

Free Speech is Changing

John Tinker discusses his landmark Supreme Court case and First Amendment rights in today's schools



SESSION *Is Free Speech Free in 2017? From Tinker to the Internet*

Presenters Salem: Steve Brown, board member (also an assistant professor of Education Leadership and Policy at UW-Oshkosh); John Tinker, plaintiff in *Tinker v. Des Moines*

How far do the arms of free speech and public opinion reach? If there is a line, where is it drawn? John Tinker, renowned civil rights activist, led a session on modern First Amendment rights.

"I decided at a young age to move against the system," said Tinker.

His history with civil activism began in 1965 while peacefully protesting and mourning the Vietnam War by wearing a black arm band along with his sister, Mary Beth Tinker, and other participants.

"We were simply expressing an idea," said Tinker. "We were mourning the deaths of both sides of the war and supporting Robert Kennedy's call for truce. It was a horrific thing to us. We felt the pain and suffering."

The school district viewed this act

of defiance as a disruption. Five students, including John and Mary Beth Tinker, were suspended. When he returned to school after his suspension, John Tinker protested by switching from a black armband to all black clothing. "You cannot kill an idea," Tinker expressed.

Contrary to the expectations of the school district, the Tinker family fought back, which led to the widely recognized U.S. Supreme Court case of 1969, *Tinker v. Des Moines Independent School District*.

"The school district went into this case thinking they would win, hands down," said Steve Brown, assistant professor of Education Leadership and Policy at UW-Oshkosh and a Salem school board member.

The Supreme Court ruled the

school district was wrong for their unconstitutional punishment of suspension, which was in violation of the students' First Amendment rights.

Tinker's experience of fighting for free speech in 1965 was in a physical sense — he made a public protest in a physical, public society. Advancements in technology, however, have brought on a more controversial concept when relating to free speech: the Internet. Tinker describes this phenomenon as, "an undecided area of law."

The Internet, being as contemporary and ambiguous as it is, has led to widespread debates, ironically on the Internet. With a few clicks, statements reaching potentially anyone around the globe can be made, all within the comfort of an individual's home. In more recent legal dilemmas, the Supreme Court has refused to hear cases of students disciplined for troubling actions outside of school, particularly on social media.

The general standard is this: If something causes a disruption, the school has the right to intervene, which is agreed upon by the majority of the population. But disagreements come from within that statement. What is considered a disruption? To what extent can the school intervene? When do these limitations violate the constitutional rights of students? When are these rights forfeited?

"I don't have a clear idea of where this is going to go," Tinker divulged. "Things have been shaken, but sometimes that's a good thing. I am not going into this new future with fear." ■

Story written by: Freedom Gobel, student, Ronald Wilson Reagan College Preparatory High School, Milwaukee Public Schools

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