

- ANTICIPATE** by asking students to imagine how they would feel if the school suddenly made a rule against wearing t-shirts related to music groups. (If students are already not allowed to wear t-shirts, substitute something else.) Ask them whether they think the school would be allowed to make that kind of rule.
- SHOW** the Our Courts News video. If you choose the Power Point option, just follow the link on Slide 2 of the "I Can't Wear *What??*" Power Point presentation. If you don't want to use the Power Point presentation, open this link directly: <http://ourcourts.law.asu.edu/courtvid/NewsReport.html>  
After showing the video, either advance to Slide 3 or go directly to distributing the worksheet.
- DISTRIBUTE** colored pencils and one "Ben's T-Shirt Trouble" worksheet to each student.
- READ** the *Tinker v. Des Moines* summary with students.
- GUIDE** students through the activities on the second page of the worksheet.
- REVIEW** answers with students. If using the Power Point option, slides 4 through 23 let you review and discuss the "What If" worksheet activity. If not using Power Point, review all worksheet activities using your Teacher Key and Reading Worksheet Guide.

# I Can't Wear *What??*

Name: \_\_\_\_\_

Reading Worksheet



Wait a second! Can Principal Carter ban music t-shirts? Doesn't Ben have a right to wear his shirt? Isn't there, like, freedom of speech or something? Back in the 1960's, the Supreme Court made a decision about a similar case. The Supreme Court's decision created a rule about when schools are allowed to ban things like Ben's t-shirt.

First, read what the Court had to say:

Summary of  
***Tinker v. Des Moines Independent School District***  
Decided by the United States Supreme Court in 1969

In 1965, some middle and high school students wore black armbands to school to show their protest of the war in Vietnam. Before the day of the protest, the schools' principals had heard about the students' plan and told the students they could not wear the armbands. Five students were suspended from school for wearing the armbands.

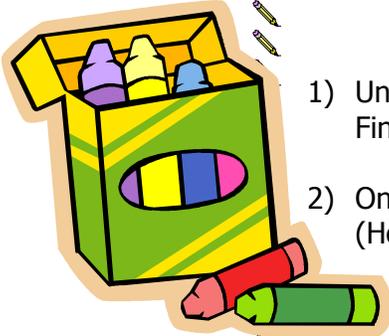
Students and teachers have First Amendment rights even when they are at school. They do not leave their freedom of speech or freedom of expression behind when they walk through the schoolhouse gate. Even so, teachers and principals must keep order at school so that learning can take place. In a school setting, therefore, the First Amendment must be applied in a special way to protect free speech and keep order at the same time.

A student at school may express opinions, even about controversial subjects like war. However, the student may not disrupt learning or interfere with other peoples' rights. The First Amendment does not protect student speech that disrupts class or causes trouble between classes, and school rules can prohibit that kind of speech.

There is no evidence that the students' armbands disrupted class or any school activity. Outside class, a few students made nasty remarks to those who wore armbands. However, there were no threats or acts of violence on the school grounds.

The trial court had decided that, because the principals were afraid the armbands would be disruptive, it was reasonable for the principals to suspend the students for wearing them. The trial court, however, did not understand the importance of freedom of speech. In our legal system, a general fear of disruption is not enough to take away someone's right to freedom of expression. After all, a disruption could happen any time one person says something that another person disagrees with.

Schools cannot prohibit speech unless they have good evidence that the speech will be disruptive. They cannot prohibit speech only to avoid the uncomfortable situation of someone expressing an unpopular opinion.



## What Is the *Tinker* Case Saying?

- 1) Under what circumstances are schools allowed to prohibit speech or expression? Find two places where the Court states the rule. Underline these in **green**.
- 2) One thing happened that shows the armbands might have caused disruption. (However, the Court did not think this was enough.) Find that one thing and underline it in **blue**. Next, the Court gives a hint about what would be enough to cause disruption. Also underline that in **blue**.
- 3) Is it enough if the school is afraid there might be disruption? Find the answer and underline it in **red**.
- 4) Would it matter if there is disruption at lunch or between classes instead of during class? Find the answer and circle it in **orange**.
- 5) Schools can prohibit speech if they have good \_\_\_\_ that the speech will be disruptive. Find the word that goes in the blank and circle it in **purple**.

## What If...

What would it take for the Court to decide the armbands were disruptive to the school? Look at the following list. Mark **ONLY** those things you believe would be good evidence that the armbands were actually disruptive. (None of these actually happened.)

1. \_\_\_\_ Someone wrote a threatening note during class to one of the students wearing an armband.
2. \_\_\_\_ On the school bus, someone threatened to beat up one of the students wearing an armband.
3. \_\_\_\_ At lunch, someone said the armbands were stupid.
4. \_\_\_\_ During class, someone made a face at one of the students wearing an armband.
5. \_\_\_\_ Between classes, someone shoved one of the students wearing an armband into a locker.
6. \_\_\_\_ Students stopped arguing about armbands when the teacher said it was time to begin class.
7. \_\_\_\_ A student sang a song about how much he loved armbands, and people started arguing about whether he had a good voice.
8. \_\_\_\_ Students were having fun debating about whether people should wear armbands.
9. \_\_\_\_ Student arguments about armbands were starting to add up.
10. \_\_\_\_ A teacher had to tell students to stop arguing about armbands so she could start class.



## What About Ben's T-Shirt?

In order to ban music t-shirts, Principal Carter must have good \_\_\_\_\_ to believe that band t-shirts will be \_\_\_\_\_ Student expression is disruptive if it \_\_\_\_\_ class or causes \_\_\_\_\_ between classes.

