



Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.

President Donald Trump [invoked the Alien Enemies Act of 1798](#) to address issues around immigration and drug violence. So what exactly is this law that was passed during the administration of [President John Adams](#), and how has it been used?

The Alien Enemies Act was part of the Alien and Sedition Acts of 1798. It was one of four laws (the [Alien Friends Act](#), the [Sedition Act](#), the [Naturalization Act](#), and the [Alien Enemies Act](#)) passed together that gave a president vast power to limit dissent

and criticism (especially from the political opponents of President Adams), imprison some non-citizens, and deport others. One of these four acts also changed the requirements to become a citizen. President Adams was a [Federalist](#), and the laws' primary target was supporters of Thomas Jefferson's [Democratic-Republican Party](#). Of these four laws, the only one that was not allowed to expire and was not repealed was the Alien Enemies Act. It actually remains the law today under [Title 50 of the United States Code](#).

Historically, the Alien Enemies Act of 1798 has been used three times by a U.S. president. In 1812, it was used by President James Madison [against British citizens in the United States](#) during the [War of 1812](#) and the British invasion of the United States. President Woodrow Wilson [invoked it during World War I](#) against citizens of the [Central Powers](#). The third and most recent use of the act prior to 2025

was during [World War II](#). President Franklin Delano Roosevelt ordered its use against [German, Italian, and Japanese](#) citizens living in the United States. It laid the groundwork for Roosevelt's later [Executive Order 9066](#), which established internment camps for American citizens of Japanese ancestry for the purpose of national security.

Historically and constitutionally, the use of the Alien Enemies Act has been very specific. According to the law, the president may invoke the act "[Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government...](#)" Constitutional scholars are mixed on what this means. Does the president have to wait until Congress declares war to use the act (which was the case the three times it was used before this invocation)? What is meant by 'invasion or predatory incursion'? Can the act be invoked against those in the United States illegally, even though they are not here as a planned invasion by a foreign nation or government? What did the drafters of the law mean by this language?

The courts have ruled on the use of the law in the past. For example, in [Ludecke v. Watkins \(1948\)](#), a German citizen arrested in 1941 after the declaration of war filed for a writ of habeas corpus, arguing that the war was over and he should be released. The U.S. Supreme Court ruled against him, agreeing with the argument that it was up to the president to decide when a declared war was actually over. However, it's important to note that even though the Court sided with President Truman on this case, it was in relation to a declared war by Congress. The unprecedented nature of its current use means that the nation's foundational principles of [checks and balances](#), [rule of law](#), and [judicial review](#) are likely to be used as opponents [challenge it in court](#).



To Think and To Do: The Vesting Clause of Article II of the U.S. Constitution states, "the executive Power shall be vested in a President of the United States of America." As simple as this sentence may seem, it has evolved to be constitutionally complex. In his brief essay, "[The Most Compelling Reading of the Vesting Clause](#)," Duke University law professor Christopher H. Schroeder explains the ways this clause of the Constitution has been read and interpreted by presidents and the U.S. Supreme Court. Read Schroeder's essay. How might you evaluate the Vesting Clause as a matter of presidential power? Do you agree with a narrow or broad interpretation of the clause? Explain.

Learn MORE:

- [Alien & Sedition Acts](#), from the Bill of Rights Institute
- [The U.S. & French Revolution](#), from the U.S. Department of State
- [The Election of 1800](#), from the Library of Congress



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