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# FLASHPOINTS: DISCUSSION GUIDE

## Free Speech & Political Dissent

Between 2021 and 2023, PEN America and the American Historical Association (AHA) cohosted [Flashpoints: Free Speech in American History, Culture and Society](#). This series presented the fascinating and complex history of free speech in American democracy to public audiences in cities across the country. The historical flashpoints highlight pivotal moments in which artists, activists, writers, filmmakers, and intellectuals tested the limits of free speech, challenged the public to redefine “freedom” and realized it anew for populations and causes that were at risk of having their liberties denied.

### How to Use This Guide

This guide was designed to supplement the three [video recordings](#) (accessible at [pen.org/flashpoints/](https://pen.org/flashpoints/)) of a live event for use in the classroom. The questions and prompts included here offer ideas for fostering student engagement in both secondary and postsecondary educational environments, foregrounding issues of general public interest that align with topics often covered in history, government, civics, and political science. Choose the prompts that seem best suited to the concerns and interests of your community, using them as a springboard for discussion, writing exercises, and debate or as a model for civic engagement.

### Incorporating Flashpoints into the Secondary Classroom

The videos associated with **Flashpoints: Free Speech and Political Dissent** can help structure lessons on the First Amendment, free speech, slavery, abolitionism, sectionalism, and the Civil War.

Teachers may wish to share excerpts of these videos to support conversations about any of the themes outlined above. Alternately, this material might help students prepare a panel discussion of their own, incorporating independent research related to a contemporary issue.

### Learning Outcomes and Standards Alignment

Questions of free speech and political dissent can orient an inquiry that aligns with the C3 Framework, especially as it applies to civics education. A lesson built around these videos and subsequent discussion can address D2.Civ.2 on the role of citizens; D2.Civ.4 on the US Constitution; outcomes associated with Participation and Deliberation (D2.Civ.7-10); D2.Civ.12 on using and challenging laws; and D2.Civ.14 on changing societies and protecting rights.

A classroom activity asking students to organize their own panel discussion will move firmly into dimensions 3 and 4, requiring students to gather and evaluate sources; develop claims and use evidence; communicate and critique conclusions; and, potentially, take informed action in their schools or wider communities.

Many states will have standards in civics, social studies, or history that address sectional tensions in the decades before the Civil War. The 1836 gag rule, and subsequent controversies over the extent to which the right to free speech protects dissenting views, may help to frame a pivotal period in US history in terms that today’s students will find compelling.



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## Flashpoints: Free Speech & Political Dissent

On May 18, 2022, Barbara Krauthamer, Claire Potter, and Geoffrey R. Stone joined moderator Brett Gadsden for a conversation about Free Speech & Political Dissent at the American Writers Museum in Chicago. Among the questions they addressed were: Just how “free” is free speech? How do we protect space for dissent? At this in-person event, the panel of historians discussed catalytic moments where strident expressions of political thought, widely perceived to be antidemocratic in their own place and time, provoked new strictures. From “gag rules” prohibiting abolitionist views on the congressional floor to anarchists and communists being deported or imprisoned for sedition, from obscenity laws to women’s right to birth control, Americans have often pushed the boundaries of politically acceptable speech and faced robust resistance.

### What Is a Panel Discussion?

The format of a panel discussion, in which multiple experts gather to talk about an issue of compelling public interest, provides a model for the kind of informed, civil dialogue that teachers hope to facilitate in the classroom and that is vital to the functioning of a democratic society. Many students may be unfamiliar with this style of intellectual exchange because people argue, rather than just deliver definitive facts. Teachers or discussion leaders may wish to call attention to the fact that each panelist has devoted years to the careful and thorough study of the topic they are addressing. Note, too, how each speaker anchors their interpretation in specific examples that provide evidence to support their perspective.

