

Name: \_\_\_\_\_

Date: \_\_\_\_\_

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

### Guided Notes – Lesson 3

**How does the court develop and synthesize competing arguments between Tinker and Des Moines?**

**Objective:** In this lesson you will learn to analyze how two central ideas develop over the course of a text by explaining how the author structures the argument.

#### **Steps:**

1. Highlight two competing ideas addressed in the beginning, middle, and end of the text.
2. Create a timeline: make notes about how both ideas developed across the text.
3. Ask yourself: “What text structure did the court use to develop both ideas into a single argument?”

#### **Pages 3, 4 & 6:**

1. Highlight two competing ideas addressed in the beginning, middle, and end of the text.  
*Read the passages below. For each passage, highlight two ideas that compete with one another. Number each idea.*

#### **Beginning**

##### **Page 3, Paragraph 4:**

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with the fundamental constitutional safeguards, to prescribe and control conduct in schools...Our problem lies in the area where students in their exercise of First Amendment rights collide with the rules of school authorities.

#### **Middle**

##### **Page 4, Paragraph 1:**

The District Court concluded that the action of school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority’s opinion may inspire fear. Any word spoken, in class in the lunchroom, or on campus, that deviates from the views of another person may cause an argument or cause a disturbance. But our constitution says that we must take the risk.

End

**Page 6, Paragraph 4:**

The principle of these cases is not confined to the supervised and ordained discussion which takes place in the classroom. The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities. Among these activities is personal intercommunication among the students. This is not only an inevitable part of the process of attending school; it is also an important part of the educational process. A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects...if he does so without "materially and substantially interfere [ing] with the requirements of appropriate discipline in the operation of the school" and without colliding with the rights of others.

2. Create a timeline: make notes about how both ideas developed across the text.

*Use the information you highlighted in the above passages to make notes about how each competing idea developed across the text. Use the boxes above the timeline to record ideas that support the petitioner's position. Use the boxes below the timeline to record ideas that support the defendant's position.*

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Beginning \_\_\_\_\_ Middle \_\_\_\_\_ End

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3. Ask yourself: "What text structure did the court use to develop both ideas into a single argument?"  
*Analyze the timeline above. What text structure is the court using in across the text to develop the ideas of the petitioner and the defendant into a single argument?*

<b>Text Structure</b>	
Beginning-	
Middle-	
End-	

## Your Turn!

**How does the court develop and synthesize competing opinions between Tinker and Des Moines into a single majority opinion?**

### Steps:

1. Highlight two competing ideas addressed in the beginning, middle, and end of the text.
2. Create a timeline: make notes about how both ideas developed across the text.
3. Ask yourself: "What text structure did the court use to develop both ideas into a single argument?"

### Pages 3, 4, 6 & 7:

1. Highlight two competing ideas addressed in the beginning, middle, and end of the text.  
*Read the passages below. For each passage, highlight two ideas that compete with one another. Number each idea.*

### **Beginning**

#### **Page 3, Paragraph 5:**

The problem posed by the present case does not relate to regulation of the length of skirts or the type of clothing, [393 U.S. 503, 508] to hair style, or deportment. Cf. *Ferrell v. Dallas Independent School District*, 392 F.2d 697 (1968); *Pugsley v. Sellmeyer*, 158 Ark. 247, 250 S. W. 538 (1923). It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to "pure speech."

### **Middle**

#### **Page 4, Paragraph 5 & 6:**

In the present case, the District Court made no such finding, and our independent examination of the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students. Even an official memorandum prepared after the suspension that listed the reasons for the ban on wearing the armbands made no reference to the anticipation of such disruption. 3 [393 U.S. 503, 510]

On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam. 4 It is revealing, in this respect, that the meeting at which the school principals decided to issue the contested regulation was called in response to a student's statement to the journalism teacher in one of the schools that he wanted to write an article on Vietnam and have it published in the school paper. (The student was dissuaded. 5 )

End

**Page 6, Paragraph 5- Page 7, Paragraph 2:**

Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle but not in fact. Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided as a safe haven for crackpots. The Constitution says that Congress (and the States) may not abridge the right to free speech. This provision means what it says. We properly read it to permit reasonable regulation of speech-connected activities in carefully restricted circumstances. But we do not confine the permissible exercise of First Amendment rights to a telephone booth or the four corners of a pamphlet, or to supervised and ordained discussion in a school classroom.

If a regulation were adopted by school officials forbidding discussion of the Vietnam conflict, or the expression by any student of opposition to it anywhere on school property except as part of a prescribed classroom exercise, it would be obvious that the regulation would violate the constitutional rights of students, at least if it could not be justified by a showing that the students' activities would materially and substantially disrupt the work and discipline of the school. Cf. Hammond [393 U.S. 503, 514] v. South Carolina State College, 272 F. Supp. 947 (D.C. S. C. 1967) (orderly protest meeting on state college campus); Dickey v. Alabama State Board of Education, 273 F. Supp. 613 (D.C. M. D. Ala. 1967) (expulsion of student editor of college newspaper). In the circumstances of the present case, the prohibition of the silent, passive "witness of the armbands," as one of the children called it, is no less offensive to the Constitution's guarantees.

2. Create a timeline: make notes about how both ideas developed across the text.

*Use the information you highlighted in the above passages to make notes about how each competing idea developed across the text. Use the boxes above the timeline to record ideas that support the petitioner's position. Use the boxes below the timeline to record ideas that support the defendant's position.*

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Beginning \_\_\_\_\_ Middle \_\_\_\_\_ End

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3. Ask yourself: "What text structure did the court use to develop both ideas into a single argument?"

*Analyze the timeline above. What text structure is the court using in across the text to develop the ideas of*

**Text Structure**

Beginning-

Middle-

End-

