Communication Matters: The NCA Podcast | **TRANSCRIPT**
Episode 2: Conversation with Free Speech Activist Mary Beth Tinker

Please note: This is a rough transcription of this audio podcast. This transcript is not edited for spelling, grammar, or punctuation.

Participants:
Trevor Parry-Giles
Mary Beth Tinker
Dan L. Johnson
Steve Smith

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RECORDING BEGINS

Trevor Parry-Giles:
Welcome to *Communication Matters, the NCA Podcast*. I'm Trevor Parry-Giles, the Executive Director of the National Communication Association. The National Communication Association is the preeminent scholarly association devoted to the study and teaching of communication. Founded in 1914, NCA is a thriving group of thousands from across the nation and around the world who are committed to a collective mission to advance communication as an academic discipline. In keeping with NCA's mission to advance the discipline of communication, NCA has developed this podcast series to expand the reach of our member scholars' work and perspectives.

Introduction:
This is *Communication Matters, the NCA Podcast*.

Trevor Parry-Giles:
In this episode of *Communication Matters*, I'll be speaking with free speech activist Mary Beth Tinker. Tinker was a petitioner in Tinker v. Des Moines Independent School District, a landmark case that affirmed the free speech rights of children in school. Mary Beth Tinker was the featured speaker on a Freedom of Expression Division panel entitled 50 Years of Student Speech: Student Activism from Tinker to Parkland at the 105th NCA annual convention this past November in Baltimore, Maryland. The Civil Rights movement strongly influenced Tinker's views on student activism. On September 16th, 1963, the Ku Klux Klan detonated a bomb at the 16th Street Baptist Church in Birmingham, Alabama. Four young African-American girls were killed and 22 other people were injured in what became known as the 16th Street Baptist Church Bombing.

Recording of Mary Beth Tinker:
On September 15th, a bomb went off and the charred bodies of four little girls who were about the same ages as me and my sisters were found in the rubble. Cynthia, Addie Mae, Carole and Denise. They were 11 to 14 years old.

Trevor Parry-Giles:
In the aftermath of the bombing, outrage spread from Birmingham to across the United States. President John F. Kennedy remarked, "If these cruel and tragic events can only awaken that city and state, if they can only awaken this entire nation to a realization of the folly of racial injustice and hatred and violence, then it is not too late for all concerned to unite in steps toward peaceful progress before more lives are lost." And on September 18th, 1963, Dr. Martin Luther King, Jr. spoke at the funeral for three of those young girls killed in Birmingham. According to Tinker, this national response was influential in shaping her later actions as a student demonstrator.

Recording of Mary Beth Tinker:
Put out a call over the country. People, let's have memorial services for these little girls and let's wear black armbands to the services. Something very simple like this. And that's exactly what happened all over the country. People wore black armbands to mourn for the little girls.

Trevor Parry-Giles:
Other moments in the Civil Rights Movement also set the stage for Tinker v. Des Moines. In 1965, 300 African-American students were suspended for wearing and distributing Student Nonviolent Coordinating Committee freedom buttons. According to Tinker, the standard in Tinker v. Des Moines built off of the earlier victory in Blackwell v. Issaquena Board of Education, the case filed on behalf of those African-American students who had protested in 1965.

Recording of Mary Beth Tinker:
And that Fall, some students, black students in Mississippi wore these buttons to school that said one man, one vote, SNCC, Student Nonviolent Coordinating Committee and they were suspended for doing that. And a lawsuit started working its way through the courts which I knew nothing about. But that case now sets the standard for free speech in schools because the ruling, when they finally won at the Appeals Court, they won because the court said they had not substantially disrupted school and that standard was cited when we later won in 1969. So, it's all based on the Civil Rights Movement really and these black kids who had so much courage. But I decided I'll try to be brave like those other kids, those kids in Birmingham and everything. So, I went off to school. But when I got to school, I had my armband on and I was sent—my math teacher Mr. Moberly said, no, Mary Beth, that's against—well, actually he had a pink slip in his hand and I took it and I went to the office. I was really scared and nervous and I sat down across her the vice principal Mr. Willetsen. He said, "Now, Mary Beth, take off that armband. That's against the rules."

