

***Tinker v. Des Moines: Breaking  
Barriers for Students' First  
Amendment Rights***

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Process Paper: 500 Words

## PROCESS PAPER

The great surge of activism and change that accompanied the 1960s has always captivated our group. It was this passion that persuaded us to hone in on this era. While researching historical events of the 60s, we came across the Supreme Court case, *Tinker v. Des Moines*. It covered issues concerning schoolhouse speech and student's rights, both of which are issues which we all have a great passion and concern for. After a preliminary research session, we learned that it fit the "Breaking Barriers" theme well and collectively decided to pursue it as our topic.

To begin our research, we used the Library of Congress and WorldCat archives to get a solid understanding of our topic. For gathering more specific information on the Tinkers' protest and case, we used a newspaper database to understand what the public reaction was like at the time and how the case's impact is shown today. To get a variety of perspectives on the matter, we cited 35 different newspaper publications to see how the case made an immediate and modern impact. For discovering the legal impact of *Tinker v. Des Moines*, we used databases such as Justia Law and Gale General OneFile. Out of all of our research, the most important sources were our primary source interviews. Our interviews with Susan Vail and Sheila Wilson helped us develop historical context and see perspectives different from the Tinkers. But nothing proved more invaluable than our interviews with John Tinker and Mary Beth Tinker. Interviewing the namesakes of the case allowed us to get a personal perspective that couldn't be found anywhere online. They also gave us access to their personal databases and collections that we could use to find primary sources that weren't available on other parts of the internet.

We decided to do a performance because we saw that the 1960s were an emotional and exciting time that we wanted to portray on stage. In writing our script, we portrayed the students' perspective, but also wanted to clearly identify the varying public perspectives via our many other characters. To build in characterization, while maintaining historical quality, we incorporated actual quotes into about 30% of our script. For our costumes, we went to local thrift and antique stores to truly exemplify the feeling of the era. In creating our sets, we constructed them to convey the ideals of the Tinker home and protest, while ensuring to demonstrate how they had become tainted by others who denounced and shamed their activism.

Breaking barriers is about standing up and persevering when opposition is in the way. The Tinkers protested the Vietnam War at school when they knew they would be punished. Their continued fight against their school pushed the trial to the Supreme Court. This allowed them to not only break barriers within their school district, but break barriers for students around the country. The lasting impact can be seen in other Supreme Court cases and student rights movements today, exemplifying how breaking barriers provides lasting change.

# ANNOTATED BIBLIOGRAPHY

## PRIMARY SOURCES

### Interviews

Tinker, John. Phone interview. Conducted 13 April 2020.

This interview was instrumental in the perfection of our historical accuracy, we were able to really hone in on specifics and ensure that our project was completely historically accurate. We employed this interview to really spend time speaking about public opinion and discuss how the multiple perspectives regarding the trial and the protest led to the development of our topic. Mr. Tinker also gave us an invaluable personal database which hosted personal documents and audio-visual files. These documents and files gave us the ability to add personal touches to our project which helped us connect to the Tinkers and the time they were living in.

Tinker, Mary Beth. Phone interview. Conducted 8 February 2020.

This interview was extremely important for our understanding of the court case and the complex point of views and emotions of the parties involved. By interviewing one of the namesakes of the case we acquired a wealth of knowledge that can not simply be looked up on the internet or found in library books. Ms. Tinker, was able to not only explain the events of the case in great detail, but was also able to inform us about the broad historical context and personal emotions of the Tinker family. Through this interview we gained new perspectives on the views of the Tinkers and were also able to analyze the impact of the case. We took many of her direct quotes and integrated them into our performance.

Vail, Susan. Phone interview. Conducted 19 February 2020.

Susan Vail grew up in the Midwest like the Tinkers and was also seeing all the media reports about the war. Mrs. Vail's perspective was interesting because she didn't support the war, but she also didn't see any need to protest it. When asked about the Tinkers' protest and the case that resulted from it, she used her experience as a school teacher to explain that schools shouldn't limit speech because they don't agree, but cautioned against too "loose" a ruling because it could have things go awry in a school setting.

Wilson, Sheila. In Person interview. Conducted 12 January 2020.

This interview was instrumental in the formation of one of our characters. Sheila Wilson felt the direct impact of the Vietnam War, as her brother had passed away as a result. This interview allowed us to understand a viewpoint which did not fall on either

extremes, but rather was quite moderate. Ms. Wilson, while sad about the passing of her brother, still did not speak out about the war, as she supported the United States and its endeavors. When questioned about the Tinker protest, she concluded that she was indifferent. She stated that the peaceful nature of the protest, and the relative neutrality of the statement did not invoke any extreme feelings.

## **Books**

Marcus, Stanley. *Minding the Store*. University of North Texas Press, 1974

This novel was extremely influential in our understanding of the turbulent times of the 1960s. The autobiography recounts life within the 60s and discusses public reactions to major events. From this novel, we gained a great amount of historical context and were able to develop a well rounded understanding of the time period. The book was told from a man who simply watched events unfold and decided to recount them. The book truly had the ability to transport us back into the 1960s and live through the events as they were unfolding in a way which afforded us a great amount of contextual knowledge.

## **Court Documentation**

Burnside v. Byars, 363 F.2d 744 (1966).” *U.S. Court of Appeals for the 5th Circuit*.

This court case was going on simultaneously with the Tinkers case and it was one of the reasons why their case was taken by the Supreme Court. It concerned African-American students who wore freedom buttons in order to protest a KKK murder. Overall, it didn't have the same long lasting effect that Tinker did, but it did pave the way and allow the Tinkers and Chris Eckhardt to break barriers of their own.

Fortas, Abe, and the Supreme Court Of The United States. U.S. Reports: *Tinker v. Des Moines School Dist.*, 393 U.S. 503. 1968. Retrieved from the Library of Congress, [www.loc.gov/item/usrep7393503/](http://www.loc.gov/item/usrep7393503/).

This source was the Supreme Court's official verdict on *Tinker v. Des Moines*. The verdict was in the Tinker's favor, setting an important precedent for student's rights to free speech in schools. We used a quote from this source in our performance to show the case's impact.

John F. Tinker and Mary Beth Tinker, Minors, by Their Father and Next Friend, Leonard Tinker, and Christopher Eckhardt, Minor, by His Father and Next Friend, William Eckhardt, Appellants, v. The Des Moines Independent Community School District Et Al., Appellees, 383 F.2d 988 (1967). *U.S. Court of Appeals for the 8th Circuit*.

After the Tinkers lost their case at the district level, they brought it to the US Court of Appeals, Eight Circuit. In this ruling, the judges had reached a 4-4 decision, meaning that there wasn't enough for the Tinkers to win their case. It was helpful because it showed us one of the many steps that the Tinkers had to go through to make a difference.

U.S. Supreme Court Review of Petition for Writ of Certiorari in *Tinker v. Des Moines Independent Community School District*. (1968).

This document was submitted to the Supreme Court of the United States for review. The document was submitted on January 17, 1968 and the Writ of Certiorari was granted March 4, 1968. This document consisted of many testimonies and different documents which gave us a great understanding of the stage of the case prior to them being heard at the United States Supreme Court. The petition gave us a wealth of information as to what occurred at the different levels of the Tinker case.

Supreme Court of the United States. *Tinker v. Des Moines Independent Community School District-Oral Arguments*. November 12, 1968.

The oral arguments helped clarify the varying viewpoints of the different Supreme Court justices on the case. Dan Johnston argued for the Tinkers while Allan Herrick argued for the school district. While the case ended in the Tinker's favor, not every judge was completely on board at first. It helped us get a more in depth understanding of Tinkers' road to success and how they still faced disagreements.

*Tinker v. Des Moines Independent Community School Dist.*, 258 F. Supp. 971 (1966). *U.S. District Court for the Southern District of Iowa*

The Tinker's originally fought the school district at their local court, except the court ruled in the school district's favor. The district court also sided with the school district on the disruptiveness of the protest because of how many conversations it sparked during lunch and class. The initial rejection showed the lack of support that the Tinkers had initially, especially in their local town.

*West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943). *Supreme Court of the United States*.

This case occurring before Tinker, also set a precedent that allowed the Tinker case to be so influential. It being an established Supreme Court case greatly helped the Tinker case make its way up also. They were both a matter of student's constitutional rights so the positive ruling of this case in the students favor allowed the *Tinker* ruling to be sent to the Supreme Court. It was cited in the *Tinker* ruling proving the necessity of their First Amendment rights.

## Images

Committee To Help Unsell The War, Sponsor/Advertiser. *The Only Time We're in the Front Is When It's Time to Die*. [Between 1965 and 1975] Photograph. Retrieved from the Library of Congress, <[www.loc.gov/item/2016649208/](http://www.loc.gov/item/2016649208/)>.

There was a lot of opposition towards the Vietnam War expressed in creative formats like artwork. Young adults were especially upset that they were being forced into a war that they never even approved of. The Tinkers and Chris Eckhardt were suspended for their protest of the Vietnam War, but this source shows that they weren't alone in their actions.

“James Baldwin and Bayard Rustin.” *CBS News*, CBS Interactive, 18 Sept. 1963, [www.cbsnews.com/pictures/jfk-and-the-civil-rights-movement/7/](http://www.cbsnews.com/pictures/jfk-and-the-civil-rights-movement/7/).

James Baldwin and Bayard Rustin were two African-American leaders of the civil rights movement. After a church bombing in Birmingham where 4 young girls were killed, they had the idea of wearing black armbands, pictured in this source. The Tinkers and Chris Eckhardt would hear about this in the news and implement that idea into their own protest at school, this time to mourn for the lives lost in Vietnam.

Leffler, Warren K, photographer. Large crowd at a National Mobilization to End the War in Vietnam direct action demonstration, Washington, D.C. / WKL. 21 Oct 1967. Retrieved from the Library of Congress, <[www.loc.gov/item/2015647173/](http://www.loc.gov/item/2015647173/)>.

The Vietnam War enacted Americans to hold many public protests in order to speak their mind. We recreated protest signs from this photograph for our performance to show an authentic message. What's especially notable about this photograph is it shows a banner stating “High School Students Against the War”. The Tinkers were not the only students who were speaking their mind about the war. This source helped us establish historical context, especially in the emerging role of young people in protests.

Pro Arts, Inc., Copyright Claimant. *Old Soldiers Never Die: Young Ones Do*. [Between 1965 and 1980] Photograph. Retrieved from the Library of Congress, <[www.loc.gov/item/yan1996001165/PP/](http://www.loc.gov/item/yan1996001165/PP/)>.

Young men were angered over their being forced to participate in a war that they never asked for. It was adults making the decisions about the war but they weren't the ones fighting in it. Protesters wanted to make their stance on the war clear. America in this time period was characterized by a lot of free speech that was often exercised through artwork.

Thomas J. O'Halloran—*U.S. News and World Report Magazine Photograph Collection/Library of Congress, Washington, D.C. (digital file number. ppmsca-04298 -6A)*.

This photo shows a protest following the bombing of a Church in Birmingham. One of the protestors is seen wearing a black armband which is used to symbolize mourning. The Tinkers were inspired by their use of the black armband and incorporated that into their protest at school. The black armband was a form of symbolic protest used by many before and after *Tinker v. Des Moines*.

Tinker, John. "Congress of Racial Equality." *Salvage Planet*, 1964

In this photograph the Tinker children are protesting for racial equality alongside black families. This demonstrates that the Tinkers were not only fighting for themselves, but everyone else as well. This helped us understand the extent of which the Tinker family wanted equality for all. They were well ahead of their time and still think in a much more liberal way than many people do today, and this photo demonstrates that reach for everyone to be treated equally, whether it be students or people of color.

Tinker, John. "Wipe Out Poverty Not People." *Salvage Planet*, 1967.

The Tinker's attendance at the March in Washington DC showed that the Tinkers did not stop fighting for what they believed in. This photo captures John Tinker at the March in Washington DC protest in the name of the poor. He was advocating to rid the nation of poverty and help those in need. This citation allowed us to understand the extent of which the Tinkers were willing to go to help those in need.

Tinker, Mary Beth. *Mary Beth Tinker, Brother, and Mother*. In Zinn Education Project. 1965. <https://www.zinnedproject.org/news/tinker-tour/>.

This photograph shows Mary Beth and John Tinker with their mother. For one, it displayed exactly how the armbands looked that the Tinkers wore. Secondly, it demonstrated the support that the Tinker's parents had in their endeavors. Their parents had always taught them to stand up for what they believe in, and this photo shows that their parents stood by that and supported their protest.

Tinker, Mary Beth. "Mary Beth Tinker and her mother at a Des Moines, Iowa school board meeting". *Tinker Tour USA*. 1965. <https://tinkertourusa.org/about/tinkerbio/>.

This source includes a photo of Mary Beth Tinker and her mother at a school board meeting in 1965. Before they went to trial, their attorney Dan Johnston wanted to first try to negotiate in order to save them trouble. They appealed to the school board but they were unwilling to change their verdict, enabling the Tinkers to take their case to trial. It proved how supportive the Tinkers' parents were

Wessel, Keith. "Students in Ames, Iowa." 1969.

This photo was retrieved from John Tinker personally, and is a photo that shows several students wearing black armbands accompanied by a peace flag. The photo of the students



was taken 4 years after the Tinkers' original protest but directly mirrors the one employed in Des Moines. The photo allowed us to understand that there were others who decided that the Tinkers were fighting for a good cause and continued to fight.

## **Journals**

Clark, Bruce. "Journal of December 16, 1965." 16 Dec. 1965.

This journal entry was very helpful, as it reflected two distinct points of views. In the entry Bruce Clark describes an incident with his gym teacher, where the teacher reflected his beliefs that any one who was to protest was a communist sympathiser and that they were anti-American. The journal also reflected Bruce Clark's beliefs in support of the protest. This source was also helpful because Clark was one of the members of the community, other than one of the Eckhardts or Tinkers, who helped plan and organize the protest.

Tinker, Lorena Jeanne. "Armband Trial". 25-26 July 1966.

Lorena Jeanne Tinker took detailed notes and essentially transcribed the entire trial at the Southern District Court of Iowa. It provided testimonies from John Tinker, Mary Beth Tinker, Chris Eckhardt, the principal of John's school, and the vice principal of John's school. We could see the contrasting viewpoints from the students and administrators and understand how the Tinkers lost their case at this level. It greatly increased our understanding of the Tinker protest and legal proceedings as everything was so meticulously documented.

Tinker, Lorena Jeanne. "Lorena Jeanne Tinker, Journal Entries December 11-December 19." 11-19 Dec. 1965.

These journal entries, written by the mother of Mary Beth and John Tinker, were extremely detailed and precise. In each entry she provided specifics such as names, times and even quotes. This source was very instrumental in developing our timeline for our performance. We wanted to ensure that our performance occurred in chronological orders and reflected the beliefs of the Tinkers at that instantaneous moment in time. Through these journal entries were able to achieve these goals as they shared personal insight into the opinions of the Tinkers as the events unfolded.

## **Letters**

Anonymous. "Dear Sir." Received by Reverend Leonard Tinker. 18 Mar. 1966, Des Moines, Iowa.

This letter was one of the more polite ones that the Tinkers received. It showed us that people could disagree with their methods without being extremely hateful towards them. Instead of reprimanding the Tinkers for the armband protest, they recommend that it be done in a way that doesn't disrupt the school day. They suggested protesting outside the school or having a sit-in as long as it occurs on weekends.

Anonymous. "Hate Mail." Received by Reverend Leonard Tinker. 21 Jan. 1966, Des Moines, Iowa.

