

Test the Legal Inference

Evaluate reasoning across two historical court opinions.

CCSS.ELA-Literacy.W.11-12.9b "Apply grades 11-12 Reading standards to literary nonfiction (e.g., "Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning [e.g., in U.S..."

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline the reason each Court gives for its approach to student expression. Circle language limiting the rule. Distinguish the Court's quoted reasoning from the context supplied here.

Expression and School Sponsorship

- ① **Context.** The First Amendment protects expression. In *Tinker v. Des Moines* (1969), students wore antiwar armbands; the Court found no basis to anticipate substantial disruption or interference with others' rights. In *Hazelwood v. Kuhlmeier* (1988), students produced a journalism-class newspaper. The Court found that school policy and practice had not opened it as a public forum and considered the school's sponsorship. These majority excerpts present historical reasoning, not a complete guide to current school law.
- ② **Source A: Tinker, majority opinion.** "But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear." Here, *undifferentiated* means general rather than based on specific grounds; *regimentation* means rigid control.
- ③ **Source B: Hazelwood, majority opinion.** "Accordingly, we conclude that the standard articulated in *Tinker* for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns." Here, *pedagogical* means educational; *dissemination* means distribution.

2 ANSWER WITH EVIDENCE _____ Use the passage

- 1** Trace Tinker's reasoning: why is fear alone an inadequate basis for restricting expression? Use the excerpt and context.

- 2** What distinction does Hazelwood draw, and how does that distinction support its approach?

- 3** Does Hazelwood authorize any restriction a school prefers? Cite limiting language and a relevant contextual fact.

- 4** A fictional editor says: Students write our paper, so only Tinker matters. Identify the gap in this inference and two facts needed to evaluate it.

3 YOUR TURN

Your own words

Evaluate the fictional editor's inference from question 4 in 150-190 words and three paragraphs. State a judgment; compare the reasoning using evidence from both opinions; explain two missing facts and how they could affect the comparison. Make a qualified conclusion, not a ruling about an actual school.

Evaluate the inference

Identify each source by case name. Explain how its reasoning supports or limits the editor's claim. Leave blank lines between paragraphs.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

PART 1 • READ AND MARK

Underline the reason each Court gives for its approach to student expression. Circle language limiting the rule. Distinguish the Court's quoted reasoning from the context supplied here. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	Trace Tinker's reasoning: why is fear alone an inadequate basis for restricting expression? Use the excerpt and context.	Differences of opinion can routinely cause fear, so accepting general fear would permit broad suppression. With no basis for anticipating substantial disruption or interference with others' rights in this case, fear did not outweigh expression.
2	What distinction does Hazelwood draw, and how does that distinction support its approach?	It distinguishes punishment of student expression from refusing to lend the school's name and resources. The school's sponsorship creates educational responsibilities that can support control tied to legitimate pedagogical concerns.
3	Does Hazelwood authorize any restriction a school prefers? Cite limiting language and a relevant contextual fact.	No. Actions must be reasonably related to legitimate pedagogical concerns. The paper was curricular, and policy and practice had not opened it as a public forum; the excerpt is not unlimited authority over every student publication.
4	A fictional editor says: Students write our paper, so only Tinker matters. Identify the gap in this inference and two facts needed to evaluate it.	Student authorship alone does not distinguish the cases: students also produced Hazelwood's paper. Needed facts include whether the paper is school-sponsored/curricular, its forum policy and practice, and the grounds for a proposed restriction. Any two relevant facts with the gap explained are acceptable.

PART 3 · YOUR TURN (SAMPLE ANSWER)

Evaluation: The editor's inference is incomplete because student authorship does not establish which historical reasoning best fits the publication. Tinker protects expression against restrictions grounded only in general fear, but that principle does not make Hazelwood irrelevant whenever students write the material.

Tinker reasons that differences from majority opinion may inspire fear, making undifferentiated apprehension an inadequate justification for suppressing expression. Hazelwood distinguishes punishment from a school's refusal to lend its name and resources. Its requirement of legitimate pedagogical concerns limits the control it permits. These arguments address different relationships between the speaker and the school, rather than simply distinguishing adult from student authors.

We would need to know whether the paper is a school-sponsored curricular activity and whether policy or practice has opened it as a forum for student expression. The first fact bears on sponsorship; the second tests whether Hazelwood's nonforum context is comparable. Without those facts, student authorship alone cannot establish that only Tinker matters. The excerpts support further inquiry, not a definite ruling on the fictional paper.

TEACHER ASSESSMENT NOTES

Assess accurate delineation and evaluation of the reasoning: judgment, evidence from both majority opinions, explanation of the comparison, and two missing facts with consequences for the inference. Require three paragraphs and 150-190 words. Accept other qualified interpretations grounded in the excerpts. Do not infer forum status from student authorship or school funding alone, or treat pedagogical concerns as unlimited discretion. This is historical textual analysis, not a determination of current legal rights; later decisions and state laws are outside the exercise. Public-domain majority excerpts verified at <https://www.law.cornell.edu/supremecourt/text/393/503> (part II) and <https://www.law.cornell.edu/supremecourt/text/484/260> (part II.B); footnote markers are omitted and outer quotation marks added. The excerpts are not quotations from the syllabus or dissent. Marking examples: Tinker's fear/majority-opinion reasoning; Hazelwood's name/resources distinction and reasonably related limitation.