



HISTORY  
OF  
PHILIP'S W  
COMMONLY  
THE GREAT IN

# Free Press and Its Limits in Colonial America

## GUIDING QUESTION:

When does freedom of the press become seditious?

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## ► OVERVIEW

A fundamental revolutionary ideal that emerged in the early American republic is the concept of a free press, but free speech is not an absolute right. In this lesson, students will learn the definitions of free press, libel, slander, and sedition to analyze and evaluate three primary sources from the colonial era. Students will debate whether each document represented protected free speech, libel, or sedition.

## ► OBJECTIVES

At the conclusion of this activity, students will be able to:

- › Define freedom of the press, libel, slander, and sedition;
- › Analyze primary sources and argue whether they demonstrate freedom of the press, sedition, or libel and argue whether the author should be protected or punished for publishing the document; and
- › Share their conclusions to the guiding question through a poster or debate.

## ► STANDARDS CONNECTIONS

### CONNECTIONS TO COMMON CORE

- › CCSS.ELA-Literacy.RH.6-8.1 Cite specific textual evidence to support analysis of primary and secondary sources.
- › CCSS.ELA-LITERACY.RH.6-8.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.
- › CCSS.ELA-LITERACY.RH.6-8.4 Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

### CONNECTIONS TO C3 FRAMEWORK

- › D3.1.6-8. Gather relevant information from multiple sources while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.

## ► DOCUMENTS USED

### PRIMARY SOURCES

Book, Roger Williams, *The Bloudy Tenent* . . . , 1644 (excerpt)  
Rhode Island Historical Society (ESTC R210620)  
[https://rihs.minisisinc.com//SCRIPTS/MWIMAIN.DLL/144/BIBLIO/WEB\\_BIBLIO\\_DETAIL\\_REPORT?SESSIONSEARCH&exp=sisn%2023179](https://rihs.minisisinc.com//SCRIPTS/MWIMAIN.DLL/144/BIBLIO/WEB_BIBLIO_DETAIL_REPORT?SESSIONSEARCH&exp=sisn%2023179)

Pamphlet, Thomas Paine, *Common Sense* . . . , 1776 (excerpt)  
The John Carter Brown Library (36575)  
[https://archive.org/details/commonsenseaddre00pain\\_0/page/26/mode/2up](https://archive.org/details/commonsenseaddre00pain_0/page/26/mode/2up)

Speech, John Allen, *An Oration, Upon the Beauties of Liberty: Or the Essential Rights of the Americans*, 1773 (excerpt)  
Florida Atlantic University Library (fauwsb2f13)  
<http://fau.digital.flvc.org/islandora/object/fau%3A44888#page/6/mode/2up>

## ► TEACHER-CREATED MATERIALS

- › Freedom of the Press in England Background Reading
- › Primary Source Packet
- › Freedom of Speech or Sedition Chart
- › Assessment Options

## ► ACTIVITY PREPARATION

- › Make one copy of the Freedom of the Press in England Background Reading, Primary Source Packet, Freedom of Speech or Sedition Chart, and Assessment Options for each student.
- › Organize students into groups of three to five students so that the groups can be rearranged for a jigsaw activity.
- › Provide blank paper and colored pencils, pens, or markers for students to use with assessment option one.

## ► PROCEDURE

### ACTIVITY ONE: STUDENTS AND FREE SPEECH (15 MINUTES)

- › Ask students the following question: *Should schools be able to punish students for the statements they make on social media?*
  - » **Teacher Tip:** Use a tech tool to pose the question to your class to encourage participation from all students.

