



# CIVICS IN REAL LIFE

# Student First Amendment Rights

Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.

Throughout the United States, high school students have been involved in walkouts and protests over federal government policies. Generally speaking, schools and school leaders have sought to [limit these actions through a variety of measures](#) that are intended to punish disruption that impacts the learning environment. Students, however, have argued that the First Amendment gives them the right to protest. The courts have addressed this multiple times over the years.



The right of public school students to protest under the First Amendment was at the center of the *Tinker v. Des Moines* (1969) decision. In 1965, during the Vietnam War, a group of middle and high school students in Des Moines, Iowa, decided to wear black armbands to school. The armbands were meant to peacefully protest the war and honor those who had died. When school officials heard about the plan, they created a new rule saying that anyone who wore an armband would be asked to remove it or be suspended. Several students wore armbands anyway and were suspended.

The students and their families argued that the school had violated their First Amendment right to free speech. The case eventually reached the U.S. Supreme Court. In a 7–2 decision, the Supreme Court ruled in favor of the students. The Court famously said that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." This meant that students still have First Amendment rights while they are at school.

However, the Court also explained that student speech is not unlimited. Schools are allowed to restrict student expression if it causes a substantial disruption to learning or interferes with the rights of others. In this case, the armbands were silent and peaceful, and there was no evidence that they disrupted school activities.

This prohibition on speech or other First Amendment activities that could disrupt learning is significant. In *Bethel School District No. 403 v. Fraser* (1986), *Hazelwood v. Kuhlmeier* (1988), and *Morse v. Frederick* (2007), the courts allowed schools to limit what students could say and do while on school grounds or in a position where they could be perceived to represent the school.

Based on how the courts have tended to interpret student First Amendment rights since *Tinker*, whether students have the right to walk out and protest could depend on whether the school considers it to be behavior disruptive to the broader learning environment. It's important to remember that we as citizens do have the right to free speech. However, we also have to understand that there can be consequences for exercising that right when it conflicts with the school's responsibility to maintain a safe and orderly learning environment.



**To Think and To Do:** Using evidence from the Supreme Court cases mentioned in the reading (*Tinker v. Des Moines* (1969), *Bethel School District No. 403 v. Fraser* (1986), *Hazelwood v. Kuhlmeier* (1988), and *Morse v. Frederick* (2007)), how do you think the justices would rule in determining if a student walkout is protected under the First Amendment? Be sure to address how disruption and the rights of others factor into your explanation.

## Learn MORE:

- [Edwards v. South Carolina](#) (1963)
- [Adderley v. Florida](#) (1966)
- [Mahanoy Area School District v. B.L.](#) (2021)

## Learn MORE:

- [Oyez](#)
- [Future of the First Amendment Project](#)
- [Civics in Real Life Series](#)



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