This letter was greatly influential in developing our understanding of the hate and opposition that the Tinkers received as a result of their protest and the lawsuit. This letter called the Tinkers communist and allowed us to understand the people who were against the Tinkers. Furthermore, the letter was an inspiration for our set, as one of the murals on our set features the same artwork which appeared on the postcard.

Connor, William E. "Letter to the Editor: Regret Label Niffenegger Put on Them." Received by *The Des Moines Register*. 5 Jan. 1966, Des Moines, Iowa.

Connor is a member of the American Friends Service Committee, a Quaker organization. The president of the school board, Ora E. Niffenegger, called the group radical and extremist. The author also mentions that while the society may have provided meeting places for the armband protest, they never took their position on it. This source shows the school board's intense opposition to the protest and those affiliated with it.

Corry, Harry M. "Letter to the Editor: A Marine Opposes Arm Band Ban." Received by *The Des Moines Register*. 27 December 1965, Des Moines, Iowa.

In this letter, a United States Marine commends the armband protest and criticizes the school district for suspending the students. As a marine, he was extremely aware of the situation of Vietnam and how destructive and devastating it was. He states that if freedoms like free speech rights continue to be taken away, then America will be no better than communist countries. This source showed us that within a sea of opposition, the Tinkers still had supports from some and glimmers of hope.

Des Moines Independent School District. "Proposed Policy for Secondary Principals Regarding Student Conduct." Received by Secondary Principals, 23 Dec. 1965, Des Moines, Iowa.

This letter was in response to John Tinker, Mary Beth Tinker, and Christopher Eckhardt's refusal to return to school until after New Year's Day - the period intended for the wearing of arm bands. This was a second meeting between the principals that said they would uphold the prohibition of armbands. This letter showed us a new perspective from the school board in that they felt it was better to go to court and keep these children out of school than allow them back into school and allow them to wear the armbands.

Eckhardt, Christopher. Received by President Lyndon B. Johnson. 25 Jan. 1966, Des Moines, Iowa.

This letter shows that Christopher Eckhardt was not afraid to directly criticize his government and their actions. He also spoke to how he believed President Johnson didn't care about the opinions of Americans unless they were voters, so 15 year old Christopher Eckhardt didn't believe he was valued. Eckhardt outlines how he has found other methods of protest since his suspension and we conveyed that perseverance in our performance.

Heirs, James. Received by the Tinkers. 20 Mar. 1969, Missouri.

A letter received from Missouri was one of the many hate mail letters that the Tinker were given. The fact that they won their court case was despicable to this man, he was "disgusted" by their family and claims that they made him want to vomit. From this learned that the Tinkers would always receive opposition even after their biggest victory.

Iowa Civil Liberties Union. Received by The William Eckhardt Family and The Leonard Tinker Family, 3 Nov. 1966, Des Moines, Iowa.

After the Tinkers and the Eckhardts lost their case at the district level, they decided to appeal their case to the U.S. Court of Appeals Eighth Circuit. This letter from the Iowa Civil Liberties Union explains that they think the Tinkers have a chance because other students who were in a similar situation had just won their case. We included this decision to appeal the case in our performance.

Minutemen. "Traitors Beware." Received by Leonard Tinker, Des Moines, Iowa.

This letter was deeply disturbing to read and truly difficult to read. The letter resembles that of a death threat issued by a serial killer. The fear enacted by this letter would have been a good enough reason to stop the fight. However, the Tinkers persevered and were able to overcome the terrible threats and opposition. This source allowed us to fully understand the terror which the Tinkers fell victim to.

Pardee, William J. "Letter to the Editor: Freedom of Speech and Niffenegger." Received by *The Des Moines Register*, 5 Jan. 1966, Des Moines, Iowa.

About 2 weeks prior to this letter, Niffenegger spoke out in support of free speech, but this letter criticizes that statement in that they believe he only supports free speech that coincides with the existing status quo. The author even goes so far to say that Niffenegger is no better than Communist Russia if he doesn't allow people freedom of speech regardless of their opinion. This was helpful because it showed that the student protesters weren't the only ones who had issues with his policies.

Peterson, E. Raymond. "Events Leading Up to Banning of Arm Bands." Received by Dwight M. Davis, Superintendent, 29 Dec. 1965, Des Moines, Iowa.

The events began with a discussion about whether a student at Roosevelt high school could write and publish an article about what was happening with the wearing of armbands in the school newspaper on Monday, December 13. This led to a discussion from the Superintendent to all of the high school principals regarding the wearing of black armbands. They all decided that students would be suspended for the time that they would wear the armbands. This source was very useful to us because it allowed for us to gain a deeper understanding with what happened with the school board and why they decided to uphold prohibition of the arm bands.

Tinker, Lorena Jeanne. "An Open Letter to Justice Black". Received by Justice Hugo Black, 1 Mar. 1969, Des Moines, Iowa.

Hugo Black was one of the two justices who voted against the Tinkers in the Supreme Court. He was especially not supportive of the Tinkers' protest and was in favor of the school district. Lorena Tinker wrote this letter after the Supreme Court decision to criticize what statements Hugo Black made. It demonstrated the Tinkers' continued activism even after the Supreme Court ruling.

## **Magazines**

Abramson, Michael. "PROTEST!" *TIME*, 18 May 1970.

This magazine cover displays a woman's face during the Kent State protest, in which some students were shot by protesting the Vietnam War. This provided context of other student protests and how successful or unsuccessful they were. The Tinkers protest was one of many in a large movement that started incorporating the younger generation, especially since this war was directly affecting them. Young people from middle school aged like Mary Beth to college students showed their opposition to the war.

Koerner, Henry. "The Turning Point in Vietnam." *TIME*, 22 Oct. 1965.

Once the United States deployed their first combat troops in Vietnam, the war only escalated and resulted in many casualties on both sides. This cover depicts a helicopter dropping off American troops on Vietnam land. Events like these were extremely present in the American consciousness, making their way into the news and weekly magazines like *TIME*. Seeing how so many people were dying on both sides of the war caused unrest and controversy throughout the country.

Wheeler, Dennis. "Moratorium: At War with War." *TIME*, 17 Oct. 1969.

This cover was especially interesting because it simply depicted a hand putting up a peace sign. Many Americans were tired of the war and just wanted to enter a period of peace and serenity. But, the war still raged on as American leaders did not share this perspective. The protest and sentiment that the Tinker case stood for still echoed around the country.

## Newspapers

“A Christmas Truce in Vietnam.” *The Guardian*, 8 Dec. 1965, London, England.

This source outlines the very Christmas Truce that Mary Beth Tinker, John Tinker, and Chris Eckhardt were supporting with their armbands. Americans against the Vietnam War were against the violence, and the concept of a truce was something they wanted to openly show their support for in hopes that it would continue.

Allen. “Query for High Court.” *Lubbock Avalanche-Journal*, 14 Mar. 1969, Lubbock, Texas.

This article discusses the final *Tinker* ruling and connects it to another case at a Nebraska juvenile court. We used this article as a method of understanding the immediate impact of the case. This article was published shortly after the final decision was released and allowed us to see the national reaction to the decision.

“Arm Band Case Taken to Court.” *The Des Moines Register*, 21 Mar. 1966.

This article states what happened as the case was brought from the school board to the courts. The school board believed that the support of the Christmas Truce meant that the Tinkers were communists, and that was why they originally shut down the idea of armbands. This article allowed us to understand the timeline and gave us more details about the Iowa Civil Liberty Union and how they were able to help the Tinkers.

“Arm Bands on Board Agenda.” *The Des Moines Register*, 19 Dec. 1965.

The article discusses how the school board viewed the protest and the action that they planned to take. Furthermore, this article was helpful in our understanding of the opposition from the school board, which allowed us to understand and incorporate another point of view into our performance.

“Armband Battle.” *The Cedar Rapids Gazette*, 30 Dec. 1965.

This article was published very soon after the armband protest. It was very interesting to read the article and see how the newspaper largely bashed the protest and mocked those involved. The article even went as far to suggest that the next protest involved wearing yellow armbands to protest blondes wearing hair curlers in public.

“Armband Case to Highest Court.” *The Des Moines Register, an Independent Newspaper*, 7 Mar. 1968.

This article discusses the likelihood of a case being chosen to be debated at the Supreme Court. The Supreme Court justices thought that this case was important enough to be discussed because the issue could apply to so many cases. It allowed our group to understand how important the case was to even be considered by the Supreme Court.

Beichman, Arnold. “Spell it America or Amerika?.” *The Cedar Rapids Gazette*, 21 Jun. 1972.

This article was published as a direct rebuttal to the Supreme Court Ruling. He suggests that by allowing students to go unchecked by schools that great unrest may occur. It was very interesting to read about how some people directly opposed the protection of first amendment rights within schools.

“Christmas Truce Ends in Vietnam.” *The New York Times*, 26 Dec. 1971.

The Christmas Truce in 1965 that the Tinkers protested for was not the only one throughout the war. There was also a 24 hour truce in 1971. While the *Tinker v. Des Moines* case made significant strides in students’ rights to protest, their protest was still one of many in a long war.

“Demonstrations Peaceful.” *The Orlando Sentinel*, 16 Oct. 1969.

This article discusses a group of students at a Florida university who participated in a Vietnam War protest that involved students handing out American Flags while others handed out the armbands. The direct conflict between the two sides demonstrated the high tensions of the time. From this article we gained knowledge regarding the impact of the *Tinker* ruling and how people followed in their footsteps.

Esper, George. “GI Armbands in Viet Show Sympathy with Moratorium.” *The Cedar Rapids Gazette*, 15 Oct. 1969.

This article discussed a protest against the Vietnam War where people wore black armbands. This source was helpful because it showed us that other people were inspired by the Tinker’s protests. It allowed us to observe that even people who were fighting the war, stood in solidarity to end it.

Finneyspecial, John W. “Kennedy Favors Truce Extension .” *The New York Times*, 25 Dec. 1965.

Senator Robert F. Kennedy believed that the Christmas Truce, that would bring an end to the violence on Christmas day, could continue to be effective in ending the war as long as Vietnam also agreed to honor it. The sentiment expressed by Kennedy is important

because the Tinkers stood by this decision following Christmas and their original armband protest.

Flansburg, James. "Secret Talks on Arm Bands." *Des Moines Sunday Register*, 2 Jan. 1966.

This source explains how the school board met in a secret meeting to discuss the armbands before the one that was slated to be in front of the public. The president of the school board denied that this meeting took place because it was against school board regulations. It showed a small degree of hypocrisy of the school board.

Hoffman, Nicolas Von. "Arm Bands for Some, Holiday for Others. Millions Protest the Viet War." *Victoria Daily Times*, 15 Oct. 1969, British Columbia, Canada.

This article discussed how many people (even people outside of the US, as the article was published in Canada) sought to seek an end to the Vietnam War. The article discusses how many people decided to wear black armbands to show their support for the end of the conflict. This protest occurred just months following the *Tinker v. Des Moines* ruling and demonstrates some of the immediate effects of the decision.

Horner, Maurice. "Sent Home." *Des Moines Tribune*, 17 Dec. 1965.

This article was helpful because it gave us the immediate public reaction to the suspension of the students who had worn the armbands to school. This article allowed us to step into the shoes of the public and understand how people not directly involved in the cases received information regarding what was occurring.

"Iowans at Peace March." *The Des Moines Register*, 28 Nov. 1965.

This article elaborated upon the peace march that prompted the idea of wearing the black armbands to school. This article helped inspire a scene within our performance where we portrayed the peace march. Furthermore, this article was helpful in providing information regarding the buildup and context of the armband protest.

Kiker, Douglas, and Bernard L. Collier. "25,000 Urge Peace In March At Capital." *Des Moines Register*, 28 Nov. 1965.

The March on Washington was vital to the anti-war protest demonstrated by the Tinkers. This movement was what inspired the Tinkers to take a stand and wear their black armbands. This article allowed for us to understand the magnitude of this march and how many people it affected.

Kotz, Nick. "An Angry Dissent On Armbands." *The Des Moines Register*, 25 Feb. 1969.

This article was published following the final decision of the *Tinker v. Des Moines* trial. It specifically discusses an opinion written by Justice Hugo Black that claimed the court's

decision is a door to disorder and unrest. The article discusses the reasons as to why some people, specifically the two dissenting justices, decided that ruling in favor of the Tinkers would be detrimental.

Laramie UPI. "14 Negros Booted Over Black Armband." *Petoskey News-Review*, 18 Oct. 1969, Petoskey, Michigan.

This article discussed a protest where several football players were kicked off of a football team because of their participation in a black armband protest. It was helpful because it allowed us to see other protests that were inspired by the Tinkers and gave us an understanding of the historical impact of the *Tinker ruling*, even in other states.

Magarrell, Jack. "D. M. Schools Ban Wearing of Viet Truce Armbands." *The Des Moines Register*, 15 Dec. 1965.

This was written to specifically target the students that were planning to wear their armbands. The school claimed that this fell under the disruption of educational programs within school. This source allowed us to get a deep understanding of what the Tinkers went through and gave us more to work off of while writing the script.

Magarrell, Jack. "Wear Black Arm Bands, Two Students Sent Home." *The Des Moines Register*, 17 Dec. 1965.

This article gives details to the public about the suspensions that occurred within the Des Moines Independent School District. First, Christopher Eckhardt was suspended in the morning, then Mary Beth Tinker later that day, along with two other students. It also gives written accounts by the president of the school board, Ora E. Niffenegger. It displays how the school disapproved of anti-war sentiment in classrooms.

McKee, Don. "Racial Tension Mounts in Birmingham After Four Killed in Church Bombing." *The Montgomery Advertiser*, 16 Sept. 1963.

This article details the Birmingham Church Bombing in which many Alabama residents would eventually protest and show their support for the victims of violence with black armbands. The black armband motif was not something invented by the Tinkers. The 60's were also filled with racial tensions and protests which inspired the Tinkers' activism.

Millstone, James C. "Justice Black, 83; Denies Anger." *St. Louis Post Dispatch*, 27 Feb. 1969.

Justice Black was known for writing many dissenting opinions on cases but he wanted it to be known that he doesn't have any anger or harsh feelings towards them. It shows that he didn't have any hate towards the Tinkers, he just disagreed with their protest. This was important because Lorena Tinker wrote a letter to Hugo Black in response to this article.



“Mistakes in Arm Band Affair.” *The Des Moines Register*, 5 Jan. 1966.

This source was helpful because it showed a moderate perspective in which the author didn't fully agree with the student protesters or the school district. They disagreed with the school district prematurely banning the armbands without evidence that the armbands would be a disruption. But, they also thought it was a mistake for the students to deliberately defy school regulations even if they disagree with them.

Moulton, Charlotte G. “How Free is Expression? The Courts Ponder.” *The Daily Herald*, 9 Dec. 1968, Chicago, Illinois.

This article was written following the Supreme Court Oral Arguments, but prior to the final decision. The article elaborates on how discrepancies in local and regional courts contributed to why the *Tinker*'s case was even heard at the US Supreme Court. It provided a detailed and well thought out commentary on many different cases and how they contribute to the overall theme of student expression in a school setting.

Moulton, G. Charlotte. “Student Rebels Gain Point In Ruling by Supreme Court.” *The Town Talk*, 25 Feb. 1969, Alexandria, Louisiana.

This article was helpful because it was published outside of Iowa and allowed us to understand the national attention being received by the *Tinker* ruling. Through this article we were able to step into the shoes of an outsider and understand from their perspective what the case was.

Neal, Jim. “Whose Constitutional Rights?” *The Noblesville Ledger*, 11 Nov. 1969, Noblesville, Indiana.

