



## **The Case of the Black Armbands**

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

This activity will introduce students to the First Amendment through the case study method. Students will define speech and explore a case involving symbolic speech on a school campus. A mock Supreme Court conference activity will allow students to explore the judicial decision-making process.

### **Objectives:**

As a result of this lesson, students will

1. Define speech;
2. Explore the characteristics of a good judge;
3. Analyze the First Amendment;
4. Apply the First Amendment to specific case studies;
5. Experience the judicial decision-making process.

### **Materials:**

Copy of First Amendment

Case Study Handout/Facts of the Case

PowerPoint

Question before the Court

Note: Facilitator should review the Tinker v. Des Moines decision on this website prior to presenting this activity.

### **Time Required:**

This lesson can be completed in one class period.



## **Grade Level:**

Elementary and Middle School

## **Sunshine State Standards:**

Grades 6-8: SS.C.1.3 (6), SS.C.2.3 (3), (4), (7)

## **Procedures:**

1. Using the PowerPoint, initiate an interactive discussion on the characteristics of a good judge and the differences between judges and elected political officials. Distinguish the five rights in the First Amendment, the definition of speech, and limits on speech.
2. Review briefly the general reasoning of the Court in school based speech cases.
3. Distribute copies of the Facts Statement for the Tinker v. Des Moines case.
4. Review the case using the PowerPoint presentation.
5. Discuss how the Tinkers felt the principal's decision was unfair and what they decided to do about it. Reiterate that courts can only make decisions on cases that people bring to them.
6. Discuss how people go to the courts when they believe laws or actions of government violated their rights. The courts exercise their power of judicial review to determine if government actions violate the Constitution. Identify the government entity in the Tinker case (school or school district). What is the issue before the Court?
7. Present the Question before the Court and have each student individually write down the individual's decision in the case if they were Supreme Court justices. Students should not talk with anyone else in the class. They should think independently and write down their decision citing one or more reasons for their decision.
8. Following the PowerPoint, place students in groups of five and have each group select a Chief Justice. The Chief Justice will lead the group discussion and poll the other group members to determine how they would decide the case. Let students know each group needs to come to a unanimous decision in the case (if possible). Allow ten to fifteen minutes for groups to reach a decision.
9. Bring each Chief Justice to the front of the room to give the decision of each Court. Allow each group to present their majority and dissenting opinions.



10. Review the finding of the US Supreme Court and explain. **Optional:** Using the [oyez.org](http://oyez.org) website, allow students to listen to arguments from each side of the case.

Note: Volunteers should review case materials in advance on this website.



## FACTS

### Tinker v. Des Moines Independent Community School Dist.

John Tinker, his sister Mary Beth Tinker, and Christopher Eckhardt, decided to protest the Vietnam War by wearing black armbands to school. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district determined that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Christopher wore their armbands to school, they were asked to remove them. When they refused, they were suspended.



## **Question before the Court**

Does the principals' rule violate the students' First Amendment rights to freedom of speech/expression?



## **FIRST AMENDMENT – UNITED STATES CONSTITUTION**

### **Amendment I.**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.