

press; for at common law, libels against the government might be punished with fine and imprisonment at the discretion of the court, whereas the act limits the fine to two thousand dollars, and the imprisonment to two years; and it also allows the party accused to give the truth in evidence for his justification, which by the common law was expressly forbidden.

And lastly, it is answered, that had the constitution intended to prohibit Congress from legislating at all on the subject of the press, which is the construction whereon the objections to this law are founded, it would have used the same expressions as in that part of the clause, which relates to religion, and religious tests; whereas the words are wholly different: "Congress," says the constitution, (amendment 3d) "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or the press." Here it is manifest that the constitution intended to prohibit Congress from legislating at all on the subject of religious establishments, and the prohibition is made in the most express terms. Had the same intention prevailed respecting the press, the same expressions would have been used, and Congress would have been "prohibited from passing any law respecting the press." They are not, however, "prohibited" from legislating at all on the subject, but merely from abridging the liberty of the press. It is evident they may legislate respecting the press, may pass laws for its regulation, and to punish those who pervert it into an engine of mischief, provided those laws do not "abridge" its "liberty." Its liberty, according to the well known and universally admitted definition, consists in permission to publish, without previous restraint upon the press, but subject to punishment afterwards for improper publications. A law, therefore, to impose previous restraint upon the press, and not one to inflict punishment on wicked and malicious publications, would be a law to a bridge the liberty of the press, and as such, unconstitutional.

The foregoing reasoning is submitted as vindicating the validity of the laws in question.

Although the Committee believe that each of the measures adopted by Congress during the last session, is susceptible of an analytical justification, on the principles of the Constitution, and national policy, yet they prefer to rest their vindication on the true ground of considering them as parts of a general system of defence, adapted to a crisis of extraordinary difficulty and danger.

It cannot be denied that the power to declare war; to raise and support armies; to provide and maintain a navy; to suppress insurrections, and repel invasions, and also the power to defray the necessary expense by loans or taxes, are vested in Congress. Unfortunately for the present generation of mankind, a contest has arisen and rages with unabated ferocity, which has desolated the fairest portions of Europe, and shaken the fabric of society through the civilized world. From the nature and effects of this contest, as developed in the experience of nations, melancholy inferences must be drawn, that it is unsusceptible of the restraints which have either designated the objects, limited the duration, or mitigated the horrors of national contentions. In the internal history of France, and in the conduct of her forces and partisans in the countries which have fallen under her power, the public councils of our country were required to discern the dangers which threatened the United States, and to guard not only against the usual consequences of war, but also against the effects of an unprecedented combination to establish new principles of social action, on the subversion of religion, morality, law and government. Will it be said, that the raising of a small army, and an eventual provision for drawing into the public service a considerable proportion of the whole force of the country, was in such a crisis unwise, or improvident?

If such should be the assertion, let it be candidly considered, whether some of our fertile and flourishing states did not, six months since, present as alluring objects for the gratification of ambition or cupidity as the inhospitable climate of Egypt. What then appeared to be the comparative difficulties between invading America and subverting the British power, in the East-Indies? If this was a professed, not real object, of the enterprise, let it be asked, if the Sultan of the Ottoman Empire was not really the friend of France, at the time when his unsuspecting dependencies were invaded; and whether the United States were not at the same time loaded with insults and assailed with hostility? If however, it be asserted, that the system of France is hostile only to despotism, or monarchical governments, and that our security arises from the form of our Constitution, let Switzerland, first divided and disarmed by perfidious seductions, now agonized by relentless power, illustrate the consequences of similar credulity. Is it necessary at this time to vindicate the naval armament; rather may not the enquiry be boldly made, whether the guardians of the public weal would not have deserved and received the reproaches of every patriotic American, if a contemptible naval force had been longer permitted to intercept our necessary supplies, destroy our principal source of revenue, and seize, at the entrance of our harbours and rivers, the products of our industry destined to our foreign markets? If such injuries were at all to be repelled, is not the restriction which confined captures by our ships solely to armed vessels of France, a sufficient proof of our moderation?

