



Teaching Guide

SEGMENT 8, WEBISODE 2

Please note: Each segment in this Webisode has its own Teaching Guide



Segment Overview

When George Washington took the oath of office as president, he presided over a government with no political parties. By the time he left office, two parties, the Federalists and the Democratic Republicans, had drawn distinct battle lines. Federalist President John Adams, although he did not propose the Alien and Sedition Acts, signed them into law. These laws specifically targeted the Jeffersonian Democrats. Under the Sedition Act, anyone who publicly criticized the president or the government faced fines and imprisonment. The laws expired when Jefferson became President. Supreme Court Justice John Marshall's opinion in *Marbury v. Madison* put to rest the danger of such unconstitutional acts ever again standing as law. In this 1803 case, Marshall established the function of judicial review, the power of the Supreme Court to review laws and declare them unconstitutional. With judicial review, the Supreme Court became an essential check on the legislative and executive branches of government and the guardian of the rights of every American citizen.

Teacher Directions

1. Ask the students the following questions.
 - Which branch of the federal government has the power to make laws?
 - If Congress passes an unwise law, what might happen?
 - According to the Constitution, what branch of the government has the power to keep an unwise law from going into effect?
2. Make sure students understand the following points in discussing the questions.

The legislative branch has the power to make laws. The president has the power sign or veto a law, but Congress can override an executive veto by a two-thirds majority in both the House of Representatives and the Senate.
3. Explain to the students that in President John Adams' administration (1797-1801), Congress passed some very unwise laws called the Alien and Sedition Acts. Adams did not think they were bad laws, and so he signed them.
4. Assist the students in defining the terms alien and sedition. The popular understanding of an alien as someone from outer space is not far from the



Let's Discuss

meaning of someone from a foreign place in the context of the Alien Act. Sedition is criticizing the government or someone in authority.

Teacher Directions

1. Write the words Judicial Review on the chalkboard. Ask the students to speculate what that term means. Explain to the students that judicial review is a function of the Supreme Court that keeps laws from violating the Constitution. If Congress passes a law that goes against the Constitution, the Supreme Court can review the law and declare it unconstitutional.
2. Explain to the students that when our nation's government was just getting started, the Supreme Court did not have the function of judicial review. That is how the Alien and Sedition Acts became law. In an 1803 case called *Marbury v. Madison*, John Marshall, the Chief Justice of the Supreme Court, established the practice of judicial review.
3. Distribute the Student Sheet: *You Be the Justices*. Tell students that they will read accounts of actual cases that came before the Supreme Court. To help them be the judges, the part of the Constitution that the Court considered in each case follows the case description.
4. Working in small teams or as a class, students read each case and what the Constitution says. Students discuss what they would decide if they were Supreme Court justices.
5. When they have made their decisions, they can find out how the court decided by reading the Student Sheet: *How the Justices Ruled*.

Teacher Directions

1. Share the following information with the students.
 - The Alien and Sedition Acts were laws enacted by the Congress in 1798.
 - The Alien Acts made becoming United States citizens difficult for people from other countries and gave the president the power to deport foreigners if he considered them a threat to national security, especially if they came from a country that was at war with the United States.
 - The Sedition Act made criticizing the president or the government, either verbally or in print, a crime punishable by fines and imprisonment.
 - Adams never used the Alien Acts, but seventeen people were indicted and ten convicted under the Sedition Act.



History Sleuth



What do you
Think?

What Do You Think,
Continued.

3. Ask the students to speculate.
 - How could such laws be passed?
4. Distribute the Student Sheet: *The Alien and Sedition Acts: A Congressional Blunder*. Ask the students the following questions.
 - What do you think about the first set of quotations?
 - Do the quotations explain how the Alien and Sedition Acts could be passed?
 - Do you agree with the sentiments expressed in the quotations?
5. Direct students' attention to the second set of quotations.
6. Ask the students.
 - Do you agree with the sentiments expressed in these quotations?
 - What part of the Constitution did the Sedition Act violate? (First Amendment)
7. Explain to the students that Congress passed the Alien and Sedition Acts in a time when the government was just getting started. Two political parties were beginning to take shape, and most countries did not think the America experiment in democracy would work. Americans worried about that too. Both laws expired when Jefferson became president.

