

**Summer 2010 Teaching with Primary Sources Quarterly
Learning Activity – Secondary Level**

Should the Freedom of Speech and the Press Ever Be Limited?

OVERVIEW

Overview

Using the Sedition Act of 1798 as a historical case study, students analyze several text-based primary sources. They discuss their findings to better understand the term “sedition” and the historical context of the late 1790s. Students consider the question, “Should the freedom of speech and the press ever be limited?” and then write responses using evidence from the primary sources. The activity offers techniques to help students, especially English Language Learners (ELLs), analyze text-based primary sources.

Objectives

After completing this learning activity, students will be able to:

- define the term “sedition;”
- analyze a text-based primary source;
- describe the domestic debate around the Sedition Act; and,
- develop a written response to the question, “Should the freedom of speech and the press ever be limited?”

Time Required

Two 45-minute class periods

Recommended Grade Range

9-12

Topic/s

Government, Law; Presidents

Subject

U.S. History

Standards

McREL 4th Edition Standards & Benchmarks

<http://www.mcrel.org/compendium/browse.asp>

Historical Understanding

Standard 2. Understands the historical perspective

U.S. History

Standard 8. Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights.

Credits

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The Library of Congress

http://www.loc.gov/teachers/tps/quarterly/english_language/pdf/secondary_activity.pdf

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PREPARATION

This activity is intended for use as part of a larger unit on the Bill of Rights and various challenges to it and the history of the early Republic, including the Alien and Sedition Acts of 1798.

For background information on the Alien and Sedition Acts, visit:

<http://www.loc.gov/rr/program/bib/ourdocs/Alien.html>

Materials

Have these materials ready before the activity.

-Print one copy per student of the documents listed below (see attachments):

- Document A: First Amendment to the U.S. Constitution
- Document B: An Act for the Punishment of Certain Crimes Against the United States (Sedition Act of 1798)
- Document C: Response to the Sedition Act with Transcribed Excerpts*
- Document D: Kentucky Resolution with Transcribed Excerpts*

**Distribute copies of Document C to half of the class and copies of Document D to the other half.*

-Print one copy per student of the handouts listed below (see attachments):

- (Optional) Handout A: First Amendment to the U.S. Constitution
- Handout B: Sedition Act of 1798
- Handout C: Response to the Sedition Act*
- Handout D: Kentucky Resolution*
- (Optional) Handout E: Written Response

**Distribute copies of Handout C to half of the class and copies of Handout D to the other half.*

-Prepare to display the above documents and handouts as needed for class discussion.

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PROCEDURE

1. Distribute copies of the First Amendment to the U.S. Constitution and read it aloud, together as a class. The First Amendment states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Ask students to define and discuss these First Amendment freedoms. Ask students if they think there should be any exceptions to the guarantee of these freedoms.

2. Read aloud and post the following inquiry question:

- For what reason, if any, should the freedom of speech and the press ever be limited?

Provide 5 to 10 minutes for students to work in pairs to respond to this question. Student pairs should read the First Amendment again, discuss the inquiry question and prepare to share their ideas with the class. Encourage students to support their opinions with examples of both current and historical events.

****Note: Structured support for English Language Learners (ELLs)***

If students need more support to read and comprehend the meaning of the text, have them complete Handout A (see attachment) to highlight the parallel construction of the First Amendment. This handout breaks the First Amendment into chunks for students to deconstruct the text into shorter excerpts. Each excerpt can then be understood independently. In order for students to reflect on the meaning of each portion, students can summarize the meaning of the text in their own words in the “My Summary” column of the handout. Explain that the historical participant, or agent, is “Congress” and that the law is written to include several freedoms. Teachers may help students define the words as they read each portion of the text. Sentence scaffolds may help students produce more complex sentences for the ensuing discussion. Examples:

- The First Amendment guarantees...
- The freedom of speech and the press should never be limited because...
- I think it is acceptable to limit freedom of speech and the press but only...

