

Tinker v. Des Moines, Iowa Independent Community School District



"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

- Justice Abe Fortas

Facts:

In December of 1965 several students in the Des Moines, Iowa Independent Community School District including Mary Beth Tinker, her brother John and Christopher Eckhardt - chose to protest the Vietnam War. As a group, the students decided to wear black armbands to their public school in support of Robert Kennedy's call for a "Christmas Truce". The school districts' administration caught wind of the students' plans and implemented a policy whereby they would demand any student discovered wearing an armband to remove it. If they did not, the school administrator would suspend the student until they adhered to the new policy.

The group of students went ahead with the planned protest and wore the armbands. School officials immediately suspended the students. The fathers of the students filed a lawsuit in the United States District Court, and the case eventually made its way to the U.S. Supreme Court. The Justices upheld the constitutionality of the students' right to protest.

Implications:

This historic case has had lasting implications for students in public schools across the country. The Supreme Court declared that students do not "shed constitutional rights to freedom of speech or expression at the schoolhouse gate." It determined that the actions of the students were "pure speech" conveying a political message and were protected by the First Amendment of the Constitution.

In addition, the Court acknowledged the American school system to be a "marketplace of ideas" where students with diverse viewpoints

and political beliefs come together. Whether in the classroom or on the ball field, students may express their opinions and beliefs on or off school grounds about controversial topics without fear of punishment.

Although later cases have somewhat limited its scope, including upholding bans on sexual innuendos and speech promoting drug use, courts today still rely on *Tinker* to determine the extent of student's First Amendment rights. In order for school officials to deny a student's right to free speech, they must have substantiated



evidence there will be a disruption of a school function or a violation of another student's rights. Denial of students' rights of free speech is prohibited in the case of a school

administration's "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."

Not since the era of the *Tinker* decision has our country experienced such a politically divisive environment as today. The current hostile atmosphere toward civil liberties only serves to heighten the importance of this decision and the fact that students had, and indeed still have, a First Amendment right to freedom of speech.

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