Students interested in this topic might be interested in researching the following for an NHD project:

- › John Peter Zenger Trial (1734)
- › The Gaspee Affair (1772)
- › *Debs v. United States* (1919)
- › *Tinker v. Des Moines* (1968)

- › Use the following questions to guide a discussion:
  - » *What is the difference between saying something to a group of people and posting the same statement on social media?*
  - » *Do you think the school's power to punish a student is dependent on the content and potential impact of the statement? In other words, can a school punish for some statements but not others?*
  - » *What type of statements, if any, do you think are punishable?*
- › Define the following terms for students. Encourage students to add an illustration to their notes to represent each term next to the definition.
  - » Freedom of Speech: the legal right to express one's opinions freely.
  - » Freedom of the Press: the right to gather, publish, and distribute information or ideas without interference by the government.
  - » Libel: a written or oral statement or representation that conveys an unjustly unfavorable impression.
  - » Slander: a false oral statement that damages someone's reputation.
  - » Sedition: incitement of resistance to or insurrection against lawful authority.

## ACTIVITY TWO: PRIMARY SOURCE ANALYSIS (30 MINUTES)

- › Read and discuss the Freedom of the Press in England Background Reading.
- › Organize students into groups of three to five students each.
- › Assign each group to analyze one of the primary sources in the packet.
- › Use the analysis questions at the end of the source to guide the group's discussion.
- › Circulate among the groups and use the following questions to help students broaden their understanding of the essential question:
  - » *Is freedom of the press important? Why or why not?*
  - » *Does the publication of this source represent the triumph of the free press or the failure of the British government to enforce its own laws?*
- › Re-organize students into groups with representatives from each primary source.
- › Distribute the Freedom of Speech or Sedition Chart to each student.
- › Ask students to work together to complete the chart. They can discuss whether the quote is an example of freedom of speech or sedition, and each student can make an independent decision.
- › Call on groups to briefly share their judgment on whether each document should be viewed as seditious or as protected speech.

## ASSESSMENT OPTIONS

- › Distribute the Assessment Options and review the directions with the students. Students may complete:
  - » A graffiti poster: a one-page poster that combines words and images to respond to the lesson's guiding question.
  - » A debate: a short written or recorded debate between a British official and one or more of the authors of the primary sources to respond to the lesson's guiding question.

To access a PDF containing all of the sources and materials to complete this lesson plan, go to: [nhd.org/RevIdeals](https://nhd.org/RevIdeals).

## Freedom of the Press in England Background Reading

Freedom of the press evolved in English law as a logical extension of the freedom of speech. Freedom of the press is the right to record and share your knowledge, thoughts, and opinions. Johann Gutenberg's creation of a movable-type printing press (1440) meant that information could spread much faster and further. Books became less expensive and more people learned to read. To control the flow of information, England, like most other European countries, required that books and pamphlets be submitted to a censor before publication. However, many authors simply ignored this rule and found printers willing to publish their works either for a larger percentage of the profit or because the printer agreed with the ideas set forth in the book or pamphlet. *The Bloudy Tenet* by Roger Williams (one of the excerpts you will read) was published without approval and copies were later burned by order of Parliament in 1644.

Following the 1660 restoration of King Charles II to the throne, Parliament passed a new seditious law. The act stated that the previous “troubles & disorders did in a very great measure proceed from a multitude of seditious Sermons Pamphlets and Speeches dayly [daily] preached printed and published with a transcendent boldnes [boldness] defaming the Person and Government of your Majestie [Majesty] and your Royall [Royal] Father.”<sup>1</sup> The act declared any attempt to depose the king or overthrow his government in any land under his control by printing, writing, or preaching was punishable by death after conviction at trial.

In 1769, English legal scholar William Blackstone described the concept of free press in the fourth volume of his *Commentaries on the Laws of England*. Blackstone stated that “The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published.” Blackstone did not think the government could force authors to submit their works to a censor before publication, but that authors did have to accept the legal consequences if they chose to publish something that was “improper, mischievous or illegal.” Blackstone further stated that the punishment of “dangerous or offensive writings” was “necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty.”<sup>2</sup>

### Question to Consider

As you read the primary source excerpts, consider whether the authors should have been punished for publishing ideas that were “dangerous or offensive” or protected because free press is “essential to the nature of a free state.”

