

The Rule of Law and the Role of the Media in Modern America

Class: Practical Law, Intro to Law

Unit: *The Rule of Law*

Lesson Title or Topic/Essential Question:

The Rule of Law and the Role of the Media in Modern Media

Quote: Edmund Burke has been credited as saying “there were three Estates ... but in the Reporters Gallery yonder, there sat a fourth Estate more important far than they all.”

Essential Question: To what extent does the modern media serve the public interest and maintain public trust in its coverage of the judicial branch?

Scaffolding Questions:

1. What is “modern media” and how does it interact with the judicial branch?
2. What is the “public interest” and how is it determined in a democracy?
3. What standards in journalism are necessary to maintain public trust?

Estimated Classroom Time Required for the Lesson:

Three Days (50 minutes instruction, each):

Day 1. Introduce the question and Narrative 4 Discussions (see Introduction/Anticipatory Set for Narrative 4).

Day 2. Review the media coverage of *Dobbs v Jackson*.

Day 3. Review and analyze the written language of the Court’s decision. Have the class discuss the essential questions addressed in the decision.

Content Standard Alignment:

IDAHO CONTENT STANDARDS GRADE 9-12 U.S. HISTORY II

Standard 4: Civics and Government Students in U.S. History II build an understanding of the organization and formation of the American system of government, build an understanding that all people in the United States have rights and assume responsibilities, and build an understanding of the evolution of democracy.

Goal 4.3: Build an understanding that all people in the United States have rights and assume responsibilities.

Objective 43.1: By the end of U.S. History II, the student will be able to identify the impact of landmark United Supreme Court cases.

Lesson Objectives/Instructional Outcomes:

Students will:

- Explain the difference between the Opinion of the Court and the Dissenting Opinion.
- Analyze the extent to which modern media effectively performs the role of the “fourth estate.”
- Develop a list of essential questions for citizens to understand and evaluate media coverage of the court.

Lesson’s Relationship to Unit Structure:

This lesson will be a component of the unit titled “The Rule of Law in Modern America”. The purpose of the unit is to help students understand the legal challenges that have shaped American democracy in the late 20th and early 21st centuries. This lesson focuses on the ways the idea of judicial activism and media representations of court decisions have interacted.

Connections to previous lessons, prior reading, and assignments:

The lesson builds on students’ knowledge of the Constitution from a previous unit (The Constitutional Framework), particularly Article III, as well as several landmark decisions such as *Marbury v Madison*, *McCulloch v Maryland*, *Cohens v Virginia*, and *Gibbons v Ogden*.

This lesson will also be immediately preceded by lessons on more recent legal issues including *Roe v Wade* and *Planned Parenthood v Casey*.

This lesson:

Students examine the language of decisions and reasoning of the Supreme Court, as well as the way that modern media covers the Court. The purpose of the lesson is to strengthen students' abilities to read and understand the language of the Court and critically examine media in order to identify gaps in information, misinformation, and the role that media plays in shaping the perception of the Court.

Foundation for future lessons:

The lesson will prepare students for examining historic decisions of the Court and exploring how decisions of the court and the media's response have shaped debates and divisions throughout United States History.

Instructional Materials/Resources:**Resources:**

- Media
 - [NPR](#)
 - [The National Review](#)
 - [New York Times](#)
 - [Center for Reproductive Rights \(social media\)](#)
 - [Pro-Life America \(social media\)](#)

- The Court
 - [Dobbs Summary \(Oyez\)](#)
 - [Opinion of the Court \(Alito/Justia\)](#)
 - [Dissenting Opinion \(Kagan/Justia\)](#)

- [Note catcher](#)

Methods and Instructional Strategies**Concept Prerequisites**

Key concepts and terms: media; partisan(ship); the rule of law; the principle of judicial review; judicial decision, judicial opinion, concurring opinion, dissenting opinion, and *stare decisis*.

Anticipated Student Misconceptions:**Students might believe:**

- The Court is a partisan political body.
- The Court makes law, rather than deciding the meaning of the Constitution. (Review Articles I-III, to examine the actual powers of each of the three branches and the principal of checks and balances.)

Introduction/Anticipatory Set:**Warm-up:**

- (Day 1) Introduce and unpack the lesson's essential question and introductory quote.
- Conduct a brief discussion of Burke's ideas about the importance of the media in a democracy.
- Use the discussion prompt from the [Narrative 4 Story exchange discussion](#). Tell a story about a time when you saw something in media that changed the way you think or feel.
- Narrative 4 moves from pairs, to small group, to whole group discussion.
- As a whole group, discuss student perceptions of the media and public interest vs. public trust.
- Watch the [crash course on media institutions](#).

Instructional Activities:**Activities:**

- (Day 2) Following the warm-up N4 discussion, students will view multiple representations of the media's coverage of the *Dobbs v Jackson* decision. Students will examine each of these sources in small

groups and organize their thoughts in the provided [note catcher](#) :

- [NPR](#)
 - [The National Review](#)
 - [New York Times](#)
 - [Center for Reproductive Rights \(social media\)](#)
 - [Pro-Life America \(social media\)](#) .
- Following the review of the media resources, students will engage in a teacher-led discussion of their reactions to each of the sources and any questions that came up during the review.
 - (Day 3) In small groups, students will review and discuss the written language of the court's decision and complete the second page of the [note catcher](#).
 - Discuss and summarize groups' conclusions as they relate to the key learning objectives (teacher-led; whole class).

Differentiation According to Student Needs:

Some students, depending on their background, may need a review of the Judicial branch and the principle of judicial review, as well as any of the other academic terms and phrases embedded in the lesson.

For some students, the written and oral responses prompted by the lesson might not align with the accommodations or modifications that are designed to meet their needs. It may be appropriate to offer students the opportunity to draw notes, eliminate some of the questions, or select images that reflect their learning.

Small group work is designed to engage multiple students in a cooperative task. Group formation should consider how to help students support each other in the most effective way, and frequent teacher interaction with small groups can help guide discussions and notetaking.

Wrap Up- Synthesis/Closure:

As a whole class, develop a set of questions that are essential for all readers to consider when viewing media coverage of the courts.

Assessment (Formative and Summative):

Formative: Monitor student mastery as they work to complete the note catcher and during final class discussion.

Summative assessment: Create a short answer question that presents students with an excerpt from a Court's decision in another modern case and excerpts from the media's response. The assessment will evaluate the student's ability to comprehend and explain the court's reasoning and identify gaps in reporting. Modern cases for Summative assessment; [Obergefell v Hodges](#) and [District of Columbia v Heller](#).

Extension and Evaluation of the Lesson

Enrichment: Assign students research projects to examine the media's coverage of other modern cases. Students could present cases and media coverage of cases that they research, and perhaps identify sources of journalism and types of media that are most reliable.

Evaluation: As the unit and course continue, monitor students' ability to apply the critical questions they developed to new court cases and transfer their learning to new situations.