

Synthesis Practice Essay

AP Language & Composition

Ms. Olson

Name:

Date:

Introduction: In 2005, it was reported that a Knight Foundation/UConn study found that one in three U.S. high school students say the press ought to be more restricted.

Furthermore, even more than that say the government should have to approve newspaper stories before readers see them. It's obvious that the First Amendment's protections are important to American society, but different people have various ideas on how we are to balance these freedoms with protecting other aspects of life.

Task: On the continuum between total freedom and total government control, where do you think society should place its laws governing the freedom of speech? Citing at least four of the following excerpts/resources in your answer, you must make a decision and support it. You will have the entire class period in which to finish your essay, but it must be finished before you leave.

Grading Guide:

Graded Component	Points Possible	Points Received
Rhetorical integrity: You made your case clearly and succinctly; you offered support for key parts of your position; you remained logical.	50	
Style: Your writing was clear and interesting; lack of padding; good sentence structure and organization; diction was well-chosen; little repetition.	25	
Mechanics: Few spelling errors, homonym problems. Punctuation was used correctly.	25	
Total:	100	

Comments:

Sources (in your citations, you may use the letter designations below):

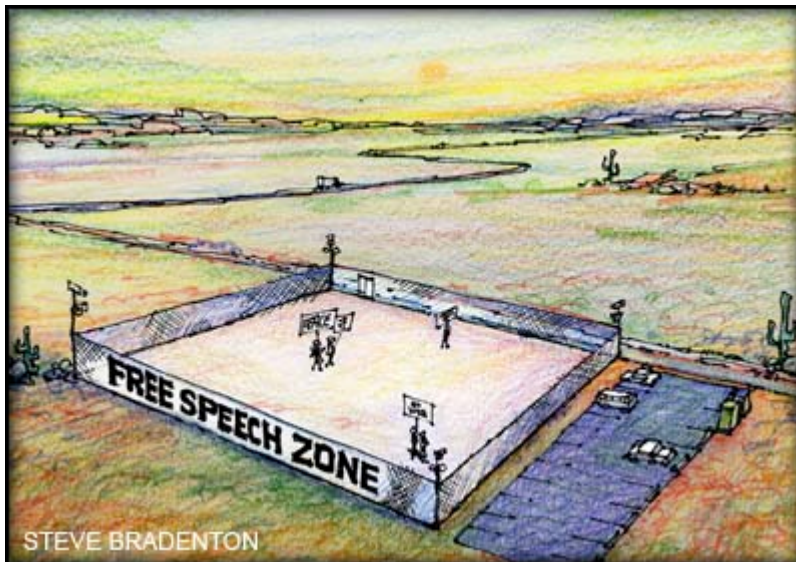
- A: The First Amendment to the Constitution of the United States of America
- B: Cartoon: Bradenton, “Free Speech Zone”
- C: First Amendment Schools: Time, Place, Manner Restrictions
- D: ACLU Press Release: Senior No Longer Banned From Prom and Graduation
- E: Marjorie Heins: *Not in Front of the Children* excerpt
- F: Henry Weinstein, LA Times, “Inflammatory T-Shirts”
- G: “Student Free Speech Rights” UMKC School of Law

Source A:

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.

The First Amendment to the Constitution of the United States of America

Source B:



Free Speech Zone by Steve Bradenton March 23, 2004 from Buzzflash
<http://www.buzzflash.com/bradenton/04/03/bra04010.html>

Source C:

May schools limit the time, place, and manner of student expression?

Yes, as long as the time, place, and manner regulations are reasonable and nondiscriminatory.

The U.S. Supreme Court has said that "laws regulating the time, place or manner of speech stand on a different footing than laws prohibiting speech altogether."¹ First Amendment jurisprudence provides that time, place, and manner restrictions on speech are constitutional if (1) they are content neutral (i.e., they do not treat speech differently based on content); (2) they are narrowly tailored to serve a governmental interest; and (3) they leave open ample alternative means of expression.

Courts will generally grant even more deference to time, place, and manner restrictions in public schools because students do not possess the same level of rights as adults in a public forum. However, the time, place, and manner regulations must still be reasonable. This means that school officials could limit student distribution of material to certain locations and at certain times, but those regulations would need to be both reasonable and nondiscriminatory.

Notes

¹ *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977).

Source: *First Amendment Center, First Amendment Schools*,
<http://www.firstamendmentschools.org/freedoms/faq.aspx?id=12993>

Source D:

MA High School Settles Free Speech Case; Senior No Longer Banned from Prom and Graduation (5/15/2002)

FOR IMMEDIATE RELEASE

BOSTON--Facing a lawsuit filed by the American Civil Liberties Union of Massachusetts, officials from Holliston High School today agreed to end the punishment imposed on Amanda Melanson, a high school senior who displayed a protest sign during the school's annual talent show.

