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- “[Freedom in the Balance](#)” examines individual rights vs. national security in the wake of 9/11, and pairs historical and contemporary case studies. Case studies on protest and taking a stand include Coxey's Army (which you'll see in the following pages), [1919 White House pickets](#), and passage of the “gag rule.”

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Taking a Stand Against Unemployment: Students Debate Coxey's Army and the Right to Petition on Government Grounds



"GENERAL" COXEY, ACCOMPANIED BY REPORTERS WITH BICYCLES.

Balancing Freedoms: Historical Case Study and Debate

In this lesson, students use primary sources from a Coxey's Army march to Washington to debate the balance between freedom of assembly and petition with public propriety welfare.

OBJECTIVE: Students will understand multiple perspectives and arguments that shaped a historical debate about First Amendment freedoms.

GRADE LEVEL: Middle school, high school, advanced placement, college and university

STANDARDS: *C3 Framework:* D3.4.6-8, D4.1.6-8 *Common Core:* CCSS.ELA-Literacy.RH6-8.2, CCSS.ELA-Literacy.SL6-8.4

TIME: 60 minutes

MATERIALS: Copies of the selected historical case study and positions, one per student (download); copies of the Balancing Freedoms: Organizing Evidence and Present Your Position worksheets, one of each per group (download); access to www.NewseumED.org to view primary sources

PREPARE

Review your chosen case study and its corresponding background and primary sources.

DO

1. Review the First Amendment's five freedoms: religion, speech, press, assembly and petition. Explain that the case study they will be looking at will examine a past debate about how far these freedoms should go.
2. Pass out and read the case study scenario. Check for comprehension and ask students to identify which First Amendment freedom(s) is/are at issue in this case.
3. Break your class into small groups and assign each group one of the people/perspectives. Hand out copies of the Balancing Freedoms: Organizing Evidence worksheet. Give groups approximately 30 minutes to look at the primary sources online and answer the worksheet questions. (Note: Students may wish to organize their sources and evidence using a spreadsheet, such as Google Sheets.)
4. Pass out the Balancing Freedoms: Present Your Position worksheets and allow each group 10 minutes to fill it out.

DISCUSS

Have each group present its position and give arguments in support of this position. Keep the gallery of case study sources on NewseumED.org open so students can refer to them as they explain their arguments. Possible prompts include:

- Which person/people has/have the strongest position? The weakest position? Why?
- Which person/people won in this case? Do you agree with this outcome? Do you think it would have the same outcome if similar events took place today? Why or why not?
- How does this case study relate back to 9/11 and the debates and tensions that arose in this country after the 2001 terror attacks?

- What current issues does this historical controversy remind you of? (To draw further connections, you may wish to use the contemporary case study that corresponds with your chosen historical case study.)

EXTENSION ACTIVITY 1

Share the “What’s your freedom type?” NewseumED [quiz](#) with your students. In small groups, students should agree on an answer for each question. Then, as a class, compare results. Discuss: How easy/difficult was it to come to a consensus on an answer for each question? How is that process similar to/different from arguing a position you’ve been assigned?

EXTENSION ACTIVITY 2

Write a position paper or record a video of a statement that provides further evidence in support of a position on this issue. Students can use the provided gallery of primary sources as a starting point, but may also incorporate additional research to strengthen their arguments. A NewseumED [Pinterest board](#) of related resources on Coxey’s Army provides a starting point for expanded research.

Case Study: Coxey's Army (1894)

EXPLORE THE DEBATE

To what extent should the U.S. Capitol, where government business must be conducted daily, be open to individuals seeking to influence their elected representatives?

THE CASE

The United States is facing a serious economic depression with 18 percent unemployment, but President Grover Cleveland does not believe the government should fund social or economic aid programs. Jacob Coxey, a wealthy Ohio businessman, disagrees and begins speaking out in favor of government programs to help the unemployed, such as road building projects. He announces a plan for all of his followers nationwide, called the "industrial army," to march to Washington, D.C. to deliver their proposals directly to Congress.

Roughly 500 men arrive in D.C. – far fewer than the 100,000 Coxey had predicted, but still a large crowd. They march to the Capitol, where Coxey attempts to deliver a speech from the steps. Before he can finish, he and his followers are forcibly removed by the police, who cite an 1882 law that called for the preservation of the "quiet and dignity of the Capitol of the United States." The law outlawed giving speeches or carrying signs on the Capitol grounds.

