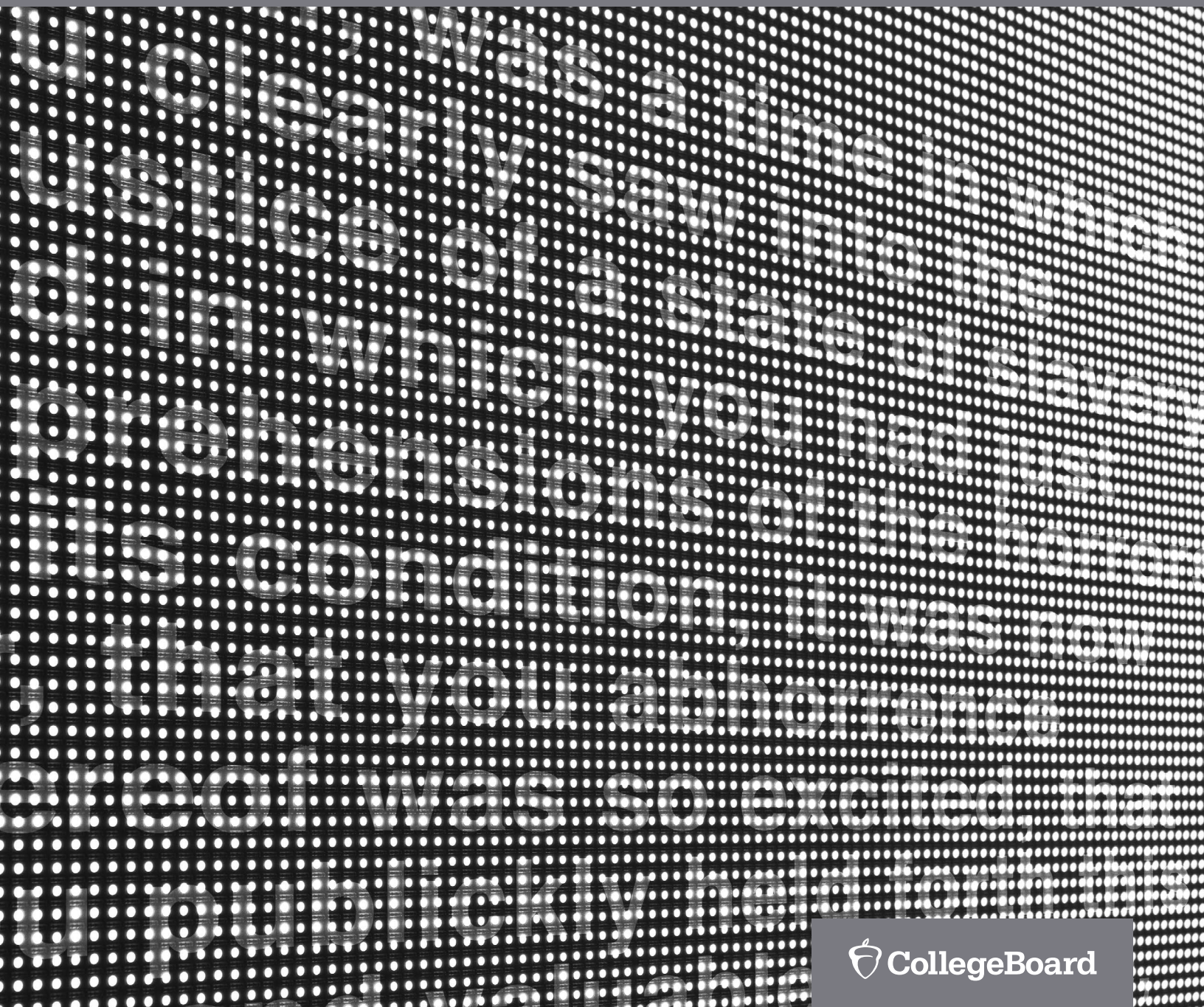




The U. S. Constitution Series  
In Partnership with the National Constitution Center

# AP<sup>®</sup> English Language

Precision of Language



# Precision of Language

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The U.S. Constitution Series in Partnership with the  
National Constitution Center

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## About the College Board

The College Board is a mission-driven not-for-profit organization that connects students to college success and opportunity. Founded in 1900, the College Board was created to expand access to higher education. Today, the membership association is made up of over 6,000 of the world's leading educational institutions and is dedicated to promoting excellence and equity in education. Each year, the College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success — including the SAT® and the Advanced Placement Program®. The organization also serves the education community through research and advocacy on behalf of students, educators, and schools.

For further information, visit [www.collegeboard.org](http://www.collegeboard.org).

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## About the National Constitution Center

The National Constitution Center was established by Congress to “disseminate information about the United States Constitution on a non-partisan basis in order to increase the awareness and understanding of the Constitution among the American people.” The center hosts interactive exhibitions, constitutional debates, and other activities to increase awareness and understanding of the United States Constitution.

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## National Constitution Center and the College Board

In partnership with the National Constitution Center, the College Board has developed a series of classroom lessons and materials related to the founding documents. This series includes resources to support instruction in AP US Government and Politics, AP Comparative Government and Politics, AP US History, and AP English Language. These lessons and resources are available to AP teachers via the course homepages at AP Central and to all teachers through the National Constitution Center's website.

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## Acknowledgements

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### AP English Language & Composition Curriculum, Assessment, and Instruction Team

**John R. Williamson**, Vice President, AP Curriculum, Assessment, and Instruction

**Brandon Abdon**, Director, AP English Curriculum, Instruction, and Assessment

**Christopher Budano**, Director, AP Instructional Design, Social Sciences

**Cheryl Harmon**, Director, AP Instructional Design, English

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### National Constitution Center Team

**Jeffrey Rosen**, President and CEO

**Kerry Sautner**, Vice President of Visitor Experience and Education

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# Precision of Language

## Plan

### *Introduction*

Our judicial system is tasked with the interpretation and application of laws. Given the requirements of the US Constitution, judges must determine whether certain laws are just. Though the framers of the constitution did their best to be as clear and concise as possible, they also had to allow room for interpretation and application of the law as the nation changed over time. As a result of this room for interpretation, the way that a law is read may be based on a simple statement or part of a statement that could be interpreted in different ways. For example, in 2014 the Supreme Court said that a comma in the Second Amendment (the second comma) means that all Americans have the right “to keep and bear arms” as it struck down a Washington D.C. law banning most handguns.

Regardless of the founders' intentions with the Second Amendment, this illustrates the importance of the careful revision of writing — not just for punctuation and grammar but for the just the right words and just the right phrasing of those words.

The purpose of revision being to clarify language and better accomplish the purpose of a text, in this lesson students will encounter historic drafts of the amendments in the Bill of Rights and examine how some of the revisions in those drafts may have affected the later interpretation of those amendments. Once students have a more developed understanding of the role of revision in clarifying a text, they will work with their own texts to do the same.

