MATTHEW LYON’S TRIAL FOR SEDITION

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By 1790, anti-Federalism was moribund as a political movement and most Americans, Federalists and anti-Federalists alike, accepted the Constitution of 1787 as the foundation of national government. But the Federalist victory did not end factional strife. As the Federalists began to put their policies of economic development into practice and the national leadership began to drift toward a more authoritarian concept of government, an opposition movement grew to counter the Federalist monopoly of local, state, and national offices.

One crucial aspect of the struggle to build such an opposition movement in the new nation was the battle for citizens’ minds, and a growing volume of criticism of Federalist policies, politicians, and principles punctuated the final decade of the eighteenth century. At issue was the nature of politics in the new republic. The Federalists, who sought stability through a return to the deferential politics of the colonial era, believed that the wealthy, educated, and leisured classes were best fit to rule. For them, the Revolution had unleashed an excess of democracy, and they believed that popular rule would soon bring anarchy and the eventual collapse of the Republic. Their Democratic-Republican opponents, on the other hand, favored a republic of small property holders and viewed Federalism as nothing less than an attempt to reestablish aristocratic rule in America. For them, elite rule meant the creation of a quasi-monarchical government and a return to the corruption of British and European politics.

Such a fundamental debate led Federalists and opposition leaders to attack each other with a ferocity seldom seen in American politics. But by the end of the 1790s, Democratic-Republican strength had grown rapidly, and the Federalists faced the prospect of political defeat. In 1798, in a last-ditch effort to retain power, the Federalist Congress attempted to cripple the opposition movement and silence its critics by passing the Sedition Act, which made conspiracy to oppose “any measure or measures of the government” and the publication of “false, scandalous and malicious writings” that might bring the government or its officials into disrepute crimes punishable by fine and imprisonment. A direct assault on the free speech and free assembly clauses of the First Amendment, the Sedition Act took effect in 1798, and Federalists rushed to imprison newspaper editors, politicians, and even ordinary citizens who publicly criticized the government. In this essay, Aleine Austin recounts the sedition trial of one of the Federalists’ most outspoken critics, Vermont Congressman Matthew Lyon. The Federalists tried and convicted Lyon, but they could not silence him. In fact, they made him a martyr, ensured his election to Congress, and gave added weight to the national Democratic-Republican cause.
The Sedition Act of 1798, passed during the threat of war with France, was the first important challenge to the freedoms guaranteed in the Bill of Rights. Many others would follow, usually during periods of war. This raises the important question of how a democracy preserves its basic liberties under the stress of wartime pressures for quelling dissent and promoting patriotism.

The tensions engendered in the election campaign of 1798 reached their climax in a courtroom in western Vermont. There Congressman Matthew Lyon was the first to stand trial under the Sedition Act.

Long before his return to Vermont in July, Lyon had begun to campaign for reelection from Congress. As early as January, a prominent Massachusetts Federalist reported to Congressman Theodore Sedgwick, "In Vermont there is the devil to pay—Lyon’s letters, covering Bache’s papers, have wrought a wonderful stock of Jacobinical principles—The poison is increasing and spreading even over the mountain.—To judge of the present disposition Lyon will most assuredly be reelected and Governor Tichnor dropped.” The letter went on to urge more vigorous action by Vermont Federalists in Congress, who should “condescend to write influential characters and explain the measures of Government.” To expedite this urgent matter, the author volunteered to carry up any letter Nathaniel Chipman might wish to write.

Several months later a scathing letter attacking Lyon as a corrupt Jacobin appeared in Spooner’s Vermont Journal (May 28, 1798). The author, whose biting style bore Nathaniel Chipman’s characteristic stamp, concluded his diatribe with the charge that Lyon was criminally guilty of acting in opposition to the Executive.

In a white heat, Lyon replied to Chipman’s accusations in a letter to the editor, dated June 20. One of the passages contained the following acerbic remarks concerning his attitude toward the President:

As to the Executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness, and accommodation of the people, that Executive shall have my zealous and uniform support. But when I see every consideration of the public welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, or selfish avarice; when I shall behold men of real merit daily turned out of office for no other cause but independence of sentiment; when I shall see men of firmness, merit, years, abilities, and experience, discarded on their application for office, for fear they possess that independence; and men of meanness preferred for the ease with which they take up and advocate opinions, the consequence of which they know but little of; when I shall see the sacred name of religion employed as a State engine to make mankind hate and persecute one another, I shall not be their humble advocate.

