

The Combined Trial of Lyon, Cooper, and Callender— A Simulation Activity

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For use in conjunction with “The Sedition Act Trials,” by Bruce A. Ragsdale, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education.

Activity Objectives

By conducting a mock trial of three defendants indicted under the Sedition Act of 1798, students will be able to:

- describe the provisions of the Sedition Act of 1798;
- explain how popular fear of war and internal subversion played a role in the trials; and
- understand the difference between legitimate dissent and seditious libel.

Essential Questions

1. Did the Sedition Act violate the First Amendment’s protection against any law “abridging the freedom of speech, or of the press”?
2. To what extent did partisan manipulation in jury selection predetermine the outcome of Sedition Act trials?
3. What was required for conviction under the Sedition Act?
4. How could defendants establish the truth of public statements?
5. Were the indictments under the Sedition Act necessary to ensure the security of the United States or were they a means of prohibiting legitimate political dissent?

Legal Issues Raised by the Sedition Act Trials

Prosecutions under the Sedition Act of 1798 provoked a myriad of legal questions, including the constitutionality of the act and the limits that Congress or the federal courts could impose on freedom of speech and the press. The trials brought to the forefront of public debates the role of the federal judiciary in hearing cases involving political speech, the determination of what constitutes “licentious” speech (see Glossary), and the determination of the truth of published statements.

Estimated Time Frame

Six class periods.

Recommended Prep Work

Students will need to be aware of the political division between the Federalists and Jeffersonian Republicans and particularly their divisions regarding foreign policy and the threat of war with France. Teachers should review “The Sedition Act Trials,” by Bruce A. Ragsdale (available at www.fjc.gov/history/home.nsf). Teachers may wish to assign “The Sedition Acts Trial: A Short Narrative” (pp. 1–8) (page numbers refer to the PDF version of “The Sedition Act Trials”).

This lesson should follow a study of the domestic and foreign policy issues that confronted the administration of President John Adams. Students should be familiar with the arguments put forth in support of the Alien and Sedition Acts of 1798.

To set the stage for the simulation, read to the class Article III, Section 1, of the U.S. Constitution:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Inform the class that the first Congress enacted legislation to implement Article III. Briefly review the Judiciary Act of 1789. You may wish to project Transparency 1, “The Judiciary Act of 1789,” on an overhead projector or distribute copies to the class. Be certain that students understand that Supreme Court justices served on the circuit courts until the policy of “circuit riding” was abolished in 1911.

Make Copies of the Following Documents and Handouts

1. The Judiciary Act of 1789 (Transparency 1)
2. Sections 2 and 4 of the Sedition Act of 1798 (Transparency 2)
3. Judges’ Profile Card (Student Handout 1)
4. Prosecution Profile Card (Student Handout 2)
5. Defense Profile Card (Student Handout 3)
6. Jurors’ Profile Card (Student Handout 4)
7. Reporters’ Profile Card (Student Handout 5)
8. Rubric for Scoring a Simulation

Description of the Activity

Step 1 (2 days)

Tell students that they will be conducting a trial of three men for violation of the Sedition Act of 1798. Although the three men were actually tried separately in Vermont (October 1798), Pennsylvania (April 1800), and Virginia (May 1800), for this simulated activity they will be tried together. Liberties have also been taken with witnesses that may be called to testify during the simulation, although all witnesses listed here were in some way involved in the trial or the preliminaries leading to the trial.

Project on the overhead Sections 2 and 4 of the Sedition Act of 1798 (Transparency 2). In lieu of using the overhead projector, print and post the information in the classroom for students to review. After briefly discussing the implications of this act, divide the class into four groups of different sizes to ensure that every student in the class is assigned to a group. A fifth group (Newspaper Reporters), consisting of students not selected to serve on the jury, should be established later in the simulation.

