

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

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

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

### Guided Notes – Lesson 5

**How did the event of the Vietnam War influence the Supreme Court's investigation in the case of Tinker v. Des Moines?**

**Objective:** *In this lesson you will learn how a world event interacts with individuals' ideas in a U. S. court case by evaluating the court's interpretation of evidence.*

#### **Steps:**

1. Ask yourself: "How does the court interpret the motivation of the petitioner and the defendant?"
  2. Note any patterns or trends in the court's interpretations.
  3. Evaluate the Court's interpretation of the evidence. Ask: "How did world events interact with the Supreme Court's ideas about this case?"
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1. Ask yourself: "How does the court interpret the motivation of the petitioner and the defendant?"  
*(Read the passages below. Then, using the chart, note how the court interprets the motivations of the petitioner and the defendant.)*

#### **Page 1 (Paragraph 3)**

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

#### **Page 3, (Paragraph 6)**

The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioner's interference, actual or nascent, with the schools' work or of collision with the rights of other students to be secure and let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the schools or the rights of other students.

#### **Page4 (Paragraph 4)**

On the contrary, the action of 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.<sup>4</sup> 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.<sup>5</sup>)

Petitioner	Defendant

2. Note any patterns or trends in the court's interpretations.  
*(Review the chart above. Note any patterns or trends in the box below. )*

<p><b>Patterns/ Trends:</b></p>
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3. Evaluate the Court's interpretation of the evidence. Ask: "How did world events interact with the Supreme Court's ideas about this case?"  
*(Record your ideas in the box below.)*

<p><b>World events interacted with the Supreme Court's ideas about this case because...</b></p>

## Your Turn!

**What elements of the Supreme Court's investigation prove that the Vietnam War influenced the court's opinion?**

1. Ask yourself: "How does the court interpret the motivation of the petitioner and the defendant?"
  2. Note any patterns or trends in the court's interpretations.
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- 
1. Ask yourself: "How does the court interpret the motivation of the petitioner and the defendant?"  
*(Read the passages listed below. Then, using the chart, note how the court further interprets the motivations of the defendant)*

### **Page 5 ( Paragraph 2)**

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol - black armbands worn to exhibit opposition to this Nation's involvement [393 U.S. 503, 511] in Vietnam - was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

**The defendant was motivated by...**

