

# Source Texts 4

Project: "One Small Step..." Books

## Supreme Court Case Tinker v. Des Moines

by Lara Anderson

In 1965, students in Des Moines, Iowa, were sent home from school for wearing black armbands to mourn the dead of the Vietnam War and to support a Christmas truce. Three of the students were Mary Beth and John Tinker, and their friend Chris Eckhardt. Their school district had recently started a new policy: any student wearing an armband would be asked to remove it, and any student who refused would be suspended until he or she agreed to return to school without the armband.



Mary Beth  
and John  
Tinker

With the help of their parents and the American Civil Liberties Union (ACLU), the students sued the school for **violating** their First Amendment right to free speech. Our Constitution is a document that contains the rules for how the United States government works. When it was going to become law, several states wanted to add specific rights for individuals. So in 1791, the United States added ten amendments, or additions, to the Constitution. These ten amendments are called the Bill of Rights. Among other things, the First Amendment gives us freedom of speech.

In *Tinker v. Des Moines*, the district court, or local court, sided with the school. The judge said that the school's actions were reasonable, that the school had the right to maintain school **discipline** by outlawing armbands. The students **appealed**, or challenged, this ruling. But the Court of Appeals also sided with the school. The case was appealed to the Supreme Court, our nation's highest court, which is made up of nine justices. It ruled by a vote of 7–2 that the students did have the right to wear the armbands.



## Viewpoint in Favor of the Students

Justice Abe Fortas ruled in favor of the students. He supported their rights. "It can hardly be argued that either students or teachers their constitutional rights to freedom of speech or expression at the schoolhouse gate," he wrote. He argued that in order to take away or limit the students' freedom of speech, the school would need to prove that the students' actions interfered with the work of the school or other students. According to Fortas, the school's decision to suspend the students came from a fear of *possible* interference rather than *actual* interference.

## Viewpoints in Favor of the School

Justice Hugo L. Black voted in favor of the school. He did not agree with the Supreme Court ruling. He wrote that the First Amendment does not give the right to express *any* opinion at *any* time. He thought that wearing the armbands was enough to distract other students from their work. He also said that this case involved a small group of students who chose to disobey the rules. If their behavior were allowed to go unpunished, this would set a bad example for schools across the country. According to Black, the school district was right to discipline Mary Beth, John, and Chris.

Justice Black wrote that the record shows that the armbands did exactly what the elected school officials and principals thought they would. That is, they took the students' minds off their class work and turned their attention to the subject of the Vietnam War.

Justice John M. Harlan agreed with Justice Black. He thought that school officials should have permission to maintain discipline and order within school as they see fit, as long as they were acting in the school's best interest.

## Conclusion

By siding with the students, the Supreme Court ensured students' rights to express their views in a peaceful way, as long as they did not disrupt the classroom. This had not been done before.

# Glossary

Please note: These definitions represent one meaning of each word—the meaning that best fits how the word is used in the text.

**appeal:** a legal proceeding by which a case is brought before a higher court for review of the decision of a lower court

**ban:** to stop something from happening, or order someone not to do something

**curator:** the person in charge of a museum

**discipline:** control over the way people behave

**momentum:** the force of speed that an object has when it is moving

**motivation:** an influence that causes someone to do something

**segregation:** the act or practice of keeping people or groups apart

**violate:** to break a promise, a rule, or a law