

INSIDE JOURNALISM

Volume 1, Issue 4

Talk of the Town

The Editorial Page Is One Means Of Conversation Between a Newspaper and Its Readers, But Look Closer and You'll Find Reporting, Advocacy and Some Wicked Humor. Who Knew Something So Gray Could Be So Colorful?

The editorial page is the one daily section of a newspaper that always voices an opinion. Unlike news articles, editorials are allowed to be for or against decisions of government, choose favorites in elections and take a stand in debates on public issues.

The editorial page is not only allowed to take a stand, it's supposed to take a stand. That is its role.

News writers are supposed to report all sides. Editorial writers get to take sides. News writers get in trouble if they say what they favor or oppose. Editorial writers get in trouble if they don't.

On the editorial page, readers of the paper get to take a stand as

well—in letters to the editor. It's a great "conversation" between the paper and its readers, says Fred Hiatt, editor of The Washington Post editorial page. It's unique to democratic societies.

Hiatt is head of the editorial board, made up of nine experienced writers. The board meets once a day to discuss the news and choose topics and opinions for editorials. Occasionally, the chairman of The Washington Post, Donald E. Graham, sits in.

Board members need not agree on everything. That would produce "mush," says Hiatt. But he prefers that they reach some rough agreement (or consensus) because their editorials "speak for the newspaper."

That does not reflect the views

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The Editorials

Choosing a Topic: The editor of the editorial page is chosen by the chairman of The Washington Post, Donald E. Graham. The editorial board meets each morning, discusses and debates the news, decides on topics for the next day's page and tries to reach a rough consensus on what to say.

Fred Hiatt, the editor, usually asks the writer most knowledgeable on the subject to write the editorial. Unlike a news story, it does not have the name of the writer on it. That's because it is written in the name of The Washington Post.

Some editorial writers, including Hiatt and deputy editors Jackson Diehl and Colbert I. King, also write "signed" columns for the page opposite the editorial page—the op-ed page. When their names show up, they speak only for themselves.

Getting it right: The independence of the editorial board doesn't mean it can be unfair. A good editorial, Hiatt says, must be carefully reported so that its basis is sound. Included in the reporting is an understanding of the other point of view, so it may be talked about in the editorial. The weaknesses of the other point of view might be pointed out. It's not only a matter of fairness, he says. Consideration of the other side sharpens the reasoning behind an editorial.

Getting to the truth: Some think that writing editorials is easy. You put your feet up, stroke your chin, jot down your thought for the day and go home. Hanna Rosin, who recently went from reporting to editorial writing, knows differently. "It's more work than reporting," she says. "Your responsibility is not just to lay out the facts. It's to get to the truth. That takes a lot more reporting. . . . Every sentence in an editorial has a shadow and behind that shadow are 10 phone calls" to people who understand what's really happening.

Colbert I. King, one of two deputy editors of the editorial page, is in charge of the lively "Free for All" section of letters from readers that runs on Saturdays. "It's where people can have at the paper," he says. "They catch us in all sorts of things—grammar, accuracy, everything. They pin back our ears and let fly. It gives people a sense they can talk back at us."

King is one of the editorial board members who writes both editorials and a personal column on the op-ed page. They are two different things, he says. "I use different voices," he says. "When I write in my own name, I use more colloquial expressions. I will say someone is 'cracking up inside.'"

"In an editorial, writing for the paper, I might say 'he was amused.'"



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10 You and Your Rights Flagging T-Shirt Expression

FREQUENTLY ASKED QUESTIONS

How is it that The Post editorial section can endorse a candidate for political office while the news section is publishing stories critical of that candidate?
The editorial board and the news sections are independent of one another. While the editorial board endorses candidates at all levels of government, urging voters to support particular people, the board has no control over the reporters, who must remain neutral.

Can interest groups, public relations companies or businesses "pressure" the editorial board to take a certain position?
No. But individuals involved in public issues can contact members of the editorial board and try to persuade.

On Sunday the editorial section is inside Outlook—what's the connection?
None. Outlook, featuring the work of writers from within and outside The Post, is a separate operation with its own editor and staff.

Are there other places in The Post where writers express opinions?
Yes. Columnists and reviewers of books, cars and entertainment express opinions. Sometimes a writer's personal opinions find their way into news stories, despite the best efforts to weed them out. The Post regards opinionated news writing as unacceptable.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

The Editorial

KidsPost Article: "Taking a Stand: The Editorial Page"

The INSIDE Journalism curriculum guide provides information and resources that can be used on many grade levels and in many subject areas. Here are a few suggestions for using the material in this guide.

Think About Editorials

Why do newspapers have editorials? In ancient Roman cities the forum was a public square or marketplace where people gathered for judicial activity and public business. The modern editorial page provides such a place for discourse. The editorial stimulates debate and dialogue. It is the newspaper's participation in its community. It is what Post Editorial Editor Fred Hiatt calls a great "conversation" between the paper and its readers.

Today readers expect news articles to be free of opinion. Citizens, wanting to be informed, expect a fair presentation of the facts. If they want to know a point of view, readers go to the editorials in a separate section of the newspaper. Explain to students the different purposes of news and editorial sections. (See the November 2002 INSIDE Journalism guide for more on news.)

Early newspapers were partisan, often expressing only the point of view of the owners. News accounts were at times indistinguishable from fiction. In the middle of the 19th century, opinion and commentary moved to the editorial page.

Horace Greeley is considered the father of the modern American editorial page. The

New York Tribune publisher made his paper a national voice against slavery. According to the *News History Gazette*, "In 1862, Greeley's editorial, 'Prayer of Twenty Millions' implores President Lincoln to set slaves free. Lincoln is moved to answer personally." Even though he writes that his goal is not to save or destroy slavery, but "to save the Union," Lincoln signs the Emancipation Proclamation soon after.

In the 1920s, professional journalism took a step backwards with the tabloids and yellow journalism sensationalizing or creating news. The 1920s was also the era in which newsmagazines such as *Time* were beginning and the "Canons of Journalism" was adopted. The American Society of Newspaper Editors 1922 statement of principles encouraged ethical and professional performance. ASNE's most recent Code of Ethics states: "Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports."