### *Using the National Constitution Center Resources: Interactive Constitution*

The National Constitution Center, in partnership with the American Constitution Society, the Federalist Society, and the John Templeton Foundation, developed the Interactive Constitution to promote discussion about and understanding of the Constitution and its meaning today. On the site, constitutional scholars interact to explore the constitution's history and its place in our society. For each article and amendment of the constitution, scholars from across the ideological spectrum discuss what they agree upon and what they disagree about.

### *Using the National Constitution Center Resources: Writing Rights: The Bill of Rights*

The National Constitution Center developed the Writing Rights: The Bill of Rights interactive website to provide users the opportunity to explore the documents and ideas that shaped the first 10 amendments to the US Constitution. Using sources identified by Neil H. Cogan as having similar content to each amendment in the Bill of Rights, the interactive website allows users to compare the amendments with the documents in terms of matching language and word similarity. Though all of the sources were influenced by the Enlightenment period philosophies of the time, they were not all being read and written by the same people. As a result, there are many similarities among the documents, but the documents are not necessarily based on one another. Users can also trace the development of the amendments from Madison's proposals through the House and Senate proposals and ultimately to the final text.

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## ***Input/Direct Instruction***

Coming into this lesson, students should already know:

- ▶ A process for composition; and
- ▶ That choices in a text, in order to be effective, should relate to the purpose of the text.

Students should already be able to:

- ▶ Collaborate to revise their own writing and/or the writing of others; and
- ▶ Compose their own focused writing.

## ***Learning Goals***

Students will be able to:

- ▶ Identify portions of a text that may be problematic to interpretation; and
- ▶ Revise their own writing to make it more concise and exact.

## ***Key Takeaways***

- ▶ Choices made in a text matter rhetorically - they directly affect the audience.
- ▶ Revision should clarify language and better accomplish the purpose of a text.
- ▶ For most writing, revision should make ideas more concise and purposeful.

## ***Materials***

- ▶ Student handouts
- ▶ National Constitution Center's Writing Rights (<http://constitutionalrights.constitutioncenter.org/app/home/writing>)

## Introduction

### Precise Language and the Law

Our judicial system is tasked with the interpretation and application of laws. Given the requirements of the US Constitution, judges must determine whether certain laws are just. Though the framers of the constitution did their best to be as clear and precise as possible, they also had to allow room for interpretation and application of the law as the nation changed over time. As a result of this room for interpretation, the way a law is read may be based on a simple statement or part of a statement that could be interpreted in different ways. For example, in 2014 the supreme court said that a comma in the Second Amendment (the second comma) means that all Americans have the right "to keep and bear arms" as it struck down a Washington D.C. law banning most handguns.

Regardless of the founders' intentions with the Second Amendment, this illustrates the importance of the careful revision of writing — not just for punctuation and grammar, but for just the right words and just the right phrasing of those words. A writer must always ask, *How could this go wrong? How might someone read this later and understand it differently?* This is the main reason the careful revision and editing of your own writing is important. You must be certain that everything you are saying in your writing is as concise and exact as you can make it.

The purpose of revision is to clarify language and better accomplish the purpose of a text, so in this lesson you will encounter historic drafts of the amendments in the Bill of Rights and examine how some of the revisions in those drafts may have affected the later interpretation of those amendments. Once you have a more developed understanding of the role of precision in clarifying a text, you will work with some of your own texts to do the same.

### Essential Question:

How does precision of language and grammar affect the interpretation of a text?

## Teach

### Essential Question:

How do the choices made in a text affect the audience's interpretation or application of the text?

### Real-Life Application:

Show students the video "Why American Gun Laws Depend on a Comma" on [www. Seeker.com](http://www.seeker.com/why-american-gun-laws-depend-on-a-comma-1792764069.html) at <http://www.seeker.com/why-american-gun-laws-depend-on-a-comma-1792764069.html>

Be certain to ask this question:

How does the second amendment demonstrate the importance of precise revision?

### Focus Part 1

Ask a student to read the introduction section aloud. Present the following sentences to students and ask them to choose a word from the italicized list to complete the statement (NOTE: The original word is the first one listed). With students, work through the possible effects of using the different word options available to them. Explain that the differences may be subtle, but they do mean different things.

- ▶ If freedom of speech is taken away then dumb/ignorant/stupid and silent we may be lead, like sheep to the slaughter. – George Washington
- ▶ If liberty means anything at all, it means the right/responsibility/obligation to tell people what they do not want to hear. – George Orwell
- ▶ Some people's idea of [free speech] is that they are free/allowed/encouraged to say what they like, but if anyone says anything back, that is an outrage. – Winston Churchill
- ▶ To repress/fight/deny free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker. – Frederick Douglas

Focus Part 2

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## Focus Part 2

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Project or display the full text of the first amendment (provided with footnoted vocabulary). Then display or distribute the first half of Case #1 (Tinker). Read the brief on the case and ask students to pair up and discuss what they think the ruling should have been. Why? Ask them to share out. Refer them to the text of the First Amendment as necessary.

Referring to the discussion about the Tinker case, ask students to look closely at the First Amendment and identify the language that supports their opinion(s) regarding what their decision would be in the case. Have them pay particular attention to the footnotes. When they have this language, ask them to “stand-and-deliver,” that is, ask them to stand and be ready to share what text from the amendment seems to support their argument. If they cannot find any, that is okay; they should remain seated.

### The First Amendment to the US Constitution:

Congress shall make no law respecting<sup>1</sup> an establishment of religion, or prohibiting the free exercise thereof; or abridging<sup>2</sup> the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition<sup>3</sup> the Government for a redress<sup>4</sup> of grievances.

<sup>1</sup> Respecting: *prep.* – regarding; with reference or regard to

<sup>2</sup> Abridge: *verb* – to deprive, reduce, or restrict

<sup>3</sup> Petition: *verb* – to make or present a formal request to (an authority) with respect to a particular cause

<sup>4</sup> Redress: *noun* – remedy or compensation for a wrong or grievance

### CASE #1

***Tinker v. Des Moines Independent School District (1969)***

**Issue:** Freedom of Speech at School

**Bottom Line:** You Have the Right To Express Yourself — Up to a Point

#### Background

In December 1965, John and Mary Beth Tinker and their friend Chris Eckhardt wore black armbands to school in Des Moines, Iowa, to protest the war in Vietnam. School officials told them to remove the armbands, and when they refused they were suspended (John, 15, from North High; Mary Beth, 13, from Warren Harding Junior High; and Chris, 16, from Roosevelt High). With their parents, they sued the school district, claiming a violation of their First Amendment right of freedom of speech.

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**Directions**

As your teacher discusses the Tinker decision with the class, answer the following:

What is the test for students' free speech, according to the court's ruling?

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How does the court's opinion apply to *your* opinion in our earlier discussion?

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How do we see this impact in our school?