This article was written shortly after *Tinker v. Des Moines* decision. The article discusses a group of teachers who decided to wear armbands and elaborates on how people are questioning if they are allowed to do so. It is funny to read this with the knowledge that only months prior a Supreme Court decision was reached directly addressing this issue and yet this article completely ignores the existence of such a development.

Noun, Maurice. “A Plea for Pupils' Rights to Express Opinions.” *Des Moines Tribune an Independent Newspaper*, 5 Jan. 1966.

This editorial talks about why Noun decided to help the *Tinkers*. This article was very important to the *Tinker* ruling, she helped them get to where they needed to be for the case. Noun covered all of the expenses and helped guide the *Tinkers* through the process of getting your case to the Supreme Court.

Porter, Carl. “A Tragedy at Wyoming.” *Tucson Daily Citizen*, 31 Oct. 1969.

This article presented a very unique point of view regarding a protest that was enacted by football players in Wyoming. The author of the article defends the ban of the protest. It was interesting to see how these players were removed from their team when this event occurred following the Tinker ruling. It truly opened our eyes to how just because a protection is there, it does not mean that everyone would follow it.

Ritzinger, Frank. "Arm Band Protest Continues." *Quad-City Times*, 28 Dec. 1965, Davenport, Iowa.

This editorial reviews the testimony given by the students to their school on the days they were suspended. Lorena Tinker spoke about how the arm bands were in support of the Christmas Truce. This article was able to help us understand exactly how the Tinkers were facing the odds in their own words.

"Ruling 'Delights' Mrs. Tinker." *Des Moines Tribune*, 24 Feb. 1969.

This article goes over the *Tinker* ruling from beginning to end with input from the Tinker family. Lorena Tinker was pleased to hear that it went in their favor and that students had the right to their first amendment rights. The Tinkers were all overjoyed with the ruling and knew that they made a huge difference.

Saigon Associated Press. "Black Armbands Worn by Part of GI Patrol." *The Evening Sun*, 15 Oct. 1969 Baltimore, Maryland.

This article discusses a group of American soldiers in Vietnam who decided to wear black armbands to show their support for the anti war cause at home. From this letter we were able to understand the impact that the ruling had on other protests. From this article we gathered information regarding how the protest was viewed by people fighting in the Vietnam war.

Seplov, Stephen. "Dispute Over High School Chant of 'Beat Viet Cong'." *Des Moines Register*, 20 Dec. 1965.

Two students at Roosevelt high school reported that the gym teacher planned to chant "Beat Viet Cong" as they were participating in jumping exercises. Many who did not end up participating in wearing armbands instead they showed their form of protest during their physical exercise during school. This informed us on how other students reacted to the suspension of the Tinkers and Eckhardt.

"School Suspensions Bring ICLU Regret." *Quad City Time*, 18 Dec. 1965 Davenport, Iowa.

This source was a report of what happened during the days Mary Beth Tinker, Christopher Eckhardt, and John Tinker were suspended from school. This report allowed people around the state to learn about the armband protest and gain fame. This article

helped my group because it allowed us to understand what it must have been like for the others involved that were not a part of the Tinker relations.

Skinner, Olivia. "A Family of Dissenters Wins." *St. Louis Post-Dispatch*, 9 Mar. 1969.

This article was extremely informative because it focuses on why the Tinkers protested not how and the aftermath. Through this we were able to understand the environment which cultivated the spirit and fight within the Tinker children. It discussed the many death threats and hateful speech that they were subjected to as a result of their protest.

"Summary of Supreme Court's Actions." *The New York Times*, 5 Mar. 1968.

This article also allowed us to develop an understanding of other Supreme Court cases which were occurring at the same time. From this news article we not only saw the media attention received by the trial but also developed an understanding of trials occurring regarding other aspects of society.

"Supreme Court's Actions." *The New York Times*, 25 Feb. 1969.

This article was helpful because it informed us about other court cases which were being decided at the same time. Furthermore, this article served to inform the nation about the outcome of the Tinker Trial. Through this article many Americans were informed about the outcome of the trial and learned that the Tinkers were victorious.

"Suspended Students Back" *Des Moines Tribune*, 4 Jan. 1966.

Although the students wouldn't be allowed to return back to school with the armbands, they decided to come back to school except they wore all black. This showed us that the students were extremely committed to their protest and would find many methods to spread their ideas.

"Suspends Students Who Wore Black Arm Band." *Sioux City Journal*, 18 Dec. 1955.

This article mentions the suspension of Bruce Clark and Chris Singer. They did not join in the lawsuit because they did not want to take attention away from the anti-war cause. The Iowa Civil Liberty Union, lended a hand to help them out, but they didn't want the focus to become students' rights.

Times Staff Writer. "Students' Protest is basis of Court's 'Tinkers' ruling." *Tampa Bay Times*, 26 Oct 1993, St. Petersburg, Florida.

This article discusses Christopher Eckhardt's contribution to the lawsuit and protest. The article was assembled via an interview with Mr. Eckhardt and uses direct quotes and personal stories to describe his struggles and triumphs throughout the process. This article was helpful because it allowed us to get into the mind of Christopher.

Tinker, Mary Beth, and John Tinker. "Tinker v. Des Moines: Celebrating 50 Years of Free Speech and Student Voices." *The Des Moines Register*, 20 Feb. 2019.

In this article, Mary Beth and John Tinker reflect on their court case for the 50 year anniversary. While the *Tinker v. Des Moines* has been used as a precedent for future court cases, there are also many other cases that add exceptions to it, seemingly decreasing its overall impact.

Washington Associated Press. "Teen Rights Case in Top Court." *The Kansas City Times*, 13 Nov. 1968.

This newspaper article was published prior to the final decision being reached but following the oral arguments. The time period which this article was written allows the author to give a factual retelling of the oral arguments and the court decisions prior to the Supreme Court.

"White House Talk 'Unsatisfactory'". *The Des Moines Tribune*, 28 Nov. 1965.

This source was helpful in establishing the environment of the anti-war march that John Tinker and his mother attended. While there was a majority of Vietnam protesters, there also was also a large group of counter-protesters that held signs such as one saying "Free Gasoline and Matches for Peace Creeps". It allowed us to see that while the march was a liberating environment, they still would always face opposition for their ideals.

Woodhead, Henry. "Armband Ban Challenged." *The Charlotte News*, 11 Nov. 1969

This article discusses how a local group was prepared to sue the school district if they attempted to prevent students from wearing black armbands. The black armband protest and the opposition for the school directly mirrors that of the Tinker's case and presented us with an insight into the impact of the *Tinker* ruling.

Wulf, Melvin L. "End of An Era: The Last Warren Court Term." *Civil Liberties*, Aug. 1969.

The end of Warren Court was known as the end of an era that passed in regards to the First Amendment. The last case the Warren Court took on was *Tinker v. Des Moines*. Justice Warren was a very liberal justice, if it were not for him, it is very likely that the ruling would not have gone in favor of the Tinkers.

"Youngsters Win Right to Express Political Belief." *The Gazette and Daily*, 25 Feb. 1969, York, Pennsylvania.

This article is an overview of the case, stating specific details that are more relevant to people around the nation. It broadened our understanding of the case, giving us a new perspective and details that we did not previously have. It made it clear that the Supreme

would only support those speaking out in a political sense, rather than in a social protest like the length of a skirt.

Zelenka, Julie. "Officials, Youths Testify At Arm-Band Hearing". *The Des Moines Register*, 26 Jul. 1966.

This source spoke in detail about the testimony given from Mary Beth Tinker, John Tinker, and Christopher Eckhardt to the school board. They made it very clear that they were not going to wear their armbands anymore. Lorena Tinker also fought for the students.

## Notices

1st Unitarian Church. "Announcement made about the plan for armbands, at the Unitarian Church." 12 Dec. 1965

This announcement was helpful because it gave a detailed description of the December 16th protest. This source was helpful because it helped us understand the moral and spiritual values which led the Tinkers to protest the war. Furthermore, this source gave us greater information as to what the exact purpose of the Vietnam War protest was.

Tinker, Mary Beth. "Petition." 16 Dec. 1965, Des Moines, Iowa.

This petition was written by Mary Beth Tinker in hopes of overturning her suspension, and anyone else who had been suspended for wearing a black armband. She claimed that it was not fair for others to be able to exercise their freedom of speech and expression at school without punishment.

Moberly. "Pink Pass." Received by Mary Beth Tinker. 16 Dec. 1965, Des Moines, Iowa.

This notice was given to Mary Beth Tinker by her math teacher following lunch. The pass informed her that she needed to go to the office and upon arriving there she was asked to remove the armband and then later suspended. The pass demonstrated the school's opposition to the Tinkers' peaceful protest.

Warren Harding Jr. High. "Notice of Suspension." Received by Mr. and Mrs. Leonard E. Tinker. 16 Dec. 1965, Des Moines, Iowa.

This notice was given to the parents of Mary Beth informing them of the suspension of their daughter. The notice was issued by the Girls' Advisor, Mrs. Tarman, following Mary Beth's removal of the arm band. The notice was surprising because Mary Beth assumed that she would be fine since she did as the school district asked, but was still suspended.

“We Mourn: Announcement Given to Students to Inform Them of Protest.” Dec. 1965

This announcement was handed out to students as a mode of communicating and advertising for the protest against the Vietnam War. Overall, this source aided in our understanding of how the protest was publicized and also allowed us to step into the shoes of a person who was just finding out about the protest via this announcement.

## **Publications**

The American Bar Association’s Division for Public Education. “An Online Conversation with the Tinker v. Des Moines Plaintiffs.” 29 Apr. 1988.

This source was helpful because the interview was conducted a number of years following the ruling so the three plaintiffs not only shared how they felt at the time but also shared their personal analysis of the event from a number of years later. Overall, this source was very helpful in aiding our understanding of the Tinker protest and the lawsuit from the point of view of the children.

Tinker, John F. “Testimony of John Tinker in Tinker v. Des Moines.” *DocsTeach*, 25 July 1966.

This testimony allowed us to know exactly what occurred during the protest and understand how John felt about it. He was not only speaking for himself, but everyone that wanted to protest the Vietnam war. His testimony was a record of what went down and showed us what they had to face as they were trying to exercise their First Amendment rights.

Tinker, Mary Beth, and John Tinker. “A Supreme Court Milestone for Students' Free Speech Rights.” *American Civil Liberties Union*, 20 Feb. 2019.

In this article, the Tinkers explain what drove them in their decision to protest and how the echoes of that very protest can still be seen in schools today. For specific inspiration, they referenced the wearing of black armbands for those who were killed in the Birmingham Church Bombing.

Tinker, Mary Beth. “What a Black Armband Means, Forty Years Later.” *American Civil Liberties Union*, 24 Feb. 2009.

While the Tinkers’ protest was about the Vietnam War, they also witnessed the racial discrimination of the 60s and were inspired to take action like civil rights groups. Even in the 21st century, teens in school face discrimination and issues that can now be spoken out about in the classroom thanks to *Tinker v. Des Moines*.

## **Songs**

Wesby, Robert. "Woke up this morning with my mind stayed on freedom". 1961.

In our interview with Mary Beth, she mentioned some songs that she listened to as a child and we wanted to incorporate it into our performance. This song was written and used throughout the civil rights movement which served as a large inspiration for the Tinkers. We decided to open and close our performance with this song because it conveys the fundamental idea of freedom that the Tinkers and many others are fighting for.

## Speeches

Baldwin, James. "After the Murder of Four Children." *American Archive of Public Broadcasting*, 25 Sept. 1963.

A bombing in Birmingham, Alabama killed 4 young African-American girls. One of the ways James Baldwin thought to bring awareness was wearing black armbands to show the deep sadness and pain they felt from the death of 4 girls. This occurred before the Tinker protest but this sentiment was the direct inspiration for their protest of the Vietnam War, giving us a deeper understanding behind the idea of the armband.

Eckhardt, Christopher. "The Day I Wore A Black Armband to School." *Bill of Rights Network*, 3 Dec. 1991.

This speech was very helpful, because Christopher's point of view is very hard to find, as he has since passed and in the interim period he was not very vocal in the community. Furthermore, this speech aided in our understanding of how Christopher Eckhardt viewed the case and his experience participating in both the protest and the lawsuit.

Oglesby, Carl. "March on Washington Speech to End the War in Vietnam." *Students for a Democratic Society*, 27 Nov. 1965.

This speech was given at the March on Washington that John Tinker and his mother attended to protest the Vietnam War. It was helpful to read the speech that directly inspired their protest, and it allowed for us to add more specific ideas to our script. It served as a catalyst for change in their school and hopefully the national consciousness about the war.

Tinker, Mary Beth. "Free Speech and Youths." *University of Virginia Law*, 24 Jan. 2020.

This source was extremely helpful, because it provided us with information regarding the legal aspects of the court case. The speech focuses largely on the legality of the topic. This was also helpful because the speech was extremely recent, so it addresses the issue of the court case in regards to the modern climate.

Tinker, Mary Beth. "I Could Not Sit By and Watch This Happen." 6 May 1992.

Mary Beth speaks of what inspired her to protest and what occurred during the day she was suspended. The school, a day prior to her wearing the armband, created a policy that students were not allowed to wear black armbands protesting the Vietnam war. Students took notice of the armbands and asked her about it, but it was not until after lunch she was sent to the principal's office.

## Videos

“John Tinker Describes the First Day Wearing a Black Armband to School to Protest the Vietnam War.” Performance by John Tinker, *John Tinker Describes the First Day Wearing a Black Armband to School to Protest the Vietnam War*, Iowa PBS, 23 Sept. 2019, [www.youtube.com/watch?v=zmXaq5rKkeM](http://www.youtube.com/watch?v=zmXaq5rKkeM).

In this video, John discussed how he was scared to wear it to school because he was afraid of what other people might do to him. John felt that those who were pro-war were prone to be more violent and willing to speak their mind and that scared him. This source gave us insight on John's perspective and allowed us to understand his story.

“John Tinker Describes the Inspiration to Protest the Vietnam War.” *Iowa PBS*, 21 Feb. 2019, [www.iowapbs.org/iowapathways/artifact/john-tinker-describes-inspiration-protest-vietnam-war](http://www.iowapbs.org/iowapathways/artifact/john-tinker-describes-inspiration-protest-vietnam-war).

John Tinker outlines the March on Washington and the bus ride that led for the inspiration of his protest back in Iowa. The Vietnam protest in Washington D.C. made John and his mother see the magnitude and impact of speaking their mind, so they wanted to do that at home. This aided us by giving more information on the Tinkers' motivation.

“Kids! The new frontier for a democratic society | Mary Beth Tinker | TEDxLiberdade.” *TEDx Talks*, 7 Aug. 2014, <https://www.youtube.com/watch?v=sxvSftU9Ze0>.

Mary Beth Tinker is giving her input on how students need to take up this opportunity to have a say and advocate for what they believe in. Tinker reminded us and reinforced our beliefs that it is so important for students to speak up because they are the future and without them our nation will never improve.

“Landmark Cases: *Tinker v. Des Moines*.” *C-SPAN*, 2018.

[landmarkcases.c-span.org/Case/24/Tinker-v-Des-Moines](http://landmarkcases.c-span.org/Case/24/Tinker-v-Des-Moines)

This special featured Mary Beth Tinker where she gives personal anecdotes and insight information of what was going through her head during the time. It also had legal opinions from a First Amendment lawyer to verify how influential the case really was. This gave us a very strong base idea when we began our research in the beginning.



“Mary Beth Discusses the Burnside v. Byars Case.” *C-SPAN*, 22 Jul. 2019,  
[www.c-span.org/video/?c4809027%2Fuser-clip-burnside-v-byars](http://www.c-span.org/video/?c4809027%2Fuser-clip-burnside-v-byars).