<sup>1</sup>“Charles II, 1661: An Act for Safety and Preservation of His Majesties Person and Government against Treasonable and Seditious practices and attempts,” British History Online, accessed July 29, 2022. <http://www.british-history.ac.uk/statutes-realm/vol15/pp304-306>.

<sup>2</sup> William Blackstone, “Commentaries 4: 150–153,” The Founders Constitution, accessed July 29, 2022. [https://press-pubs.uchicago.edu/founders/documents/amendI\\_speeches4.html](https://press-pubs.uchicago.edu/founders/documents/amendI_speeches4.html).



## Primary Source Packet

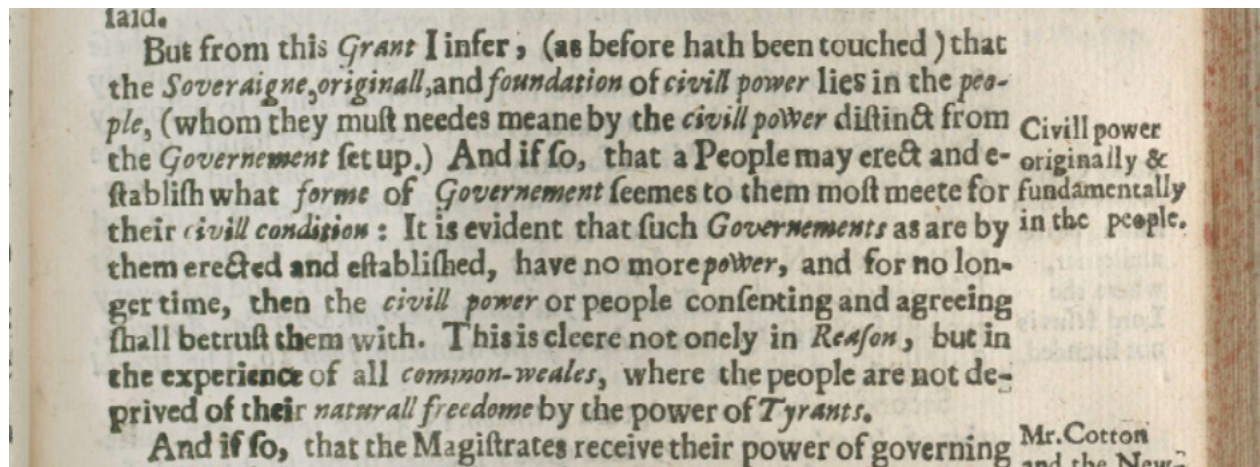
### DOCUMENT A

Book, Roger Williams, *The Bloudy Tenent* . . . , 1644 (excerpt)

Rhode Island Historical Society (ESTC R210620)

[https://rihs.minisinc.com//SCRIPTS/MWIMAIN.DLL/144/BIBLIO/WEB\\_BIBLIO\\_DETAIL\\_REPORT?SESSIONSEARCH&exp=sisn%2023179](https://rihs.minisinc.com//SCRIPTS/MWIMAIN.DLL/144/BIBLIO/WEB_BIBLIO_DETAIL_REPORT?SESSIONSEARCH&exp=sisn%2023179)

**Historical Context:** Roger Williams, an English-born Puritan convert, moved to what would become the Massachusetts Bay Colony in 1631. Williams spoke out in favor of religious liberty, separation of church and state, and fair dealings with Native Nations. As a result, he was banished from Massachusetts and fled to Narragansett territory where he founded Providence Plantation with the agreement of the Narragansett Nation, who agreed to the settlement in exchange for protection from enemy nations.. While in England to gain a charter for Providence in 1644, Williams wrote *The Bloudy Tenent*, which set forth his ideas on many aspects of government. The book was not released until Williams left England. Its publication sparked an uproar and it was publicly burned by order of Parliament in July 1644.



