

## Classifying Arguments Activity

### *Tinker v. Des Moines Independent Community School District (1969)*

After reading the **background, facts,** and **constitutional question,** read each of the arguments below. These arguments come from the briefs submitted by the parties in this case. Cut the argument strips (below) and headings (see page 3) along the lines. If the argument supports the petitioner, Tinker, write **T** on the line after the argument and place the strip under the heading Tinker. If the argument supports the respondent, the Des Moines Independent Community School District, write a **D** on the line after the argument and place the strip under the heading Des Moines. Work in your groups. When you have finished, reorder the arguments for each side in order of their persuasiveness (most persuasive on top) and be ready to give your reasons.



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1. Wearing the armbands was a form of speech. Even though the students did not use words, their actions (wearing the armbands) expressed their opinions about the war. \_\_\_\_\_

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  2. The Vietnam War is a controversial issue. Wearing the armbands could be an explosive situation that disrupts learning. It is the school district's duty to prevent disruptions to learning. \_\_\_\_\_

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  3. The purpose of a school is to teach certain subjects. The school district had a reasonable interest in making sure that learning is the focus of classrooms, so it acted appropriately when it banned the armbands. \_\_\_\_\_

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  4. Schools are meant to act as a place for the discussion of different ideas. Allowing students to express their opinions is a key part of the educational process. \_\_\_\_\_

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5. The school district did not ban all types of speech, just the armbands. They were banned because of their controversial nature and potential for major disruption. Students could still share opinions in other ways. For example, they could wear political messages such as “Vote for Candidate X” buttons. \_\_\_\_\_

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6. Free speech rights do not apply to all speech. The First Amendment does not say that anyone may say anything, at any place, at any time. Schools are not an appropriate setting for protest. \_\_\_\_\_

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7. Students, whether in or out of school, are “persons” under the Constitution. They possess essential rights that the government must respect. This includes First Amendment freedom of speech protections. \_\_\_\_\_

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8. The students’ speech was not disruptive and did not violate any other student’s rights. The school district gave no evidence that the armbands were a distraction or disrupted the learning process. Just because the schools were afraid that there might be a disruption is not enough to infringe students’ speech. \_\_\_\_\_

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9. Sharing controversial opinions in class or in school areas such as the hallways and lunchrooms, may lead to bullying or violence towards the protesting students. By banning the armbands, the school district hoped to prevent this behavior and protect the safety of all students. \_\_\_\_\_

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10. The 14<sup>th</sup> Amendment protects people from state and local governments (including schools) violating their First Amendment right to free speech. \_\_\_\_\_

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**Tinker**

**Des Moines**

## ***Tinker v. Des Moines Independent Community School District (1969)***

**Argued:** November 12, 1968

**Decided:** February 24, 1969

### ***Background and Facts***

In 1966, in Des Moines, Iowa, five students ages 13–16 decided to show that they disagreed with the Vietnam War. The students planned to wear black armbands to school for two weeks. The school district found out about the students' plan. Before the students wore the armbands, the school district announced that any student who wore a black armband would be suspended from school after the student's parents were called.

Mary Beth Tinker, an eighth grader, and John Tinker and Christopher Eckardt, both high school students, wore black armbands to school. All three teens were sent home for breaking the rule and told not to return until they agreed not to wear the armbands. Their parents **sued** the school district for violating the students' First Amendment right to free speech. The federal District Court dismissed the case and ruled that the school district's actions were reasonable to uphold school discipline. The U.S. Court of Appeals for the Eighth Circuit also found for the school. The Tinkers asked the U.S. Supreme Court to review that decision, and the Court agreed to hear the case.

### ***Constitutional Question***

Does a rule prohibiting the wearing of armbands in a public school as a form of symbolic speech violate the students' First Amendment freedom of speech protections?