

Civics for All: Kid Lawyer

Objective

Write an advice column after analyzing a Supreme Court case about free speech.

Resources/Materials

- *Tinker v. Des Moines (1969)*
- *Letter to Kid Lawyer (p. 141)*
- *Advice Column Organizer*

Activity

- Read *Tinker v. Des Moines (1969)* and look at the and answer the following:
 - What happened to the students involved in this case?
 - What rights were involved in this case? What do those rights mean?
 - What was the outcome of the case?
 - What effect does the outcome of this case have on the rights of students in school?
- Read the *Letter to Kid Lawyer* and complete the *Advice Column Organizer*.

Additional Resources

- ACLU: A Supreme Court Fight For Students' Free Speech Rights
https://www.youtube.com/watch?time_continue=10&v=go63SCNT6OQ&feature=emb_logo

Tinker v. Des Moines (1969)

Facts: In the 1960s the United States was at war with Vietnam. In response to the war, John Tinker (15 years-old), Mary Beth Tinker (13 years-old), and Chris Eckhardt (16 years-old) wore black armbands to school in protest. At school, they were told to take off the armbands and were suspended. They and their families **sued**, claiming that their right to **freedom of speech** was not respected.

Outcome: The Supreme Court agreed that students and teachers have the right to freedom of speech in school as long as their speech doesn't deny the rights of others or disrupt classwork or school activities. The Court decided that school officials could not **censor** student speech unless it disrupted learning and the court found that wearing a black armband was not disrupting the learning process. Students have the right to speak out, distribute flyers and petitions, and wear clothing that expresses their opinions, as long as it does not disrupt learning or the school environment. If students miss class or school to express free speech, schools can punish students for missing class because students are expected to attend school. However, a school cannot discipline students more harshly because of missing school to express their opinions.

sued: having taken legal action against

freedom of speech: the right to express your political opinions and thoughts and not be punished as a result

censor: to stop, hide, or prevent something that is considered unacceptable.

Citation: Tinker v. Des Moines Independent Community School District, Oyez. Accessed February 7, 2019.

<https://www.oyez.org/cases/1968/21?sort=ideology>

Letters to Kid Lawyer

Dear Kid Lawyer,

I need your help. I am a fifth grader who has to bring my parents in for a conference with the principal. I am really worried because I have never been in trouble in school before and I don't think I did anything bad.

It all started last week. My big brother, Jonathan, was going to a protest about state testing with my mom. I never went to a protest before but I really wanted to see one. So I asked my mom really nicely and she said that I could go. My big brother and I stayed up late making posters and the next day I missed half of the school day to go to the protest. When I got to school, I was wearing a T-shirt that said "We Hate Tests!" Some of the other kids in my class asked why I was not in school that morning and I told them about going to the protest. After talking for a while, my teacher seemed upset and sent me to the principal's office.

My principal told me that I could not miss school and disrupt class and gave me a letter for my parents to set up a meeting. I am really worried, Kid Lawyer.

Please help!

Sincerely,

M.

Advice Column Organizer

Directions: Work with your group to identify relevant details and infer what advice you can offer to the student who wrote to Kid Lawyer.

Facts:

What happened to the students involved in this case?

What rights were involved?

Which court cases might connect? (Circle the cases that connect)

Tinker v. Des Moines (1969) – Free Speech

Goss v. Lopez (1974) – Due Process of Law

Plyler v. Doe (1982) – Equal Protection

Explanation:

What relevant details from the court cases apply to your Kid Lawyer letter?

What advice will you offer this student based on their rights?

continued on next page

