

FREEDOM
FORUM



A Free Press

Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof;

LESSON PLAN: A FREE PRESS

Lesson question:

How does a free press act as a check on government officials?

Lesson summary

In this lesson, students will begin exploring free press by looking at historical images of Americans learning from the press. Students will then explore freedom of the press by examining the ways in which the press serves as a check on government officials in different ways. Students will learn about the different types of journalism and explore important U.S. Supreme Court cases like *Near v. Minnesota* and *New York Times Co. v. Sullivan* to learn about how court precedent protects journalists against government censorship. Students will then test their knowledge of freedom of the press by connecting their knowledge to front page news stories. They will end by reflecting on why a free press is important.

Lesson objectives

Students will be able to:

- Identify and define three different types of journalism and the ways in which journalists act as a check on government officials
- Explore and analyze Supreme Court cases associated with freedom of the press, including *Near v. Minnesota*, *New York Times Co. v. Sullivan*, *New York Times Co. v. United States* and *Miami Herald Publishing Co. v. Tornillo*
- Apply their understanding of the free press to specific scenarios by determining how specific types of journalism check government officials
- Identify modern examples, using [Today's Front Pages](#), of the press acting as a check on government officials and explain how the example answers the lesson question

Lesson materials

- Student handouts for introduction, activities 1-3 and wrap-up
- Student devices (to access [Today's Front Pages](#) in an online format or available in an app)
- Scissors and glue sticks (or students can write in the information in Activity 2)

Lesson sequence

1. Introduce students to the lesson question: "How does a free press act as a check on government officials?" Ask students to look at the contemporary images, pick one and discuss "How could what is happening in this image connect to freedom of the press and/or journalism?"
2. Then, follow up with "The press can include so many different people and actions. How can these actions help to ensure government officials are being honest and fair and are doing their jobs?"
3. Distribute the **introduction handout**. Have students look for the limiting words in the provided excerpt of the First Amendment and then consider why keeping the government from abridging the press is important. Then, read the introduction.
4. Distribute the **handout for Activity 1** with four historical images of people engaging with the press. Have students examine the images, write down what is happening in the images, and then write down how this situation might look different today. How might these people be engaging with the media differently if they were alive today?
5. Distribute the **Let's learn more! handout** and **handouts for Activity 2**. Read about how a free press holds power accountable in a democracy and the key functions of the press as a watchdog. Then, have students read about three different types of journalism that help to check government officials. Have students check their understanding by completing the five

questions. Then, have students cut out the "three types of journalism" cards and put them in the proper row and column on their chart. An answer key is included. Students could write answers if the teacher wants to skip the cut-and-paste step.

6. Distribute the **handout for Activity 3**. Students should use their graphic organizer to keep track of the key ideas from each case. This activity could be done as a jigsaw. Then, have students connect the cases and key legal precedents by drawing a line between the correct matches. Ask them to assess how these legal precedents help the press act as a check on government officials.
7. Distribute the **wrap-up activity handouts**. Ask students to take out a device to access Today's Front Pages online at <http://frontpages.freedomforum.org> (can also be accessed via an app). First, ask students to explore the front pages by looking for three headlines that connect to the First Amendment. Point out to students that if they click on a newspaper, there is a 1A tally on the right-hand side. Then, ask students to find four headlines that help inform the public about what government officials are doing. Then, have students explore Today's Front Pages to find an example of each of the three types of journalism. Have them fill out the graphic organizer for each example. Finally, ask students to answer the lesson question based on what they found in Today's Front Pages.

Introduction: A Free Press

Lesson question:

How does a free press act as a check on government officials?

WHAT DOES THE FIRST AMENDMENT SAY ABOUT FREEDOM OF THE PRESS?

Circle the limiting words listed here in the First Amendment. What does it mean to “abridge” something?



Why would it be important to limit the government’s power to “abridge” the press?

“Congress shall make no law... abridging the freedom of...the press.”