Trevor Parry-Giles:
Amidst the Vietnam War in 1965, Tinker and other students planned to wear black armbands to school to mourn the dead on both sides of the war. At the same time, the Des Moines Public Schools determined that any student wearing a black armband would be asked to remove it. Students who did not remove their armbands would be suspended and sent home. Many of the students who wore armbands were suspended including Mary Beth Tinker, John Tinker and Chris Eckhart. When arguing the case at the Supreme Court, Dan L. Johnson, the lawyer who represented Tinker and the other students, described the school district's policy and why the students were suspended.

Recording of Dan L. Johnson:
Conduct of the students essentially was this: at Christmastime in 1965, they decided that they would wear small black armbands to express certain views which they had in regard to the war in Vietnam. Specifically, the views were that they mourned the dead of both sides, both civilian and military in that war and they supported the proposal that had been made by United States Senator Robert Kennedy that the truce which had been proposed for that war over the Christmas period be made an open-ended or an indefinite truce. This was the purpose that the students gave for wearing the armbands during this period. During a period of time, of course, there were school days and they wore the armbands to school. Prior to the time when any of these petitioners wore the armbands to school, it came to the attention of the school authorities that perhaps there would be some students who would express views related to the war in Vietnam in this manner during school time. The principals of the secondary schools, the high schools and perhaps the junior high schools in the city of Des Moines, the public school system, met prior to the time when any of the armbands had been worn and enacted a policy which was not written but which was agreed upon among themselves that no student could wear an armband in the Des Moines public school system for this purpose, that if the student came to school wearing the armband, he would be asked to remove it. Failing that, the student's parents would be contacted and their assistance would be solicited in getting the students to remove the armbands. Failing that, the students would be sent home, would be in effect suspended from school until such time as they were willing to return to school without the armbands.

Three students who are petitioners in this case: Christopher Eckhardt who was 16 and in the 10th grade at Roosevelt High School in Des Moines at the time, John Tinker who was 15 and in the 11th grade at another high school, Mary Beth Tinker who was 13 and in the 8th grade determined that in spite of the policy that had been announced through the schools that they would wear the armbands as a matter of conscience to express the views that they had. Christopher Eckhardt and Mary Beth Tinker wore theirs on the first day. Mr. Eckhardt went to school, had the armband on but knowing of the policy against the wearing of the armbands—because as I say it had been announced—he went quite immediately to the office of the principal and said I'm wearing the armband, I know that it is in violation of the school policy. The principal carried out the dictates of

the policy which were to tell the student to remove it. The student said he could not in good conscience remove the armband, that he thought he had a right to wear it. The student's mother was called and she supported her son in the activity and then young Mr. Eckhardt was suspended from school. He was out of school approximately six days, five days prior to the Christmas vacation and then one day after the Christmas vacation.

Mary Beth Tinker also wore her armband on that first day. However, she wore it throughout the entire morning without any incident related to it, in any way disrupted the school or distracted. She wore it at lunch and she wore it where there was by the way some conversation between herself and other students in the lunchroom about why she was wearing the armband, whether or not she should be wearing it and then wore it into the first class in the afternoon. And it was in the first class in the afternoon that she was called to the office and the procedure was followed for contacting her parents, apparently asking her to remove it and she did remove the armband and then returned to class. However, in spite of the fact that she had removed the armband and returned and was returned to class, she was later called out of class and suspended nevertheless.

John Tinker determined that it was his belief that the armband should not be worn in open violation of the policy that the schools had adopted until some attempt had been made to try to reach an accommodation with the school board. So, on the first day, John Tinker did not wear the armband to school. Rather in the evening of the day when Mr. Eckhardt and John's sister Mary Beth were suspended from school, he with some other students who had worn the armbands attempted to contact the superintendent of the—not the superintendent, excuse me, the chairman of the board of directors of the school, the Des Moines public schools and they requested that he call a special meeting of the board of directors, the school board as we call it, for the purpose of trying to reach an accommodation between the students, the desire of the students and the policy enacted by the principals of the school. They were refused this special meeting of the school board and then on the next day, Friday, John Tinker wore his armband to school, wore it throughout the morning hours without any untoward incident, without any substantial or material disruption to the school, wore it at lunch where there was again some discussion about it in a period that's generally free and open for discussion among students and then wore it into the first class in the afternoon where he was suspended.

