cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

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.

**Alien and Sedition Acts Commentary**

In the summer of 1798, the Federalists, under John Adams, were in political control of the United States. Still, there remained many politically active Republicans, which the Federalist party considered a threat. So, in order to crush political dissent, the party’s majority in Congress passed a group of bills known collectively as the Alien and Sedition Acts.

Unfortunately for the Federalists, it became known that these acts were not entirely constitutional. It is helpful to understand how these acts flew in the face of the Bill of Rights. Furthermore, the Republican response to these bills must necessarily be examined in order to fully understand the political state of the union under Adams’s presidency.

The Alien and Sedition Acts consisted of a total of 4 laws. The first, the Alien Enemies Law, vested the president with extraordinary wartime powers. On his own authority, he could detain or deport citizens of nations with which the United states was at war and who behaved in a manner he thought suspicious. However, since wartime did not occur for as long as this bill existed, it was not able to be put into use at any time. A second act, the Alien Law, empowered the president to expel any foreigner from the United States simply by executive decree. The third act, and the most blatantly political one, the Naturalization Law, doubled the probationary period for which foreigners had to wait before applying for full U. S. citizenship, from 7 to 14 years. The Sedition Law made it the equivalent of criminal libel to criticize the U. S. government.

Examination of the Constitution, and especially the Bill of Rights, shows inconsistency on the part of the Alien and Sedition Laws. Specifically, these acts violated two amendments to the constitution. The first incongruity with the Bill of Rights lies in the Sedition Law, in violation of the First Amendment. The Sedition Law failed to coincide with this amendment in that it criminalized the exercise of free speech, and possibly of the press. Therefore, it was clearly unconstitutional. To uphold this law would be to deny the authority of the Bill of Rights within American Law, and would threaten the foundation of the government itself.

Secondly, the Alien and Sedition Acts violated the Bill of Rights in another way; the Alien Enemies Law contrasted with the Sixth amendment.

Of the seven rights guaranteed a person by this amendment, the Alien Enemies Law disallowed six. Someone accused of suspicious behavior while in wartime, who comes from the country against which America is warring, is guaranteed no speedy and public trial. Neither would he be granted an impartial jury, nor confrontation with witnesses, nor process for obtaining witnesses, nor counsel for his defense. This law gave the
president the power to simply dictate the expulsion of political dissenters at will. This is a clear violation of the Constitution, and to uphold it would, as the Sedition Law would, undermine the very foundation of the government.

When these laws were passed, a considerable opposition formed, as political repression began to take place in grand form. As the crisis deepened, Thomas Jefferson and James Madison drafted separate protests known as the Virginia and Kentucky Resolutions. In the Kentucky Resolutions, Jefferson claimed that the states transferred certain explicit powers to the national government, but in his opinion, they retained full authority over all matters not specifically mentioned in the Constitution. He was quoted as saying that "Every state has a natural right in cases not within the compact . . . to nullify of their own authority all assumptions of power by others within their limits." Threats to wield this power granted to the states was radical and controversial. The reason for such controversy was due to the fact that the logical end of the act of central nullification would result in the dismantling of the entire union.

Assuming as their own any power not explicit in the Constitution would leave the central government unable to operate, leaving it useless and deuniting the separate states. Without this central force in the government, the nation would become political stew that could be described as "a small-scale anarchy."

The response of the Republicans to the Federalist attempts at repressing political opposition was no more justified than the original act itself. Such improper reactions were eventually weeded out, and more moderate propositions, such as the Virginia Resolutions came about that urged the defense of American rights, but discouraged the idea that a single state legislature could or should be able to overthrow federal law.

The Alien and Sedition Acts, created by the Federalist party, generated the nation's first major crisis over civil liberties. The uproar that was induced by such blatantly unconstitutional laws was so severe, that it, too, was extreme and radical. Since the Alien and Sedition Acts greatly threatened the authority of the Bill of Rights and therefore the fundamental government, it is surprising to consider that some of the opposition's responses proposed similar threats to central government. This highlights the idea that political extremism is dangerous for government, no matter from which side it comes.

1. Which of the Acts was the most controversial? Why?
2. What was constitutionally wrong with the Sedition Act?
3. What dangerous concept did Jefferson introduce in response? What did it say?
4. What is more dangerous - the Sedition Act or the concept of nullification? Why?
5. Are there times when national security overrides your civil liberties? Why or why not?