



ABA ★ **Law Day** 2026

Rule of Law and the American Dream

Law Day Teachers' Guide

Created to prompt discussion about the rule of law using court cases based in New York State

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**This set of graphic organizers were created by the New York Newspapers Foundation
News Media Literacy/NIE program**



Notes:

Introduction

According to the U.S. Department of State, “In a democracy, the rule of law is manifested in an independent judiciary, a free press and a system of checks and balances on leaders through free elections and separation of powers among the branches of government. ... the rule of law is based primarily on the U.S. Constitution and on the assurance that U.S. laws are fair and are applied equally to all members of society.”

Indeed, newspapers and other media not only act as government “watchdogs” but constantly reflect the “living constitution” in its coverage. Whether by formal Constitutional amendment or by legislation passed by Congress, executive agreements, and court decisions, our legal system is both consistent and ever changing.

We hope this series educates you to New York’s role in our legal history. This series is intended to prompt discussion in the classroom and give a deeper understanding of the law, especially the U.S. Constitution.

This guide that will focus on key court cases throughout New York State history. These cases, among others, helped establish the rule of law.

The following worksheets will highlight the following cases:

The Crown v. John Peter Zenger
Gibbons v. Ogden
Lochner v. New York
Engel v. Vitale
New York Times v. United States

All but the first are cases that went up to the Supreme Court.

The Crown v. John Peter Zenger, 1735

In the early 1730s, John Peter Zenger, a German immigrant, started publishing The New-York Weekly Journal. In it, he printed articles by opponents of Governor William Cosby criticizing his removal of the colony's Chief Justice from office. These articles mocked Cosby while warning against leaders who put themselves above the law. Outraged, Governor Cosby ordered copies of select issues seized and burnt and Zenger was eventually indicted for seditious* libel. After months in jail, Zenger's trial began, but his lawyers were disbarred and prevented from defending their client. Andrew Hamilton, a Philadelphia lawyer, took over the case and offered a defense that went against traditional English law.

In England, proof of publication was all that was necessary to convict a publisher of libel. Whether the alleged libel was true or not didn't matter. Hamilton insisted that the truth should make a difference: if Zenger had published the truth, he couldn't be guilty of libel.

When the court rejected Hamilton's argument, the lawyer urged jurors to decide for themselves. They acquitted Zenger, setting a precedent in favor of truth that was later affirmed by courts in England and the United States. Thus, a jury of regular men helped lay the foundation for one of the freedoms in the First Amendment of the U.S. Constitution.

Key concepts:
♦ Independent juries
♦ Freedom of the Press

*Sedition: word or action inciting rebellion against the authority of a state.

Newspaper Activity:

Locate articles, editorials or political cartoons that report on the decisions of local, state or national government leaders. As a class, discuss how this information would be different without the protection of Freedom of the Press. Rewrite or redraw this coverage as it might be reported without the First Amendment. Organize your thoughts in the chart below or using additional paper.

Summary of examples found in the newspaper	Examples of differences without 1 st Amendment

Gibbons v. Ogden, 1824

In 1808, Robert Fulton and Robert Livingston were granted an exclusive 20 year grant from the New York legislature to operate steamboats on the state’s waterways. This monopoly was very important because steamboats carried both people and goods and was very profitable. Aaron Ogden was operating steamboats under a license from the Fulton-Livingston Company and he had a route between New York and New Jersey. Thomas Gibbons, originally partners with Ogden, had a federal coasting license and competed with Ogden operating along the same route.

Key concepts:
 ♦ Interstate commerce
 ♦ Federal supremacy versus state rights

Ogden was upset by the competition and petitioned the New York court. He obtained an injunction ordering Gibbons to stop operating his boats in New York waters. Gibbons appealed to the Court of Errors of New York which agreed with the lower court decision. Thomas Gibbons finally appealed his case to the

Supreme Court of the United States which ruled that the injunction against him was invalid.

The monopoly granted by the New York statute conflicted with the Constitution of the United States. The Court used Gibbons v. Ogden to establish the position that Congress can legislate and regulate all matters of interstate commerce as long as there is a commercial connection with another state. Power to regulate intrastate commerce (trade completely within the state) is reserved to the states.

