



CONSTITUTIONAL CONNECTION

To create a context for this lesson, students complete **Constitutional Connection: War and the Constitution.**

JOHN ADAMS



OVERVIEW

John Adams was not a “War President”: he did not lead the country through war as Commander in Chief. However, much of his administration was devoted to avoiding war. The 1798 Alien and Sedition Acts, viewed then by some and now by most as a serious challenge to the First Amendment, were signed into law by Adams, who maintained that “national defense is one of the cardinal duties of a statesman.” He did not ask for the controversial sedition law that limited freedom of speech and press, but believed, as Congress did, that provisions facilitating the deportation of foreign nationals and the discouragement of newspaper dissent would help strengthen the United States in the event of war with France. Adams achieved his goal of keeping the US out of war, but history has condemned his decision to sign and enforce this series of laws.

OBJECTIVES

Students will:

- Understand John Adams’s reasons for believing the Alien and Sedition Acts to be a constitutional war measure.
- Analyze arguments for and against the constitutionality of the Alien and Sedition Act.
- Assess the constitutionality of the Alien and Sedition Acts.

MATERIALS

- **Handout A:** John Adams and the Alien and Sedition Acts
- **Handout B:** Dinner Party Guests
- **Handout C:** Dinner Conversation

CRITICAL ENGAGEMENT

QUESTION

Was the sedition portion of the 1798 Alien and Sedition Acts, signed into law by President John Adams, a constitutional war measure?

BACKGROUND/HOMEWORK

- A. Have students read **Handout A: John Adams and the Alien and Sedition Acts** and answer the questions.



Show the five-minute thematic documentary *Commander in Chief: War and the Constitution*, found at www.ArticleII.org/War

WARM UP [10 minutes]

- A. Give students one card each from **Handout B: Dinner Party Guests**. Give students a few moments to become familiar with the information on their card.
- B. Have students form groups made up of six different individuals. They should stand, introduce themselves, remain standing and “mingle” as though at a dinner party.

A JOHN ADAMS AND THE ALIEN AND SEDITION ACTS

The United States was in its infancy when France declared war on England in 1793. Many wanted the US to take sides. President George Washington, believing the US should steer clear of foreign entanglements, declared that the United States would stay neutral. President John Adams also wished to remain neutral. But with pressure from Federalists to support England on one side, and Republicans urging support for France on the other, it was getting harder for Adams to keep American uninvolved.

JOHN ADAMS AND THE FRENCH REVOLUTION

Adams wished to avoid war and to protect the young nation from the revolutionary fervor in France, which Adams believed was contrary to American constitutional principles.

Some believed the new nation should be a natural ally of the French. After all, the French seemed to be fighting to free themselves from an oppressive monarch, just like the American colonists had done. But two revolutions were very different.

The American War for Independence was intended to restore traditional rights. The French Revolutionaries wanted to do away with tradition. They established a new calendar: weeks would now be ten days long, and days would have ten hours, not twenty-four. Religious references were outlawed, and a “goddess of reason” (played by an actress) was celebrated at Notre Dame Cathedral in Paris. Revolutionary leaders, claiming to be working for the “salvation of the people” sent thousands of “enemies of the revolution” to the guillotine during the Reign of Terror from 1793-1794.

Adams wanted to prevent

radicalism like this from arising in America. He wrote to a friend that in France, “Reasoning has all been lost. Passion, prejudice, interest, [and] necessity have governed and will govern.” In 1798, the year after he took office as President, Adams explained his fears to the people of Philadelphia. “Our infant republic has scarcely had time to cement its strength ... when these agitations of the human species have affected our people....”

Adams believed that morality, religion, and virtue were the best foundations for a free republic. He believed the passions raging across the Atlantic could not be allowed to take hold in the US. He wanted to protect the US from its enemies, both “within and without.”

THE ALIEN AND SEDITION ACTS

France was at war with every major European power. Though Adams wished to avoid war, it seemed unavoidable. The US became involved in what has been called a “Quasi-War” with France. France suspended commerce with the US, and seized hundreds of American ships, because America was trading with England. Congress appropriated money to increase the navy, and authorized raising a provisional army.

