

**WRITE DOWN THE NAME OF THE CASE BELOW IN YOUR SPIRAL**, then read the case description below with your table and follow the steps after the reading.

**Case 1: *Tinker v. Des Moines* (1969)**

In 1965, several Des Moines students decided to protest the Vietnam War by wearing black armbands to school. Des Moines school principals discovered the plan. On December 14, 1965, school officials adopted a policy that any student wearing an armband to school would be asked to remove it, and would be suspended if he or she refused to do so. On December 16, Mary Beth Tinker, John Tinker, and Christopher Eckhardt wore the black armbands to school. They knew about the policy and were suspended.

The fathers of the three students filed a lawsuit in a federal district court, asking that the suspensions be cancelled. The students' lawyers argued that the school had violated the First Amendment by taking away the students' right to freedom of expression. The school district's lawyers urged the court to consider how controversial the Vietnam conflict was. They argued that school officials had made the policy because they feared that the armbands would cause a serious disturbance at the school. They also argued that officials had the right to prevent students from interfering with the school's primary purpose—education.

Evidence showed that a few students had made angry remarks to the armband wearers outside the classroom. However, there had been no threats or acts of violence on school grounds. There was no sign that schoolwork had been interrupted. It was also revealed that the school district did not ban all political symbols. They allowed campaign buttons, and some students had worn the Iron Cross, considered to be a Nazi symbol.

After hearing the evidence, the court ruled that the school authorities took reasonable action to prevent disturbance of school discipline. They stated that the schools' concerns for safety, and their responsibility to all students, limited individual students' right to freedom of expression. The families appealed. Three years later, the case was heard by the Supreme Court, which considered these issues:

**DISCUSS THE FOLLOWING ISSUES WITH YOUR GROUP: (you don't have to write these down, BUT BE PREPARED TO SHARE IN A DISCUSSION AFTERWARD)**

Do students have a right to freedom of expression in school? Do school officials have the right to limit freedom of expression?

**Imagine you are a Supreme Court Justice hearing this case in court. You will now have to consider the following question at your table and vote for either the school or the student: Were the students' First Amendment rights violated when they were suspended for wearing armbands?**

**WRITE YOUR RESPONSES TO THE FOLLOWING QUESTIONS IN YOUR WRITING FOLDER BENEATH THE TITLE OF THE CASE:**

1. Explanation of your group's majority opinion: (Whichever side that more than half of your table votes for is the MAJORITY. If there is a tie, then just write down both opinions for numbers 1 and 2 with an explanation. The order doesn't matter.)
2. Explanation of your group's minority opinion: (If all of your table agrees on what you wrote for number 1, then still write down arguments for the opposing side to show your understanding of both points of view)
3. Actual Supreme Court ruling and the IMPACT: (write down what the ACTUAL Supreme Court decision was and the long term impact after we discuss. This will be shared with you on the PowerPoint on the white board.)