

Congressional Debate on the Sedition Bill—A Primary Sources 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 analyzing four speeches in the House of Representatives and the text of the Sedition Act, students will be able to:

- explain the Federalist and Republican positions in the debate over the sedition bill;
- assess the validity of arguments put forth during the debate;
- explain the legal limitations on free expression; and
- analyze and interpret primary source documents.

Essential Questions

- Why did Republicans argue that the Sedition Act was unconstitutional? According to Republicans, who was to determine the unconstitutionality of an act of Congress?
- What constituted “intent to defame” the government or to stir up sedition?
- Was the Sedition Act of 1798 a rational response to a legitimate threat to national security?
- What limits should the Congress or the federal courts impose on the Constitution’s protection of free speech and a free press?
- What is the role of dissent in time of war?

Legal Issues Raised by the Sedition Act

The Sedition Act of 1798 provoked debates on the meaning of a free press, the legitimacy of congressional legislation to place limits on freedom of speech and the press, and the distinction between “licentious” speech (see Glossary) and acceptable political dissent.

Estimated Time Frame

Three class periods.

Recommended Prep Work

Students will need to be aware of the political division between the Federalists and Jeffersonian Republicans, 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 <http://www.fjc.gov/history/home.nsf>. Teachers may wish to assign “The Sedition Acts Trial: A Short Narrative” (pp. 1–8).

Make Copies of the Following Documents and Handouts

1. Document Analysis Worksheet (Student Handout 1)
2. The Sedition Bill (pp. 45–46)
3. John Allen on the Sedition Bill (pp. 47–48)
4. Robert Goodloe Harper on the Sedition Bill (pp. 48–49)
5. John Nicholas on the Sedition Bill (pp. 49–51)
6. Albert Gallatin on the Sedition Bill (pp. 51–52)
7. Rubric for Scoring a Position Paper (Appendix 1, below)

(*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>.)

Description of the Activity

Step 1 (1 day)

Begin the class with a general discussion of the growing panic in the United States over the possibility of a war with France following the disclosure of the XYZ Affair in 1798. Have students read the Sedition Act of 1798 as a proposed bill (Document 1) to be voted on by the House of Representatives. Briefly review the sections of the bill to ensure that the class understands its provisions.

Divide the class into four groups and distribute Documents 2–5 (“Debate on the Sedition Bill”) so that each group has a different document to analyze. Document Analysis Worksheet (Student Handout 1) may be distributed to help students if they are not accustomed to working with documents. Provide class time for discussion of the document within each group.

Step 2 (1–1½ days)

Using a jigsaw strategy, assemble the class into groups of eight with two students in each group representing one of the four different readings and discuss the readings. Ask students to consider the following:

- What is the emotional appeal of the documents?

- How do the speaker's remarks reflect his party's political position in the debate over the Sedition Act bill?
- What were the most salient arguments presented in the documents?
- According to the authors of each document, what would be the consequences of either passage or defeat of the sedition bill?

Step 3 (½ day)

In a general class discussion, analyze how legislators reacted to fear of a war with France and alleged threats to the security of the nation in 1798. What alternative course(s) of action might have been taken? What lessons can be drawn from a study of the political struggle over the passage of the Sedition Act?

Assessment

Students may do a self-evaluation of their work within groups. As part of the self-evaluation, have students rate the contributions of others within their group.

Have students select one of the four speeches and write a position paper expressing their appraisal of the validity of the author's arguments during the debate over the sedition bill. Provide students with a rubric to review before writing their position papers. (Provide your own rubric or see Appendix 1 for a sample rubric that may be used for scoring a position paper.)

Alternative Modalities and Enrichment Activities

As enrichment, have students examine contemporary newspaper editorials, news magazines, and blogs, looking for articles criticizing the President, leaders of Congress, or the judiciary. As a class activity, discuss what limitations, if any, should be placed on freedom of expression. Are these critical articles legitimate aspects of political dissent or do they incite illegal action? How did the Supreme Court in the second half of the twentieth century redefine acceptable limits on speech?

If students have difficulty reading these historical documents, you may have them analyze the readings within groups.

- Assign the readings to four different students and have them present the documents in a dramatic reading to the class as if they are trying to win over their colleagues in the House of Representatives. Give these four students time to review and practice their presentations. If the vocabulary causes difficulty, suggest changes so that students are more comfortable with the readings.
- Have students in groups read and review their respective documents and rewrite them in their own words.

Alternative Content Areas

Use Representative John Allen’s speech in defense of the sedition bill as a language arts lesson on the fundamentals of political discourse, analyzing the use of rhetorical questions, concrete images, and figurative language.

Involving a Judge

Invite a judge or an attorney to speak to the class on libel and slander cases. Encourage the speaker to address cases that focus on issues relating to political speech. What are the standards required to prove “licentious” speech in a court of law? Can speech or a publication constitute sedition today?

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

- Reconstruct the literal meaning of a historical passage by identifying who was involved, what happened, where it happened, what events led to these developments, and what consequences or outcomes followed.

Historical Research

- Formulate historical questions from encounters with the historical documents.
- Interrogate historical data by uncovering the social and political context in which it was created; testing the data source for its credibility and detecting and evaluating bias, distortion, and propaganda by omission, suppression, or invention of facts.
- Support interpretations with historical evidence in order to construct closely reasoned arguments rather than facile opinions.

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/>.

Historical Issues-Analysis and Decision-Making

- Evaluate the implementation of a decision by analyzing the interests it served; estimating the position, power, and priority of each player involved; assessing the ethical dimensions of the decision; and evaluating its costs and benefits from a variety of perspectives.

Specialized Concerns

Reading and comprehension level of students may require extensive vocabulary work before beginning the lesson. It may also be necessary to further abridge the readings and break each of the documents into shorter paragraphs and conduct a “read-around,” stopping at various intervals to check to ensure that students are properly interpreting what has been read.

Glossary

abridgment	lessening, reducing the influence of
actuate	put into action, motivated
animadversion	a censorious remark, unfair criticism
baneful	poisonous, harmful
Blackstone	William Blackstone was a noted English jurist; his Commentaries on the Laws of England was considered the leading work on English law and the most influential in the development of the American legal system
cudgel	stick or club (in other words, liberty of the press must be balanced by punishment for libel)
harangue	to criticize, berate, scold, yell at
Jacobinic	engaging in terrorism referring to the brutal rule of the Jacobin or radical party in France during the Reign of Terror
licentiousness	irresponsible, disregarding rules of correctness
obsequious	submissive, obedient
odious	hateful, horrible
prostrate	smothered, wiped out
repose	harmony
rescript	an official decree or order of a Roman emperor
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

Student Handout 1

Document Analysis Worksheet

1. Type of document

Annals of Congress (record of debate)

2. Date(s) of the document _____

3. Author (or creator of the document) _____

4. Was the document intended to influence a wider audience than members of the House of Representatives? _____

5. Document information

A. List three things the author said that you think are important:

B. What evidence in the document helps you know why it was written?
Quote from the document.

C. What can you determine about political life in the United States at the time it was written?

D. Write a question to the author that is left unanswered by the document.

Adapted from "Written Document Analysis Worksheet" designed by the education staff of the National Archives and Records Administration.

Appendix 1

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 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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