3. Have groups report on their findings and facilitate class discussion. Key questions include:
 - When might the U.S. Government limit freedom of speech and the press?
 - Why do you think the U.S. Government might limit freedom of speech and the press?

Explain to students that they will study a time in history when government passed a law, the Sedition Act of 1798, to outlaw the freedom of speech and the press for the first time.

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PROCEDURE (CONT'D)

4. Write the word “sedition” on the board and ask students if they have heard this word or have any ideas about its meaning. Write students’ responses before writing the definition on the board: any action, in speech or in writing, which inspires rebellion against the government. Ask students:
 - What events of the late 1790s could have caused Congress and President John Adams to be so worried about sedition?
5. Provide students with a review of the historical context of the Sedition Act of 1798. Important events to discuss include:
 - The ongoing war between Britain and France, and the United States’ role in the conflict;
 - The XYZ affair, the emergence of American nationalism and antipathy toward the French, and French seizure of American ships in the Caribbean;
 - The passage of the Alien and Sedition Acts in 1798;
 - The growth of the two-party system and the leadership of the Federalist and Democratic Republicans; and,
 - The government arrest of Republican printers.

****Note: Structured support for English Language Learners (ELLs)***

If possible, include images, timelines and textbook excerpts to provide multiple entry points for students with limited English proficiency when reviewing this background information.

6. Distribute copies of the Sedition Act and Handout B. Ask students to read along as you (or student volunteers) read aloud the selected excerpts from the document. For each excerpt, discuss its meaning before asking students to complete the related questions on Handout B.

As an alternative, students may read all of the excerpts and answer the questions on Handout B individually.

****Note: Structured support for English Language Learners (ELLs)***

Handout B provides excerpts from the Sedition Act followed by charts for students to break down the participants and processes of the text. For Excerpt I, the chart is filled in for the student. The teacher should work through each excerpt so students understand the construction and content of the text. Students then summarize the excerpt in their own words. For Excerpts II and III, only a section of the chart is filled in. Students will identify the subject of the Sedition Act and fill in the appropriate section of the chart. Students will then summarize each excerpt in their own words. In this way, students will identify who is protected from sedition in the act passed by Congress and can infer who is not covered under the Sedition Act. The handout also includes clarifying and supporting questions and a glossary that defines academic and archaic terms for the reader.

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PROCEDURE (CONT'D)

7. Ask students to return to their pairs. Distribute to half of the class the Response to the Sedition Act and Handout C; distribute the Kentucky Resolution and Handout D to the other half. In their pairs, students should respond to the questions. Ask pairs to summarize each source and respond to the questions:
- What was this document about?
 - What did its author(s) think about the Sedition Act?
 - What examples did they give as a response to the Sedition Act and to support their opinions?

****Note: Structured support for English Language Learners (ELLs)***

Handouts C and D provide excerpts from the Response to the Sedition Act and the Kentucky Resolution, respectively. Each handout also includes clarifying and supporting questions and glossaries that define academic and archaic terms for the reader.

8. Have pairs report on their findings from their assigned document. Remind students that the U.S. was in an undeclared war with France in the late 1790s. Facilitate class discussion; conclude by asking students to consider:
- Do you think the U.S. Government should have passed the Sedition Act?
Why or why not?
9. Assign each student to write a response, using evidence from the sources, to the initial inquiry question:
- For what reason, if any, should the freedom of speech and the press ever be limited?

****Note: Structured support for English Language Learners (ELLs)***

Distribute Handout E and have students use this outline to assist them in writing their responses. Prepare students for this assignment by provide them with ideas and the vocabulary necessary to write a response to the prompt during class discussion. The words written on the board when defining “sedition” as a class as well as the “My Summary” portions of the scaffolding handouts contain language and concepts that students can use to complete the paragraph frame. Sentence scaffolds can be used to help produce more complex sentences. Examples:

- I believe there should/should not have been limits on freedom of speech and the press in 1798 because...
- Freedom of speech and the press should never be limited because...
- I think it is acceptable to limit freedom of speech and the press but only...
- Document __ argued for/against freedom of speech because...

