

Tinker v Des Moines Independent School District

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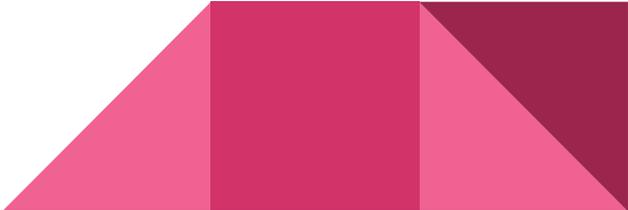


The Decision

The decision was a 7-2 majority where they ruled that the students were indeed entitled to their first amendment right of freedom of speech and that the black armbands were nothing more than an expression of that. With that said, the school could not remove the students of their first amendment right so by all means the student could wear their armbands provided that they did not interfere or interrupt the other students ability to learn.

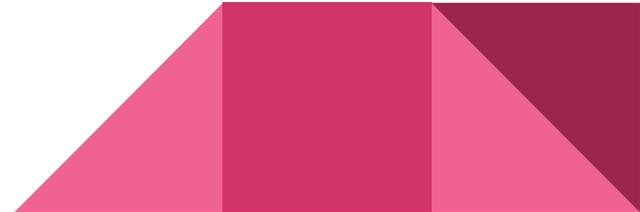


Facts

- The protesters were quiet and passive.
 - They didn't infringe on the rights of others.
 - The parents of the suspended students sued the school district for violating the students rights of expression.
 - The district court held that the school district's actions were justified.
 - The supreme court held that the armbands was their freedom of speech.
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Overview of the opinions

- Students said that the armbands were constitutional inside the school as they were just using their freedom of expression.
- School district was saying that the armbands were a distraction for the other students so the school could stop the armbands.



First Amendment Argued

The part that was argued was freedom of expression. Dan Johnston, the lawyer arguing the case, argued that the students do not lose their constitutional rights of freedom of speech or expression at school.



Impact on Society

The *Tinker v. Des Moines Independent Community School District* case provided students and teachers to have freedom of speech and expression whilst still being on campus learning in school. The *Tinker v Des Moines Independent School District* case is still very important till this day because it had a great role in protecting student rights.



Cases that Followed

- **Papish vs Board of Curators and Bethel School District vs Fraser**
 - Student was kicked out for indecent speech
 - Ruled ok
- **Hazelwood vs Kuhlmeier**
 - Principal blocked articles about divorce and teen pregnancy in school newspaper
 - Ruled ok
- **Dariano vs Morgan Hill Unified School District**
 - Ruled that it was ok for school to ban American flag during Cinco de Mayo celebration

