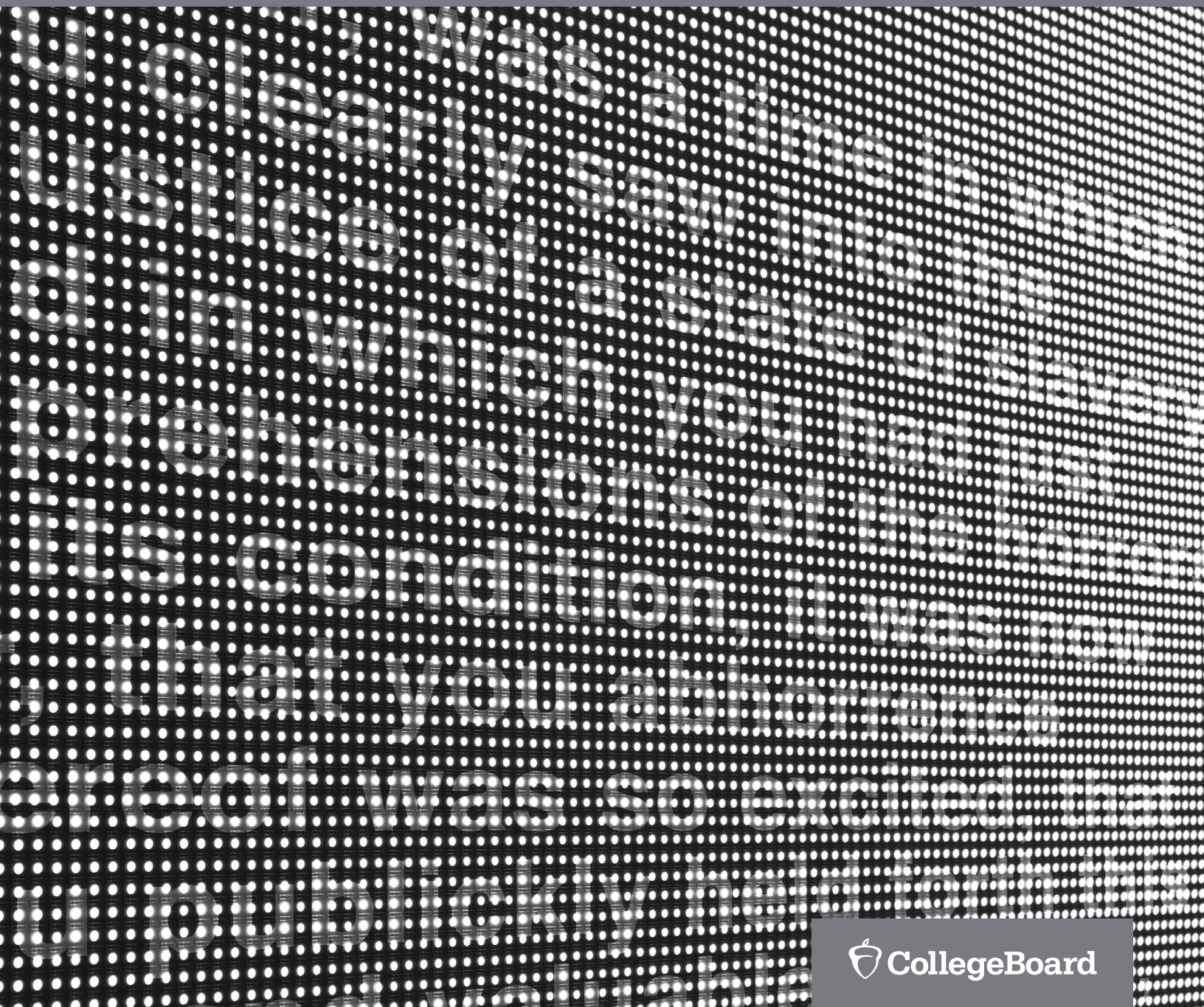




The U. S. Constitution Series
In Partnership with the National Constitution Center

AP[®] English Language

Precision of Language



Precision of Language

Student Workbook

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.

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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?

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?

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

How do we see this impact in our school? _____

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

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?

b. What is “Madison’s Proposal 4” about?

c. What is “Madison’s Proposal 6” about?”

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

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>

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 or 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?

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*.

- 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.

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.

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?

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?