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What language from the First Amendment might agree with or influence the court's ruling?

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**Ruling**

The Supreme Court sided with the students. Students and teachers don't "shed their Constitutional rights to freedom of speech or expression at the schoolhouse gate," the court said.

The court did not, however, grant students an unlimited right to self-expression. It said First Amendment guarantees must be balanced against a school's need to keep order; as long as an act of expression doesn't disrupt classwork or school activities or invade the rights of others, it's acceptable. Regarding the students in this case, "Their deviation consisted only in wearing on their sleeve a band of black cloth," the court said. "They caused discussion outside of the classrooms, but no interference with work and no disorder."

**Impact**

In 1986, applying the "disruption test" from the *Tinker* case, the Supreme Court upheld the suspension of Matthew Fraser, a 17-year-old senior at Bethel High School in Tacoma, Washington, who gave a school speech containing sexual innuendos (*Bethel School District v. Fraser*). The court said, "It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse."

Lower courts have relied on *Tinker* in rulings on school attire, allowing nose rings and dyed hair, for example, but disallowing a T-shirt displaying a Confederate flag.

In June 2007, the Supreme Court weighed in on another student expression case, *Frederick v. Morse*, ruling that schools can limit student speech that seems to advocate illegal drug use. The case concerned Joseph Frederick, an 18-year-old senior at Juneau-Douglas High School in Alaska, who was suspended in 2002 for holding a banner that said "Bong Hits 4 Jesus" while standing across the street from the school during the Olympic torch relay.

Then, display or distribute the second half of Case #1 (*Tinker*) that includes the ruling on, and impact of, the case. Discuss with students the following:

- a. What language from the First Amendment might agree with or influence the court's ruling?
- b. What is the test for students' free speech, according to the court's ruling?
- c. How does the court's opinion apply to your opinion in our earlier discussion?
- d. How do we see this impact in our school?

Explain that the class will be looking at how minor changes to a text can affect the way it reads and is interpreted by the audience. This is why editing and revising for precise language matter; it changes the way a reader interprets something. Also explain that the class will be looking at other amendments to the constitution and how they changed when they were being written to see how they could have been read differently.

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## **Acquire:**

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1. Show to students this section from an early draft (<http://www.thekingcenter.org/archive/document/draft-i-have-dream>) of Martin Luther King, Jr's "I have a dream" speech.

"So we are here to say that in the process of gaining justice, we will not be guilty of injustice to others."

Talk briefly about what this is saying and what King may have been trying to get across to his audience.

2. Then show them this revision, also from King's original draft.

"So we are here to say that in the process of gaining justice for ourselves, we will never be guilty of injustice to others."

Talk briefly about what this is saying.

- a. What does King choose to include or omit from this revision?
- b. How is he saying things differently than the previous draft?
- c. The changes may seem minor, but why do you think King made them?

Explain that all choices, no matter how small, in a text affect the audience and that writers make revisions to their writing because they think those changes will better create a reaction in the audience that will help the writer to accomplish a purpose. Revision is often about choosing the best word for a situation, moving that word into the best place for a situation, including the best details for a situation, and/or omitting things that may not be the best for a situation. Decisions to include or to omit things in writing affect the way that the reader interprets what they are reading. Examining the changes made by a writer can help us to better understand what the writer is/was trying to accomplish. It also helps us to think about the revisions that we make in our own writing, whether an essay for school, and an email to a friend, or a text message.

3. Now, show students this final revision, from King's famous speech given in 1963.

"In the process of gaining our rightful place we must not be guilty of wrongful deeds."

Talk about what this quote is saying by itself FIRST, then talk about why King may have made the revisions that he did.

- a. What does King choose to include in or omit from this revision?
- b. What does this mean? What did King hope to accomplish with such a statement?
- c. Compare this to the previous statement. Why do you think King made these changes?

How do you think these revisions better accomplish the purpose of the statement?

Explain that revision is all about the choice to include or omit information. The class will be exploring more revisions, inferring the possible purposes behind those revisions, and then examining how those revisions affect the way that something is read or interpreted. In the end, they will be revisiting their own writing to make revisions that better accomplish their own purposes.

### National Constitution Center's Writing Rights: The Bill of Rights Website

#### Directions

Please follow along with your teacher.

1. Navigate your browser to the *Constitutional Rights: Origins and Travels* website: (<http://constitutionalrights.constitutioncenter.org>).
2. Click on the "Writing Rights" link on the left-hand side of the page.
3. Read along as your teacher reads the introductory material ("How did the...") and explains what you will be seeing.
4. Then, click "Start Exploring."
5. The page includes:
  - a. A drop-down menu in the top left-hand corner to allow navigation between the different amendments;
  - b. A listing of the different historical sources for the chosen amendment along the left-hand side;
  - c. A progression, from left to right, of the amendment through the writing process (including scroll bars on the right-hand side and bottom of the page to aid viewing of the page. NOTE: The right-hand side scroll bar does not scroll the entire page; instead, click on the blank dark blue space on the page and use the mouse to scroll the entire page and to see all of the Historical Sources, etc.); and
  - d. Labels of the different stages along the writing process above the arrows, near the top of the page.
6. Be sure you have chosen "First Amendment" from the top left-hand drop-down menu.
7. Click on "Madison's Proposal 5" in the yellow boxes and show students how the screen then shows the text of James Madison's proposal and the text of the First Amendment. Read the two, noting the similarities and the 22 percent "match" rating given.
8. Look closely at what your teacher is showing you and answer the following questions:
  - a. What are the similarities and differences, between "Madison's Proposal 5" and the First Amendment?

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### Model: Part 1 - Using and Thinking about the National Constitution Center's "Writing Rights" Website

Show students how to navigate the National Constitution Center's Writing Rights: The Bill of Rights website.

1. Navigate your browser to the Constitutional Rights: Origins and Travels website: (<http://constitutionalrights.constitutioncenter.org>).
2. Click on the "Writing Rights" link on the left-hand side of the page.
3. Now, read the introductory material ("How did the ...") and explain to students what they will be seeing by walking through boxes 1, 2, and 3.
4. Then, click "Start Exploring."
5. The page includes:
  - a. A drop-down menu in the top left-hand corner to allow navigation between the different amendments;
  - b. A listing of the different historical sources for the chosen amendment along the left-hand side;
  - c. A progression, from left to right, of the amendment through the writing process (including scroll bars on the right-hand side and bottom of the page to aid viewing of the page.
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6. Be sure to have chosen "First Amendment" from the top left-hand drop-down menu.
7. Click on "Madison's Proposal 5" in the yellow boxes and show students how the screen then shows the text of James Madison's proposal and the text of the First Amendment. Read the two, noting the similarities and the 22 percent "match" rating given.