Students are to assume the following roles in the simulation activity:

- Group One two students representing a Supreme Court justice and a district court judge
- Group Two students representing the prosecution (including prosecution attorneys and witnesses)
- Group Three students representing the defense (including defense attorneys and witnesses)
- Group Four members of the class representing the jury pool (the jury pool should ideally consist of 16 students, but no fewer than 14)
- Group Five newspaper reporters (to be assigned in Step 2)

Once the roles are assigned, distribute the appropriate “profile cards” (Student Handouts 1 through 4). Make class time available for students in each group to determine the role they will assume during the trial. Students assigned to Groups Two and Three should prepare their trial strategy and research evidence they may wish to introduce during the trial. Attorneys will need additional time to prepare outside of class.

Step 2 (3 days)

Set up the classroom to resemble a courtroom. The two judges will call the court to order and begin with impaneling the jury. Attorneys for the prosecution and defense may question and challenge prospective jurors for cause (*voir dire*); however, the judges make the final decision on the acceptance or re-

removal of jurors. Once the jury has been seated, students who were not impaneled should be assigned to Group Five and assume the role of reporters. Distribute Student Handout 5 (Reporters' Profile Card) to the newly formed group. The handout explains their role during the remainder of the simulation.

The remainder of the activity should closely follow a typical trial, with prosecuting and defense attorneys making brief opening statements. The prosecution begins by calling witnesses to testify and submit to cross-examination by defense attorneys. After the prosecution rests, the defense calls witnesses to testify. Following testimony, the two judges will give instructions to the jury. Provide an opportunity for the jury to deliberate outside of class.

During the trial, students assigned as reporters should post broadsides reflecting their partisan views on the actions of the judges and attorneys; reporters should also print their appraisals of the testimony of witnesses.

Debrief and Wrap-up

Step 3 (1 day)

Debrief the simulation. Did the mock trial proceed in a fair and impartial manner? What aspects of the trial appeared to be atypical? Could a contemporary trial proceed in this manner without appeal?

Briefly explain that this simulation was based on three sedition trials—the trials of Republican Congressman Matthew Lyon (Rutland, Vermont, October 1798); Republican pamphleteer Thomas Cooper (Philadelphia, Pennsylvania, April 1800); and Republican pamphleteer James Callender (Richmond, Virginia, May 1800). All three of the accused were found guilty and imprisoned. Supreme Court Justice William Paterson was the presiding judge during the Lyon trial. Lyon acted as his own attorney and was denied the right to remove jurors who professed to be Federalists. Supreme Court Justice Samuel Chase was the presiding judge in the Cooper and Callender trials. Justice Chase in the Cooper trial offered arguments to the jury in favor of conviction. In the Callender trial, Chase was contemptuous of defense attorneys, causing them to withdraw from the case.

Discuss ways in which the simulation may have differed from the actual trials.

- What accounts for these differences?
- To what extent did popular fear of war with France and the threat of internal subversion influence conduct during these trials?

- How can you determine the intent of a personal opinion? How might an expression of a negative personal opinion be considered “licentious” speech?
- To what extent were the trials political? Was the inclusion of March 3, 1801, as the expiration date for the Sedition Act of any political significance?
- What types of statements were most likely to be prosecuted under the Sedition Act of 1798?
- Do you believe the Sedition Act was unconstitutional? Why or why not?
- What limitations, if any, should be placed on free speech and freedom of the press during wartime?

Follow up with a discussion of the Kentucky and Virginia Resolutions, the election of 1800, and the impeachment of Samuel Chase.

Assessment

Use self assessments and peer assessments, combined with teacher observation, to assess group work during the simulation activity. (See Appendix 1 for a sample rubric for scoring a simulation.)

Have students locate an article from a partisan news magazine noted for its opposition to the current or a recent presidential administration or a syndicated op-ed column critical of the President or the judiciary. Assuming that the Sedition Act is still in effect, write a critical appraisal of the article to determine if the author should be prosecuted. Provide students with a rubric for scoring before writing their critical analysis. (See Appendix 2 for a sample rubric for scoring a position paper; the rubric may be adapted for assessing student writing.)

