



Students wore these armbands to protest the Vietnam war.

## Do Students Have Rights?

Wait a second! Can Principal Carter ban music t-shirts? Doesn't Ben have a right to wear his shirt? Isn't there, like, freedom of speech or something? Back in the 1960's, the Supreme Court made a decision about a similar case. The Supreme Court's decision created a rule about when schools are allowed to ban things like Ben's t-shirt.

First, read what the Court had to say:

### Summary of

## ***Tinker v. Des Moines Independent School District***

Decided by the United States Supreme Court in 1969

In 1965, some middle and high school students wore black armbands to school to show their protest of the war in Vietnam. Before the day of the protest, the schools' principals had heard about the students' plan and told the students they could not wear the armbands. Five students were suspended from school for wearing the armbands.

Students and teachers have First Amendment rights even when they are at school. They do not leave their freedom of speech or freedom of expression behind when they walk through the schoolhouse gate. Even so, teachers and principals must keep order at school so that learning can take place. In a school setting, therefore, the First Amendment must be applied in a special way to protect free speech and keep order at the same time.

A student at school may express opinions, even about controversial subjects like war. However, the student may not disrupt learning or interfere with other peoples' rights. The First Amendment does not protect student speech that disrupts class or causes trouble between classes, and school rules can prohibit that kind of speech.

There is no evidence that the students' armbands disrupted class or any school activity. Outside class, a few students made nasty remarks to those who wore armbands. However, there were no threats or acts of violence on the school grounds.

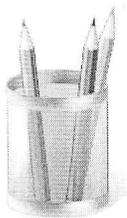
The trial court had decided that, because the principals were afraid the armbands would be disruptive, it was reasonable for the principals to suspend the students for wearing them. The trial court, however, did not understand the importance of freedom of speech. In our legal system, a general fear of disruption is not enough to take away someone's right to freedom of expression. After all, a disruption could happen any time one person says something that another person disagrees with.

Schools cannot prohibit speech unless they have good evidence that the speech will be disruptive. They cannot prohibit speech only to avoid the uncomfortable situation of someone expressing an unpopular opinion.

# I Can't Wear *What??*

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

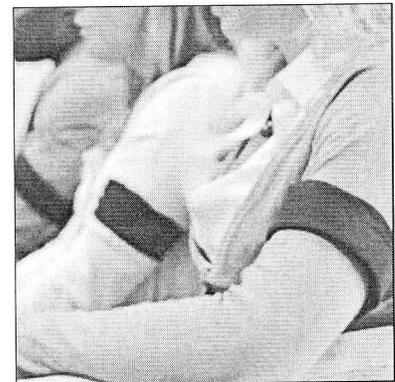
**A. Mark It Up.** What does the Tinker case tell you about freedom of speech in schools? Follow the steps below and find out.



- 1) Under what circumstances are schools allowed to prohibit speech or expression? Find two places where the Court states the rule. Underline these in **green**.
- 2) One thing happened that shows the armbands might have caused disruption. (However, the Court did not think this was enough.) Find that one thing and underline it in **blue**. Next, the Court gives a hint about what would be enough to cause disruption. Also underline that in **blue**.
- 3) Is it enough if the school is afraid there might be disruption? Find the answer and underline it in **red**.
- 4) Would it matter if there is disruption at lunch or between classes instead of during class? Find the answer and circle it in **orange**.
- 5) Schools can prohibit speech if they have good \_\_\_\_ that the speech will be disruptive. Find the word that goes in the blank and circle it in **purple**.

**B. What If?** What would it take for the Court to decide the armbands were disruptive to the school? Look at the following list. Put an **X** next to those things you believe would be good evidence that the armbands were actually disruptive. (None of these actually happened.)

- \_\_\_ 1. Someone wrote a threatening note during class to one of the students wearing an armband.
- \_\_\_ 2. On the school bus, someone threatened to beat up one of the students wearing an armband.
- \_\_\_ 3. At lunch, someone said the armbands were stupid.
- \_\_\_ 4. During class, someone made a face at one of the students wearing an armband.
- \_\_\_ 5. Between classes, someone shoved one of the students wearing an armband into a locker.
- \_\_\_ 6. Students stopped arguing about armbands when the teacher said it was time to begin class.
- \_\_\_ 7. A student sang a song about how much he loved armbands, and people started arguing about whether he had a good voice.
- \_\_\_ 8. Students were having fun debating about whether people should wear armbands.
- \_\_\_ 9. Student arguments about armbands were starting to add up.
- \_\_\_ 10. A teacher had to tell students to stop arguing about armbands so she could start class.



## C. What About Ben's T-Shirt?

In order to ban music t-shirts, Principal Carter must have good \_\_\_\_\_ to believe that band t-shirts will be \_\_\_\_\_. Student expression is disruptive if it \_\_\_\_\_ class or causes \_\_\_\_\_ between classes.