

Freedom of expression in the schools

What should be a student's right to freedom of expression in the schools? When should students' freedom of expression be limited? The following are two important Supreme Court cases that deal with these questions.

Tinker v. Des Moines School District (1969)

This case involved a few high school students who wore black armbands to school. They were protesting American involvement in the Vietnam War. The school principal told the students to remove the armbands. They refused and were then suspended from school until they agreed to come back without the armbands. Their parents took the case to court. They argued that the school administration was depriving the students of their right to freedom of expression.

The school administration argued that they were justified in suspending the students. They said the suspension had been necessary to prevent any school disturbance that might have been caused by the wearing of the armbands.

The Supreme Court ruled that the school administration's action was an unnecessary limitation on freedom of expression. The Court's guideline was that a school cannot limit a student's right to freedom of expression unless the student's exercise of that right disrupts the educational process. In this case, the Court said, there was "no evidence whatever of...interference...with the school's work or of collision with the rights of other students to be secure and to be let alone."

Justice Abe Fortas wrote the opinion for the Court. He said, "Any word spoken,

in class, in the lunchroom or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. But our Constitution says we must take this risk...and 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...of Americans...."

This opinion of the Supreme Court clearly confirms the Founders' belief in the importance of freedom of expression. The Court said that students do not give up their "constitutional rights to freedom of speech or expression at the schoolhouse gate." Freedom of expression should be protected unless it clearly violates other important rights and interests such as the "school's work or the right of students to be secure and to be let alone."



How might the *Tinker* case be applied to this illustration?