### Transcription:<sup>1</sup>

But from this grant I infer, as before hath been touched, that the sovereign, original, and foundation of civil power, lies in the people—whom they must needs mean by the civil power distinct from the government set up: and if so, that a people may erect and establish what form of government seems to them most meet for their civil condition. It is evident that such governments as are by them erected and established, have no more power, nor for no longer time, than the civil power, or people consenting and agreeing, shall betrust them with. This is clear not only in reason, but in the experience of all commonweals, where the people are not deprived of their natural freedom by the power of tyrants.

<sup>1</sup> a commonwealth: a state founded on law and united by the agreement of the people for the common good

<sup>1</sup>Transcription provided by Project Gutenberg, available at [gutenberg.org/files/65739/65739-h/65739-h.htm](https://www.gutenberg.org/files/65739/65739-h/65739-h.htm).

## Primary Source Packet (Con't)

### Analysis Questions

Review the historical context. How does this help you understand the meaning of the excerpt?

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According to Williams, what is the basis of governmental power? Who can set up a government? How long will that government endure?

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Identify any language used by the author that helps us understand his point of view. Why are these words helpful?

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Should the author be protected or punished for publishing this book? Provide evidence to support your argument.

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## Primary Source Packet (Con't)

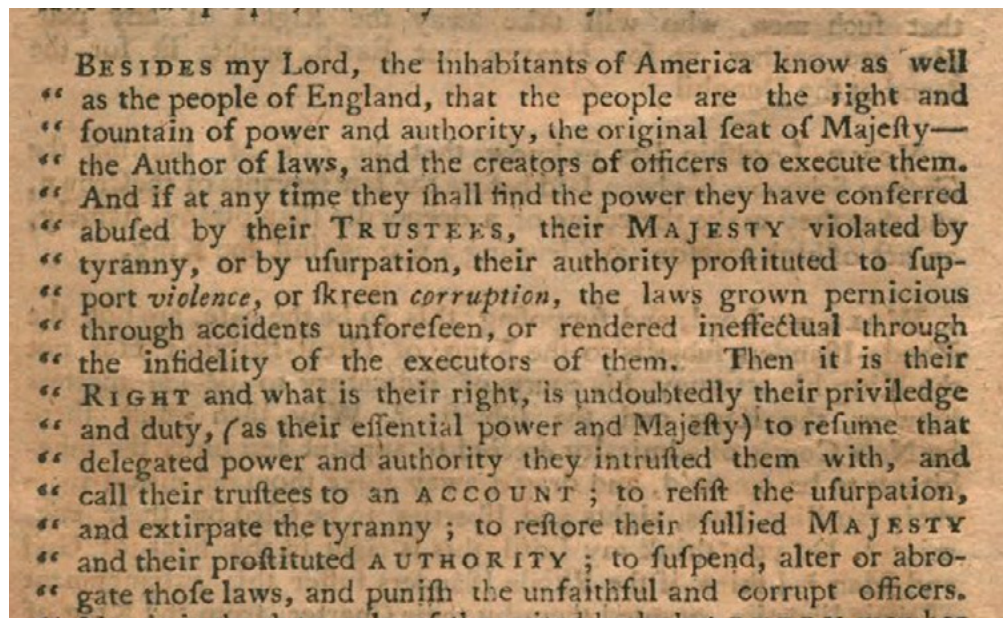
### DOCUMENT B

Speech, John Allen, *An Oration, Upon the Beauties of Liberty: Or the Essential Rights of the Americans*, 1773 (excerpt)

Florida Atlantic University Library (fauwsb2f13)