# I Can't Wear *What??*

Name: **\*\* Teacher Key \*\***

Reading Worksheet



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Green



Orange



Blue



Blue



Red



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The trial court had decided that, because the principals were afraid the armbands would be disruptive, it was reasonable for the principals to suspend the students for wearing them. The trial court, however, did not understand the importance of freedom of speech. In our legal system, a general fear of disruption is not enough to take away someone's right to freedom of expression. After all, a disruption could happen any time one person says something that another person disagrees with.

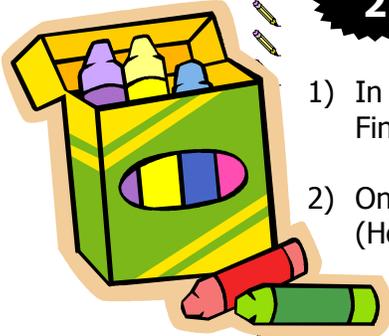
Green



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Purple





## 2

### What Is the *Tinker* Case Saying?

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## 3

### What If...

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8.  Students were having fun debating about whether people should wear armbands.
9.  Student arguments about armbands were starting to add up.
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## 4

### What About Ben's T-Shirt?

In order to ban music t-shirts, Principal Carter must have good evidence to believe that band t-shirts will be disruptive. Student expression is disruptive if it disrupts class or causes trouble between classes.

# I Can't Wear *What??*: Reading Worksheet Guide

**1**

This is a simplified excerpt from the actual Supreme Court opinion. As you read with the class, direct students' attention toward answering these questions:

Under what circumstances are schools allowed to prohibit student speech or expression?

Does the Court give hints about what kinds of disruption might be enough?

**2**

For this activity, you may want to have students work in pairs.

On your computer, you will be able to see the text color-coded to show you the correct answers. In print, follow the arrows to the underlined portions of the text.

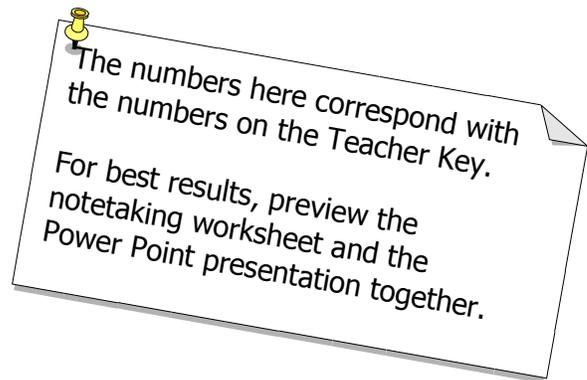
**3**

Here, students apply what they learned by reading the *Tinker* summary. This activity may generate some discussion because the answers are not cut and dried.

For Power Point: Have students complete the activity on paper, then go through the activity as a class using the Power Point slides to discuss and categorize each "What if" situation.

For Worksheet-Only Option: Have students complete the activity on their own, then go through the different "What if" situations and discuss as a class.

- 1) The Court hints that threats on school grounds would be considered disruptive.
- 2) The school bus is the school's property, so it will probably count as "school grounds."
- 3) The Court said "nasty remarks" were not enough.
- 4) Making a face may not even rise to the level of a nasty remark. Even though this happened in class, it is still probably not enough.



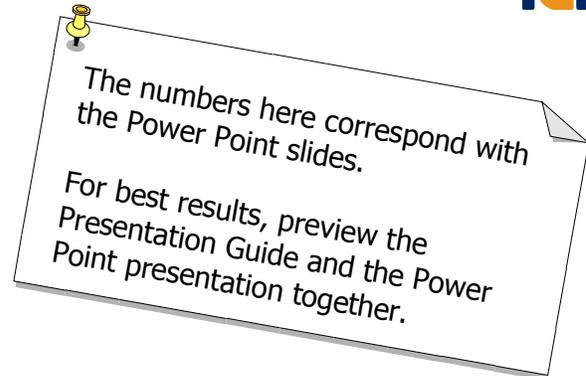
- 5) The Court hinted strongly that an "act of violence" on school grounds would be enough.
- 6) If the students did what they were asked, then they probably did not "disrupt class."
- 7) Here, it is the singing—not the armbands—that is causing the trouble. Therefore, this is not evidence about the armbands themselves.
- 8) If students are having a fun, friendly debate, then the armbands are not causing trouble.
- 9) This may indicate that trouble is on the rise.
- 10) This could be interpreted differently depending on which side you're on. If you want to argue the armbands are not disruptive, you would probably say that the teacher always has to ask for quiet, so the armbands did not cause that problem. If you want to argue that the armbands are disruptive, you would emphasize that because of an argument about armbands, the teacher had trouble starting class.

**4**

Help students use what they learned from the *Tinker* case to fill in the blanks. This will give them the rule they will use for the essays they will be writing about Ben's T-Shirt case.

# I Can't Wear *What ??*: Presentation Guide

## Power Point



**2**

### Power Point Slide 2

Show the video about what happened to Ben Brewer when he decided to wear his favorite band t-shirt to school in violation of the school rules.

**3**

### Power Point Slide 3

Use this slide to transition into the reading worksheet. Tell students that the First Amendment to the United States Constitution protects peoples' freedom of speech, which includes their freedom of expression. The problem is, what does that mean? Is freedom of expression always protected everywhere, in any form? Obviously not. The Supreme Court has decided a series of cases that interpret when people have freedom of expression and what that means.

Pause on this slide and work through the reading worksheet and its activities.

**4-23**

### Power Point Slides 4—23

After students have completed the worksheet, use these slides to discuss and categorize the situations in the "What If" exercise on the reading worksheet. Make sure to help the class understand that these aren't really black and white—you can think of reasons why each one might be more or less of a problem. However, all of them (except the last) do tend one way or the other

**24**

### Power Point Slide 24

This slide previews the next lesson, where students will categorize evidence about whether band t-shirts were disruptive at Ben's school.