

# RETROREPORT

## How Tinker v. Des Moines Established Students' Free Speech Rights

March 13, 2025  
(7 min.)

A silent protest led to a landmark Supreme Court ruling that defined students' free speech rights.

In 1965, a simple black armband became a powerful symbol of student free speech. "We decided to wear them to school, to mourn for the dead in Vietnam and to say that there should be a truce," said Mary Beth Tinker, one of a group of students who participated in the protest. But when the students were suspended by the Des Moines school board for their silent protest, their fight for expression went all the way to the Supreme Court.

The court's 1969 landmark decision in *Tinker v. Des Moines* affirmed that "students do not leave their freedoms of speech and expression at the school door." The ruling established a precedent for student rights that continues to shape legal battles today.

From controversies over social media messages to protests in schools, the boundaries of free expression are evolving. As law professor Emily Gold Waldman explained, "Tinker doesn't have some of the complexities that you see in some cases today. It lays out broad principles, but it's up to schools and courts to define them."

Using archival footage and insights from First Amendment experts and protest participants, this documentary explores the impact of *Tinker v. Des Moines* and the ongoing challenges to student speech in a digital age.

"The lesson of the Tinker case is: Speak up. Stand up," Mary Beth Tinker told us. "Whatever it is that you care about, learn your rights and practice them."

### Introduction

In the midst of the Vietnam War, Mary Beth Tinker, her siblings and other students in Des Moines, Iowa, engaged in nonviolent protest by wearing black armbands to school. After receiving a suspension, the students challenged the school district's decision, asserting that the students had a constitutionally protected right to free speech. The Supreme Court's 1969 decision in *Tinker v. Des Moines* established a precedent for student rights that continues to shape legal battles today. This video explores the impact of *Tinker v. Des Moines* and the ongoing challenges to student speech in a digital age.

## Lesson Plan 1: Examining Student Speech Rights

Lesson Plan: [Examining Student Speech Rights](#)

Activity: [Examining Student Speech Rights](#)

Collection: [AP U.S. Government and Politics Collection](#)

Collection: [U.S. Supreme Court Collection](#)

### Objectives

Students will:

- Analyze Supreme Court rulings related to student expression.
- Determine how select Supreme Court decisions shape the boundaries of student expression in schools.

### Essential questions

- How does the free speech clause of the First Amendment apply to students in schools?
- How have key Supreme Court rulings influenced the evolution of student free speech rights in the United States?
- What limitations exist on student expression within a school setting? Why?

### Additional resources

- [Transcript for "How Tinker v. Des Moines Established Students' Free Speech Rights" \(Retro Report\)](#)
- [Interactive Primer: Is Your Speech Protected by the First Amendment? \(Freedom Forum\)](#)
- [Tinker v. Des Moines Independent Community School District \(Oyez, 1969\)](#)
- [Bethel School District No. 403 v. Fraser \(Oyez, 1986\)](#)
- [Hazelwood School District v. Kuhlmeier \(1988\) \(National Constitution Center\)](#)
- [Morse v. Frederick \(Oyez, 2007\)](#)

### Standards

[College, Career, and Civic Life \(C3\) Framework for Social Studies](#)

- D1.4.9-12. Explain how supporting questions contribute to an inquiry and how, through engaging source work, new compelling and supporting questions emerge.
- D2.His.1.9-12. Evaluate how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.

- D2.His.5.9-12. Analyze how historical contexts shaped and continue to shape people's perspectives.
- D2.His.2.9-12. Analyze change and continuity in historical eras.
- D2.Civ.5.9-12. Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.
- D2.Civ.10.9-12. Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.
- D2.Civ.12.9-12. Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.
- D2.Civ.14.9-12. Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.

#### Common Core Literacy Standards

- CCSS.ELA-LITERACY.RH.9-10.1 Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.
- CCSS.ELA-LITERACY.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- CCSS.ELA-LITERACY.RH.9-10.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.
- CCSS.ELA-LITERACY.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- CCSS.ELA-LITERACY.RH.9-10.4 Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.
- CCSS.ELA-LITERACY.SL.9-10.1 Initiate and participate effectively in a range of collaborative discussions with diverse partners on grades 9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

## Lesson Plan 2: Reading Supreme Court Decisions: Tinker v. Des Moines

Lesson Plan: [Reading Supreme Court Decisions: Tinker v. Des Moines](#)

Student Activity: [Reading Supreme Court Decisions: Tinker v. Des Moines](#)

Collection: [U.S. Supreme Court Collection](#)

Collection: [AP U.S. Government and Politics Collection](#)

## Objectives

Students will:

- Apply the landmark decision in Tinker v. Des Moines to other student free speech cases.
- Analyze the majority, concurring and dissenting opinions in analogous student free speech cases.
- Demonstrate understanding of fundamental Supreme Court case terminology.

## Essential questions

- How does the free speech clause of the First Amendment apply to students in schools?
- What limitations/boundaries exist for speech when applied to students?
- How does the United States Supreme Court apply precedent to various forms of student speech?

## Additional resources

- [Transcript for “How Tinker v. Des Moines Established Students’ Free Speech Rights” \(Retro Report\)](#)
- [Glossary of Supreme Court Terms \(Thirteen/ WNET New York\)](#)
- [Excerpts from Tinker v. Des Moines Independent Community School District. 393 U.S. 503 \(1969\) \(Justia\)](#)
- [Excerpts from Mahanoy Area School District v. B.L., 594 U.S. 2021 \(Justia\)](#)

## Standards

### [College, Career, and Civic Life \(C3\) Framework for Social Studies](#)

- D1.4.9-12. Explain how supporting questions contribute to an inquiry and how, through engaging source work, new compelling and supporting questions emerge.
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- D2.His.5.9-12. Analyze how historical contexts shaped and continue to shape people’s perspectives.
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- CCSS.ELA-LITERACY.RH.11-12.4 Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No.10).