Coxey is arrested, and the nation debates the tactics of "Coxey's army." Some congressmen and newspaper editorials praise the protection of peace and order at the Capitol. Others rush to defend Coxey's actions as a valid form of petitioning the government.

QUESTIONS TO CONSIDER

- Did this gathering interfere with government business? Harm the dignity of the Capitol?
- Could Coxey's army have used other methods to make their point? Besides assembling at the U.S. Capitol, how else can you effectively petition the government?
- Should there be restrictions on assemblies and speeches on the U.S. Capitol grounds? If yes, what restrictions do you support? If no, why not?

DEBATE POSITIONS

1. Jacob Coxey, businessman and leader of the “industrial army”

- **Position:** As Americans, we have a right to assemble and petition our elected leaders where they work, especially in the face of a serious economic crisis that is causing many people to suffer.
- **Statement:** “The Constitution gives us the right to [parade on the Capitol grounds], and Congress has no power to pass laws in violation of the Constitution. There is no legal authority on the part of anybody to prevent my making a speech on the steps of the Capitol, and that I propose to do.” (Comment to a reporter from United Press)

2. President Grover Cleveland

- **Position:** Marching at the Capitol will not help fix the economy and will not convince me to change my position. It will create a disruption and interfere with important government business.
- **Statement:** “The Constitutional right of petition does not justify methods dangerous to peace and good order, which threaten the quiet of the National Capitol, which are contrary to law and opposed to the ordinary means of obtaining legislative relief under our system of government.” (Proclamation issued by order of President Cleveland, 1894)

3. Police Superintendent William G. Moore

- **Position:** This march could be dangerous and will disrupt the routine at the Capitol. The law clearly states that the Capitol grounds should remain peaceful, and it is my job to enforce the law.
- **Statement:** “This act is very stringent. It will serve to prevent the meeting on the steps of the Capitol and its provisions are ample in allowing the police force to deal with loiterers in the Capitol grounds.” (Public announcement prior to Coxey’s arrival in Washington)

4. Senator William Peffer (Kansas) and Senator William Allen (Nebraska)

- **Position:** These men have a right to present their ideas to their elected leaders. As members of Congress seeking a solution to our nation’s problems, we should allow them to bring their message to the Capitol and should listen to what they have to say.
- **Statement:** Coxey and his followers “have a right to enter upon the Capitol grounds and into the Capitol building itself as fully and to as great an extent as other citizens or persons.” Attempts to block them from doing so “would be a clear violation of their constitutional and inalienable right.” (Resolution to Congress on Coxey’s army)

Balancing Freedoms: Organizing Evidence

Summarize the historical controversy you are debating. _____

What do people disagree about? _____

Which person/people are you representing? _____

In your own words, explain the person's position on this issue. What does s/he think should be done, and why?

Look through the evidence gallery for your case study on NewseumED.org. For each source, answer the questions below on your own paper or in your own spreadsheet.

1. Name of source
2. What is it? (newspaper, photograph, etc.)
3. Is this a primary or secondary source, or a combination? Explain.
4. Does this source contain any information that supports your position? YES/NO (Keep in mind that some sources may be used to support multiple positions based on which parts are used or how they are interpreted.)
5. If no, move on to the next source. If yes, explain how this source supports your position.

BONUS – Choose two sources that do not support your position.

1. _____
2. _____

How could these sources be used to support another position?

Source 1 could be used to support the position that: _____

Because: _____

Source 2 could be used to support the position that: _____

Because: _____

How would you counter the arguments above with your own sources/evidence?

Counter-argument for source 1: _____

Counter-argument for source 2: _____

Balancing Freedoms: Presenting Your Position

Case study title: _____

Your position: _____

Using the evidence you've gathered, prepare three arguments that you think will persuade other people to support your position.

Example position: The Cantwell family (Jehovah's Witnesses) should be allowed to spread their religious message even if it offends others.

Example argument: The Jehovah's Witnesses are not hurting any people or things – if anything, they are the victims of violence and discrimination. A mob attacked Jehovah's Witnesses in Illinois, but the Cantwells and other Jehovah's Witnesses were nonviolent and did not damage any property.

