**SEDITION ACT DOCUMENTS**

(numbers in narrative correspond to questions below)

##### DOCUMENT 1: Thomas Jefferson Letter To James Madison, June 1798

They have brought into the lower House a sedition bill, which, among other enormities (outrages), 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]. (1)

1. What is Thomas Jefferson’s problem with the Sedition Act?

##### DOCUMENT 2: Sedition Act, 1798

*An act in addition to the act intituled, "An act for the punishment of certain crimes against the United States." (2)*

**SECT 1**. Be it enacted (3) 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...any person holding a place or office in ...the government of the United States, from...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…

**SECT. 2.** *And be it further enacted*, That if any person shall write, print, utter, or publish, ...or shall...willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous and malicious writing...against the government of the United States, or either House of the Congress of the United States, or the President of the United States (4), with intent to defame the said government...or to excite against them...the hatred of the good people of the United States, or to stir up sedition within the United States...for opposing or resisting any law of the United States,...or any act of the President of the United States done in pursuance of any such law,... or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being...convicted before any court of the United States,...shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years. (5)

**SECT. 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...to give in evidence in his defence, 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...(6)

**SECT. 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...

1. The Sedition Act is actually entitled “An act for punishment of certain crimes against the United States.” It was written and passed by a Federalist controlled congress and a Federalist president. What might the act’s title lead you to believe about the Federalist authors’ justification for it?
2. Each section begins the same – “Be it enacted” - which means voted into law. What would the Sedition Act do? Summarize its 4 main parts.
3. Section 2 specifically names people or groups protected from malicious speech or writing. Who is NOT protected and what conclusions can you draw from those omissions?
4. At the time, Section 2 was the most controversial. Considering what you know about the American Revolution and the U.S. Constitution (including the Bill of Rights), why might this section have been so controversial?
5. Examine Section 3 again. How would someone accused of libeling a government official prove his innocence? Why might this standard be problematic for the accused?

##### DOCUMENT 3: Kentucky Resolutions, 1798 (originally authored anonymously but later acknowledged by Thomas Jefferson)

#### In the House of Representatives, *November* 10*th*, 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 (7): 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(8): 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 (9).

1. What is Jefferson’s concern regarding the Sedition Act and its impact on the power of the presidency?
2. What is Jefferson’s concern regarding the Sedition Act and its impact on minority opinions or minority rights?
3. The “slippery slope” argument states that a small, insignificant first step can lead to a chain of events which end up having a significant effect. How does Thomas Jefferson use this argument?