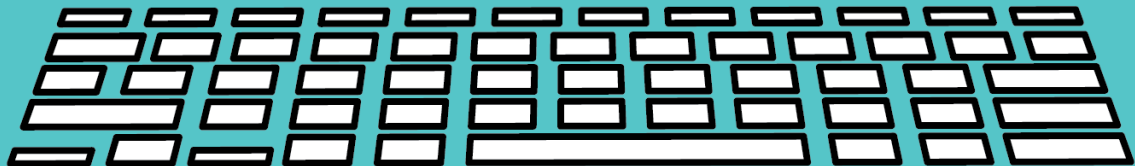


SO FAR, WE
HAVE PASSED
LAWS
GUARANTEEING
GREATER
STUDENT
RIGHTS

Short Answer	Type Answer Here
1. How many protections are in the 1st Amendment?	
2. How many weeks did they plan to wear armbands?	
3. Who wrote the Supreme Court's majority opinion?	
4. In what state is Des Moines?	
5. What word means to ask a higher court for a review?	
6. In the 1960's, what war was America involved in?	
7. What are members of the Supreme Court called?	
8. What color armbands did they wear to school?	



Short Answer	Type Answer Here	Fill in the Blank	Type Answer Here
1. How many protesters were in the 1st Amendment?		9. The case addressed the ____ Amendment of the Constitution.	
2. How many weeks did they plan to wear armbands?		10. The U.S. ____ Court dismissed the case.	
3. Who wrote the Supreme Court's majority opinion?		11. One president during the 1960's was ____.	
4. In what state is Des Moines?		12. The ____ Court ruled in favor of the ____.	
5. What word means to ask a higher court for a review?		13. ____ is reconsideration of a decision by a lower court.	
6. In the 1960's, what war was America involved in?		14. Armbands were a silent, ____ form of speech.	
7. What are members of the Supreme Court called?		15. The 1st Amendment includes the right to petition the ____.	
8. What color armbands did they wear to school?		16. The attorney for the families was ____ Johnston.	



TINKER V DES MOINES

Tinker v. Des Moines is a landmark Supreme Court case from 1969 that addressed the First Amendment of the U.S. Constitution. The First Amendment includes five sections: the rights to free speech, religion, press, assembly, and the right to petition the government.

In 1965, the Vietnam War, which was an unpopular war with many, was fought between North Vietnam and South Vietnam. The North was supported by communist countries such as the Soviet Union, while the South was supported by anti-communist countries including the United States and Great Britain.

In Iowa in 1965, students between the ages of 13 and 16 decided to express their feelings about the Vietnam War. Mary Beth Tinker, an eighth grader, and her brother John Tinker, a high school senior, wore black armbands to school. They were joined by Christopher Eckhardt, another schooler, Christine Singer, and Bruce Clark. To protest against the U.S. involvement in the Vietnam War, they planned to wear black armbands for two weeks. The school heard the rumor about the armbands and issued a statement. The school district, fearing disruption, announced that students wearing black armbands would be suspended from school once they were notified.

In silent protest, the students wore the armbands anyway, with support from their parents. They were sent home for breaking the rule. John, Mary, Bruce, Christopher, and Christine were suspended until they agreed to remove the armbands.

The students' families sued the Des Moines school district. They argued that the school district violated the students' rights to free speech (First Amendment). While the students didn't speak in protest, the armbands represented their position. They considered the armbands to be symbolic speech.

The U.S. District Court dismissed the case. The Court considered the school district's actions appropriate and reasonable. Likewise, the Court agreed with the school district's action to maintain school discipline. They argued that the armbands could disrupt learning at the school. The District Court thought that uninterrupted learning was more important than free speech.

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The Tinker and Eckhardt families appealed (asked a higher court to review the case) to the U.S. Court of Appeals for the Eighth Circuit. However, the Circuit Court upheld the ruling of the District Court. Nothing changed. The school district won.

One more time, the students' families appealed the four-year court battle with Dan Johnston as their attorney. This time they brought their case to the U.S. Supreme Court, backed by the ACLU (American Civil Liberties Union). The petition for certiorari was granted by the U.S. Supreme Court in 1968. Certiorari is reexamination of an action of a lower court. The Supreme Court had to consider whether or not free speech applied to symbolic speech.

Tinker's arguments included:

- Students are still "persons," as stated in the U.S. Constitution.
- The 14th Amendment protects people from violating the right to free speech (First Amendment) and provides equal-protection.
- Armbands were a silent, symbolic form of speech that allowed the students to express their opinions.

The students' free speech did not disrupt learning.

- Expression of opinion is an essential part of education.

The District Court's arguments included:

- Schools are not an appropriate location for protests. Free speech does not apply everywhere.
- Learning with appropriate discipline is the priority.
- The Vietnam War controversy could lead to disruption and violence.
- Expressing different opinions could lead to disruption and violence.
- The school only allowed the armbands. Students were still able to express their opinions in other ways.

The U.S. Supreme Court ruled in favor of the students. With a vote of 7-2, the justices ruled that the armbands did not disrupt the learning process at the school. There was no evidence of disruption with these black armbands. In addition, the Court considered the students' right to free speech since they expressed their opinion with the armbands. The U.S. Supreme Court also said that schools could limit the expression of opinion if it substantially disrupted the flow of learning. The dissenting opinion was written by Justice Abe Fortas. Chief Justice Earl Warren also agreed with the majority opinion. The dissenting opinions (against the majority) included Justice Hugo Black and Justice John Marshall Harlan II.

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