If therefore naval and military preparations were necessary, a provision of funds to defray the consequent expenses was of course indispensable; a review of all the measures that have been adopted since the establishment of the government, will prove that Congress have not been unmindful of the wishes of the American people, to avoid an accumulation of the public debt; and the success which has attended these measures affords conclusive evidence of the sincerity of their intentions. But to purchase sufficient quantities of military supplies, to establish a navy, and provide for all the contingencies of an army, without recourse to new taxes and loans, was impracticable; both measures were in fact adopted,—in devising a mode of taxation, the convenience and ease of the least wealthy class of the people were consulted as much as possible, and although the expenses of assessment have furnished a topic of complaint, it is found that the allowances are barely sufficient to ensure the execution of the law, even aided as they are by the disinterested and patriotic exertions of worthy citizens—besides it ought to be remembered that the expenses of organizing a new system, should not on any principle, be regarded as permanent burden on the public.

In authorizing a loan of money, Congress have not been inattentive to prevent a permanent debt; in this particular also the public opinion and interest have been consulted. On considering the law, as well as the manner in which it is proposed to be carried into execution, the Committee are well satisfied in finding any excess in the immediate charge upon the revenue, is likely to be compensated by the facility of redemption, which is secured to the government.

The Alien and Sedition acts, so called, form a part, and in the opinion of the Committee, an essential part in these precautionary and protective measures, adopted for our security.

France appears to have an organized system of conduct towards foreign nations—to bring them within the sphere, and under the dominion of her influence and controul. It has been unremittingly pursued under all the changes of her internal polity. Her means are in wonderful coincidence with her ends; Among these, and not least successful, is the direction and employment of the active and versatile talents of her citizens abroad, as emissaries and spies. With a numerous body of French citizens and other foreigners, and admonished by the passing scenes in other countries, as well as by aspects in our own. Knowing they had the power, and believing it to be their duty, Congress passed the law respecting aliens, directing the dangerous and suspected, to be removed; and leaving to the offensive and peaceable a safe asylum.

The principles of the sedition law, so called, are among the most ancient principles of our governments. They have been ingrafted into statutes, or practised upon as maxims of the common law, according as occasion required. They were often and justly applied in the revolutionary war. Is it not strange, that now they should first be denounced as oppressive, when they have long been recognized in the jurisprudence of these states!

The necessity that dictated these acts in the opinion of the Committee still exists.

So eccentric are the movements of the French government, we can form no opinion of their future designs towards our country. They may recede from the tone of menace and insolence, to employ the arts of seduction, before they attempt us with their ultimate designs. Our safety consists in the wisdom of the public councils, a co-operation on the part of the people with the government, by supporting the measures provided for repelling aggressions, and an obedience to the social laws.

After a particular and general review of the whole subject referred to their consideration, the Committee see no ground for rescinding these acts of the legislature. The complaints preferred by some of the petitioners may be fairly attributed to a diversity of sentiment naturally to be expected among a people of various habits and education, widely dispersed over an extensive country—the innocent misconceptions of the American people will, however, yield to reflexion and argument, and from them no danger is to be apprehended.

In such of the petitions, as are conceived in a style of vehement and acrimonious remonstrance, the Committee perceive too plain indications of the principles of that exotic system which convulses the civilized world. With this system, however organized, the public councils cannot safely parley, or temporize, whether it assumes the guise of patriotism to mislead the affections of the people—whether it be employed in forming projects of local and eccentric ambition, or shall appear in the more generous form of open hostility, it ought to be regarded as the bane of public as well as private tranquility and order.

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 suggestions of modern theory; their duty requires them to respect the lessons of experience, and transmit to posterity the civil and religious privileges which are the birthright of our country, and which it was the great object of our happy Constitution to secure and perpetuate.

Impressed with these sentiments, the Committee beg leave to report the following resolutions:

Resolved, That it is inexpedient to repeal an act en-

titled, "an act concerning aliens, pass last session of Congress."

