

MARYLAND GAZETTE

THURSDAY, SEPTEMBER II, 1800.

FOR THE MARYLAND GAZETTE.

To the CITIZENS and FREE VOTERS of the FIFTH DISTRICT:

It is with some reluctance I appear in print, to address you on the approaching election of president and vice-president, and I confess I feel much embarrassed in doing it, not being in the habit of communicating my sentiments in this way.

I am an advocate for the re-election of Mr. Adams as president, and feel a solicitude that you should think him deserving of your suffrages, arising from an opinion, that the happiness and welfare of our country will be best promoted by placing him in that elevated station. Many objections have been made against Mr. Adams, to induce you to think he is unworthy of your confidence, and much has been said and written to prevail on you to prefer Mr. Jefferson to him. The principal objections made against Mr. Adams, and on which a very great clamour has been excited against him, are the following: That he approved and assented to the sedition act, the alien act, and the act to raise a provisional army; and that he is the friend and advocate for monarchy. It is contended that these three acts are unconstitutional, and that Mr. Adams, by assenting to them, violated the constitution. I shall endeavour, my fellow-citizens, to convince you that the objects of these laws were just, reasonable and proper; that you have strong grounds to presume that these laws are constitutional; that powerful, if not conclusive, arguments, can be urged, to induce you to be of that opinion, and that Mr. Adams, in assenting to them, acted under the impulse of duty, without being liable to the least suspicion of acting under the influence of unworthy motives.

The sedition act, in the first section, prohibits all unlawful combinations and conspiracies with intent to oppose the measures of the government of the United States, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding an office or place under the United States from undertaking, executing or performing his duty. It also prohibits all persons from advising or procuring insurrections, riots or unlawful assemblies or combinations, with intent as aforesaid, to oppose the government, &c.

This section has been favoured with the approbation of my worthy friend and competitor Mr. Duvall. Indeed every person, who is a friend to the government, to peace and good order, must assent to it, as it restrains unlawful combinations to oppose the measures of government, &c.

The second section prohibits the writing, printing, uttering or publishing, any false, scandalous and malicious writing or writings against the government of the United States, either house of congress, or the president of the United States, with intent to defame the government, &c. or to excite against them the hatred of the good people of the United States, or to bring them into contempt or disrepute; or to stir up sedition, to excite any unlawful combinations for opposing or resisting any of the laws of the United States, or any acts of the president, done in pursuance of such law, or of the powers vested in him by the constitution, or to resist, oppose or defeat, any such law, or to aid, abet or encourage, any hostile designs of any foreign nation against the United States, their people or government. The person prosecuted is allowed to give the truth of the matter in evidence on his trial.

It prohibits the defaming the government, either branch of congress, or the president, by writing and publishing false, scandalous and malicious charges against them, for the purpose of exciting the hatred of the people against them, or to bring them into contempt and disrepute. Surely my fellow-citizens will concur with me in opinion, that this prohibition is just, reasonable and proper, and that every person ought to be restrained from defaming the government, congress or the president, by false, scandalous and malicious publications, for the purpose of exciting the hatred of the people against them, and bringing them into contempt and disrepute.

This law is a terror to none but evil doers; it only restrains practices which are abhorred by every good man and friend to truth and justice, and which tend to weaken the government, by creating distrust in the constituted authorities, and destroying their just and proper influence, and frustrating the measures of administration. But it is said to be unconstitutional, because it infringes the liberty of the press. What is the liberty of the press, and in what does it consist? In the advancement of truth, science, morality, and arts in general; in the diffusion of liberal sentiments on the administration of government; its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs. This liberty does not allow of the diffusion of slander and defamation against the government and its officers, to excite the hatred of the people against them, and to bring them into contempt and disrepute. The publishing false, scandalous and malicious charges against the government, or its officers, is the licentiousness of the press, and ought to be restrained; it cannot advance the truth or promote morality; it cannot diffuse liberal sentiments on the administration of government; it cannot promote union for just and honest purposes; nor can it, or ought it, to shame or intimidate officers who have been guilty of no oppression, and who have not misconducted themselves in office. The licentiousness of the press, or the publishing false, scandalous and malicious charges, is not the liberty of the press, but the abuse of it; it is a noxious and baneful shoot, that ought to be pruned or lopped off, because thereby the tree will be invigorated and produce better fruit.

