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HVL LESSON TITLE:

STUDENT SPEECH DURING THE VIETNAM WAR

DEVELOPED BY: ERIN COGGINS

STUDENT SPEECH DURING THE VIETNAM WAR

GUIDING QUESTION:

**How is free speech defined
during war time?**

OVERVIEW:

Protests came in a variety of forms during the height of the Vietnam War. When two students in Des Moines, Iowa protested the war silently within the hallways of their school, it sparked a First Amendment debate that still influences student free expression today.



SUBJECT(S):

Government, History, Journalism



VIETNAM VETERAN(S):

Tom McKinney
Miller Brothers
Paul Wagoner



DURATION:

60 minutes

STUDENT SPEECH

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“And we served. And we served honorably. You know the old saying, ‘All Gave Some, Some Gave All.’ And those that gave all, made the ultimate sacrifice.”

Vietnam Veteran Tom Mckinney

OVERVIEW:

Protests came in a variety of forms during the height of the Vietnam War. When two students in Des Moines, Iowa protested the war silently within the hallways of their school, it sparked a First Amendment debate that still influences student free expression today.

HISTORICAL CONTEXT:

In December 1965, amidst the backdrop of the highly controversial Vietnam War, a small group of students in Des Moines, Iowa, decided to plan a silent, symbolic protest in support of a truce. The plan involved students wearing black armbands to school. School principals, upon learning of the plan, quickly implemented a policy on December 14 banning armbands. Students refusing to remove them would be suspended.

On December 16, three students were suspended. Represented by their parents and the Iowa Civil Liberties Union, the students sued the school district, alleging a violation of their First Amendment rights.

OBJECTIVES:

At the conclusion of this lesson, students will be able to

- Identify the impact the Supreme Court has on student expression at school
- Identify the main arguments put forth in the case of Tinker vs Des Moines

STANDARDS:

AL: 12: 13b

Identify the impact of landmark Supreme Court cases on constitutional interpretation.

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MATERIALS & DOCUMENTS

[HVL Video Gallery](#)

Video Focus Activity (Doc A)

Black Armbands/Black Stickers

[Tinker vs Des Moines Video](#)

Viewing Guide (Doc B)

In-Depth Analysis Questions (Doc C)

Trial Roles and Procedures (Doc D)

PROCEDURES

ACTIVITY 01

- As students walk into the room, randomly choose some to give a sticker or an armband. Tell them to wear the sticker or armband.
- When the bell rings, ask students with the stickers or armbands to stand. Ask each student to name something they would like to protest.
- After all students with the stickers/armbands have spoken, ask them to go stand in the hall. Tell the class that their free speech is no longer allowed.
- Call students back in. Ask this class how this makes them feel? Discuss.

ACTIVITY 02

- Tell students that they will watch a video of a Vietnam veteran, and complete the Video Focus Activity (Doc A). [HVL Video Gallery](#)
- After the video, ask students: If you were a teenager during the Vietnam War and wanted to protest, how would you go about doing so? Discuss.

ACTIVITY 03

- Show the [Tinker vs Des Moines video](#). Distribute the Viewing Guide (Doc B) for students to complete after the video has concluded. Discuss the answers.
- Distribute the In-Depth Analysis Questions (Doc C).

ACTIVITY 04

- Allow the students to choose one of the scenarios from the In-Depth Analysis Questions (Doc C) to debate in a trial setting.
- Distribute the Trial Roles and Procedures (Doc D). After the trial, ask students to write a reflection on their role in the trial for an exit slip.
- NOTE: Visit this [LINK](#) for tips on how to run a mock trial in the high school classroom.

STUDENT SPEECH

VIDEO FOCUS ACTIVITY

DOC A



DIRECTIONS: As you watch the video, write down 5 key points the veteran makes about fighting in the Vietnam War.

1. _____

2. _____

3. _____

4. _____

STUDENT SPEECH

VIEWING QUESTIONS

DOC B



How did the students protest?

What happened to the students who refused to remove their armbands?

What were the decisions in free speech in school cases prior to the Tinker case?

What did the Tinkers argue?

What did the school board want the Supreme Court to rule?

In a 7-2 vote, what did the Supreme Court rule in the Tinker vs Des Moines case?

According to the Supreme Court in the Tinker vs Des Moines ruling, what is the only way a school board/administration can suppress student speech?

STUDENT SPEECH

IN-DEPTH ANALYSIS QUESTIONS

DOC C



DIRECTIONS: The ruling on the Tinker vs Des Moines case became known as the TINKER STANDARD. “Students do not shed their first amendment rights at the schoolhouse door.” With this in mind, along with the ruling that free speech that does not disrupt the school learning environment is protected, determine if the following scenarios would be protected under the Tinker Standard.

1. While delivering his speech for student government president to the student body, senior Jim Franks used profanity. Franks is suspended. Franks tries to use the Tinker Standard. Would this be protected speech? Why or why not?

2. Junior Josie Franks tried out for varsity cheerleader. After being informed that she did not make the team, she posted vulgar and inappropriate comments about the coach and tryouts on her social media platforms. The timeline on these posts were after-school hours. Would these posts be protected by the Tinker Standard? Why or why not?

3. A controversial speaker spoke at a school-wide assembly. A portion of the student body stood and turned their backs as they guest gave their address. Is this protected by the Tinker Standard? Why or why not?

4. The Tiger Gazette printed an opinion article on the lack of cleanliness of the school. The principal suspends the writer for three days as well as kicks the writer off the Tiger Gazette staff. Is this protected by the Tinker Standard. Why or why not?

STUDENT SPEECH

IN-DEPTH ANALYSIS



5. Is there any additional information you need on any of above scenarios to be able to make exceptions on using or not using the Tinker Standard? Explain your answer.

6. As a student, what would you consider a disruption of the school day of learning when it comes to student free speech?

7. Do you feel the Supreme Court made the correct ruling in the Tinker vs Des Moines court case? Explain your answer?

STUDENT SPEECH

TRIAL PROCEDURES

DOC E



DIRECTIONS: You will be assigned a role in the mock trial of a student expression court case. Use the prompts below to complete the activity.

JUDGE:

The judge will preside over the case, keeping the trial moving, managing time, and calling to order.

PROSECUTOR:

The prosecutor is to prove the defendant's guilt beyond a reasonable doubt--in this case, prove that the defendant violated the Tinker vs Des Moines standard.

DEFENSE ATTORNEY:

Advocate for the defendant. Prove that the defendant did not violate the Tinker vs. Des Moines standard.

DEFENDANT:

Student who has been suspended for violating the Tinker Standard. Will be called to the stand.

PLAINTIFF:

The school board. This could be one representative or multiple representatives. Will be called to the stand.

WITNESS FOR DEFENSE:

This could be a parent of the defendant or a fellow student. Will be called to the stand.

WITNESS FOR PLAINTIFF:

Principal. Will be called to the stand.

JURY

6-12 members. All members of the jury will vote on the verdict. A lead juror will report the verdict openly when prompted by the Judge.

TIPS FOR SUCCESSFUL TRIAL:

- Everyone involved in the trial should understand the case, as well as understand the Tinker vs Des Moines ruling.
- The defense attorney and the prosecutor should ask relevant questions to all witnesses.
- Witnesses should create a backstory to fill in the blanks of the chosen scenario.
- Teacher should help judge keep the trial moving.