

The Sedition Act Trials

Federal Trials and Great Debates
in United States History

Case Summary:

- War with France seemed imminent in the 1790s.
- Concerns that the nation might be undermined by internal critics or French sympathizers led the Federalist government to pass a law punishing “seditious libel” against the government.
- Several individuals, including a prominent newspaper editor and a member of Congress, were tried for criticizing President John Adams.
- Though the defendants were found guilty, the prosecutions proved controversial and led to a more robust understanding of First Amendment freedoms.

History of the Case:

The French Revolution cast a long shadow over American politics in the 1790s. When the revolution began in 1789, America had only recently won its independence from Great Britain with France’s aid. Some Americans, particularly the Republican¹ faction led by Thomas Jefferson, took inspiration from the revolutionaries’ ambitious promises of liberty and equality. As the revolution took an increasingly radical and violent turn with the executions of many French monarchists and aristocrats, however, many became concerned about France’s motives and about the prospects of similar social upheaval in the United States. After narrowly defeating Jefferson in the 1796 presidential election, John Adams’ Federalist administration negotiated a treaty with Britain, France’s leading adversary, prompting the French navy to seize American vessels and leading to a state of undeclared “quasi-war” with France.

Concerned that recent immigrants would be particularly apt to undermine American efforts should the U.S. and France come to blows, Congress passed two laws, the Alien Enemies and Alien Friends Acts, which gave the president broad powers to detain or deport foreigners. Worried that Republican criticism would undermine Adams’ administration despite these broad powers, Congress passed the Sedition Act in 1798. This law imposed a punishment of up to two years in prison and a \$2,000 fine on anyone who produced “any false, scandalous, and malicious writing or writings against the government[, Congress or president] of the United States . . . with the intent to defame [them], or to bring them [into] contempt or disrepute; or to excite against them [the] hatred of the good people of the United States[.]”

The Sedition Act was controversial for several reasons. First, it raised the difficult question of the scope of the First Amendment’s freedoms of speech and press. Federalists generally argued that those protections prohibited the government only from engaging in “prior restraint” by preventing publication. Once individuals said or published falsehoods harmful to the nation, however, the government had the power to punish them. Republicans generally argued that those protections protected a broader set of freedoms in the interests of preserving a healthy political dialogue. Moreover, the Republicans questioned the motives of Adams and the Federalists, arguing that their real aim was to maintain political power by silencing their adversaries.

Prosecutions under the Act seemed to lend credence to those concerns. Between 1798 and 1801, Federalist prosecutors indicted fifteen Republicans, ten of whom were brought to trial in federal court. The first of these defendants, Matthew Lyon, a feisty member of Congress, was charged with violating the Act after ridiculing Adams as pompous and bumbling. That Lyon was indicted while running

¹ The Jeffersonian Republicans of the late eighteenth and early nineteenth centuries, sometimes called the “Democratic-Republicans,” should not be confused with the modern Republican Party, which rose to prominence in the 1850s.

for re-election for his seat in Vermont added to the perception that the Act was targeted at Adams' political adversaries.

The defendants in the Sedition Act trials were tried in federal circuit court. Abolished in 1911, these courts were presided over by a district judge and a Supreme Court justice "riding circuit." Associate Justice William Paterson presided over Lyon's case. Though Lyon attempted to argue that the Sedition Act was an unconstitutional abridgement of his freedom of expression, Paterson instructed the jury that it was not to consider the act's constitutionality and could only decide whether Lyon made the remarks and had proved they were true. In view of the difficulty of proving the "truth" of an opinion, it was little surprise when the jury returned a guilty verdict. Paterson sentenced Lyon to four months in prison and a \$1,000 fine. Nevertheless, Lyon won reelection from his prison cell as many became concerned the prosecutions were unfair.

The trial of newspaper editor Thomas Cooper was arguably even more controversial. Associate Justice Samuel Chase presided over the trial and made little pretense of neutrality. In summing the case up for the jury, Chase described Cooper's criticisms of Adams as "the boldest attempt I have known to poison the minds of the people" and offered additional arguments against Cooper he felt the prosecutors had neglected to mention. The jury found Cooper guilty and Chase imposed a sentence of six months imprisonment and a \$400 fine.

Chase presided over another major trial when he heard the prosecution of James Callender. Callender had written several unflattering pieces against the Federalists in Virginia newspapers and political pamphlets. Chase's conduct of the trial added further credence to Republican arguments that the judiciary was an instrument of the Federalists and could not be trusted as an impartial arbiter in Sedition Act cases. Indeed, he harried Cooper's attorneys to such an extent that they withdrew from the case in protest. After Chase instructed the jury that it could not consider the constitutionality of the act, it found Callender guilty and Chase sentenced him to nine months in prison and a \$400 fine.

In response to the controversial prosecutions, Jefferson and his political ally James Madison secretly penned resolutions for the states of Kentucky and Virginia respectively that asserted the states, as the sovereign entities that created the Constitution, had the power to annul acts of the federal government. Though this logic would come to have r consequences during the Nullification Crisis of the 1830s and the U.S. Civil War in the 1860s, the notion that the Alien and Sedition Acts were unconstitutional largely prevailed in the years following the crisis with France.

The Republicans swept to victory in the election of 1800 (though Jefferson's election as president required the intervention of the House of Representatives owing to an Electoral College tie with fellow Republican Aaron Burr). Once in power, the Republicans allowed the Sedition Act to expire, but arguably maintained their hostility to the judicial branch for several years. In 1804, Chase became the first, and to date only, Supreme Court justice to be impeached by the House of Representatives. Though he was later acquitted by the Senate, his actions in the Sedition Act trials were used as evidence against him. And while the Supreme Court of the United States never heard an appeal challenging the Act, modern precedents have forcefully rejected the narrow conception of free speech it embodied.

Legal Issues:

- Had the defendants engaged in seditious libel against the government?
- Did the Sedition Act violate the freedoms of speech and press protected by the First Amendment?

Questions for Discussion:

- Should there be limits on one's ability to criticize the government during times of war or crisis? Who should decide what those limitations are?
- Both contemporary critics and historians have criticized several of the judges involved in the Sedition Act Trials. Why might it be important for judges to be perceived as neutral? Is such neutrality really possible?