<http://fau.digital.flvc.org/islandora/object/fau%3A44888#page/6/mode/2up>

**Historical Context:** John Allen, a Baptist minister, arrived in Massachusetts in 1772 after publishing a pamphlet titled *The Spirit of Liberty* in 1770. Allen served as visiting minister of the Second Baptist Church in Boston from November 1772 to July 1773. On December 3, 1772, Allen delivered a Thanksgiving Sermon titled *An Oration, Upon the Beauties of Liberty, Or the Essential Rights of the Americans*. The sermon was a response to the British government's investigation into the burning of the *Gaspee*, a customs enforcement ship, by Rhode Islanders in June 1772. The sermon was later published in seven cities or towns in four separate editions. It ranks as the sixth most popular pamphlet published in British North America between 1765 and 1776.<sup>2</sup>



#### Transcription:<sup>3</sup>

BESIDES my Lord, the inhabitants of America know as well as the people of England, that the people are the right and fountain of power and authority, the original seat of Majesty—the Author of laws, and the creators of officers to execute them. And if at any time they shall find the power they have conferred abused by their TRUSTEES, their MAJESTY violated by tyranny, or by usurpation,<sup>1</sup> their authority prostituted to support violence, or skreen<sup>2</sup> corruption, the laws grown pernicious through accidents unforeseen, or rendered ineffectual through the infidelity<sup>3</sup> of the executors of them. Then it is their RIGHT and what is their right, is undoubtedly their privilege and duty, (as their essential power and Majesty) to resume that delegated power and authority they intrusted them with, and call their trustees to an ACCOUNT; to resist the usurpation, and extirpate<sup>4</sup> the tyranny; to restore their sullied MAJESTY and their prostituted AUTHORITY; to suspend, alter or abrogate those laws, and punish the unfaithful and corrupt officers.

- 1 taken away
- 2 to shelter or hide
- 3 having a harmful effect
- 4 unfaithfulness
- 5 root out or destroy completely

<sup>2</sup> Steven Park, *The Burning of His Majesty's Schooner Gaspee: An Attack on Crown Rule Before the American Revolution* (Yardley: Westholme Publishing, 2016), 91.

<sup>3</sup> Transcription provided by the Evans Early American Imprint Collection, University of Michigan, available at [quod.lib.umich.edu/e/evans/N10250.0001.001/1:3?rgn=div1;view=fulltext](http://quod.lib.umich.edu/e/evans/N10250.0001.001/1:3?rgn=div1;view=fulltext).



## Primary Source Packet (Con't)

### Analysis Questions

Review the historical context. How does this help you understand the meaning of the excerpt?

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According to Allen, what is the basis of governmental power? Who can set up a government?  
How long will that government endure?

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Identify any language used by the author that helps us understand his point of view. Why are these words helpful?

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Should the author be protected or punished for publishing this book? Provide evidence to support your argument.

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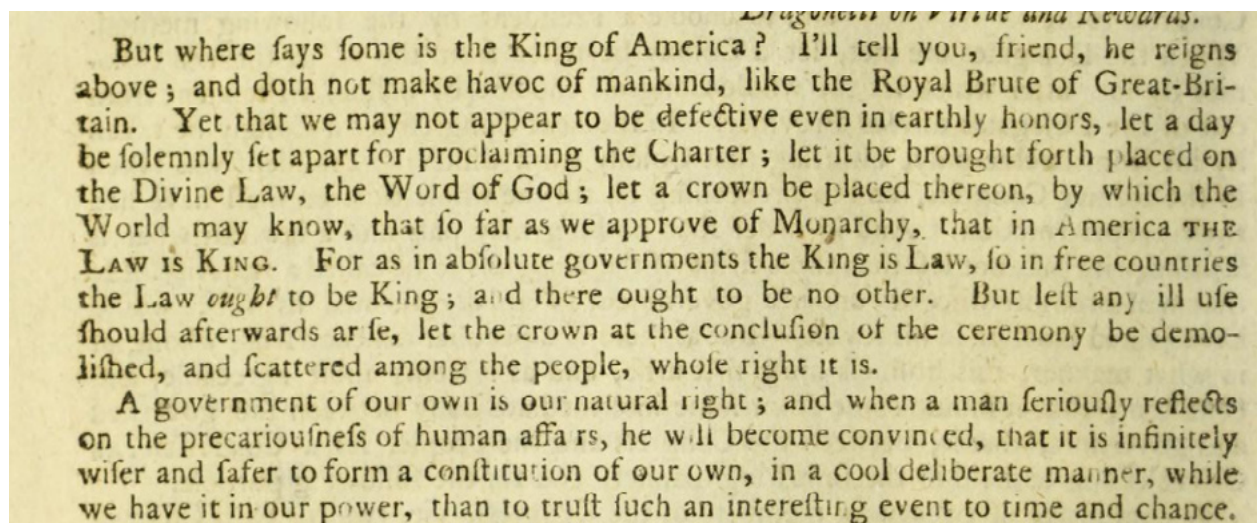
### DOCUMENT C

