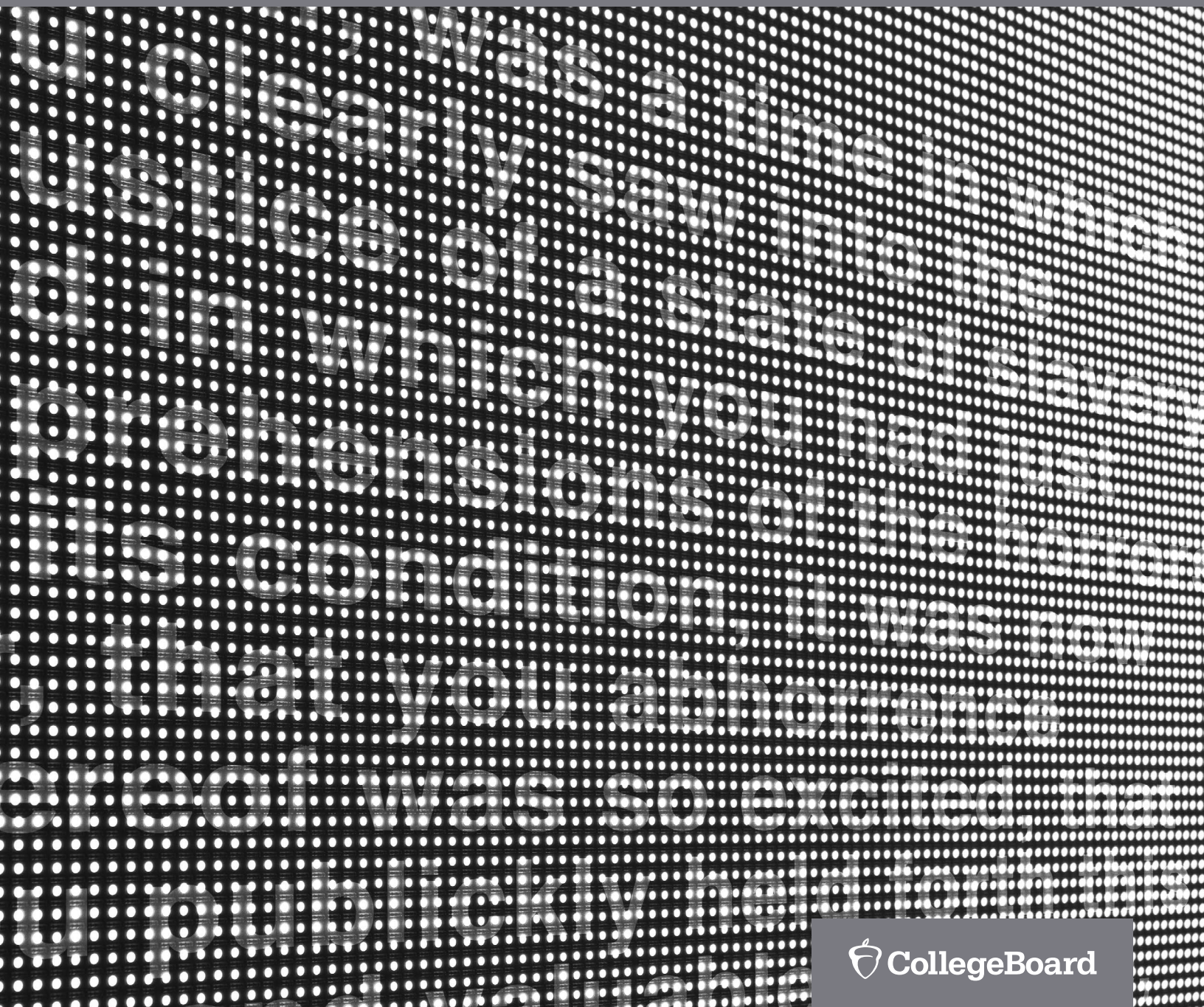




The U. S. Constitution Series  
In Partnership with the National Constitution Center

# AP<sup>®</sup> English Language

Argument



# Argument

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## Workshop Handbook

## 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.com](http://www.collegeboard.com).

## Acknowledgements

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# Introduction

## Legal Perspectives

Though the framers of the constitution were working to create laws that would govern the people of the newly formed republic, they also realized that times would change. They knew that it would likely become necessary for some laws to be reinterpreted as society developed.

Often, this “moving target” of legal interpretation means arguments sometimes emerge about the opposing interpretations and applications of the law. The different perspectives from which these arguments emerge may rely only on the smallest difference in the reading of the law, or they may depend on a larger, fundamental difference in the approach to the law. Sometimes these differing perspectives may not even appear that different. The subtle differences in these perspectives reveal the ambiguity that the founders foresaw and accounted for when they framed the constitution.

In this lesson, you will encounter some differing and subtle interpretations of amendments in the Bill of Rights. You will be asked to consider these perspectives as you develop your own arguments considering historic Supreme Court cases and your own interpretations of the law. You will then be asked to develop a complete argument in essay form that considers different perspectives.

## Essential Question: How can different perspectives inform an argument?

### “Free Speech, Safe Spaces, and Trigger Warnings”

Known for his political satire, comedian, talk-show host, and television personality Dave Rubin often targets such topics as free speech, political correctness, politics, and media. Watch closely the video by Dave Rubin and be prepared to discuss the following questions about what you see:

What, according to Rubin, are the tactics of those people who refuse to hear others' views?

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What is the problem with a student protest that bans media?

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Why is debate about these types of social issues important?