The fact that both these cases were going on at the same time allowed *Tinker* to be so successful. Johnston accused the court of “viewpoint discrimination” for allowing the Burnside protest to convene in a school setting in a similar way to the *Tinkers*, making it a critical piece of information in the *Tinker* ruling.

“Mary Beth Tinker on the First Amendment.” *The Salt Lake Tribune*, 27 Mar. 2014,  
<https://www.youtube.com/watch?v=Litj48M1xIk>.

Mary Beth Tinker is going over what led up to the *Tinker v. Des Moines* court case and how they got there. She describes how the magnitude of the case was not hypothesized, they thought that they would participate in this protest for a day, and then it would be over. This case ended up breaking barriers for First Amendment rights in ways that no one imagined.

“Robert F. Kennedy on the Vietnam War.” *This Hour Has Seven Days*, *CBC*, 1965.  
Youtube, [www.youtube.com/watch?v=ZmQ0BY8ak5w](http://www.youtube.com/watch?v=ZmQ0BY8ak5w).

Senator Robert Kennedy is discussing the Vietnam War and specifically the idea of the Christmas Truce. He wanted to extend it in order to cut down on some of the bloodshed in the war. Robert Kennedy’s views are important because they shaped the motivations of the students to protest.

“Student Free Speech and Tinker v. Des Moines Anniversary.” *C-SPAN*, 2019.  
[www.c-span.org/video/?458014-1%2Fstudent-free-speech-tinker-v-des-moines-anniversary](http://www.c-span.org/video/?458014-1%2Fstudent-free-speech-tinker-v-des-moines-anniversary).

Students today are taking the ideas set forth in *Tinker v. Des Moines* and using them to speak out about issues they care about like global warming and gun control. While exceptions to the *Tinker* standard have been made, it still allows several forms of schoolhouse speech for students to speak their mind.

“Thousands Oppose Vietnam War.” *Universal Newsreel*, *Youtube*, 1967.  
[www.youtube.com/watch?v=l\\_LB0ECt28E](http://www.youtube.com/watch?v=l_LB0ECt28E).

This newsreel is an example of the continued Vietnam War protests that were occurring during the progression of the *Tinkers*’ court case. Vietnam was rejected by many Americans throughout the duration of the entire war. The *Tinkers*’ protest was not something that was completely radical; the war was facing opposition all around America with all the dissatisfied non-supporters of violence.

“Vietnam: Chronicle of a War.” *CBS*, 1981. *Youtube*,

[www.youtube.com/watch?v=rTMsOBvPf3c](http://www.youtube.com/watch?v=rTMsOBvPf3c).

Many Americans relied on Walter Cronkite and his news broadcasts that would air every evening to provide the main source of information about the Vietnam War. We also compiled audio clips from this source to use in our performance, representing how important it was to the Tinkers specifically.

“Vietnam War Protest in Washington.” *Youtube*, 27 Nov. 1965.

[www.youtube.com/watch?v=fv7Gk-Pg7Rw](http://www.youtube.com/watch?v=fv7Gk-Pg7Rw).

The March on Washington showed how many people in the United States were angered about the war. John Tinker and his mother attended this march to join others in protest. From watching the actual video of the march, we integrated this knowledge into a scene in our performance. We also recreated signs for the Tinkers to have in our performance.

# SECONDARY SOURCES

## Interviews

Johnson, John W. Phone interview. Conducted 18 May 2020.

John W. Johnson, an expert on the *Tinker v. Des Moines* case presented us with new information regarding the historical impact of the case. Johnson also helped us further develop our student voice within our performance. Through this interview we were able to see more than just the facts of the event and gained greater insight into its impact and true historical value.

## Academic Journals

Johnson, John W. "Behind the Scenes in Iowa's Greatest Case: What Is Not in the Official Record of *Tinker v. Des Moines Independent Community School District*." *Drake Law Review*, vo. 48 no. 3, 2000.

This journal was extremely informative and eye opening. As the title of the journal suggests, the document focuses on stories and information that is off of the written record of the *Tinker v. Des Moines* decision. It was extremely interesting to learn about stories and facts which had not appeared in our previous research. The journal provides quotes and even full letters which demonstrate the many different points of view regarding the Tinker trail.

Ceglia, John T. "The Disappearing Schoolhouse Gate: Applying Tinker in the Internet Age." *Pepperdine Law Review*, vo. 39 no. 4, 2012.

This academic journal stated that the primary focus of the school is to educate the students and, now with technology, they do not want to take attention away from that. This academic journal allowed our group a full understanding of how Tinker applies to us today, outside of the court cases that we had previously stated.

## Bimonthly Publication Articles

Chmara, Theresa. "Do Minors Have First Amendment Rights in Schools." *Knowledge Quest*, vo. 44 no. 1, Sep./Oct. 2015, *American Library Association*.

Many of the cases mentioned in this article circled around the Tinker ruling as many of them made exceptions to the ruling or cited the ruling while on trial. This article was extremely helpful because it was written by a lawyer who has a large base of knowledge regarding first amendment rights in relation to schools.

“Rise up, Be Heard.” *DSM Magazine*, Jan./Feb. 2019.

This article follows Mary Beth as she speaks at a conference for young journalists.

Within the article there is a detailed retelling of the events which occurred throughout the years of 1965-1969, as well as the historical impact of the events. It was very helpful to be able to read how the impact of the *Tinker* ruling can still be seen today.

## Books

Dupre, Anne. *Speaking Up: The Unintended Costs of Free Speech in Public School*. Harvard University Press, 2010.

This source was helpful in developing our performance so we could include multiple perspectives in our project. While *Tinker* was a landmark case in student free speech rights, many believe that too much freedom can cause problems in a school environment. This book explains how *Tinker* and other cases promoting schoolhouse speech can have side effects. It showed us that not everyone views the *Tinker* ruling as a complete step in the right direction.

Farish, Leah. *Tinker v. Des Moines: Student Protest (Landmark Supreme Court Cases)* Library Binding, 1997.

Farish's book is an easy way to understand what happened during this Supreme Court Case. She breaks down the case and makes sure that her readers have a thorough understanding of what happened. This source allowed us to comprehend the court case in much more simple terms. This is a good resource for people who know nothing about the case.

Hudson, David L. *Let the Students Speak!: A History of the Fight for Free Expression in American Schools*. Beacon Press, 2011.

This book was helpful in establishing the context and overall impact of the *Tinker* case as it applied to student rights. The *Tinkers* were inspired by those who came before them and continued to inspire a new generation. While the protest subject matter changes, the rights for students to speak their mind continues to prevail through generations.

Johnson, John W. *The Struggle for Student Rights: Tinker v. Des Moines and the 1960s*. Univ. Press of Kansas, 1997.

This book helped us get into the technical and personal details of the *Tinker* protest. It gave us specifics about the *Tinkers* preparing and executing their protest that we transferred into scenes in our performance. It helped us make our performance as detailed and authentic as possible.

McPherson, Stephanie Sammartino. *Tinker v. Des Moines and Students' Right to Free Speech : Debating Supreme Court Decisions*. Enslow Publishers, 2006.

This book was interesting to us because it presented multiple viewpoints about the *Tinker* case. It gives the readers the strategies it takes to form a complex opinion on its impact and role in today's society. Depending on the perspective of the reader, the *Tinker* case can be interpreted in a variety of different ways that we included in our performance.

Petronicolos, Loucas. *Tinker, Fraser, and Hazelwood: Which Educational Policies Are Truly "Educational"?* ERIC Clearinghouse, 1996.

This source outlines how *Tinker, Fraser, and Hazelwood* differed. Educational policies can be extremely difficult to make and this book explains that sometimes these court cases don't exactly always match the needs of public education. It showed us that these cases are influential but they are not always a set guide.

## **Court Decisions**

“American Amusement Machine Association v. Kendrick, 244 F.3d 572, 577 (7th Cir. 2001).”

This decision overturned an ordinance that required minors to have a parent present if they wanted to play video games which were deemed to be violent. This case was helpful because it demonstrated that even in the 21st century people are fighting for greater rights for minors. Through this case we developed a greater understanding regarding how since the *Tinker* ruling, people will continue to fight for minors' rights in many contexts.

“Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).” *Justia Law*,

[supreme.justia.com/cases/federal/us/478/675/#tab-opinion-1956781](https://supreme.justia.com/cases/federal/us/478/675/#tab-opinion-1956781).

Student Matthew Fraser was suspended for speaking in a school assembly with innuendo-filled speech. When he was suspended, his case eventually went to the Supreme Court, but the court ruled in the school district's favor. This case presented a limitation to the *Tinker* ruling as it no longer applied to indecent speech in a school setting. The *Tinker* ruling was extremely broad so this case specified something it does not apply to.

“Dariano v. Morgan Hill Unified Sch. Dist., et al., No. 11-17858 (9th Cir. 2014).” *Justia Law*, <https://law.justia.com/cases/federal/appellate-courts/ca9/11-17858/11-17858-2014-02-27.html>.

This source was useful because it showed us that there are reasonable limits to *Tinker*. It can't be used to justify everything in schools or else it would turn into chaos. In this specific case, the 9th Circuit sided with the school for their punishment of students who

displayed American flag memorabilia to their Mexican Cinco de Mayo celebration. They believed it was hateful to Mexican students and the court agreed.

“Erznoznik v. City of Jacksonville, 422 U.S. 205, (1975).” *Justia Law*,  
<https://supreme.justia.com/cases/federal/us/422/205/>

This Supreme Court case discusses the legality of an ordinance which limited movies which a drive in movie theatre was allowed to show. This case highlights the rights of minors to receive information. From this case we gained greater knowledge regarding court cases which protect minors from unfair censorship.

“Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).” *Justia Law*,  
[supreme.justia.com/cases/federal/us/484/260/#tab-opinion-1957305](https://supreme.justia.com/cases/federal/us/484/260/#tab-opinion-1957305).

Students of Hazelwood East High School attempted to publish two articles in their school newspaper about divorce and teenage pregnancy. The court established that schools have a right to limit school-sponsored publications without infringing on students’ First Amendment rights, therefore creating an exception to the *Tinker* ruling.

“Island Trees Sch. Dist. v. Pico by Pico, 457 U.S. 853 (1982).” *Justia Law*,  
<https://supreme.justia.com/cases/federal/us/457/853/>

This Supreme Court decision ruled that the removal of books from school libraries by a school board was not allowed as it limited the content which students were being exposed to. This source was helpful because it allowed us to understand that cases regarding student’s first amendment rights are not always directly related to free speech or expression.

“Melton v. Young, 328 F. Supp. 88 (E.D. Tenn. 1971).” *Justia Law*,  
[law.justia.com/cases/federal/district-courts/FSupp/328/88/1428295/](https://law.justia.com/cases/federal/district-courts/FSupp/328/88/1428295/).

In this case, a student wore a Confederate flag jacket to school and was forced by school officials to remove it. The Supreme Court ruled in favor of the school using the substantial disruption test established in *Tinker*. The *Tinker* standard protects free speech so long as it doesn’t cause a significant disruption to the learning environment, and the Supreme Court felt that the Confederate Flag was a substantial disruption.

“Morse v. Frederick, 551 U.S. 393 (2007).” *Justia Law*,  
[supreme.justia.com/cases/federal/us/551/393/#tab-opinion-1962461](https://supreme.justia.com/cases/federal/us/551/393/#tab-opinion-1962461).

Student Joseph Frederick held up a banner stating “Bong Hits 4 Jesus” and was suspended for 10 days. When the case reached the Supreme Court, it was ruled in the school’s favor because the message he was promoting glorified illegal drug use.

Although the Tinker Standard was cited, it was determined that students could not exercise free speech in schools to promote illegal activities.

“Papish v. Board of Curators, 410 U.S. 667 (1973).” *Justia Law*,  
supreme.justia.com/cases/federal/us/410/667/#tab-opinion-1950195.

Barbara Papish was suspended at her university for her distribution of an underground newspaper that contained what the school viewed as indecent speech. The university stated that the content of the newspaper went against their by-laws, but the *Tinker* ruling helped Barbara Papish prove that she had a right to spread her opinion on campus. This case also extended the Tinker standard to public universities.

“Pratt v. Independent School District No. 831, 670 F.2d 771, 779 (8th Cir. 1982)”

This case argued that a school board was not allowed to ban a movie or video simply because of the fact that the members of the school board objected to the ideological or religious content of the films. From this ruling we developed a greater understanding of how, since Tinker, school boards have had lessened ability to censor students in schools. This source was helpful because it allowed us to understand the impact of *Tinker v. Des Moines*.

Pyle v. School Commission of South Hadley (Mass.), et al. - 423 Mass. 283, 667 N.E.2d 869 (1996). *Massachusetts Supreme Judicial Court*.

This case showed that individual states like Massachusetts could restore the rights outlawed in Tinker despite later court cases. The Massachusetts Supreme Judicial Court ruled that students could wear clothing or produce writings with vulgar speech so long as it is not a large distraction to the school environment. Massachusetts has some of the most liberal student free speech laws that many other states are starting to follow.

Bell v. Itawamba County School Board. 12 Dec. 2014. *US Court of Appeals, 5th Circuit*.

Taylor Bell was suspended from his high school for publishing a rap video that criticized and threatened teachers at his school. The court ruled in the school’s favor because of the application of the Tinker test. Although the video was published outside of school, it was talked about all day at school and therefore caused a substantial disruption. The Tinker standard helped establish that student speech outside of school could still interfere with the school and learning environment.

## Newspapers

Achenbach, Joel. “Did the News Media, Led by Walter Cronkite, Lose the War in Vietnam?”  
*The Washington Post*, 25 May 2018.

Walter Cronkite was the public's primary source of information for news regarding the war. But even Walter Cronkite himself wasn't presented with the full information on Vietnam and just how terrible it was, especially for America. Many Americans were disillusioned when they found just how bad the war was going for them. This article helped us establish historical context throughout the war and understand what the Tinkers would have been seeing throughout their protest and court case.

Basu, Rekha. "Students' Struggle for Free Speech Continues in D.M. Schools." *The Des Moines Register*, 8 Oct. 1999.

This newspaper discusses the legacy of the *Tinker* ruling, specifically relating to its impact on schools in Des Moines. The article discusses how many people are not directly aware of the Tinker's and their impact but live in a society today that is vastly different because of it. However, many people today still struggle for free speech rights. The article elaborates upon how the fight for student rights still continues and how it is a fight that will continue to be fought. This was helpful because it gave us an insight into the true impact of the Tinker decision.

Blinder, Alan and Yee, Vivian. "National School Walkout: Thousands Protest Against Gun Violence Across the U.S." *The New York Times*, 14 Mar. 2018, [www.nytimes.com/2018/03/14/us/school-walkout.html](http://www.nytimes.com/2018/03/14/us/school-walkout.html).

*Tinker v. Des Moines* evoked a spirit amongst young people that continues to prevail today. The barriers they broke allowed modern students to fight for the issues they believe in. Tinker allowed thousands of students to protest and speak their mind during school hours without being punished. It shows that *Tinker v. Des Moines* still remains important in the lives of students today.

Campbell, Linda P. "Where's the Schoolhouse Gate in an Online World?" *Fort Worth Star-Telegram*, 23 Jun. 2011.

While the *Tinker* ruling still stands, it can be difficult to integrate its policies into a constantly changing world. Technology has arisen many questions for how the standard will be applied. It questions if it will be applied if a student publishes something online. It showed us that *Tinker* will always be relevant in today's world, but maybe not in the way that it was originally imagined in the 1960's.

"Citizens for Peace' To Wear Armbands." *Press and Sun-Bulletin*, Binghamton, New York. 27 May 1972.