Read

Read "Taking a Stand: The Editorial Page." Note that three to four editorials appear in every issue of *The Post*.

In the Know

Consensus: An opinion or position reached by a group as a whole or by majority will

Editor: One who writes editorials. A person who helps develop then edits stories for accuracy in reporting.

Forum: A medium of open discussion or voicing of ideas, such as a newspaper or a radio or television program.

Independent: Free from influence, guidance or control of another or others.

Letters to the Editor: The forum for readers to express reaction and rebuttal to news articles. All letters must be signed or they will not be considered for publication in *The Post*.

News Analysis: A story written by a reporter or editor in which the writer can interject observations, predictions and opinions based on personal assessment. These stories are always identified as a News Analysis or News Summary in a boxed area within the first several paragraphs of the story.

Ombudsman: The reader's advocate; the liaison between the *Post* and the public. He attends to questions, comments and complaints regarding *The Post's* content. Readers may contact the ombudsman at ombudsman@washpost.com.

Op-Ed: The page directly opposite the Editorial page that serves as a forum for syndicated political cartoons, commentary and individual comments and opinions.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Find and Read

The editorial and opinion pages run inside the back page of the A Section Monday through Saturday. Find the editorials in today's Washington Post. What issues are addressed in today's newspaper? What stand does The Post take on them? Where can you find editorials and commentary in Sunday's Washington Post? Teachers might have an Outlook section to show students.

Meet the Editor

To learn more about who writes the editorials and how the editorial stand is determined, read "Meet the Editor," a Q and A with Robert Asher. Discuss his responses with students.

Talk About Editorials

Editorials in The Post and other newspapers have taken strong positions. What is the role of editorials to encourage action? In what ways have editorial writers influenced social change? During the civil rights movement, editorial writers played key roles to begin dialogue and encourage change. Editorials also take a stand on candidates. Read "The Editorial They" (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A7932-2000Oct24.html>). The Post's Executive Editor Leonard Downie Jr. presents the line between covering an election and endorsing a candidate.

Talk About the Letters to the Editor and Free For All

Fred Hiatt, The Washington

Post editorial page editor, says the editorial page is "a place to have a conversation with our readers. ... It's an important function for a newspaper that wants to be part of a community." How do letters from readers help a dialogue to take place? Look at the subject of the letters. The Post receives approximately 600 letters to the editor per day, but has space for only six to 10 of them. Do you think The Post does a good job of selecting a variety of topics to reflect public concerns and reactions?

How to Write an Editorial

Editorials are a form of persuasive writing. Give students the reproducible "How to Write an Editorial." A structured approach to organizing editorials is given. Give students "Building an Editorial Argument."

Think About Freedom of Speech

Certainly editorials and other opinion pieces are a newspaper's commitment to freedom of speech. This look at a First Amendment issue brings freedom of expression close to home for students—the shirts on their backs. "You and Your Rights: Dress Codes and the Relationship to Freedom of Speech and Expression: Whether the First Amendment Protects Students' Rights to Wear the Confederate Flag" lesson is written by two law students in the Marshall-Brennan Fellows program. The reproducible provides constitutional background for students. "T-shirt Speech" is provided with this lesson.

Editorial Help

On the Web

➤ <http://library.thinkquest.org/50084/index.shtml>

"Only a Matter of Opinion?"

Editorials, columns and editorials cartooning basics are presented. Site provides how-to, professional and student examples and much more. Prepared by experienced teachers, this site is top-prize winner of the 1999 ThinkQuest Challenge for Tomorrow's Teachers.

Vahl, Rod and H.L. Hall. Effective Editorial Writing. 2000.

Chapters include six kinds of editorials in the newspaper, selecting a topic and responsibilities of the editorial writer. Examples are from high school newspapers.

NCEW. Beyond Argument: A Handbook for Editorial Writers, 2000.

Award-winning editorial writers share their knowledge. Includes design of opinion pages. Available at the Journalism Education Association bookstore (www.jea.org) and from National Conference of Editorial Writers (<http://www.ncew.org/>). The NCEW Web site is for professional editorial writers, but you will find an order form for the "best practices" handbook.

The Annenberg/CPB News Writing Video Series

The 15 half-hour programs include one on column and editorial writing.

Sloan, William David and Laird B. Anderson. Pulitzer Prize Editorials: America's Best Editorial Writing, 1917-1993. An anthology of editorial winners beginning with the first Pulitzer given for editorial writing. The introductions to each editorial are instructive.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Teachers of younger students might use it to introduce students to the concept that what is written on T-shirts is a form of freedom of speech and individual expression. The Washington Post article: “A Ban on Hate or Heritage—Ga. School Divided over Confederate-Themed Shirts” gives you a case from the headlines to apply the

constitutional principles.

Write

Ask students to write an editorial on the T-shirt issue or select their own issue to research.

Enrichment

“Washington Post timeline, 1919-1932” and “A Changing Community,

A Changing Role” may be used to stimulate discussion of the time period in print and at The Post. Options for further reading are provided.

“Taking a Stand: The Editorial Page” can be found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A23189-2003Jan21.html>.

Newspaper Opinion: A step-by-step look at the recipe for writing an effective editorial*Guns, Locks and Lives***<Step 1: Introduce the Topic>**

YOU WOULD THINK from their orchestrated bleats that Maryland gun dealers were caught off guard—and hadn’t known perfectly well for nearly three years that an internal-trigger-lock law would take effect on Jan. 1, 2003. Suddenly, and no doubt in hopes of tearing at the heartstrings of Gov.-elect Robert L. Ehrlich Jr., opponents of the safety requirement say that they fear for their livelihoods, that only a small number of handgun models on the market meet the law’s standards. Glossed over in their despair is any acknowledgment that the law might have the effect intended by its advocates: saving lives, especially those of children.

Acknowledgment of the opposition**Response to the opposition****<Step 2: Reporting>**

Under the law, the only newly made handguns that dealers may sell in Maryland are those with integrated locking mechanisms that limit a weapon’s use to those who hold the key or know the combination. Dealers say the feature is found on about 25 percent of handguns on the market. That’s a start, surely, and as with so many gun laws, this one came with a loophole to ease the dealers’ transition: They are still permitted to sell any used and new handguns without integrated locks if the weapons were manufactured before 2003. More than a few dealers knew enough to stockpile arsenals of these models for their clientele.

