

The Price of Free Speech

ALIEN AND SEDITION ACTS



John Adams

(State Historical Society of Wisconsin)

John Adams

By 1788 enough states had approved the Constitution so that the new federal government could begin. Not everyone favored the Constitution and debates within each state had been intense. Now there was a new government—at least on paper. What kind of government would it be in practice? Would the federal government be strong enough to avoid past problems? Would the states obey the authority of the central government? Could the new nation be protected from possible foreign dangers? No one knew the answers to these questions. The new nation was yet to be shaped by experience.

As first president, war-hero George Washington was able to help get the new government underway. By the end of his time in office, serious problems had developed. These problems were to haunt the next president, John Adams. One of these problems was the bitter differences between political parties. The Constitution had not provided for the existence of political parties, but their growth had a powerful effect on the new nation.

One of the parties was called the Federalists; the other, Republicans. The parties reflected general disagreements among people. At times the two parties seemed to disagree about everything.

Generally, the Federalists wanted a strong national government, friendly relations with England, and an economy built on manufacturing. The Federalists were most powerful in the northeastern states.

On the other hand, the Republicans wanted greater limits on the power of the federal government. They favored friendly relations with France and an economy based on agriculture. Republicans were strongest in the middle and southern states.

Federalists believed that the wealthy upper classes should control the government; Republicans believed the common people should have the biggest influence. The Republicans often feared that the Federalists wanted to make the new nation a monarchy as in England. A leading Federalist was Alexander Hamilton. A leading Republican was Thomas Jefferson.

Differences between the parties became severe in the 1790s. During that time problems with foreign nations threatened the safety of the new nation.

France had helped the colonies win their independence from England. After the Revolution, France was admired by most Americans. Then, beginning in 1789, France went through a series of violent revolutions. News of these events, a reign of terror in France, and French invasions of other European countries affected American

thinking. Some people, mainly Republicans, were delighted that France had overthrown its king and was now attacking other monarchies. Others, mainly Federalists, feared the French example would stimulate violence in the United States.

Tensions between the political parties increased when England and France went to war. According to a treaty signed in 1778, the United States had agreed to defend the French West Indies if they were threatened during wartime. George Washington believed the revolutions in France had nullified the treaty. He also did not want the young United States to become involved in a war. In 1793, he proclaimed that the United States would be neutral—would not take sides—in the European conflict.

French leaders were angered by this. They believed the United States had violated its treaty agreement. Also, they feared the United States was becoming too friendly with England and might even form an alliance. To get back at the United States, the French navy began attacking U.S. merchant ships, taking their cargo and often injuring their sailors. In 1795 about three hundred U.S. ships were captured.

When Federalist John Adams became president in 1796, anti-French feelings ran high among the members of his party. Republicans thought there was little danger to the United States, though many Federalists expected a full-scale war. Adams believed the French naval actions were, in effect, a declaration of war. It was, however a half-war: "She is at war with us, but we are not at war with her."

Adams wanted to avoid a war with France. In 1797 he sent three ambassadors to negotiate with the French government. The French foreign minister sent his agents, later known as X, Y, and Z, to talk with the ambassadors. The agents said the government would not begin to negotiate unless the U.S. government first paid a bribe of \$250,000 and gave France a multimillion dollar loan. The Americans refused and no peace talks were held.

When the news of the XYZ affair reached the United States, most people were shocked and offended. When John Marshall, one of the ambassadors, returned, he was treated as a hero for turning down the French insults. A slogan of the day was: "Millions for defense, but not a cent for tribute." Americans were unwilling to pay bribes to the French.

Hatred and fear of the French became common, particularly among Federalists. Many believed the French had secret agents in the United States who were plotting a revolution. Vice-President Thomas Jefferson, generally friendly toward France, was regarded as one of the

Federalists' enemies. Some newspapers printed a letter that they claimed had been written by Jefferson. The author of the letter said he hoped the supporters of France would take power in the United States.

Arguments between supporters of the Federalists and Republicans were common. Brawls took place in the streets. Newspapers took sides, some vigorously supporting the Adams administration, others vigorously opposing it.