Newspaper Activities:

- ♦ Look through the newspaper for articles or advertisements that show examples of interstate commerce and intrastate commerce. Brief a sentence or two describing each in the chart above.
 - Imagine the troubles that would arise if each state had conflicting laws regarding these business practices. Write a brief report on the issues you imagined.

Interstate Commerce: between 2 or more states	Intrastate Commerce: within the state

Lochner v. New York, 1905

Key concepts:

- ◆ Due process
- ◆ “Freedom of contract”
- ◆ State “police powers”

In the 1890s, New York enacted the Bakeshop Act which set minimum standards for sanitation and a maximum ten-hour work day and sixty-hour week for bakeshop employees. This was one of many laws passed during the turn of the century that regulated hours, wages, and conditions of work with the intent of protecting the public health and welfare of the individual.

In 1902, Joseph Lochner, a tiny bakery owner in Utica, was convicted and fined \$50 for permitting an employee to work more than the lawful number of hours. Lochner appealed his conviction

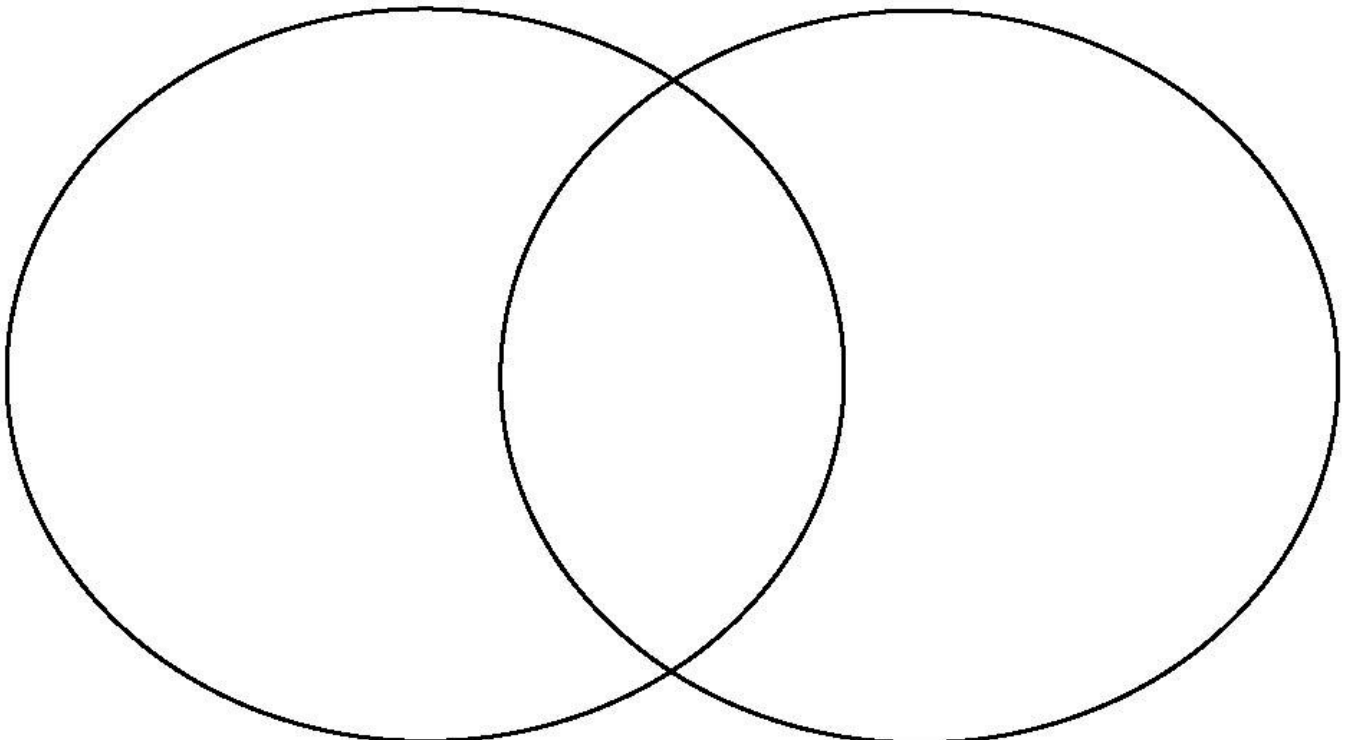
up to the New York Court of Appeals which affirmed his sentence. Claiming the law was unconstitutional under the Fourteenth Amendment, depriving him of life, liberty, or property without due process of law, Lochner appealed to the U.S. Supreme Court.