This passage was soon to become Count One in Lyon’s indictment under the Sedition Act. Ironically, Lyon concluded this letter with his warning that Congress was considering a Sedition Bill and that he intended to ignore it because it prevented “due investigation” and exposure of the truth to the electorate.

Upon his return to Vermont, Lyon lived up to these words by ignoring the threat of the Sedition Act, and exposing “the truth” to his constituents. One of the major emphases of his campaign was to clarify the Republicans’ position concerning France. After the XYZ disclosures, many of Lyon’s former supporters were swept up in the general frenzy over the alleged threat of a French invasion. Lyon commented that the “noise” about the XYZ Papers “had answered the purposes of the aristocrats over the mountain completely to exasperate the unthinking people against every republican” (Lyon to Mason).

Avoidance of war was Lyon’s keynote; reawakening the former feelings of attachment to France’s Republicanism and opposition to British monarchism were among his main objects. While he was in Congress, he heard a letter read that ideally suited his purposes. It was written by the popular American poet Joel Barlow, the bard of the American and French Revolutions, who was then in France on both private and public business. The letter, addressed to Barlow’s brother-in-law, Abraham Baldwin, a Republican congressman from Georgia, was a denunciation of President Adams’s message to congress advocating preparedness for war with France. The letter struck Lyon as an informative “statement of the causes of the differences between this country and France” (SA, Dec. 15, 1798); he obtained permission to copy it on the proviso that he not
publish it. The key paragraph of the letter, which later was to constitute Counts Two and Three of Lyon's indictment under the Sedition Act, read as follows:

The misunderstanding between the two Governments has become extremely alarming, confidence is completely destroyed, mistrusts, jealousy, and a disposition to a wrong attribution of motives, are so apparent as to require the utmost caution in every word and action that are to come before your Executive—I mean if your object is to avoid hostilities. Had this truth been understood with you before the recall of Monroe, before the coming and second coming of Pinckney; had it guided the pens that wrote the bullying Speech of your President, and stupid answer of your Senate, at the opening of Congress in November last, I should probably have had no occasion to address you this letter. But when we found him borrowing the language of Edmund Burke, and telling the world that, although he should succeed in treating with the French, there was no dependence to be placed on any of their engagements; that their religion and morality were at an end; that they had turned pirates and plunderers; and it would be necessary to be perpetually armed against them, though they are at peace; We wondered that the answer of both Houses had not been an order to send him to a madhouse. Instead of this, the Senate have echoed the Speech with more servility than ever George III experienced from either House of Parliament.

Lyon read his copy of the Barlow letter to listeners in town after town as he campaigned throughout western Vermont. A glimpse into the tension surrounding Lyon's campaign can be gleaned from the trial testimony of two young Federalists who claimed that Lyon's reading of the Barlow letter had caused a tumult at Middletown. Lyon accused them of "following me on purpose to cause a disturbance" (Lyon to Mason). Apparently the incendiary issues of the day were argued in the town squares, and partisan feelings flared high.

In this atmosphere Lyon carried on his crusade for Republicanism, knowing full well its potential dangers. Expecting the worst from his enemies, it probably came as no surprise to him when a friend appeared at his home on October 5 to warn him that steps were being taken to indict him for violating the Sedition Act. When the bill was before Congress, Lyon had told his colleague Senator Stevens T. Mason "that it was doubtless intended for the members of Congress, and very likely would be brought to bear on me the very first" (Lyon to Mason).

His Vermont friend urged Lyon "to be out of the way of being taken" because the jurymen had been selected from towns unfriendly to Lyon. Twelve out of the fourteen selected had opposed Lyon in the last election, he warned, and there were "several zealous partisans for Presidential infallibility among them." Lyon thought better of this advice, and assured the deputy marshal "he need bring no posse . . . there should be no resistance." The following night the marshal appeared with the warrant for his arrest. Lyon appeared at the Rutland Court House at 9:00 the following morning. There he was called to the bar to hear the indictment of the Grand Jury (Lyon to Mason).

Describing Lyon as "a malicious and seditious person, and of a depraved mind and a wicked and diabolical disposition," it charged him with violating the Sedition Act on three counts: (1) writing and procuring publication of the letter in Spooner's Vermont Journal; (2) the publication of Barlow's letter on September 1; and (3) the assisting, aiding, and abetting of the publication of Barlow's letter.