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What are the components of an effective debate or argument?

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Why is it important to consider other perspectives as you debate an issue?

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By not hearing or responding to other's views, how is debate stifled or rendered ineffective?

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## National Constitution Center's Interactive Constitution Website

### Directions:

Follow along with your teacher.

1. Navigate your browser to the National Constitution Center's *Interactive Constitution* (<http://constitutioncenter.org/interactive-constitution>)
2. Scroll down and click on the "Explore It" arrow near the bottom-center of the page.
3. The page includes:
  - a. Links to all 27 amendments to the constitution;
  - b. A link, near the top left-hand corner, to the articles of the constitution;
  - c. A link, near the top right-hand corner, to a scholarly articles "About the Constitution";
  - d. A link to information "About the Interactive Constitution"; and
  - e. A search field to allow you to search all contents for certain words or phrases.
4. Choose "Amendment I" from the menu.
5. Notice how it provides links to interpretations of different parts, or clauses, of the First Amendment (you may need to scroll down to see these).
  - a. The Establishment (of laws regarding religion) clause,
  - b. The Free Exercise (of religion) clause,
  - c. Freedom of Speech clause, and
  - d. Freedom of Assembly and Petition.

**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 readings/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.*

**Did You Know?**

Subordinating conjunctions (although, however, despite, even though, etc.) can help incorporate a counterclaim into an argument.



## Frontiers of Free Speech: Hostile Environment Harassment Rules

### Part I Directions

Now that you have seen your teacher model both the navigation of the website and the thinking process involved, you and your class will start working with some of your own thinking.

Pair up and navigate to the Volokh text, “Frontiers for Free Speech.” Though the introduction is based on a text you have not read (the other perspective by Geoffrey Stone), the rest of the text is not. Pay close attention to the section, “‘Hostile Environment Harassment’ Rules.”

Read the text in pairs.

Discuss what statements from Dr. Volokh’s perspective could be used to either support the draft thesis that your teacher modeled for you.

After you and your partner have read and briefly discussed it, be prepared to share out what you found and discuss these things as a class.

As a class settle on what information from the Volokh reading will be used to support the thesis and how it will be used.

Write this into the remaining spot on the organizer.

Now, with your partner, write your reasoning for that evidence on a sticky notes. Be prepared to share your response with the class.

## Guided Practice Prompt

Watch the video at [www.cnn.com/2014/05/29/us/utah-highschool-yearbook-photos-editing](http://www.cnn.com/2014/05/29/us/utah-highschool-yearbook-photos-editing)

The Supreme Court has ruled, “Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities” (Hazelwood School District v. Kuhlmeier). Consider this ruling and the circumstances of the video about the editing of the yearbook pictures. Then, in a well-organized essay, develop your position on the constitutionality of the administrators’ decision.

**Complete the Organizer:** Claims, Counterclaims, and Evidence about the yearbook photo editing. Feel free to refer to the model organizer you completed with your teacher.

After you complete the organizer, write one to three well formed paragraphs that present the following:

- ▶ Your claim, evidence, and reasoning.
- ▶ Your counterclaim, evidence, and commentary that explains that the reasoning of the counterclaim is not as effective as the reasoning between the claim and evidence.

Remember that your draft thesis statement will be more effective if you not only admit the counterclaim, but engage specifics about it that will then be refuted by the claim of the thesis statement.

Be certain to rely on your reading of the First Amendment and its associated perspectives on The National Constitution Center’s Interactive Constitution website when developing your position.

You can also refer to the model organizer you completed earlier.

## Argument Organizer: Claims, Counterclaims, and Evidence

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

### Did You Know?

Writing an argument is a part of almost every discipline; however, each discipline has a different expectation as to how an argument should be organized. In English, for example, deductive reasoning is common practice in that the claim or position is stated at the beginning of the argument and evidence is used to support that claim for the remainder of the argument. In political science, inductive reasoning is often standard practice. Reasons and evidence are stated upfront and the claim is stated at the end of the argument.

## 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.*

## Part 1

### Directions

You have been given the “*Independent Practice Prompt*.”

Read and form an opinion based on your perspectives.

Complete the *Claims, Counterclaims, and Evidence* handout in response to the prompt. Be sure to include evidence with reasoning as well as a counterclaim and thesis as you did with your teacher and practiced earlier.

You should navigate and use the National Constitution Center’s *Interactive Constitution* (<http://constitutioncenter.org/interactive-constitution>) website, including the Stone and Volokh texts from earlier, as you develop and support your position.

Be certain to closely consider the relationships between claim and counterclaim and evidence and so on, including a focus on using specifics of the counterclaim in your draft thesis statement.

Consider these questions as you work:

What is the claim being made in this draft thesis statement?

What is the counterclaim? What details about the counterclaim are included?

Does the claim address the counterclaim and the specific details about it?

## Part 2

Now, using your completed *Claims, Counterclaims, and Evidence* organizer, write a well formed essay that presents your claim with evidence and reasoning. Include also your counterclaim with reasoning that explains that the reasoning of the counterclaim is not as effective as the reasoning between the claim and evidence.

Be prepared to review your work with another student.

## Part 3

Finally, while working with your partner, answer these questions about the value of counterclaims to the efficacy of an argument.

Why is the counterclaim so important to the development of an argument?

Why might it be important to include specifics about the perspective of the counterclaim as early as the thesis statement?

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

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**Did You Know**

Subordinating conjunctions (although, however, despite, even though, etc.) can help incorporate a counterclaim into an argument.

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## 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 wrote 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.

## 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?*

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