



Excerpts from John Adams's Special Message

Source: “[John Adams—Special Message to the Senate and the House, May 16, 1797](http://www.yale.edu/lawweb/avalon/presiden/messages/ja97-03.htm)” [http://www.yale.edu/lawweb/avalon/presiden/messages/ja97-03.htm] on the EDSITEment resource [The Avalon Project](http://www.yale.edu/lawweb/avalon/avalon.htm) [http://www.yale.edu/lawweb/avalon/avalon.htm].

Adams describes an insult to the United States on the part of France:

...After the President of the United States received information that the French Government had expressed serious discontents at some proceedings of the Government of these States..., he thought it expedient to send to that country a new minister... For this purpose he selected from among his fellow-citizens a character ... most esteemed and respected in the nation... The (French) minister of foreign relations informed the... American minister that the (French) Executive Directory had determined not to receive another minister... from the United States until after the redress of grievances... During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police... The refusal on the part of France to receive our minister... until we have acceded to their demands without discussion and without investigation is to treat us neither as allies nor as friends, nor as a sovereign state.

Adams accuses France of attempting to cause dissension among the citizens of the United States:

The speech of the (French) President discloses... a disposition to separate the people of the United States from the Government, to persuade them that they have different affections, principles, and interests from those of their fellow citizens whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence...

Adams accuses France of secretly deciding to ignore a significant part of a treaty of friendship and commerce with the United States:

It is my sincere desire... to preserve peace and friendship with all nations; [but] there is reason to believe that the Executive Directory passed a decree on the 2d of March last contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce and endangering the lives of our citizens.

As a response to the problems with France and ongoing conflict between Britain and France and the resulting disruption to American shipping, Adams asks for a military build-up:

A naval power, next to the militia, is the natural defense of the United States.

... I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defense of the country efficacious.

President Adams addresses directly the members of the joint session of Congress. First, he warns about the danger of “foreign and domestic factions” on American citizens:

...Gentlemen of the Senate and Gentlemen of the House of Representatives:

...endeavors have been employed to foster and establish a division between the Government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary; but to repel, by decided and united councils, insinuations so derogatory to the honor and aggressions so dangerous to the Constitution, union, and even independence of the nation is an indispensable duty. It must not be permitted to be doubted whether (There must be no doubt that) the people of the United States will support the Government established by their voluntary consent and appointed by their free choice, or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honorable station they have hitherto maintained...

Then Adams ends by discussing the principles he considers important:

...having ... devoted the best part of my life to obtain and support... independence, and constantly witnessed the patriotism... of my fellow-citizens on the most trying occasions, it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the Government has been just and impartial to foreign nations, that those internal regulations which have been established by law for the preservation of peace are in their nature proper, and... fairly executed, nothing will ever be done by me... to innovate upon principles which have been so deliberately and uprightly established, or to surrender in any manner the rights of the Government. To enable me to maintain this declaration I rely, under God, with entire confidence on the firm and enlightened support of the National Legislature and upon the virtue and patriotism of my fellow-citizens.



Excerpts from the Sedition Act (with Annotations)

An Act in Addition to the Act, Entitled “An Act for the Punishment of Certain Crimes Against the United States.”

It was declared a misdemeanor to interfere with the work of the government and its officials and/or to conspire or assist in any way in the fostering of “insurrection, riot, unlawful assembly” whether or not such actions had any effect:

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure... of the government of the United States..., or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty, and if any person or persons... shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years...

It was declared a misdemeanor to write or assist—in any way—the writer of anything “false, scandalous, and malicious... against the government of the United States”:

SEC. 2. And be it farther enacted, That if any person shall write, print, utter or publish, or shall cause... to be written, printed, uttered or published, 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 [attack the reputation of] the said government, or either house of the said Congress, or the said President; ...or to excite against them... the hatred of the good people of the United States, or to stir up sedition [rebellion] within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States... or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against United States, their people or government, 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.

The accused could defend themselves in court—before a jury—by proving what they had written was actually true and therefore not libelous:

SEC. 3. And be it further enacted and declared, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter... charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

The Sedition Act was to be in force for a limited time only—until March 3, 1801—though cases against those suspected of committing “crimes” while the law was in effect could be prosecuted even after it had expired:

SEC. 4. And be it further enacted, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: Provided, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.



Jefferson on the Alien and Sedition Acts

Source: “[Jefferson on the Alien and Sedition Acts, page 30 of the Jefferson Cyclopedia](#)” [<http://etext.lib.virginia.edu/etcbin/foley-browse?id=JC0056>] on the Electronic Text Center of the University of Virginia, a link from the EDSITEMent resource **Internet Public Library** [<http://www.ipl.org/>].

