ALIEN AND SEDITION ACTS

Security Vs. Liberty
International Crisis

• In 1798 Federalists believed the U.S. was facing the most dangerous crisis in its short history—an undeclared naval war with France, infiltration on the part of immigrants, and possibly mob rule or the overthrow of the republic.

• France perceived that Jay’s Treaty favored Britain since it allowed the British to seize French goods from American ships in exchange for financial compensation. France retaliated by capturing hundreds of ships flying the U.S. flag.

• President Adams attempted to negotiate with France, but the French government refused to receive the American envoy and suspended commercial relations.

• Congress responded by authorizing the president to arm American merchant vessels.
Federalists Vs. Republicans

- Federalists viewed their Republican rivals as dangerous radicals, hell-bent on fomenting a social revolution as democratic as the French Revolution.
- Federalists considered the French Revolution and subsequent “Reign of Terror” a degeneration into anarchy.
- Federalists feared that aliens with extremist ideas would corrupt the minds of Americans and mobilize the masses for mob rule. One Pennsylvania newspaper argued that “none but the most vile and worthless” were invading the nation and willing to commit acts of treason against rightful authority.
- Hysteria gripped members of the Federalist party. On June 25, 1798 John Jay said it would be “just and proper” to declare the treaty with France “void.” He predicted that the “Jacobin leaders will continue to persuade their deluded followers that the Government is chargeable not only with precipitation but with a desire to prevent accommodation….”
- Republicans considered the Federalists to be reactionary defenders of the wealthy, commercial elite, eager to reinstitute monarchy.
- Republicans supported the French Revolution and its attack on aristocratic privileges.
- As some realized, the Jeffersonians had been exceedingly idealistic and naïve in their support of Revolutionary France.
- Federalists considered the widespread participations of immigrants in the Republican party as evidence of disloyalty. So, many Federalists sought to tighten restrictions on foreigners and to silence dissent as well as critics of their policies.
- In an attempt to halt French seizures of American ships, President Adams worked diligently to push bills through Congress that would allow him to increase the size of the army and navy.
Against the advice of Washington and Hamilton, Adams sent three emissaries to France. The French foreign minister, Talleyrand, refused to negotiate with the diplomats. Talleyrand sent three agents, who demanded a bribe before negotiating with the American commission. The envoys, of course, refused the bribe. The diplomatic mission failed miserably. When news of the XYZ Affair appeared in the press, it triggered demands for war with France. Americans cried, “Millions for defense, but not one cent for tribute.

The Quasi-War ensued for two years. Rumors of alien plots wreak havoc upon the young, fragile nation abounded.

Federalists acted to preclude domestic subversion and silence opposition to the Federalist-controlled government.
Quasi-War

- Congress passed four laws to control threats to the national security and to punish the opposition party for seditious libel. These acts gave the president the power to imprison or deport foreigners believed to pose a threat to the U.S. and made it a crime to criticize the government with “false, scandalous, or malicious statements.”
- The Naturalization Act increased the residency requirement for American citizenship from 5 to 14 years, required aliens to declare their intent to acquire citizenship 5 years before it could be granted, and made people from “enemy” nations ineligible for naturalization.
- The Alien Enemies Act allowed for the deportation of aliens from nations at war with the U.S.
- The Alien Friends Act gave the president the power to incarcerate or deport any alien he deemed “dangerous to the peace and safety of the United States.”
- The Sedition Act limited freedom of speech and the right to peaceably assemble. The act made it illegal to “print, utter, or publish ... any false, scandalous, and malicious writing” against the government. It also prohibited assembly “with intent to oppose any measure ... of the government.”
Alien and Sedition Acts

- Many Federalists interpreted “seditious libel” to mean any effort intended to malign or weaken the government. Thus many Republicans were not entitled to freedom of speech. Republican newspapers were guilty of “lies and misrepresentations.”
- First Lady Abigail Adams demanded that the “abuse, deception, and falsehood” cease. She argued that if Benjamin Bache and his Aurora were not stopped, the nation would be mired in “civil war.”
- Federalists tried to suppress Republican opposition on the basis of ideological differences and to extinguish support for revolutionary France.
- Federalists successfully prosecuted Republicans, such as newspaperman Thomas Cooper and Congressman Mathew Lyon.
- Fierce debate and even violence erupted in Congress. The cartoon shows a quarrel between Federalist Roger Griswold and Republican Mathew Lyon.
- Former President Washington supported the Alien and Sedition Acts and expressed hostility toward the Republicans when he wrote to Secretary of War James McHenry: “A profest Democrat ... will leave nothing unattempted to overturn the Government of this Country.”
Hundreds of refugees fled to Europe fearing detention.

Federalist prosecutors indicted 25 people. Ten were convicted. The most notorious case was that of Luther Baldwin, the pilot of a garbage scow. Authorities arrested Baldwin in Newark, New Jersey on charges of criminal sedition. While cannons saluted the president during his visit, Baldwin said “that he did not care if they fired through [the president’s] arse.” For his drunken comments, the court ordered Baldwin to pay a fine of $150 along with court costs, and Baldwin spent two months in jail until he paid the fine and fees.

Alexander Addison, president Pennsylvania’s county courts defended the Alien and Sedition Acts by arguing, “It is of the utmost importance to a free people that the full limits of their rights be well ascertained and preserved; for liberty without limit is licentiousness, it is the worst kind of tyranny.”

One Federalist described Republicans as “democrats, mobocrats and all other kinds of rats.”

President Adams may have some reservations about signing the acts into law, but he did support and enforce the laws once in force.

Federalist U.S. Supreme Court Justice Samuel Chase asserted, “There is nothing we should more dread than the licentiousness of the press. Chase and other judges delivered harsh sentences, but they never imposed the maximum-$2000 fine or jail sentence of 2 years. They often sent the guilty to jail. Average fines were $300. Lyon’s fine was $1000. Most of the convicted served 3-4 months in jail.

Juries determined whether or not a statement constituted seditious libel.
Virginia and Kentucky Resolutions

- Jefferson and Madison collaborated in producing protest resolutions contending that the government was a “compact” between the states and that citizens, through their state legislatures, possessed the right to judge the constitutionality of federal legislation. They presented the doctrines of interposition and nullification. Essentially, they argued that the Alien and Sedition Acts violated the First Amendment and should be declared null and void.

- The Virginia Resolution claimed that the states had the duty to “interpose for arresting the progress of the evil.” The Kentucky Resolution argued that a single state could nullify a federal action it judged to be unconstitutional.

- Southern slaveholders later used these doctrines to justify secession.
Revolution of 1800

- Jefferson and Madison urged Republicans to repudiate the Alien and Sedition Acts by making the unjust laws an issue in the campaign of 1800.
- Because of voter disgust with the Alien and Sedition Acts, higher taxes and rising debt, the Republicans won a majority in Congress.
- Mathew Lyon campaigned for reelection from his prison cell and won easily.
- Circulation increased for Republican newspapers and periodicals.
- The Federalists failed to legislate a one-party press and a one-party.
Legacy

- Citizens supported an expanded view of freedom of expression.
- In subsequent wars government officials resurrected the sedition and incarceration provisions in the name of national security.
- As historian Larry Gragg argues, “In the 200 years since the passage of the Alien and Sedition Acts, each generation of Americans has struggled to determine the limits of free speech and freedom of the press. In large part, it has been a dilemma of reconciling freedom and security with liberty and order. For the Federalist Party in 1798, however, the answer was simple; order and security had to prevail.”
BIBLIOGRAPHY


