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Hamilton's and Adams' Reasons for Supporting the Alien and Sedition Acts

The Early Republic period between 1789 and 1800 was marked by a bitter struggle between Federalists and Republicans over major issues left unsettled by the Constitution. Although the ratification of the document established a union of states bound together by the federal government, the Constitution is ambiguous on issues such as the limits of federal authority and the role of the states in the republic. These ambiguities left much room for different interpretations of the Constitution in relation to these issues. In general, Federalists desired a strong central government that trumped the power of state legislatures. They looked back at the abolition of debt, and the printing of currency by state legislatures under the Articles of Confederation and saw a huge problem. Thus, Federalists interpreted the Constitution as giving broad powers to the federal government and thoroughly restricting the power of the states. Federalists reasoned that the ultimate sovereignty lay with the people, and that by electing officials to represent them the people gave up some of their power. Based on this reasoning Federalists believed that the government could pass laws with almost no restrictions because the people could exercise their power and elect new officials if they did not like the laws being passed. Republicans, however, were more suspicious of a strong central authority. They maintained that a Bill of Rights was necessary to protect the rights of the people from encroachment by the federal government. Republicans also maintained that the states had more general authority than the Federalists acknowledged.

These early disagreements are illuminated by the controversy surrounding the Alien and Sedition Acts passed in the summer of 1798. Federalists argued that these acts were a necessary component of national defense measures, while Republicans maintained that the acts violated the

Constitution, and that the federal government exceeded its authority in passing them. The Alien and Sedition Acts proved to have a long-term impact on the future of the Federalists as they contributed to the Jeffersonian Republicans' victory in the 1800 elections, as well as their ideological victory in the struggles of the 1790's. These fateful acts were supported by the two Federalist party leaders Alexander Hamilton and John Adams. Hamilton supported the acts for internal security reasons, and because they attempted to silence Republican opposition to Federalist initiatives, whereas, Adams supported the acts out of a suspicion of the French.

The election of 1796 was the first hotly contested election in America's short history. President Washington decided not to run for a third term despite his overwhelming popularity, a choice which gave his two term Vice-President, John Adams, a perfect opportunity to take over the lead position in the United States government. However, rather than support the Vice-President, Alexander Hamilton advocated the election of Thomas Pinckney. This decision caused a split among the Federalists and left Thomas Jefferson as the country's Vice-President, with Adams winning the presidency by only a slight majority.¹ His presidency was met with conflict from the very beginning. Adams' Vice-President was a major figure in the Republican opposition to Federalists, and his cabinet was composed of members left over from the Washington administration, many of whom he would have liked to dismiss if it would not have split the Federalists completely apart.² Thus, the Federalist party remained intact after the election of 1796, but it was deeply divided between the Arch Federalists, led by Alexander Hamilton, and the Adams Federalists. Even three out of Adams' five cabinet members were "ardent disciples of Hamilton."³

A large part of Adams' agenda upon entering the presidency was the strengthening of the navy. The division between the Adams Federalists and the Hamiltonians can be seen in the two

groups' contrasting views over this issue. Adams felt that a strong navy was needed to "protect America's commerce from both France and England," and to remain neutral in European conflicts.⁴ On the other hand, Hamilton and the Arch Federalists favored increasing the size of the army in order to further bolster the federal government against the power of the states, and to prepare for any civilian resistance to the government that might arise.⁵

The dispute between Adams Federalists and Arch Federalists over whether to focus on strengthening the navy or the army underscores their positions on the main foreign policy issue facing the United States during the Adams administration. President Adams wanted the United States to remain neutral in the conflict between France and England; thus, he advocated a stronger navy in order to protect American commerce in the West Indies from French privateers. He hoped the added protection would end America's reliance on the British navy and enable the U.S. to remain neutral.⁶ The Arch Federalists, however, had a more aggressive policy toward the French. Hamilton in particular advocated the build up of a standing army, along with naval preparations, as a way to strengthen the U.S. in the eyes of the French, and thus "insure successful negotiations."⁷ Adams was hesitant to increase the size of the regular army, so he rejected that aspect of Hamilton's proposal. This disagreement completed the "breach" between Adams and his Arch Federalist cabinet members.⁸