Counter to Concession**<Step 3: Concession>**

Many dealers are arguing that the internal-lock guns won’t do much to save lives. They say that it can be difficult to tell by sight if such a weapon is locked unless the lock is tested, which could result in accidental firing of a gun assumed to be locked. How difficult is that for manufacturers to retool? Instead of fighting to repeal a sensible lifesaving measure, Maryland’s dealers should step up pressure on manufacturers to make changes in their models.

<Step 4: Argumentation and Suggestions>

The trigger-lock provision was part of a package of gun safety measures aimed at preventing shootings rather than concentrating narrowly on punishing those who use guns in crimes. Maryland has been a leader in enacting safety requirements, but the effectiveness of any such measures is limited unless they can be made part of federal law. Better registries of gun owners and ballistic “fingerprints” ought to be established nationwide, and more technology should be incorporated that can restrict a gun’s use to its owner.

During his campaign for governor, Mr. Ehrlich said he would review the state’s gun laws to determine their effectiveness. That should not mean weakening or repealing laws but rather making them more effective. Time and again, Marylanders have voiced strong support for gun safety laws, measures aimed at saving lives, not waiting to act after lives have been taken.

—The Washington Post, January 5, 2003; Page B6



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Have you always wanted to write editorials?

From the time I could hear to the time I arrived at The Post, I wanted to be a radio personality. It wasn't until I came off military duty and returned to Washington, my hometown, that, while looking for another radio job, I answered a help wanted ad in The Post and began as a copy aide: running errands, delivering proofs and doing other newsroom chores. Eventually I was promoted to reporter and did that for 10 years. After a fellowship academic year at Columbia, I joined the editorial page staff and fell in love with the job.

Who are the best editorial writers?

Good editorial writers need to be good listeners, fair judges and advocates open to challenge.

Do you create topics or are they assigned?

Each of us thinks up topics for editorial comment, based on our main areas of interest. When the editor or a colleague thinks of an issue in those areas, the editor may ask me to look into it. Often in the course of our discussions, other topics may come up that we decide are worth looking into. Our field is boundless; we look at everything from Bosnia to Bethesda, from the Springfield "mixing bowl" highway intersection to the Super Bowl.

How is a stand on an issue decided?

Everyone is encouraged to pitch in views on any topic we discuss in our meeting. I may think I have a great idea, but a colleague may have suggestions, objections or good questions that can refine and improve my approach. We don't vote on our editorial position. Usually we can tell when there is a consensus. A member—or several members—may not be 100 percent in agreement—but the writer gets a sense of what the group as a whole believes.

How much does Donald Graham influence the editorial stand taken in editorials?



Meet the Editor

Robert Asher

Don Graham sits in when he can and offers news, views and comment. He does not dictate any editorial positions and encourages free debate. The board is given remarkable freedom to reach its positions.

How much is the editorial decision influenced by lobbyists, political leaders or advertisers in the Post?

Lobbyists, public relations people, politicians and almost anybody with a cause would like to see it reflected on our page. We try to hear them out and weigh what they have to say and measure it against opposing views or other pertinent comments from sources. We are an independent operation, separated from advertising and news departments.

Since you are writing for the consensus, have you ever taken stands in editorials with which you personally disagree?

Because it is difficult (though not impossible) for a member to write an editorial taking a position with which he or she may personally disagree, the general practice would be to let someone else write it.

How important are interviews and research to writing an editorial?

Reporting is a must. If our facts are wrong, our credibility suffers. Interviews, research and on-the-scene coverage are essential. We feed on information and going after it is energizing.

Is it important to include a concession or

reference to the opposing point of view?

Acknowledging and assessing opposite points of views is not only honest but strengthens the editorial. Writing a total "yea" or "boo" editorial can be fun but more often than not, we're sifting through points to reach a conclusion.

Do editorials praise?

Good efforts deserve our recognition, and we like to point them out to readers.

What advice would you give to a student editorial writer?

Anyone seeking to be an opinion writer should concentrate on reporting, which is the first step in constructing a column or editorial.

Robert L. Asher is a member of the editorial staff of The Washington Post, specializing in state and local political issues, transportation and urban affairs.

He began at The Post as a copy aide in 1959 and from there has worked as a staff reporter, assistant picture editor, copy editor, assistant state news editor, D.C. city hall reporter, congressional affairs reporter, day city editor and chief of a city government bureau news team covering the advent of limited home rule for the District.

After graduating from Amherst College in 1957, Asher worked as a newsman, morning disk jockey, engineer and music librarian at radio station WDOV in Dover, Del. He is a member of the Capital Press Club and a former president of the Washington-Baltimore Newspaper Guild. For the last 30 years, he has been an adjunct member of the journalism faculty of the Howard University School of Communications.

In 1984, Asher won a Society of Professional Journalists award for outstanding commentary on local affairs and an award from the Washington Urban League for editorials on volunteer service in D.C. public schools. In 1991, he won The Washington Post's Eugene Meyer Award for distinguished career service at the newspaper.



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Board members need not agree on everything. That would produce "mush," says Hiatt. But he prefers that they reach some rough agreement (or consensus) because their editorials "speak for the newspaper."

That does not mean that reporters in the news sections must reflect the views of the editorial page.

At The Post, a real wall and a virtual wall separate the editorial page from the news sections. Each works independently, thinks independently and reports to different bosses. Post rules say neither should influence the other.

What is the contribution of a good editorial page? With no selfish intent, it provides an informed and independent view on all topics, from how the schools are run to who should be president.

—Fred Barbash

The Editorials

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"I use different voices," he says. "When I write in my own name, I use more colloquial expressions. I will say someone is 'cracking up inside.'"