**NOTE:** The right-hand side scroll bar does not scroll the entire page; instead, click on the blank dark blue space on the page and use the mouse to scroll the entire page and to see all of the Historical Sources, etc.); and

8. Ask students:

- a. What are the similarities and differences here? (Likely answer: The proposal doesn't mention religion or petition, where the First Amendment does. They are pretty similar in what they both say about speech and press, though Madison says a lot more.)
- b. Then, briefly show students Madison's Proposal 4. Ask, What is this one about? (Religion)
- c. Then, briefly show students Madison's Proposal 6. Ask, What is this one about?" (Petition)

9. Explain that the reason that only 20 to 30 percent of the proposals look like the final amendment is that each proposal addresses the three things in the amendment (religion, speech, and petition) separately. As Madison and the framers of the constitution worked through their writing process, those three ideas were revised and condensed into one amendment. In fact, these three ideas were considered so important that, once they were joined together, they were made the First Amendment — the first law of the land for the brand-new country.

10. Click back on Madison's Proposal 5 and click "Close" on the comparison of the proposal and the amendment. Point out to students how the white lines indicate the sources and steps in the writing process that relate to one another.

11. Click on the historical source, "Pennsylvania Constitution, 1776" that connects via white line to Madison's Proposal 5. Point out to students that the Pennsylvania Constitution has its own statement about freedom of speech, writing, and the press. It is connected to Madison's Proposal 5 because it, very likely, influenced Madison's writing in some way. He may have known of it directly, or it may simply reflect the ideas of the time that a free person has the right to think and say whatever he or she wants as long as it isn't intended to do harm to others of the society. Either way, we see a relationship.

b. What is "Madison's Proposal 4" about?

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c. What is "Madison's Proposal 6" about?"

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**Did You Know?**

In December of 2014, the Supreme Court of the United States was asked to rule on the interpretation of one word. Following a failed bank robbery in 2008 in North Carolina, Larry Whitfield entered the home of a 79-year-old woman and told her that he needed to hide. The woman became upset and started crying, so he directed her to move with him from her living room to another room nearly nine feet away. The North Carolina law called for a 10-year mandatory sentence for any criminal who "forces any person to accompany him" while committing a felony. At question was the meaning of the word "accompany". In the end, the court ruled that he was forcing her to "accompany" him and that he should serve the 10-years as stated by the North Carolina Law. Read more at [https://www.supremecourt.gov/opinions/14pdf/13-9026\\_11o2.pdf](https://www.supremecourt.gov/opinions/14pdf/13-9026_11o2.pdf)

## Lesson 1 Organizer: Comparing Texts and Examining Revisions

## Drafted Text

## HOUSE AMENDMENT #4

The freedom of speech, and of the press, and the right of the people to peaceably assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed.

## Final Text

## THE FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## Examination of Revised Elements

The Revision: "and consult for their common good" was dropped completely.

1. What about this choice might not accomplish the goal of the original writing?
2. What is the implication of this revision? What is the revision trying to achieve?

**Did You Know?**

In June of 2014 the Supreme Court unanimously ruled that the fourth amendment protections against "unreasonable searches and seizures" extend to cell phones as well. Read more at <http://www.nytimes.com/interactive/2014/06/25/us/annotated-supreme-court-cellphone-privacy-decision.html>

## Model: Part 2 - Focusing on Rhetorical Choices Made for Clarity of Purpose

Now you will model the process and thinking that you will later expect students to practice. They have seen how National Constitution Center's Writing Rights: The Bill of Rights website maps the development of these ideas over time. Explain that next the class will look at how those ideas were revised and edited over time and how some of those changes affected what the ideas really were.

1. Click on "House Amendment 4" and read the text as it compares to the First Amendment. Explain that, since we can see the side-by-side comparison, we can see what revisions were made and even infer why they were made.
2. Emphasize that anytime something is revised, the revisions should clarify what is being said and make the idea of the statement fit more closely with what the intent of the statement is.
3. Focus on the phrase "and consult for their common good" as an example. For some reason this has been omitted from the final amendment.
4. Point students to the "Comparing Texts and Examining Revisions" organizer that already includes this information. Ask them to take note while you model the thinking involved here.
5. The three questions are:
  - a. What could the unrevised original mean? (Possible answer: That the people assembling can only do so for "their common good.")

- b. Why might it have been revised for the final amendment? (Possible answer: Who determines if something is for “their common good”? It is vague as to who would determine this. Could it mean the government determines this? If so, then the government would be interfering with the people’s right to assemble, which is against the spirit of the amendment. We already see that the government gets to make the final decision as to what is a peaceful assembly, so this might mean that the government would also decide what is for the good. Could it mean the people determine this? If so, then it might be redundant because they are already assembling of their own free will, so it is probably for what they see as “their common good.” So, revising and removing this phrase solved some problems.)
- c. How is the final amendment better because of this revision? (Possible answer: It places no limits on the reasons a person or people would want to use free speech or assemble in protest of something.)

## CHECK FOR UNDERSTANDING

*Ask students to recall the Tinker case from earlier. Explain that the Tinker case is as much about peaceful protest as it is about freedom of speech. Using the following questions, see if they understand how inclusion of the phrase “for their common good,” if it had remained in the amendment, may have affected the Supreme Court’s ruling.*

1. Imagine that the framers had retained “for their common good” in the amendment. How might this have affected the Supreme Court’s decision?
2. If you think it could have changed the decision, then stand up and be ready to explain both how and why. If not, then remain seated and be ready to explain why not.

Stress that there are always other factors to take into account when making such revisions, such as punctuation, word order, etc. This is only a thought experiment to help them realize the importance of thoughtful revision and how it can affect the way something is read and interpreted.

### Lesson 1 Organizer: Comparing Texts and Examining Revisions

#### Drafted Text

##### MADISON’S PROPOSAL #11

The rights of the people to be secured in their persons, their houses, their papers, and their other property from all unreasonable searches and seizures, **shall not be violated by warrants issued without probable cause**, supported by oath or affirmation, or not particularly describing the places to be searched, or the persons of things to be seized.

#### Final Text

##### THE FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, **and no warrants shall issue, but upon probable cause**, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Examination of Revised Elements

**The Revision:** “shall not be violated by warrants issued without probable cause” BECAME “and no warrants shall issue, but upon probable cause.”

1. What about this choice might not accomplish the goal of the original writing?
2. What is the implication of this revision? What is the revision trying to achieve?

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## Practice

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### Guided Practice

You will now explore with students another amendment and how revisions to it may have affected the way it can be read or interpreted.

1. Hand out or display the text of the Fourth Amendment (provided with footnoted vocabulary).

## The Fourth Amendment to the US Constitution:

The right of the people to be secure in their persons, houses, papers, and effects<sup>1</sup>, against unreasonable searches and seizures<sup>2</sup>, shall not be violated, and no warrants<sup>3</sup> shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

<sup>1</sup> **Effects:** *noun* – personal belongings; anything that belongs to a person

<sup>2</sup> **Seizure:** *noun* – the action of capturing someone or something using force

<sup>3</sup> **Warrant:** *noun* – a document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice

2. Then display or distribute the first half of Case #2 (T.L.O.). Read the brief on the case and ask students to pair up and discuss what they think the ruling should have been. Why? They will be asked to share out. Refer them to the text of the First Amendment as necessary. Each pair should be prepared to share out their conclusion along with explanations.