Trevor Parry-Giles:
Furthermore, the suspended students were told that they could not return to school unless they agreed to stop wearing the armbands and when the students returned to school after winter break, they wore all black but no armbands. Along with other students' parents, Tinker's parents sued the school district for violating the students' free speech rights. The ACLU took the case which lasted nearly four years. At the convention panel in Baltimore, Tinker offered a description of how the ACLU ended up taking the case and the arguments that were advanced.

Recording of Mary Beth Tinker:
Then the American Civil Liberties Union heard about it and they offered to help us. They go to the Supreme Court more than any organization in the United States. And they said first, you have to negotiate though. We're not just going to go to court. And so, they said go back to the school board and try to change their mind which we did but they still ruled against us. So, they took it to court and we, you know, the lawyers for the school board argued, you know, these kids we shouldn't be the ones that decide what's said in school and the lawyers for the ACLU said but they weren't hurting anyone, they weren't disrupting anything. And they argued back and forth. And so, at the district level, we lost and it was appealed to the Appeals Court and there we lost again. But at the appeals level right before we lost, over in Mississippi, these SNCC students, the Burnside students won. So, now you have two appeals courts. It's called a circuit splay, two circuits deciding different things. And so, it was appealed to the Supreme Court which only takes about 70 cases a year out of around 10,000.

Trevor Parry-Giles:
And in 1969 in a 7-2 decision, the Supreme Court ruled that students have First Amendment rights while at school so long as their speech is not disruptive. The Court determined that the students wearing armbands had not been disruptive and that therefore, their activities were protected under the First Amendment. In the majority opinion, Justice Abe Fortas famously wrote, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." In this episode of *Communication Matters*, Mary Beth Tinker discusses this experience, how it sparked a lifelong interest in advocating on behalf of students' rights and how it shapes future student activism. But before I speak with Mary Beth, let's talk with my longtime friend Steve Smith, a freedom of expression scholar and professor emeritus of communication at the University of Arkansas. Smith was the co-chair of a panel on student activism at the November 2019 NCA Annual Convention in Baltimore. Incidentally, Steve also will receive two awards at that convention, one for excellence in higher education teaching and one for freedom of expression scholarship. So, congratulations, Steve on the awards.

Steve Smith:
Thank you.

Trevor Parry-Giles:
It's great to have you back. It's good to see you again. In part, this panel addressed the legacy of the Tinker decision and can you tell us a little bit about that legacy and what it means for free speech?

Steve Smith:
Yeah, this is the 50th anniversary of the Tinker decision that really set out for students building on the Barnette decision in 1943 that students are persons under the Constitution and they have

rights that must be respected and that was sort of the focus of the panel and we were delighted that Mary Beth could join us and talk about her experiences.

Trevor Parry-Giles:
That's great. What did the panelists cover in the discussion? What different topics did they deal with?

Steve Smith:
It was a close reading of the opinions on both sides, questions about how the Supreme Court since that time has sort of chipped around at the edge of the Tinker decision in trying to limit it. But it's still I think a general agreement that the armbands signify desire by young people to have their voices heard and exercise their First Amendment rights.

Trevor Parry-Giles:
Well, turning to Mary Beth, is that right, do you think? Was that a motivation for the student activism that you were so involved with in the 1960s? And how did you become a sort of student activist wearing black armbands and the like?

Mary Beth Tinker:
Thanks a lot, Trevor. It's so great to be here with all of you. Our actions grew out of our faith upbringing. My father was a Methodist minister and then we later became involved with the Quakers. And so, of course, they were all about peace during the Vietnam War and I think it's a quality of young people to have feelings and I always encourage them to stay in touch with those feelings and that you can do something about those feelings. You can take action and when you do, it's a great feeling and it helps to deal with whatever those are, if it has to do with grief as so many young people are experiencing today around gun violence or whether it has to do with racial injustice or so many things that young people are dealing with today again. But we were motivated and inspired by the young people who came before us, mostly from the Civil Rights Movement, the students in Birmingham, Alabama, the Children's Crusade there and then later on Freedom Summer when Chaney Schwerner and Goodman were murdered by the white nationalists. And my parents went to Mississippi that year and came home on my 12th birthday and told us kids what had happened there. And so, I have to really tell the story as an honor to my parents because it was their courage and their integrity really that we learned growing up and they were role models for us.