Political party differences seemed to surround everything. A Federalist newspaper reported a bank robbery. In the article the robber was identified as a Republican. Even disease became political. Epidemics of yellow fever were common in Philadelphia during the summer months. In one instance, Republicans claimed the disease was carried in British ships while Federalists claimed it was spread by French ships.

The French continued to attack U.S. shipping, sometimes even in sight of the United States shoreline. To many it seemed war was inevitable. Some Federalists urged Adams to declare war. Adams made many speeches attacking the French but did not ask for a declaration of war. Instead, he urged Congress to pass laws for defense.

In spite of Republican opposition, the Federalist-dominated Congress passed many defense laws. A navy was to be built, an army raised, and new taxes were set to pay for them. George Washington came out of retirement to head the new army. Alexander Hamilton was to be his second-in-command.

In addition to these actions, Congress passed a series of laws known as the Alien and Sedition Acts. Among other things, the Alien Acts gave the president the power to order out of the country any foreigners "he shall judge dangerous to the peace and safety of the United States." The Alien Acts also made it more difficult for foreigners to become citizens. According to the new law a person had to live in the United States for 14 years before becoming eligible for citizenship. Prior to this, a person had to live in the country for only 5 years.

Republicans opposed the Alien Acts partly because they increased the president's power. Some of them still feared the Federalists were trying to establish a monarchy.

Republicans were most outraged by the passage of the Sedition Act, which prohibited statements bringing the government into contempt or opposing its laws. According to the Sedition Act it was a crime for any person to print or say anything "false, scandalous or malicious"

against the president or members of Congress. The law was to be in effect from July 1778 to March 1801.

Faced with a possible war in France, the Federalists wanted to avoid a possible uprising in the United States. They believed the new law would help them. One Federalist wrote: "The poor . . . with many of the ignorant, are easily formed into a revolutionary corps in every country." Another writer said it would not take many people to start trouble: "One frantic madman may bawl FIRE! at midnight, and disturb the peace and fears of a whole city—one furious French supporter could alarm a whole country with ridiculous fears of the government. The alarm is caught by the weak, and spread by the foolish."

Republicans opposed the Sedition law, claiming it violated the First Amendment of the Constitution. The First Amendment said that government could not interfere with the freedoms of speech and press. Once again the Republicans feared the government was taking on too much power. They also believed the Federalists were trying to destroy the Republican party. All the federal judges were Federalists and it was suspected they would probably use the laws only against Republican writers and speakers.

Federalists argued that free speech did not mean total freedom. There had to be limits. One Federalist said it would be foolish to "complain against laws made for punishing assault and murder as restraints upon the freedom of men's actions." Similarly, he said, people should not complain against laws limiting verbal abuse of the president and Congress.

The Federalists said it was a time of national emergency, and people had to support the government. They said the United States must present a united front to the French. As one Federalist newspaper put it: "He that is not for us, is against us."

The Republicans had been unable to prevent the passage of the Alien and Sedition Acts. Vice-President Jefferson decided to try an unusual way of opposing them. Secretly, he wrote that the Acts were unconstitutional. Then, he said that because each state had to vote for or against the Constitution, each state could decide if an act of Congress were unconstitutional. If a state decided a law was against the Constitution, then that law should not apply in that state.

Friends of Jefferson presented his writings to the Kentucky government. The state government voted its approval of the writings and thousands of copies were sent to other states. This became known as the Kentucky Resolution. James Madison had also secretly written

similar ideas, and they were passed by the Virginia state governi. No other states voted to support the Kentucky and Virginia Resolutions. It was not until many years later that people discovered who the true authors of the Resolutions were. Apparently they wrote them in secret to avoid being charged with sedition or even treason.

President Adams did not use the powers granted him by the Alien Acts. Many foreigners, however, for fear the president would exercise his powers, left the country. The Sedition Act was actively enforced and, as the Republicans had predicted, virtually all of those charged were Republicans. The first victim of the Sedition Act was a congressman from Vermont, Matthew Lyon.

In Congress, Lyon was an active opponent of the Federalist defense measures and controversial for other reasons. He was once almost expelled for fighting. Connecticut Congressman Griswold insulted Lyon and Lyon spit in his face. Later, the two men began clubbing one another while Congress was in session. For this incident Lyon was often called a beast—the spitting Lyon.

