



Viewing Guide: *Tinker v. Des Moines (1969)*

The Background of the Case (00:00-2:24)

1. Who was Mary Beth Tinker and what did she plan to do?
2. How did the school react to the students' plan?

Stop and Think:

- Do you think the school officials should have made this policy before the student protest was carried out? Why or why not?
- What are some reasons school officials believed that this protest might cause disruption in the classrooms?
- How did school officials respond when the students wore the armbands on December 16, 1965? How did the Tinker parents respond?
- How did the U.S. District Court respond?

Arguments at the U.S. District Court (2:25-3:35)

3. What were the school's arguments before the U.S. District Court?
4. What did the parents argue?

Stop and Think: What is your opinion as to whether or not school is an appropriate place for a silent, peaceful protest if it causes no reaction? Would your opinion change if there was a disruptive reaction to the protest? Why or why not?

Question brought to the U.S. Supreme Court (3:36-5:33)

5. How would you frame the issue when the case was brought to the Supreme Court?
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]

6. Summarize the petitioner's arguments before the Supreme Court?

7. Summarize the arguments of the respondent at the Supreme Court?

Stop and Think: At this point, which side do you feel has the strongest arguments? Defend your position.

The Ruling (5:34-7:34)

8. What was the Court's decision in the case, and which justice wrote the opinion of the Court?

9. Who were the two dissenting justices and what was the basis for their dissents?

Impact of the Case (7:35-10:39)

10. What are two reasons the *Tinker* case is important and considered a landmark case?

11. Why does Lackland Bloom, Jr. say the legacy of the case is hard to judge?

Conclusion:

12. Paraphrase each of the quotes below:
 - a. "First Amendment rights, applied in 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..."

 - b. "...if time has come when pupils of state supported schools, kindergartens, grammar schools, or high schools can defy and flout orders of school officials to keep their minds

on their own schoolwork, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary.”

- c. “This case therefore wholly without constitutional reasons in my judgment, subjects all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest students. I wish...wholly to disclaim any purpose on my part to hold that the Federal Constitution compels the teachers, parents and elected school officials to surrender control of the American public school system to public school students.”

13. Identify the quote(s) that support the majority’s view in *Tinker* and then identify the quote(s) that support the dissenting view. What evidence from the quotes support your answers?