Trevor Parry-Giles:
And they were opponents of the Vietnam War as well obviously?

Mary Beth Tinker:
Yes, they were. By the time that we wore the armbands, my father actually worked for the Quakers with the American Friends Service Committee. And so, he would travel around and talk about different military, you know, issues that were going on.

Trevor Parry-Giles:
I'm curious. Were you there when the Supreme Court held oral arguments? And were you there when they offered their decision?

Mary Beth Tinker:
I was there when they made the arguments but I barely remember it. But we had no idea the impact that this ruling was to have on students for many, many years to come or that I would be here 50 years later talking about it. It was hard for us to be so happy about the ruling because it was one of the worst years for the Vietnam War. And so, by that time, thousands of soldiers and in the end, two to three million Vietnamese were killed, 58,000 American soldiers. So, how could we be joyous and celebrate when every day on the news we were seeing, you know, more and more deaths? There's a big conference going on right now this week at Washington DC called Waging Peace in Vietnam and a lot of these soldiers and active military and veterans from Vietnam are there talking about the actions that they took to try to stop the war and so many of them were being punished in 1969 and others were dealing with horrific injuries and death in their families.

Trevor Parry-Giles:
Thinking about those in those terms, what similarities do you see between the sort of activism that you did which seemed sort of Quaker and religiously motivated and the activism you see today amongst young people, you know, a variety of young people dealing with gun violence as you indicated or other sort of social ills?

Mary Beth Tinker:
There are many similarities but I have to say that also some of the students that wore the armbands, actually there were seven students who were, there were five students who were suspended, about seven wore the armbands. But not all of them were motivated for faith reasons or religious reasons. Some of them were definitely against the war for political reasons, the older kids in the high school I'd say who really understood what was going on in the war. But there are a lot of similarities when young people speak up and stand up. It can change the course of history and young people are particularly suited for doing that as it turns out. They're more willing to take risk, they have a great sense of fairness, they're imaginative and creative and now, of course, they know the social media. So, they're perfectly situated for having a leadership role and helping to solve the big problems of our times and when their voices are squelched, it's cheating not only

them but all of us because we need their ideas and we need their energy and enthusiasm to help us solve these great problems that we're facing.

Trevor Parry-Giles:
Do they resonate with your own story? I mean when you talk to younger activists and young people, do they appreciate, you know, that you've come before and you have a certain empathy with the work that they're trying to do?

Mary Beth Tinker:
There's something about the Tinker story that students love. I don't know if it's because we won or because they've all experienced similar disrespect of being told that their ideas don't matter and they couldn't possibly have a feeling about it. Must've been your parents that influenced you and now I'm seeing that today with students from March for Our Lives, for example, and so many others that are speaking up and standing up. Students do have opinions and they are affected by the things that are going on in our world and we're seeing that so much whether it has to do with anti-racism activities or our climate issues, Greta Thunberg, gender issues, immigration. Yesterday or the day before, there was a huge protest of young people at the Supreme Court around DACA (Deferred Action for Childhood Arrivals)—

Trevor Parry-Giles:
Around DACA, the hearings, yeah.

Mary Beth Tinker:
Yeah. So, I mean young people want to have a voice and they're using their voices. And why shouldn't they? I'm so glad that they are.

Trevor Parry-Giles:
How do you reach out to those young people? I know you've been really active in encouraging that kind of activism. Can you talk about the specific ways that you try to motivate young people to stay involved?

Mary Beth Tinker:
There are a few groups of people that know about this case, people that are in the Free Speech and First Amendment community, social studies teachers, journalism teachers. It's really a big story for journalism because there's so much about it that had to do with the Free Press. The way that the school administrators found out about our plans was through the high school newspaper first of all and then the Des Moines Register covered the whole story and, of course, the only way that we knew what was going on in Vietnam was because of the brave journalists who were there and many of them lost their lives there. And so, it's really a story of journalists. So, a lot of times journalism organizations reach out or schools or school boards, teachers organizations, school

attorneys. Lately, I've been speaking more to school attorney organizations and now the communications world which I'm so happy to be here with all of you. I've been learning so much.

