Tinker v. Des Moines School Dist., 393 U.S. 503 (1969)

**Facts**:
Several students planned to wear black armbands to school to protest U.S. involvement in the Vietnam War and mourn the dead on all sides. School officials learned of the impending protest and quickly adopted a no-armband rule (even though they allowed students to wear other symbols). The students nonetheless wore the armbands to school. School officials suspended them for violating school policy. The students sued, claiming violation of their First Amendment rights.

**Issue**:
Whether school officials can censor non-violent student speech without showing that the speech will cause a material and substantial disruption of school educational activities or collide with the rights of others.

**Holding**:
By a 7-2 vote, the Court held that school officials cannot censor student speech unless school officials reasonably forecast that the speech will cause a material and substantial disruption of school activities or collide with the rights of others. Mere apprehension of disturbance or an offense given is not enough.

**Reasoning**:
Students do not lose their constitutional rights at the schoolhouse door. School officials’ duties to provide a safe learning environment must be balanced against students’ free-expression rights. School officials may not censor student speech because of an "undifferentiated fear or apprehension." They must reasonably forecast that the student speech will cause a substantial disruption or invade the rights of others. In this case, "the record does not demonstrate any facts which reasonably may have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred."

**Majority**:
"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." (Justice Abe Fortas)

**Dissent**:
This case will help usher in "a new revolutionary era of permissiveness in this country fostered by the judiciary. . . I wish, therefore, 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." (Justice Hugo Black)

**Read more about this case at firstamendmentcenter.org:**

[Tinker v. Des Moines Independent Community School Dist.](http://www.firstamendmentcenter.org/faclibrary/case.aspx?case=Tinker_v_Des_Moines_Independent_Community_School_Dist)

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