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U.S. History

THOMAS JEFFERSON ON THE SEDITION ACT

Supporters of Thomas Jefferson and James Madison believed the Sedition Act was designed to repress political opposition to President John Adams and the Federalists. Because the Democratic-Republicans were in the minority in Congress, they were unable to stop passage of the bill.

An Alien and Sedition Acts Refresher:


1. Several of the leading Democrat-Republican publicists were European refugees. The threat of war with France sharpened hostility to aliens and gave Federalists an opportunity to impose severe restrictions…

2. 25 June (1798) The Alien Act authorized the president to order out of the U.S. all aliens regarded as dangerous to the public peace and safety, or suspected of "treasonable or secret" inclinations. It expired in 1800…

3. 14 July. Sedition Act made it a high misdemeanor, punishable by fine and imprisonment, for citizens or aliens to
   - enter into unlawful combinations [i.e. any group, whether just having meetings or protesting publicly] opposing execution of the national laws;
   - to aid or attempt "any insurrection, riot, unlawful assembly."
   - A fine of not more than $2,000 and imprisonment not exceeding 2 years were provided for persons convicted of publishing "any false, scandalous and malicious writing" attacking the reputation of the U.S. government, Congress, or the president; in force until 3 March 1801.

4. The Sedition Act was aimed at repressing political opposition.

5. Democrat-Republicans attached the Alien and Sedition Acts as unnecessary, despotic, and unconstitutional.

Jefferson and Madison decided that action against the Sedition Act (and the Alien Act) had to be taken at the state level. This excerpt is from the Thomas Jefferson Timeline on the website American Memory:

September-October 1798. Jefferson and James Madison consult on how to block the Alien and Sedition Acts at the state level. Jefferson, who is still vice president, privately drafts resolutions against the Acts and has them introduced into the Kentucky legislature.

Madison drafts similar resolutions for the Virginia legislature. In November the Kentucky legislature passes Jefferson's resolutions declaring the Acts void, and in December the Virginia legislature passes Madison's, declaring the Acts unconstitutional.
The Virginia Resolution Excerpt

Madison’s Virginia Resolutions begin by declaring that the Federal Government holds power only through a compact [agreement] of the states. It also explains its objections to the Alien and Sedition as a limitation on free speech beyond the express powers of the Federal Government.

That this Assembly doth explicitly ... declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties; as limited by the … intention of the instrument constituting the compact [i.e. the Constitution]; …and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties … have the right, and are in duty bound, to interpose [intervene] for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

1. According to Madison, what gives the national government its power?

2. According to Madison, why are these Acts a call to action?

...That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the “Alien and Sedition Acts” passed at the last session of Congress; the first of which exercises a power no where delegated to the federal government, and which by uniting legislative and judicial powers to those of executive, subverts the general principles of free government; as well as the … organization … of the federal constitution; and the other of which acts [the Sedition Act], exercises … a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments … a power, which more than any other, ought to produce universal alarm, because it is leveled against that right of freely examining public characters and measures, and of free communication among the people … which has ever been justly deemed, the only effectual guardian of every other right.

3. According to Madison, the Alien and Sedition will result in the end of what 2 Constitutional ideas that were compromised on when the Constitution was drafted? (HINT: look at the underlined phrase !!!)

4. According to Madison, how does the Alien and Sedition Acts restrict free speech, and why is that constitutional right so significant?
The Kentucky Resolution Excerpt

Jefferson believed that the Judicial Branch was not empowered to judge the constitutionality of the actions of the Executive or Legislative Branches. A key passage in the Kentucky Resolutions (passed in two parts in 1798 and 1799) centered on his belief that only the states could judge an “infraction” of the Federal Government. Nothing could stop the Federal Government from despotism if it were the only check on itself. “Nullification,” for a state to declare a Federal law null and void, was the only “rightful remedy.” The 1799 Kentucky Resolution declares the Alien and Sedition Acts unconstitutional,

RESOLVED, that if those who administer the general government be permitted to transgress the limits [break the rules] fixed by that compact, by a total disregard to the ...delegations of power [between national and state]... annihilation of the state governments...will be the inevitable consequence:

[resolutions continue]

5. According to Jefferson, what will these Acts eventually do? How?

6. According to Jefferson, in what way will the government be “despotic”?

RESOLVED, that the 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... of all unauthorized ... is the rightful remedy:

7. According to Jefferson, instead of the Supreme Court, who has the power to judge the constitutionality of the national government? (Use an exact quote in your answer).

That this commonwealth does ... declare, that the said alien and sedition laws, are in their opinion, palpable [obvious] violations of the constitution... That although this commonwealth as a party to the federal compact; will bow to the laws of the Union... it does at the same time declare, that it will not now, nor ever hereafter, cease[stop] to oppose in a constitutional manner, every attempt [by the national government... to violate that compact....

8. Why, according to Jefferson, can Kentucky not support the Alien and Sedition Acts?

9. What does Jefferson mean when he says he [and the state legislatures that agree with him] will oppose this Act in a "constitutional manner?"