



Tinker v. Des Moines School District

Public school officials set standards of behavior that students are expected to follow. Does this arrangement leave students with any rights? Sometimes the Supreme Court must decide.

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

Background of the Case

One night in December 1965, a group of public school students, led by high school sophomores Christopher Eckhardt and John Tinker and eighth-grader Mary Beth Tinker, wore black armbands to protest the Vietnam War. As other students joined the armband protest, principals and members of the school board met the growing protest with a ban on armbands—to prevent “disturbing influences” at school.

On December 16, 1965, Christopher, John, and Mary Beth were suspended for wearing their armbands to school. Their parents protested the suspensions in federal court. They contended that the students’ First Amendment right of free speech had been violated.

The Decision

On February 24, 1969, the United States Supreme Court in a 7–2 decision declared the school suspensions unconstitutional. Justice Abe Fortas, who wrote the majority opinion, first established that the students’ action was “akin [similar] to pure speech.” Even though their protest involved no speaking, he argued, it deserved “protection under the First Amendment.” In the key passage of the opinion, Justice Fortas wrote:

“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”



Mary Beth and John Tinker

PHOTO: Bettmann/COBIS

Why It Matters

Supporters of the young protesters saluted the Court decision that “students are entitled to freedom of expression of their views.” Critics who opposed the wearing of the armbands predicted harmful consequences.

Justice Hugo Black dissented from the majority opinion. He suggested that the Court’s decision was “the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary.” He argued that no one has a complete right to freedom of speech and expression.

Later decisions, such as *Bethel School District v. Fraser* (1986) and *Hazelwood School District v. Kuhlmeier* (1988), narrowed students’ First Amendment rights. These rulings by their nature also expanded the authority of school officials.

Analyzing the Case

- Explaining** Why did the students’ lawyers argue that wearing the armbands was protected by the First Amendment?
- Inferring** How did Justice Fortas’s concept of “pure speech” extend First Amendment free-speech rights?