

## Handouts B–C Answer Keys

### Handout B: Alien and Sedition Acts Answer Key

Answers may include:

#### *Alien Act*

Circumstances: whenever war has been declared between the U.S. and a foreign nation or government, or any invasion, incursion, or threat by a foreign nation or government.

The president was authorized to direct “observation” and restraint of foreign nationals, as well as to deport them.

The courts were authorized to bring foreign nationals before the court and to order their deportation, or to restrain or imprison them.

Consequences: removal from the United States.

#### *Sedition Act – Section 1*

Actions listed as illegal: unlawful “combining or conspiring” (assembly) with intent to oppose government measures; impeding operation of U.S. law; intimidating government official.

Consequences for the accused: a fine of up to \$5,000; imprisonment of six months – five years.

#### *Sedition Act – Section 2*

Actions listed as illegal: writing, speaking, publishing, or aiding in someone else’s writing, speaking or publishing, of “scandalous or malicious writings” against the U.S. government; inciting unlawful opposition or resistance to U.S. laws; aiding or abetting hostile plans of foreign nations against the U.S.

Consequences for the accused: a fine of up to \$2,000 and up to two years in prison.

#### *Sedition Act – Sections, 3, 4, and Closing*

How long in effect: until March 3, 1801 – or about 2 years and 7 months from the time the Resolution was approved in 1798.

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### Handout C: The Acts and the First Amendment Answer Key

Act Respecting Alien Enemies	Summary	First Amendment
Section 1	Summary – <i>Sample response</i> : When the U.S. is at war or under attack by a foreign government, male foreign nationals aged 14 or older will be stopped, arrested, and removed from the U.S. as enemies. The president is authorized to order “observation” and restraint of foreign nationals, as well as to deport them.	First Amendment – Students may not find a direct First Amendment relevance, but may raise discussion about other amendments in the Bill of Rights.
Section 2	Summary – Illegal actions include unlawful assembly with intent to oppose government measures; impeding operation of U.S. law; intimidating government official. Consequences for the accused include a fine of up to \$5,000 and possible imprisonment from six months to five years.	First Amendment – Students may refer to “the right of the people peaceably to assemble.”
Section 3	Summary – Government officials or judges may deport foreign nationals from the U.S.	First Amendment – Students may refer to redress of grievances.

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Sedition Act		First Amendment
Section 1	Summary – It is illegal to assemble with intent to oppose government measures, to impede operation of U.S. law, or to intimidate a government official. Accused can be fined up to \$5,000 and be imprisoned for six months to five years.	First Amendment – Students may refer to the right to peaceably assemble.
Section 2	Summary – It is illegal to write, speak, publish, or support another person’s writing, speaking or publishing, against the U.S. government; to incite unlawful opposition to U.S. laws; and to aid or abet hostile plans of foreign nationals against the U.S. Accused can be fined up to \$2,000 and face up to two years in prison.	First Amendment – Students may refer to freedom of speech and of the press.
Section 3, 4, and Closing	Summary – Accused may give evidence in his defense. The law would be in effect until March 3, 1801 (about 2 ½ years from the time the resolution was approved in 1798).	First Amendment – Students may not find a direct connection to the First Amendment. Some may find the ability to give evidence as a form of free speech. Some students may find other relevant amendments in the Bill of Rights.

*Do you believe these two acts were constitutional? Why or why not?*

Accept answers that are based on a reasonable level of understanding of the Constitution.