

# Alien and Sedition Acts

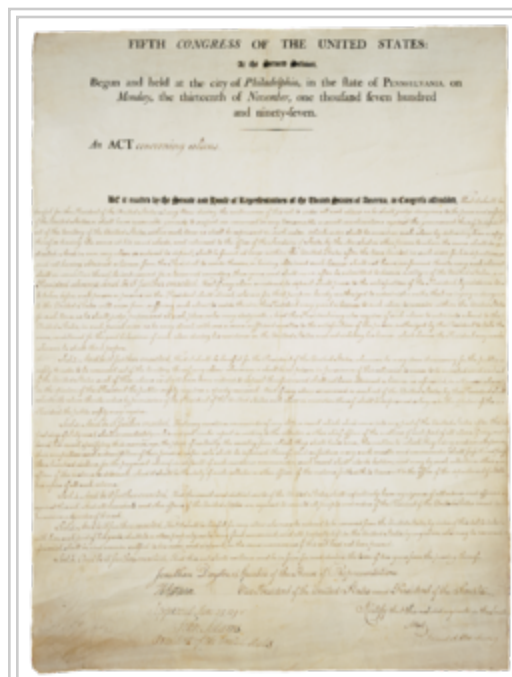
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The **Alien and Sedition Acts** were four bills that were passed by the Federalists in the 5th United States Congress and signed into law by President John Adams in 1798 in the aftermath of the French Revolution and during an undeclared naval war with France, later known as the Quasi-War. The Naturalization Act increased the residency requirement for American citizenship from 5 to 14 years, and allowed the president to imprison or deport aliens who were considered "dangerous to the peace and safety of the United States". They also restricted speech which was critical of the federal government. Authored by the Federalists, the laws were designed under the guise of national security but most historians conclude it was really intended to decrease the number of voters who disagreed with the Federalist party.<sup>[1]</sup> At the time, most immigrants (namely Irish and French) supported Thomas Jefferson and the Democratic-Republicans, the political opponents of the Federalists. This act was repealed in 1802 by the Naturalization Law of 1802.

The acts were denounced by Democratic-Republicans and ultimately helped them to victory in the 1800 election, when Thomas Jefferson became President. The Sedition Act and the Alien Friends Act were allowed to expire in 1800 and 1801, respectively. The Alien Enemies Act remains in effect as 50 USC Sections 21–24.<sup>[2]</sup>

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## History

Opposition to Federalists, spurred on by Democratic-Republicans, reached new heights at this time with the Democratic-Republicans supporting France still in the midst of the French Revolution. Some appeared to desire an event similar to the French Revolution to come to the United States to overthrow the government.<sup>[3]</sup> When Democratic-Republicans in some states refused to enforce federal laws, such as the 1791 whiskey tax, the first tax levied by the national government, and threatened to rebel, Federalists threatened to send in the army to force them to capitulate.<sup>[4]</sup> As the unrest sweeping Europe was bleeding over into the United States, calls for secession reached unparalleled heights, and the fledgling nation seemed ready to rip itself apart.<sup>[4]</sup> Some of this was seen by Federalists as having been caused by French and French-sympathizing immigrants.<sup>[4]</sup> The Alien Act and the Sedition Act were meant to guard against this perceived threat of anarchy.

Democratic-Republicans denounced them, though they did use them after the 1800 election against Federalists.<sup>[5]</sup> They were a major political issue in the elections of 1798 and 1800. They were very controversial in their own day, as they remain to the present day. Opposition to them resulted in the highly controversial Virginia and Kentucky Resolutions, authored by James Madison and Thomas Jefferson. Prominent prosecutions under the Sedition Act include:

- James Thomson Callender, a Scottish citizen, had been expelled from Great Britain for his political writings. Living first in Philadelphia, then seeking refuge close in Virginia, he wrote a book entitled *The Prospect Before Us* (read and approved by Vice President Jefferson before publication) in which he called the Adams administration a "continual tempest of malignant passions" and the President a "repulsive pedant, a gross hypocrite and an unprincipled oppressor". Callender, already residing in Virginia and writing for the *Richmond Examiner*, was indicted in mid-1800 under the Sedition Act and convicted, fined \$200 and sentenced to nine months in jail.<sup>[6]</sup>
- Matthew Lyon was a Democratic-Republican congressman from Vermont. He was indicted in 1800 under the Sedition Act for an essay he had written in the *Vermont Journal* accusing the administration of "ridiculous pomp, foolish adulation, and selfish avarice". While awaiting trial, Lyon commenced publication of *Lyon's Republican Magazine*, subtitled "The Scourge of Aristocracy". At trial, he was fined \$1,000 and sentenced to four months in