Informed debate can look quite different from the kinds of sparring matches students see on the news. The panelists may agree about some ideas but not about others. Grappling productively with reasonable differences in interpretation is essential to developing a full understanding of an issue. This kind of conversation—in which experts gather to discuss their findings—is an important component in the creation of new knowledge about our society and the world.

- Is this panel discussion different from debates we see on cable news? If so, how and why?
- Can we, as a class or discussion group, engage in a civil debate in our own class discussions?

### Free Speech & Political Dissent **Video** Presentations

- [Barbara Krauthamer](#) discusses how proslavery members of Congress implemented a “gag rule,” which automatically set aside all abolitionist petitions, as a way of stifling debate about the issue on the house floor.
- [Claire Potter](#) considers how the case of anarchist Emma Goldman is emblematic of continued efforts to silence speech critical of the government, in this case criticism of restrictions on immigration and laws that repress sexuality.
- [Geoffrey R. Stone](#) addresses how the US government punished those who opposed its entry into World War I and outlines how the Supreme Court’s views have evolved during subsequent conflicts.



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## The Flashpoint: The Abolitionist Gag Rule

The abolitionist movement was made up of a small group of committed and diverse actors who deployed a variety of legal and extralegal tactics to protest slavery. Many abolitionists were avowed pacifists and attempted to convince slaveholders of the evils of the institution through “moral suasion.” To accomplish this, abolition societies active in Northern states engaged in a mass mailing campaign to the South during the 1830s and flooded Congress with antislavery petitions.

The First Amendment explicitly codifies the right to petition, a foundational freedom with deep precedent in English law and the political grievances that led to the American Revolution. Individuals or groups drafted petitions, a specific form of legal document, to ask a governing authority to address an issue or concern. Petitions could be concerned with national issues, such as foreign policy, or profoundly local concerns, like the placement of wells in a specific neighborhood. Unlike voting, which occurred infrequently and was restricted to white men, anyone in the early United States could sign their name to a petition at any time. As such, the petition provided an avenue for groups with limited political rights—including Black men, children, Indigenous people, servants, and women—to influence the legislative process or seek intervention from those holding political power. Initially, Congress adopted a policy in which they read, considered, and responded to all petitions they received, especially when an elected member brought one forward for discussion.

Although few Americans would ever attend Congress to witness debates in person, abolitionists soon recognized that the petition was a valuable tool to mobilize public opposition to slavery. The First Congress received 486 petitions in 1789. During the 1830s, due to abolitionist efforts, the number of such documents delivered to the US Capitol routinely exceeded 3,000 per year. Not only were there more petitions, but many of these were signed by greater numbers of people. Both white and free Black women were particularly active in organizing petition drives at a local level. Abolitionist Angelina Grimké became the first woman to address an American legislative assembly when she delivered an antislavery petition with more than 20,000 signatures to the Massachusetts State House. With petitions, abolitionists attempted to force the issue of slavery to the forefront of the national political agenda.

Supporters of slavery responded by introducing the so-called “gag rule,” which passed in May 1836. The gag rule changed the procedures of the House of Representatives so that any petition promoting the abolition of slavery would be rejected automatically and without debate or response. Advocates of this new policy exploited public fear, widespread among enslavers and their allies, that any public discussion of abolition threatened to undermine the economic, social, and political power of Southern states, perhaps even inspiring enslaved people to wage war against the institution that held them in bondage. Some Southerners, for instance, blamed Denmark Vesey’s plot to revolt in South Carolina in 1822 and Nat Turner’s Rebellion in Virginia in 1831 on the work of abolitionists and the influence of their writings.

Before watching Dr. Krauthamer’s video, it may be helpful to discuss why some members of Congress, sworn to uphold the Constitution, would have opted to place restrictions on the foundational right of people in the United States to petition their government.



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- What is a “gag rule”? Have you ever encountered this phrase in another context?
- Why did some Congressional leaders decide that it was a good idea to reject petitions without reading them? What were these politicians worried might happen if petitions were read and debated in the House of Representatives?
- How do you think opponents of slavery responded to the 1836 gag rule?
- Did the abolitionist gag rule violate the Constitutional protections of freedom of speech and the right to petition? Why or why not?