This article was helpful because it discussed how similar protests occurred following the Tinker trial. This protest occurred 7 years following the Tinker's protest but followed the same method of protest. This source was helpful because it allowed us to see how the



Tinker's actions and the *Tinker v. Des Moines* case affected life within the United States. This source helped us understand the moral and spiritual impact of the *Tinker* ruling.

“Drastic Rules On Armbands.” *The Plain Speaker*, Hazleton, Pennsylvania, 26 May 1943.

This source was helpful because it discussed the use of armbands much earlier in US history. It was helpful for us to see how armbands have long played a major role in American society. While the usage of the armband has changed over the years, it was helpful for us to see the evolution of a simple piece of cloth into the peace symbol we know it as today.

Fitzgerald, Mike. “Anniversary for an Activist.” *Des Moines Tribune*, 1994.

25 years after the *Tinker* ruling, the Tinkers continued their activism in other pursuits. This article specifically details the pursuits of Lorena Tinker to spread ideas of peace. She taught a peace studies class at the University of Missouri which shows that the Tinkers continued to be examples in their community and around the United States. Mary Beth and John Tinker's protest was just as much a stand taken by their parents as it was by them.

Fleig, Shelby. “50 Years Later: Parkland Student Journalists Reflect on *Tinker v. Des Moines* Ruling in Iowa.” *USA Today Network*, 23 Feb. 2019.

This source was a great example of a specific use of *Tinker v. Des Moines* in our modern day climate. These student journalists are allowed to write opinion pieces and they attest that to the breaking of barriers in *Tinker*. Through the *Tinker* ruling, students in modern times are allowed to exercise their free speech rights and specifically for this source, publish what they wish to publish via their school newspaper.

Fruhling, Larry. “Outrageous Time in Chaotic Iowa” *The Des Moines Register*. 24 Nov. 1996.

This article discusses the impact of the *Tinker v. Des Moines* decision 30 years following the initial decision. This article was helpful because it also discussed how the ruling fit into the 1960s. It discussed other social justice events and important events of the 60s which tied into the trial. This ability to contextualize the trial was instrumental in our understanding of the case.

Goldstein, Dana. “The Power of the Supreme Court Inside America's Schools.” *The New York Times*, 19 Sept. 2018

This article allowed us to develop a wealth of knowledge that focused around how the Supreme Court's decisions have real effects on the American school system. This source was helpful in developing our conclusion and our understanding of the historical impact

of the *Tinker* ruling. It also allowed us to consider how other cases have shaped the school system in America.

Kaplan, Carl. "Judge Says School May Have Overreacted to Student's Site." *The New York Times*, 3 Mar. 2000.

This source was helpful because it demonstrated how *Tinker* has still remained a relevant court case even while many societal changes have occurred. The article discusses an instance where the *Tinker* ruling was applied to a very 21st century issue: the internet. It was extremely interesting to see how the ruling was applied when the scenario was vastly different than anything which preceded it.

Kilen, Mike. "The Eccentric Life of the Former Des Moines Student Who Still Inspires Student Marches." *The Des Moines Register*, 22 Mar. 2018.

This article was helpful because it allowed us to understand the life of John Tinker following the *Tinker* ruling. We developed much more information regarding Mary Beth Tinker's life, as her's is much easier to research. This source allowed us to understand how John Tinker has continued his political activism following the *Tinker* trial.

Knapp, Wesley. "Freedom of Speech in Schools." *The Daily Item*, Sunbury, Pennsylvania, 20 Jul. 2009.

This article denounces the *Tinker* protest and explains how they believe the *Tinkers* were forced by their parents to wear the armbands. They write of how *Tinker* is often cited today in cases surrounding students' rights. At the time of the article, there was a case in California in which a student was punished for wearing a shirt with a fetus on National Pro-life Day. This shows us how the *Tinker* Standard leaves many things up to interpretation even in modern day.

Lewin, Tamar. "High School Tells Student To Remove Antiwar Shirt." *The New York Times*, 26 Feb. 2003.

This article was helpful because it discussed how the issue of First Amendment rights in schools is still an issue that is faced. This article discusses how a young boy cited the *Tinker v. Des Moines* ruling while in a dispute with his high school. The article allowed us to understand the historical impact of the *Tinker* ruling and understand the moral impact that has been left on the fight for student rights.

"Lobo Blacks Blast Eaton." *The Billings Gazette*, 15 Nov. 1969.

This article discusses how African American students at the University of New Mexico wore armbands during a football game as a means of protesting the Mormon Church's policies towards people of African descent. This source was helpful in our understanding

of how other people took the black armband protest and made it into their own. From this source we were able to develop a greater understanding of the impact of the Tinker protest.

Margolick, David. "STUDENTS AND PRIVACY." *The New York Times*, 21 Jan. 1985.

This article, which was published 16 years following the *Tinker* ruling, provided information as to how the *Tinker* ruling has had an effect upon later court rulings. The article discusses how court cases have elaborated upon and provided greater detail regarding the rights of students. It was helpful in our understanding of how the rights of students has been an issue that has continued to be a major question throughout the history of the United States.

Royko, Mike. "Can the U.S. Fire a Postman for Wearing Black Armband?" *The Philadelphia Inquirer*, 20 Nov. 1969.

This article recounted a story regarding a postman who was seen wearing a black armband and the issues which ensued. From this source we gathered a base of knowledge regarding the perspectives that circled around the black armbands. This article was written months following the conclusion of the *Tinker* trial but still demonstrates the controversy that came with wearing a black armband.

Ryan, Mackenzie. "National School Walkout Planned for 17 Minutes on Wednesday." *Iowa City Press-Citizen*, 14 Mar. 2018.

This source explains how teens across Iowa were preparing to participate in a National School Walkout to protest against gun violence. It explains how some kids are worried they could be punished, but they are protected under the precedent that *Tinker v. Des Moines* set. Because of the barriers that the Tinkers broke, students today can continue to exercise their rights to the freedom of speech and expression.

Saigon Associated Press. "Black Armbands Show up on Troops in Viet who Support Moratorium." *The Kokomo Tribune*, 15 Oct. 1969

This article discusses soldiers who are fighting in the Vietnam war and are showing their support for the anti-war movement. There were many soldiers who fought wearing black armbands to show their support for the movement. This source was helpful because it allowed us to understand the impact of the *Tinker* ruling. From this source we learned about how the ruling impacted other protests.

Suellentrop, Chris. "The Right to Be 'Meaningless and Funny'." *The New York Times*, 23 Mar. 2007.

This article was helpful because it discussed and evaluated the different perspectives

regarding a case that created a limitation to the *Tinker* ruling. From this article we were able to better understand the *Morse v Frederick* ruling. From this source we gained a better understanding of the historical impact of the *Tinker* ruling and we were able to see how the ruling had an influence on later cases.

Turley, Jonathan. "Ruling Shows Contempt for Students' Rights." *Pacific Daily News*, 6 March 2014 Agana Heights, Guam.

This source was helpful because it provided a unique perspective on the interpretation of the *Tinker* ruling. The author was actually a heavy supporter of the *Tinker* ruling and felt that it wasn't represented correctly in a case where students were punished for wearing American flag clothing to their school's Cinco de Mayo celebration. They explained how they believe their speech shouldn't be punished because there was no dangerous conduct accompanied with it.

### Periodicals

Brown, Steven M., and Howard J. Bultinck. "From black armbands to Bong Hits for Jesus: the 40th anniversary of Tinker: John Tinker and Kenneth W. Starr share their divergent views about limitations on the freedom of speech in schools." *Phi Delta Kappan*, vol. 90, no. 10, June 2009, p. 737+. *Gale In Context: Biography*, [https://link.gale.com/apps/doc/A202017946/GPS?u=mlln\\_s\\_manshs&sid=GPS&xid=2de8167b](https://link.gale.com/apps/doc/A202017946/GPS?u=mlln_s_manshs&sid=GPS&xid=2de8167b).

This source was a transcribed article with John Tinker and Kenneth Starr, the lawyer for the school in the *Morse v. Frederick* Supreme Court case, also known as Bong Hits for Jesus. It highlighted the different viewpoints one could interpret from a single ruling. This interview was able to give us insight on a new perspective on the *Tinker* ruling. Seeing these two men who had differing opinions, but similar end goals allowed us to comprehend ways people could come together.

DeMitchell, Terri A. "Armbands against the war!" *Cobblestone*, vol. 29, no. 9, Nov.-Dec. 2008, p. 28+. *Gale General OneFile*, [https://link.gale.com/apps/doc/A194330507/GPS?u=mlln\\_b\\_massblc&sid=GPS&xid=fe6d1765](https://link.gale.com/apps/doc/A194330507/GPS?u=mlln_b_massblc&sid=GPS&xid=fe6d1765).

This source was able to give us a better understanding of the *Tinker* ruling and the standard it created. Much of it was an overview of the case and a step by step of what happened. We were able to see how it affected other cases because it not only gave us a new perspective, but a way to interpret the case in a multitude of ways.

Griffin, Matt. "Cyberbullying and the Tinker Standard." *Harvard Civil Rights - Civil Liberties Law Review*, 17 Oct. 2011, [harvardcrcl.org/cyberbullying-and-the-tinker-standard/](http://harvardcrcl.org/cyberbullying-and-the-tinker-standard/).

This feature spoke mainly about how cyberbullying is affecting student's First Amendment rights in school. The main discussion was whether the school should do anything about the bullying due to it being off campus. This article allowed for us to understand how this case can be used in cases today, regarding state laws.

“Intellectual Freedom Competencies DRAFT.” *Intellectual Freedom Round Table Report*, no. 47, Spring 2001. *American Library Association*, [http://www.ala.org/rt/sites/ala.org/rt/files/content/ifrtreport/IFRT\\_Report\\_47\\_2001Spring.Pdf](http://www.ala.org/rt/sites/ala.org/rt/files/content/ifrtreport/IFRT_Report_47_2001Spring.Pdf).

This periodical spoke about a number of cases which regard freedom of speech and expression. This article was helpful because it put the *Tinker* ruling in context with other rulings and described how they all work together towards the greater goal of the protection of First Amendment Rights. It was helpful for us to learn about other cases and see how the cases, as a whole, contribute towards an expansion/protection of rights.

Raskin, Jamin B. "Student speech: the enduring greatness of *Tinker*." *Human Rights*, vol. 35, no. 3, Summer 2008, p. 2+. *Gale General OneFile*, [https://link.gale.com/apps/doc/A189598688/ITOF?u=mlin\\_s\\_manshs&sid=ITOF&xid=29fc0ac5](https://link.gale.com/apps/doc/A189598688/ITOF?u=mlin_s_manshs&sid=ITOF&xid=29fc0ac5).

This article presented many examples and cases where the *Tinker* case was cited. One was *Bethel School District v. Fraser*, *Hazelwood School District v. Kuhlmeier*, and *Morse v. Fredrick*, all of which we include in our script. The argument of lifting these limitations aided us in our understanding of how the *Tinker* ruling has evolved.

Sternberg, Scott L. “Outside the Schoolhouse Gate: The Limits of *Tinker v. Des Moines Independent Community School District*.” *Communications Lawyer*, Fall 2014. This source mainly discusses the court case *Bell v. Itawamba*. The student, Taylor Bell, was suspended for making a rap video “dissing” a coach for disrespectful conduct towards female students. Even though the video was made off campus, it caused a large uproar throughout the student body and caught a lot of people’s attention. It allowed us an understanding upon the different interpretations of *Tinker* and how it may vary.

Walsh, Mark. "Living History; Forty years after they stood up for their right to wear anti-war armbands, Mary Beth and John Tinker advise students that free speech is still worth fighting for." *Education Week*, vol. 24, no. 34, 4 May 2005, p. 34. *Gale In Context: Biography*, [https://link.gale.com/apps/doc/A215122562/GPS?u=mlin\\_s\\_manshs&sid=GPS&xid=b95e3c11](https://link.gale.com/apps/doc/A215122562/GPS?u=mlin_s_manshs&sid=GPS&xid=b95e3c11)

This article explains current concerns and how people can continue to help our nation today. This article not only describes the case and helps bring the perspectives of the

Tinkers themselves, but demonstrates what they have done since then and how current students can react and break barriers themselves. We incorporated many of these ideas throughout our script, highlighting the prominent views the Tinkers held.

Wermiel, Stephen J. "Human rights hero: Mary Beth Tinker." *Human Rights*, vol. 35, no. 3, Summer 2008, p. 26. *Gale General OneFile*,  
[https://link.gale.com/apps/doc/A189598696/GPS?u=mlln\\_b\\_massblc&sid=GPS&xid=036f74ec](https://link.gale.com/apps/doc/A189598696/GPS?u=mlln_b_massblc&sid=GPS&xid=036f74ec).

This article contained information about Mary Beth Tinker and the role she took in the *Tinker v. Des Moines* case and how she still continues to fight for human rights even today. This article was able to help us get inside the mind of Mary Beth Tinker and allow us to see the case through her perspective and understanding of what went down.

Wermiel, Stephen J. "Taking stock of student rights: forty years after Tinker." *Human Rights*, vol. 35, no. 3, Summer 2008. *Gale General OneFile*,  
[https://link.gale.com/apps/doc/A189598687/GPS?u=mlln\\_b\\_massblc&sid=GPS&xid=ab4b4656](https://link.gale.com/apps/doc/A189598687/GPS?u=mlln_b_massblc&sid=GPS&xid=ab4b4656).

This article is able to illustrate the biased opinions that can be used in court and how it affects this case. There were many who opposed the Tinker ruling. In addition, new cases sprouted from the *Tinker* ruling in regards to Human Rights. The main problem was that administrations in schools were choosing which students to give these rights to. This aided us in understanding the meaning behind the *Tinker* ruling and the school board's decision to single them out.

Wessells, Mike. "The Freest of Speech: A Little Used Member Benefit." *Intellectual Freedom Round Table Report*, no. 47, Spring 2001. *American Library Association*,  
[http://www.ala.org/rt/sites/ala.org/rt/files/content/ifrtreport/IFRT\\_Report\\_47\\_2001Spring.Pdf](http://www.ala.org/rt/sites/ala.org/rt/files/content/ifrtreport/IFRT_Report_47_2001Spring.Pdf).

This article discusses the importance of implementing and using your free speech rights. This article was helpful because it showed us how the activism demonstrated by the Tinker's in the 1960's is still alive and well. It was beneficial for us to read about how people today are able to employ and utilize their free speech rights. The true message of the *Tinker* ruling is that students have a voice and that it is important to use them.

Wheeler, David R. "Do Students Still Have Free Speech in School?" *The Atlantic*, Atlantic Media Company, 8 Apr. 2014,  
[www.theatlantic.com/education/archive/2014/04/do-students-still-have-free-speech-in-school/360266/](http://www.theatlantic.com/education/archive/2014/04/do-students-still-have-free-speech-in-school/360266/).

This article touches on how the *Tinker* ruling should be applied to cases that regard the internet. In particular, this article explains how social media has had an impact on what

the *Tinker* ruling has stated. The problem with limiting free speech on the internet is that it does not always occur on school campuses, making it difficult to assess if there is a direct repercussion. This article was able to give us a modern understanding of the *Tinker* ruling and how it applies to us today.

## Podcasts

“Louisiana School District Threatens to Remove Athletes for ‘Take a Knee’ Protests.” *National Public Radio*. 30 September 2017.

This podcast contains an interview with a constitutional law professor at the University of Virginia. He advises against a high school in Louisiana punishing students for kneeling during the Pledge of Allegiance or the National Anthem because the students could possibly take legal action due to the free speech rights provided by *Tinker*. The professor takes no stance on the nature of the protest themselves, but rather the right to participate in said protests.