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## CASE #2

### ***New Jersey v. T.L.O. (1985)***

**Issue:** Privacy Rights at School

**Bottom Line:** Your Belongings Can Be Searched, but Not Arbitrarily

### **Background**

T.L.O. (Terry), a 14-year-old freshman at Piscataway High School in New Jersey, was caught smoking in a school bathroom by a teacher. The principal questioned her and asked to see her purse. Inside was a pack of cigarettes, rolling papers, and a small amount of marijuana. The police were called and Terry admitted selling drugs at school.

Her case went to trial and she was found guilty of possession of marijuana and placed on probation. Terry appealed her conviction, claiming that the search of her purse violated her Fourth Amendment protection against “unreasonable searches and seizures.”

3. Once students have shared and discussed this case, ask them to navigate their browser to the Constitutional Rights: Origins and Travels website: (<http://constitutionalrights.constitutioncenter.org>).
4. Click on the “Writing Rights” link on the left side of the page.
5. Tell students to click “Start Exploring” and then select the Fourth Amendment from the drop-down list on the top left-hand side.
6. Click on “Madison’s Proposal #11.” Tell them to look closely at the language around warrants. Point out to students that there are changes that affect the issuance of a warrant that ARE NOT indicated only by the yellow highlighting. These are called out on the organizer handout.
7. Tell students to pair up and examine these few small, but significant changes and then return to the “Comparing Texts and Examining Revisions” organizer to answer these questions.
  - a. What could the unrevised original mean? (Possible answer: That a person’s right to privacy cannot be violated by a warrant that is issued without good reason.)
  - b. Why might it have been revised for the final amendment? (Possible answer: It could be read that a warrant might be issued without “probable cause,” just that such a warrant couldn’t be used to violate a right to privacy. What would be the use of issuing a warrant that couldn’t be used? This could get more and more problematic if people have warrants against them or their property that cannot be enforced. It could create confusion and allow for abuse in the system.)

- c. How is the final amendment better because of this revision?  
(Possible answer: It does not allow for the issuance of any warrant at all without the probable cause. Period. Where the earlier draft may have allowed for a warrant to be issued without probable cause if it wasn't actually used, the final amendment doesn't even allow it to be issued without probable cause.)
8. Work the room to listen and discuss, using questions to make students think about the meaning and positioning of words but not telling them what the effects of revising certain things might be.
9. Take up or review as a class (depending on the class structure and lesson planning), asking different pairs of students to share what they have noted in the questions. Once a pair has shared, ask if other pairs saw the same or something similar. Ask those pairs to also stand and explain themselves. Do this a few times until each pair has stood at least once.

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Display or distribute the second half of Case #2 (T.L.O.), which includes the ruling on, and impact of, the case. Discuss with students the following:

### **Ruling**

The Supreme Court ruled in favor of the school. Students have “legitimate expectations of privacy,” the court said, but that must be balanced with the school’s responsibility for “maintaining an environment in which learning can take place.” The initial search of Terry’s purse for cigarettes was reasonable, the court said, based on the teacher’s report that she’d been smoking in the bathroom. The discovery of rolling papers near the cigarettes in her purse created a reasonable suspicion that she possessed marijuana, the court said, which justified further exploration.

### **Impact**

*T.L.O.* is the landmark case on search and seizure at school. Basically, school officials may search a student’s property if they have a “reasonable suspicion” that a school rule has been broken, or a student has committed or is in the process of committing a crime. These are called “suspicion-based” searches. There are also “suspicionless searches” in which everyone in a certain group is subject to a search at school. [See *Vernonia v. Acton* in part 2 of this article in the next issue of *Upfront*.]

- a. What language from the Fourth Amendment might influence and/or support the court’s ruling?
- b. How does the court’s opinion apply to your opinion in our earlier discussion?
- c. How do we see this impact in our school?

**Check for Understanding**

**Directions**

Now that you have seen this modeled and have had time to practice with a peer, you'll try it again. The goal is that you demonstrate understanding of why revision is important and how it affects the reading and interpretation of a text.

Often the goal of revision is to find what the French call "le mot juste" or "just the right word." As you will see, changing or moving one word or one small phrase can mean significant differences in the way something is interpreted.

Using the same two texts (Madison's Proposal #11 and the Fourth Amendment), and using the three questions from the organizer as a guide, discuss the difference between *property* and *effects*.

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a. Clearly the framers of the constitution changed those words. Why might they have? What does one mean that the other doesn't?

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b. Why might *effects* be a better option than *property*?

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**CHECK FOR UNDERSTANDING**

*Now that students have seen this modeled and have experienced guided practice with a peer, they will try it again. The goal is that they demonstrate understanding of why revision is important and how it affects the reading and interpretation of a text.*

Explain that often the goal of revision is to find what the French call "le mot juste" or "just the right word." As they will see, changing or moving one word or one small phrase can mean significant differences in the way something is interpreted.

1. Using the same two texts (Madison's Proposal #11 and the Fourth Amendment), and using the three questions from the organizer as a guide, ask students to discuss, in pairs, the difference between *property* and *effects*. (What students should be looking at is the idea that *property* may be more closely related to the lands owned by a person, especially at a time when owning land was a sign of wealth, and not necessarily their belongings in general, also known as their [personal] "effects.")
  - a. Clearly the framers of the constitution changed those words. Why might they have? What does one mean that the other doesn't?
  - b. Why might *effects* be a better option than *property*?
  - c. If this had remained unrevised as *property*, then how might it affect the way we live and the laws we follow today?
  - d. How might you take this revision even further and make a revision that makes more sense for us today? Be ready to explain and justify your revision.

- c. If this had remained unrevised as *property*, then how might it affect the way we live and the laws we follow today?

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- d. How might you take this revision even further and make a revision that makes more sense for us today? Be ready to explain and justify your revision.

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### Independent Practice

#### Directions

Read Case #3 (*Mergens*) and then peruse the "Writing Rights" website to identify the amendment that applies to it. Write that amendment into the "Independent Practice" side of the "Comparing Texts and Examining Revisions" organizer.

Identify the parts of the amendment that apply *most directly* to the court's ruling in the case, and underline them on the organizer.

Now navigate the "Writing Rights" website looking for earlier drafts of their amendment that contain language that you think may have influenced the court's decision in such a way that it would be different from the original decision. Remember, follow the white lines to look for drafts that address similar topics.

Once chosen, write this draft into the "Independent Practice" side of the "Comparing Texts and Examining Revisions" organizer. Then underline the troublesome parts of that earlier draft.

