

Those Alien and Sedition Acts Return

The attack on American democracy, started over a century ago, is revived in the same form by the Dies committee. The radical Irish. The second of two articles by Gale Thorne.

IN 1798, after the stage had been set with authentic early Dies pieces, the Federalists pushed through Congress the notorious Alien, Sedition, and Naturalization Acts. A hundred and forty-one years later, over one hundred "anti-alien" measures were introduced in the first session of the Seventy-sixth Congress. On July 29, 1939, the House passed by an overwhelming vote a drastic omnibus "anti-alien" bill sponsored by Rep. Howard W. Smith of Virginia, a "Democrat" whom Jefferson surely would never acknowledge. According to the *New York Times* for July 30, 1939, this bill was:

... a virtual one-package edition of the most drastic provisions of the more than one hundred anti-alien bills which have been introduced during this session of Congress. . . . The measure was sent to the Senate by a roaring voice vote after a motion to recommit, offered by Rep. Vito Marcantonio, American Labor, of New York, had been smothered, 273 to thirty-eight.

The Senate failed to act on the bill because of lack of time for consideration before the session closed. There will be time enough at the present session. Representative Howard's bill, or others like it reposing in the back pockets of similar statesmen, will be "considered" in the super-charged atmosphere which has tensed the country since France and England actively engaged in the European war—an atmosphere intensified by the "sordid procedure" of the Dies committee.

SUPER-PATRIOTISM

Up to this point, the reactionaries have followed the strategy laid down by their Federalist predecessors. Super-patriotism is the Trojan horse which affords them access to the citadel of democratic liberties. In the guise of 200 percent Americanism, they direct their initial attacks against non-citizens, those members of the community least able to defend themselves. Once the freedom of "aliens" has been curtailed, some other minority group is singled out. The process of repression gains momentum with each fresh success. The democratic rights of the whole people are the objective, but it would be foolhardy to make a frontal assault. When a minority seeks to impose its will on the majority, the best strategy is to divide the ranks of its opponents and annihilate them separately.

Edward Livingston, leading the fight in Congress against the 1798 anti-alien bills, warned:

... let no man vainly imagine that evil is to stop here, that a few unprotected aliens only are to be affected by this inquisitorial power. The same arguments which enforce those provisions against aliens, apply with equal strength to enacting them in the case of citizens.

The Naturalization Act increased the term of residence required for citizenship from five to fourteen years! It was aimed particularly at the Irish refugees who flocked to America in great numbers after the failure of the Irish Rebellion of 1798. Not that the Irish *per se* were necessarily objectionable, but, since most of them had the bad taste to join the democrats, the Federalists enjoined them to go back where they came from. Senator Uriah Tracy of Connecticut wrote home from Pennsylvania:

In my lengthy journey through this state I have seen many, very many, Irishmen, and with a very few exceptions, they are United Irishmen, Free Masons, and the most God-provoking democrats on this side of Hell.

"We claimed the right to govern ourselves," said Fisher Ames, "and our patriots never contemplated the claim of the imported United Irish, that a mob should govern us." Harking wistfully back to the overworked founding fathers, he declared:

Our forefathers immediately displayed a zeal and watchfulness, that the new society should be of the best sort, rather than of the largest size. Instead of building a Babel of wild Irish, Germans, and outlaws of all nations, such as would be suitable for a . . . [deleted by the editor of Ames' works—probably an epithet for Jefferson] to govern, and such as would have preferred his government, they excluded not only foreigners, but immoral persons, from political power; and even from inhabitancy.

Ames' tolerance was typical of his party, which had striven valiantly to live down the Declaration of Independence. And far be it from him to admit that many a forefather came to America straight from an English jail.

NO WILD IRISHMEN

Harrison Gray Otis, another Federalist congressman from Massachusetts, wrote to his wife, "If some means are not adopted to prevent the indiscriminate admission of wild Irishmen & others to the right of suffrage, there will soon be an end to liberty & property." Anxious to do his bit for "liberty & property," he made a violent speech in Congress for a proposed bill to clap a \$20 tax on certificates of naturalization. "I do not wish to invite hordes of wild Irishmen, nor the turbulent and disorderly of all parts of the world, to come here with a view to disturb our tranquillity, after having succeeded in the overthrow of their own governments," he declared. His oration, which became famous as "Otis' Wild Irish Speech," created a furore, but not altogether the kind of sensation its author had anticipated. He received one an-

swer, entitled "An Irish Epistle to H. G. Otis," which contained this verse:

Young man. We would have you remember
While we in this country can tarry,
The "Wild Irish" will choose a new member
And will ne'er vote again for *young Harry*.

