

Supreme Court Case Study

Tinker v. Des Moines (1969)

Background of the Case:

In December 1965, John F. Tinker (15 years old), Mary Beth Tinker (13 years old), and their friend Christopher Eckhardt (16 years old) decided to wear black armbands to school in Des Moines Iowa in protest of the Vietnam War. The students wore the arm bands to support the Christmas Truce called for by Senator Robert F. Kennedy. After the students began wearing the armbands, the principals of the Des Moines schools adopted a policy banning the wearing of armbands to school. Violating students would be suspended and allowed to return to school after agreeing to comply with the policy. The three students involved in this case chose to violate this policy and wear the armbands to school anyway. All were suspended from school until after January 1, 1966, when their protest had been scheduled to end.

The School Board argued that allowing students to protest in class would create a disruption that would undermine the educational mission of the school.

Once the suit was filed, the U.S. District Court upheld the decision of the Des Moines school board. A tie vote in the U.S. Court of Appeals for the 8th Circuit meant that the U.S. District Court's decision continued to stand, and forced the Tinkers and Eckhardts to appeal to the Supreme Court directly. The case was argued before the court on November 12, 1968.

Constitutional and Legal Issues Involved:

- Does the first amendment protect freedom of expression and protest within a public school setting?
- What, if any, limits can a school legally place on students speech in order to maintain a good learning environment?

Supreme Court Majority Opinion:

The court's 7 to 2 decision held that the First Amendment applied to public schools, and that administrators would have to demonstrate constitutionally valid reasons for any specific regulation of speech in the classroom. The court observed, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."^[1] Justice Abe Fortas wrote the majority opinion, holding that the speech regulation at issue in Tinker was "based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam."

The Court held that in order for school officials to justify censoring speech, they "must be able to show that [their] action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint," allowing schools to forbid conduct that would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school."^[2]

The Court found that the actions of the Tinkers in wearing armbands did not cause disruption and held that their activity represented constitutionally protected symbolic speech.