The indictment cited in full the passages quoted earlier in this chapter, charging that each contained "scandalous and seditious writing, or libel," and that Lyon "did with force and violence, wickedly, knowingly, and maliciously write, print, utter and publish" them. He did so with "intent and design to excite against the said Government and President the hatred of the good people of the United States, and to stir up sedition in the United States" by "deceitfully, wickedly and maliciously contriving . . . with intent and design to defame the said Government of the United States."
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The key words of the indictment, as far as the applicability of the Sedition Act is concerned, are “intent and design.” Did Lyon, in uttering or writing the passages cited, intend to defame the President and government and stir up sedition? This issue was the nub of the trial.

Lyon emphatically pleaded not guilty to the charges of the indictment, but informed the court he was without counsel to defend his plea. The court offered to postpone the trial until the May session of the court in Windsor, but Lyon declined, feeling that in eastern Vermont the jury was bound to be completely hostile to him (Lyon to Mason). He therefore posted bonds of $1,000 for his appearance in court the following Monday. The two men who acted as surety for Lyon during the trial were Stephen Williams and Elias Buel, former president of the Rutland Democratic Society. Each put up $1,000 bail to assure the defendant’s appearance before the court from day to day. Their presence is one of the few indications in the trial record that anyone befriended Lyon during this time of crisis.

Over the weekend Lyon sent a messenger to Bennington to obtain the legal services of two prominent Republican lawyers, Messrs. Fay and Robinson. The messenger, delayed by the storms of the weekend, had not arrived when the court opened on Monday. When he finally did appear, he bore the tidings that neither lawyer could serve as counsel. Mr. Fay’s wife was very ill, and Mr. Robinson was preparing to attend the session of the state legislature.

As a last resort, Lyon selected as his counsel his old rival, Israel Smith. Now a judge, Smith also was running against Lyon in the present election; but he was a Republican, and Lyon’s friends prevailed upon him to assist Lyon (Lyon to Mason). According to The Spectator’s account of the trial, Smith “declined being particularly assigned as counsel, but at Mr. Lyon’s desire he sat by him during the trial and advised.” Later in the campaign, Lyon accused Smith of opportunism in Congress and desertion of Republicanism (SA, Nov. 1, 1798). This leads to speculation on how cooperative the courtroom relationship between the two longstanding rivals really was. In any case, Lyon acted as his own attorney throughout the trial, cross-examining witnesses and pleading his own defense.

The trial opened on Monday, October 9. On the bench were the presiding judges: Associate Justice of the Supreme Court William Paterson, and District Judge Samuel Hitchcock, Lyon’s principal opponent in the runoff election for congressman in 1796. The prosecuting attorney was Federal District Attorney Charles Marsh, who derived his “old school ideal of paternalistic government” from his training at Tapping Reeve’s Litchfield Law School.

Marsh’s Litchfield background is not without significance. There was a curious link between the Litchfield environment and the Federalists whose animus toward Lyon was most pronounced. Nathaniel Chipman, for example, was also raised and trained for the law in Litchfield County. In Vermont, Charles Marsh was his close friend and political associate, leading one writer to suggest the possibility that Chipman instigated Marsh to bring Lyon to trial under the Sedition Act. Congressman John Allen also illustrates the Litchfield connection. This graduate of the Litchfield Law School was actually present in the courtroom throughout Lyon’s trial. Allen’s derivative opposition to Lyon in Congress, his strong advocacy of the Sedition Act, combined with his presence at the trial, suggests the possibility that he too may have played a role in securing Lyon’s indictment. As a member of the Litchfield Junto, Allen had close connections with a number of prominent personages who harbored a deep hatred of Lyon and deplored all that this former Litchfield indentured servant symbolized. Frederick Wolcott, brother-in-law of Roger Griswold and a leading figure in this junto, later that year involved himself in the concerted campaign against Lyon by incarnating the Reverend Dr. John C. Ogden, who had petitioned the President to pardon the Vermont congressman.