Alternative Modalities and Enrichment Activities

Have students research ways in which the Republican victory in the election of 1800 impacted the judiciary, especially noting the passage of the Judiciary Act of 1801 and the impeachment of Federalist judges.

In lieu of conducting this activity on the sedition trials, have students carefully examine Article 2 of the Sedition Act of 1798 and have them research the Matthew Lyon, Thomas Cooper, and James Callender trials. Based on the students’ understanding of the issues involved in these trials, have them organize their own trial simulation of a contemporary author, television news anchor, talk radio host, or comedian who is noted for defaming the President, prominent members of Congress, and/or the judiciary. This alternative strategy requires a careful debriefing in order to ensure that students have demonstrated an understanding of the issues.

You may wish to arrange to have the class visit a courtroom to observe an actual trial before beginning the lesson. This would be especially helpful if students are unfamiliar with courtroom procedures.

Involving a Judge

After conclusion of the lesson, invite a judge to explain the protection of defendants' rights in the court system today as compared to earlier periods.

Following the judge's presentation, conduct a class discussion of the differences in the defendants' rights during the Sedition Act trials and current protections in the courts.

Alternative Content Areas

Lessons in civics and government courses focusing on freedom of expression and restrictions on licentious speech.

Standards Addressed¹

U.S. History

Era 3: Revolution and the New Nation 1754–1820s

Content Standard 3B

- The student understands the guarantees of the Bill of Rights and its continuing significance.

Content Standard 3D

- The student understands the development of the first American party system.

Standards in Historical Thinking

Historical Comprehension

- Identify the central questions the historical narrative addresses and the purpose, perspective, or point of view for which it was constructed.
- Read historical narratives imaginatively, taking into account what the narrative reveals of the humanity of the individuals and groups involved—their probable values, outlook, motives, hopes, fears, strengths, and weaknesses.
- Appreciate historical perspectives—the ability (a) describing the past on its own terms, through the eyes and experiences of those who were there; (b) considering the historical context in which the event unfolded; and

1. National Standards for History, National Center for History in the Schools, University of California Los Angeles, 1996. Available online at <http://nchs.ucla.edu/standards/>.

(c) avoiding “present-mindedness,” judging the past solely in terms of present-day norms and values.

Historical Analysis and Interpretation

- Consider multiple perspectives of various peoples in the past by demonstrating their differing motives, beliefs, interests, hopes, and fears.
- Analyze cause-and-effect relationships bearing in mind multiple causation including (a) the importance of the individual in history; (b) the influence of ideas, human interests, and beliefs; and (c) the role of chance, the accidental and the irrational.
- Distinguish between unsupported expression of opinion and informed hypotheses grounded in historical evidence.

Specialized Concerns

If students are having difficulty with the documents provided in the simulation as potential evidence in the trial, go over these documents with the entire class rather than providing them as independent reading. Encourage students to rewrite, in their own words, the “evidence” they choose to introduce during the trial.

Students who may not be familiar with typical trial procedures should be referred to “Criminal Trial—The Steps In a Criminal Trial” (available online at <http://law.jrank.org/pages/2206/Trial-Criminal-steps-in-criminal-trial.html>).