EVALUATION

- Students’ active participation in guided class discussions
- Students’ active participation in independent group work, including written and verbal presentation of responses to the group questions
- Students’ completed individual written responses

The Library of Congress

Document A: First Amendment to the U.S. Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

An Act for the Punishment of Certain Crimes Against the United States (Sedition Act)

Source: A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875, Statutes at Large, 5th Congress, 2nd Session

<http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=719>

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FIFTH CONGRESS. SESS. II. CH. 73, 74. 1798.

Exemption from arrest for debts and contracts.

What duty they shall be subject to do.

Officers, musicians, seamen and marines, who are or shall be enlisted into the service of the United States; and the non-commissioned officers and musicians, who are or shall be enlisted into the army of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests for any debt or contract.

SEC. 6. *And be it further enacted*, That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, shall direct.

APPROVED, July 11, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIII.—*An Act establishing an annual salary for the Surveyor of the port of Gloucester.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the surveyor of the port of Gloucester, in the state of Massachusetts, the yearly salary of two hundred and fifty dollars; to commence from the last day of March, in the year of our Lord one thousand seven hundred and ninety-seven.

APPROVED, July 14, 1798.

STATUTE II.

July 14, 1798.

CHAP. LXXIV.—*An Act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."*

[Expired.]

Penalty on unlawful combinations to oppose the measures of government, &c.

Ante, p. 112.

And with such intent counselling &c. insurrections, riots, &c.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct.

Penalty on libelling the government.

SEC. 2. *And be it further enacted*, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by



An Act for the Punishment of Certain Crimes Against the United States (Sedition Act)

Source: A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875, Statutes at Large, 5th Congress, 2nd Session

<http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=719>

the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

End here
➔

SEC. 3. *And be it further enacted and declared,* That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

Truth of the matter may be given in evidence. The jury shall determine the law and the fact, under the court's direction. Limitation.

SEC. 4. *And be it further enacted,* That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: *Provided,* that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

APPROVED, July 14, 1798.

STATUTE II.

CHAP. LXXV.—*An Act to lay and collect a direct tax within the United States.*

July 14, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a direct tax of two millions of dollars shall be, and hereby is laid upon the United States, and apportioned to the states respectively, in the manner following:—

[Obsolete.] Act of July 9, 1798, ch. 70. A direct tax of two millions laid. 1802, ch. 12. Apportionment.

To the state of New Hampshire, seventy-seven thousand seven hundred and five dollars, thirty-six cents and two mills.

To the state of Massachusetts, two hundred and sixty thousand four hundred and thirty-five dollars, thirty-one cents and two mills.

To the state of Rhode Island, thirty-seven thousand five hundred and two dollars and eight cents.

To the state of Connecticut, one hundred and twenty-nine thousand seven hundred and sixty-seven dollars, and two mills.

To the state of Vermont, forty-six thousand eight hundred and sixty-four dollars eighteen cents and seven mills.

To the state of New York, one hundred and eighty-one thousand six hundred and eighty dollars, seventy cents and seven mills.

To the state of New Jersey, ninety-eight thousand three hundred and eighty-seven dollars, twenty-five cents, and three mills.

To the state of Pennsylvania, two hundred and thirty-seven thousand one hundred and seventy-seven dollars, seventy-two cents and seven mills.

To the state of Delaware, thirty thousand four hundred and thirty dollars, seventy-nine cents, and two mills.

To the state of Maryland, one hundred and fifty-two thousand five hundred and ninety-nine dollars, ninety-five cents, and four mills.

To the state of Virginia, three hundred and forty-five thousand four hundred and eighty-eight dollars, sixty-six cents, and five mills.

To the state of Kentucky, thirty-seven thousand six hundred and forty-three dollars, ninety-nine cents, and seven mills.

To the state of North Carolina, one hundred and ninety-three thousand six hundred and ninety-seven dollars, ninety-six cents, and five mills.

