



## About the Supreme Court's *Tinker* Case

In December 1965, Mary Beth Tinker was part of a small group of students who made history by wearing simple black armbands to school. Her brother, John, and their friend Chris Eckhardt were among the others. At the time, making history was the last thing on their minds. Mary Beth was a shy 13-year-old who attended junior high school; John had just turned 15, Chris was 16 and both of them attended high school.

But they did make history, eventually winning a [landmark Supreme Court ruling](#) in favor of First Amendment rights for students. The high court agreed that students' free rights should be protected and wrote, "Students don't shed their constitutional rights at the school house gates."

The case began in 1965, when about 1,000 soldiers had been killed in Vietnam. Inspired by an anti-war rally in Washington, DC, the students wore the armbands to mourn the dead and to support Robert F. Kennedy's call for a Christmas truce. A few hours after school started, Mary Beth was called out of Algebra class and told to remove her armband by the vice principal. She did, but was suspended anyway. Within days, others were punished as well.



*Mary Beth and John Tinker from book 101 Changemakers: Rebels and Radicals Who Changed US History. (Used with Permission of Haymarket books)*

With the aid of their parents, the students sued the school district for violating their rights of expression and sought an injunction to prevent the school district from disciplining the students. The lawsuit progressed up the legal chain from there.

Four years later, following heated school board meetings, death threats to their families, legal help from the ACLU and two lower federal court cases, the U.S. Supreme Court heard the students' case.

On February 24, 1969, in a 7-2 ruling, the students won. Students, the Court held, do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," and school officials may not punish or prohibit student speech unless they can clearly demonstrate that it will result in a material and substantial disruption of normal school activities or invades the rights of others.

The *Tinker* ruling is nearly 45 years old, but is deeply relevant today, as policymakers impose limits on students' freedom to use digital communication tools in response to "sexting" and "cyberbullying." Three federal courts of appeal have decided in the last four years that *Tinker* is equally applicable to students' speech on off-campus social networking pages as to speech during school.

The *Tinker* ruling, officially known as [Tinker v. Independent Community School District No. 21](#), 393 U.S. 503 (1969), is still cited in nearly every student First Amendment case, and almost all American civics and history textbooks refer to it. The case fascinates students, who often use it for their History Day project. In 2012, Mary Beth was included in the book, [101 Changemakers: Rebels and Radicals Who Changed US History](#), along with such notable figures as Rosa Parks, Mark Twain, Albert Einstein and Martin Luther King.

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