Introduction to freedom of the press

Imagine a world where governments operate in secrecy, corruption thrives unchecked, and people are left in the dark. Without a free and independent press, people lack important knowledge, democracy weakens and those in power face no accountability for wrongdoing. From uncovering political scandals to exposing corporate fraud, journalists serve as democracy’s watchdog, shining a light on hidden truths and ensuring the public stays informed.

WHO IS PROTECTED BY THE FIRST AMENDMENT’S PRESS FREEDOM?

Many people assume “press” refers only to professional journalists and news organizations. However, the First Amendment’s protection of press freedom ensures the right of everyone – not just journalists – to share ideas, opinions, news and viewpoints through publication. It prevents the government, in most cases, from interfering with publishing news.

The government does not have the authority to decide who qualifies as a journalist. There is no official licensing, certification or approval process to determine who can exercise press freedom. Instead, courts have broadly interpreted “press” to include all publishers – anyone who creates, edits and distributes news – with the intent to provide information to the public. This protection applies to newspapers, magazines, radio, TV broadcast and cable stations, and digital publications, but it also extends to individuals who publish news-related content, including bloggers, podcasters, documentary filmmakers, citizen journalists and independent writers. Whether you are a professional reporter, a citizen journalist, a content creator, or simply someone sharing information online, the First Amendment broadly protects your right to publish and distribute content from government interference.

Activity 1: Enjoying freedom of the press then and now

DIRECTIONS: Look at the historical photographs below of people accessing the press.

1. What is happening in each image?
2. How might these photographs of people accessing the press look different today?



(Universal History Archive/Universal Images Group via Getty Images)

A radio broadcast keeps a girl company in her boardinghouse room in Washington, D.C.



(AP Photo/RH)

Children use a computer in a classroom in New York.

What is happening?

How might it look different today?

What is happening?

How might it look different today?



(AP Photo)

Two children read a newspaper in Los Angeles.



(AP Photo)

Children crowd around the family radio in Illinois.

What is happening?

How might it look different today?

What is happening?

How might it look different today?

Let's learn more!

Lesson question:

How does a free press act as a check on government officials?



The front page of the Aug. 9, 1974, issue of *The New York Times*, reporting President Richard Nixon resigns after the Watergate scandal.

How does a free press hold power accountable in a democracy?

A democracy thrives on transparency, and a free press plays a crucial role in ensuring those in power remain accountable. Without independent media, the public could lack critical information about government decisions, corruption and abuses of power.

This watchdog role allows the press to challenge the powerful. Governments and corporations sometimes attempt to suppress unfavorable coverage. However, strong legal protections – like those established in U.S. court cases affirming First Amendment protections – help safeguard press freedom. By shining a light on abuses, the press helps ensure power remains with the people.

Key functions of press as a watchdog

Uncovering information	Journalists uncover fraud, abuse and government overreach through research, interviews and data analysis.
Public accountability	When wrongdoing is exposed, officials and institutions must answer for their actions.
Historical impact	<i>The Washington Post's</i> reporting on the Watergate scandal, which contributed to the resignation of President Richard Nixon, is a powerful example of journalism playing a part in holding power accountable.

Activity 2: Different types of journalism

When you open a newspaper, scroll through a news website or watch a media report, you're seeing journalism, but journalism takes many forms and serves different purposes. Let's explore how three key types – fact-based news, opinion and investigative journalism – differ in purpose, method and tone.

1. Fact-based news reporting: Just the facts

Fact-based news is the core of journalism: providing clear reporting about the facts of what's happening in the world. Unlike opinion pieces, there's no interpretation here, just information.

Picture a reporter covering a city's new public transportation plan. They interview officials, include statistics about projected ridership and maybe even share a quote from a commuter, but they leave out their own opinions. You're left to decide if the plan is good or bad.

Examples of fact-based news:

- A breaking news report about a wildfire spreading in California
- A summary of the latest unemployment figures
- A recap of a high-profile court case

The tone here is neutral and factual, like a GPS giving you directions without any commentary on the scenery.

2. Investigative journalism: Unearthing hidden truths

Investigative journalism dives deeper than breaking or hard news stories. Rather than reporting what's already known, it uncovers information new to the public. This type of journalism often requires months or even years following leads, requesting and analyzing documents, and interviewing sources to expose hidden wrongdoing or systemic problems. Reporters often face challenges like threats of legal action and government pushback and must ensure their information is accurate and precise.