To the state of Tennessee, eighteen thousand eight hundred and six dollars, thirty-eight cents, and three mills.

A Response to the Sedition Act

Source: Armstrong, John. Poughkeepsie, 1798.

<http://hdl.loc.gov/loc.rbc/rbpe.22400900>

To the Senate and Representatives of the United States, in Congress assembled.

IT is equally foreign from our wishes and intentions to criminate the motives of the National Legislature. Composed, as we believe it to be, of honest men, we resist every rising suspicion that they could have either wickedly concerted, or wantonly pursued, any system of public policy, which necessarily led to commit the dignity, hazard the peace, or outrage the constitution of our common country: nor is it without the most unfeigned regret, that from this public testimony of reliance on the integrity of their conduct, we feel ourselves constrained to withhold an equal tribute of confidence in the wisdom of their measures. To our minds, under the purest and most deliberate exercise, they present, instead of objects of exultation or complacency, applause or approbation, a series of evils equally diffusive and calamitous, equally general and destructive—a foreign war—a violated constitution, and a divided people.

Under circumstances thus solemn to ourselves and awful to our country, silence would be dissimulation, and dissimulation would be guilt. When it becomes our duty to speak, it becomes your's to hear: Our language indeed shall be the language of freemen, but of freemen who know how to respect themselves; and its decorum, no less than its candour, shall entitle it to your attention.

It has been assumed by the government as the basis of the acts we now immediately complain of, that the republic of France has wantonly and vexatiously outraged our rights as a neutral and independent nation; and that she has, in two instances, repulsed every advance made by this country, towards an adjustment of our differences, and a remuneration for our losses.

In this assumption we perceive a character but too common to every thing human; we perceive a portion of truth and a portion of error.

That France has outraged our rights, we readily admit and sensibly feel: but that she has constantly resisted accommodation, we as freely deny. The doubts which might hitherto have existed on this subject, are now swept away by a dispatch of at least equal authority with that which gave them birth. Mr. Gerry (of whose means of obtaining information, and of whose fidelity in reporting it, there neither has been, nor can be a doubt) instructs us to believe, that he had "full satisfaction that by the middle of June at farthest, the plan of a treaty would have been agreed upon, that a French minister would have been sent to America to complete it, that the minister (Mr. Talleyrand) appeared to him to be sincere and anxious to obtain a reconciliation; and that his views in general, as far as he could ascertain them, were liberal in regard to a treaty."

If this anxiety abated, if this sincerity became doubtful, if these views became less liberal, to what is it to be ascribed: "to the publication, says Mr. Gerry, of the envoy's dispatches of the 22d of October, 1797."

But whatever effect the publication of these dispatches produced on the secretary, it produced none on the government. On the 10th June, 1798, we find the minister instructed to declare, "That the French government, superior to all the personalities, to all the menaces of its enemies, perseveres in the intention of conciliating with sincerity, all the differences between the two republics." And on the 26th July, when Mr. Gerry left Paris, he left it persuaded, "from the best information within his reach, that the Directory was desirous of a reconciliation."

Had this been mere profession, we might still have entertained some doubts of the fact of this conciliatory temper on the part of France. But when we find declarations thus open and explicit, accompanied by acts of substantial justice, we should betray a miserable jealousy, or criminal scepticism, were we to join the administration, in concluding that "we can discover in the French government only empty professions of a desire to conciliate." So far from this we perceive in their acts an approach to accommodation, which, if met on our part with similar dispositions, might soon revive that cordiality and intercourse which ever ought to exist between two people, mutually professing an attachment to peace, and mutually acknowledging its wisdom and virtue.

It is therefore, with the deepest concern, that we find measures originating in mistake, and prosecuted in error, become the foundation of a system of alarm, of suspicion, of tyranny and of expense, no less fatal to things good than justly, and scarcely any extenuate.

The parts of this system which most immediately engage our attention, and to which we are most desirous of directing your's, are the two laws, passed at your last session, un-

usually denominated the alien and sedition laws, and an act providing for the augmentation of the army.