The more ardent Federalists were not even satisfied with the stringent provisions of the Naturalization Act as it stood. Robert Goodloe Harper, eminent Federalist lawyer, maintained that "the time is now come when it will be proper to declare that nothing but birth shall entitle a man to citizenship in this country." In line with this noble sentiment, bills were introduced in Congress to restrict the rights of citizenship to natives and to bar persons of foreign birth from holding public office. The opposition was strong enough to defeat them.

DEFINITION OF TREASON

The Alien Act empowered the President to deport at his own discretion any alien he might consider dangerous to the peace and safety of the United States, or engaged "in treasonable and secret machinations" against the government, meaning the government's Federalist administration. Those who were in a position to know claimed that it was aimed at Albert Gallatin, among others, but it was surely designed to cover a multitude of sins which might inadvertently be committed by some unlucky member of Jefferson's party. Adams did not make use of his powers under this dictatorial law. He had headaches enough with the enforcement of the Sedition Act.

The Sedition Act imposed a fine not exceeding \$2,000 and imprisonment not exceeding two years on anyone who should:

Write, print, utter, or publish . . . 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 bring them . . . into contempt or disrepute.

As originally introduced in the Senate, the bill declared that the people of France were the enemies of the United States and any support of their cause or attempt to give them aid and comfort was treason, punishable by death. This extraordinary clause against a nation with which we were not at war was finally stricken out. Its retention would have simplified matters for the ruling clique, since under it Jefferson, Madison, Gallatin, and thousands of less known persons might have been hanged.

Indictment under the Sedition Act was followed by convictions as monotonously as day follows night. Packed juries and partisan

judges were an unbeatable combination. Cases were tried in federal courts; in this instance, federal meant Federalist. The judges and the marshals were all Federalists, and, since the marshals at that time were permitted to choose jurors, the jurors were Federalists too.

Considering that there were few newspapers at that period and fewer still were democratic, the arrest and indictment of ten editors and printers was a pretty ambitious procedure. The Federalists were out to make the most of their opportunity while it lasted. William Duane, editor of the *Aurora*, was indicted for seditious writings. He had been active in securing signatures on petitions for the repeal of the act and had campaigned against it in the columns of his newspaper. Col. Leven Powell wrote to Major Burr Powell on March 26, 1800, from Philadelphia, where the Senate was serving as an enlarged committee on un-American activities:

The Senate has had Duane before them for publishing false, scandalous & seditious falsehoods with respect to them; his insolence was to be sure intolerable. Report says this evening that he has fled, whether it is the case or not I cannot tell, but I believe they will obtain a victory over him, for notwithstanding all his whining that he was about to fall a victim for his Steady Support of Liberty, and Republicanism, he finds but few here disposed to support him. . . .

Duane didn't flee, but he should have, for he was beaten up by Federalist-incited hoodlums. Democratic citizens rallied to his defense, and the *Aurora* offices were constantly guarded lest the attacks be repeated.

Matthew Lyon, democratic congressman from Vermont, was also indicted, for publishing an anti-administration pamphlet. He conducted his own defense before a notoriously partisan judge and was sentenced to four months in jail "and to pay a fine of \$1,000 with costs of persecution [sic] taxed at \$60.96." The democrats organized a campaign to raise funds for his bail, and the plain people throughout the country contributed every penny they could spare. The sum so collected represents a sort of yardstick of popular indignation. Although the population of the entire country (5,308,483) was less than that of New York City today, and money was even scarcer than it is now, \$100,000 was raised, an awesome amount in those days. The court, however, was not impressed, and bail was denied. Lyon was lodged in the Vergennes jail, denied writing materials, and informed that if he found the November nights chilly, he could furnish his own stove. While he was in jail, his constituents expressed their protest against this home-grown tyranny by reelecting him to Congress. His release at the expiration of his sentence was the occasion for celebration among the people. A broadside printed at Bennington to mark the event shows their understanding of the issues:

The freedom of speech, to discuss and debate
On the deeds of our servants who govern the state,
We'll never resign to the sticklers for power,
Though courtiers and sycophants frown and look
sour.

