

Handout 6
Sorting the Evidence and Venn Diagram

As you read through the evidence packet, use the following questions to help you build a picture of the argument. Remember, the evidence should address (1) content of prisoner's policies, (2) and need (or lack of a need for the policies).

Turner Factor	Building Support
<p>The regulation must be rationally related to a legitimate and neutral governmental objective, unrelated to the content of the expression.</p>	<p><i>What is the prison policy?</i></p> <p><i>What is the governmental objective? Is it a legitimate objective? Why or why not?</i></p> <p><i>Does the policy apply discriminate against certain types of speech? Is the restriction based on the content of the speech?</i></p>
<p>If alternative avenues remain open to the inmates to exercise the right, that weighs in favor of the legitimacy of the regulation.</p>	<p><i>Even with this policy in place, are prisoners still able to exercise their right? How?</i></p> <p><i>Does the policy create a substantial change in the prisoners' ability to exercise that right?</i></p>
<p>If accommodating the asserted right will have a significant impact on other prisoners' or guards' liberty or safety, or on the allocation of prison resources, that weighs in favor of the legitimacy of the regulation.</p>	<p><i>What is the prisoners' asserted right? How does the policy limit that right?</i></p> <p><i>How could the prison accommodate this right?</i></p> <p><i>What impact would accommodating this right have for prisoners, guards or the allocation of prison resources?</i></p>
<p>The existence of easy and obvious alternatives may indicate that the regulation is an exaggerated response by prison officials.</p>	<p><i>What are the alternatives to the prison's policy? Would it be as effective?</i></p> <p><i>Is this alternative feasible? Why or why not?</i></p>

Venn Diagram

Plaintiff

Defense