The question of the composition of the jury was the first matter to come before the court. In
an open letter to his congressional ally Stevens T. Mason, Lyon maintained that the marshal, Jabez Fitch, had intentionally summoned the jurors “from towns that were particularly distinguished by their enmity to me,” and that the jury was composed predominantly of “men who had been accustomed to speak ill of me.” However, “of the fourteen jurymen before me I thought I saw one or two persons who knew me and would never consent to say that I was guilty of an intention of stirring up sedition.” His plan was to “object off the invertebrate part of the jury.” When he challenged two of the jurors, Judge Paterson inquired, “For what reason?” Lyon replied that he thought he had a right to challenge a number of jurors without giving a reason. Astonishingly, the judge informed him that he had no such right and that he would have no such right in a similar case in the state court, commenting that Lyon did not know the laws of his own state. At the time, Lyon accepted the judge’s ruling and comment, but while in jail he looked up the state laws and discovered that in state cases punishing individuals for defaming any court of justice or magistrate judge, the defendant could preemptively challenge six of the jurors without cause and any additional ones by showing good cause. Inferring that this was the state practice to which Judge Paterson referred, Lyon lamented, “Thus it may be seen how I have been dealt with about a jury” (Lyon to Mason).

Disadvantaged by his lack of professional legal representation, Lyon succeeded in eliminating only one juror, “who was shown to have been the author of an article in a newspaper, inveighing politically and personally against the defendant.” Judge Paterson ruled: “The cause shown is sufficient, as a difference of this nature is a disqualification.”

District Attorney Marsh also challenged a juror, a Mr. Board. Marsh “produced one of the Deputy Sheriffs who had summoned the jury, who testified that he heard the juror say he thought Mr. Lyon would not, or should not, be condemned.” The judge disqualified him. Commented Lyon, “Thus was the only man sworn away that knew me enough to judge of my intentions” (Lyon to Mason).

As soon as the jury was sworn, Lyon interposed a plea challenging the jurisdiction of the court on the grounds that the Sedition Act was unconstitutional. Judge Paterson overruled the plea, but said Lyon could make use of the argument in another stage of the trial.

District Attorney Marsh opened the case by presenting Lyon’s letter that had been published July 31 in Spooner’s Vermont Journal. The letter was dated June 20, and bore the Philadelphia postmark July 7. Both these dates preceded the passage of the Sedition Act on July 14. The District Attorney interrogated two witnesses in an effort to prove that the letter did not reach the newspaper in Windsor until after July 14. Lyon reported, “The printer’s boy thought it did not arrive until the 20th, and Mr. Buck saw the setting from it about the 23rd or later; I acknowledged the letter” (Lyon to Mason).

The technical problem facing the district attorney was to prove Lyon guilty of having violated the Sedition Act on the basis of the “libelous” contents of a letter that had been written before the Sedition Act was passed.

The purpose of the District Attorney’s questions was to prove that the letter was published after the Sedition Act and that Lyon was responsible for procuring its publication. The Republicans subsequently insisted that this ex post facto application of the Sedition Act to Lyon’s letter was a violation of Article 1 of the Constitution. As a member of the Constitutional Convention, Judge Paterson was particularly sensitive to this accusation, which he attempted to refute in an extensive correspondence with Congressman Joseph H. Nicholson. Acknowledging that “nothing can be more evident to a legal mind than that an indictment cannot be sustained under a statute for an offense perpetrated before the statute was made,” he nevertheless insisted that the jury acted within the law. He gave as grounds for this assertion the fact that Lyon’s letter was published on July 31, seventeen days after the Sedition Act was enacted, main-
taining "that he, who procures another to publish a libel, becomes the publisher himself."

In reply, Nicholson cogently argued, "I presume the only manner in which it is pretended that he procured the Printer to publish it, was by his letter dated in June in Philadelphia; at which time his Right to publish was not impaired——If then at that time he had a Right to print or publish, he certainly had a Right to Request another to print or publish, for the Right to do it himself would not exist without the Right to request another to do it likewise." In conclusion, Nicholson queried:

What kind of presumption is that, which makes Mr. Lyon acquainted with a Law that had no existence at the time of his Request, punished him for knowingly and willingly violating its Provisions when it is impossible from the nature of things that he could be acquainted with them or that they could be known to anyone?

Had Nicholson thus defended Lyon at the trial itself, it is doubtful that he would have dissuaded Justice Paterson from circumventing the ex post facto protections of the Constitution. According to Lyon's later account of the trial, "the party judge," after acknowledging that Lyon had written the letter before passage of the Sedition Act, admonished the jury to note that he was a member of Congress who knew the Sedition Act was about to be passed and probably hurried his letter to evade the law.