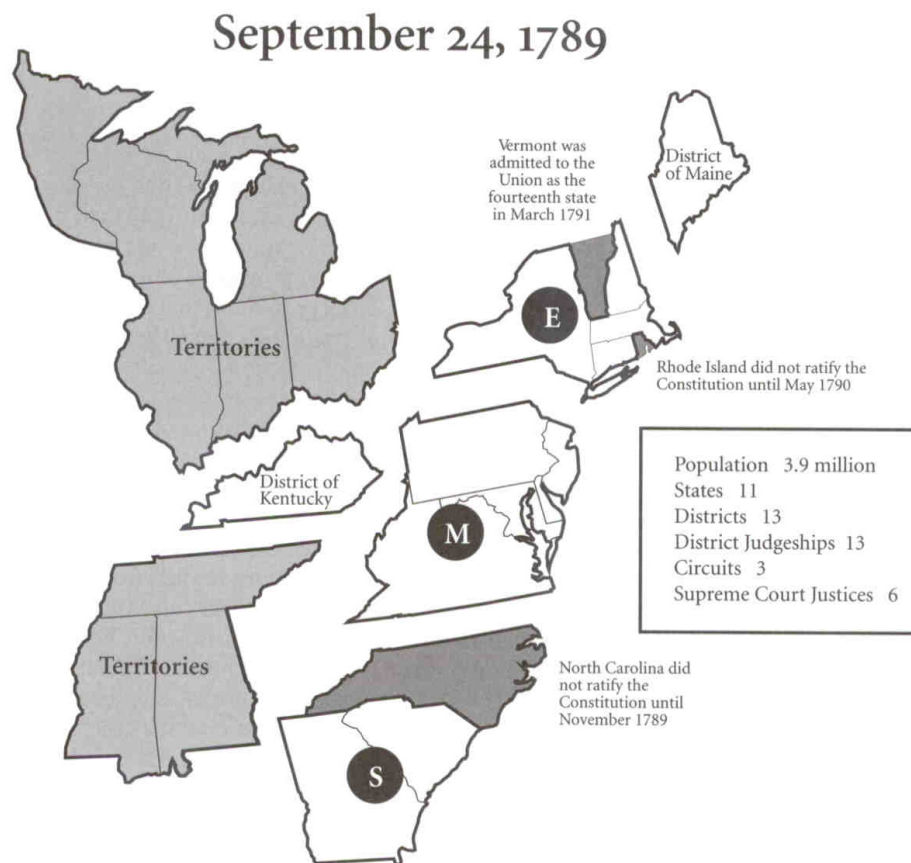
Glossary

adulation	admiration, praise
animadversion	a censorious remark, unfair criticism
avarice	greed
calumniate	to utter maliciously false statements, to damage another’s reputation
exasperate	infuriate, irritate, intensify
execrated	evil or detestable
French directory	five men who held the executive power in France during the last stage of the revolution
licentious	wicked, shameful, reckless
obsequious	flattering, currying favor
paper jobbers	persons who work on a small scale, “paper pushers”
poltroon	coward
pugilist	fighter, boxer
rescript	an official decree or order of a Roman emperor

revile	insult, abuse
Star Chamber	an English court existing from the fifteenth to seventeenth century noted for being irresponsible and oppressive; its primary purpose was to hear political libel or treason cases
treating	dealing with
venal	capable of being bought, open to corrupt influence
yoking	joining together

Transparency 1

Judiciary Act of 1789



The First Judiciary Act created thirteen districts and placed eleven of them in three circuits: the Eastern, Middle, and Southern. Each district had a district court, a trial court with a single district judge and primarily admiralty jurisdiction. Each district in the circuits also had a circuit court, which was composed of the district judge and two (one as of 1793) Supreme Court justices. The circuit courts exercised primarily diversity and criminal jurisdiction and heard appeals from the district courts in some cases. The districts of Maine and Kentucky (parts of the states of Massachusetts and Virginia, respectively) were part of no circuit; their district courts exercised both district and circuit court jurisdiction.

[Document Source: Russell R. Wheeler and Cynthia Harrison, *Creating the Federal Judicial System* (Third Edition), Federal Judicial Center, 2005, p. 5.]

Transparency 2

The Sedition Act

An Act for the punishment of certain crimes against the United States

SEC. 2. . . . [I]f 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 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. . . .

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.