Pamphlet, Thomas Paine, *Common Sense* . . . , 1776 (excerpt)

The John Carter Brown Library (36575)

[https://archive.org/details/commonsenseaddre00pain\\_0/page/26/mode/2up](https://archive.org/details/commonsenseaddre00pain_0/page/26/mode/2up)

**Historical Context:** Thomas Paine, born in England in 1737, emigrated from England to the Americas in 1774, just as the tensions between the colonists and the British were coming to a climax. After the events of Lexington and Concord, as well as the first battle of the American Revolution at Bunker Hill, Paine published his pamphlet, *Common Sense*, in January of 1776. The pamphlet spoke to the American colonists in a common language expressing his ideas on the separation of the American colonies from the British Empire.



### Transcription:<sup>4</sup>

“But where says some is the King of America? I'll tell you Friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Britain. Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth placed on the divine law, the word of God; let a crown be placed thereon, by which the world may know, that so far as we approve of monarchy, that in America the law is king. For as in absolute governments the King is law, so in free countries the law ought to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is. A government of our own is our natural right: And when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance.”

<sup>1</sup> state of being likely to fall or collapse

<sup>4</sup> Transcription provided by Project Gutenberg, available at [gutenberg.org/files/147/147-h/147-h.htm](https://www.gutenberg.org/files/147/147-h/147-h.htm).

## Primary Source Packet (Con't)

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## Freedom of Speech or Sedition Chart

Primary Source / Quotation	Explain how this quote can be interpreted as sedition (incitement of resistance to or insurrection against lawful authority).	Explain how this quote can be interpreted as protected by freedom of the press (the legal right to express one's opinions freely).
Williams, <i>The Bloody Tenent</i> . . .  Selected Quotation:		
Allen, <i>An Oration</i> . . .  Selected Quotation:		
Paine, <i>Common Sense</i> . . .  Selected Quotation:		

## Assessment Options

**Guiding Question:** When does freedom of the press become seditious?

	Option One: Graffiti Poster	Option Two: Debate
<b>Description</b>	Create a one-page poster combining words and images to respond to the guiding question, <i>When does freedom of the press become seditious?</i>	Write a short debate between a British official and one or more of the authors of the primary sources that responds to the guiding question, <i>When does freedom of the press become seditious?</i>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>› Include evidence from the primary sources used in class.</li> <li>› Fill one page.</li> <li>› Include student-created images.</li> <li>› Respond to the guiding question.</li> </ul>	<ul style="list-style-type: none"> <li>› Include evidence from the primary sources used in class.</li> <li>› Include five to seven exchanges in a written debate.</li> <li>› Prepare a one- to two-minute recorded debate.</li> <li>› Respond to the guiding question.</li> </ul>
<b>Options</b>	<p>The poster may include evidence from additional primary sources, but they need to be properly cited on the back of the poster.</p> <p>The poster may be completed independently or with a partner.</p> <p>The poster may be created by hand or using a computer.</p>	<p>The debate may include evidence from additional primary sources, but they need to be properly cited as footnotes or parenthetical citations in the text.</p> <p>The debate may be completed independently or with a partner.</p> <p>The debate may be written or recorded.</p>