The French-American conflict that eventually led to the entrenched division between Adams Federalists and Arch Federalists began in 1794 when Washington sent John Jay to London to negotiate with Great Britain. The British had "captured American ships and impressed American sailors" and had also failed to abide by the Treaty of Paris of 1783.⁹ Jay was able to settle the conflict between the United States and Great Britain with the Jay Treaty, which was ratified by the Senate in 1795. Many Republicans and French officials regarded the

treaty as a violation of the French Treaties of 1778.¹⁰ France responded to the Jay Treaty by “seizing American shipping, and by breaking off normal diplomatic relations with the United States.”¹¹ The conflict was heightened in early March of 1797 when Charles Cotesworth Pinckney was rejected as the American ambassador to France, and was even forced to leave the country.¹² The same month President Adams learned that France was allowing their warships to detain any neutral ships whose cargo contained British goods.¹³

Thus, early in his presidency Adams saw himself facing a crisis that could potentially lead to all out war between France and the United States if not handled tactfully. The advice that Adams received from his cabinet on how to deal with the crisis was largely the work of Alexander Hamilton. The suggestions made by the cabinet members conveyed the need for the United States to continue negotiations with the French, but to also make defensive preparations in case the two countries were not able to reach an agreement.¹⁴ Armed with these recommendations, Adams addressed a special session of both houses of Congress on May 16, 1797, at which point he communicated his desire to bolster the nation’s defenses, and to continue trying to reach an agreement with France.¹⁵ For the most part the Federalist reaction to the President’s speech was positive; however, Republicans maintained that it was “warlike” and “an unnecessary irritant to France.”¹⁶ Nonetheless, the Senate soon approved a bi-partisan committee composed of Elbridge Gerry, John Marshall, and Charles C. Pinckney to negotiate a settlement to the conflict.¹⁷

The American envoys got their first opportunity to discuss a settlement to the French-American conflict in October of 1797. French diplomats suggested that to achieve an agreement the United States would have to, among other things, make a loan to the French government, and bribe Talleyrand, the French Foreign Minister.¹⁸ On April 3, 1798 John Adams sent the

dispatches from the American envoys in Paris to the House of Representatives and the Senate. The names of the French diplomats who met with the American envoys were replaced with X, Y, and Z. The papers caused an uproar in Congress, after which the incident became known as the XYZ Affair. The release of the XYZ Affair to newspapers led to widespread support for Federalist initiatives both publicly and in Congress. Based on this support the Federalists were able to pass the Alien and Sedition Acts, as well as legislation designed to increase military defenses.¹⁹

The group of legislation passed during the summer of 1798 and collectively known as the Alien and Sedition Acts consists of the Naturalization Act, the Alien Act, the Alien Enemies Act, and the Sedition Act. As a whole these acts were the result of nativistic impulses aroused by the Quasi-War with France, and in particular the XYZ affair. However, James Morton Smith notes that only the Alien Enemies Act was a wartime measure. The other three acts represent Federalist attempts at stifling the growth of the Republican party, with the Sedition Act serving as a “capstone” aimed at silencing the opposition all together.²⁰

The Naturalization Act was signed into law on June 18. This act extended to fourteen years the period of time of residence required to become a United States citizen. Federalists, according to Ralph Brown, intended for the Naturalization Act to stem the flow of immigrants coming to the United States, the majority of whom joined the Republican ranks.²¹

John Adams signed the Alien Act on June 25th of 1798, with the act set to expire two years after that. The act gave the President the power to deport any aliens who he deemed dangerous to the public safety of the United States. The penalty mandated for aliens remaining in country after being ordered to leave was imprisonment for no more than three years, and disqualification from ever obtaining citizenship. However, the President could impose an

indefinite imprisonment on any aliens returning to the United States after already being removed as a threat to public safety.²² Unlike the Alien Act, the Alien Enemies Act did not have an expiration date. It did, however, have the support of both Republicans and Federalists; whereas, the other pieces of alien and sedition legislation had mostly Federalist support.²³ In essence, the Alien Enemies Act appropriated to the President the right to detain and remove from the country any aliens from a nation at war with the United States.²⁴

