

Name: _____

Date: _____

TINKER V. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT by U. S. SUPREME COURT

Guided Notes – Lesson 2

How does the case of Tinker vs. Des Moines affect U. S. citizens?

Objective: In this lesson you will learn to analyze the implications of a seminal U.S. text by predicting how the text will impact U.S. citizens.

Steps:

1. List the stakeholders. Ask: “Who is most affected by this case?”
2. Ask yourself: “What right is at stake?” and “What clues tell me how this right applies to each stakeholder?”
3. Predict how the court’s decision impacts each stakeholder.

1. List the stakeholders. Ask: “Who is most affected by this case?”

Page 1 (Paragraph 3):

(Read the passage below and list 3 groups of people or institutions who will be affected by this case)

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused, he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

This case affects...

2. Ask yourself: “What right is at stake?” and “What clues tell me how this right applies to each stakeholder?”

Page 2 (Paragraph 3):

(Read the passage below. Write down which constitutional right is at stake in this case.)

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the First Amendment. See *West Virginia v. Barnette*, 319 U.S. 624 (1943); *Stromberg v. California*, 283 U.S. 359 (1931). Cf. *Thornhill v. Alabama*, 310 U.S. 131 (1966). As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it.

The right at stake is...

Read the passages below. Highlight information that tells you how the right at stake applies to the 3 stakeholders you identified in step 1.

Page 2 (Paragraph 4):

First Amendment rights, applied in the light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the school house gate. This has been the unmistakable holding of this Court for almost 50 years. In *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Bartels v. Iowa*, 262 U.S. 404 (1923), this Court, in opinions by Mr Justice McReynolds, held the Due Process Clause of the Fourteenth Amendment.

Page 3 (Paragraph 3):

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.

Page 5 (Paragraph 3):

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are “persons” under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of showing constitutionally valid reasons to regulate speech, students are entitled to freedom of expression of their views.

Use the information you highlighted in the above passages to take notes about how the right at stake applies to principals, students, and schools.

This right applies to each stakeholder because...

1. Principals-
2. Students -
3. Schools-

3. Predict how the court’s decision impacts each stakeholder.

Use the notes in the box above to make predictions about how each stakeholder is affected by the court’s opinion in favor of the petitioner, Tinker.

Predictions

1. Principals-
2. Students-
3. Schools-

Your Turn!

If the Supreme Court ruled in favor of the defendant in *Tinker v Des Moines*, how would U. S. citizens be affected?

1. List the stakeholders. Ask: "Who is most affected by this case?"
2. Ask yourself: "What right is at stake?" and "What clues tell me how this right applies to each stakeholder?"
3. Predict how the court's decision impacts each stakeholder.

1. List the stakeholders. Ask: "Who is most affected by this case?"
(Review from core lesson)

List the Stakeholders in this case:

2. Ask yourself: "What right is at stake?" and "What clues tell me how this right applies to each stakeholder?"
(Review from the core lesson)

What right is at stake?

How does this right apply to each stakeholder from step 1?

3. Predict how the court's decision impacts each stakeholder.

(Imagine that the court ruled in favor of the defendant, Des Moines. How might this decision impact each stakeholder? Record your predictions in the box below.)

Predictions

1. Principals-

2. Students-

3. Schools-