

The Sedition Act, 1798

Introduction

On August 14, 1798, the *Columbian Centinel*, a Boston newspaper aligned with the Federalist Party, printed this copy of the Sedition Act. It was the last in a series of legislation known as the Alien and Sedition Acts passed by the United States Congress and signed into law by President John Adams in July. These acts were written to silence Democratic-Republicans' criticism of Federalist policies during the Quasi-War with France.

The Sedition Act, which was the only one in the series that applied to citizens of the United States, made it illegal to “write, print, utter or publish . . . any false, scandalous, and malicious writing or writings against the government of the United States.” Although Democratic-Republicans complained that the law violated the First Amendment, the Federalist-controlled Congress passed the Sedition Act by a vote of 44 to 41.

Federalists believed that the Sedition Act was necessary for the security of the United States during the undeclared Quasi-War with France. They feared that criticism from Democratic-Republicans and in newspapers such as the *Aurora* would undermine the government. In the three years that the act was in effect, there were twenty-five arrests, fifteen indictments, and ten convictions.¹

There are four sections to the Sedition Act. The first two define acts that would be considered seditious and the penalties for violating the law. The third section establishes the truth as a defense against accusations of libel. The final section provides that the act would expire on March 3, 1801—the day before the next presidential inauguration.

Excerpt

Sec. 2. And be it further enacted That if any person shall write, print, utter or publish, or shall cause or procure 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 the said government, or either house of the said Congress, or the said President, or to bring them or either of them into contempt or disrepute; or the excite against

¹ Peter Macnamara, “The Sedition Act of 1798,” *The First Amendment Encyclopedia*, originally published 2009. <https://www.mtsu.edu/first-amendment/article/1238/sedition-act-of-1798>.

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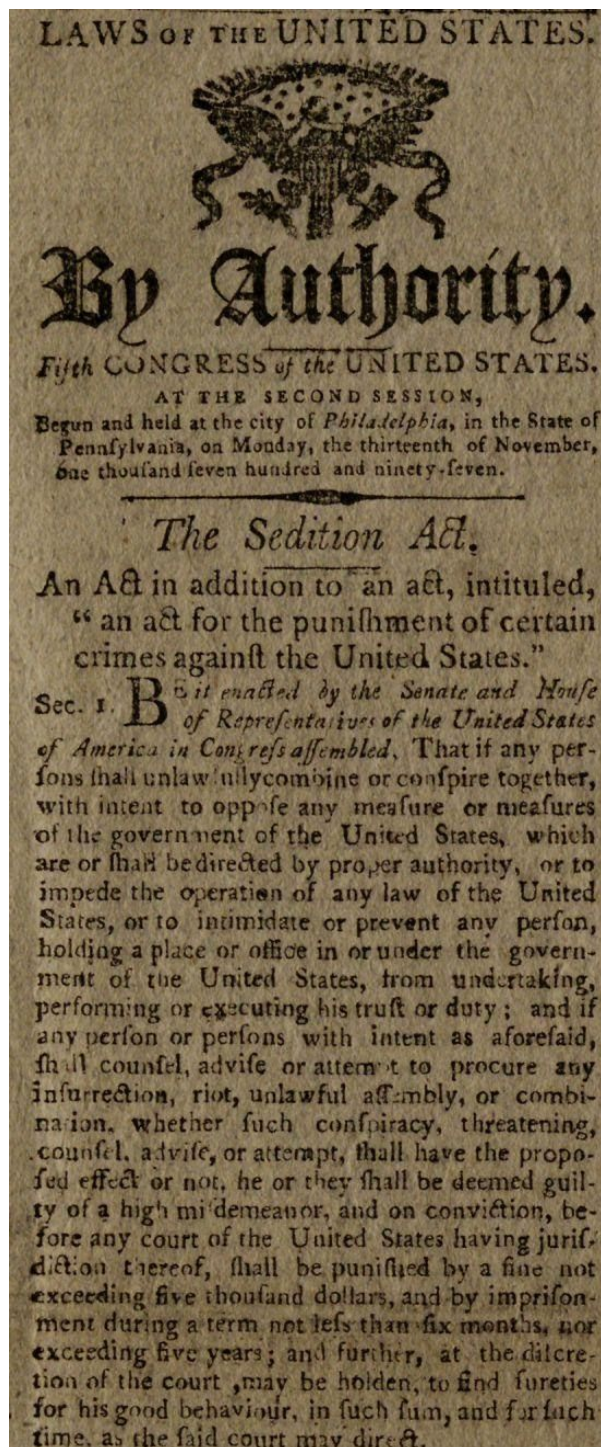
them, or either or any of them, the hatred of the good people of the United States; or to stir up sedition within the United States; or to excite any unlawful combination therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution 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 the 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.

