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ISSUE:

Do you have complete freedom
of expression at school?

Teens Take It to Court

Case: *Tinker v. Des Moines Independent School District* (1969)

High school is often a time when students strive to blend in with the crowd while still being unique individuals. Do you feel comfortable doing something that sets you apart from the rest of your class or might lead to criticism? The teens in this case held strong views about war, particularly the involvement of the United States in Vietnam. They took a stand, and their case became the benchmark for future free speech issues at school.

THE FACTS

In December 1965, a group of students and parents in Des Moines, Iowa, decided to express their objection to the war in Vietnam by wearing black armbands during the holiday season. The school district, fearing the protest would create a disruption, passed a policy banning armbands at school. Students who wore one would be asked to remove it. Refusal meant suspension until they returned without it.

John Tinker was fifteen and in high school. His sister Mary Beth (age thirteen) was in junior high, while Paul (eight) and Hope (eleven) Tinker attended elementary school. All four kids, along with a friend, Chris Eckhardt (fifteen), wore the two-inch-wide black cloth armbands to school. When John, Mary Beth, and Chris refused to take the bands off, they were suspended and sent home. After the holidays, they returned to school without them.

The Tinkers sued the school district, asking the court to throw out the rule as an unconstitutional violation of their freedom of expression guaranteed in the First Amendment (see the **Bill of Rights** on pages 18–19).

YOU BE THE JUDGE

- The First Amendment provides for freedom of expression. Do schools have a right to limit a student's freedom? Why or why not?
- Do you think the type of expression affects this decision? If so, how?



THE RULING

In this case, the U.S. Supreme Court needed to balance the authority of school officials to maintain order on campus and the First Amendment rights of students, including freedom of speech and expression.



"Informative, enlightening."—BOOKLIST

A "Book for the Teen Age"

—NEW YORK PUBLIC LIBRARY SYSTEM

TEENS TAKE IT TO COURT

Your life is impacted daily by decisions made in courts. The U.S. judicial system exists to provide "justice for all," including teenagers. But minors don't have the same legal rights as adults, so what happens when teens take it to court?

Young People Who Challenged the Law—and Changed Your Life

The teens in this book fought for issues that matter. The facts and real outcomes of their cases are here, along with information on related cases, tough questions to consider, and a follow-up "Get on the Case" section that further explores the big-picture possibilities for each issue. You'll deliberate over the cases, just as a judge would. It's up to you to weigh questions like:

- Can a parent of a minor give police permission to search a child's personal belongings—over the child's objection?
- Should it be illegal to wear gang colors or symbols?
- If a prayer at a school function is voluntary, does it violate the separation of church and state?
- Do parents have a right to prevent their daughter from getting an abortion?

Once you know the facts and consider all the questions, you'll decide: Did justice prevail or were teens denied? To be a fair judge, you need the whole story plus the background information. In Part 1 you'll learn about the U.S. Constitution, how the Supreme Court works, and how to do your own legal research. Part 2 is all about the issues: privacy rights, sexual harassment, censorship, parental control, freedom of expression, drug testing, and more. All teens can make a difference, and these teens did. Not every case was decided in their favor, but the outcomes of their legal battles changed your life.

Thomas A. Jacobs, J.D., has served as Arizona Assistant Attorney General, a Superior Court Juvenile Division judge, and a Family Court judge. He is now a judge pro tem and an adjunct professor at the Arizona State University School of Social Work. He has published several articles and books about the law, including the books for teens *What Are My Rights?* and *They Broke the Law—You Be the Judge*.



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