Once these are identified and marked, complete the bottom section of the organizer. Note that some of the questions have changed slightly.

### Independent Practice Part 1

1. Assign each student to read Case #3 (*Mergens*) and then peruse the "Writing Rights" website to identify the amendment that applies to it. They will then write that amendment into the "Independent Practice" side of the "Comparing Texts and Examining Revisions" organizer.
2. Students should then identify the parts of the amendment that apply most directly to the court's ruling in the case and underline them on the organizer.
3. Now, students should navigate the "Writing Rights" website looking for earlier drafts of their amendment that contain language they think may have influenced the court's decision in such a way that it would be different from the original decision. Remind them to follow the white lines to look for drafts that address similar topics.
4. Once chosen, they should write this draft into the "Independent Practice" side of the "Comparing Texts and Examining Revisions" organizer. Students should then underline the troublesome parts of that earlier draft (NOTE: You may feel it necessary to prohibit them from using the historical sources, since there are so many, or to only using drafts that have a particular percentage of "match." It all depends on your lesson timeline). An example might be the House Select Committee, July 28, 1789, says only that "no religion shall be established by law, nor shall the equal rights of conscience be infringed." This could be a problem if a person reading it later did not count religion as a right of conscience. Also, a national religion may not be made law, but possibly congress could make a law restricting a certain religion if religion were not counted as a right of conscience.
5. Once these are identified and marked, students should complete the bottom section of the organizer. Note that some of the questions have changed slightly. This is to account for gradual release of the skill.

## Independent Practice: Part 2:

After completing this, ask the class the following questions about the value and purpose of revision.

- a. Why is revision important to accomplishing the purpose of a text?
- b. What is the relationship between revision and interpretation of a text?

### CASE #3

**West Side Community Schools v. Mergens** (1990)

**Issue:** Student Clubs

**Bottom Line:** Public Schools that Allow Student-Interest Clubs Cannot Exclude Religious or Political Ones

#### Background

Bridget Mergens was a senior at Westside High School in Omaha, Nebraska. She asked her homeroom teacher, who was also the school's principal, for permission to start an after-school Christian club. Westside High already had about 30 clubs, including a chess club and a scuba-diving club. The principal denied Bridget's request, telling her that a religious club would be illegal in a public school.

The year before, in 1984, Congress had addressed this issue in the Equal Access Act, which required public schools to allow religious and political clubs if they let students form other kinds of student-interest clubs. When Bridget challenged the principal's decision, her lawsuit became the Supreme Court's test case for deciding whether the Equal Access Act was constitutional under what is known as the Establishment Clause of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

#### Ruling

The Supreme Court ruled in favor of Bridget. Allowing students to meet on campus to discuss religion after school did not amount to state sponsorship of religion. The court said: "We think that secondary-school students are mature enough and are likely to understand that a school does not endorse or support student speech that it merely permits."

#### Impact

If a public school allows only clubs tied to the school curriculum — a French club related to French classes, for instance — it can exclude clubs that don't connect to its educational mission. But once a school allows student-interest clubs — such as a scuba-diving club, environmental club, or jazz club — it cannot exclude religious clubs, political clubs, gay-lesbian clubs, or other groups.

If the club is religious in nature, however, the school must refrain from active involvement or sponsorship, so that it doesn't run afoul of the Establishment Clause, the court said.

Lesson 1 Independent Practice: Comparing Texts and Examining Revisions

**Drafted Text**

**Final Text**

**Examination of Revised Elements**

**The Revision:**

1. What about this choice might not accomplish the goal of the original writing?

2. What is the implication of this revision? What is the revision trying to achieve?



## Assess

For this assessment, students will need access to a draft of something they have written or have been writing for the class.

1. Ask students to identify a sentence or a passage in their draft that could be revised to better accomplish the purpose of the paper (you might have already helped them identify these).
2. Ask them to fill out the “Assessment: Comparing and Developing Text in My Own Draft” organizer, reminding them that they must make revisions that help the chosen text to better accomplish the purpose of the assignment. They cannot just make changes; the changes must be strategic and purposeful.

### Assessment

#### Directions

For this task, you will use writing that you have already drafted. Identify a sentence or a passage in your draft that could be revised to better accomplish the purpose of the paper.

Fill out the “Assessment: Comparing and Developing Text in My Own Draft” organizer. You must make revisions that help your text to better accomplish the purpose of the assignment. You cannot just make changes; the changes must be strategic and purposeful.

## Lesson 1 Assessment: Comparing and Developing Text in My Own Draft

**Drafted Text**

Choose a sentence or passage that is important to the purpose of a draft that you have written. Write that here.

**Final Text**

Revise that text here, keeping close track of the revisions you make and how they will help make your writing more purposeful.

**Examination of Revised Elements****The Revision:**

1. What about this choice might not accomplish the goal of the original writing?

2. What is the implication of this revision? What is the revision trying to achieve?

**EXTENSION ACTIVITY #1**

Follow similar activities to do a comparison of drafts of FDR's "Day of Infamy" speech at the National Archives ([www.archives.gov/publications/prologue/2001/winter/crafting-day-of-infamy-speech.html](http://www.archives.gov/publications/prologue/2001/winter/crafting-day-of-infamy-speech.html))

**EXTENSION ACTIVITY #2**

An acronym that may help with the analysis of language used in a passage is *L.E.A.D.*

- ▶ *Low and/or informal diction (direct, slang, jargon)*
- ▶ *Elevated language or formal diction*
- ▶ *Abstract and/or concrete diction*
- ▶ *Denotation and connotation*

Of course, before students can be asked to analyze these, it is important that they be introduced to examples of each and taught how instances of each and the way they are used affect the purpose of a text.

Some valuable resources for extended practice include:

- ▶ *Interactive Word Matrix at NCTE's ReadWriteThink*  
(<http://www.readwritethink.org/classroom-resources/student-interactives/word-matrix-30071.html?tab=2>)
- ▶ *Diction Lessons for all Level at LessonPlanet*  
(<http://www.lessonplanet.com/lesson-plans/diction/all>)
- ▶ *The AP Vertical Teams Guide for English at the CollegeBoard store* (<https://store.collegeboard.org/sto/productdetail.do?track=home&Itemkey=993502>)



# Handouts

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## The First Amendment to the US Constitution:

Congress shall make no law respecting<sup>1</sup> an establishment of religion, or prohibiting the free exercise thereof; or abridging<sup>2</sup> the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition<sup>3</sup> the Government for a redress<sup>4</sup> of grievances.

