

Tinker v. des moines  
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community school  
district et al, 393 u.s.  
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Tinker v. Des Moines Independent Community School District et al, 393 U. S. 503 (1969) Facts: Petitioner was John F. Tinker, Mary Beth Tinker, and Christopher Eckhardt, high school students in Des Moines, Iowa. In December 1964 several students were joined in protesting the Vietnam War. The form of protest was to wear a black armband for two weeks. When protesters arrived at school they were told to remove the arm bands or be suspended. Students took the suspension and did not return to school until after the protest period ended on New Year's Eve 1965. When the planned protest reached school officials, a policy was adopted to enact a suspension for disregarding requests to remove the arm band. No violent or disruptive behavior was document in relation to the protest that was deemed disruptive to the learning environment. Procedural History: Students filed suit against the Des Moines Community School District in United States District Court. The District Court dismissed the case, upholding the " constitutionality of the school authorities' actions on the grounds it was reasonable to prevent disturbance of school discipline". F. Supp. 971 (1966). On appeal, the Court of Appeals for the Eighth Circuit upheld the decision when the court was divided equally. The United States Supreme Court reversed and remanded the decision under the rights of the First Amendment. Issue: Is symbolic speech by public school students protected under the First Amendment? Holding: Yes. Students are persons worth of constitutional protections both while in and out of school. Reasoning: The Supreme Court determined that Des Moines school officials enacted a policy on what amounted to a perceived threat of disturbance though no actual disturbance occurred. A school must show " more than mere fear or apprehension" that a threat may

occur. It was the court's opinion that free speech is granted to all individuals when done in a manner that does not deter from students right to education. The Supreme Court clearly states that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" It is important that school officials did not prohibit the wearing of all symbols of political or controversial significance. School officials do not have the right to dictate which beliefs or statements students' choose to follow, and are not an absolute authority over their students. It is on the burden of the school to show that continued behavior would constitute a "material and substantial disruption." Schools must respect the fundamental rights afforded to all persons under the Constitution and any behavior that interferes with "rights of others" is also not permissible.