

You Are the Judge

Tinker v. Des Moines School District

"Hey, everybody, why so glum?" you ask as you sit down with a group of friends for lunch.

"Oh, nothing," replies a friend, sliding a newspaper in front of you. "Nothing, that is, unless you were planning on getting your driver's license this year."

Your eyes quickly find the headline about halfway down the page.

Governor to introduce bill raising the legal driving age

The accompanying story explains that a vote in the state house is planned next week. State legislators appear to be evenly divided on this issue. For the rest of the day, you and your friends can talk about little else.

A number of young people in your community, including you and your friends, have very strong opinions on this issue. You plan to show your support or opposition to the bill by wearing buttons to school expressing your position.

Your school principal, however, is concerned that the buttons will start a controversy that will disrupt school. He announces a new rule forbidding students from wearing political buttons on school grounds. The school district superintendent agrees, arguing that schools are for learning and not for political demonstrations. Do you agree with the new policy banning political buttons? Why or why not? If this happened in your school how would you feel? What constitutional rights are involved?

Protesting Through a Symbolic Act

The Supreme Court of the United States faced a similar case in the 1960s regarding the First Amendment rights of young people. The Court's opinion in this case was one of the most important decisions involving the rights of minors.

The case had its origins in the mid-1960s' protests against U.S. involvement in the Vietnam War. Forms of opposition included peace marches, picket-

ing, and burning of draft registration cards. At many demonstrations, people were arrested when the protests turned violent.

In Des Moines, Iowa, a group of local citizens decided to demonstrate their opposition to the war by wearing black armbands during the Christmas season. Their silent protest began on December 16, and was to run until New Year's day. The group also decided to fast on the first and last day of this period.

The School Administration Responds

When the principals of the local school district heard of the plan, they adopted a policy and informed the public that any student wearing an armband would be asked to remove it. If the student refused, he or she would be suspended from school.

On December 16, despite the school's regulation, a number of students including Mary Beth and John Tinker, and two of their friends, decided to wear black armbands to school in support of the protest. When they refused to remove them, they were suspended and sent home. The students were instructed not to return to school until they were willing to appear without the black armbands. The students did not return to school until after the holidays, when the silent protest period had ended.



Did Mary Beth and John Tinker have the right to wear armbands in school?

