

Day 2: Tinker v. Des Moines Independent Community School District

Begin lesson

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<div data-bbox="250 747 786 884" style="border: 2px solid gray; padding: 10px; text-align: center;">Begin lesson</div>	Notes

Before the Lesson

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<div data-bbox="250 1409 786 1472" style="text-align: center;"><h1>Before the Lesson</h1></div>	Notes


Anchor Text

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<p style="text-align: center;">United States Supreme Court 393 U.S. 503 TINKER v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT Argued: Nov. 12, 1968. --- Decided: Feb 24, 1969</p> <p>MR. JUSTICE FORTAS delivered the opinion of the Court.</p> <p>Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.</p> <p>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.</p> <p>The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.</p> <p>On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired—that is, until after New Year's Day.</p> <p>This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It prayed for an injunction</p>	<h2 style="text-align: center;">Notes</h2>
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Student Notes Sheet

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<p style="text-align: center;"> LearnZillion</p> <p>Name: _____ Date: _____</p> <p>Student notes for: Tinker v. Des Moines Independent Community School District</p> <p>Day: 2</p> <p>1. On page 2, the court states, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Determine and evaluate the reasoning provided in the cases of <i>Meyer v. Nebraska</i> and <i>Barnes v. Iowa</i> (page 2) and <i>West Virginia v. Barnette</i> (page 3). How do the rulings in these cases uphold Justice Fortas's argument?</p> <p>2. The court also addresses the "need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." Determine and evaluate the reasoning provided in the cases of <i>CF Federal v. Dallas Independent School District</i> and <i>Pughey v. Selinger</i> (page 3). How do the rulings uphold the constitutional rights of the school district?</p> <p>3. In the District Court's ruling of the case on page 4, the court "concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of armbands." How does the Supreme Court challenge the District Court's ruling? Be sure to analyze the information provided in footnote 3 and the context in which the footnote was provided.</p>	<h2 style="text-align: center;">Notes</h2>
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Getting Started

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<h2>Getting Started</h2>	<p>Notes</p>
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Introduction 1 of 2

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<div data-bbox="293 1045 529 1325" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-size: small;">United States Supreme Court 578 U.S. 511 TINKER v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT Argued Nov. 12, 2006 — Decided Feb. 22, 2007</p> <p>MRS. JUSTICE FORTAS delivered the opinion of the Court.</p> <p>Petitioner John T. Tinker, 15 years old, and petitioner Christopher Eckhardt, 14 years old, attended high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.</p> <p>In December 1965, a group of adults and students in Des Moines held a meeting at the public library. The group discussed the possible effects of their actions on the teachers in the schools and their support for a strike to wearing black armbands during the holiday season and by fasting on December 14 and New Year's Day. Petitioner's and their parents had previously engaged in similar activities, and they decided to participate in the program.</p> <p>The principals of the Des Moines schools became aware of the plan to wear armbands on December 14, 1965. They sent an advisory circular that evening warning an armband to be worn around the neck to receive it, and if the circular the results be suspended until he returned without the armband. Petitioner were aware of the regulations that the school authorities adopted.</p> <p>On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired—that is, until after New Year's Day.</p> <p>This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It sought first an injunction restraining the respondent school officials and the respondent members of the board of directors of the school district from disciplining the petitioners, and it sought monetary damages. After an involuntary hearing the District Court dismissed the complaint. It upheld [505] the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. 222 F.Supp. 971 (1964). The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that the wearing of armbands like the armbands caused no prohibited action.</p> </div> <div data-bbox="592 1134 722 1207" style="text-align: center; color: green;"> <p>Written by Supreme Court Justice Fortas</p> </div>	<p>Notes</p>
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<p>1. On page 2, the court states, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Compare and contrast the reasoning provided in the cases of <i>Tinker v. Bagdasarian</i> and <i>Barnes v. Board of Education</i>. How do the rulings in these cases contrast <i>Tinker v. Bagdasarian</i>?</p> <p>2. The court also addresses the "need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." Compare and contrast the reasoning provided in the cases of <i>Tinker v. Bagdasarian</i>, <i>Hazelwood School District v. Kuhlmeier</i>, and <i>Board of Education v. Earle</i>. How do the rulings contrast the constitutional rights of the school district?</p> <p>3. In the District Court's ruling of the case on page 4, the court "concluded that the action of the school authorities was reasonable because it was based upon their 'real' (of a disturbance from the wearing of armbands)." How does the Supreme Court challenge the District Court's ruling? Do you agree with the information provided in footnote 3 and the context in which the footnote was provided.</p>	<p>we will be asking and answering questions.</p> <p>We will find and keep track of evidence from the text to support our ideas about each question.</p> <h2>Notes</h2>
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Exploring the Text

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<h2>Exploring the Text</h2>	<h2>Notes</h2>
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Supporting Question 1

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On page 2, the court states, “First Amendment rights, applied in the light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” How do the rulings in the cases of Meyer v. Nebraska, Bartels v. Iowa (page 2), and West Virginia v. Barnette (page 3) uphold Justice Fortas’s argument?

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Supporting Question 2

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The court also addresses the “need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools” where “students in the exercise of First Amendment rights collide with the rules of the school authorities.” How do the rulings of Cf. Ferrell v. Dallas Independent School District and Pugsley v. Sellmeyer (page 3) uphold the constitutional rights of the school district?

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Supporting Question 3

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<p>In the District Court’s ruling of the case on page 4, the court “concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of armbands.” How does the Supreme Court challenge the District Court’s ruling and support its argument that “in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression”? Analyze the information provided in footnote 3 to further</p>	<p>Notes</p>
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Supporting Question 4

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<p>In footnote at the bottom of page 6, Justice Fortas references the case of Hammond v. South Carolina State College to strengthen his argument that "we do not confine the permissible exercise of First Amendment rights...to supervised and ordained discussion in a school classroom." How does Justice Fortas use the simile “school is not like a hospital or jail enclosure” to contribute to the discourse on student First Amendment rights?</p>	<p>Notes</p>
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Focus Question

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<h1>Focus Question</h1>	Notes

Focus Question

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<p>How are First Amendment rights are defined and refined over the course of the text to strengthen Justice Fortas's ruling?</p>	Notes

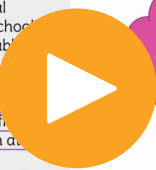
After the Lesson

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<h1>After the Lesson</h1>	Notes

Comprehension Skill Video

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<div style="border: 1px solid #ccc; padding: 10px;"><p>Core Lesson Ask, "How is the meaning of the term refined across the text?"</p><div style="display: flex; align-items: center;"><div style="flex: 1;"><p>First Amendment rights, applied in the light of the special characteristics of the school environment, are available to teachers and students. It hardly be argued that students or teachers should have constitutional rights to freedom of speech or expression at schoolhouse gate.</p><p style="text-align: right;">Page 2</p></div><div style="flex: 1; text-align: center;"><div style="border: 2px solid #e91e63; border-radius: 50%; padding: 10px; display: inline-block; color: white; font-size: 0.8em; margin-top: 10px;">How are First Amendment rights defined in this section?</div></div></div><p style="text-align: right; font-size: 0.8em;">LearnZillion</p><p style="text-align: center; margin-top: 10px;">Visit https://haywood.lzill.co/r/44085</p></div>	Notes