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The Washington Post's Editorial Board

Fred Hiatt , 47 Position: editor of editorial page Specialty: General issues	Colbert I. King , 63 Position: deputy editor Specialty: Local issues	Jackson Diehl , 46 Position: deputy editor Specialty: Foreign policy	Anne Applebaum , 38 Position: board member Specialty: Domestic policy	Robert Asher , 66 Position: board member Specialty: Local government	Sebastian Mallaby , 38 Position: board member Specialty: Economics	Ruth Marcus , 44 Position: board member Specialty: Politics, federal budget	Hanna Rosin , 32 Position: board member Specialty: Cultural issues	Benjamin Wittes , 33 Position: board member Specialty: Legal issues



FREQUENTLY ASKED QUESTIONS

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The Cartoon

Now drawn by Tom Toles, below; previously by Herblock. (Cartooning will be the subject of a page in KidsPost next month.)

Letters to the Editor

The editorial page receives about 600 letters to the editor per day but it has space to publish only six to 10. M.J. McAteer decides what gets published. Here's her advice to letter writers:

- Make it topical. The subject should be in the news.
- Make a point. No whining allowed. The letter should express an opinion. Opinions taking issue with The Post's editorials are especially welcome.
- Personalize the letter. "It's more interesting when the writer relates some actual experience."
- Keep it short. Many letters, unfortunately, begin with the words "I know this is long but . . ." Two paragraphs are great. Three's pushing it. If you don't cut it, she will.

Op-Ed

Opposite the editorial page is the op-ed page. It publishes a range of regular opinion columns by writers inside and outside The Post. It also provides a forum for individual essays by people outside The Post. The section receives about 350 essays per week but has room for only seven to 10.

The Masthead

Eugene Meyer, Philip L. Graham, Katharine Graham: The previous owners and publishers of the modern Washington Post. For their stories, read "In The Shadow of Power: The Story of The Washington Post," by Chalmers M. Roberts.

Donald E. Graham: The current chairman of both The Washington Post and The Washington Post Company.

Boisfeuillet Jones Jr.: Publisher, the person in overall charge of the newspaper.

On the left, the names of those who supervise news coverage. On the right, the people who supervise the editorial page. Everyone else below: The officers of The Post as a business, a reminder that it is a business.

Learn More—To download a free curriculum guide to this story, with lesson plans and reproducibles, visit: The Washington Post's Newspaper in Education Web site: www.washpost.com/nie.

GRAPHIC BY BILL WEBSTER—THE WASHINGTON POST



An Integrated Curriculum For The Washington Post Newspaper In Education Program

How To Write an Editorial

When you read an editorial you expect to know the publication's point of view, its stand on an issue, a situation, an action or a person. You don't want unfounded opinion. You want the editorial to be the product of thought, interviews and research.

How can you write such a piece of persuasion?

Select a Topic

Editorials need to be topical. Does your school have new programs, equipment or rules? What issues are students discussing? What should students be doing? Who or what has been overlooked?

Report and Research

Washington Post Editorial Page Editor Fred Hiatt says that much of writing an editorial is reporting. Editorial writers talk to experts and interview people involved in the issues. It is important to know the topic from many perspectives.

Take a Stand

You know your topic. You have done your background work. Now

list the supporting arguments and the opposing arguments. Rank these arguments from most to least effective. Decide what your main idea is. Word your thesis as an arguable statement. Be specific. Your stand should be clear to your readers.

Concede

"Even though it is not the news section, fairness is important," Hiatt says. Fairness and good argumentation are reflected in giving consideration to the other side of an issue. It is fair to select the strongest argument rather than the weakest argument of the opposite point of view. It is also good to acknowledge that another viewpoint exists, so demonstrate how your idea is better. "The process forces everyone to sharpen his or her thinking."

Argue Persuasively

Select the three strongest arguments for your position. List them from good to better to best argument. You want your readers to remember your last argument.

Language of Persuasion

Argumentation: To present and elaborate an argument; reasoning to demonstrate truth or falsehood

Concede: To admit something, to state the validity of an argument

Concession: Acknowledgment or consideration to another point of view

Editorial: Subjective expressions of opinions that are founded in factual material. The editorials are opinions written by the editorial staff writers who represent the newspaper as a collective organization and the publisher.

Opinion: In the best editorials: A judgment based on special knowledge and given by an expert. In general: A belief or conclusion held with confidence but not substantiated by positive knowledge or proof. Also prevailing view, as in the phrase "public opinion."

Persuasion: Undertaking to win someone over to your point of view by reasons, advice, urging or personal forcefulness

Thesis: The main idea, the central idea or position.

Topical: Local, currently of interest

What Will Your Editorial Do?

Persuade: Encourage your readers to act or to seek a solution. Provide convincing arguments and solutions.

Explain or Interpret: Help readers to understand a complex, controversial or sensitive situation or action. What does legislation or a recent vote mean for your school? Why are student government officers asking students to get involved in certain activities?

Criticize: Point out problems and concerns. Be constructive, not petty. Select issues, decisions and situations that are adversely influencing the school environment and student well being.

Praise: Don't always complain. Find the person or activity that should be recognized for benefiting your community. If you tried to persuade the administration to take certain action and they did respond, praise them.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Building an Editorial Argument

Introduction: Begins with general statement. Narrows to the thesis.

Thesis statement



**Make a Concession
Counter the
Concession**

May begin with phrases such as “Yet it would be,” “Admittedly,” “It is true.” ухуху хухуху хуухХхухуху хухухухуху хухухуху хухуху хуухХхухуху хухухухуху хухухуху хухуху хухухухууууху хуухХхухуху хухухухуху хухуху хуу. **Begin to show why you can’t agree with this stand. May begin with words such as “In spite of,” “However,” “But.”** Хху хухухуху хухуху хуухХхухуху

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**End with the
very best point
to support your
position.**

**Body of the
Editorial**

Uses facts,
numbers and
quotations to
persuade.

Logic is best, but
emotional appeal
may be effective.

Thesis restatement

Re-enforce the main idea by rewording or emphasizing its importance.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

A Changing Community, A Changing Role

1. The Post's Ned McLean played a role in the Teapot Dome scandal of 1924 when he agreed to lie for President Harding's Secretary of the Interior Albert B. Fall. Fall had illegally leased, for a fat fee, valuable oil reserves in Wyoming (one of them was called Teapot Dome) to several oil companies. During the subsequent Senate investigation, Fall asked McLean to tell investigators that McLean had lent him \$100,000—a convenient way of explaining the money Fall had received from the oil interests. McLean agreed but was soon forced to admit the truth—seriously damaging his reputation and his paper's. Read more to learn other facts about the Teapot Dome scandal. You might begin your research with the Oct. 26, 1929, Post article on Fall's trial. "The Teapot Dome Scandal" can be found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A42331-1999Oct26.html>.