### **Defending and Challenging the Gag Rule**

After watching Dr. Krauthamer’s video, students may wish to delve deeper into the issues behind this controversy.

Many proponents of the gag rule believed that slavery was essential to the future success of the United States. By the 1830s, proponents of slavery insisted that the practice was natural, moral, and fundamentally beneficial to all people. This perspective took for granted racist assumptions about the inferiority of enslaved people. Because they believed that Black men and women were content with their circumstances, only an outside force could cause rebellion. Proponents of slavery claimed that abolitionist material was incendiary and tricked enslaved people into revolution.

Proslavery politicians worried that any discussion of slavery in Congress would empower an abolitionist movement that they accused of encouraging enslaved people to rise up in violent revolt. In this context, Southern politicians took steps to prevent the spread of abolitionist ideas. Several states outlawed the publication of any text that advocated for the end of slavery or for racial equality. A bill to implement a national ban fell just four votes short in the Senate. Georgia even placed a \$5,000 bounty on the head of abolitionist William Lloyd Garrison, publisher of the abolitionist newspaper *The Liberator*. Supporters of these restrictions insisted that the speech they opposed aimed to incite insurrection and was thus not protected under the First Amendment.

Many other Americans rejected this reasoning, even though in the 1830s, comparatively few Northerners advocated for the abolition of slavery. Far more voters objected to restrictions on civil liberties. The 1836 gag rule added weight to accusations that the expansion of slavery threatened the rights and freedoms of people who lived in free states too. The year the gag rule was passed, Congress received a record 9,400 petitions. John Quincy Adams, who served as a congressman after his presidency, opposed the gag rule from its inception. Every year after 1836, he attempted to have it overturned. In 1844, Adams and his supporters in the Whig Party convinced more than three quarters of Northern Democrats to vote to repeal the rule. While the gag rule initially passed with support from Congressmen in both the North and the South, its repeal showcased a country becoming increasingly sectional, regardless of party affiliation.



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- How did abolitionists challenge the gag rule? Why did they do so? What can this tell us about the politics of slavery in the 1830s?
- The gag rule directly targeted petitions. Did efforts to restrict the circulation of abolitionist ideas during this period infringe on other aspects of the First Amendment? How are each of these rights connected to each other?
- Note the language of the petition Dr. Krauthamer uses as an example (2:26–3:49). Why was it important for women to frame their petitions within the language of morality?
- How do the abolitionist strategies compare to those adopted by other social movements? Do you think they would have been more or less successful if they tried other strategies?
- Can this history help us better understand the causes and consequences of the Civil War?

### **The Legacies Abolitionist Gag Order**

- In 1918, the Sedition Act banned criticism of US involvement in World War I and the draft. How did this restriction on speech compare with the 1836 gag rule?
- Are there restrictions on petitions and other forms of political speech in our world today?
- PEN America describes the series of laws enacted since 2020 that seek to limit the content that can be taught in public schools and universities as “educational gag orders.” Many such measures focus on histories of racism and slavery. Why do you think PEN describes state laws in this way? In what ways are these measures similar to the 1836 gag rule? In what ways are they different?

### **Suggestions for Further Reading**

Carpenter, Daniel. *Democracy by Petition: Popular Politics in Transformation, 1790–1870*. Cambridge, Mass.: Harvard University Press, 2021.

Foner, Eric. *The Story of American Freedom*. New York: W.W. Norton & Company, 1998. Chapters 2, 3, and 8.

Greenidge, Kerri. *The Grimké’s: The Legacy of Slavery in An American Family*. New York: Liveright, 2022.

Haynes, April. “Radical Hospitality and Political Intimacy in Grahamite Boardinghouses, 1830–1850,” *Journal of the Early Republic* 39, no. 3. (Fall 2019): 397–436.

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