Without a doubt, the most controversial piece of legislation from the Alien and Sedition Acts was the Sedition Act itself. Signed by Adams on July 14, the Sedition Act made it illegal for any person or group of people to conspire to oppose governmental measures “directed by proper authority,” or to prevent governmental office holders from performing their jobs. The penalty for committing these crimes was a fine of no more than 5,000 dollars, and imprisonment lasting between six months to five years. The second section of the act outlawed the publication of seditious material aimed at either house of Congress or the President; however, it did not explicitly protect Vice-President Jefferson. The punishment for publishing said seditious material was a maximum fine of 2,000 dollars, and no more than two years imprisonment.²⁵ It is this section of the act that is widely interpreted to be an attempt by Federalists to silence Republicans and the newspapers that supported them.

Now that the specific aspects and purposes of the Alien and Sedition Acts have been established, one question remains: why did Hamilton and Adams, the leaders of the two Federalist groups, support the controversial legislation? An illuminating view into Hamilton’s mindset is provided by the seven volumes of “The Stand” which he published between March 30 and April 21 of 1798.²⁶ In these volumes Hamilton attempts to arouse public support against France, as well as the Jeffersonian Republicans. “The Stand” makes clear that Hamilton sees

France as a serious threat to the United States. He accuses the Directory of having pretensions of world domination, and supposes that they will try to wrestle away Spain's South American colonies and then attempt to break apart the United States. Hamilton writes of the supposed scheme: "the evidence of its existence is strong, and it will be the wisdom of every other state to act upon the supposition of its reality."²⁷ For Hamilton this means preparing for the worst. He advocates the arming of merchant vessels, the fortification of seaports, increasing the size of the navy, and raising "with the utmost diligence a considerable army."²⁸

In "The Stand" Hamilton accuses France of trying to instigate an insurrection in the United States in order to topple the government. He then identifies the Jeffersonian Republicans as a faction devoted to France who feel that it has a justified grievance against the United States because of the Jay Treaty. Hamilton also implies that those who oppose his proposed defensive measures, by which he means the Jeffersonian Republicans, are truly "abandoned to a foreign power" if they do not support them.²⁹ These assertions all indicate that Hamilton supported the Alien and Sedition Acts for internal security reasons, in order to remove the perceived French threat from the United States, and to silence the Republicans who tended to be conciliatory towards France and who opposed general increases in the standing army. However, a close reading of Hamilton's correspondence reveals an ulterior motivation for supporting the legislation.

This motivation revolves around Francisco Miranda's plan for the liberation of Spain's South American colonies. Hamilton was commissioned as the second in command of American forces under the title Inspector General in July of 1798.³⁰ From this position he thoroughly supported the Miranda plan to use United States and British forces to pilfer Spanish possessions in South America. In a letter to Rufus King in August of 1798 Hamilton communicates his

desire for the United States to supply the entire land force for the invasion, and his hopes that the operation will result in the installation of “moderate” governments sensitive to the commercial concerns of the United States and Great Britain. However, Hamilton realizes that in order to execute such an intensive enterprise, the government would need a high level of national unity.³¹

In the months during which the Alien and Sedition Acts were passed Hamilton sensed that national unanimity was growing, and that “many leaders of the Faction will persist and take ultimately a station in the public estimation like that of the *Tories* of our Revolution.”³² A letter from Hamilton to Oliver Wolcott Jr. on June 29 is often cited to indicate Hamilton’s disdain for the Sedition Act; however, he wrote this letter when the proposed punishment for sedition was death, rather than the maximum of five years imprisonment under which it was passed.

Hamilton’s objection to the Sedition Act in the letter to Wolcott seems to arise out of a concern for giving “*body* and solidarity” to the Jeffersonian Republicans rather than a dislike of the overall act.³³ Ron Chernow points out that after the Sedition Act was actually passed it gained Hamilton’s support.³⁴ At least in part, Hamilton supported the Alien and Sedition Acts because they were designed to suppress support for the Jeffersonian Republicans, who opposed Federalist programs such as increasing the standing army. Hamilton realized that a strong standing army would be absolutely necessary to carry out the operations in South America, and to secure all the territory east of the Mississippi River, which is something he regarded as “essential to the permanency of the union.”³⁵