The first of these laws has all the characters which can make it obnoxious to a generous and free people. It is cruel, unjust, unnecessary, impolitic, and unconstitutional. *Cruel and unjust*, as it subjects to banishment and misery, a description of men, invited hither by hopes of prosperity, and promises of protection, and this without proof, without trial, and without guilt. *Unnecessary*, as no well founded apprehension can be entertained against a few unhappy fugitives, insulated by custom as well as by language, and previously subjected to the operation of those laws which have hitherto been deemed a sufficient restraint on public offenders of every description. *Impolitic*, as it must in its effects have a direct tendency to prevent migrations from Europe hither: a tendency which, in the acts of the British king, was regarded as so highly injurious to the interest of these states, as even to be made one of the causes of separation from the mother country. *Unconstitutional*, as it creates a species of punishment entirely new to our criminal code; whereas the constitution expressly forbids, "that cruel or unusual punishments shall be inflicted." *Unconstitutional*, as it commits to the President of the United States a power of judging and determining all cases arising under this law; whereas the constitution decrees that "the judicial power of the United States shall be vested in courts, to be established by Congress, the judges of which shall hold their offices during good behaviour." And lastly, it is unconstitutional, as in all criminal prosecutions "the accused shall enjoy the right of a speedy and public trial by an impartial jury; shall be informed of the nature and cause of the accusation; shall be confronted with the witnesses against him; shall have compulsory process for obtaining witnesses in his favour; and shall have the assistance of counsel for his defence." All which rights an alien is deprived of by this law.

To the SEDITION LAW our objections are still stronger than to the alien law; because the abuses to which it is liable, are equally vicious in their character, and more general in their operation. The former assails the few, the latter attacks the many. The former is directed at foreigners; the latter is levelled at ourselves. The former tyrannizes over men, who in general have been born and bred under oppression. But it is the superlative wickedness of the latter, to convert freemen into slaves.

By this law the citizens of these states are prohibited, under the severest penalties, from expressing even their disapprobation of any part of the conduct of the President, or of either house of Congress, through the medium of the press; and whatever has in the smallest degree a tendency to bring either into dispute is liable to be punished by fine and imprisonment. What stronger, what more precise definition of slavery can be given than this? That we can state no belief, that we can hazard no opinion, that has even a tendency to lessen the public estimation of a public servant.

The genius of this law pervades all its details, the crime is so defined, that we know not when we become guilty of it; for in the wide range of political opinion, how many things may be innocently said, how many even usefully suggested, which may be so construed as to incur these penalties? With a jury of partisans, warmed by zeal, and heated by contention, selected by an officer in the appointment of the President, and holding that appointment during the pleasure of the president, what opinion can be safe? To question the integrity, to doubt the wisdom, to assert or even to insinuate the ignorance of a chief magistrate, leads directly to ruin; and yet it will scarcely be deemed impossible that a president may be a profligate man or vicious magistrate; that he may be weak in intellect, or wanting in information; but, under the operation of this law, the most enlightened nation upon earth, must not only bear these imperfections with patience, they must also conceal them with care; to hint them to a neighbour, exposes you to fine; to breathe them to a brother subjects you to imprisonment.

A Response to the Sedition Act

Source: Armstrong, John. Poughkeepsie, 1798.

<http://hdl.loc.gov/loc.rbc/rbpe.22400900>

[Transcript]

To the Senate and Representatives of the United States, in Congress assembled.

Excerpt I

By this law the citizens of these states are prohibited, under the severest penalties, from expressing even their *disapprobation* of any part of the conduct of the President, or of either house of Congress, *through the medium of the press...*

Excerpt II

What stronger, what more precise definition of slavery can be given than this? That we can state no belief, that we can hazard no opinion, that has even a *tendency* to lessen the public estimation of a public servant.