Teacher Directions

1. Discuss the following information with students.

A major point of controversy between the Federalists and the Democratic Republicans concerned whether the well educated and privileged should control the government, or whether the common citizens could be trusted to govern themselves. To prepare citizens for the responsibility of self-government, an interest in public education arose. In 1789, Massachusetts became the first state to require towns to provide free elementary education to all children.

In the northern and middle states many private academies opened, not only for the education of boys, but for girls as well. Although women did not have the status of full citizens, society recognized that women as mothers would have a strong influence on the education of their sons. For the first time, women were encouraged to acquire more education than the rudimentary reading skills needed to read the Bible.

2. Ask the students the following question.
 - How did this move the United States toward freedom?





Connections

Teacher Directions

Use the following activities with your students.

Research/Writing — Students search for information about the people who were jailed or fined under the Sedition Act. Some names to search include Matthew Lyon, Benjamin Bache, William Duane, John Daly Burk, Charles Holt, James Callender, David Brown, and Luther Baldwin. Students write a brief summary of each man's case.

Language Arts — Students read a biography of John Marshall and create a timeline of his life.

Media Resources — Students read more cases in which the Supreme Court exercised the power of judicial review. Students use the web site How Does the Supreme Court Act as the Defender of the Constitution? @ http://www.socialstudieshelp.com/Lesson_17_Notes.htm. Students develop a game in which they play the part of the justices and decide the cases as in the History Sleuth activity.

YOU BE THE JUSTICES

BROWN V. BOARD OF EDUCATION, TOPEKA KANSAS (1954)

Linda Brown, a student in the segregated Topeka, Kansas, school district, walked five miles to school each day. She was not allowed to attend a white school just across the train tracks from her home. Her father wanted her to attend the closest school possible. He sued the board of education, claiming that the segregated school system violated his daughter's Constitutional rights.

WHAT THE CONSTITUTION SAYS

Article XIV. Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

TINKER V. DES MOINES (1969)

Some students and their parents in Des Moines, Iowa, organized a protest of the Vietnam war. Students planned to wear black armbands to school. When the school found out about the planned protest, they warned that they would suspend anyone wearing the armbands. The children of the Tinker family were the only ones who wore their armbands to school and they were suspended. Their parents sued the school district, saying it had violated the children's right of free speech. The school claimed that the armbands were disruptive.

WHAT THE CONSTITUTION SAYS

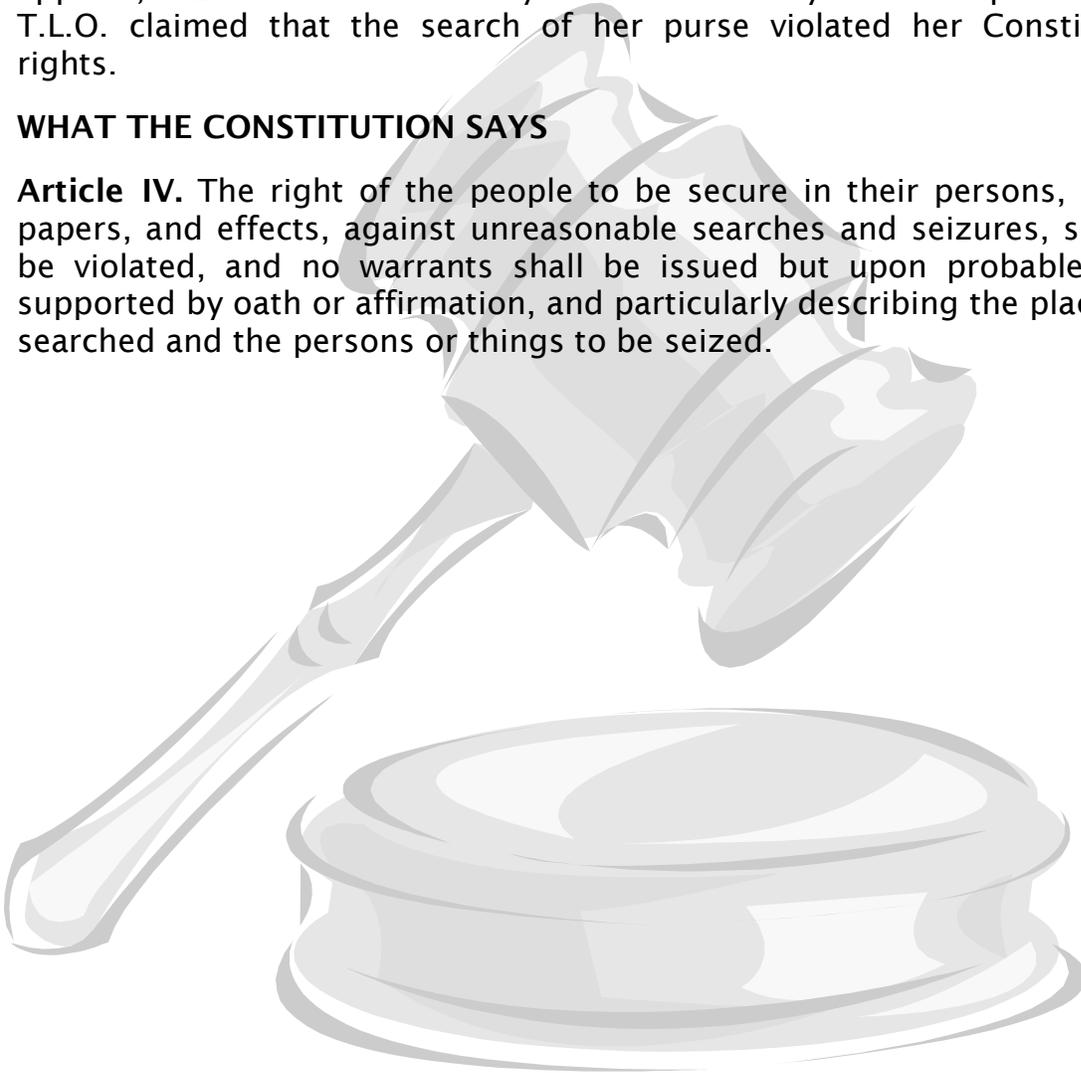
Article I. Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