2. Take a look at language. In 1925, the word "civic" was the code word for black, and "citizens" meant white associations. Do we have code words today to identify cliques or special groups? To express political action?

3. Read a Washington Post article about events that took place between 1919 and 1932. Then select one to research further. How does the event reflect life in that time period? Do we view the issue or event differently today?

"Mrs. President?" Oct. 3, 1919: Leadership after President Woodrow Wilson suffered a paralytic stroke (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A12904-1999Oct3.html>)

"Women Get the Vote," Aug. 27, 1920: Ratification of the 19th Amendment (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A47901-1999Aug27.html>)

"The Monkey Trial," July 22, 1925: The Scopes Trial in Tennessee ends (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A28625-2003Jan22.html>)

"Klan Gathering," Aug. 8, 1925: Ku Klux Klan marches down Pennsylvania Avenue (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A28592-2003Jan22.html>)

"The Bonus Marchers," July 29, 1932: WWI veterans march on the Capitol (found at <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A29071-2003Jan22.html>)



LIBRARY OF CONGRESS

The Hardings, left, with Post publisher Ned McLean, his wife Evalyn and their son Edward (standing in front of his father) on vacation.

Washington Post Timeline

1919: In a shameful episode in Post history, the paper fuels violent race riots in Washington by mobilizing whites: "The hour of assembly is nine o'clock, and the purpose is a 'clean up' that will cause the events of the last two evenings to pale into insignificance." The next day, The Post reports on the melee it helped create: "Blazing race hatred turned the streets of Washington into battlefields last night. Surging mobs of blacks and whites proved themselves stronger than the law in the nation's capital."

1920: Warren G. Harding is elected president and is befriended by Ned McLean and his wife Evalyn (owner of the Hope Diamond). Justice (and former president) William Howard Taft says, "... it is easy to see why the McLeans coddled the Hardings, because it will give them even greater social importance than their wealth and means of entertainment in Washington would give, but it is a very dangerous relation for a president to have" and shows Harding's lack of social grace.

1923: The byline of sportswriter Shirley Povich, hired after caddying for Ned McLean, appears in The Post for the first time. Povich will report for 75 years, with his last piece appearing in the paper the day he dies in 1998.

1924: Post owner Ned McLean takes part in the Teapot Dome scandal.

1925: The Post hires its first black reporter, Edward H. Lawson.

1932: Ned McLean is ousted as publisher by his co-trustee. Two years later, he is institutionalized at a hospital in Towson, Md., after being declared unsound of mind because of excessive alcohol use. He dies there in 1941 at age 55.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

YOU and YOUR RIGHTS

*Dress Codes and the Relationship to Freedom of Speech and Expression:
Whether the First Amendment Protects Students' Rights To Wear the Confederate Flag*

Can schools ban students from wearing clothing emblazoned with the Confederate battle flag without violating their First Amendment right to freedom of speech? The answer to this question, like the answer to most legal questions, is that it depends. The Supreme Court articulated the legal standard used to analyze students' First Amendment rights in the 1969 decision *Tinker v. Des Moines Independent Community School District*. The *Tinker* case involved a student protest of the war in Vietnam.

In *Tinker*, a group of students agreed to wear black armbands to school to publicize their objections to the hostilities in Vietnam. Christopher Eckhardt, John Tinker, and Mary Beth Tinker wore the armbands to mourn the loss of life in Vietnam and to support Robert F. Kennedy's proposal for an extended truce in the war. The principals of the Des Moines schools got word of the plan and adopted a policy that prohibited students from wearing such armbands. The students wore the armbands to school, refused to remove the armbands when asked to do so, and were suspended until they would come back without the armbands. The students sought a federal injunction restraining school officials from disciplining them. The Supreme Court held that the prohibition against the armbands could not be sustained. The Court established that students do not surrender their constitutional rights at the schoolhouse gates; that symbolic dress worn for political purposes is protected expression; and that student expression can only be curtailed where

the school authorities can show that the expression fundamentally interferes with the school's functions.

In analyzing whether a school can ban students from wearing the Confederate flag, courts will apply the *Tinker* standard to the facts of the case to determine whether the student expression "materially disrupts class work or involves substantial disorder or invasion of the rights of others." If so, the student expression is not given the cloak of protection provided by the First Amendment. The United States Court of Appeals for the Sixth Circuit ruled on this issue in the 1972 case *Melton v. Young*.

In *Melton*, a dispute arose when the principal of Brainard High School in Chattanooga, Tenn., suspended a student for refusing to remove a jacket with an emblem depicting the Confederate flag on one sleeve. The school had experienced various disturbances because of continuing controversy over the use of the word "Rebel" as the school nickname, the Confederate flag as the school flag, and "Dixie" as its pep song. Brainard school administrators resolved to discontinue the use of the Confederate flag as the school symbol and the use of "Dixie" as its pep song in order to ease the racial tension that was polarizing the student body. The principal also instituted a code of conduct that prohibited students from wearing provocative symbols on their clothing. Rod Melton, after both he and his parents were informed of the new rules, protested by wearing a Confederate flag symbol to school. The principal asked Melton to remove the emblem or to remove the

jacket while in school. Melton refused to comply and was asked to leave the school. Melton returned to school the next day with the same jacket and emblem and was again suspended until he was willing to stop displaying the symbol while at school.

Melton challenged the suspension and the case was appealed to the United States Court of Appeals for the Sixth Circuit. The court held that Melton's suspension did not violate his First and Fourteenth Amendment rights. The court reasoned that the use of the Confederate symbol was a material and substantial disruption of the learning environment because of the tense, racial situation that existed at Brainard High School. The court recognized that the disruptions of the previous year would likely recur if students were permitted to display the Confederate symbol on school grounds. Melton provides a good example of how courts can limit the scope of student expression by using the *Tinker* standard.