Student Handout 1

Judges' Profile Card

Supreme Court Justice

You were a member of the Constitutional Convention that met in Philadelphia in 1787 and were elected to serve in the first Congress as a senator from New Jersey. As a senator you helped write the Judiciary Act of 1789. President George Washington appointed you to the Supreme Court in 1793. You are a Federalist and supported John Adams for President in the election of 1796. You consider yourself a friend of President Adams and Mrs. Adams and have dined with them on several occasions.

District Court Judge

You were a Federalist candidate for the House of Representatives from your state in the election of 1796 and were narrowly defeated by your Republican opponent. In 1797, President John Adams appointed you as a district court judge, and the U.S. Senate confirmed your appointment over the opposition of Republicans. Although you did not openly support the Alien and Sedition Acts of 1798, you were pleased that the Congress finally took steps to stop people from undercutting the authority of the President. You consider the publication of articles attacking the President and the courts disloyal acts.

During voir dire (examination of the jury) judges may prohibit the defense from attempting to remove a juror on the grounds of the jurors' political beliefs. The judges may reject an attorney's wish to remove jurors for cause. Judges have complete control over the court: They have the authority to rule on the admissibility of evidence, on challenges during examination of the witnesses, and on requests to subpoena persons to testify.

After jury selection, the judges will read the grand jury indictment of each defendant and have the defendant's defense attorney enter a plea of "guilty" or "not guilty."

* * *

Indictment of Defendant 1:

The defendant, being a malicious and seditious person and of a depraved mind and wicked and diabolical disposition and deceitfully, wickedly & maliciously contriving to defame the government of the United States and with intent and design to defame the government and John Adams the President and to bring the said government and President into contempt and disrepute and with intent and

design to excite against the Government and president the hatred of the good people of the United States and to stir up sedition in the United States.

Indictment of Defendant 2:

The defendant is a person of wicked and turbulent disposition, designing and intending to defame the President of the United States and to bring him into contempt and disrepute, and excite against him the hatred of the good people of the United States.

Indictment of Defendant 3:

The defendant is a notorious alcoholic and no more than a filthy reptile. He has printed lies about George Washington and made slanderous charges against the honorable Alexander Hamilton. He has defamed President John Adams in his notorious pamphlet *The Prospect before Us* in which he wrote that our illustrious president “has never opened his lips, or lifted his pen without threatening and scolding; the grand object of his administration has been to destroy the reputation of every man who differs from his opinions.”

Student Handout 2

Prosecution Profile Card

Members of Group Two should designate students to assume the role of one or more prosecuting attorneys and witnesses for the prosecution.

Prosecution attorneys should argue the following:

1. Offensive passages cited in the indictment clearly fit within the definition of libel set out in the Sedition Act.
2. Defendants declared their intention to undermine support and respect for the federal government.
3. Defendants clearly and repeatedly demonstrated “a malicious and deliberate intention to injure the character of the President.”
4. The right to participate in elections or to support a candidate for public office does not include the right to “vilify, revile, and defame” an opposing candidate.

You should offer evidence to prove defendants’ public speeches and written articles have been nothing more than slanderous attacks to incite rebellion.

You should argue that even though a defendant wrote inflammatory attacks before the passage of the Sedition Act, the repetition of these statements after the act was passed can be punished.

Witnesses for the prosecution may include:

1. Congressman Roger Griswold (Federalist, Connecticut) to question the character of Defendant 1.
2. Congressman John Allen (Federalist, Connecticut) to testify on the need for a sedition bill to defend the United States from subversion.
3. Secretary of State Timothy Pickering to testify that French radical political beliefs were being spread throughout the country promoting revolution.
4. Thomas Nelson, U.S. district attorney, to testify on Defendant 3’s seditious libel in the defendant’s book *The Prospect before Us*.
5. John Walton, individual seeking political appointment, to testify that he had notified the Secretary of State of the forthcoming publication of *The Prospect before Us*.
6. Writer for the New York *Spectator* under the pseudonym “Marcellus” to testify that *The Prospect before Us* was filled with falsehood and sedition.