NEW JERSEY V. T.L.O. (1984)

Two students were caught smoking in the girls' bathroom. One student confessed but the other, T.L.O. (her initials), denied smoking. In fact, T.L.O. claimed she did not smoke at all. The school's assistant principal then searched T.L.O.'s purse. He found small bags of marijuana, rolling paper, a large amount of cash and a list of names who owed T.L.O. money. The school called the police and had T.L.O. arrested. After conviction and appeals, T.L.O.'s case eventually went all the way to the Supreme Court. T.L.O. claimed that the search of her purse violated her Constitutional rights.

WHAT THE CONSTITUTION SAYS

Article IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.



WHAT THE SUPREME COURT DECIDED

Brown v. Board of Ed. Topeka Kansas (1954)

The Court affirmed the position of the Brown family and claimed that "in the eyes of the law, justice was color-blind." In ruling in favor of Brown, the Court ordered the integration of America "with all deliberate speed." The civil rights movement had begun!

Tinker v. Des Moines (1969)

The Court ruled for the Tinkers, saying, "Students do not shed their constitutional rights at the school house gates." In this case, the Court protected what has come to be known as "symbolic speech."

New Jersey v. T.L.O. (1984)

By ruling against T.L.O., the Court set new standards for school officials. The Court ruled that school officials may search a student under "reasonable suspicion." The standard is less than that required of police, giving school officials much broader search powers under the fourth amendment.

The Alien and Sedition Acts: A Congressional Blunder



Here is what people were saying in 1798.

A Pennsylvania newspaper printed the opinion that "none but the most vile and worthless" were inundating the country.

President Adam's nephew, William Shaw, said, "All our present difficulties may be traced to the "hordes of Foreigners" in the land ... [America should] no longer be an asylum to all nations."

Abigail Adams said of a journalist who criticized her husband that he was a "lying wretch given to the most insolent and abusive language. He wrote with the malice of Satan...[he was] wicked and base." She argued that if he were not stopped, the nation would have a civil war.

Here is what people were saying after the Sedition Act caused people to land in jail and pay fines.

James Madison said, "The Sedition Act ought to produce universal alarm, because it is leveled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right."

When he became president, Jefferson pardoned all who were convicted under the Sedition Act. He wrote to Abigail Adams "I considered that law to be a nullity, [as unconstitutional] as if Congress had ordered us to fall down and worship a golden image."

Virginia passed a resolution against the Sedition Act, which said, "...the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "Alien and Sedition Acts" passed at the last session of Congress..."

Kentucky passed a resolution against the Sedition Act, which said, "...this commonwealth does upon the most deliberate reconsideration declare, that the said alien and sedition laws, are in their opinion, palpable violations of the said constitution..."