In a controversial decision, the Court held that, “...There is no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker...”* The New York law in question was not within the limits of its “police powers.” This ruling marked the beginning of a “substantive due process” era in the Court which it used to balance freedoms of the individual and the power of government. Eventually Lochner was overturned by another case 12 years later.

*Excerpt from the majority decision by Justice Peckham.

Newspaper Activity:

Look through the newspaper for articles about something the government has done or proposes to do that will work for the greater good of the entire community. Use the Venn diagram below to compare and contrast one of these to your understanding of the Bakeshop Act.



Engel v. Vitale, 1962

In 1951 the New York State Board of Regents in an attempt to build character and instill good citizenship in students developed and approved a “nondenominational prayer.” It read, “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.” All school districts were encouraged to have students recite it at the start of each school day. Participation was not mandatory.

The parents of public school pupils in New Hyde Park schools objected that the prayer contradicted their religious beliefs. They filed suit in a New York State court seeking a ban on the prayer. The appeals court upheld the use of the prayer, “so long as the schools did not compel any pupil to join in the prayer over his or his parents’ objection.” And in 1961, citing the prayer as a violation of the Establishment Clause in the First Amendment, the parents brought their case to the Supreme Court.

The court decided that government-directed prayer in schools was unconstitutional and a violation of the Establishment Clause. This was the first of several cases in which the Court used the Establishment Clause limiting government-directed prayer. More than 45 years have passed since this decision and it remains extremely controversial.

Key concepts:

- ◆ Establishment clause
- ◆ Government-directed prayer in public schools

Newspaper Activity:

Look through editions of the newspaper for editorials. Note how these persuasive pieces use facts to support the opinions. Use these editorials as a model and write whether you agree with the Engel v. Vitale decision or disagree with it and why. Use the grid below, organize the facts you’ve found concerning prayer in schools. Be sure to include the points that support the opposing point of view. By knowing and understanding the opposition’s argument, you can strengthen your own position.

SUPPORTING FACTS	
PROS	CONS

Extension activity: Have the class share its opinions verbally during a controlled debate.

Better at expressing yourself visually? On the back of this sheet draw an editorial cartoon that clearly argues your side of the issue.

New York Times v. United States, 1971

In 1967 Secretary of Defense McNamara commissioned a study of the history of US decision-making of policies involving Indochina, specifically Vietnam. The resulting documents became known as the Pentagon Papers. In 1971, Daniel Ellsberg, a government researcher, gave copies of the documents to the press.

On June 13, 1971, the New York Times began publishing articles about the documents and the Washington Post published information later that same week. On June 15 the government went to a New York federal district court seeking an injunction prohibiting the Times from publishing articles about the Pentagon Papers. The government pursued similar action against the Post in the District of Columbia. Both federal district courts refused to issue a permanent injunction.

Key concepts:

- ◆ Executive power
- ◆ Freedom of the Press

on June 26. The government argued that prior restraint (prohibiting information from being published) was necessary to protect national security. However, on June 30, a divided Court refused to stop publication of the Pentagon Papers because the government failed to meet the burden to justify prior restraint. This case became an important precedent in support of the First Amendment's

freedom of the press.

Newspaper Activity:

Our nation's founders realized someone needed to hold the government accountable for its actions. The First Amendment, freedom of the press, ensures that newspapers and other media continue to serve as the "public's watchdog." Publishing information and commentary on controversial topics are two ways newspapers exercise this responsibility.

- ◆ Look through editions of the newspaper for examples of the newspaper holding the government or elected officials responsible for their actions (or in some cases, inaction). Imagine you are an elected official; briefly write how you would work to resolve this issue.

Issue	Your solution

Additional Resources:

(listed in alphabetical order)

American Bar Association – Rules, Rules, Rules Lesson Plan - In this lesson, students are asked to play a game – passing an object, such as an eraser – in which the rules are unclear and keep changing. Students are then asked to actively reflect on when and why rules are important and necessary. The leader might then connect rules of the game to the rule of law, and discuss the importance of law in our communities and in our society.

https://www.americanbar.org/groups/public_education/resources/lesson-plans/middle-school/constitution/rules--rules--rules/

The Center for Civic Education – How Does Government Secure Natural Rights? - This lesson introduces you to some basic ideas the Framers used in creating the kind of government they thought would best protect the natural rights of each individual and promote the good of all.