“The Schoolhouse Gates.” *Make No Law, the First Amendment Podcast*. 31 Jan. 2018.

This source dives into the *Tinker* case through the perspective of Mary Beth Tinker and what she had to go through. People were constantly beating the family down, but they made sure to stay hopeful and keep up with their protests. This is what led them to the Supreme Court. The topic of how free speech has narrowed was also discussed and Mary Beth Tinker goes over how she is constantly trying to inspire and motivate children to speak up for what they believe in so they too can make a difference.

“*Tinker*, *Korematsu*, and *Brown* on Landmark Cases.” *National Constitution Center*. 25 Feb. 2019.

This podcast was a discussion between John Tinker, Karen Korematsu, the daughter of Fred Korematsu, the petitioner in the Japanese internment camp case of *Korematsu v. United States*, and Cheryl Brown Henderson, the daughter of Oliver Brown, the petitioner in the case *Brown v. Board of Education*. This source allowed us to gain a deeper understanding of what it takes to create a landmark case and what the *Tinker* went through.

“*Tinker v. Des Moines*.” *The Government Guru*. 27 Feb. 2019.

Mary Beth Tinker goes over her perspective of what happened during the court case. This podcast went over other ways people were expressing their opinions and how it related to the *Tinker* ruling. This source was helpful because it allowed us to gather an overview of the case. From this document we gathered general information about the trial and found many different areas of research that we would later be able to dive into.

“Tinker v. Des Moines Podcast.” *United States Courts*,

[www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks/tinker-v-des-moines-podcast](http://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks/tinker-v-des-moines-podcast).

This podcast discussed Tinker v. Des Moines and how it can still be relevant in schools today. The source also discussed how the standard set by Tinker v. Des Moines is still important, but it has been lessened over time with future court cases limiting the original ruling. However, this also helped us understand how the spiritual and moral impact will preserve regardless of the legality of the ruling.

Totenberg, Nina. “Students Identify with 50-Year-Old Supreme Court Case.” *National Public Radio*. 3 Jan. 2018.

Students in D.C. went to a courthouse to view a re-enactment of the *Tinker v. Des Moines* case. The students were interested and excited to hear about the case because of its relevance to them. This source was helpful because it allowed us to see that the fight for student’s rights is still alive and well. We loved that the reenactments bring awareness to the trial and teach the youth of today about the importance of standing up for your rights and fighting against barriers.

## Videos

“Constitution Hall Pass: Tinker v. Des Moines.” *National Constitution Center*, 23 Feb. 2017.

This video was helpful because it discussed the Tinker case and gave a good overview of the trial. This video mentioned how there have been Supreme Court cases since the Tinker ruling which have created exceptions to the ruling. Overall, this video was helpful because it allowed us to gain a basic knowledge of the case and use inquiry to discover greater information about the case and other cases which have created limitations.

“A Supreme Court Fight for Students’ Free Speech Rights.” *ACLU*, 22 Feb. 2019, Youtube.

[https://www.youtube.com/watch?time\\_continue=5&v=go63SCNT6OQ&feature=emb\\_title](https://www.youtube.com/watch?time_continue=5&v=go63SCNT6OQ&feature=emb_title).

This video explains how the Tinkers went about their protest and the ACLU’s involvement in it. The Tinkers had an immense amount of sadness and grief towards the war, so they decided to turn it into something positive and influential. It also was helpful in highlighting the involvement of ACLU attorney, Dan Johnston, who ended up winning their case. It was very interesting to see the organization’s stance on the *Tinker* ruling many years after the conclusion of the trial.



## Websites

James, Susan Donaldson. "Now Middle-Aged, Student Protesters Echo Triumphs and Casualties of the 1960s." *ABC News*, ABC News Network, 1 Nov. 2007, [abcnews.go.com/TheLaw/story?id=3318706&page=1](http://abcnews.go.com/TheLaw/story?id=3318706&page=1).

While the Tinkers protest was over 50 years ago, they both still support students' rights and are very proud of the barriers they broke. Mary Beth speaks of how issues like Columbine made others scared of students expressing themselves but she still believes that their thoughts and feelings are important. Students will eventually be the ones leading the world so the Tinkers believe they need to be able to freely express themselves now.

Jr, David L. Hudson. "Substantial Disruption Test." *Substantial Disruption Test*, [www.mtsu.edu/first-amendment/article/1584/substantial-disruption-test](http://www.mtsu.edu/first-amendment/article/1584/substantial-disruption-test).

The substantial disruption test is part of the monumental Tinker Standard that broke barriers for students' free speech rights. As the Tinkers' protest was subtle and non-disruptive, the standard they started showed that student free speech and protest could be allowed as long as it didn't cause significant disruption. Students can freely express themselves as long as it's not distracting from the school environment or ability to learn.

Jr, David L. Hudson. "Tinker v. Des Moines Independent Community School District." *Tinker v. Des Moines Independent Community School District*, [www.mtsu.edu/first-amendment/article/694/tinker-v-des-moines-independent-community-school-district](http://www.mtsu.edu/first-amendment/article/694/tinker-v-des-moines-independent-community-school-district).

This source explains that some Justices within the court, such as Hugo Black, directly believed that the Tinker's were guilty of disrupting the learning environment and he therefore believed that the suspensions were warranted. Years after the case, the *Tinker* ruling has been refined by prohibiting speech that is vulgar or promoting illegal activities. Many of these court cases reflect the views of Justice Hugo Black.

"New Voices." Student Press Law Center, 18 Feb. 2020, [splc.org/new-voices/](http://splc.org/new-voices/).

This source explains a movement that is working to restore *Tinker's* full impact. It allowed us to relate to the Tinker story on a greater level, as this is a modern movement, as opposed to other impacts of the Tinker story which occurred prior to our existence. Overall, this source was extremely helpful in our understanding of how the Tinker Standard has affected the lives of people, and more specifically students, today.

"Obscenity Case Files: Tinker v. Des Moines Independent Community School District." *Comic*

*Book Legal Defense Fund.*

<http://cblbf.org/about-us/case-files/obscenity-case-files/obscenity-case-files-tinker-v-des-moines-independent-community-school-district/>.

This source included photographs of John Tinker, Mary Beth Tinker, and Chris Eckhardt throughout the process with them holding up their armbands to the Supreme Court with their lawyer, Dan Johnston. It also included a newspaper from a local Iowa newspaper detailing how it was already determined that wearing armbands would result in punishment according to the school board.

“Tinker v. Des Moines Independent Community School Dist.” *Legal Information Institute*, Legal Information Institute, [www.law.cornell.edu/supremecourt/text/393/503](http://www.law.cornell.edu/supremecourt/text/393/503).

This source explains the views of each Supreme Court justice during the *Tinker v. Des Moines* case and how their dissenting opinions led to the final decision of the court.

Through this source we gathered a wealth of knowledge that allowed us to understand multiple perspectives in regard to the *Tinker* ruling.

"Tinker v. Des Moines Independent Community School District." *Oyez*, [www.oyez.org/cases/1968/21](http://www.oyez.org/cases/1968/21).

The article discusses the opposing views of different Supreme Court justices. Specifically, Abe Fortas who delivered the opinion of the court with a 7-2 majority and Hugo L. Black who saw the contrasting opinion of the armbands had extremely opposing views. Overall, this source was helpful in developing our understanding of how the Tinkers, Eckhardts and the ACLU were able to break barriers and create greater protection of student free speech rights.

“Tinker v. Des Moines - Landmark Supreme Court Ruling on Behalf of Student Expression.”

*American Civil Liberties Union*, 15 Nov. 2012,

[www.aclu.org/other/tinker-v-des-moines-landmark-supreme-court-ruling-behalf-student-expression](http://www.aclu.org/other/tinker-v-des-moines-landmark-supreme-court-ruling-behalf-student-expression).

This source explains the ACLU’s (The American Civil Liberties Union’s) role in helping the Tinkers with their court case. Even decades after the *Tinker* ruling, the ACLU is still supporting the Tinkers and demonstrating how their impact can still be seen today. It details other issues that ACLU has argued thanks to the precedent that *Tinker v. Des Moines* set. The ACLU remains to be an active organization which fights daily against the oppression of rights and freedoms.

“Tinker v. Des Moines: Protecting Student Free Speech.” *National Constitution Center* – [Constitutioncenter.org](http://Constitutioncenter.org),

[constitutioncenter.org/blog/tinker-v-des-moines-protecting-student-free-speech](http://constitutioncenter.org/blog/tinker-v-des-moines-protecting-student-free-speech).

This source explains the context that made the Tinkers and Chris Eckhardt feel like they

had to protest, regardless of the consequences. It gave us context to how the sadness and atrocities of war prompted the Tinkers, Eckhardt and other students to protest the war.

“Vietnam War Timeline.” *History.com*, A&E Television Networks, 13 Sept. 2017, [www.history.com/topics/vietnam-war/vietnam-war-timeline](http://www.history.com/topics/vietnam-war/vietnam-war-timeline).

This source was helpful for establishing the historical context that spurred the black armband protest of the Tinkers and other students within the district. The Vietnam War proceeded while the *Tinker v. Des Moines* trial progressed so it was necessary to understand the correlation between the war and what was going on in the trial and the everyday lives of the Tinkers and Eckhardts.

## NHD PERFORMANCE SCRIPT COVER PAGE

**Please Note:** All text in this template must be in 12 point font.  
 Times New Roman, Arial, or Calibri fonts accepted.

PLEASE make a copy of this template before editing.

PERFORMANCE INFORMATION	
<b>Project Title</b>	<i>Tinker v. Des Moines: Breaking Barriers for Students' First Amendment Rights</i>
<b>Student Name(s)</b>	Danielle Cabrera, Avery Hansberger, Katherine Savage
<b>Division</b>	Senior Group Performance
<b>Performance Runtime</b>	9:55
<b>Thesis</b>	What began as a peaceful protest would soon erupt into a major constitutional issue regarding the First Amendment rights of students in schools. The <i>Tinker v. Des Moines</i> ruling would break barriers for the freedom of speech and expression in schools and create an irreversible moral guide that has inspired 55 years of student rights activism.

PERFORMANCE OVERALL SCENARIO	
Story Setting(s)	Timeframe
Various Locations in Des Moines, Iowa and Washington D.C..	November 1965-1969
Story Synopsis	
<p><i>Tinker v. Des Moines</i> was a monumental court case that broke barriers for the First Amendment rights of students. Students John Tinker, Mary Beth Tinker, and Chris Eckhardt protested the Vietnam War by wearing black armbands to school. After they were suspended for this action, they sued the school district until the case eventually made it to the Supreme Court where their success would guarantee a lasting impact for students in the United States.</p>	


CHARACTERS		
Character	Performer	Description/background for the character
Narrator 1	Avery Hansberger	Used to convey historical context and historical impact/aftermath. Dressed in an authentic 60's blue suit and tan overcoat.
Narrator 2	Danielle Cabrera	Used to convey historical context and historical impact/aftermath. Dressed in an authentic 60's navy blue and white dress and matching overcoat.
Narrator 3	Katherine Savage	Used to convey historical context and historical impact/aftermath. Dressed in an authentic 60's baby blue and white dress and matching overcoat.
John Tinker	Avery Hansberger	Opens the performance as a 15-year-old in 1965. John believes in speaking up for what is right. Throughout his life, John participated in many protests and stood up for what he believed in. Wears 60's pants and shirt.

Lorena Tinker	Danielle Cabrera	Mother of John and Mary Beth Tinker. Lorena raised her kids to speak up and never allow something which is morally wrong to go unchecked. Lorena fully supports her children throughout their protest and lawsuit. Wears 60's black coat.
Mary Beth Tinker	Katherine Savage	Opens the performance as a 13-year-old in 1965. Mary Beth is strong willed, like the other members of her family. She refuses to allow injustices to exist in the world. Dressed in an authentic 60's skirt and turtleneck, accompanied by a short bob wig.
Mrs. Tarman	Danielle Cabrera	Mary Beth's girl's advisor at Warren Harding Jr. High. Conveys her dislike for the Tinker's peaceful protest. From her perspective, the armbands were a distraction and should result in the suspension of the students. Dressed in an authentic 60's office dress and blazer.
Mrs. Heirs	Danielle Cabrera	Mother of a classmate of John Tinker. From her perspective, the Tinkers are anti-American and "communists." She strongly opposes the anti-war movement and holds the idea that the Tinkers were rightfully suspended for their protest. Dressed in an authentic 60's plaid skirt and turtleneck.
Anonymous Caller	Danielle Cabrera	Contains a great deal of hatred for the Tinkers, goes as far as to directly send them death threats. From her point of view, the Tinkers are communist and hate America. (never seen)
Anonymous Letter Author	Danielle Cabrera	Contains a great deal of hatred for the Tinkers, goes as far as to directly send them death threats. From her point of view, the Tinkers are communist and hate America. Dressed in a large trenchcoat and hat which hides face.
Shawn Wilson	Avery Hansberger	Attends the Quaker Youth Group along with the Tinkers. Brother of a deceased Vietnam veteran. His perspective shifts from being impartial and skeptical to fully supporting the Tinkers. Dressed in authentic 60's slacks and vest.
Allan Herrick	Avery Hansberger	The Des Moines Independent School District's lawyer. Opposes the Tinkers and argues that the school board was in the right. Dressed in a 60's suit.

## OVERALL STAGE SETTING

Describe the Stage(s) of the Performance

Color Use Scheme

Add Photo of Stage (if possible)	
	<p><b>Background Design</b></p> <p>Three boards each painted to represent a different aspect of the story. The boards represent:</p> <ul style="list-style-type: none"> <li>-left board: represents the black armbands worn by the Tinkers and Christopher Eckhardt</li> <li>-center board:remains as a wall of neutral curtains, until the curtains are pulled back to reveal the Supreme Court decision (seen in photo).</li> <li>-right board: represents the Tinker’s home which was vandalized.</li> </ul> <p>In front of the boards the following items remain stagnant on stage as shown in photo (from left to right):</p> <ul style="list-style-type: none"> <li>-Authentic 60’s chair and quilt</li> <li>-Authentic 60’s briefcase</li> <li>-Authentic 60’s green house chair</li> <li>-Authentic 60’s phone</li> <li>-Side table</li> </ul>
	<p><b>Props</b></p> <ul style="list-style-type: none"> <li>-Three black armbands (replicas of those used by the Tinkers)</li> <li>-Authentic 60’s newspapers</li> <li>-Three authentic 60’s suitcases</li> <li>-Two protest signs (replicas of those used by the Tinkers)</li> <li>-Letter</li> <li>-Radio</li> </ul>

### COSTUMES & PROPS BY SCENE

Please add or remove costume & props by scene as needed. This is only a template.