There is very little in Adams’ correspondence directly concerning the Alien and Sedition Acts; yet his implicit support for the acts is given by the fact that he did not speak out against or veto them, and he exercised his new authority by signing orders for the removal of aliens under the acts. Adams’ correspondence does, however, reflect a general suspicion of a French

invasion, and of the possible French influence within the government. It is unquestionable that during his presidency Adams considered war with France a possibility. At the beginning of his term in office, Adams wrote to John Q. saying that as long as America incurred no humiliation, he would attempt to reach an agreement with France, otherwise he would settle for war.³⁶ In the wake of the XYZ dispatches, Adams even went so far as to ask his cabinet if a declaration of war was advisable.³⁷ Adams' apprehension of a French invasion is reflected in a letter to George Washington in which he asks for Washington's advice in case just such an event occurs.³⁸ The President reveals his concern about the possible French influence in the United States in two letters from September 1798. In a letter to Alexander Hamilton, Adams questions the appointment of a Frenchman to the army because of the suspicions that would arise if the United States subsequently went to war with France.³⁹ Also, in a letter to the Secretary of State Adams expresses his desire to deny the passports of Dupont de Nemours "or any other French philosophers, in the present situation of our country."⁴⁰ The concerns expressed by Adams regarding the situation with France indicate that he supported the Alien and Sedition Acts out of a general fear of the French.

Although Republicans disagreed with the Federalists on such major issues as the federal government's assumption of state debt, the power of the states versus that of the federal government, and the size of national defense programs, party leaders like Thomas Jefferson resolved to sit back and let the Federalists' policies lead them to their own demise. However, the Alien and Sedition Acts pushed Jefferson and Madison to issue a direct challenge to Federalist initiatives in the form of the Virginia and Kentucky Resolutions.

Jefferson wrote the Kentucky Resolutions, although it was John Breckinridge who introduced them to the Kentucky legislature. The first resolve of the resolutions establishes that

the states entered into a compact under the Constitution whereby they gave the federal government “certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government”; thus, any powers assumed by the federal government not expressly assigned by the states are null and void. Following this reasoning, Jefferson explicitly states in the second resolve that the Sedition Act of July 14th is “void, and of no force.”⁴¹ Jefferson, however, does not leave out the Alien Act. In the fourth and sixth resolves he declares the Alien Act void because the states have jurisdiction over aliens within their borders, and the Constitution guarantees everyone a trial by jury; therefore, the President can not arbitrarily make judgment on a person and send him/her out of the country.⁴²

The Virginia Resolutions, drafted by James Madison, have the same general theme as the Kentucky Resolutions. Madison follows the same reasoning as Jefferson about the social compact between the states and the limitations the compact imposes on the federal government. He further asserts that when the federal government exceeds the powers granted to it by the Constitution the states “have the right, and are duty bound, to interpose for arresting the progress of the evil.”⁴³ Madison then expressly targets the Alien and Sedition Acts as unconstitutional, and cites the Sedition Act as particularly alarming because “it is leveled against that right of freely examining public characters and measures. . . which has ever been justly deemed the only effectual guardian of every other right.”⁴⁴

The Alien and Sedition Acts are no doubt some of the most controversial legislation in American’s history, and some historians have described them as the low-point in Adams’ presidency. Perhaps Hamilton’s fear that the Alien and Sedition Acts might give “body and solidarity” to the Jeffersonians rings prophetic as Republicans rallied behind Jefferson and Madison to pass the Kentucky and Virginia Resolutions, and take the presidency in the elections

of 1800. The Republican triumph in 1800 led to the complete eradication of the Federalists as a political party, and although the Alien and Sedition Acts are not the only cause of the Federalist defeat, the acts are a significant manifestation of the Federalist ideology of strong central authority. The American public reacted soundly against that ideology; thus, the acts can be seen as an appropriate symbol of the death of the Federalists.