The prosecution should read the following documents to consider as evidence to be presented in pursuing their case:

- “Congressional Pugilists” cartoon (p. 33)
- Letter to the Editor, Spooner’s *Vermont Journal*, June 20, 1798 (p. 56)
- Joel Barlow letter (pp. 56–57)
- Excerpts from *The Prospect Before Us* (p. 62)

(*Note:* Page numbers refer to the PDF version of “The Sedition Act Trials,” by Bruce A. Ragsdale, available online at <http://www.fjc.gov/history/home.nsf>.)

Student Handout 3

Defense Profile Card

Members of Group Three should designate students to assume the role of the three defendants, one to three attorneys, and witnesses for the defense.

Defense attorneys should argue the following:

1. Jurors with political bias should not be impaneled.
2. The court has no jurisdiction because the Sedition Act is unconstitutional.
3. Defendants have the right to call upon the court to subpoena witnesses to testify for the defense.
4. Defendants' speeches and writings critical of the government were true and therefore not in violation of the Sedition Act; statements of opinion cannot be proven to be true or false.
5. An objective examination of the conduct of the President could not in itself be seditious libel.

Attorneys are to carefully note the wording of Section 2 of the Sedition Act and attempt to base their clients' defense on the truth of their statements and on the fact that they had no intent to inspire rebellion by either their speech or by articles they had published. Defense attorneys should argue that any letters or articles written before the Sedition Act was passed (July 14, 1798) cannot be used against a defendant because of the constitutional prohibition of ex post facto.

Attorneys have the discretion of calling on their clients to give testimony during the trial. The attorneys may also take the unusual step of calling one of the judges to testify to the truth of a defendant's statement. Defense attorneys may also petition the court to subpoena President Adams to testify; however, the trial judge determines the merit of issuing a subpoena.

Witnesses for the defense may include the following:

1. Senator Stevens Mason (Republican, Virginia) to testify to the good character of the defendants.
2. Trial judge, associate justice of the Supreme Court, to testify to the "ridiculous pomp" of the President.
3. Congressman John Nicholas (Republican, Virginia) to testify that judges appointed by Federalists have a political bias and are not qualified to act as judges in politically motivated trials under the Sedition Act.
4. Congressman Albert Gallatin (Republican, Pennsylvania) to testify that the Sedition Act is a violation of the First Amendment and therefore unconstitutional.

5. William Duane, editor of the *Aurora* (a Republican newspaper), to testify that the trial judge permitted the prosecution to pack the jury and had expressed the opinion of the guilt of defendants before the trial began.
6. Congressman Samuel J. Cabell (Republican, Virginia), to testify that federal judges are influenced by politics.

The defense should consider the following documents as evidence to be presented in pursuing their case:

- Representative John Nicholas (Republican, Virginia) remarks in Congress, July 10, 1798 (pp. 49–51)
- Representative Albert Gallatin (Republican, Pennsylvania) remarks in Congress, July 10, 1798 (pp. 51–52)
- Article I, Section 9, Clause 3, of the United States Constitution
- Article I, Section 10, Clause 1, of the United States Constitution

(*Note:* Page numbers refer to the PDF version of “The Sedition Act Trials,” by Bruce A. Ragsdale, available online at <http://www.fjc.gov/history/home.nsf>.)

Student Handout 4

Jurors' Profile Card

The local deputy sheriff, an avowed Federalist, has selected the jury pool for this trial.

One-Half of the Jury Pool

One-half of the members of the jury pool consist of respected landowners of some wealth and position in the community. They were active supporters of John Adams and Thomas Pinckney in the presidential campaign of 1796 and were disappointed that Thomas Jefferson won the vice presidency. They are fervent supporters of the policies of President John Adams. They believe that he has taken the right steps to secure the national security of the United States. They favor the creation of a strong standing army to protect the nation from a possible French invasion. They are fearful that immigrants from France and Ireland and exiled British troublemakers are spreading revolutionary ideas among illiterate Americans. They are also very concerned that Republican newspapers are undermining the nation. These jurors would like to see the United States form stronger ties with Britain.

