

***Tinker v. Des Moines* / Background •**

As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

John and Mary Beth Tinker and Christopher Eckhardt attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear black armbands to **protest** the Vietnam War. However, the students decided to wear armbands to school anyway. John, Mary Beth, and Christopher were suspended from school until they agreed to remove the armbands.

The Tinkers and Eckhardt sued the school district in the U.S. District Court. The families believed that the Des Moines school district **violated** the students' right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called **symbolic speech**.

The District Court sided with the school officials. The Court said that wearing the armbands could **disrupt** learning at the school. Learning without disruption was more important than the free speech of the students.

The Tinkers and Eckhardts **appealed** their case to the next level of courts, the U.S. Court of Appeals for the Eighth Circuit, but the Circuit Court agreed with the District Court. The families then appealed their case to the Supreme Court of the United States. The Court had to answer this basic question: Does the **constitutional** right of free speech protect the symbolic speech of public school students?

In 1968, the Supreme Court of the United States agreed to hear the case of *Tinker v. Des Moines*. They issued their decision in 1969.

Questions to Consider

1. Do you think that the school policy banning armbands was fair? Why or why not?

2. The students knew they would be suspended if they wore armbands to school. They decided to wear the armbands anyway. Why do you think they did this?

