**Tinker v. Des Moines Independent Community School District – 1968**

John and Mary Beth Tinker attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear armbands to protest the Vietnam War. However, the Tinkers decided to wear armbands to school anyway. The school officials asked the Tinkers to remove their armbands, but the Tinkers refused. John and Mary Beth Tinker were suspended from school until they agreed to remove the armbands.

The Tinkers sued the school district in the U.S. District Court. The Tinkers believed that the Des Moines school district violated their right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called symbolic speech.

The District Court sided with the school officials. The Court said that wearing the armbands could disrupt learning at the school. Learning without disruption was more important than the free speech of the students.

The Tinkers appealed their case to the next level of courts, U.S. Court of Appeals for the Eighth Circuit: But the Circuit Court agreed with the District Court. The Tinkers then appealed their case to the Supreme Court of the United States. The Court had to answer this basic question: Does the constitutional right of free speech protect the symbolic speech of public school students?

In 1968, the Supreme Court of the United States agreed to hear the case of Tinker v. Des Moines. They issued their decision in 1969.

Source: <http://www.streetlaw.org/en/Page/228/Background_summary__questions_> and <http://landmarkcases.pbworks.com/w/page/14738317/Tinker%20v%20Des%20Moines>

**Guiding Questions:**

1. Do you think that the school policy banning armbands was fair? Why or why not?
2. The Tinkers knew they would be suspended if they wore armbands to school. They decided to wear the armbands anyway. Why did they do this?
3. The First Amendment says "Congress shall make no law . . . abridging the freedom of speech." Do you think that actions, like wearing an armband to protest, are the same as speech? Why or why not?