

The Alien & Sedition Acts

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The Alien and Sedition Acts were a series of four laws passed by the U.S. Congress in 1798 amid widespread fear that war with France was imminent. The four laws—which remain controversial to this day—restricted the activities of foreign residents in the country and limited freedom of speech and of the press.



Dueling Political Parties

The Federalist Party, which supported a strong central government, had largely dominated politics in the new nation before 1796, when John Adams won election as the second U.S. president. In opposition to the Federalists stood the **Democratic-Republican Party**, commonly known as Republicans or Jeffersonians for their ideological leader, Thomas Jefferson. Republicans wanted to reserve more power to state governments and accused the Federalists of leaning more towards a monarchical style of government.

XYZ Affair

The two parties also diverged dramatically over issues of foreign policy. In 1794, the Federalist administration of George Washington signed the **Jay Treaty** with Britain, greatly improving Anglo-American relations but angering the French (who were then at war with Britain).

Soon after Adams took office, he sent a three-member delegation to Paris to meet with the foreign minister, Charles Talleyrand. Instead, three French representatives—referred to in official U.S. documents as X, Y and Z—demanded a \$250,000 bribe, as well as a loan of \$10 million, before talks could begin. After the Americans refused, word of the so-called **XYZ Affair** spread at home, sparking outrage and calls for war against France.

What Were The Alien and Sedition Acts?

Amid mounting tensions, Federalists accused Republicans of being in league with France against their own country's government. Writing in June 1798 in the *Gazette of the United States*, Alexander Hamilton called the Jeffersonians "more Frenchmen than Americans" and claimed that they were prepared "to immolate the independence and welfare of their country at the shrine of France." Fears of an imminent French invasion led the Adams administration to begin war preparations and pass a new land tax to pay for them. With fears of enemy spies infiltrating American society, the Federalist majority in Congress passed four new laws in June and July 1798, collectively known as **the Alien and Sedition Acts**.

With the **Naturalization Act**, Congress increased residency requirements for U.S. citizenship to 14 years from five. (Many recent immigrants and new citizens favored the Republicans.)

The Alien Enemies Act permitted the government to arrest and deport all male citizens of an enemy nation in the event of war, while **the Alien Friends Act** allowed the president to deport any non-citizen suspected of plotting against the government, even in peacetime.

Most importantly, Congress passed **the Sedition Act**, which took direct aim at those who spoke out against Adams or the Federalist-dominated government.

Even as the bitter debates between the two fledgling political parties were being played out in rival newspapers and other publications, the new law outlawed any "false, scandalous and malicious writing" against Congress or the president, and made it illegal to conspire "to oppose any measure or measures of the government."

Sedition Act Debate

The Republican minority in Congress complained that the Sedition Act violated the First Amendment to the Constitution, which protected freedom of speech and freedom of the press. But the Federalist majority pushed it through, arguing that English and American courts had long punished seditious libel under common law, and that freedom of speech must be balanced with an individual's responsibility for false statements. Adams signed the Sedition Act into law on July 14, 1798. It was set to expire on March 3, 1801, the last day of his term in office.

The Virginia and Kentucky Resolutions were passed by the legislatures of their respective states in response to the Alien and Sedition Acts. James Madison authored the Virginia Resolution in collaboration with Thomas Jefferson, who also authored the Kentucky Resolution. Both argued that the federal government did not have the authority to enact laws not specified in the constitution. Jefferson wrote: "[T]he several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those [states], of all unauthorized acts....is the rightful remedy."

Reaction to the Alien and Sedition Acts

Timothy Lyon, a Republican congressman from Vermont, became the first person tried under the new law in October 1798. A grand jury indicted Lyon for publishing letters in Republican newspapers during his reelection campaign that showed "intent and design" to defame the government and President Adams, among other charges. Lyon acted as his own attorney, and defended himself by claiming the Sedition Act was unconstitutional, and that he had not intended to damage the government. He was convicted, and the judge sentenced him to four months in prison and a fine of \$1,000. Lyon won reelection while sitting in jail, and would later defeat a Federalist attempt to kick him out of the House.

Another individual famously prosecuted under the Sedition Act was the Republican-friendly journalist James Callender. Sentenced to nine months in prison for his "false, scandalous, and malicious writing, against the said President of the United States," Callender wrote articles from jail supporting Jefferson's campaign for president in 1800. After Jefferson won, Callender demanded a government post in return for his service. When he failed to get one, he retaliated by revealing the first public allegations of Jefferson's long-rumored relationship with a slave woman, Sally Hemings, in a series of newspaper articles.

Legacy of Alien and Sedition Acts

All told, between 1798 and 1801, U.S. federal courts prosecuted at least 26 individuals under the Sedition Act; many were editors of Republican newspapers, and all opposed the Adams administration. The prosecutions fueled furious debate over the meaning of a free press and the rights that should be afforded to political opposition parties in the United States. In the end, widespread anger over the Alien and Sedition Acts fueled Jefferson's victory over Adams in the bitterly contested 1800 presidential election, and their passage is widely considered to be one of the biggest mistakes of Adams' presidency.

Post Reading (all responses in complete sentences, complete in your notebook):

1. Define each of the bolded terms in the reading above.
2. What is dangerous about laws like the Alien and Sedition Acts?
3. Make a connection between the Alien and Sedition Acts to any other event/period in history. What do they have in common? In what ways are they different?