratic Republicans.

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