Kentucky Resolution

Source: Thomas Jefferson, November 16, 1798, Kentucky Resolution [Rough Draft]

<http://hdl.loc.gov/loc.mss/mtj.mtjbib009157>

[1798]

A Bill for the relief of sufferers under the act of Congress commonly called the Sedition act, certain illegal prosecutions.

Whereas the constitution of the U.S. has provided that 'Congress shall make no law abridging the freedom of speech or of the press,' and that 'the powers not delegated to the U.S. by the constitution, nor prohibited by it to the States, are reserved to the states respectively or to the people;' and Congress did nevertheless on the 14th day of July 1798, pass an act intituled 'an act in addition to the act in addition to the act intituled an act for the punishment of certain crimes against the U.S.' which did 'abridge the freedom of the press,' and did assume the exercise of a power not delegated to the U.S. by the constitution nor prohibited to the states & consequently reserved to them respectively or to the people; and sundry citizens, under colour of the said act, tho' unauthorised & null by the constitution, suffered prosecutions, fines & imprisonments, in violation of these rights secured to them by the constitution, never submitted to the General government.

And whereas the Constitution of the U.S. hath enumerated specially all the cases to which the judicial power of the U.S. shall extend; and the statutes of the U.S. have declared how, & what, crimes, shall be punishable in their courts; and certain courts of the U.S. have nevertheless taken cognisance of cases other than those specially enumerated in the constitution, & have punished citizens for acts not declared criminal or punishable by the statutes of the U.S. deducing their authority from what they have denominated a Common Law, binding on all these U.S. whereby a code of crimes would be imposed, & a system of laws recognised, placing in jeopardy the lives, liberty, property & reputation of the citizens of these U.S. ~~without~~ ^{from} their call: ~~admitted~~ ⁱⁿ the constitution, only their legislative organs

Be it therefore enacted by the Senate & H. of R. of the U.S. of America in Congress assembled, that every person who has suffered prosecution, fine or imprisonment under colour of the said act of Congress, shall be authorised to petition the court wherein such prosecution was carried on, or such judgment of fine or imprisonment was rendered, praying for a writ of enquiry into the damages they have sustained by such prosecution, fine or imprisonment, wherein a jury shall be empanelled in the usual form, and judgment shall be rendered according to their verdict: and that the party complaining shall be entitled to receive out of any monies in the treasury of the U.S. not otherwise appropriated, the amount of the damages which may be so assessed & adjudged to them, with the legal costs of the said suit for redress.

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Kentucky Resolution

Source: Thomas Jefferson, November 16, 1798, Kentucky Resolution [Rough Draft]

<http://hdl.loc.gov/loc.mss/mtj.mtjbib009157>

[Transcript]

Excerpt I

[S]pecial provision has been made by one of the amendments to the Constitution which expressly declares, that "Congress shall make no law respecting an Establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press...

Excerpt II

That, therefore the act of the Congress of the United States passed on the 14th day of July 1798, entitled "An act in addition to the act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no effect.

Handout A: First Amendment to the U.S. Constitution

First Amendment

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Historical Participant	Process (what did they do?)	Circumstance (effects of the process)	My Summary
Congress shall	make no law	respecting an establishment of religion	
		prohibiting the free exercise thereof (free exercise of what?)	
		abridging	
		the right of people peaceably _____	
		to petition	

Handout B: Sedition Act of 1798

Sedition Act, Excerpt I

<i>That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United states, or either house of the Congress of the United States, or the President of the United States...</i>			utter—to speak procure—to get something by special means (for example, to buy something). Scandalous—untrue malicious—being mean on purpose
Historical Participant	Process (what did they do?)	Subject	My Summary
<i>if any person</i>	<i>shall write, print, utter or publish</i>		
	<i>shall cause or procure to be written, printed, uttered or published,</i>		
	<i>shall knowingly and willingly assist or aid in writing, printing, uttering or publishing</i>	<i>any false, scandalous and malicious writing or writings against the government of the United states,</i>	
		<i>or either house of the Congress of the United States,</i>	
		<i>or the President of the United States...</i>	

Excerpt I Questions

- What is made a crime by the Sedition Act?

