

First Amendment Law
Professor Teachout
Fall Term, 2023

Reading Assignment for First Class, August 28, 2023

Set out below is the reading assignment for the first class, Monday, August 28th. I am in the process of setting up the Canvas page for the course and, as soon as it is ready, I will post the course syllabus and all future assignments there. For the first class, I will be covering the historical protection of freedom of the press and free speech in America largely by lecture. We will also spend class time discussing the “Sedition Act Trials,” and in particular the trial of Mathew Lyon, as more fully appears below.

Module #1 (Monday, August 28th): Freedom of Speech and Press in Eighteenth Century America: The Sedition Act Trials

In preparation for class, please read pp. 1-26 of Ragsdale, “The Sedition Act Trials.” The Sedition Act trials are important, for among other reasons, because they illuminate what “freedom of the press” meant, and what it did not mean, to Americans in the period immediately following adoption of the First Amendment. They also illustrate peculiarities of federal court practice during that period.

In class on Monday, we will focus on the trial of Mathew Lyon, a Republican member of the U.S. House of Representatives from Vermont, in part since it has local relevance. Be prepared to discuss:

- what the Alien and Sedition Act of 1798 prohibited,
- the statements made by Mathew Lyon that were subject to prosecution under the Act,
- where Lyon’s trial was held,
- who presided,
- who represented Mathew Lyon,
- what Lyon’s arguments were,
- the role of judge and jury,
- and the ultimate disposition in the Lyon’s case.

Read: (1) 1st Amendment

(2) Ragsdale, “The Sedition Act Trials” (2005) pp. 1-26 at:
<https://www.fjc.gov/sites/default/files/trials/seditionacts.pdf>

(3) Outline of introductory lecture (posted under Module #1 on Canvas)