<https://www.civiced.org/lessons/how-does-government-secure-natural-rights>

The Constitution Center has a two-day lesson plan where students will reflect on how their understandings of Rule of Law relate to the Constitution, the judicial system, and their daily lives.

<https://constitutioncenter.org/learn/educational-resources/lesson-plans/rule-of-law-high-school-level>

This lesson encourages students to examine their own assumptions and to deepen their understanding of the currently accepted interpretation of freedom of the press under the First Amendment.

https://constitutioncenter.org/media/const-files/EDU_FY20_FreedomofthePress_LessonPlan.pdf

Facing History and Ourselves: The Rule of Law and Why it Matters - This lesson provides students with the opportunity to both learn what it means to respect the rule of law and consider its importance in a democracy. <https://www.facinghistory.org/resource-library/rule-law-and-why-it-matters>

iCivics – Rule of Law - Students learn about the rule of law and how it protects individual rights and freedoms. By performing short, scripted skits that illustrate what life might be like without the rule of law, students identify six factors that make up the rule of law and analyze how each factor affects daily life.

<https://www.icivics.org/teachers/lesson-plans/rule-law>

Newseumed.org – Free Press Challenges Through History: Analyzing Historical Sources –

Freedom of the press is much simpler in theory than in practice. In this activity, students use the E.S.C.A.P.E. strategy to closely analyze a historical source, shedding light on how freedom of the press has ignited controversy and drawing comparisons to today's debates over the role of the media.

<https://newseumed.org/tools/lesson-plan/free-press-challenges-through-history-analyzing-historical-sources>

New York State Historic Newspapers – The NYS Historic Newspapers project provides free online access to a wide range of newspapers chosen to reflect New York's unique history. Search the archive for news coverage of the cases when they happened. <https://www.nyshistoricnewspapers.org/>

Street Law, Inc. – The Rule of Law – In a series of lessons students will engage in several activities to develop their understanding of rule of law and its factors, and begin assessing the extent to which their community adheres to the rule of law. <https://www.streetlaw.org/rule-of-law-education/lesson-overviews--outcomes>

Rule of Law Vocabulary

Look up and write a definition for each of the following terms

Civics _____

Constitution _____

Due Process _____

Equality _____

Fair _____

Government _____

Journalism _____

Judicial _____

Justice _____

Rule of Law Vocabulary (continued)