In 1797, Adams sent diplomats to France to try to negotiate peace. France refused to receive the diplomats unless they paid a bribe. The American diplomats left. The XYZ Affair, (as it came to be known because the French diplomats were unnamed) further increased anti-French sentiment in the US and the Federalists’ desire for war.

In June of 1798, the Federalist-controlled Congress took up several bills said to be for national security. These



bills required immigrants to wait fourteen years (up from five) to become citizens and vote. They gave the President more power to deport immigrants. And they made it a crime to publish any “false, scandalous and malicious writing” against the President or Congress, intended to “excite against them ... the hatred of the good people of the United States.” The laws would all expire in March, 1801.

John Adams did not ask for these laws; he did not oppose them either. He signed the Alien and Sedition Acts (as they are collectively known) into law on July 14, 1798—the anniversary of the storming of the Bastille in Paris. Adams wished to convey his disapproval of the French Revolution by signing the bills into law on that date.

Although the laws were national security measures designed to quiet support for the French, they were also designed to silence Adams’s political opposition. Immigrants tended to vote Republican. And the only publishers charged under the Alien and Sedition Acts were Republicans.

STATE AND FEDERAL RESPONSES

The laws were condemned in some states as violating the First Amendment. The First Amendment (1791) maintains, “Congress shall make no law ... abridging the freedom of speech, or of the press.” James Madison, author of the Bill of Rights, wrote one of the most famous critiques, the Virginia Resolution (1798). Madison wrote that the laws “ought to produce universal alarm, [for attacking] 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.”

Other states disagreed. For example, New Hampshire called the law “constitutional, and, in the present critical situation of our country, highly expedient.” Ten of fourteen states condemned the idea that states were the proper judges of the constitutionality of laws.

Congress issued the “Congressional Report Defending the Alien and Sedition Laws” in February of 1799. This report defended the sedition portions of the Alien and Sedition Acts as a constitutional regulation of speech and press. Since there was no right to libel, Congress said, it could not be a violation of rights to punish libel. Further, liberty of the press meant no prior restraints (bans on publication beforehand), and the law was not a prior restraint. Finally, the laws were “precautionary and protective measures for our security ... So eccentric are the movements of the French government that we can form no opinion of their future designs (intentions) for our country.”

The Supreme Court was never asked rule on the constitutionality of the Alien and Sedition Acts. Though the election of 1800 was close, Adams’s loss was probably due in part to public reaction to the laws.

The laws expired on Adams’s last day in office in 1801. Thomas Jefferson, the leader of the Republican Party, became the nation’s third president.

CRITICAL THINKING QUESTIONS

1. Why did President Adams want to quiet support for the French in the United States?
2. What were the Alien and Sedition Acts?
3. What were arguments for and against the constitutionality of these acts?
4. Do you believe the Alien and Sedition Acts were constitutional? Why or why not?
5. Do you think that the threat of war justifies limits on civil liberties? If not, why? If so, what kinds of limits would be constitutional?



DINNER PARTY GUESTS

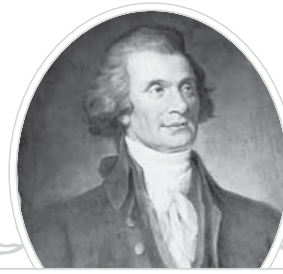


YOU ARE JOHN ADAMS

You lost the election of 1800 to Thomas Jefferson a few months ago. You probably lost in part due to the public's reaction to the Alien and Sedition Acts. You did not ask Congress for the Alien and Sedition Acts, but you signed them into law and enforced them. Explaining your decision, you said, "A pen is certainly an excellent instrument to fix a man's attention and to inflame his ambition. ...I knew there was a need of [the Sedition Act] and I consented."

You did not want to go to war with France, even though members of your party were calling for it. But you also did not want the French revolution to gain support in the US. Before becoming President, you spent years in diplomatic roles in pre-revolutionary France. You believed the ideas fueling the French Revolution were extremely dangerous.

All of the newspaper publishers arrested under the sedition portion of the Alien and Sedition Acts were supporters of Thomas Jefferson. You and Jefferson were good friends for most of your lives, but by the 1790s he had become your political opponent. You have serious disagreements with Jefferson, and you also think he is a Francophile.



YOU ARE THOMAS JEFFERSON

John Adams helped you write the Declaration of Independence, and for most of your life, you were friends. You are not particularly friendly right now, though.