One-Fourth of the Jury Pool

One-fourth of the members of the jury pool do not consider themselves to be partisan, although they voted Federalist in the last election. They believe that President Adams has taken the right steps in increasing the size of the army and navy as a way to protect the security of the United States. Although they do not like to pay additional taxes, they believe that the current tax increase is necessary because of the threat of a foreign invasion. They fear that many newspaper editors have been too critical of the President. They are also concerned that some members of Congress are putting party politics over the national interest. They see these men as opposing the President simply as a way of gaining support in the upcoming congressional election of 1800.

One-Fourth of the Jury Pool

One-fourth of the members of the jury pool have little concern about politics. Some wonder if the United States really needs to increase taxes to finance a military build-up, but they do trust former President George Washington and are glad that he has been called out of retirement to take command of the army. Although they believe that the French are trying to win support among Americans, these jurors do not think that the French are planning to invade the country. Two of these jurors have been overheard to say that they think the defendants in this case are being hounded by the government and wonder if they should even be brought

to trial. Others in this group have not expressed a decision as to their innocence or guilt.

Prospective jurors should read:

- “What was the jury’s role in trials under the Sedition Act?” (pp. 15–16)
- “How did the federal courts select juries at the time of the Sedition Act trials?” (p. 16)

(*Note:* Page numbers refer to the PDF version of “The Sedition Act Trials,” by Bruce A. Ragsdale, available online at <http://www.fjc.gov/history/home.nsf>.)

Student Handout 5

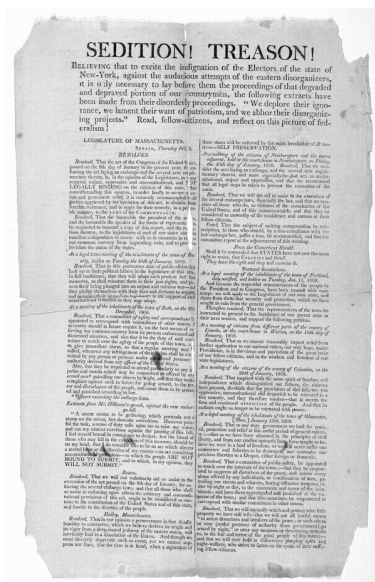
Reporters' Profile Card

Members of Group Five are newspaper reporters for well-known gazettes. Half are reporters who work for prominent Federalist newspapers while the other half work for Republican papers. Your editors insist that your stories support your paper's political point of view.

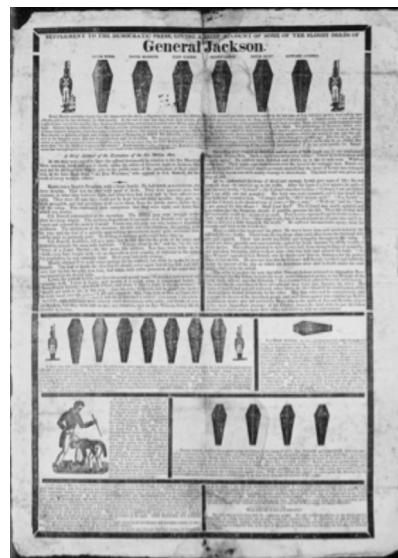
Your paper usually prints broadsides (handbills that are printed on one side and traditionally posted for public review) to call attention to important issues. Broadsides often combine sketches or cartoons to draw attention to the news item. As reporters, you are to cover the trial and create broadsides expressing your political philosophy. Post your broadsides in the classroom during the trial or duplicate copies for circulation.

Reporters writing for Republican newspapers should be aware that anything you write may cause you to be arrested and prosecuted under the Sedition Act. You should take care to express your point of view in such a way that you will not be charged with seditious libel, or you should write under an alias.

