



HISTORICAL SOCIETY *of the* NEW YORK COURTS

The Origins and Development of American Legal History in New York City (1609 – 1865)

Lesson Plan #2: Revolutionary New York and the Origins of American Law

Background Reading: Edwin Burrows and Mike Wallace, *Gotham; A History of New York City to 1898* (New York: Oxford University Press, 1999) chs. 14 – 18.

Students should also read the [Bill of Rights of the US Constitution](#).

Class Activity #1 (15 minutes):

All members of the class should read the History.com page on the “[Alien and Sedition Acts](#).”

Questions for the Class:

1. What legal challenges did the US face after the American Revolution?
2. Were the Alien and Sedition Acts justified?
3. What does this episode tell us about how Americans understood the Constitution and the Bill of Rights?

Class Activity #2 (25 minutes):

Break the class up into two groups. Every student should read the HSNYC’s description of the 1799 case [People v. Frothingham](#). Using the HSNYC’s material, as well as the articles on the Alien and Sedition Acts and the Bill of Rights, each group should take a side in the case: Group #1 will defend the printer David Frothingham and the *Argus* while Group #2 should take the side of the prosecution and Alexander Hamilton. Each group will have 10 minutes to read the materials, 5 minutes to put together their case and then each group will present their case for 5 minutes.

Class Activity #3 (10 minutes):

This class should conclude with a general discussion of early American law in the era of the Revolution. Discussion questions:

1. How did the law in New York City change from the colonial period into the Revolutionary and post-Revolutionary eras?
2. What were some of the era’s debates regarding the Constitution?
3. Do you think New York City faced the same legal issues as other parts of the country – why or why not?

Homework: Students should read pages 6 – 20 of the HSNYC’s article on the 1804 case [People v. Croswell](#). They should then answer the following questions:

1. What is libel and why is it a problem in a democratic society?
2. Which side do you think was right in the *People v. Croswell* case, Thomas Jefferson or Alexander Hamilton?
3. Was justice served in the Supreme Court of New York in the case of *People v. Croswell*?