Consider a groundbreaking exposé about a company secretly polluting water sources or a report on how a housing authority has been neglecting tenants. Investigative journalism connects the dots to both reveal the bigger picture and explain why it matters.

Examples of investigative journalism:

- A documentary exposing corruption in government contracts
- A report revealing how social media companies handle user data
- A magazine article outlining the "fixing" of results of professional sports matches for gambling purposes
- A recap of a high-profile court case

The tone here is analytical and revelatory, designed not just to inform but also to spark accountability and change.

3. Opinion journalism: The voice of perspective

Opinion journalism is like sitting down with someone who has a strong view on a topic and isn't afraid to share it. The purpose here isn't just to inform you but to take a side, persuade you, challenge your thinking or spark debate.

Imagine reading a columnist's fiery take on why the city's public transportation plan should be enacted. While opinion writing may include evidence – like statistics on pedestrian safety and traffic volume – the focus is on the writer's personal interpretation and argument. Think editorials in newspapers, op-eds written by subject matter experts or even movie reviews.

Examples of opinion journalism:

- A political columnist arguing for or against new legislation
- A food influencer making a video post explaining why a restaurant's menu is a disaster
- A sportswriter arguing that LeBron James has surpassed Michael Jordan as the greatest basketball player of all time

Opinion pieces often have a conversational or provocative tone designed to grab your attention and leave you with something to think about.

All three forms of journalism – fact-based news, investigative reporting and opinion – are protected by the First Amendment, ensuring the free flow of information, diverse perspectives and accountability in a democratic society.

Check your understanding!

DIRECTIONS: Circle the correct type of journalism for each scenario.

<p>1. An investigation reveals a pharmaceuticals company hid data on a drug's dangerous side effects.</p>	<p>Fact-based Opinion Investigative</p>
<p>2. A columnist argues that social media is ruining face-to-face communication.</p>	<p>Fact-based Opinion Investigative</p>
<p>3. An exposé reveals a charity misused donations for personal luxury expenses.</p>	<p>Fact-based Opinion Investigative</p>
<p>4. A resident's letter to the editor urges town schools to ban smartphones to improve student focus.</p>	<p>Fact-based Opinion Investigative</p>
<p>5. A report shares the latest Labor Department job statistics without analysis or commentary.</p>	<p>Fact-based Opinion Investigative</p>

Activity 2: Different types of journalism – key elements

Check your understanding! Match the cards to the correct type of journalism and correct column.

Type	Purpose	Approach	Examples	Tone
Fact-based news reporting				
Investigative journalism				
Opinion journalism				

Activity 2: Different types of journalism — key elements

Directions: Cut out the “types of journalism” cards below and match them to the correct type of journalism and correct column.

To share personal views and persuade or spark debate

Exposé on corruption, investigative documentaries, detailed reports on systemic issues

To provide unbiased, factual information about events or issues

To uncover hidden truths or systemic problems through in-depth research

Editorials, op-eds, reviews, opinion columns, video commentaries

Neutral, factual and concise

Involves long-term research, analysis of records and interviews, often with confidential sources

Relies on verified facts, direct quotes and eyewitness accounts without personal opinions

Personal, persuasive and sometimes provocative

Analytical, detailed and often revelatory

Breaking news stories, event coverage, updates on ongoing situations, livestreaming events as they happen

Focuses on the writer’s opinions, interpretations and arguments; may include evidence but centers on persuasion

Activity 2: Teacher answer key

Type of journalism	Purpose	Approach	Examples	Tone
Fact-based news reporting	To provide unbiased, factual information about events or issues	Relies on verified facts, direct quotes and eyewitness accounts without personal opinions	Breaking news stories, event coverage, updates on ongoing situations, livestreaming events as they happen	Neutral, factual and concise
Investigative journalism	To uncover hidden truths or systemic problems through in-depth research	Involves long-term research, analysis of records and interviews, often with confidential sources	Exposé on corruption, investigative documentaries, detailed reports on systemic issues	Analytical, detailed and often revelatory
Opinion journalism	To share personal views and persuade or spark debate	Focuses on the writer's opinions, interpretations and arguments; may include evidence but centers on persuasion	Editorials, op-eds, reviews, opinion columns, video commentaries	Personal, persuasive and sometimes provocative

Activity 3: Using Supreme Court cases to understand freedom of the press

Directions: As you read each Supreme Court case summary, write down key ideas below.