Below are samples of two broadsides from *An American Time Capsule: Three Centuries of Broadsides and Other Printed Ephemera*, American Memory, Library of Congress.



Source: <http://memory.loc.gov/cgi-bin/ampage?collId=rbpe&fileName=rbpe04/rbpe048/0480210a/rbpe0480210a.db&recNum=0>



Source: <http://memory.loc.gov/cgi-bin/ampage?collId=rbpe&fileName=rbpe15/rbpe153/15300600/rbpe15300600.db&recNum=0>

Appendix 1

Sample Rubric for Scoring a Simulation

Category	Excellent	Good	Fair	Poor
Participation	<ul style="list-style-type: none"> • full participation • consistently follows requirements • fully understands the meaning of the activity 	<ul style="list-style-type: none"> • full participation • follows requirements • gains necessary meaning from the activity 	<ul style="list-style-type: none"> • reluctant participant • needs to be reminded of requirements • gains some meaning from the activity 	<ul style="list-style-type: none"> • does not participate • lacks understanding of ideas • gains no meaning from the activity
Presentation	<ul style="list-style-type: none"> • shows creativity • well-planned presentation • communicates ideas exceptionally • conducts self in professional manner 	<ul style="list-style-type: none"> • shows some creativity • well-planned presentation • communicates ideas satisfactorily • shows civility 	<ul style="list-style-type: none"> • shows little creativity • fairly planned presentation • communicates ideas adequately • somewhat ill at ease 	<ul style="list-style-type: none"> • shows no creativity • no planning • communicates ideas poorly • rude and disrespectful
Knowledge	<ul style="list-style-type: none"> • demonstrates clear and consistent understanding of issues 	<ul style="list-style-type: none"> • demonstrates clear understanding of issues 	<ul style="list-style-type: none"> • gives little evidence of understanding issues 	<ul style="list-style-type: none"> • no evidence of understanding issues

Appendix 2

Sample Five-Point Scale Rubric for Scoring a Position Paper*

Score Point 5	<ul style="list-style-type: none">• states a specific position clearly, using a thesis that guides development• demonstrates a thoughtful and well-reasoned analysis to reach logical conclusions• supports conclusions with appropriate and accurate historical information; minor errors, if any, do not compromise position• sufficiently covers all areas of the topic• conveys knowledge and ideas clearly and effectively
Score Point 4	<ul style="list-style-type: none">• states a clear position with a thesis that sets direction• demonstrates thoughtful analysis to reach reasonable conclusions• supports conclusions with accurate historical information with few errors; mistakes do not significantly compromise position• covers all areas of the topic, but may give more attention to one area than another• conveys knowledge and ideas clearly
Score Point 3	<ul style="list-style-type: none">• states a general position with a simple or partially developed thesis• organizes and uses information to support reasonable conclusions• supports conclusions with generally accurate historical information; may contain factual errors, but is balanced by accurate historical information• attempts to cover all aspects of the topic; may not complete all tasks• conveys knowledge and ideas adequately
Score Point 2	<ul style="list-style-type: none">• lacks a clear position or establishes a flawed position partially related to the topic• offers a reasonable conclusion without documentation or offers an analysis that contains misconceptions and/or fallacious reasoning• lacks accuracy; confines information to limited areas or uses it inappropriately; may have numerous and major errors• may cover only portions of the topic• conveys knowledge and ideas in a manner that lacks clarity
Score Point 1	<ul style="list-style-type: none">• states no position or establishes a position not related to the topic• usually lacks analysis• merely mentions several names or events; may have an extremely high error rate• does little more than mention the topic or repeat portions of the topic; refers to subject, but does not address topic• conveys knowledge and ideas in an incomprehensible or extremely general manner

* You may wish to adapt the rubric to a three- or four-point scale.

Selected Bibliography

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