Trevor Parry-Giles:
As are we and if I could, I'd like to ask Steve what he thinks about the legacy of the Tinker decision for today's students and today's young people. You've probably taught this case for years. And, you know, what does it mean for those students and how do they respond to the stories and the findings of the case?

Steve Smith:
I have and students are always very responsive to it and very interested in it. Dale Herbeck and I were talking earlier about how it really resonated with the students and it's something they're much more interested in than the arcane part of First Amendment law that we talk about. But the thing that I've seen as part of that legacy is in the March for Our Lives, Emma Gonzalez gives a speech while they're organizing for that and cites the Tinker decision and she's well aware of it and it's inspired her and one of the reasons for her speaking out. And then just this March in the International Youth Climate Strike, one of the students from Montgomery Blair High School was there at Washington and they asked her, you know, what was she doing here and protesting. She said Tinker. They said what? Yeah, we learned about it in school.

Trevor Parry-Giles:
That's great.

Steve Smith:
So, it's really inspiring these young activists and I'm really proud of them.

Trevor Parry-Giles:
I want to thank you both for joining us today on the NCA podcast *Communication Matters*. This has been fantastic and it's really been an honor to speak with you and I was thrilled when Steve talked about you coming to our convention and agreeing to do this podcast. And again, congrats, Steve on the awards.

Steve Smith:
Thank you. Well, the real honor's being on this panel with Mary Beth. She's just outstanding.

Trevor Parry-Giles:
No doubt, no doubt. So, thank you very much.

Mary Beth Tinker:

Well, thank you so much. It's my honor to be with all of you and I've just enjoyed it so much. Thank you.

Trevor Parry-Giles:
That's great. Thank you. We'll see you next time on *Communication Matters*, the NCA podcast. Excerpts from the oral argument in Tinker v. Des Moines are provided by Oyez, a free law project by Justia and the Legal information Institute of the Cornell Law School. They are excerpted with permission. And in NCA news, although this episode focused on student and youth activism in the United States, youth around the world are advocating for causes that they care about. In a 2019 Journal of International and Intercultural Communication article, Andrew Gilmore analyzed the role of double-decker buses during Hong Kong's umbrella revolution in the summer of 2014. Don't forget NCA members can read the full article on the NCA website at natcom.org/journals. That's natcom.org/journals. Also, in NCA news, the NCA Publications Council is seeking nominations for editors elect of two journals: Communication and Critical Cultural Studies and Text and Performance Quarterly. Nominate yourself or a colleague by January 31st, 2020. Serving as an NCA journal editor is a critical academic engagement and we hope you will consider sending nominations that will further knowledge production in the discipline. Read the full calls on the NCA website at natcom.org/JournalEditorsCalls. And listeners, we hope you tune in for the next episode of *Communication Matters* which will feature a conversation with Joëlle M. Cruz who is an assistant professor in the College of Media, Communication and Information at the University of Colorado at Boulder. Dr. Cruz was honored to be the first recipient of the NCA's Orlando L. Taylor Distinguished Scholarship Award in Africana Communication. So, stay tuned for a great *Communication Matters* discussion with Joëlle M. Cruz of the University of Colorado.

Be sure to engage with us on social media by liking us on Facebook, following NCA on Twitter and Instagram and watching us on YouTube. And before you go, hit subscribe wherever you get your podcasts to listen in as we discuss emerging scholarship, establish theory and new applications, all exploring just how much communication matters in our classrooms and our communities and in our world. See you next time.

Conclusion:
Communication Matters is hosted by NCA Executive Director Trevor Parry-Giles and is recorded in our national office in downtown Washington DC. The podcast is recorded and produced by Assistant Director for Digital Strategies Chelsea Bowes with writing support from Director of External Affairs and Publications Wendy Fernando and Content Development Specialist Grace Hébert. Thank you for listening.

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