Resolved, That it is inexpedient to repeal an act passed the last session entitled, "an act in addition to an act entitled an act for the punishment of certain crimes against the United States."

Resolved, That it is inexpedient to repeal any of the laws respecting the navy, or military establishment, or the revenue of the United States.

PHILADELPHIA, March 1. PRESIDENT'S MESSAGE.

Gentlemen of the Senate,

I transmit you a document which seems to be intended to be a compliance with the condition mentioned, at the conclusion of my message to Congress, of the 21st June last.

Always disposed and ready to embrace every plausible appearance of probability, of preserving and restoring tranquility, I nominate Wm. Vans Murray, our Minister, resident at the Hague, to be Minister Plenipotentiary to the French Republic.

If the Senate shall advise and consent to his appointment, effectual care shall be taken in his instructions, that he shall not go to France, without direct and unequivocal assurances from the French government, signified by their minister of exterior relations, that he shall be received in character; shall enjoy the privileges attached to his character, by the law of nations; and that a minister of equal rank, title, and powers, shall be appointed to treat with him, to discuss and conclude all controversies between the two republics, by a new treaty.

JOHN ADAMS.

United States, Feb. 18.

[COPY]

LIBERTY. [L. S.] EQUALITY.

Exterior Relations, 3d Division.

PARIS, 7th Vendemiaire, of the 7th year of the French Republic, one and indivisible.

The Minister of Exterior Relations, to Citizen Pichen, Secretary of Legation, of the French Republic, near the Batavian Republic.

I have received successively, Citizen, your letters of the 22d and 27th Fructidor; they afford me more and more reason to be pleased with the manner you have adopted, to detail to me your conversations with Mr. Murray. These conversations at first, merely friendly, have required consistency, by the sanction I have given to them by my letter, of the 11th Fructidor. I do not regret that you have trusted to Mr. Murray's honour, a copy of my letter. It was intended for you only, and contained nothing but what is conformable to the intentions of government. I am, thoroughly convinced, that should explanations take place with confidence, between the two administrations, irritations would cease, a crowd of misrepresentations would disappear, and the ties of friendship would be more strongly united, as each party would discover the hand that sought to disunite them.

But I will not conceal from you, that your letters of the 2d and 3d Vendemiaire just received, surprise me much. What Mr. Murray is still dubious of, has been explicitly declared, even before the President's message to Congress, of the 3d Messidor last, was known in France. I had written it to Mr. Gerry, namely, on the 24th Messidor, and 4th Thermidor. I did not repeat it to him before he set out. A whole paragraph of my letter, to you, of the 11th Fructidor, of which Mr. Murray has a copy, is devoted to develop still more the fixed determination of the French government, according to these bases. You were right to assert, that whatever plenipotentiary the government of the United States might send to France, to put an end to existing differences between the two countries, would be undoubtedly received, with the respect due to the representative of a free, powerful and independent nation.

I cannot, citizen, conceive that the American government needs any further declarations from us to induce them in order to renew the negotiations, to adopt such measures as would be suggested to them by their desire to bring the differences to a peaceable end.

If misunderstandings on both sides have prevented former explanations from reaching that end, it is presumable that those misunderstandings being done away, nothing henceforth will bring obstacles to the reciprocal dispositions. The President's instructions to his Envoys at Paris, which I have only known by the copy given you by Mr. Murray, and received by me on the 21st Messidor, announcing (if they contain the whole of the American government's instructions) dispositions which could only have been added to those which the Directory has always entertained; and notwithstanding the irritating and almost hostile measures they have adopted, the Directory has manifested its perseverance in the sentiments which are deposited both in my correspondence with Mr. Gerry, and in my letter to you of the 11th Fructidor, and which I have therein repeated in the most explicit manner. Carry, therefore, Citizen, to Mr. Murray, those positive expressions, in order to convince him of our sincerity, and prevail upon him to transmit them to his government.

I presume Citizen, that this letter will find you at the Hague: if not, I ask that it may be sent back to you at Paris.

Salute and Fraternity,

CH. MAU. TALLEYRAND.