Tinker v. Des Moines –

Facts:

In 1965, a group of students in Des Moines held a meeting in the home of 16 year old Christopher Eckhardt to plan a public showing for a truce in Vietnam way. They wore black armbands in the holiday season and fasted on 2 days (Dec. 16 and New Years Eve). The principal learned of the plan and created a new policy on the 14th: a student with a black armband would be asked to remove it. It he/she didn’t, he/she would be suspended. On December 16, Mary Tinker and Christopher Eckhardt wore the armbands to school and were sent home. The next day, Eckhardt came in again with the same band and then was again sent home. After, the students didn’t return to school until New Years Day—the end of their protest.

The students sued the school for violating the students’ rights of expression and sought injunction to prevent the school form disciplining the students. The district court dismissed the case; it held that it was reasonable for the school to uphold discipline. The court of appeals for 8th circuit agreed.

Questions:

Does the prohibition against wearing of an armband in school violate the students’ freedom of speech—outlined in the first amendment. The armbands being worn is a form of protest

Decision:

7 votes for Tinker and 2 against

Provision

1st amendment

Holding:

Armbands represented pure speech that is separate from the actions or conduct of those participating in it. Students don’t lose 1st amend rights when they step into school building. In order to suppress speech, the school must be able to prove that the conduct is “materially and substantially interfering” with the school’s running.

In this case, the suppression resulted from fear of disruption rather than the actual disruption.