<sup>1</sup> Respecting: *prep.* – regarding; with reference or regard to

<sup>2</sup> Abridge: *verb* – to deprive, reduce, or restrict

<sup>3</sup> Petition: *verb* – to make or present a formal request to (an authority) with respect to a particular cause

<sup>4</sup> Redress: *noun* – remedy or compensation for a wrong or grievance

## The Fourth Amendment to the US Constitution:

The right of the people to be secure in their persons, houses, papers, and effects<sup>1</sup>, against unreasonable searches and seizures<sup>2</sup>, shall not be violated, and no warrants<sup>3</sup> shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

<sup>1</sup> **Effects:** *noun* – personal belongings; anything that belongs to a person

<sup>2</sup> **Seizure:** *noun* – the action of capturing someone or something using force

<sup>3</sup> **Warrant:** *noun* – a document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice

## CASE #1

### *Tinker v. Des Moines Independent School District* (1969)

**Issue:** Freedom of Speech at School

**Bottom Line:** You Have the Right To Express Yourself — Up to a Point

#### Background

In December 1965, John and Mary Beth Tinker and their friend Chris Eckhardt wore black armbands to school in Des Moines, Iowa, to protest the war in Vietnam. School officials told them to remove the armbands, and when they refused they were suspended (John, 15, from North High; Mary Beth, 13, from Warren Harding Junior High; and Chris, 16, from Roosevelt High). With their parents, they sued the school district, claiming a violation of their First Amendment right of freedom of speech.

#### Ruling

The Supreme Court sided with the students. Students and teachers don't "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," the court said.

The court did not, however, grant students an unlimited right to self-expression. It said First Amendment guarantees must be balanced against a school's need to keep order; as long as an act of expression doesn't disrupt classwork or school activities or invade the rights of others, it's acceptable. Regarding the students in this case, "Their deviation consisted only in wearing on their sleeve a band of black cloth," the court said. "They caused discussion outside of the classrooms, but no interference with work and no disorder."

#### Impact

In 1986, applying the "disruption test" from the *Tinker* case, the Supreme Court upheld the suspension of Matthew Fraser, a 17-year-old senior at Bethel High School in Tacoma, Washington, who gave a school speech containing sexual innuendos (*Bethel School District v. Fraser*). The court said, "It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse."

Lower courts have relied on *Tinker* in rulings on school attire, allowing nose rings and dyed hair, for example, but disallowing a T-shirt displaying a Confederate flag.

In June 2007, the Supreme Court weighed in on another student expression case, *Frederick v. Morse*, ruling that schools can limit student speech that seems to advocate illegal drug use. The case concerned Joseph Frederick, an 18-year-old senior at Juneau-Douglas High School in Alaska, who was suspended in 2002 for holding a banner that said "Bong Hits 4 Jesus" while standing across the street from the school during the Olympic torch relay.

## CASE #2

***New Jersey v. T.L.O. (1985)***

**Issue:** Privacy Rights at School

**Bottom Line:** Your Belongings Can Be Searched, but Not Arbitrarily

### Background

T.L.O. (Terry), a 14-year-old freshman at Piscataway High School in New Jersey, was caught smoking in a school bathroom by a teacher. The principal questioned her and asked to see her purse. Inside was a pack of cigarettes, rolling papers, and a small amount of marijuana. The police were called and Terry admitted selling drugs at school.

Her case went to trial and she was found guilty of possession of marijuana and placed on probation. Terry appealed her conviction, claiming that the search of her purse violated her Fourth Amendment protection against “unreasonable searches and seizures.”

### Ruling

The Supreme Court ruled in favor of the school. Students have “legitimate expectations of privacy,” the court said, but that must be balanced with the school’s responsibility for “maintaining an environment in which learning can take place.” The initial search of Terry’s purse for cigarettes was reasonable, the court said, based on the teacher’s report that she’d been smoking in the bathroom. The discovery of rolling papers near the cigarettes in her purse created a reasonable suspicion that she possessed marijuana, the court said, which justified further exploration.

### Impact

*T.L.O.* is the landmark case on search and seizure at school. Basically, school officials may search a student’s property if they have a “reasonable suspicion” that a school rule has been broken, or a student has committed or is in the process of committing a crime. These are called “suspicion-based” searches. There are also “suspicionless searches” in which everyone in a certain group is subject to a search at school. [See *Vernonia v. Acton* in part 2 of this article in the next issue of *Upfront*.]



## CASE #3

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**Bottom Line:** Public Schools that Allow Student-Interest Clubs Cannot Exclude Religious or Political Ones

### Background

Bridget Mergens was a senior at Westside High School in Omaha, Nebraska. She asked her homeroom teacher, who was also the school's principal, for permission to start an after-school Christian club. Westside High already had about 30 clubs, including a chess club and a scuba-diving club. The principal denied Bridget's request, telling her that a religious club would be illegal in a public school.

The year before, in 1984, Congress had addressed this issue in the Equal Access Act, which required public schools to allow religious and political clubs if they let students form other kinds of student-interest clubs. When Bridget challenged the principal's decision, her lawsuit became the Supreme Court's test case for deciding whether the Equal Access Act was constitutional under what is known as the Establishment Clause of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

### Ruling

The Supreme Court ruled in favor of Bridget. Allowing students to meet on campus to discuss religion after school did not amount to state sponsorship of religion. The court said: "We think that secondary-school students are mature enough and are likely to understand that a school does not endorse or support student speech that it merely permits."

### Impact

If a public school allows only clubs tied to the school curriculum — a French club related to French classes, for instance — it can exclude clubs that don't connect to its educational mission. But once a school allows student-interest clubs — such as a scuba-diving club, environmental club, or jazz club — it cannot exclude religious clubs, political clubs, gay-lesbian clubs, or other groups.

If the club is religious in nature, however, the school must refrain from active involvement or sponsorship, so that it doesn't run afoul of the Establishment Clause, the court said.

## CASE #4

### *Hazelwood School District v. Kuhlmeier (1988)*

**Issue:** Student Journalism and the First Amendment

**Bottom Line:** Schools Can Censor Student Newspapers

### **Background**

Cathy Kuhlmeier, Leslie Smart, and Leanne Tippett, juniors at Hazelwood East High School in St. Louis, Missouri, helped write and edit the school paper, the Spectrum, as part of a journalism class. An issue of the paper was to include articles about the impact of divorce on students and teen pregnancy. The school's principal refused to publish the two stories, saying they were too sensitive for younger students and contained too many personal details. The girls went to court claiming their First Amendment right to freedom of expression had been violated.

### **Ruling**

The Supreme Court ruled against the girls. A school newspaper isn't a public forum in which anyone can voice an opinion, the court said, but rather a supervised learning experience for students interested in journalism. "Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities," the court said, "so long as their actions are reasonably related to legitimate [educational] concerns."

### **Impact**

Schools may censor newspapers and restrict other forms of student expression, including theatrical productions, yearbooks, creative writing assignments, and campaign and graduation speeches. But the Court's ruling in Hazelwood encourages schools to look closely at a student activity before imposing any restrictions and to balance the goal of maintaining high standards for student speech with students' right to free expression.