While back in Vermont, Lyon wrote an article claiming that Adams was interested in acting like a king. Although he knew he would be charged with breaking the law, Lyon continued writing. In another article he claimed the government was trying to make slaves of the people and seeking ties with the British monarchy. Lyon was charged, convicted, and thrown in jail. He could not believe that a congressman could be treated so badly. Neither could the voters in his district. While still in jail, Lyon was elected to another term in the Congress.

Another victim of the law was John Daly Burk. Burk had escaped from arrest in Ireland. He had started a riot by trying to rescue a man being led to his execution. Burk disguised himself as a woman and boarded a ship to the United States. He became a writer and eventually the editor of the *Time Piece*, a Republican newspaper in New York.

Burk hated the British monarch and wrote that Adams wanted to be king. He also accused Adams of falsifying diplomatic reports to make it appear that France wanted war. He said that Adams was favoring war with France. It was also reported that Burk said he wished the French would invade the United States and cut off the heads of all those supporting the Adams government.

Burk was arrested. Because he was not a citizen, the government said they would not press charges if he agreed to leave the United States. Burk agreed and said he would sail to Europe. Instead, however, he secretly went to Virginia. Jefferson and others had said that Virginia would be a safe place for people charged under the

Sedition Act. In Virginia, Burk changed his name and was not discovered by the authorities.

Not all those charged were writers. Late in 1798, President Adams was traveling through Newark, New Jersey. To honor him, flags were flown and cannons fired. One local resident, Luther Baldwin, became intoxicated and said that he wished the cannon would be fired at Adams' rear end. The tavern owner reported Baldwin. He was convicted of violating the Sedition Act and had to pay a stiff fine.

The battles with France came to an end. Changes in the French government's policy convinced Adams that they wanted peace. In October 1800, a peace agreement was signed.

The Federalist party also came to an end. Partly because of the increasing unpopularity of the Alien and Sedition Acts, the Federalists were never again a significant national power.

The Alien and Sedition Acts came to an end as well. They were legally in force for only a few years and expired when Jefferson became president.

1. What were two reasons that many Americans began to fear the French during the 1790s?
 2. Political parties emerged during this time. What major differences existed between the Federalists and Republicans?
 3. Why did the French begin attacking U.S. shipping?
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1. What were the provisions of the Alien Acts?
 2. What did the Sedition Act prohibit?
 3. Why did Federalists support the Alien and Sedition laws? Why did Republicans oppose the Alien and Sedition laws?
 4. What were the arguments set out in the Kentucky and Virginia Resolutions?
 5. Lyon, Burk, and Baldwin all got in trouble with the law. What did each person do in violation of the law?

Expressing Your Reasoning

1. Supporters of the Sedition Act made many arguments favoring it. Choose one of the arguments below that you think is a strong argument and write, in a few sentences, why you think it is a strong argument. Then, choose one of the arguments that you think is a weak one and state, in a few sentences, why you think it is a weak argument.
 - a. In a time of national emergency, normal freedoms have to be limited.
 - b. Constitutional guarantees of free expression do not mean people can say anything they feel like.
 - c. A government has the right to protect itself from those who oppose it from within or without the country.
 - d. People should be loyal and support their government and its leaders.
 - e. Congress passed the law after fair debate and it should be obeyed during the few years it was to be in effect. New leaders could be voted in at the next election if people didn't like the law.
2. Opponents of the Sedition Act made many arguments against it. Choose one of the arguments below that you think is a strong argument and write, in a few sentences, why you think it is a strong argument. Then, choose one of the arguments that you think is a weak one and state, in a few sentences, why you think it is a weak argument.
 - a. The First Amendment says that government should not interfere with the freedoms of speech and press.
 - b. No formal war existed with France, so such severe limits on freedom were not necessary.
 - c. The law was going to be used by the Federalists to attack Republican speakers and writers.
 - d. Governmental leaders are selected by the people, and the people have a right to say whatever they wish about them.
 - e. The law gave too much power to the president and the central government.
 - f. In a democracy, people have a right to hear all sides on a question, so all opinions should be allowed.