**TINKER V. DES MOINES: Group Arguments**

**The following is a list of arguments in the *Tinker v. Des Moines*(1969) case. Read through each argument and decide whether it supports the Tinkers' position (T) of being able to wear protest armbands in school, the position of the Des Moines School District (DM) that says that the students could be suspended for wearing the armbands, both sides (BOTH), or neither side (N). Then state WHY you have chosen this response.**

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| **ARGUMENT** | **WHO DOES IT SUPPORT?** | **WHY?** |
| 1. The First Amendment to the United States Constitution states:  *"Congress shall make no law . . . abridging the freedom of speech. . . ."*  The administration of a public school is an agent of the government. At a minimum, therefore, it must uphold the basic rights protected by the U.S. Constitution. |  |  |
| 2. In the case of *Stromberg v. California*(1931), the Supreme Court ruled that the First Amendment protects symbolic speech by declaring unconstitutional a California law prohibiting a display of a red flag as a symbol of opposition to established government. |  |  |
| 3. Free speech is not an absolute right. The government, at all levels, must balance the rights of individuals to free speech with other values the society holds dear. These other values may include public safety and protecting the rights of other individuals. |  |  |
| 4. In order for a school to function, there must be rules prohibiting behavior that could be disruptive to the school's educational mission. Schools contribute to making us a more law-abiding people, and school discipline is an important part of children's development as good citizens. |  |  |
| 5. Schools are meant to be a forum for learning, which includes the possibility for debate of controversial issues. Communication among students is an inevitable and important part of the educational process. |  |  |
| 6. The Des Moines School District did not ban all expressions of political or controversial subjects. In the past the school had allowed the wearing of political campaign buttons, for instance. |  |  |
| 7. Allowing students to flout a school rule regarding the wearing of armbands will lead us down a slippery slope. It is not difficult to imagine that if the Tinkers are supported, that students will see this as license to break other school rules as well. |  |  |
| 8. In the late 1960s many student groups in universities around the country were conducting sit-ins, lie-ins, and other forms of protest against the Vietnam War that interrupted the normal functioning of schools. |  |  |
| 9. The wearing of the armbands was a silent and passive expression of a position on the Vietnam War. There was no evidence of substantial disruption to the school resulting from the armbands; however, the school officials reasonably feared disruption and therefore took preemptive action to protect the learning environment of the students. |  |  |