Even in Massachusetts, where the Federalists exercised such rigid control, one Boston newspaper openly opposed the Alien and Sedition Acts. Retaliation was swift. The editor, Thomas Adams, was sick in bed, so the book-keeper, Abijah Adams, was indicted and sentenced to thirty days in jail. The paper continued to appear, nevertheless, stubbornly announcing that it would uphold the cause of liberty.

Others besides editors, of course, were victims of the Sedition Act. A New Jersey democrat was fined, on the occasion of the firing of a cannon salute in honor of President Adams, for wishing aloud that the gunwadding might hit that gentleman in a sensitive portion of his anatomy. A citizen of Dedham, Mass., one John Lovejoy, was jailed for putting up a liberty pole with this inscription:

Liberty and Equality!
The Vice President [Jefferson] and the Minority!
A speedy Retirement to the President!
No Sedition Bill! No Alien Bill!
Downfall to the Tyrants of America!

The democrats worked as tirelessly for repeal of these arbitrary laws as did the Federalists for convictions. Whenever the people flocked into the towns on market days or for special occasions, they organized protest meetings, and introduced denunciatory resolutions. Petitions for repeal were circulated from farm to farm and from shop to shop. When Congress reconvened, enormous rolls containing thousands of signatures from every state were presented. These were referred to a Select Committee of the House, which, after due deliberation, reported that repeal was not in the interest of the public welfare. The Federalist majority had determined to accept the committee report. Gathered in noisy groups on the House floor, coughing, laughing, and talking at the tops of their voices, they made it impossible for the opposition to be heard. The Federalist speaker, Theodore Sedgwick, refused to call for order. Despite pleas from the democrats for more time so that other members might have their say, the report was railroaded through on the same day.

Heedless of the disorders created everywhere by the Alien and Sedition Acts, the "party of law and order" obstinately defended them. John Jay not only approved them but wanted the Constitution amended to include these measures. Oliver Wolcott, Adams' secretary of the treasury, pompously stated, "Those to whom the management of public affairs is now confided cannot be justified in yielding any established principles of law or government to the suggestion of modern theory." This may seem slightly irrelevant, but it was evidently considered the administration's last word on the whole matter.

The Harvard historian, Samuel Eliot Morrison, has thus characterized the Alien and Naturalization Acts:

Designed primarily not for defense against a foreign power, but for offense against the democratic party, they were calculated to rob that party of

an important element of its vote, and to make political opposition to Federalism a crime. . . . Seldom has so barefaced an attempt to injure a political party been made in Congress.

Of the Sedition Act Morrison said: "It stands out unparalleled in American legislation as a thinly disguised attempt to treat political opposition as a crime, and to stamp criticism of a party as sedition." Most historians agree with him, and some consider that the Alien and Sedition Acts marked the beginning of the end of Federalism.

The people of the United States could not wait for the calm verdict of history. They woke up in time to see through the smoke-screen of Jacobin plots and French scares to the native despotism which was their immediate peril. Their answer was given at the polls in 1800 when they voted for the arch-plotter and Jacobin-in-chief, Thomas Jefferson.

At the age of seventy-three, Jefferson summed up a lifetime of subversive activities in two simple sentences: "I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom."

GALE THORNE.

How's That, Mr. Matthews?

J. B. MATTHEWS, research director of the J. Dies committee, recently exposed the Red menace at work chewing up advertising. Here are two quotes from Mr. Matthews on the subject. The first is from his book *Partners in Plunder*, written before his gratifying association with Mr. Dies:

Advertising, in its spirit and purpose, is germinal fascism. Hitler was the first European politician who saw the significance of the techniques of commercial advertising for politics. In *Mein Kampf* he used the distinctly commercial word "Reklame"—advertising—to describe his political method. Advertising is more than sales ballyhoo; it is a form of social organization which utilizes the most modern mechanical contrivances for a regimentation that is both commercial and political.

The second is from the Dies committee report:

Advertising performs an indispensable function in mass production economy, and as an economic process, wholly apart from questions which have to do with good or bad advertising copy, is as essential a part of the distributive mechanism as are railroads and retail outlets.

And the same hot-headed J. B. Matthews goes a good deal further in the same book on the subject of business:

In business, plunder is of the essence. The springs of thought as well as the sources of physical life for the masses are poisoned when poisoning is profitable, adulterated when adulteration is profitable, and otherwise exploited in ways that blight and despoil.

Business is a series of frauds, utilizing methods, both in production and distribution, which are indistinguishable in spirit and effects, from the practices of gangsterism.