You spent time in Paris as the United States' minister to France, from 1784-1789. You were friends with John and Abigail Adams, who were also in France during part of that time. You sometimes flirted with Mrs. Adams.

You are the leader of the political party that opposes Adams. You strongly believe the Alien and Sedition Acts are unconstitutional. Together with James Madison, you wrote the Virginia and Kentucky Resolutions, which condemned the Acts. In the Kentucky Resolution, you wrote that states should not have to obey unconstitutional laws.

When the revolution began in France, you supported the revolutionaries. You hated the excesses of the revolution even before the Reign of Terror, but you believed their attempt to establish a republic gave hope to the world.

You ran for President in 1800 and defeated John Adams. You hired journalists, including James Callender, to smear Adams in the press.



DINNER PARTY GUESTS



YOU ARE JAMES MADISON

You are the “Father of the Constitution” and the author of the Bill of Rights. You strongly disapprove of the Alien and Sedition Acts and believe they are unconstitutional.

Together with Thomas Jefferson, you wrote the Virginia and Kentucky Resolutions, which condemned the Alien and Sedition Acts. In the Virginia Resolution, you said that the laws attacked the “right of free communication among the people,” and that the First Amendment’s protection of free speech and press were “the guardian of every other right.”

You became Thomas Jefferson’s Secretary of State when he was elected President. You worked hard to keep the United States neutral in the ongoing wars between France and England. You went on to become the fourth President of the United States.



YOU ARE ABIGAIL ADAMS

You are John Adams’s wife. In the 1780s you spent time living in France with your husband. During that time you became friends with Thomas Jefferson.

You supported your husband’s decision to sign the Alien and Sedition Acts. At times, you feared for his safety. In a letter to your husband, you wrote that you wished US law were strong enough “to punish the stirrer up of sedition.” You believed that a “strong sedition bill” would help bring the country “peace and harmony.”

You wrote to your sister about your fear of mobs in Philadelphia. You wrote of one journalist, “[He] is cursing and abusing daily. If that fellow [and others] are not suppressed, we shall come to a civil war.”

Though you were once close and even flirted a little bit, you have not forgiven Jefferson for his attacks on your husband. You accused Jefferson of helping spread “the blackest calumny and foulest falsehoods.”



DINNER PARTY GUESTS



**YOU ARE
JAMES CALLENDER**

You are a Scottish journalist living in Richmond, Virginia. Some call you a “scandal monger.” After reading your work in Europe, Thomas Jefferson paid you to publish negative things about John Adams.

In print, you called Adams “mentally deranged,” and “a hideous hermaphroditical character, which has neither the force of a man, nor the gentleness and sensibility of a woman.” You also wrote that he was planning to crown himself king.

By printing these articles, you violated the Alien and Sedition Acts. You were arrested, convicted, and jailed for nine months in Richmond. President Jefferson later pardoned you along with all others convicted under the Acts.



**YOU ARE
TIMOTHY PICKERING**

You are John Adams’s Secretary of State. You support the Alien and Sedition Acts. Furthermore, you think Thomas Jefferson and James Madison are wrong to argue they are unconstitutional.

You believe the Alien and Sedition Acts were constitutional measures to protect national security. You also do not accept the charge that they violated the First Amendment.

You said, “Because we have the right to speak and publish our opinions, it does not necessarily follow that we may exercise it in uttering false and malicious slanders against our neighbor or our government, any more than we may under cover of freedom of action knock down the first man we meet, and exempt ourselves from punishment by pleading that we are free agents.”



DINNER CONVERSATION

Directions: Read the scenario below and then answer the following questions during your “dinner party.”

It is the summer of 1801. John Adams has left office and Thomas Jefferson is the new President of the United States. You have just arrived at a dinner party. You have to admit you might not have accepted the invitation if you had known who else was going to be there. You hope it is not going to be an awkward night. Then again, maybe it will be a good time to explain some decisions you have made, and even get some things off your chest.

Your identity: _____

1. Write down one question you have for each person at dinner with you.

- 1.
- 2.
- 3.
- 4.
- 5.

2. Write down the most important question you were asked at dinner, and your response.

3. In the space below, compose a “toast” to President Adams, or a few sentences “roasting” him.