Supreme Court case	Key freedom of the press ideas
Near v. Minnesota (1931)	
New York Times Co. v. Sullivan (1964)	
New York Times Co. v. United States (1971)	
Miami Herald Publishing Co. v. Tornillo (1974)	

Activity 3: Using Supreme Court cases to understand freedom of the press

Directions: Read each of the case summaries. Highlight the key ideas. Determine why this case is important for freedom of the press and write it down in the provided space.

Supreme Court case #1: *Near v. Minnesota* (1931)

Facts of the case: The first major Supreme Court case involving prior restraint — censoring news before it’s published — was *Near v. Minnesota*. A Minnesota law barred the publication of malicious or defamatory materials. A county prosecutor convinced a judge to issue a gag order against two journalists from a newspaper called *The Saturday Press* after they wrote several articles accusing that prosecutor and other politicians of doing business with gangsters.

Legal question: Does the Minnesota law violate the free press clause of the First Amendment?

Outcome: The Supreme Court ruled for the paper and overturned the law, calling the prior restraint “the essence of censorship.”

Impact: The court established as a constitutional principle the doctrine that, with some narrow exceptions, the government could not censor, mandate review of or otherwise prohibit a publication in advance (also known as “prior restraint”), even if the communication might be punishable after publication. The court left the door open to prior restraint in “exceptional cases,” citing wartime and incitement to violence as potential examples.

Supreme Court case #2: *New York Times Co. v. Sullivan* (1964)

Facts of the case: *The New York Times* ran an advertisement from pro-civil rights activists. The ad contained minor inaccuracies, and a city commissioner in Montgomery, Alabama, who oversaw the police and fire departments sued the *Times* for libel, a type of defamation. A jury awarded the commissioner \$500,000 in damages. *The New York Times* appealed, arguing the application of Alabama’s libel law violated the paper’s First Amendment freedoms of speech and press.

Legal question: Did Alabama’s libel law unconstitutionally infringe on the *Times*’ First Amendment’s speech and press rights?

Outcome: The court sided with the *Times*, ruling that proving published information was inaccurate was not enough for the press to be held liable for defamation. Actual malice was required.

Impact: The case set the standard that’s still used today to measure how a journalist or news outlet can be liable for damages in some defamation cases. The standard, called “**actual malice**,” means a public official bringing a lawsuit must prove the news outlet knew the information was false and published it anyway, or acted with reckless disregard for the truth. The standard doesn’t make it impossible for a public official (later extended to “public figures,” well-known people who do not work in government) to sue a journalist for defamation, but it does make it difficult to win.

Supreme Court case #3: *New York Times Co. v. United States* (1971)

Facts of the case: Daniel Ellsberg worked with a government committee to detail the history of the U.S. military's involvement in Vietnam in an internal government report later known as the Pentagon Papers. Ellsberg, a government contractor with the Rand Corp. who previously had worked at the Pentagon, leaked the papers to the press, and *The New York Times* (and *The Washington Post*) published them in 1971. The report showed President Lyndon Johnson had lied about military actions in Vietnam and outlined much more than the public had been told about U.S. involvement in the region well before the Vietnam War began. Ellsberg was arrested and faced federal charges under the Espionage Act, but a federal judge declared a mistrial, and Ellsberg was never convicted.

President Richard Nixon attempted to stop the newspapers from publishing additional documents related to the leaked report, arguing the material was classified. The administration convinced a federal judge to impose an injunction on the newspapers to stop them from publishing more in the Pentagon Papers series.

Legal question: Did the Nixon administration's efforts to prevent the publication of "classified information" violate the First Amendment?