- What types of people in the late 1790’s might be found guilty of this crime?

- Who is protected under this law? Who is not protected under this law?

Handout B: Sedition Act of 1798

Sedition Act, Excerpt II

<i>with intent to defame the said government, or either house of the said Congress, or the said President, or to bring ... the hatred of the good people of the United States, or to stir up sedition within the United States</i>			intent—to do something on purpose defame—attack someone through speech or writing
Historical Participant	Process (what did they do?)	Subject	My Summary
<i>[if any person]</i>	<i>with intent to defame</i>	<i>the said government</i>	
		<i>or __</i>	
		<i>or __</i>	
	<i>to bring ... the hatred</i>	<i>of __</i>	
	<i>to __</i>	<i>within the United States</i>	

Excerpt II Questions

- What does the Sedition Act guard against? What does it outlaw?

- What does the law state can be caused by writings that defame the government?

- Why would the government be afraid or worried about writings that defame the government?

Handout C: Response to the Sedition Act of 1798

“To the Senate and Representatives of the United States, in Congress assembled. It is equally foreign from our wishes and intentions to criminate the motives of the national legislatures...”

--Response to the Sedition Act of 1798, John Armstrong

Part I

<i>By this law citizens of their states are prohibited, under the severest penalties, from expressing even their disapprobation of any part of the conduct of the President, or of either house of Congress, through the medium of the press...</i>	prohibited—forbidden or unable to do by law severest penalties—strongest punishment disapprobation—disapproval conduct—actions or behaviors
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Part I Questions

- Do you think that the author of this response, John Armstrong, was for or against the Sedition Act? Use examples from the sources to support your answer.
- What did Armstrong say about the punishment of the Sedition act?

Part II

<i>What stronger, what more precise definition of slavery can be given than this? That we can state no belief, hazard no opinion, that has even a tendency to lessen the public estimation of a public servant.</i>	Precise—specific or exact state—say or comment hazard no opinion—risk sharing an opinion estimation—judgment or opinion public servant—an elected official (for example, a senator)
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Part II Questions

- What did Armstrong think people have the right to do?
- Why did he link the Sedition Act to slavery?

Handout D: Kentucky Resolution

Kentucky Resolution, November 16, 1798, Thomas Jefferson

Part I

<p>[S]pecial provision has been made by one of the amendments to the Constitution which expressly declares, that “Congress shall make no law respecting an Establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press,” thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press,</p>	<p>provision—law in a legal document</p> <p>expressly declares—specifically states</p>
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Part I Questions

- Do you think that the Kentucky Resolution was for or against the Sedition Act? Why?
- What document did the author, Thomas Jefferson, refer to in his response to the Sedition Act?
- Why did Jefferson use this example from the Constitution to respond to the Sedition Act?

Part II

<p>That, therefore the act of the Congress of the United States passed on the 14th day of July 1798, entitled “An act in addition to the act for the punishment of certain crimes against the United States,” which does abridge the freedom of the press, is not law, but is altogether void and of no effect.</p>	<p>abridge—lessen or cut-off</p> <p>void—has no legal force</p>
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Part II Questions

- What did Mr. Jefferson think of the Sedition Act?
- What evidence did Mr. Jefferson use to support his opinion?

Handout E: Written Response

Do you think the Sedition Act of 1798 was constitutional or not? Why?

What documents support your opinion? Find two examples from at least one of the documents to support your opinion and write them below.

Prompt: Should the Freedom of speech and the press ever be limited?

Written response:

The freedom of speech and press _____ be limited by the government. In 1798, the Congress passed the Sedition Act that

_____ (use example from Document 1). This law was

People across the United States were against the law. (use example from Document 2 or 3).

_____ (explain why the author was against the Sedition act).

_____ I think that the freedom of speech and press (explain why you do or do not think the Sedition act was Constitutional, refer to the documents)

(Give your opinion about the question, do you think the government ever has a right to limit freedom of speech and the press and give an explanation to support your answer)