When District Attorney Marsh turned to the Barlow letter, he extensively developed the government's case. The witnesses he called upon testified they had heard Lyon read the letter often during his political campaign and that its effect upon a gathering in Middletown was to promote revolution and provoke disorder. Lyon countered by attempting to prove, in his cross-examination, that it was the boisterous heckling of these very witnesses that provoked the disturbance (Lyon to Mason). As far as the publication of the letter was concerned, a printer testified that Lyon's wife brought him a copy to publish; but, upon Lyon's cross-examination, he acknowledged that Lyon "had endeavored to prevent it from being printed." Years later, in a speech to Congress, Lyon clarified this seemingly contradictory testimony. "The fact was," he explained, "that my wife was persuaded by a gentleman who is now a member of this House that the Republican cause and my election (which was pending) would be injured if the letter was not published." Consequently, she gave the letter to the printer in Lyon's absence; but when he learned of its publication, he immediately "suppressed the remainder of the edition," because of his promise to Abraham Baldwin. As far as Justice Paterson was concerned, whether or not Lyon secured the printing of the Barlow letter, he in all events was guilty of its publication, for "reading a libel... to a number of people... amounts to a publication."

In his summation, Marsh dwelt at length upon the libelous nature of the passages in the indictment. He called the jury's special attention to the intent of Lyon's words, charging that Lyon's libels were expressly intended to do the things the Sedition Act prohibited: defame the President and government, excite the hatred of the American people, and stir up sedition.

After the prosecution rested its case, Judge Paterson rose to give his charge to the jury. Lyon interrupted to ask why he should not address the jury, since his counsel had declined on the grounds that he had not had time to prepare his case. Receiving permission, Lyon addressed the jury for over two and a half hours. Unfortunately, what he said is only briefly recorded. According to Wharton's record of the trial:

The defendant stated his defense to consist in three points: first, that the court had no jurisdiction of the offence, the act of Congress being unconstitutional and void, if not so generally, at least as to writings composed before its passage; second, that the publication was innocent; and third, that the contents were true... The defendant addressed the jury at great length, insisting on the unconstitutionality of the law, and the insufficiency of the evidence to show anything more than legitimate opposition.
Of primary interest is the question: Upon what grounds did Lyon argue the unconstitutionality of the Sedition Act? It has been noted previously that in his magazine Lyon took the general Republican position that the sedition libel laws were the exclusive province of state legislation. Apparently he used this as one of his arguments during his address to the jury, for in Justice Paterson's notes on the trial, we find this counterargument: "Govt. must defend itself—must not appeal to another state or tribunal... the offense is agt. the United States."

Equally significant is an earlier entry in Judge Paterson's notes, marked "free discussion." This notation is the only one the Justice chose to underline, and indicates that Lyon strongly challenged the constitutionality of the Sedition Act on the grounds that it violated the First Amendment's protection of freedom of speech. This impression is corroborated by the following notes that Justice Paterson also made on Lyon's summation: "Thought there was a majority in Congress not well disposed to the liberties of the country. Did not vote for the bill and saying so is seditious... Such an arbitrary act. Consider his situation as a representative."

Piecing together the fragmentary material from Justice Paterson's notes and Francis Wharton's record of the trial, one is led to the conclusion that Lyon based his defense primarily on his concept of "legitimate opposition," which in essence meant freedom to criticize and oppose policies of the government. He wrote a clear statement of this position in The Scourge of Aristocracy just before his indictment; it is not unlikely that he repeated many of these ideas in his address to the jury. I do not understand what people can mean by opposition to Government, applied to the Representatives of the People, in that capacity. We have been accustomed to suppose that Representatives are sent to vote, and support by their arguments their own opinions, and that of their constituents, and to act for the interest of their country. It is quite a new kind of jargon to call a Representative of the People an Opposer of the Government, because he does not, as a

Legislator, advocate and acquiesce in every proposition that comes before the Executive. I have no particular interest of my own in crossing the view of the Executive. When a proposition comes from that quarter, which I think, if gained, will be injurious to my constituents and the Constitution, I am bound by oath, as well as by every consideration of duty to oppose it; if outvoted it is my duty to acquiesce—I do so; but measures which I opposed from duty, as injurious to the liberty and interest of this country in Congress, you cannot expect me to advocate at home. (SA, Oct. 1, 1798)

Following this line of argument, Lyon attempted to disprove what he called the prosecution's charge of "evil intentions" (Lyon to Mason). According to the Spectator, Mr. Lyon proceeded to read several parts of the publications complained of, and to make several observations. When Lyon says he addressed the jury on the "innocence of the passage in my letter, and the innocence of the manner in which I read the letter," his line of argument becomes more clear (Lyon to Mason). He probably read sections of the passages in question to show that the intent of the material was innocent; that is, the intent was not to defame or stir up sedition against the Executive and the Government, but to oppose legitimately policies with which he was in disagreement.