jail. After his release, he returned to Congress.<sup>[7][8]</sup>

- Benjamin Franklin Bache was editor of the *Aurora*, a Democratic-Republican newspaper. Bache had accused George Washington of incompetence and financial irregularities, and "the blind, bald, crippled, toothless, querulous Adams" of nepotism and monarchical ambition. He was arrested in 1798 under the Sedition Act, but he died of yellow fever before trial.<sup>[9]</sup>
- Anthony Haswell was an English immigrant and a printer in Vermont.<sup>[10]</sup> Among other activities, Haswell reprinted parts of the *Aurora*, including Bache's claim that the federal government had employed Tories.<sup>[11]</sup> Haswell was found guilty of seditious libel by judge William Paterson, and sentenced to a two-month imprisonment and a \$200 fine.<sup>[12]</sup>
- Luther Baldwin was indicted, convicted, and fined \$100 for an incident that occurred during a visit by President Adams to Newark, New Jersey.<sup>[13][14]</sup>
- In November 1798, David Brown led a group in Dedham, Massachusetts in setting up a liberty pole with the words, "No Stamp Act, No Sedition Act, No Alien Bills, No Land Tax, downfall to the Tyrants of America; peace and retirement to the President; Long Live the Vice President".<sup>[15][16][17]</sup> Brown was arrested in Andover, Massachusetts, but because he could not afford the \$4,000 bail, he was taken to Salem for trial.<sup>[18]</sup> Brown was tried in June 1799.<sup>[15]</sup> Brown pled guilty but Justice Samuel Chase asked him to name others who had assisted him.<sup>[15]</sup> Brown refused, was fined \$480,<sup>[18][19]</sup> and sentenced to eighteen months in prison, the most severe sentence ever imposed under the Sedition Act.<sup>[15][18]</sup>

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## Effect of the acts

The Democratic-Republicans made the Alien and Sedition Acts an important issue in the 1800 election. Thomas Jefferson, upon assuming the Presidency, pardoned those still serving sentences under the Sedition Act,<sup>[20]</sup> though he also used the acts to prosecute several of his own critics before the acts expired.<sup>[5][21]</sup> It has been said that the Alien Acts were aimed at Albert Gallatin; and the Sedition Act aimed at Benjamin Bache's *Aurora*.<sup>[22][23]</sup> While government authorities prepared lists of aliens for deportation, many aliens fled the country during the debate over the Alien and Sedition Acts, and Adams never signed a deportation order.<sup>[24]</sup>

The Alien and Sedition Acts were never appealed to the Supreme Court, whose right of judicial review was not established until *Marbury v. Madison* in 1803.

Subsequent mentions in Supreme Court opinions beginning in the mid-20th century have assumed that the Sedition Act would today be found unconstitutional.<sup>[25][26]</sup>

Jefferson and James Madison also secretly drafted the Kentucky and Virginia Resolutions denouncing the federal legislation, though many other state legislatures strongly opposed these resolutions.<sup>[27][28][29]</sup> Though the resolutions followed Madison's "interposition" approach, Jefferson advocated nullification and at one point drafted a threat for Kentucky to secede.<sup>[30]</sup> Jefferson's biographer Dumas Malone argued that this might have gotten Jefferson impeached for treason, had his actions become known at the time.<sup>[31]</sup> In writing the Kentucky Resolutions, Jefferson warned that, "unless arrested at the threshold," the Alien and Sedition Acts would "necessarily drive these states into revolution and blood." Historian Ron Chernow says of this "he wasn't calling for peaceful protests or civil disobedience: he was calling for outright rebellion, if needed, against the federal government of which he was vice president." Jefferson "thus set forth a radical doctrine of states' rights that effectively undermined the constitution."<sup>[32]</sup> Chernow argues that neither Jefferson nor Madison sensed that they had sponsored measures as inimical as the Alien and Sedition Acts themselves.<sup>[32]</sup> Historian Garry Wills argued "Their nullification effort, if others had picked it up, would have been a greater threat to freedom than the misguided [alien and sedition] laws, which were soon rendered feckless by ridicule and electoral pressure"<sup>[33]</sup> The theoretical damage of the Kentucky and Virginia resolutions was "deep and lasting, and was a recipe for disunion".<sup>[32]</sup> George Washington was so appalled by them that he told Patrick Henry that if "systematically and pertinaciously pursued", they would "dissolve the union or produce coercion".<sup>[32]</sup> The influence of Jefferson's doctrine of states' rights reverberated right up to the Civil War and beyond.<sup>[4]</sup> Future president James Garfield, at the close of the Civil War, said that Jefferson's Kentucky Resolution "contained the germ of nullification and secession, and we are today reaping the fruits".<sup>[4]</sup>

## See also

- Alien Act of 1705 in England
- Alien Registration Act of 1940
- Espionage Act of 1917
- Logan Act
- Nullification Crisis
- Sedition Act of 1918
- Violent Radicalization and Homegrown Terrorism Prevention Act of 2007

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22. ^ What States Rights Really Mean by Thomas E. Woods, Jr. [LewRockwell.com](http://LewRockwell.com).

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23. ^ The Alien & Sedition Act Trials (<http://www.historictrials.freesevers.com/seditionacts/info1.htm>)
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  25. ^ In the seminal free speech case of *New York Times Co. v. Sullivan*, the Court declared, "Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history." 376 U.S. 254, 276 (1964). In a concurring opinion in *Watts v. United States*, which involved an alleged threat against President Lyndon Johnson, William O. Douglas noted, "The Alien and Sedition Laws constituted one of our sorriest chapters; and I had thought we had done with them forever ... Suppression of speech as an effective police measure is an old, old device, outlawed by our Constitution."
  26. ^ *Watts v. United States*, 394 U.S. 705 (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=394&invol=705>)
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  29. ^ Reed, Ishmael (Jul 05, 2004). "Thomas Jefferson: The Patriot Act of the 18th Century" (<http://www.time.com/time/magazine/article/0,9171,994570-2,00.html>). *Time*.
  30. ^ Jefferson's draft said: "where powers are assumed [by the federal government] which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non foederis*) to nullify of their own authority all assumptions of power by others within their limits." See Jefferson's draft of the Kentucky Resolutions of 1798 (<http://www.constitution.org/cons/kent1798.htm>).
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## External links

- Full Text of Alien and Sedition Acts
- Alien and Sedition Acts and Related Resources from the Library of Congress (<http://www.loc.gov/rr/program/bib/ourdocs/Alien.html>)

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