Another Court of Appeals decision upholding suspensions for Confederate flag displays is *West v.*

Derby Unified School District No. 260. In this 2000 case, the Tenth Circuit affirmed the suspension of a student who drew a picture of a Confederate flag during his



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math class. The court relied on the fact that there had been fights involving the Confederate flag in the school district to uphold the suspension as a legitimate exercise of the school's authority. The court also noted that the school's racial harassment and intimidation policy that banned the use of the Confederate flag did not favor one type of racially divisive symbol over another. This case demonstrates that a school board can prohibit students from displaying the Confederate flag at school if it has caused disruptions and when the policy is enforced without viewpoint discrimination.

Courts have not consistently upheld suspensions for Confederate flag displays. The same court that decided *Melton* recently refused to uphold the suspension of two students wearing T-shirts that displayed the Confederate flag. In *Castorina v. Madison County School Board*, a 2001 federal circuit court case, two students at Madison Central High School, located in Madison County, Ky., wore Hank Williams, Jr. concert T-shirts to school. Country music star Hank Williams, Jr. was pictured on the front of the T-shirt and two Confederate flags were displayed on the back. The principal instructed the students to either turn their shirts inside out for the rest of the day or to return home to change. The principal decided that the shirts violated the school dress code, which bans clothing containing any "illegal, immoral or racist implications." The students refused to comply and the principal called the students' parents. He explained to the parents that if they could convince the students to return

home and change, no disciplinary action would be taken. The parents supported the students' decision to wear the shirts and the principal suspended them for three days.

The students returned after their suspension wearing the same shirts and the principal suspended them for a second three-day period. Following their suspensions, the students brought suit challenging the constitutionality of the disciplinary actions. The court remanded the case to the district court for trial to determine whether the school board enforced the dress code in an uneven and viewpoint specific manner and whether the school had experienced any racially based violence prior to the suspension. The court noted that under *Tinker*, viewpoint-specific speech restrictions are a serious violation of the First Amendment. The students in this case argued that other students wore clothing bearing the "X" symbol associated with Malcolm X and the Black Muslim movement. The court stated that the school's refusal to bar the wearing of this apparel along with the Confederate flag gives the appearance of a targeted ban. The court concluded that the school board cannot single out Confederate flags for special treatment while allowing other controversial racial and political symbols to be displayed.

The court also determined that a remand was needed to determine whether there were any prior disruptive altercations as a result of the Confederate flags. The school claimed that prior to suspending the students, there was a racially based altercation on school grounds. The students

contended that race was not the cause of the disturbance. The court held that if there were no prior disruptive altercations, the court below would be required to strike down the students' suspension as a violation of their rights of free speech as set forth in *Tinker*. The case was recently dismissed after the school district settled with the students.

The answer to the question of whether a school can prohibit students from displaying the Confederate flag on school grounds depends on facts in the case. If the school can establish that the Confederate flag was the cause of past disturbances and that it is not singling out the flag in a targeted ban, the school will probably be able to disallow students from displaying the flag without violating their First Amendment rights. Although students can use the Confederate flag to convey many different messages, it is clear that courts will continue to use the *Tinker* standard to resolve lawsuits over this type of student expression.

ABOUT THE AUTHOR

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YOU and YOUR RIGHTS

The Marshall-Brennan Fellowship Program at American University's Washington College of Law trains talented upper-level law students to teach a unique course on constitutional rights and responsibilities to hundreds of students in Washington, D.C. area public high schools. For more information about the program, please contact Michelle Carhart, program coordinator, at mcarhart@wcl.american.edu. For curricular information or information on how to get involved, please contact Maryam Ahranjani, academic coordinator, at mahranjani@wcl.american.edu.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

YOU and YOUR RIGHTS

*Dress Codes and the Relationship to Freedom of Speech and Expression:
Whether the First Amendment Protects Students' Rights To Wear the Confederate Flag*

Objectives: Students will...

- Understand the fundamental right to free speech afforded by the First Amendment and specifically their constitutional right to freedom of expression.
- Learn the *Tinker* standard and use it as the basis on which to construct the students' own arguments.
- Distinguish and analogize the cases read.
- Define the students' own standards for what makes something materially and substantially disruptive to classroom, and characterize what constitutes protected expression.
- Compare and contrast student's perception of the material to what the courts have decided.

Grades: 7-12

Time Frame: Two Class periods

Materials Needed: The cases discussed, which can be found by typing in the names of the cases into the search engine on www.findlaw.com; the Confederate flag; 3x5 index cards; construction paper or "T-Shirt Speech" in this guide; magic markers and colored pencils.

Class 1: Assign students to read *Tinker v. Des Moines* before the first class. Excerpts can be found in *We the Students* by Jamin Raskin or at Landmark Supreme Court Cases (<http://www.landmarkcases.org/tinker/background3.html>). Discuss the ruling in *Tinker*, and have students give examples of behavior that they think is materially and substantially disruptive. Engage students in an informal debate and ask them what rights to expression they feel are fundamental and what rights they feel are secondary. Give students construction paper or "T-Shirt Speech," magic markers and colored pencils to create a symbol of their own that means something to them. This symbol can either represent something they stand for or something they stand against; it should be something they feel strongly about and should be somewhat original.

Homework for Class 1: Read the *Melton v. Young* and *Castorina* cases.

Class 2: Briefly discuss the students symbols made during the last class. They should explain their symbols' relevance and present them in front of the classroom. At the end of this exercise, ask other students to express their reactions to seeing the symbols. Would any find this symbol printed on a T-shirt to be offensive? Next hang the Confederate flag in front of the classroom, hand out note cards and have students write three immediate reactions to seeing the flag. Briefly discuss the historical context of the flag's creation and discuss how they would feel if the flag were on articles of clothing or other paraphernalia used in school. Discuss the reactions they wrote on their cards. Compare and contrast *Melton* and *Castorina* cases. Have the students distinguish and analogize the two cases. Ask students why they believe the results of the two cases are different and if they think the decisions were consistent with the *Tinker* case.

Homework for Class 2: Ask students to write a one- to two-page essay discussing how they feel about how their constitutional rights are treated in school. They should also write about their impressions of seeing the Confederate flag and the other students' symbols.

