

Tinker v Des Moines Independent Community

Grace Phillips, Kara Asher, Ky'Jah
Greene, Pierce Zalecki, Svwenv
Blackhorse-Anderson and Timothy
Viraphandeth



Facts of the Case



Petitioners:

John F. Tinker (15 years old)

Christopher Eckhardt (16 years old)

Mary Beth Tinker (13 years old)

Respondent: Des Moines Independent
Community School District

Location: Des Moines Independent
Community School District

Argued: November 12, 1968

Decided: February 24, 1969

Conclusion: 7-2 Decision for Tinker

Facts of the Case



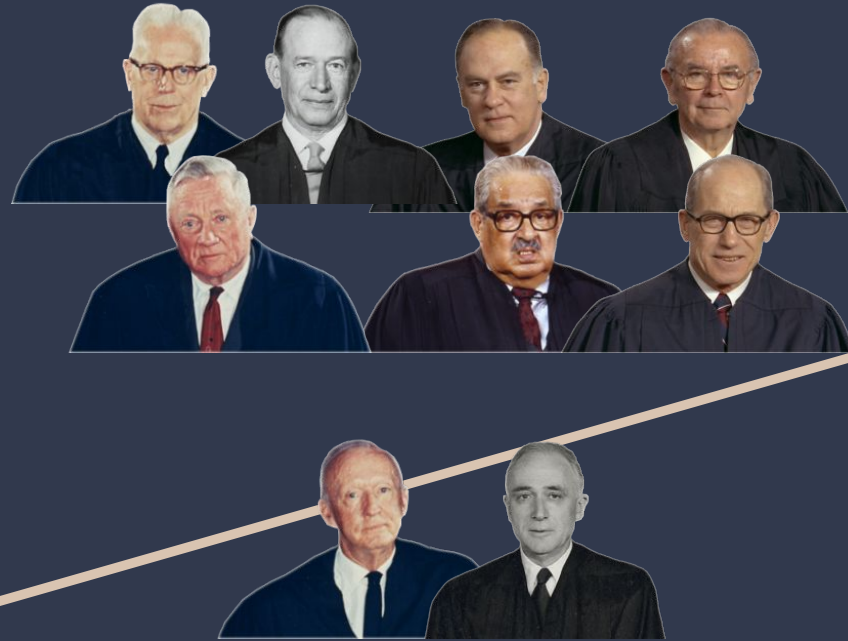
- Background Information: Three students in Des Moines, Iowa, were protesting the Vietnam War. The case states “they decided to wear black armbands throughout the holiday season and to fast on December 16 and New Year's Eve” (Tinker v Des Moines Independent Community School Dist., 393 U.S. 503 (1969)).
- The school officers placed regulations on the wearing of armbands. Students argued this was an infringement of their rights.
- The School District Court argued this was within the officers power.

The Decision of the Case



- 7-2 decision for Tinker
- Supreme Court's majority held that the armbands represent symbolic/pure speech that is separate from the actions of those participating
- Court held that students would not lose their First Amendment rights when stepping onto school property.
- School officials have to prove that the conduct in question interferes with the school's operation.

Brief Overview of Opinions



- Justice Potter Stewart's opinion stated that children weren't technically able to use their full extent of their First Amendment right.
- Justice Byron R. White's opinion stated that the majority believed that the actions of the students were solely opinions being expressed and that no drastic action was being taken by the students except for the armbands.
- Justice Hugo L. Black's opinion expresses that the First Amendment does not mean any given opinion can be expressed at any time and that the school district is within its right to discipline the children because the armbands distract from school work and activities.
- Justice John M. Harlan's opinion was different than the majority in which he argued that school officials should be given high authorization to maintain school order unless those with authority act out of the school's interest.

Part of First Amendment Being Argued



- Tinker v Des Moines Independent Community School District, the Supreme Court held that “Students don’t shed their constitutional rights at the schoolhouse gates” (Tinker v Des Moines Independent Community School Dist., 393 U.S. 503 (1969)).
- The part of the First Amendment being referenced is the right to the freedom of expression.
- “In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views”(Tinker v Des Moines Independent Community School Dist., 393 U.S. 503 (1969)).

Impact on Society Today



- Continues to defend the opinions of students as well as their sexual orientation
- Students are allowed to voice their personal opinions if they do not interfere with their peers education
- There are many student now who have the ability to protest any topic that they want
- The case began the age of “substantial disruption”
- Became the foundation for reasonable forecast

Works Cited

- <https://www.aclu.org/other/tinker-v-des-moines-landmark-supreme-court-ruling-behalf-student-expression>
- <https://www.oyez.org/cases/1968/21>
- <https://www.law.cornell.edu/supremecourt/text/393/503>
- <https://www.smithsonianmag.com/history/students-black-arambands-and-supreme-court-case-paved-way-parkland-kids-180971322/>