Scene # 1	
Costume(s) Visual(s) or Costume(s) Description(s)	Set Design & Props
Narrator 1- authentic 60’s blue suit and tan overcoat	<p><b>Background Design</b></p> <p>Three board backdrop explained above, with the two chairs, side table and phone.</p>
Narrator 2- authentic 60’s navy blue and white dress and matching overcoat	
Narrator 3- authentic 60’s navy blue and white dress and matching overcoat	<p><b>Props</b></p> <p>none</p>

### COSTUMES & PROPS BY SCENE

Scene # 2	
Costume(s) Visual(s) or Costume(s) Description(s)	Set Design & Props

If costumes and props remain the same, write "same as scene # in the boxes below"		
John Tinker- 60's pants and shirt Lorena Tinker- 60's black coat	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Three authentic 60's suitcases -Two protest signs (replicas of those used by the Tinkers)

### COSTUMES & PROPS BY SCENE

Scene # 3		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"		Set Design & Props
John Tinker- 60's pants and shirt Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Black armband -Authentic 60's newspaper

### COSTUMES & PROPS BY SCENE

Scene # 4		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"		Set Design & Props
Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig Mrs. Tarman- authentic 60's office dress and blazer	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Black armband

### COSTUMES & PROPS BY SCENE

Scene # 5		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"		Set Design & Props
Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig John Tinker- 60's pants and shirt Mrs. Heirs- authentic 60's plaid skirt and turtleneck Anonymous Letter Writer- large trenchcoat and hat which hides face Lorena Tinker- 60's black coat	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Letter -Black Armband

### COSTUMES & PROPS BY SCENE

Scene # 6		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"		Set Design & Props

Lorena Tinker- 60's black coat John Tinker- 60's pants and shirt Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	none

### COSTUMES & PROPS BY SCENE

Scene # 7		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"	Set Design & Props	
Shawn Wilson- authentic 60's slacks and vest	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	none

### COSTUMES & PROPS BY SCENE

Scene # 8		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"	Set Design & Props	
Lorena Tinker- 60's black coat John Tinker- 60's pants and shirt Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Radio

### COSTUMES & PROPS BY SCENE

Scene # 9		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"	Set Design & Props	
Lorena Tinker- 60's black coat Mary Beth Tinker- authentic 60's skirt and turtleneck, accompanied by a short bob wig Allan Herrick- 60's suit	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	-Black armband

### COSTUMES & PROPS BY SCENE

Scene # 10		
Costume(s) Visual(s) or Costume(s) Description(s) If costumes and props remain the same, write "same as scene # in the boxes below"	Set Design & Props	
Same as scene #1	<b>Background Design</b>	Same as scene #1
	<b>Props</b>	none



# PERFORMANCE SCRIPT BY SCENES

Please add or remove scene pages as needed. This is only a template.

## SCENE 1 - INTRODUCTION/ CONTEXT/ THESIS

Purpose of the Scene	Key Elements	
<b>Establish historical context, layout the thesis argument and convey student voice.</b>	<b>Setting</b>	Non-specific
	<b>Timeframe</b>	Non-specific
	<b>Characters</b>	Narrator 1, Narrator 2, Narrator 3
Summary of the Scene		
<p>The three narrators establish the historical context pertinent to understanding <i>Tinker v. Des Moines</i>. The scene also exists to establish the argument that <i>Tinker v. Des Moines</i> not only broke barriers for first amendment rights in schools at the time but also created a long lasting impact on student rights today. Here, our student voice is also shown through our argument that the precedent set by the court case has created a moral impact that has inspired years of student rights activism.</p>		

## DIALOGUE - SCENE 1

Character & Action	Dialogue
<i>(Begin in an inverse triangular formation, Narrator 1 as they point downstage center, Narrator 2 stands upstage right, and Narrator 3 upstage left)</i>	
<b>Narrator 2 (Danielle Cabrera)</b>	Hello, we are: Danielle Cabrera
<b>Narrator 3 (Katherine Savage)</b>	Katherine Savage
<b>Narrator 1 (Avery Hansberger)</b>	And Avery Hansberger and we present
<b>Narrator 1 (Avery Hansberger), Narrator 2 (Danielle Cabrera), and Narrator 3 (Katherine Savage)</b>	<p><i>Tinker v. Des Moines: Breaking Barriers for Students' First Amendment Rights</i></p> <p><i>(Begin to sing in three-part harmony)</i>            Woke up this morning with my mind            Stayed on freedom            Woke up this morning with my mind            Stayed on freedom</p>
<p><i>(Narrators 2 and 3 sit on authentic 60's chair and quilt and authentic 60's green house chair, on stage right and left, respectively)</i></p> <p><i>(Narrator 1 steps into center stage)</i></p>	

<b>Narrator 1 (Avery Hansberger)</b>	The 1960s were characterized by a period of great civil unrest and evolution within the United States. The contrasting opinions of the era sparked a multitude of sociopolitical conflicts around the country. By the mid-'60s a sexual revolution, feminist revolution, Civil Rights movement, and counterculture movement had begun.
<i>(Narrator 1 exits stage right)</i>	
<b>Narrator 2 (Danielle Cabrera)</b> <i>(she stands up)</i>	These movements sparked a want for change and prompted people around the nation to fight for what they believed in. But, along with these new ideas came new opposition. This direct clash of beliefs and values stirred the whirlpool of the 60s.
<i>(Narrator 1 exits stage right)</i>	
<b>Narrator 3 (Katherine Savage)</b> <i>(she stands up)</i>	On March 8, 1965, the United States deployed its first combat troops in the Vietnam War. The bloody war would soon lead to an anti-war movement that advocated for the removal of US troops from Vietnam. However, this movement was met by a <i>pro</i> -war movement that advocated for continued US involvement in Vietnam. A culture shifting result of these rival movements was the Supreme Court case, <i>Tinker v. Des Moines</i> . Students John Tinker, Mary Beth Tinker, and Christopher Eckhardt showed their support for the anti-war cause by wearing black armbands to school. <u>What began as a peaceful protest would soon erupt into a major constitutional issue regarding the First Amendment rights of students in schools. The <i>Tinker v. Des Moines</i> ruling would break barriers for the freedom of speech and expression in schools and create an irreversible moral guide that has inspired 55 years of student rights activism.</u>
<i>(Narrator 3 exits stage right)</i>	

## SCENE 2 - ANTI-VIETNAM MARCH

Purpose of the Scene	Key Elements	
<b>Establish causation. Specifically, how the Tinkers arrived at the idea of wearing black armbands.</b> <ul style="list-style-type: none"> <li>Demonstrate the Tinker's history of activism and establish their opposition to the Vietnam war and rising death count.</li> </ul>	<b>Setting</b>	The March on Washington Protest of the Vietnam War, and Bus back to Des Moines
	<b>Timeframe</b>	November 27, 1965
	<b>Characters</b>	John Tinker and Lorena Tinker
Summary of the Scene		
John Tinker and his mother, Lorena Tinker, attend the March on Washington and become inspired to take action and speak out against the war. Through this scene the Tinkers are inspired by armband protests that came before them and decide to implement change in Des Moines, Iowa. This scene provides analysis of the causation of the Tinker protest.		

## DIALOGUE - SCENE 2

Character & Action	Dialogue
<b>John Tinker (Avery Hansberger) and Lorena Tinker (Danielle Cabrera)</b>	Peace Now! Peace Now! Peace Now!

<i>(Audio of protest plays)</i> <i>(John Tinker and Lorena Tinker enter holding Vietnam War protest signs)</i>	
<b>John Tinker (Avery Hansberger)</b> <i>(addressing the audience)</i>	Today, November 27, 1965, I, John Tinker, and my Mother attended the March on Washington in protest of the Vietnam War because of the high casualties on all sides. Carl Oglesby, President of Students for a Democratic Society, stated, “Help us build. Help us shape the future in the name of plain human hope.” The environment and Mr. Oglesby’s speech were liberating and inspired me to take action in my home town of Des Moines, Iowa.
<i>(John Tinker and Lorena Tinker sit on authentic 60’s suitcases and imitate motions as if they were riding on a bus-bouncing up and down, etc.)</i>	
<b>Lorena Tinker (Danielle Cabrera)</b> <i>(addressing the audience)</i>	The kids had previously participated in demonstrations supporting racial equality so the idea of organizing a protest was not foreign at all. On our long bus ride home, ideas of how to bring awareness to the anti-war cause and those who had lost their lives in Vietnam circulated around the bus. Until finally, someone mentioned wearing black armbands.
<b>John Tinker (Avery Hansberger)</b> <i>(addressing the audience)</i>	The idea was nothing new, as the black armband had been used as a symbol of solidarity and mourning before. Most notably, to grieve the loss of 4 young African-American girls killed by the KKK in the 16th Street Baptist Church Bombing in Birmingham, Alabama.
<i>(Lorena Tinker grabs her suitcase and exits)</i>	

### SCENE 3 - SCHOOL BOARD WARNING

Purpose of the Scene	Key Elements	
<b>Discusses the lead up to the protest and initial opposition from the school board.</b> <ul style="list-style-type: none"> <li>Characterizes the courage and persistence of the Tinkers. While also explaining the first sign of opposition to the protest.</li> </ul>	<b>Setting</b>	Tinker Household
	<b>Timeframe</b>	December 16, 1965
	<b>Characters</b>	John Tinker, Mary Beth Tinker
Summary of the Scene		
John Tinker and Mary Beth Tinker explain the significance of the armbands and the public release of the opposition from their school district.		

### DIALOGUE - SCENE 3

Character & Action	Dialogue
<i>(John Tinker crosses stage left into the Tinker household)</i>	

<b>John Tinker (Avery Hansberger)</b>	We knew from past experiences that the bands were peaceful, yet effective. The idea seemed perfect, so me, my sister: Mary Beth, Chris Eckhardt, and some other students agreed to protest on December 16, 1965.
<i>(Mary Beth Tinker enters carrying newspaper)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	<i>(addressing the audience)</i> But, the day prior on December 15, the <i>Des Moines Register</i> , published an article stating that the wearing of armbands to school would result in suspension. <i>(addressing JOHN TINKER on couch)</i> Apparently, the Des Moines Independent School District heard about our plan and arrived at this decision.
<b>John Tinker (Avery Hansberger)</b>	Are you sure you still want to go through with it Mary Beth?
<b>Mary Beth Tinker (Katherine Savage)</b>	Yes
<i>(John Tinker exits)</i>	

### SCENE 4 - SUSPENSION

Purpose of the Scene	Key Elements	
<b>Demonstrates the opposition from the school and introduces a new perspective (one that is against the Tinkers).</b> <ul style="list-style-type: none"> <li>Displays how the school district felt towards the wearing of armbands.</li> </ul>	<b>Setting</b>	School office
	<b>Timeframe</b>	December 16, 1965
	<b>Characters</b>	Mary Beth Tinker, Mrs. Tarman
Summary of the Scene		
Mary Beth Tinker wears her armband to school knowing that she will be suspended. The girls' advisor, Mrs. Tarman, explains how upset she is that Mary Beth had broken the rules and informs her that she must remove the armband. Despite her compliance, Mary Beth was still suspended.		

### DIALOGUE - SCENE 4

Character & Action	Dialogue
<i>(Mary Beth Tinker crosses to stage right into the school office setting)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	I had no issue at school until after lunch, when I was sent to the office.
<i>(Mrs. Tarman enters stage right and sees Mary Beth Tinker, sitting in the office chair-authentic 60's chair and quilt)</i>	
<b>Mrs. Tarman (Danielle Cabrera)</b>	Mary Beth?

<i>(she stands over her, asserting her power and significance)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b> <i>(she says timidly)</i>	Yes?
<b>Mrs. Tarman (Danielle Cabrera)</b>	Now I'm sure you're aware that the school has prohibited the wearing of armbands <i>(points to band on MARY BETH's arm)</i> . Quite frankly, I am distraught that you have decided to deliberately disobey the school board and take a stance that is so very anti-American. The school board is trying to protect our schools from becoming the next battleground for a pro versus anti-war conflict. What you are doing is disruptive to others' education as well as your own. Now, I'm going to have to ask you to remove the band.
<b>Mary Beth Tinker (Katherine Savage)</b>	<i>(line said with conviction and directed at audience)</i> So with all of the courage I had, I said, <i>(transition back to talking to MRS. TARMAN in a meek voice)</i> "Okay," <i>(back to addressing the audience again)</i> but unfortunately, I was still suspended, as were Christopher Eckhardt, and 2 other students within the district.
<i>(Mrs. Tarman exits)</i>	

## SCENE 5 - BACKLASH OF PROTEST

Purpose of the Scene	Key Elements	
<b>Directly pins contrasting points of views to demonstrate the controversy surrounding the issue. Discusses causation of the Tinker's constant mission to spread peace and love through all the hate.</b> <ul style="list-style-type: none"> <li>The Tinkers and many others in the community have different interpretations of "patriotism," demonstrating how both sides believed they were doing what was right.</li> </ul>	<b>Setting</b>	The Tinker House and Heirs House
	<b>Timeframe</b>	December 16, 1965
	<b>Characters</b>	Mary Beth Tinker, John Tinker, Mrs. Heirs, Anonymous Caller, Anonymous Letter Writer and Lorena Tinker.
Summary of the Scene		
<p>This scene opens by discussing the school board's continued opposition and refusal to negotiate with the Tinkers. The scene then transitions to Mrs. Heirs, the mother of a student who attends John and Christopher's school. Mrs. Heirs discusses her reasons for supporting the school board's decision to ban the armbands and conveys her frustration towards the Tinkers' refusal to comply. The scene then transitions back to the Tinker household where Mary Beth and John discuss how the hate which they have received affects them. The scene elaborates upon the reason for the protest and demonstrates how the Tinkers stood strong while they faced adversity.</p>		

## DIALOGUE - SCENE 5

Character & Action	Dialogue
<i>(Mary Beth Tinker begins to cross stage left into the Tinker</i>	

<i>household where <b>John Tinker</b> sits on couch)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	When I arrived home, I saw that my brother John had not worn his armband to school, but instead waited as he tried to negotiate with the president of the school board, Ora E. Niffenegger.
<b>John Tinker (Avery Hansberger)</b>	<i>(on the phone)</i> Yes, I understand Mr. Niffenegger, <i>(pause)</i> okay, <i>(pause)</i> goodnight. <i>(hangs up phone and turns to talk with MARY BETH TINKER)</i> He concluded that it's not a large enough issue to call an immediate meeting of the school board and that they will discuss the issue <b>following</b> winter break.
<b>Mary Beth Tinker (Katherine Savage)</b>	We can't support the extension of the Christmas Truce following Christmas.
<b>John Tinker (Avery Hansberger)</b>	Exactly. <i>(MARY BETH TINKER exits and JOHN TINKER addresses the audience)</i> So the following day I wore my armband to my school and was immediately suspended, making it a total of 5 students suspended for exercising our right to
<i>(Mrs. Heirs enters stage left, obviously annoyed)</i>	
<b>John Tinker (Avery Hansberger) and Mrs. Heirs (Danielle Cabrera)</b>	<i>(in unison)</i> The freedom of speech and expression <i>(JOHN states with conviction while MRS. HEIRS states with hatred and disdain)</i>
<i>(John Tinker exits stage right)</i>	
<b>Mrs. Heirs (Danielle Cabrera)</b>	Yeah right <i>(she scoffs judgmentally)</i> . My daughter goes to school with some of those <b>communists</b> and from what I understand their so-called "peaceful protest" <i>(she says accompanied by air quotes)</i> was actually a large distraction. I don't care what kind of barriers these children think they're breaking. What if my daughter sees this and thinks it's okay to <b>defy</b> rules and regulations? Our brave young men are sacrificing themselves to protect our way of life. I'm tired of all these so-called "activists" running around flaunting their anti-American ideals. Our schools are the foundations of our society. These people just need to learn to leave well enough alone, damn
<i>(Mary Beth Tinker enters stage left and sits on couch in Tinker household)</i>	
<b>Mrs. Heirs (Danielle Cabrera) and Mary Beth Tinker (Katherine Savage)</b>	<i>(in unison)</i> Communists <i>(MRS. HEIRS says it in an accusatory and volatile tone while MARY BETH TINKER states it in a questioning and confused tone)</i>
<i>(Mrs. Heirs exits stage right)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	Why do they keep saying things like that? <i>(JOHN TINKER enters)</i> Every day, we get hate mail and threats. They say we aren't being patriotic but we protested <b>because</b> we love this country. To me this <i>is</i> patriotic.
<i>(John Tinker enters)</i>	