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Following the protest incident, school officials had suspended Melanson from school for two days and banned her from all extracurricular activities, including the senior prom and graduation. The ACLU lawsuit, filed on May 2, sought an emergency order so that Melanson could attend those once-in-a-lifetime events. The settlement will also allow her to participate in all extracurricular activities.

The incident arose at the end of the annual talent show known as the "Senior Showcase." All the seniors, including Melanson, rushed onto the stage, screaming, yelling, and dancing. Melanson and a friend used this opportunity to hold up signs which read, "Free Willie," "Free Willie and Quinn," and "You Should Have Been Here." The messages referred to Michael Quinn and William Lichter, whose expulsion from school is being hotly debated in Holliston.

Other students with them on the stage waved a Canadian flag and a T-shirt with other messages. Many students were wearing T-shirts that also contained printed messages. Only the students holding signs supporting the expelled classmates were disciplined.

Source: ACLU online, Press Releases:

<http://www.aclu.org/studentsrights/expression/12812prs20020515.html>

Source E:

Introduction: From Plato to Computers

A young person cannot judge what is allegorical and what is literal; anything that he receives into his mind at that age is likely to become indelible and unalterable; and therefore it is most important that the tales which the young first hear should be models of virtuous thoughts.

In 1998, citing this famous passage from Plato's *Republic*, judges on the U.S. Court of Appeals rejected the legal claims of a high school drama teacher who had been punished for choosing a controversial play called *Independence* for her advanced acting class. (The play addressed themes of divorce, homosexuality, and unwed pregnancy.) The judges ruled that school officials in North Carolina did not violate Margaret Boring's right to academic freedom when they revoked her advanced acting assignment and exiled her to a middle school in response to complaints about the play.

This reliance, by judges sworn to uphold the First Amendment, on the pedagogical advice of Plato was remarkable. For whatever the Greek philosopher's literary or intellectual virtues, his doctrine of rigid censorship was about as hostile to our modern ideas of free expression as one can imagine. In the *Republic*, his prescription for an ideal state, Plato explained that writers must be censored because they give "an erroneous representation" of gods and heroes; indeed, even if their tales of divine and heroic misdeeds were true, they "ought certainly not to be lightly told to young and thoughtless persons." Plato likewise urged the suppression of "indecent" in sculpture and "the other creative arts" and of all music that did not promote temperance and military courage.

Source: Marjorie Heins, Not in Front of the Children: "Indecency," Censorship, and the Innocence of Youth. Hill and Wang, May 2001. ISBN: 0-374-17545-4.

http://www.eff.org/Censorship/?f=200105_heins_book_excerpt.html

Source F:

April 21, 2006
Court Lets School Ban Inflammatory T-Shirts

by Henry Weinstein
Los Angeles Times

Schools in the Western United States can forbid a high school student to wear a T-shirt with a slogan that denigrates gay and lesbian students, a sharply divided federal appeals court in San Francisco ruled Thursday.

In a 2-1 decision, the U.S. 9th Circuit Court of Appeals said that a T-shirt that proclaimed "Be ashamed, our school embraced what God has condemned" on the front and "Homosexuality is shameful" on the back was "injurious to gay and lesbian students and interfered with their right to learn." Wearing such a T-shirt can be barred on a public high school campus without violating the 1st Amendment, the court said.

In numerous instances, the U.S. Supreme Court has held that Americans must tolerate offensive speech, including permitting marches by Nazis through a community with a substantial Jewish population. However, the majority ruled in this instance that some limitations were permissible in a public secondary school setting.

The court concluded that San Diego-area high school student Tyler Harper's donning of the T-shirt "collides with the rights of other students in the most fundamental way," wrote 9th Circuit Judge Stephen Reinhardt.

"Public school students who may be injured by verbal assaults on the basis of a core identifying characteristic such as race, religion, or sexual orientation have a right to be free from such attacks while on school campuses," Reinhardt said. "Being secure involves not only the freedom from physical assaults but from psychological attacks that cause young people to question their self-worth and their rightful place in society."

Source: *Los Angeles Times*, reposted at <http://pewforum.org/news/display.php?NewsID=10384>

Source G:

Students do not, the Court tells us in *Tinker vs. Des Moines*, "shed their constitutional rights when they enter the schoolhouse door." But it is also the case that school administrators have a far greater ability to restrict the speech of their students than the government has to restrict the speech of the general public. Student speech cases require a balancing of the legitimate educational objectives and need for school discipline of administrators against the First Amendment values served by extending speech rights of students.

In *Tinker*, perhaps the best known of the Court's student speech cases, the Court found that the First Amendment protected the right of high school students to wear black armbands in a public high school, as a form of protest against the Viet Nam War. The Court ruled that this symbolic speech--"closely akin to pure speech"--could only be

prohibited by school administrators if they could show that it would cause a substantial disruption of the school's educational mission.

Source: University of Missouri—Kansas City, School of Law
<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/studentspeech.htm>