The liberty of the press will be advanced and secured by restraining the licentiousness of it. The cause of truth, justice and honesty, can-

not be injured by restraining persons from publishing false, scandalous and malicious charges against the government, and its officers.

Who is to decide whether a law is constitutional or not? The judiciary—It is their proper province; they are supposed to be competent to the decision of intricate and abstruse questions arising on the constitution and laws. This power and trust is confided to them by the constitution; transferred to them by the people. The judiciary has decided this law to be constitutional. The majority of the house of representatives, on full and elaborate discussion, the majority of the senate, and the president; and all these decisions made on oath; they are all sworn to support the constitution. Are you, can you be wanting in confidence, in charity, as to suppose all these great and respectable men have concurred in opinion to violate the constitution, contrary to their solemn oath? I know you cannot. You must have a confidence in your rulers. You will suppose they act uprightly until the contrary appears. No republican government can exist without confidence in the constituted authorities. It is the basis upon which it rests. Jealousy and unjust suspicion, like the moth fretting a garment, whose ravages are unperceived while they are making, will waste and destroy it by imperceptible degrees.

Be vigilant and attentive to the conduct of the officers of government, view their conduct through the proper medium, and with candour investigate it; do not view it with a prejudiced or jaundiced eye, which converts every energetic act of government into oppression, or a violation of the constitution.

THE ALIEN LAW.

1st Section. The president is empowered such aliens to depart out of the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government, and within such time as shall be expressed in his order.

5th Section provides for the alien's taking away his goods and chattels, and that what remains shall be subject to his order and disposal.

Is it not proper, reasonable and right, that a power should be lodged somewhere to remove aliens who are dangerous to the peace and safety of the United States, and all such as are suspected, on reasonable grounds, of being concerned in any treasonable or secret machinations against the government? And where could the power be placed with more propriety than in the president? By the law of nations, every government has the power to order aliens to depart out of its territory; and the government of every nation, according to its own regulations, issues an order for aliens to depart its territory whenever the government of such nation thinks it right and necessary, and it is always done when a war or invasion is apprehended.

An alien has no right, interest, lot or part, in our government; he has no claim to any of the immunities or privileges conferred by, or resulting from it; they belong exclusively to the citizens. An alien enemy has no rights.—An alien friend, as long as he is permitted to remain in the territory of the United States, owes a temporary allegiance to the government, and is entitled to the protection of the laws, may acquire property in goods and chattels, and is capable of taking, but not of holding, real property. But as soon as the government withdraws its consent to the alien's remaining within its territory, and issues an order for his departure, his rights as an alien friend are suspended, and cease when the time expires which is limited for his departure.

An alien's remaining within the territory of a government is by permission and indulgence, which may be withdrawn and revoked *ad libitum*, at the will and pleasure of the government, and if the alien is allowed to take away or dispose of the property he acquired, he has no right to complain; for his remaining was an indulgence, which he knew, when he came to reside within the United States, might be withdrawn at any time, according to the law of nations. The law allows him to take away his goods and chattels.

But it is said this act is unconstitutional, and Mr. Adams has approved of it.

This law being passed by a majority of the representatives of the people, a majority of the senate, and approved by the president, and that too sanctioned by an oath to support the constitution, a fair, a reasonable presumption arises, that the law is constitutional. If we wish to preserve our government, we must have confidence in, and respect for, congress; we must have confidence in, and respect for, the constituted authorities. But the people must decide this abstruse, this difficult, this important question, upon loose and desultory arguments; a question which occupied the time of congress for days and weeks; in the discussion of which the learning, abilities and ingenuity, of the nation, were exhausted, and the final result was, that it was constitutional. And will you, my fellow-citizens, reject the opinion of the majority of congress, sanctioned by the president, and adopt the opinions of the minority, and their reasoning, which has been detailed to you in the news-papers? Certainly you will not; nothing can justify your deciding in that way. Or will you, my fellow-citizens, undertake to decide the question yourselves?

Wise, honest and impartial men differ in their construction of the constitution, with reference to the sedition and alien laws; this will induce you to think it a doubtful question, and make you hesitate in deciding the one way or the other. But the majority of congress, and the president, have determined these laws to be constitutional, and upon oath, having taken an oath to support the constitution; and the judiciary of the United States, have determined the sedition law to be constitutional.