

Tinker v. Des Moines / The Student Voice Editorial Staff Reacts

Directions:

The Supreme Court of the United States has just issued its ruling in the case of *Tinker v. Des Moines*. You are an editor for *The Student Voice*, your school newspaper. You believe that students in your school should understand the Court's decision on the issue of symbolic student speech. Therefore, you decide to dedicate an issue of *The Student Voice* to addressing this topic.

1. After soliciting editorials from the student body, your job is to choose two editorials to print from the four below by determining the accuracy of their information. One editorial should explain and support the Court's ruling and the other should explain how the Court "got it wrong."
2. Answer the following questions for each editorial to help you decide:
 - Does this editorial support or attack the Court's ruling in *Tinker*?
 - What does the author think the Court's ruling means?
 - Compare the author's understanding of the Court's ruling with the majority and dissenting opinions. Is the author providing an accurate explanation of the Court's decision? Why or why not?
3. Answer the **Questions to Consider** (page 3).

Editorial #1: "Power to the People!"

Last week, the Supreme Court of the United States (a.k.a. "The Court of Last Resort") finally got it right in the case of *Tinker v. Des Moines*. In this case, involving students' protests against American involvement in the Vietnam War, the Court at last realized that school officials couldn't tell students what to do. The Court, in its ruling, basically stated that, since schools are supported by the public's tax money, school officials are actually the employees of students and their parents. Therefore, as employees, school officials cannot force either students or their parents to "behave" and "follow school rules" without violating the First Amendment of the Constitution. When acknowledging that both middle and high school students could wear black armbands to advertise their opinion on American foreign policy, the Court agreed that students have virtually limitless rights to protest anything they don't like, even if the protests upset a few other students or teachers.

Editorial #2: “Teaching the Values of Democracy”

Last week the Supreme Court of the United States restated, through the case of *Tinker v. Des Moines*, that freedom of speech means exactly that. The Court’s interpretation of the First Amendment to the Constitution was right on the mark in *Tinker*, it ruled: “The 14th Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted . . . [As] they are educating the young for citizenship [they must offer] scrupulous protection of Constitutional freedoms of the individual . . . [in order] not to . . . teach youth to discount important principles of our government as mere platitudes” As much as teachers might want their classrooms to be fully controlled and directed by them, the Court has taught an important lesson to all American educators: students are citizens too, and the best way to teach citizenship is to recognize and encourage it.

Editorial #3: “Apple Anyone?”

Imagine this. A student in social studies class decides to make public the fact that he hates women. During a debate on the role of women in the military, he “goes off,” calling women (in general) obscene names. Enraged, he begins to recount the biblical tale of Adam and Eve and says that sin in the world exists only because of Eve’s faults. Furthermore, he says, because woman brought sin into the world, women should be removed for reasons of world purification. Can he do this?

According to the Court’s recent ruling in the case of *Tinker v. Des Moines*, the answer is “yes!” If the student attended an all-male high school and no evidence existed that his statements might “substantially interfere with the work of the school or impinge upon the rights of other students,” the student is free to spout such nonsense. In this ruling, the Court said that, “without evidence that a student’s political comments might lead to imminent disruption” he might express himself as he wishes. Absurd, isn't it?

Oh, by the way: apple, anyone?

Editorial #4: “Free Speech is a Myth”

Justice Black, in his minority opinion for *Tinker v. Des Moines*, says, “It is a myth to say that any person has a constitutional right to say what he pleases, where he pleases, and when he pleases.” Unfortunately for Justice Black, the majority of the Court disagreed. In a decision upholding the right of students to wear black armbands protesting American involvement in the Vietnam War, the Court held that without evidence that a student’s political comments might lead to imminent disruption, they can express themselves as they wish. The problem with the Court’s reasoning in this case is that there was evidence that the armbands caused disruption in school. “[D]etailed testimony by some of them shows their armbands caused comments, warnings by other