<b>John Tinker (Avery Hansberger)</b>	I know, we may disagree with their opinion, but we will defend their right to say it. People always ask, “why are we doing this?” They don’t understand that it was Mom and Dad who always taught us peace, love, and tolerance.
<b>Mary Beth Tinker (Katherine Savage)</b>	I just don't understand! The school allowed other students to wear the same armbands. They’re just upset about why we are protesting not how!
<i>(phone rings)</i> <b>Mary Beth Tinker</b> looks at <b>John Tinker</b> , then answers the phone)	
<b>Mary Beth Tinker (Katherine Savage)</b>	Hello?
<b>Anonymous Caller (Danielle Cabrera)</b> <i>(From off stage)</i> <i>(in an aggressive and forceful tone)</i>	I’ll kill you!
<i>(Upset and fearful of what she heard, Mary Beth Tinker quickly hangs up the phone)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	See! There they go again! Listen to this letter that we got earlier! <i>(she begins to read the letter in her hand)</i>
<i>(Anonymous Letter Author enters and speaks, addressing the audience, while Mary Beth Tinker mouths the words as if she was reading the letter to John Tinker)</i>	
<b>Anonymous Letter Author (Danielle Cabrera)</b> <i>(stands still and speaks in a creepy, ominous tone)</i>	See the old man at the corner where you buy your papers? He may have a silencer equipped pistol under his coat. What about your milkman? Arsenic works slow but sure. Traitors beware.
<b>Mary Beth Tinker (Katherine Savage) and Anonymous Letter Writer (Danielle Cabrera)</b> <i>(in unison)</i>	Even now the crosshairs are on the back of your necks.
<i>(Anonymous Letter Author exits)</i> <i>(Mary Beth Tinker breaks down in tears of fear and anguish as she finishes reading the letter)</i>	
<b>John Tinker (Avery Hansberger)</b>	<i>(in a comforting tone)</i> Every day I get called names and I see how they throw red paint on our house <i>(indicates to tagged brick wall)</i> , but I just drown it out. Try to be like mom, Every time someone calls us communist she says:

<i>(Lorena Tinker enters from stage right)</i>	
<b>Lorena Tinker (Danielle Cabrera)</b>	We aren't communist, we're methodist! Your father is stuck at work but let us pray.
<i>(They all join hands)</i>	
<b>Lorena Tinker (Danielle Cabrera), Mary Beth Tinker (Katherine Savage), and John Tinker (Avery Hansberger)</b>	Lord, make me an instrument of thy peace, Where there is hatred, let me sow love; Where there is despair, hope; Where there is sadness, joy; Amen

## SCENE 6 - TINKER'S STRIKE BACK

Purpose of the Scene	Key Elements	
<b>Explores the significance of the school board's decision.</b> <ul style="list-style-type: none"> <li>• Their conclusion sparked the idea to bring this disagreement to court.</li> </ul>	<b>Setting</b>	Tinker household
	<b>Timeframe</b>	January, 1966
	<b>Characters</b>	Lorena Tinker, John Tinker, Mary Beth Tinker
<b>Summary of the Scene</b>		
The Tinkers realized that the school district would never change their minds on the armbands so they explored other methods to rightfully protest the Vietnam War. They also were educated about their First Amendment rights and decided to sue the school district with the ACLU's assistance.		

Character & Action	Dialogue
<b>Lorena Tinker (Danielle Cabrera)</b> <i>(Addressing audience)</i>	Today, January 4, 1966, the school board, in a 5-2 decision, voted to uphold the armband ban.
<i>(Lorena Tinker exits stage right)</i>	
<b>John Tinker (Avery Hansberger)</b> <i>(Addressing audience)</i>	And so I and the 4 other students who were suspended returned to school, but decided to wear all black clothing for the remainder of the school year in retaliation. <i>(begin to speak in a joking tone)</i> I mean they can't ask us to remove our clothes right?
<i>(John Tinker exits stage left)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b> <i>(Addressing audience)</i>	We were later approached by the ACLU, or the American Civil Liberties Union, who explained that the school board had violated our First Amendment rights. So, our parents and the Eckhardts decided to take further action and sue the school district, as a means of breaking barriers for our freedom of speech and expression. We were extremely excited and hopeful because the ACLU had been successful in prominent cases such as <i>Brown v. Board Education!</i>
<i>(Mary Beth Tinker exits)</i>	



## SCENE 7 - ANOTHER POINT OF VIEW

Purpose of the Scene	Key Elements	
<b>Conveys the effect the Tinkers were having locally.</b> <ul style="list-style-type: none"> <li>This shows how the Tinkers were able to impact and change the minds of those who did not previously support them.</li> </ul>	<b>Setting</b>	Wilson household
	<b>Timeframe</b>	February, 1966
	<b>Characters</b>	Shawn Wilson
Summary of the Scene		
Shawn Wilson explains his feelings towards the Tinkers, expressing how he did not initially understand their protest. But as he continues, he elaborates on his personal relation to the war and begins to recognize the purpose of the Tinker’s protest. This scene evaluates the ability of humans to change and grow.		

Character & Action	Dialogue
<i>(Shawn Wilson enters, distraught and crying)</i>	
<b>Shawn Wilson (Avery Hansberger)</b>  <i>(through tears he addresses the audience)</i>	Today I found out my brother died in Vietnam. <i>(pause)</i> He was only 19 years old. <i>(pause)</i> At first, I didn't see the reason for the Tinker protest and the lawsuit against the school board because it seemed like an unnecessary disruption. Why rock the boat ya know? But now that I've experienced the sadness that the Tinkers always talk about, I understand. It's dawned upon me that I may not even be able to express my anger and despair regarding the deaths in Vietnam. <i>(pause)</i> The Tinkers just want us to be able to speak our minds free of school censorship. A lot of people think that the Tinkers are unreasonable and stubborn people, <i>(wipes back tears and speaks with newfound courage and conviction)</i> but I hope that the Tinkers win the lawsuit. It isn't fair that adults can control what we can say or express just because they hold different beliefs. <i>(he takes a deep breath)</i> I have faith that they can correct this injustice and break barriers, so that us kids can express our opinions even if they contradict our superiors'.
<i>(Shawn Wilson exits)</i>	

## SCENE 8 - “TRIALS” AND TRIBULATIONS

Purpose of the Scene	Key Elements	
<b>To show the Tinkers’ perseverance.</b> <ul style="list-style-type: none"> <li>They were determined to keep pursuing their case while also following the Vietnam War and continuing to feel opposition towards it.</li> </ul>	<b>Setting</b>	Southern District Court of Iowa and US Court of Appeals Eighth Circuit
	<b>Timeframe</b>	July 25, 1966-1967
	<b>Characters</b>	Lorena Tinker, Mary Beth Tinker, and John Tinker
Summary of the Scene		
The Tinkers’ lost their case at the District Court and at the U.S Court of Appeals, Eighth Circuit. Their relentless passion for students’ rights would inspire them to appeal to the Supreme Court. Unfortunately, this passion was mainly rooted in the anti-war effort, in which the Tinkers could only do so much as the number of casualties increased daily.		

Character & Action	Dialogue
<i>(Lorena Tinker and Mary Beth Tinker enter stage right)</i>	
<b>Lorena Tinker (Danielle Cabrera)</b> <i>(addressing audience)</i>	Today, July 25 1966, our case was heard at the Southern District Court of Iowa.
<b>Mary Beth Tinker (Katherine Savage)</b> <i>(addressing audience)</i>	Unfortunately, the case did not go in our favor and the court upheld the prohibition of the armbands. However, his failure made us even more determined to break barriers by standing up for the First Amendment rights of students.
<i>(John Tinker enters stage right)</i>	
<b>John Tinker (Avery Hansberger)</b> <i>(addressing Lorena Tinker and Mary Beth Tinker)</i>	So with our determination to fight for what is right, we, along with the ACLU, appealed this decision.
<b>Lorena Tinker (Danielle Cabrera)</b> <i>(addressing the audience)</i>	And following a year-long wait, our case was heard at the US Court of Appeals, Eighth Circuit on November 3, 1967. But, here the court just reaffirmed the decision of the lower court. <i>(said with a disappointed tone)</i> So we were right back to where we started.
<i>(Lorena Tinker and John Tinker exit stage left and right)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	But, we decided to appeal our case to the Supreme Court. If I've learned anything, it's that we must persevere and fight despite opposition. Unfortunately, the appeal process is long and grueling so we went on with our lives.
<i>(Mary Beth Tinker crosses stage left and sits on authentic 60's greenhouse chair in Tinker home, while John Tinker enters stage right carrying two suitcases)</i>	
<b>John Tinker (Avery Hansberger)</b>	Chris Eckhardt and I went off to college and continued to support the anti-war cause, but Mary Beth, being 2 years younger, remained at home in high school.
<i>(John Tinker exits stage right)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b>	I still kept up with the war and continued to speak my mind.
<i>(Lorena Tinker enters and turns on the radio)</i> <i>(Audio of Vietnam War news reports and the number of innocent Vietnamese casualties)</i>	

<p><i>plays along with sounds of gunshots, screams, etc.</i></p> <p><b>Mary Beth Tinker and Lorena Tinker</b> exchange glances of agony)</p>	
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## SCENE 9 - FINAL DECISION

Purpose of the Scene	Key Elements	
<p><b>To explain multiple perspectives and argue the historical impact.</b></p>	<b>Setting</b>	US Supreme Court
	<b>Timeframe</b>	February 24, 1969
	<b>Characters</b>	Lorena Tinker, Mary Beth Tinker, and Allan Herrick
Summary of the Scene		
<p>In this scene Mary Beth reflects upon her grief as a result of the war. However, the scene transitions to the release of the final Supreme Court decision. This scene demonstrates the culmination of the <i>Tinker v. Des Moines</i> trial. Through this scene the characters begin to analyse the importance of the trial and the truly barrier breaking decision.</p>		

Character & Action	Dialogue
<p><b>Mary Beth Tinker (Katherine Savage)</b> <i>(begins speaking when radio reports end)</i></p>	<p>I was extremely sad about the stage of the war, but I kept my head up. And approximately 3 years after our original protest, our case was heard at the US Supreme Court. In the oral arguments, Allan Herrick, the school board’s lawyer, argued:</p>
<p><i>(Allan Herrick enters stage right)</i></p>	
<p><b>Allan Herrick (Avery Hansberger)</b> <i>(addressing the audience)</i></p>	<p>For the sake of maintaining an orderly and successful learning environment, it should be well within the rights of schools to limit speech if it <b>could</b> lead to violence, disorder, and disruption.</p>
<p><i>(Allan Herrick exits stage right)</i></p>	
<p><b>Lorena Tinker (Danielle Cabrera)</b></p>	<p>However, our lawyer, Dan L. Johnston, argued that the school district’s primary motive was not ensuring a stable learning environment but rather ensuring that ideas contrary to their own were silenced. Johnston highlighted that the school board was guilty of “viewpoint discrimination” <i>(she takes out her armband and faces it to the audience)</i> as they had allowed students to wear the very same armbands to mourn the metaphorical death of “school spirit” <i>(said accompanied by air quotes)</i> but not the literal deaths in Vietnam <i>(said with an upset tone)</i>. This discrepancy in the policies of the school board demonstrated that they were not upset about how we were protesting, but rather what we were protesting. This inequality truly demonstrated the school board’s biased decisions and prompted the court to rule in our favor! This decision was reached in a 7-2 vote on February 24, 1969.</p>

<i>(Lorena Tinker exits stage left)</i>	
<b>Mary Beth Tinker (Katherine Savage)</b> <i>(addressing the audience)</i>	The final decision was written by Abe Fortas and stated, <i>(she notions to set, where these words are revealed as a curtain is opened)</i> “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” This bold statement asserted the deep importance of student rights and <b>officially</b> broke barriers and guaranteed protection of First Amendment rights in schools.
<i>(Mary Beth Tinker exits)</i>	

## SCENE 10 - CONCLUSION

Purpose of the Scene	Key Elements	
<b>Establish historical significance and elaborate upon thesis argument as well as student voice.</b>	<b>Setting</b>	Non-specific
	<b>Timeframe</b>	Non-specific
	<b>Characters</b>	Narrator 1, Narrator 2, Narrator 3
Summary of the Scene		
This scene serves as a reflection of both the long and short run historical impact of the <i>Tinker v. Des Moines</i> ruling. In this scene the narrators are used to portray our student voice and demonstrate greater analysis of the ruling.		

Character & Action	Dialogue
<i>(Narrator 1 enters stage right)</i>	
<b>Narrator 1 (Avery Hansberger)</b>	From the ruling was born the “Tinker Standard,” which outlines that students have the right to freedom of speech and expression so long as it does not create a substantial disruption to the learning environment or infringe on the rights of other students.
<i>(Narrator 2 enters stage right)</i>	
<b>Narrator 2 (Danielle Cabrera)</b>	The successful ruling of <i>Tinker v. Des Moines</i> helped the Tinkers prove that they had a right to protest, but more importantly it broke barriers by guaranteeing students’ free speech rights around the United States. The Tinkers’ fearlessness directly inspired black armband protests around the nation and even prompted soldiers fighting in Vietnam to participate.
<i>(Narrator 3 enters stage left)</i>	
<b>Narrator 3 (Katherine Savage)</b>	The impact of <i>Tinker v. Des Moines</i> can be seen through the 1973 court case <i>Papish v. Board of Curators</i> which stated that the Tinker Standard not only applied to lower-level education but also applied to public universities. Moreover, the impact is evident as the <i>Tinker</i> ruling has been cited as precedent in over 6,500 trials since the initial ruling.
<b>Narrator 1 (Avery Hansberger)</b>	Unfortunately, since the <i>Tinker</i> and <i>Papish</i> rulings, several supreme court cases have created limitations to the Tinker standard. Cases such as <i>Bethel School District v. Fraser</i> , <i>Morse v. Frederick</i> , and <i>Hazelwood v. Kuhlmeier</i> stated that the freedom of speech created in Tinker did not apply in cases

	regarding 1. Vulgar language 2. Promotion of illegal activities in a school setting or 3. School-sponsored publications, such as a school newspaper.
<b>Narrator 2 (Danielle Cabrera)</b>	Luckily, a group known as the New Voices Movement aims to counteract the series of Supreme Court cases which have created limitations on the <i>Tinker</i> ruling. The movement has successfully prompted 14 states to pass legislation which restores the Tinker protection of First Amendment rights.
<b>Narrator 3 (Katherine Savage)</b>	Furthermore, The Tinker Cases’ impact continues to prevail in student free speech ideals today. In the 55 years since the Tinker’s protest, students around the US have been inspired to take a stand. The <b>moral impact</b> of the <i>Tinker</i> case can be seen in events ranging from a series of black armband protests in the fall of 1969 that fought against racism and the Vietnam War to the National School Walkout in solidarity of the Parkland High School shooting in 2018.
<b>Narrator 1 (Avery Hansberger)</b>	While it can be argued the legal impact of <i>Tinker v. Des Moines</i> may be diminished, it is <b>indisputable</b> that the strength and bravery demonstrated by the Tinkers have left an irreversible moral and spiritual impact on the fight for student rights. Just as the Tinkers were inspired by the widespread protests of the 60s, new generations are inspired by the Tinkers to fight for what they believe in. As Mary Beth Tinker encouraged in 2020, “We must have controversy, if controversy is just censored we have no education and we certainly have no democracy.”
<b>Narrator 1 (Avery Hansberger), Narrator 2 (Danielle Cabrera) and Narrator 3 (Katherine Savage)</b> <i>(Sing in three-part harmony)</i>	Ain’t no harm to keep your mind Stayed on freedom Hallelu, (Hallelu), Hallelu, (Hallelu), Hallelujah  <i>(spoken)</i> Thank you!