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Why are alarm clocks not chastised for their disruptiveness? The answer is obvious to anyone who routinely begs for fifteen more minutes: disruption is the point of the alarm clock. This morning intervention is unpleasant, but everyone knows that it is necessary-- and thus, millions of people rely on their alarm clocks to jumpstart their days.

Student activists have been the uncelebrated labor of social movements since society began moving, but in recent years speakers like Emma Gonzalez and Malala Yousafzai have risen to progressive superstardom. At the same time as our culture is beginning to value young activists' role as social alarm clocks, the American court system has been distilling the narrow allowance for free speech in schools. In the years since *Tinker* and her armband forced the Supreme Court to acknowledge children's political clout, the courts and the American ethos have pulled in opposite directions, moderating each other.

Mary Beth Tinker and Christopher Eckhardt's protest of the Vietnam War was given little attention at first: a preemptive warning from their school, a quiet suspensions, and dismissals from the district and the circuit courts.¹ The indifference ended when the Supreme Court reversed the decisions of the school district and both courts with an opinion on *Tinker v. Des Moines* that famously proclaimed that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."² The decision set forth the precedent for the many issues of student protest that followed: the substantial disruption test, which protects speech that does not distract classmates or impair the school.³ This adhered to the spirit of the Constitution-- rights are universal-- but balanced it with pragmatism regarding education. The test has been applied widely but continues to change even today; the Fifth Circuit Court found that even off-campus speech may be regulated by schools if it materially damages the school environment in *Bell v. Itawamba County School Board* in 2015.⁴

As is characteristic of Supreme Court decisions, there are subtleties in the *Tinker* decision that have been magnified by subsequent interpretations. The lesser known "invasion of the rights of others" criterion for banning student speech was implicated in the 2006 decision in *Harper v. Poway Unified School District*, which prohibited a student from wearing a shirt destructively condemning homosexuality.⁵ Courts found in *Karp v. Becken* (1973) and *Dodd v. Rambis* (1981) that schools may forestall speech they predict will be disruptive with reasonable evidence, so they do not have to wait for a rebellion to occur.⁶ Since *Tinker* was decided in 1969, some have criticized courts at all levels for abandoning the protections that the original case provided for free speech in schools while others

¹ "Tinker v. Des Moines Independent Community School District." *Oyez*, 12 Apr. 2019, www.oyez.org/cases/1968/21.

² "Tinker v. Des Moines - Landmark Supreme Court Ruling on Behalf of Student Expression." *American Civil Liberties Union, ACLU*, www.aclu.org/other/tinker-v-des-moines-landmark-supreme-court-ruling-behalf-student-expression.

³ Hudson Jr., David L. "Substantial Disruption Test." *The First Amendment Encyclopedia*, Middle Tennessee State University, <https://www.mtsu.edu/first-amendment/article/1584/substantial-disruption-test>

⁴ Hudson Jr.

⁵ "Classroom Walk-Outs and School Protests." *Freedom Forum Institute*, www.freedomforuminstitute.org/first-amendment-center/primers/18655-2/.

⁶ "Classroom Walk-Outs and School Protests."

argue that the nature of the legal system is to produce clearer guidelines over time. Regardless of opinion, public or scholarly, it is clear that repeated applications have made the precedent set by *Tinker* more conservative and punitive.

Despite the legal trend towards reducing freedom of speech in schools, American society increasingly allows its young people to steer it towards change. Students lead movements about gun laws, the environment, gender and sexuality rights, and nearly every other cause that could be argued for or against, and their activism in school bleeds into the broader social conversation. Walkouts over school shootings inform gun laws, students on Twitter provoked multinational companies to mix drinking straws, and dress code protests are reflected in empowerment demonstrations like #MeToo.

It is undeniable that campus protests were influential before the 21st century-- *Tinker v. Des Moines* was argued in the Supreme Court, after all-- but modern culture is more accepting and even encouraging of student activism than ever before. The popularity of the internet and teenagers' social media acumen have given young people the new opportunity of instigating change on the global stage, not just the local one.⁷ Students who can convince adults that the world's problems affect them, too, garner respect and attention, and the internet is the perfect vehicle. After the shooting at Parkland High School, students on Twitter drew popular outrage to lax gun legislation. Acting as an alarm that society could not snooze, they condemned the stagnation that happens after school shootings when promises of reform are never fulfilled.⁸ There has been a verifiable rise in student activism in the years since *Tinker* was argued, and though the courts have become more stringent, adults are increasingly accepting teenagers' place in advocacy.

The disconnect between the court system and public opinion is purposeful; the increasing conservatism of legal precedents on school speech for example is counterbalanced by rise of young, progressive icons to produce a system based on reason. Youthful alarm clocks signal that change is imminent and kickstart movements to bring it about. Grandfather clocks that clang at regular intervals could never scare people out of sleep, but they are a reliable and trustworthy presence. Since *Tinker v. Des Moines* was decided, the push and pull of culture and law has developed a social system that balances activism with education, and that balance is likely to further improve as people continue to interact with their court system.

⁷ Wong, Alia. "The Renaissance of Student Activism." *The Atlantic*, 21 May 2015, The Atlantic Monthly Group,

<https://www.theatlantic.com/education/archive/2015/05/the-renaissance-of-student-activism/393749/>.

⁸ Witt, Emily. "From Parkland to Sunrise: A Year of Extraordinary Youth Activism." *The New Yorker*, The New Yorker, 13 Feb. 2019,

www.newyorker.com/news/news-desk/from-parkland-to-sunrise-a-year-of-extraordinary-youth-activism.