To James Madison, June 1798

They have brought into the lower House a sedition bill, which, among other enormities, undertakes to make printing certain matters criminal, though one of the amendments to the Constitution has so expressly taken religion, printing presses, &c. out of their *coercion* (ability to limit them). Indeed this bill, and the alien bill are both so *palpably* [obviously] in the teeth of the Constitution as to show they mean to pay no respect to *it* [the Constitution]. --

Kentucky Resolutions, 1798

If the Alien and Sedition Acts should stand, these conclusions would flow from them: that the *General Government* (federal government) may place any act they think proper on the list of crimes, and punish it themselves whether *enumerated* [specified] or not enumerated by the Constitution as *cognizable by them* [falling under the jurisdiction of Congress]: that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge and jury, whose suspicion may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of the inhabitants of these states being, by this precedent, reduced, as outlaws, to the absolute dominion of one man, and the barrier of the Constitution thus swept away from us all, no *rampart* [protection] now remains against the passions and the powers of a majority in Congress to protect ...the minority of the same body, the legislatures, judges, governors, and counselors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their election, or other interests, public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a Sedition Act marked him as its prey: that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new *calumnies* [false accusations] against republican government, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron.

To James Madison, January 1799

Petitions and *remonstrances* [protests] against the Alien and Sedition laws are coming from various parts of New York, Jersey and Pennsylvania. I am in hopes Virginia will stand so countenanced by those States as to repress the wishes of the Government to coerce her, which they might venture on if they supposed she would be left alone. Firmness on our part, but a passive firmness, is the true course. Anything rash or threatening might check the favorable dispositions of these middle States, and rally them again around *the measures which are ruining us* (the Alien and Sedition Acts). --

To Edward Pendleton, February 1799

In Pennsylvania, we fear that the ill-designing may produce *insurrection* (revolt against the Alien and Sedition laws). Nothing could be so fatal. Anything like force would check the progress of the public opinion, and rally them around the government. This is not the kind of opposition the American people will permit. But keep away all show of force, and they will *bear down the evil propensities of the government* (work against abuses of power by the government), by the constitutional means of election and petition. --

To James Madison, February 1799

Yesterday witnessed a scandalous scene in the House of Representatives. It was the day for taking up the report of their committee against the Alien and Sedition laws, &c. They [the Federalists] held a caucus and determined that not a word should be spoken on their side, in answer to anything which should be said on the other. Gallatin *took up* [began a discussion of objections to] the Alien, and Nicholas the Sedition law; but after a little while of common silence, they began to enter into loud conversations, laugh, cough, &c., so that for the last hour of these gentlemen's speaking, they must have had the lungs of a *vendue master* [an auctioneer] to have been heard. Livingston, however, attempted to speak. But after a few sentences, the Speaker called him to order, and told him what he was saying was not to the question. It was impossible to proceed. The question was carried in favor of the report, 52 to 48; the real strength of the two parties is 56 to 50. --



Excerpts from the Virginia and Kentucky Resolutions

The Virginia Resolution Excerpt

Madison’s Virginia Resolutions begin by declaring that the Federal Government holds power only through a compact 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 and peremptorily 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 plain sense and intention of the instrument constituting the compact; as no further valid that they are authorized by the grants enumerated in that compact; 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 thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

....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 particular organization, and positive provisions of the federal constitution; and the other of which acts, exercises in like manner, a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power, which more than any other, ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

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 principle of Nullification would later be adopted by other states. In 1832, the South Carolina Ordinance of Nullification declared federal import duties null and void. The principle of Nullification was important in the secession of the

South. The 1799 Kentucky Resolution declares the Alien and Sedition Acts unconstitutional, but without the specific explanation found in the Draft (available at <http://www.yale.edu/lawweb/avalon/jeffken.htm> on the EDSITEment resource [The Avalon Project](http://www.yale.edu/lawweb/avalon/avalon.htm) [<http://www.yale.edu/lawweb/avalon/avalon.htm>]).

RESOLVED, That this commonwealth considers the federal union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several states: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeable to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, annihilation of the state governments, and the erection upon their ruins, of a general consolidated government, will be the inevitable consequence: **That the principle and construction contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the constitution, would be the measure of their powers: That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy:** That this commonwealth does upon the most deliberate reconsideration declare, that the said alien and sedition laws, are in their opinion, palpable violations of the said constitution; and however cheerfully it may be disposed to surrender its opinion to a majority of its sister states in matters of ordinary or doubtful policy; yet, in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That although this commonwealth as a party to the federal compact; will bow to the laws of the Union, yet it does at the same time declare, that it will not now, nor ever hereafter, cease to oppose in a constitutional manner, every attempt from what quarter so ever offered, to violate that compact....