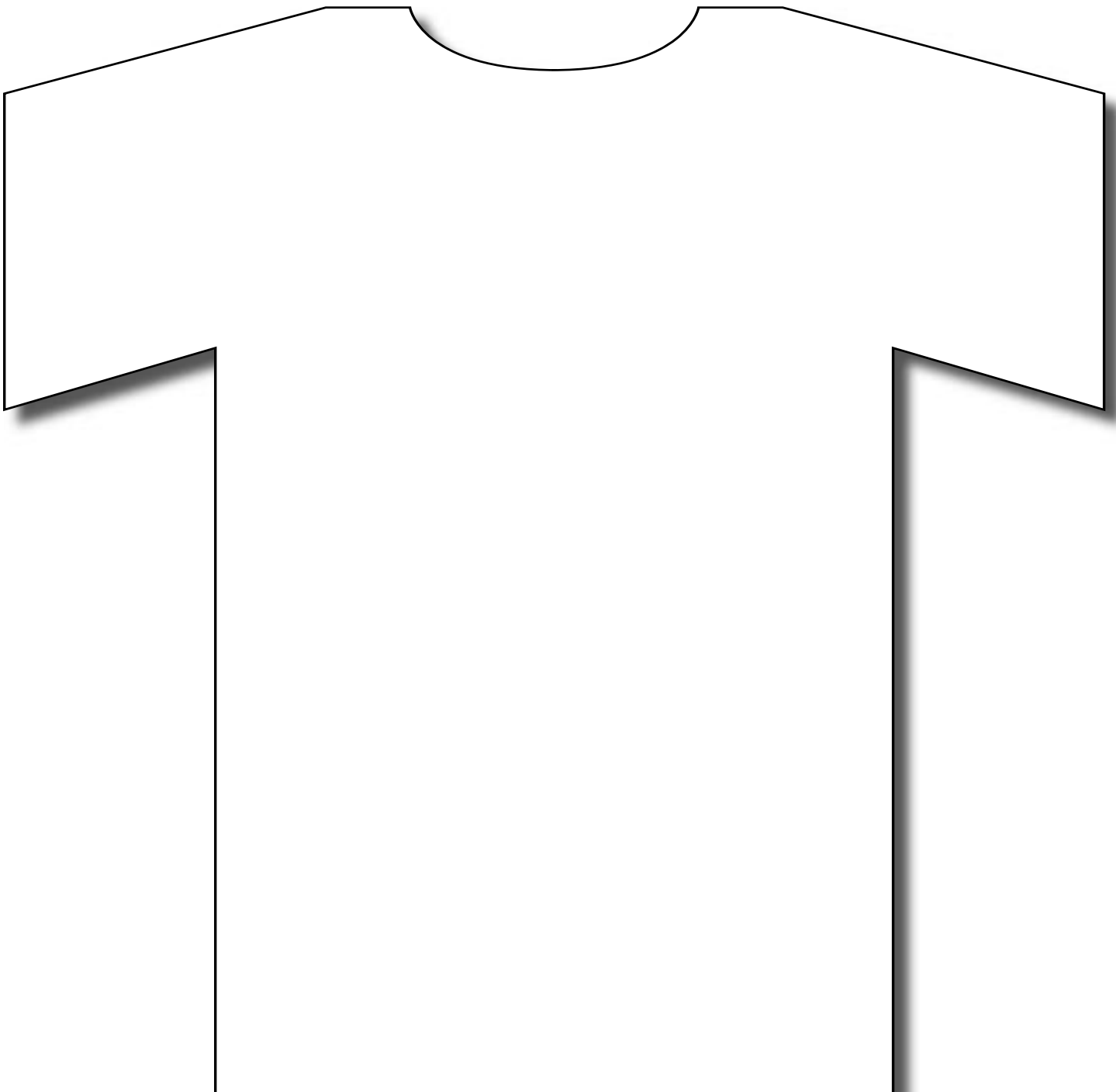
Follow Up: Discuss the students' reaction to the Confederate flag in light of them creating their own symbols. Ask if they feel it should be their right to wear or say whatever they like. Ask if they feel the *Tinker* standard is fair and if they feel the cases that banned students' attire was appropriately decided. Have them read the December 30, 2002, Washington Post article entitled "A Ban on Hate or Heritage-Ga. School Divided over Confederate-Themed Shirts." Discuss what they think the courts would rule on a case arising from the facts listed in the article.

NAME _____

T-Shirt Speech

Create a symbol that means something to you. You may add a slogan or catch phrase that expresses the concept in verbal form. Do the words and symbol work together to call attention to your idea?

Be aware that “slogan” is rooted in the Scottish word *slogorne* that means battle cry. It comes from Gaelic *sluagh-ghairm*, meaning shout in death or battle. Advertisers have kept the concept of “calling out for attention” in the slogans devised to promote their products.





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A Ban on Hate, or Heritage?

Ga. School Divided Over Confederate-Themed Shirts

December 30, 2002; Page A1

By MICHAEL A. FLETCHER
Washington Post Staff Writer

CANTON, Ga.—At the beginning of the school year, Dixie Outfitters T-shirts were all the rage at Cherokee High School. Girls seemed partial to one featuring the Confederate battle flag in the shape of a rose. Boys often wore styles that discreetly but unmistakably displayed Dixie Outfitters' rebel emblem logo. But now the most popular Dixie Outfitters shirt at the school doesn't feature a flag at all. It says: "Jesus and the Confederate Battle Flag: Banned From Our Schools But Forever in Our Hearts." It became an instant favorite after school officials prohibited shirts featuring the battle flag in response to complaints from two African American families who found them intimidating and offensive.

The ban is stirring old passions about Confederate symbols and their place in Southern history in this increasingly suburban high school, 40 miles northwest of Atlanta. Similar disputes over the flag are being played out more frequently in school systems—and courtrooms—across the South and elsewhere, as a new generation's fashion choices raise questions about where historical pride ends and racial insult begins.

Schools in states from Michigan to Alabama have banned the popular Dixie Outfitters shirts just as they might gang colors or miniskirts, saying they are disruptive to the school environment. The rebel flag's modern association

with white supremacists makes it a flashpoint for racial confrontation, school officials say.

"This isn't an attempt to refute Southern heritage," said Mike McGowan, a Cherokee County schools spokesman. "This is an issue of a disruption of the learning environment in one of our schools."