Outcome: In 1971, the Supreme Court overturned the injunction, allowing the *Times* and the *Post* to continue publishing more from the leaked documents.

Impact: The court held there is a "heavy presumption against" prior restraint of the press. The vague claim of "security" should not be used to restrict fundamental freedoms under the First Amendment.

Supreme Court case #4: *Miami Herald Publishing Co. v. Tornillo* (1974)

Facts of the case: Pat Tornillo was a candidate for the Florida House of Representatives in Dade County. The *Miami Herald* published two editorials criticizing Tornillo and his candidacy. Tornillo demanded the *Herald* publish his responses to the editorials. When the *Herald* refused, Tornillo sued under a Florida law that granted political candidates criticized by any newspaper the right to have their responses published. The *Herald* challenged the statute as a violation of the free press clause of the First Amendment.

Legal question: Did Florida's "right to reply" law violate the free press clause of the First Amendment?

Outcome: The U.S. Supreme Court held that Florida's "right to reply" law violated freedom of the press under the First Amendment. It noted that "press responsibility is not mandated by the Constitution and ... cannot be legislated." The law intruded on the job of editors and penalized press companies based on content.

Impact: The court held that compelling a newspaper to publish content against its editorial judgment imposes an unconstitutional burden on press freedom.

Activity 3: Using Supreme Court cases to understand freedom of the press

Directions: Match them! Read the key legal precedents and draw a line to the correct case.

Supreme Court cases	Key legal precedents
1. <i>Near v. Minnesota</i> (1931)	_____ This ruling reinforced that journalists must be free to publish critical reports without government interference through prior restraint.
2. <i>New York Times Co. v. Sullivan</i> (1964)	_____ This decision reinforced the principle that the government cannot suppress information just because it claims there is a threat to national security. Instead, the government must prove there is an immediate, grave threat.
3. <i>New York Times Co. v. United States</i> (1971)	_____ The court held that compelling a newspaper to publish content against its editorial judgment imposes an unconstitutional burden on press freedom.
4. <i>Miami Herald Publishing Co. v. Tornillo</i> (1974)	_____ The ruling ensured that public officials (later extended to public figures) cannot use defamation lawsuits to suppress criticism, thereby promoting open political debate.

How do these legal precedents help the free press act as a check on government officials?

Wrap-up

Lesson question:

How does a free press act as a check on government officials?

Directions: Go to Freedom Forum’s Today’s Front Pages. Use the graphic organizer below to document evidence that would help you answer today’s lesson question.

To get started, go to Today’s Front Pages
at: <https://frontpages.freedomforum.org/>

Find three headlines from Today’s Front Pages that connect to the First Amendment.
 Write the headlines here.

1. _____

2. _____

3. _____

Note: If you click on the newspaper, there is a 1A tally in the right-hand column.

Find four headlines that help inform the public about what government officials are doing.
 Write the headlines here.

1. _____

2. _____

3. _____

4. _____

Note: If you click on the newspaper, there is a 1A tally in the right-hand column.

Finding the different types of journalism

Find an article on one of the front pages that includes **fact-based journalism** about the government.

Example:

Title: "State remains battle ground for book-banning efforts: Each side insists other is acting in bad-faith and is unreasonable"

Article title: _____

Why is it "fact-based journalism"? Find a quote to support your thinking. _____

How does it help people learn about government actions?

Finding the different types of journalism

Find an article on one of the front pages that includes **investigative journalism** about the government and/or government officials.

Example:

Title: "Analysis of public utilities data reviews that 75% of residents were overcharged last year"

Article title: _____

Why is it "investigative journalism"? Find a quote to support your thinking. _____

How does it help people learn about government actions?

Finding the different types of journalism

<p>Find an article on one of the front pages that includes opinion-based journalism about the government and/or government officials.</p> <p>Example: <i>Title: "Public Education Is Democracy"</i></p>	<p>Article title: _____</p> <hr/> <p>Why is it "opinion-based journalism"? Find a quote to support your thinking.</p> <hr/> <p>How does it help people learn about government actions?</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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