Questions for Discussion

1. Under what circumstances, if any, is it appropriate for the federal government to limit free speech or free press?
2. Section 2 of the Sedition Act specifically charges that anyone who is found guilty of statements critical of the “government of the United States, or either house of the Congress of the United States, or the President of the United States...”, will be subject to fines and/or imprisonment. Why do you believe the law was written to specifically identify only members of Congress and the President?
3. The Sedition Act was written in 1798 and set to expire on March 4, 1801. Why do you think Congress enacted it for a limited period of time?

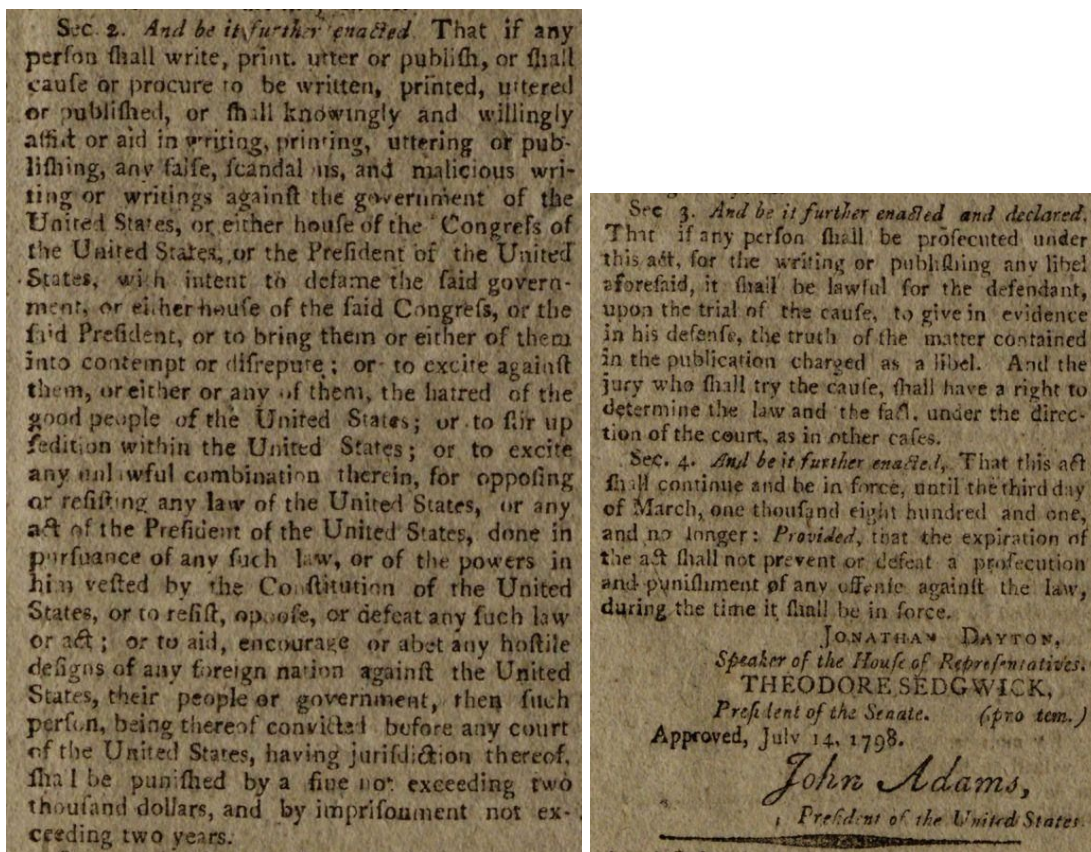
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The Sedition Act, printed in the *Columbian Centinel* [Vol. 24, no. 45], August 8, 1798. (The Gilder Lehrman Institute of American History, GLC08693)

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Transcript

[Benjamin Russell, *Columbian Centinel* [Vol. 24, no. 45], August 8, 1798]

LAWS OF THE UNITED STATES

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By Authority

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Fifth CONGRESS of the UNITED STATES.

AT THE SECOND SESSION,

The Sedition Act, 1798

Begun and held at the City of *Philadelphia*, in the State of Pennsylvania, on Monday, the thirteenth of November, one thousand seven hundred and ninety-seven.

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The Sedition Act.

An Act in addition to an act, intituled, “an act for the punishment of certain crimes against the United States.”

SEC. 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 or measures of the government of the United States, which are or shall be directed by proper authority, 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 with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advise, 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; and further, at the discretion of the court, may be holden, to find sureties for his good behaviour, in such sum, and for such time, as the said court may direct.

SEC. 2. *And be it further enacted* That if any person shall write, print, utter or publish, or shall cause or procure 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 the said government, or either house of the said Congress, or the said President, or to bring them or either of them into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States; or to stir up sedition within the United States; or to excite any unlawful combination therein, 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 of the powers in him vested by the Constitution 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 the United States, their people or government, then such person, being

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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.

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 contained in the publication 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.

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 offense against the law, during the time it shall be in force.

JONATHAN DAYTON,
Speaker of the House of Representatives.

THEODORE SEDGWICK,
President of the Senate. (pro tem.)

Approved, July 14, 1798.

John Adams,
President of the United States