

**Grades 9-12**

**2<sup>nd</sup> Place**

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9<sup>th</sup> Grade

## The Rights of Highschoolers

In *Tinker v. Des Moines*, the Supreme Court found that high school students John and Mary Beth Tinker were allowed to wear black armbands as a symbolic protest against the government's involvement in Vietnam. The twins were suspended and told not to wear black armbands as a symbolic protest due to the protest disrupting the class environment. After their suspension and winter break, the twins continued to wear the black armbands, causing them to get suspended once again. Their parents sued the school repeatedly until the case ended up in the Supreme Court. The Supreme Court decided that the children could wear the black armbands to school, as not being allowed to would go against their First Amendment rights. Justice Abe Fortas famously stated, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." This quote has been used time after time again in different cases to show that we still have our rights inside a school.

Due to this case, I have learned that we can protest silently and symbolically using a piece of clothing such as a black armband or a certain shirt as long as the clothing follows a mandatory dress code. Before I learned about the *Tinker V. Des Moines* case, I thought that protesting in a schoolhouse was strictly forbidden and would always disrupt a class environment. Now I understand that our legal protections side with the idea that we can protest freely as long as the protest is not getting too much in the way of learning, for example like a strobe light on a hat would. Justice Abe Fortas also commented on how the freedoms that America has given their people has become our strength. He said, "Our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often

disputatious society.” This Justice shows that America’s freedom is our strength, and if we restrict who has that freedom, we will lose our strength.

The Supreme Court’s decision on the *Tinker V. Des Moines* case has affected my rights by making minors allowed to protest freely and making our ability to express ourselves easier to follow. The schoolhouse has a record of cracking down on minor’s ability to express themselves. The *Tinker V. Des Moines* case has opened the ability for us to protest freely on subjects that most schools do not agree with such as being pro-choice or wanting gay marriage. This specific case was relating to Vietnam; if America gets involved with Ukraine, there is a possibility that this case will be heavily referenced if symbolic protests against America’s involvement with Ukraine and Russia become an issue in schools.

The Supreme Court’s decision in *Tinker V. Des Moines* was that John and Mary Beth were allowed to wear their black armbands as a symbolic protest. The schoolhouse cannot go against our rights unless the administrators are stopping nudity and/or inappropriate language/imagery. I personally agree with the Supreme Court’s decision due to the fact that the twins weren’t being violent and/or inappropriate in any way. The school’s job was not to stomp out the peaceful and symbolic protests that John and Mary Beth were continuing; the school’s job would have been to stomp out the fighting that had emerged due to the protest. The school had set a bad example for the children at the school that any form of protest was a bad thing. The Supreme Court’s decision on *Tinker V. Des Moines* has helped my rights be more freely referenced; the decision has allowed me to show how self-expression is allowed even if it is only in the form of a black armband to protest peacefully.

## Works Cited

Bill of Rights Institute. "Tinker v. Des Moines." *Bill of Rights*

*Institute*, <https://billofrights.org/e-lessons/tinker-v-des-moines-1969>, Accessed 15 September 2022.

Course Hero. "Tinker v. Des Moines Quotes." *Course Hero*,

<https://www.coursehero.com/lit/Tinker-v-Des-Moines/quotes/> Accessed 1 October 2022.