

Tinker v. Des Moines: more than a history lesson

Events, Law and Ethics

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Forty years ago today, the courage of three teenagers from Des Moines, Iowa, made history.

John and Mary Beth Tinker, 15 and 13 respectively, and their 16-year-old friend Chris Eckhardt wore black armbands to school way back in December 1965 to voice their concerns about United States involvement in the war in Vietnam. They were suspended from school as a result, and soon began what many believe is the most important student free expression case in our nation's history.

On Feb. 24, 1969, the Supreme Court decided their claim and uttered **words** that still resonate to this day.

“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” Justice Abe Fortas wrote for the Court majority.

For almost two decades, the *Tinker* decision set the standard for when school officials would be allowed to censor. Only when administrators could reasonably forecast a material and substantial disruption of school activities or an invasion of the rights of others, would silencing student expression be allowed. Student journalists were among the first beneficiaries of this protection. Countless acts of arbitrary censorship (aimed primarily at protecting the school's image, no matter how accurate or journalistically sound the stories might be) at schools around the country were prevented as a result.

Beginning in **1985**, the Supreme Court began to whittle away at the strong protections of the *Tinker* ruling. But the Court has never done away with them, and as recent as **2007** reaffirmed the fundamental role *Tinker* plays in determining student First Amendment protection.

Scholastic journalists and journalism educators around the country are today, in

celebration of [Scholastic Journalism Week](#), remembering the actions of those Iowa teenagers. Many are wearing black armbands to voice their support for what the *Tinker* decision stands for. Several thousand more will do so at the spring [Journalism Education Association/National Scholastic Press Association Convention](#) in Phoenix in April. I'm even wearing an armband today, which prompts only the occasional curious glance on this college campus [accustomed to protest and activism](#).

But what we need today is more than the symbolism of Tinker-style armbands. The future depends on all of us who care about the future of the First Amendment and the vital role student free expression plays in our nation's strength getting off our behinds and *doing* something. On this day, dozens (perhaps hundreds) of high school journalists and media advisers are being censored or threatened with punishment for expressing views or covering the topics that school officials don't like. (Read the [News Flashes](#) on the Student Press Law Center Web site for a sampling.) Call a school superintendent or a school board member and tell them the censorship must stop. Urge your friends and family to make that same call. Run for school board and work to change the mentality that censorship should be an accepted part of every American student's high school experience. Or call your state legislators and urge them to support student free expression. Three states – [Connecticut](#), [Kentucky](#) and [Washington](#) – have bills pending before them today that could help diminish the rampant censorship. If you live in one of those states, ask your legislator to support it. And if they refuse, work to see that legislator is not reelected.

If 13-year-old Mary Beth Tinker could help change the world at great risk to her future, the least we can do is stand up for what we believe. What better way to applaud the courage of three Iowa teenagers 40 years ago than to show a bit of courage ourselves.

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