True Crime and the Court of Public Opinion

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GRADE LEVEL: 11TH–12TH GRADES

Overview

This lesson will provide students an opportunity to consider the role of media and public opinion in criminal procedure. They will learn about the significance of the Lindbergh case in setting precedent for media coverage of court cases and apply that knowledge to evaluate the evolution of the role of media and public opinion in modern court cases.

Objectives

- Define the First Amendment
- Identify the role of media and public opinion in criminal procedure
- Analyze the extent to which media and public opinion shape criminal procedure
- Evaluate and present on the evolution of the role of media and public opinion in modern cases
- Debate the role the First Amendment plays with freedom of the press and covering criminal proceedings

Materials

- Lesson handouts printed or shared via Google Docs
- Articles printed or shared via Google Docs

Vocabulary

- First Amendment • Judicial ethics

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Prework

Recommended to complete Lesson 6: Witness Misidentification and Coerced Confessions.

Lesson Activities

WARM-UP (5–10 MINUTES)

Step 1: Ask students to define the First Amendment. What does it cover in relation to freedom of the press?

Step 2: Encourage students to dig deeper and ask them what they think the role of media and public opinion is in criminal procedure. Write student answers on the board and discuss.

ACTIVITY 1: LINDBERGH CASE AND THE EVOLUTION OF MEDIA IN CRIMINAL PROCEEDINGS (35 MINUTES)

Step 1: Share with students the article "The Media Story of the Century."

Step 2: Read the article as a class and discuss the role the media played in the court case. Encourage students to consider how public opinion shaped media coverage.

Step 3: Introduce the article "The Media's Role in Changing the Face of US Courts." In groups of 3–4 students, have each student take a section, read it, and then share with the group the main takeaways.

Step 4: In their groups, have students record and discuss their understanding of the evolution of media coverage and its role in criminal proceedings.

Step 5: Hold a class discussion asking students to discuss the evolution of media coverage and public opinion in criminal proceedings. Ask them to delve deeper into the notion that Gary Hengstler presents—that the role of citizens as stakeholders in these cases and interest of the public is rooted heavily in America's Founding values. Have students explain their thoughts using evidence from the article to this question.

For those not on a block schedule, introduce the next activity, which will take an hour or longer. Choose the timing that works best for your students, and after completion, move to Activity 3.

ACTIVITY 2: CASE RESEARCH PROJECT (ALSO OPTIONAL FORMATIVE ASSESSMENT) (60 MINUTES OR LONGER)

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Step 1: Pair students and introduce them to their case research project. Share that their goal is to be like a journalist and investigate a case from the 21st century that highlights the role of the media and public opinion in criminal trials. Explain that this may include cases such as the murder of Breonna Taylor, the Johnson & Johnson class-action lawsuit, or Supreme Court cases such as *Molina v. Book*.

Websites students may consult for cases include:

- Joan and Irwin Jacobs Docket, US Supreme Court, ACLU
- Public Access to Court Electronic Records, US Courts

Step 2: Instruct students that after choosing their case they should focus on the following questions:

- When did it happen? What precedent was set?
- How did the case highlight the extent to which media and public opinion shape cases? What role if any do they play in impacting criminal procedure in America?

Step 3: Upon completion of their research, have students choose between a podcast, Flipgrid, or Prezi to share their research.

Step 4 (optional): Have each student share their presentation on either the class page, via a learning management system like Canvas, or by sharing a link and having students view each other's and choosing one to comment on.

ACTIVITY 3: DEBATE (30–60 MINUTES)

Share with students that since they have examined the evolution of media coverage and the influence of public opinion, they will now engage in debate on the topic. Explain to students that they will debate the extent to which the First Amendment plays a role in media coverage of criminal proceedings in America.

Optional Extension Assignment

- Have students choose a case that they are interested in writing an essay on to practice their Advanced Placement writing skills. Ask students to answer the following prompt: To what extent does the media and public opinion have a role in criminal procedure in America?
- Hold a debate about the role of freedom of the press related to the First Amendment and criminal procedure.

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