Endnotes

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- ¹ Ralph Adams Brown, *The Presidency of John Adams* (Lawrence: UP of Kansas, 1975), 27.
- ² Ibid.
- ³ Ibid, 26.
- ⁴ Ibid, 72.
- ⁵ Ibid, 117-118.
- ⁶ Ibid, 72.
- ⁷ Stephen Kurtz, *The Presidency of John Adams: The Collapse of Federalism, 1795-1800* (Philadelphia: University of Pennsylvania Press, 1957), 293, 316.
- ⁸ Ibid, 294.
- ⁹ Ralph Adams Brown, *The Presidency of John Adams* (Lawrence: UP of Kansas, 1975), 36.
- ¹⁰ William Stinchcombe, "Talleyrand and the American Negotiations of 1797-1798," *The Journal of American History* 62, no. 5 (1975): 575, 579.
- ¹¹ Alexander DeConde, *The Quasi-War: The Politics and Diplomacy of the Undeclared War with France 1797-1801* (New York: Charles Scribner's Sons, 1966), 8.
- ¹² Ibid, 16.
- ¹³ Ibid, 17.
- ¹⁴ Ibid, 19.
- ¹⁵ Ibid, 25.
- ¹⁶ Ibid, 26.
- ¹⁷ Ibid, 28-29.
- ¹⁸ William Stinchcombe, *The XYZ Affair* (Westport: Greenwood Press, 1980), 3.
- ¹⁹ Ralph Adams Brown, *The Presidency of John Adams* (Lawrence: UP of Kansas, 1975), 51-56.
- ²⁰ James Morton Smith, "The Sedition Law, Free Speech, and the American Political Process," *The William and Mary Quarterly* 9, no. 4 (1952): 497-498.
- ²¹ Ralph Adams Brown, *The Presidency of John Adams* (Lawrence: UP of Kansas, 1975), 122.
- ²² Fifth Congress of the U.S., "An Act Concerning Aliens," June 25, 1798, www.ourdocuments.gov/print_friendly.php?page=transcript&doc=16&title=Transcript+of+Alien+and+Sedition+Acts+%281798%29.
- ²³ Ralph Adams Brown, *The Presidency of John Adams* (Lawrence: UP of Kansas, 1975), 122.
- ²⁴ Fifth Congress of the U.S., "An Act Respecting Alien Enemies," July 6, 1798, www.ourdocuments.gov/print_friendly.php?page=transcript&doc=16&title=Transcript+of+Alien+and+Sedition+Acts+%281798%29.
- ²⁵ Fifth Congress of the U.S., "An Act for the Punishment of Certain Crimes Against the United States," July 14, 1798, www.ourdocuments.gov/print_friendly.php?page=transcript&doc=16&title=Transcript+of+Alien+and+Sedition+Acts+%281798%29.
- ²⁶ *The Papers of Alexander Hamilton XXI*, ed. Harold C. Syrett (New York: Columbia UP, 1974), 381-447.
- ²⁷ Ibid, 412-415.
- ²⁸ Ibid, 438.
- ²⁹ Ibid, 420, 424, 440.
- ³⁰ Ron Chernow, *Alexander Hamilton* (New York: Penguin Press, 2004), 558.
- ³¹ *The Papers of Alexander Hamilton XXII*, ed. Harold C. Syrett (New York: Columbia UP, 1974), 154-155.
- ³² *The Papers of Alexander Hamilton XXI*, ed. Harold C. Syrett (New York: Columbia UP, 1974), 490.
- ³³ Ibid, 522.
- ³⁴ Ron Chernow, *Alexander Hamilton* (New York: Penguin Press, 2004), 572.
- ³⁵ *Papers of Alexander Hamilton XXII*, ed. Harold C. Syrett (New York: Columbia UP, 1974), 441.
- ³⁶ *The Works of John Adams VIII*, ed. Charles Adams (Freeport, NY: Books for Libraries Press, 1969), 537.
- ³⁷ Ibid, 568.
- ³⁸ Ibid, 573.
- ³⁹ Ibid, 592.
- ⁴⁰ Ibid, 596.
- ⁴¹ Thomas Jefferson, "Kentucky Resolutions," Nov. 10, 1798, www.princeton.edu/~tjppapers/kyres/kyadopted.html.

⁴² Ibid.

⁴³ James Madison, "Virginia Resolutions," Dec. 24, 1798, www.yale.edu/lawweb/avalon/virres.htm.

⁴⁴ Ibid.

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