Laws _____

Liberty _____

Press (noun) _____

Protection _____

Respect _____

Responsibility _____

Rights _____

Rules _____

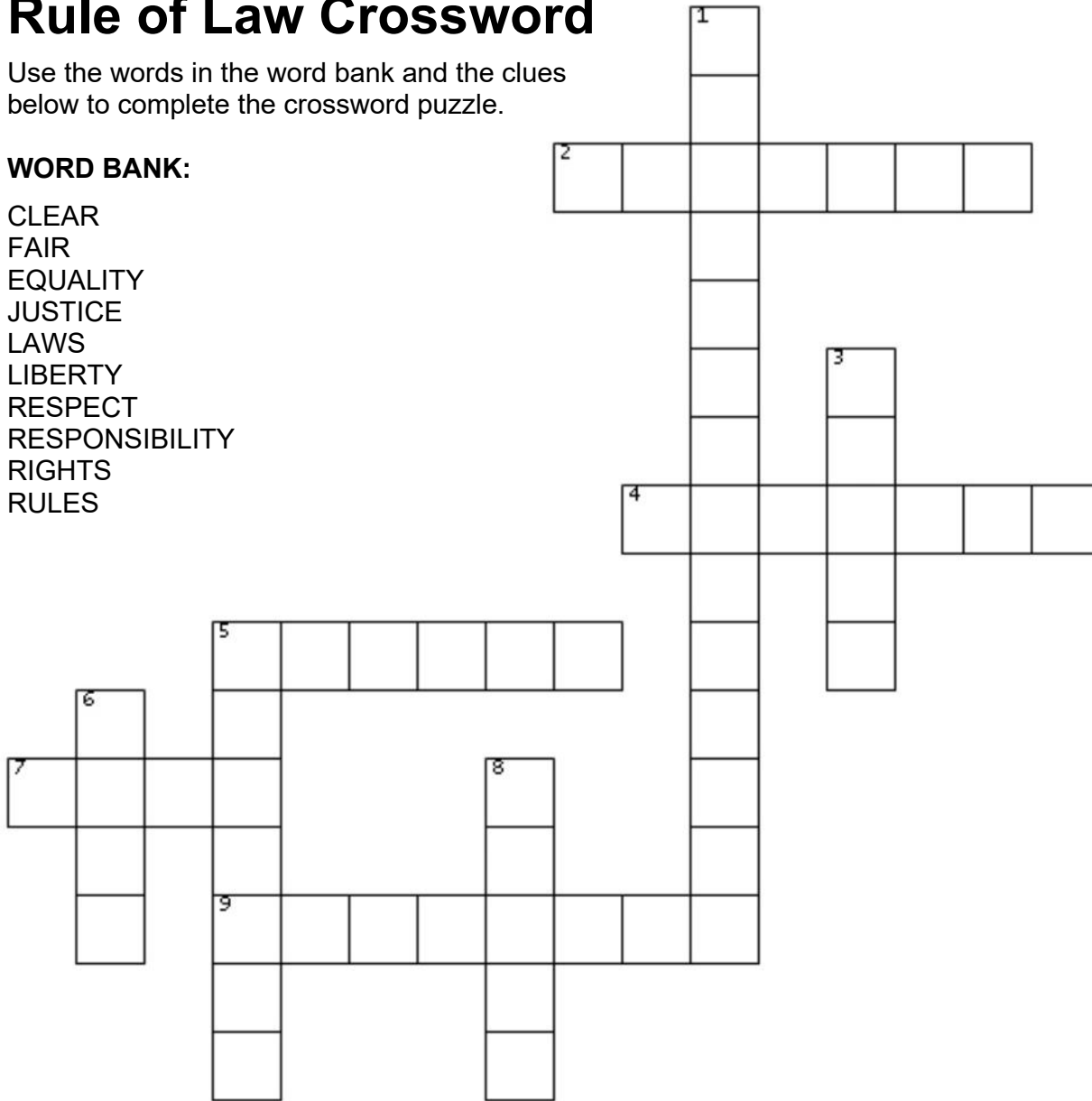
Assessment: What is one new thing have you learned exploring these vocabulary words?

Rule of Law Crossword

Use the words in the word bank and the clues below to complete the crossword puzzle.

WORD BANK:

- CLEAR
- FAIR
- EQUALITY
- JUSTICE
- LAWS
- LIBERTY
- RESPECT
- RESPONSIBILITY
- RIGHTS
- RULES



ACROSS	DOWN
2. Fair treatment: process or result of using laws to fairly judge people 4. State of being free, able to act and speak freely 5. Ideals of what is good or proper; just claims 7. Collection of established rules 9. The same in number, amount, degree, rank or quality	1. State of being in charge; quality of being dependable 3. Easily heard, seen, noticed or understood 5. High or special regard; esteem, worthiness 6. Not favoring one over another; neither good nor bad 8. Guides/principles for conduct or action; accepted controls.

Assessment: What one thing will you remember most about the rule of law?

Rule of Law Word Search

Search for the Rule of Law terms below.

N R I G H T S F X N Y O R E U
O E A L H F W V A T E B V C P
I S F E Z K W R I I F V P I R
T P S J L R S L A V R Y Y T O
U O S K Y C A H I V M Z L S T
T N E D I U I V Q B R W F U E
I S C S Q W Z V I N E B C J C
T I O E S A B Z I L O R I Q T
S B R L I U C B G C D E T Z I
N I P U A M U Z N H S S W Y O
O L E R A W W X W Z W P L Y N
C I U C Z Q S P L H W E I U D
M T D T M H U M O P Z C N R R
E Y S J N Y A Z Y N V T U N Z
N R T N E M N R E V O G A Z L

WORD BANK

CIVICS

CLEAR

CONSTITUTION

DUE PROCESS

EQUALITY

FAIR

GOVERNMENT

JUSTICE

LAWS

LIBERTY

PROTECTION

RESPECT

RESPONSIBILITY

RIGHTS

RULES

Assessment: What did you think you'll remember most about the rule of law?

