

Alien sedation acts



The Alien Sedition Act of 1798 The United States won its independence through war and has ever since experienced internal and external strife in its long and glorious history. The contributors to the Constitution of the country and the subsequent Bill of Rights were intent on providing a sense of freedom to patriotic American citizens as can be seen from the First Amendment to the Bill of Rights. The first Amendment reads as follows - " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances" (United States Constitution). This piece of legislation provided legal recourse to the ordinary citizens of the country to voice their grievances as long as it does not create violence or any anti national activities. This could well be the forerunner of the concept of freedom of speech as voiced by democratic societies around the world. But history shows that the concept of acting against critics of government policies had its origins during 1798. The first few words of a long sentence pertaining to section 2 of the Seditious Act is provided here - " 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" (Sedition Act). A close observation of the words shows that the focus is on false, scandalous and malicious attacks against the government of the United States. Since, the concept of a visual media was not present at that time, it was not thought relevant in this context. The basic argument against such a proclamation is that it provides excessive powers to the government and its

officers to decide on what a 'harmful act' is and what not a 'harmful act' is. This Act was passed in anticipation of a war with France without taking into serious consideration that the American of that period included those people who were of French origin. According to Zelizer, "the laws delayed and complicated the naturalization of aliens, authorized the executive branch to deport or arrest aliens suspected of political activity, and promoted the prosecution of domestic critics for seditious libel." (Zelizer 63). It can be said that there is a violation of the 1st Amendment in the sense that it goes against the right of people to assemble peacefully and petition the government regarding grievances. In other words, there is a violation of fundamental right with regard to freedom of speech. The Seditions Act of 1798 involved the right to freedom of speech to object to policies of the government. But no specific statute has targeted any specific community or race with regard to any acts of anti-patriotic activity even though French citizens might have been the prime suspects. The question is what different sections of the society that had their origins in different host countries feel about the Seditions Act. It can be seen that the sedition acts may have infringed upon the basic right to freedom of expression. But the core focus of all these statutes is based upon the security of the United States. The only factor that is paramount is any act that may be against the security and sovereignty of the United States. The country is host to immigrations and citizenship from many nations across the world including Europe, South America and Asia. Statutes such as the Act discussed here provide that any act that violates the internal security of the nation is illegal even though some of them may appear to be against the fundamental rights of citizens. In any case, the Seditions Act does not in any way infringe upon the rights of

citizens of a particular region or country. The fact that a threat of external aggression (in this case by France) can prompt a government to pass statutes that may be seen as infringement of certain fundamental rights. But the problem is that it stifles the positive aspect of constructive criticism where those criticized may be able to learn from its mistakes. In all probability, the citizens of French origin might have been subject to a lot of suspicion in case they may have voiced their opinion regarding the war. But the main point of contention is that such statutes can be problematic for any citizen who has origins in a country that is aggressive to the security of the United States. In other words, a statute similar to the Alien Sedition Act will be a problem to US citizens according to the circumstances of the time and also be dependent on the country of origin of that citizen.

References

- “ Amendment I”, United States Constitution. Cornell University Law School. 14 October. 2009 <http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmenti>
- SECT. 2. Seditious Act 1798. Constitution.org. 14 October. 2009 http://www.constitution.org/rf/sedition_1798.htm
- Zelizer, Julian E. The American Congress. Houghton Mifflin Harcourt, 2004.