Walter C. Butler Jr., president of the Georgia State Conference of the NAACP, said it is unreasonable to ask African Americans not to react to someone wearing the rebel flag. "To ask black people to respect a flag that was flown by people who wanted to totally subjugate and dehumanize you—that is totally unthinkable," he said.

But the prohibitions against flag-themed clothing have prompted angry students, parents, Confederate-heritage groups and even the American Civil Liberties Union to respond with protests and lawsuits that argue that students' First Amendment rights are being trampled in the name of political correctness.

"This is our heritage. Nobody should be upset with these shirts," said Ree Simpson, a senior soccer player at Cherokee who says she owns eight Confederate-themed shirts. "During Hispanic Heritage Month, we had to go through having a kid on the intercom every day talking about their history. Do you think they allow that during Confederate History Month?"

Simpson said no one complains when African American students wear clothes made by FUBU, a black-owned company whose acronym means "For Us By Us."

Worse, she says, school officials have nothing to say when black students make the biting crack that the acronym also means "farmers used to beat us." Similarly, she says, people assume that members of the school's growing Latino population mean no harm when they wear T-shirts bearing the Mexican flag.

Simpson believes the rebel flag should be viewed the same way. The days when the banner was a symbol of racial hatred and oppression are long gone, she contends. Far from being an expression of hate, she says, her affection for the flag simply reflects Southern pride. "I'm a country girl. I can't help it. I love the South," she said. "If people want to call me a redneck, let them."

It is a sentiment that is apparently widely shared at Cherokee, and beyond. The day after Cherokee Principal Bill Sebring announced the T-shirt ban on the school's intercom this fall, more than 100 students were either sent home or told to change clothes when they defiantly wore the shirts to school. In the weeks that followed, angry parents and Confederate heritage groups organized flag-waving protests outside the school and at several school board meetings.

"All hell broke loose," said Tom Roach, an attorney for the Cherokee County school system. When principals banned the shirts at other county high schools in the past, he said, "there was no public outcry. No complaints. No problems."

But the Confederate flag was a particularly hot topic in Georgia this



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year. Gov. Roy Barnes (D) was upset in his reelection bid last month in part because he successfully pushed for redesign of the Georgia state flag, which was formerly dominated by the Confederate battle emblem. On the new state banner, the emblem is reduced to a small icon. During the campaign, Barnes's opponent, Sonny Perdue, called for a referendum on the new flag, a position that analysts say helped make him the state's first elected Republican governor since Reconstruction.

Elsewhere in the South, civil rights groups have mobilized to remove the banner in recent years. Activists had it removed from atop the South Carolina statehouse and from other public places, saying it is an insult to African Americans and others who view it as a symbol of bigotry and state-sanctioned injustice. But that campaign has stirred a resentful backlash from groups that view it as an attack on their heritage.

"We're not in a battle just for that flag, we're in a battle to determine whether our Southern heritage and culture survives," said Dan Coleman, public relations director for the Sons of Confederate Veterans, one of the groups that joined the protests at Cherokee High School.

The battle over Confederate-themed clothing has made its way to the courts, which generally have sided with school dress codes that prevent items that officials deem disruptive. In a 1969 decision, the U.S. Supreme Court ruled in *Tinker v. Des Moines Independent Community School District* that school officials could not prohibit students from wearing black armbands to protest the Vietnam War, but only because the court found that the armbands were not disturbing the school atmosphere.

By contrast, the U.S. Court of Appeals for the 6th Circuit earlier this year

revived a lawsuit by two Kentucky students suspended for wearing shirts featuring the Confederate flag. The court said the reasons for the suspension were vague and remanded the case to a lower court, where it was dismissed after the school district settled with the students.

Also, the U.S. Court of Appeals for the 3rd Circuit earlier this fall sided with a Washington, N.J., student who challenged his school's ban on a T-shirt displaying the word "redneck." The student was suspended from Warren Hills Regional High School for wearing the shirt, which school officials said violated their ban on clothing that portrays racial stereotypes. The school's vice principal said he took "redneck" to mean a violent, bigoted person.

But the court overturned the ban, saying the shirt was not proven to be disruptive. School officials, noting the school has a history of racial tensions, have promised to appeal the ruling to the Supreme Court.

"Since last year, we have gotten well over 200 complaints about the banning of Confederate symbols in schools," said Kirk Lyons, lead counsel for the Southern Legal Resource Center, a North Carolina-based public-interest law firm that works to protect Confederate heritage and is in discussions with some families at Cherokee High School. He said the center is litigating six lawsuits and that dozens of others challenging Confederate clothing bans have been filed across the country.

As the controversy grows, Confederate-themed clothing has become more popular than ever. The owner of Georgia-based Dixie Outfitters says the firm sold 1 million T-shirts last year through the company's Web site and department stores across the South. Most of the shirts depict Southern

scenes and symbols, often with the Confederate emblem.

"This is not your typical, in-your-face redneck type of shirt," said Dewey Barber, the firm's owner. "They are espousing the Southern way of life. We're proud of our heritage down here."

Barber said he is "troubled" that his shirts are frequently banned by school officials who view them as offensive. "You can have an Iraqi flag in school. You can have the Russian flag. You can have every flag but the Confederate flag. It is puzzling and disturbing," he said.

In an angry letter to Cherokee Principal Sebring posted on its Web site, Dixie Outfitters called the two families who complained about the shirts—but asked not to be identified publicly—"race baiters."

"Are you going to ban the American flag, if one or two people out of 1,800 find it offensive, because it had more to do with the slave trade than any other flag, including the battle flag?" the letter asks.

It is an argument made by many who do not understand why some people find the Confederate battle flag deeply offensive. "The Confederate flag itself is not racist," said Rick Simpson, Ree's father. "It was the American flag that brought slaves to this country."

David Ray, a Cherokee County contractor, said his son, Eric, has been punished with in-school suspensions a couple of times this year for defying a Confederate T-shirt ban at Etowah High, another Cherokee County school. He said he couldn't understand why the shirts are causing such a fuss.

"Slavery ended almost 150 years ago," Ray said. "You might have some parents who still hold the slavery issue or black versus white deep in their hearts. But for the most part, I think, people are over that."