

Federalists v. Democratic-Republicans

The Alien and Sedition Acts and the Virginia and Kentucky Resolutions

Historical Context: During the 1790s, the United States found itself being pulled into the ongoing conflict between France and Britain. Americans became angered by reports that U.S. merchant ships were being seized by French warships and privateers. Seeking a settlement, President Adams sent a delegation to Paris to negotiate with the French Government. However, certain French ministers, called “X, Y and Z” by the American press, requested a bribe of \$250,000 before negotiations could take place. Reports of the bribe infuriated the American public, especially Federalists, who now clamored for war. “Millions for defense, not one cent for tribute” became a popular rallying cry. The United States now found itself in an undeclared naval war with France. In this context, arguing that national security was at risk, the Federalist Congress passed a series of laws known as the Alien and Sedition Acts. In addition a third law, the naturalization act, was also enacted. The Alien Act allowed the President to deport immigrants he deemed were a threat to the United States. The Naturalization Act increased residency requirement for citizenship to 14 years from 5 years. The text of the Sedition Act can be found below.

1. What was the XYZ affair? What did it lead to?
2. Who was targeted by the Alien and Naturalization Acts? Why?

Sedition Act - 1798

Be it enacted, That if any person shall write, print, utter, or publish, . . . or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States; . . . then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

1. What constitutional right was limited by the Sedition Act?
2. Do something that violates the Sedition Act.
3. Who in American society during the 1790s would be most affected by the Sedition Act? Why? Consider which political party would have been most affected.

In protest against the Alien, Sedition and Naturalization Acts, the Kentucky state legislature passed the following resolutions which were written anonymously by Vice-President Thomas Jefferson.

The Kentucky Resolutions of 1798

1. *Resolved*, That the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force. . . . The government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

3. *Resolved*, That it is true as a general principle, and is also expressly declared by one of the amendments to the Constitutions, that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or the people: that thus was manifested their determination to retain to themselves the right of judging how far freedom of speech and of the press may be abridged. . . . And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.” . . . That, therefore, the act of Congress of the United States, passed on the 14th day of July, 1798, which does abridge the freedom of the press, is not law, but is altogether void, and of no force.

Questions:

1. How does Jefferson describe the Constitution? Is this a fair description? Explain
2. According to Jefferson, who has the authority to decide the constitutionality of federal laws? Why? Who cannot have this authority? Why?
3. What sections of the Constitution does Jefferson cite to support his argument that the Alien and Sedition Acts are unconstitutional?

