

LESSON PLAN

How the Sedition Act Threatened (and then Saved) the First Amendment

Synchronous Classes



In 1798, a poor drifter named David Brown led a group in Dedham, Massachusetts to set up a liberty pole with the words "No Stamp Act, No Sedition Act, No Alien Bills, No Land Tax, downfall to the Tyrants of America; peace and retirement to the President Long Live the Vice President." He was arrested and found guilty under the new seditious libel law. Illustration by Nadim Silverman.

Duration: If all activities are used, this Teacher Guide provides content for approximately 3 hours and 30 minutes of class time.

Note: *Time frame can be adjusted to meet needs of specific classes; discussion questions or activities can be omitted as needed.*

For graduate, undergraduate, or AP-level students

Objectives

- Describe the social and political tensions that led to the Sedition Act of 1798.
- Compare competing early interpretations of free speech in the 18th century.
- Connect expansive protections for free speech to the philosophical foundations of a republican democracy.
- Discuss the implications of the Sedition Act crisis for the free speech issues dividing Americans today.

Prior to Class Meeting

1. Students should read guide content. Teacher guide can be printed for distribution or the following link can be disseminated to students: <https://firstamendmentwatch.org/wp-content/uploads/2020/12/V4-The-Sedition-Act-of-1798-Teacher-Guide-1-compressed.pdf>

Note: *should you prefer to provide students with the link to the teaching guide, students will be asked to register before they can download the guide.*

2. Students can prepare for their class meeting by considering the discussion questions following each section of the teacher guide.
3. For immersive reading in more challenging primary source material, consider assigning one of the following:
 - The 1798, House of Representatives (5th Congress, Second Session) debate over the Federalists' proposed Sedition Act. Links to the material are provided on page 8 of the Teaching Guide.

- Madison’s Report of 1800 on the Virginia Resolutions and Henry Lee’s response. Links to the material are provided on page 14 of the Teaching Guide.

Note: *Should you wish to provide students with suggestions for or assign further reading, pages 22-23 of teacher guide contain links to useful materials.*

Class Overview

(can be used with either of the two teaching options, discussed in Teaching Options 1 & 2, below. 15 minutes)

1. Students can review introductory content (pages 1-7 of the teacher guide) as context for discussion in small groups or together as a class.

Note: *First Amendment Watch’s video lesson “Talking Across Differences” may be useful to you as you set your ground rules for difficult conversation. It is available here: [Talking Across Differences - First Amendment Watch](#)*

Note: *For virtual class meetings, Zoom breakout rooms can be used to facilitate small group discussion.*

Teaching Option 1: Discussion (75-90 minutes)

This Teacher Guide presents an overview of the socio-political context surrounding the Sedition Act, as well as the key First Amendment issues relevant to the Sedition Act in separate sections. Each section concludes with discussion questions. We suggest the following process to structure discussion around each of Madison’s major points.

- Assign students to small groups to review guide content around each point.
- Discuss students’ first impressions of the reading and significance of key points.
- Answer discussion questions associated with that key point as a class

(approximately five minutes per question).

Upon completion of all discussion questions around the points, consider concluding the class with the following question:

- What are some of the key lessons learned from studying the Sedition Act and its context?
- How can the lessons learned from studying the Sedition Act be applied to 21st-century America's free speech issues?

Teaching Option 2: Studies in Primary Text (Approximately 75-90 minutes)

Should you choose to assign the primary text readings on page 8 of the Teacher Guide to your students, the following in-class activities could be used:

1. Debate one of the following options
 - A. Have students debate which side of the debate over the Sedition Act (and which arguments from both sides) are more persuasive.
 - B. Have students debate whether Jefferson's argument that states can nullify unjust laws (potentially by disbanding the union) is valid.

When hosting a debate, we recommend using the following process:

- Assign students to one of two groups representing each side of the issue.
- Ask each group to summarize the key arguments from its side of the debate, ideally as an assignment before class or by providing time in class.
- Ask each group to construct an argument about which perspective is more valid or more persuasive depending on the question chosen.
- Ask each group to present its arguments in five minutes.
- Select several of the most interesting points that emerge in the arguments and ask the students to debate each of them for five minutes.
- Discuss key takeaways from activity—which arguments seem most compelling, and why?
- If debate option one is chosen, discuss final impressions of the debate over the Sedition Act and its implications for 21st century American free speech issues. If option two is chosen discuss the implications of Jefferson's argument for 21st century American free speech issues.

Note: We recommend assigning students to read the primary text grounding these debates and meet in groups outside of class to prepare their arguments in advance. This will enable you to proceed immediately to the debate when class begins

2. In-class writing activity:

Have students construct an in-class essay using one of the following options

- A.** Have students write an essay summarizing the most persuasive arguments from both sides of the debate over the Sedition Act. Ask them to reflect on which aspect the debate surprised them most and why?
- B.** Have students write an essay on Madison’s Report of 1800 on the Virginia Resolutions and Henry Lee’s Minority Report. Pick three major points on which they disagree and explain how their positions differ. Which arguments do you find most persuasive, and why?

Additional Writing Activity Options

Should you wish to assign a writing activity or are seeking examination questions, consider the following options:

- Use or adapt any of the guide’s discussion questions, which can support writing assignments between 750 to 1,500 words.
- The in-class writing options could be assigned as extra credit essays or out of class assignments, associated with this lesson.