Since the Sedition Act allowed the truth of statement to be presented as a defense, Lyon attempted to prove the validity of his statements concerning President Adams. This section of his summation lent the one humorous note to his trial. In a completely unorthodox move, he called upon Justice Paterson to testify. Was it not true, Lyon asked the Justice, that he had frequently dined with the President and observed his "ridiculous pomp and parade"? Judge Paterson in turn replied that he had dined with the President on rare occasions, but had observed only "plainness and simplicity." Lyon pressed the point further. Was it not true, he asked, that the Judge had seen more pomp and servants at the President's than at the tavern in Rutland? To this the Justice made no reply.
Ludicrous as this cross-examination may have been, it illustrates the weakness of the Sedition Act’s provision that statements which could be proven true would not be punishable under the Act. Whether President Adams surrounded his office with “pomp and parade” or “plainness and simplicity” was a matter of opinion dependent upon the vantage point of the observer. Neither opinion could be proven true or false. What was true for Matthew Lyon, the self-made frontiersman, differed markedly from the truth as seen by William Paterson, the eminent Supreme Court Justice.

In his charge to the jury, Judge Paterson spelled out clearly the issues upon which the jurors were to decide Lyon’s guilt or innocence: “You have nothing whatever to do with the constitutionality or unconstitutionality of the sedition law . . . . The only question you are to determine is . . . Did Mr. Lyon publish the writing given in the indictment? Did he do so seditiously? On the first point the evidence is undisputed, and in fact, he himself concedes the fact of publication as to a large portion of libellous matter.”

According to Lyon, Judge Paterson also implied the Barlow letter was a forgery, saying, “Let men of letters read that letter and compare it with Barlow’s writings, and they would pronounce it none of his” (Lyon to Mason).

The essential emphasis of the charge was on the question of intent; here too Judge Paterson made his position clear:

As to the second point you will have to consider whether language such as that here complained of could have been uttered with any other intent than that of making odious or contemptible the President and government, and bringing them both into disrepute. If you find such is the case, the offence is made out, and you must render a verdict of guilty. Nor should the political rank of the defendant, his past services, or the defendant position of his family, deter you from this duty.

At the end of his charge, he added: “In order to render a verdict of guilty, you must be satisfied beyond all reasonable doubt that the hypothesis of innocence is unsustainable.”

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The jury deliberated an hour. It returned with a verdict of guilty. The judge gave Lyon the opportunity to show cause why judgment should not be pronounced. Lyon declined to comment. He was then told to describe his ability or inability to pay a fine. Lyon explained that his property had been valued around $20,000 several years ago, but since then he had been forced to sell a great share of it, and what remained would barely bring in $200 in the present circumstances of scarcity of cash and reduced values of land (Lyon to Mason).

Before passing sentence, Judge Paterson first addressed Lyon on the gravity of his crime:

Matthew Lyon, as a member of the federal legislature, you must be well acquainted with the mischiefs which flow from an unlicensed abuse of government, and of the motives which led to the passage of the act under which this indictment is framed. No one, also, can be better acquainted than yourself with the existence and nature of the act. Your position, so far from making the case one which might slip with a nominal fine through the hands of the court, would make impunity conspicuous should such a fine be imposed. What, however, has tended to mitigate the sentence which would otherwise have been imposed is, what I am sorry to hear of, the reduced condition of your estate.

He then delivered the sentence: “The judgement of the court is, that you stand imprisoned four months, pay the costs of prosecution, and a fine of one thousand dollars, and stand committed until this sentence be complied with.”

The sentence came as a thunderbolt to the defendant. “No one expected imprisonment,” he asserted (Lyon to Mason). Accustomed as he was to political acrimony, particularly during election campaigns, he was unprepared for outright political persecution.

The situation whereby a Congressman could be imprisoned for criticizing the policies of the government focused sharply the question of opposing political parties. The impact of the Sedition Act was to deny the legitimacy of party politics. According to the Federalists’ view of the
political process sanctioned by the Constitution, once the elected government decided upon a policy, the populace was obliged to support it. There was no room in Federalist thought for opposition to the government. At the least, such opposition was factious. At the most, an organized opposition party that appealed to the populace to change government policy was seditious.

Matthew Lyon and the other victims of the Sedition Act, who were mainly editors of Republican newspapers, forced the country to face the issues of free speech and legitimate party opposition, and eventually to forge a broader concept of the democratic process.