Source(s) of evidence: Aftermath of an Attack on Jehovah's Witnesses (photograph) and Jehovah's Witnesses Proselytize on a New England Street (photograph)

How does this evidence support your argument? The Jehovah's Witnesses are walking peacefully on a sidewalk as they seek new followers. The destroyed cars show that people who didn't like Jehovah's Witnesses could be violent and destructive.

Argument 1: _____

Source(s) of evidence: _____

How does this evidence support your argument? _____

Argument 2: _____

Source(s) of evidence: _____

How does this evidence support your argument? _____

Argument 3: _____

Source(s) of evidence: _____

How does this evidence support your argument? _____

Rank your arguments from strongest to weakest and plan how you will present them to the class. Will you open with your strongest argument, or will you save it for last? What order will be the most persuasive? Who will present each argument? Be prepared to show the sources and evidence that support each argument to make your presentation more persuasive.

1st argument: _____

Presented by: _____

2nd argument: _____

Presented by: _____

3rd argument: _____

Presented by: _____

Teacher Background Information: Coxey's Army (1894)

Jacob Coxey was a very successful businessman. Although he was wealthy, he was greatly concerned about the millions of unemployed Americans suffering during the economic depression. He created a plan for the government to issue \$500 million in treasury bonds, a type of loan that allows the government to raise money and pay it back over time at a pre-determined interest rate. With the money raised, the government could fund a massive program to improve and expand the nation's roads and guarantee all the workers hired a living wage of \$1.50 per day. This plan would have increased government spending by 75 percent, and most federal officials ignored it or made fun of it.

Coxey's believed marching to Washington, D.C. with his supporters would force federal officials to look at his proposals and consider them more seriously. Coxey and his followers believed this action would be protected by the First Amendment. Although the march did not attract as many men as Coxey had hoped, newspapers across the country closely followed its progress. Nothing similar had happened in the nation's history.

Weeks before the marchers reached Washington, the Washington police superintendent warned that Coxey and his men would not be allowed to present their petition on the Capitol grounds. He stated that the 1882 Act to Regulate the Use of the Capitol Grounds very clearly prohibited any such activity. President Grover Cleveland supported this position.

Some politicians spoke out in support of Coxey's march. Sen. William Peffer of Kansas introduced a resolution calling for a committee of senators to officially receive Coxey and consider his petition. The resolution also questioned the constitutionality of the 1882 law, warning that threats to or arrests of the marchers "would be a clear violation of their constitutional and inalienable right."

On May 1, 1894, the marchers approached the Capitol led by Coxey's daughter, who was dressed in white to symbolize peace. Thousands of spectators gathered to watch the parade move down Pennsylvania Avenue. By the time they reached the Capitol, the crowd was thick. Coxey made his way to the building's steps and prepared to deliver a speech, but he was quickly interrupted by the police. Before he could give his planned speech or present his proposals, he was arrested and charged with violating the 1882 Act.

Following Coxey's arrest, most of the members of the "army" gave up and left Washington. Those who did not were forcibly driven from their camp by the police.

Coxey's attorney was Sen. William Allen of Nebraska, one of the Congressmen who believed that Coxey and his followers should be received with respect at the Capitol. Allen argued that Coxey's actions were protected by the First Amendment, but Coxey was found guilty of trespassing and sentenced to spend 20 days in jail and pay a \$5 fine. Following the sentence, the *New York Times* wrote approvingly, "The right to assemble and petition for a redress of grievances is not a right to assemble in any place where lawful business, public or private, will be disturbed by the assembly."

On May 1, 1944, Jacob Coxey, then 90 years old, was invited to return to the Capitol and finish delivering the speech that was interrupted 50 year earlier. Although he was finally allowed to share his ideas from the Capitol steps, as he'd envisioned, the Capitol Grounds Act was still law, and his speech was only allowed by special permission from the speaker of the House and the vice president. The

Capitol Grounds Act was not overturned until 1972. Many saw Coxe's 1894 march, though ultimately not fully successful, as the first step toward overturning that law and transforming Washington into the preferred high-profile gathering place for marchers supporting all kinds of causes.