## CASE #5

### ***Vernonia School District v. Acton (1995)***

**Issue:** Student Athletes and Drug Testing

**Bottom Line:** Schools Can Require It

### **Background**

James Acton, a 12-year-old seventh-grader at Washington Grade School in Vernonia, Oregon, wanted to try out for the football team. His school required all student athletes to take drug tests at the beginning of the season and on a random basis during the school year. James's parents refused to let him be tested because, they said, there was no evidence that he used drugs or alcohol. The school suspended James from sports for the season. He and his parents sued the school district, arguing that mandatory drug testing without suspicion of illegal activity constituted an unreasonable search under the Fourth Amendment.

### **Ruling**

The Supreme Court ruled in favor of the school district. Schools must balance students' right to privacy against the need to make school campuses safe and keep student athletes away from drugs, the court said. The drug-testing policy, which required students to provide a urine sample, involved only a limited invasion of privacy, according to the Justices: "Students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy."

The court noted that all students surrender some privacy rights while at school; they must follow school rules and submit to school discipline. But student athletes have even fewer privacy rights, the justices said, and must follow rules that don't apply to other students. Joining a team usually requires getting a physical exam, obtaining insurance coverage, and maintaining a minimum grade point average. And athletes must be willing to shower and change in locker rooms, further reducing their privacy. "School sports are not for the bashful," the court said.

### **Impact**

More recently, the Supreme Court has ruled in favor of school policies requiring random drug testing for all extracurricular activities (*Board of Education v. Earls*, 2002).

*The preceding case summaries were all published as part of an article in the September 2007 edition of The New York Times Upfront, a news magazine for teens published through a partnership between Scholastic and The New York Times.*

Jacobs, Tom. 2007. "10 Supreme Court Cases Every Teen Should Know." *The New York Times on the Web Learning Network*. The New York Times and Scholastic. September.

Accessed January 15, 2016. <http://learning.blogs.nytimes.com>.

## Lesson 1 Organizer: Comparing Texts and Examining Revisions

### *Drafted Text*

#### HOUSE AMENDMENT #4

**The freedom of speech, and of the press, and the right of the people to peaceably assemble** and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed.

### *Final Text*

#### THE FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging **the freedom of speech, or of the press; or the right of the people peaceably to assemble,** and to petition the **Government for a redress of grievances.**

### Examination of Revised Elements

**The Revision:** “and consult for their common good” was dropped completely.

1. What about this choice might not accomplish the goal of the original writing?

2. What is the implication of this revision? What is the revision trying to achieve?

**Lesson 1 Independent Practice: Comparing Texts and Examining Revisions****Drafted Text****Final Text****Examination of Revised Elements****The Revision:**

1. What about this choice might not accomplish the goal of the original writing?
2. What is the implication of this revision? What is the revision trying to achieve?

## Lesson 1 Assessment: Comparing and Developing Text in My Own Draft

### Drafted Text

Choose a sentence or passage that is important to the purpose of a draft that you have written. Write that here.

### Final Text

Revise that text here, keeping close track of the revisions you make and how they will help make your writing more purposeful.

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### Examination of Revised Elements

#### The Revision:

1. What about this choice might not accomplish the goal of the original writing?

2. What is the implication of this revision? What is the revision trying to achieve?

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**Argument Organizer: Claims, Counterclaims, and Evidence**

**Claim:** *What am I going to assert?*

**Counterclaim:** *What might someone say to argue with my claim?*

**Evidence:** *What information from my experiences might support my claim and/or refute the counterclaim?*

Evidence #1:

Evidence #2

Evidence #3

**Draft Thesis Statement:** *Begin with Although, Despite, Even if, Even though, or Regardless.*

## Independent Practice Prompt

The British Broadcasting Company (BBC) describes the term “*trigger warning*” as something that someone adds to a video, text, etc. “in recognition of strong writing or images which could unsettle those with mental health difficulties.” Trigger warnings have seen increasing use in the past several years as ways of notifying people of potentially offensive or troubling subject matter.

Some high schools and colleges are considering requirements that teachers and professors include trigger warnings when a class may study potentially offensive or troubling subject matter. Examples may include warnings to be used when a book in an English class includes a troubling scene or offensive language, when a lesson in a science class addresses material that may go against someone’s beliefs, or when a particularly troubling period of history is to be covered in a history class.

Consider this information about trigger warnings and their potential requirement in some high schools. Then, in a well-organized essay, develop a position regarding requirement of trigger warnings with high school courses.

*You are encouraged to use your exploration of the First Amendment and the associated readings on the National Constitution Center’s website as evidence in your argument.*



**Argument Organizer: Claims, Counterclaims, and Evidence**

**Claim:** *What am I going to assert?*

**Counterclaim:** *What might someone say to argue with my claim?*

**Evidence:** *What information from my experiences might support my claim and/or refute the counterclaim?*

**Evidence #1:**

**Evidence #2**

**Evidence #3**

**Draft Thesis Statement:** *Begin with **Although, Despite, Even if, Even though, or Regardless.***

## Extension Independent Practice

Having read the case brief from the Acton case, develop your position regarding whether or not the school's required drug test violates the student's right to protection from unreasonable search and seizure. Be certain to include material from your reading and exploration of the National Constitution Center's Interactive Constitution. Use this organizer to help you establish a claim relative to a counterclaim while also including supporting evidence.

**Claim:** *What am I going to assert?*

**Counterclaim:** *What might someone say to argue with my claim?*

**Evidence:** *What information from my experiences might support my claim and/or refute the counterclaim?*

**Evidence #1:**

**Evidence #2**

**Evidence #3**

**Draft Thesis Statement:** *Begin with Although, Despite, Even if, Even though, or Regardless.*

## Assessment

(Suggested Time — 40 Minutes)

John Stuart Mill (1806–1873) was an English philosopher and political thinker. His ideas contributed much to our contemporary political thinking.

Regarding freedom of speech, Mill wrote in his 1859 work *On Liberty*:

*“If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.”*

But he also later wrote in the same work:

*“The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”*

In a well-organized essay, take a position on the relationship between freedom of “opinion” and the responsibility to “prevent harm to others.”

You are invited to draw upon your recent examination and discussion of the First Amendment and particular Supreme Court cases in your position.

## Related Free-Response Question

*From the 2012 AP English Language and Composition Exam Free-Response Questions*

(Suggested time — 40 minutes.)

Consider the distinct perspectives expressed in the following statements.

“If you develop the absolute sense of certainty that powerful beliefs provide, then you can get yourself to accomplish virtually anything, including those things that other people are certain are impossible.”

—*William Lyon Phelps, American educator, journalist, and professor (1865–1943)*

“I think we ought always to entertain our opinions with some measure of doubt. I shouldn’t wish people dogmatically to believe any philosophy, not even mine.”

—*Bertrand Russell, British author, mathematician, and philosopher (1872–1970)*

In a well-organized essay, take a position on the relationship between certainty and doubt. Support your argument with appropriate evidence and examples.

