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The Transformation of a Shy Girl: From Adolescent Protestor to Piano Technician, Nurse and Child Advocate

Mary Anderson Richards, Ph.D.¹

It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.²

This shy girl did not know that wearing a black armband to school would forever define her life. Thirteen-year-old Mary Beth Tinker wavered on the idea of wearing a black armband to Warren Harding Junior High School in Des Moines, Iowa on December 16, 1965. But with the media providing graphic visual and audio reports on the United States' involvement in Vietnam, Mary Beth had developed strong feelings on the issue. This sensitive eighth grader knew she needed to listen to her conscience. Her family, long time Methodists, had recently become involved with the Quakers, which only strengthened her resolve.

Mary Beth was the fourth child in a family of six. Her parents, Reverend Leonard Tinker and Lorena Jeanne Tinker, lived in Iowa, serving the Methodist Church Conference, where her father was a minister. In Iowa, Mary Beth enjoyed playing hide-and-seek with her working class Des Moines neighborhood friends in the evening. There were slumber parties to attend and the weekly roller-skating nights. She enjoyed music from rock-and-roll to gospel, and wore a jumper constructed in her sewing class. Math was a favorite subject in her seemingly ordinary childhood.

Her dad, Reverend Tinker, had previously served a church in Atlantic, Iowa. There, in 1957, Mary Beth's father became involved in an effort to change the segregationist policy at the local municipal pool, where African Americans were not allowed to swim. Some in the congregation thought that the young minister should stick to preaching and helping the youth choir. With the cooperation of the Methodist Bishop, they asked Reverend Tinker to leave the church in Atlantic.

The family moved to Des Moines, where Leonard Tinker began his new assignment at Epworth Methodist Church, and Mary Beth, at age five, started kindergarten. Time and again, Mary Beth would witness her parents putting their democratic values, along with the values of their faith—love and equality—into action. For the Tinkers, they seemed to go together.

In 1962, when Mary Beth was ten years old, the Tinkers developed an affiliation with the Religious Society of Friends and began attending the Des Moines Valley Friends Meeting (Quaker) House on the city's west side. Leonard Tinker went to work for the American Friends Service Committee, the Quaker affiliate, as Peace Education Director for a five-state region of the Midwest. Although he worked for the Friends, Reverend Tinker proudly maintained his status as a Methodist minister.

¹ It is with an expression of gratitude to Mary Beth Tinker who shared her experiences during the legal process and following the United States Supreme Court decision in *Tinker*. Mary Beth's willingness to participate in the taped interview and personal communication made this jurisprudence research a reality that provides a historical perspective about this landmark case. Diane Geraghty, J.D. and Mary Burns, J.D. provided positive encouragement and teachable opportunities throughout this academic process. I am grateful for their support and their scope of knowledge which they shared. My education includes studies at and degrees earned from Simpson College, Truman University, Iowa State University, and Loyola University Chicago School of Law.

² *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S. Ct. 733 (1969).

With the controversial Gulf of Tonkin event of 1964, the Vietnam War began to escalate, and the Tinkers became involved with “Iowans for Peace.” Their family friends, the Eckhardts, who were members of the First Unitarian Church of Des Moines, were also members. By the fall of 1965, about one thousand U.S. soldiers had been killed in Vietnam, and one of the first national protests against the war took place in Washington, D.C. that November. John Tinker, Mary Beth’s older brother, and his mother, Lorena Jeanne, as well as John’s friend, Chris Eckhardt, and his mother, Maggie, attended. On the way back to Des Moines in a van, the idea of wearing black armbands came up, first raised by Herbert Hoover, an area Quaker, and a distant cousin of President Herbert Hoover.³

Two years earlier, the writer James Baldwin, along with civil rights leader Bayard Rustin, had called for black armbands to be worn throughout the country to mourn four young girls who had been murdered by the KKK in the Birmingham church bombing.⁴ One of the memorial services was held in Des Moines, where Bill Eckhardt, the father of Chris Eckhardt, wore a black armband as he addressed the crowd.

By Christmas of 1965, the idea of wearing black armbands to school had taken hold among students in Des Moines, particularly at Roosevelt High School, at which Chris Eckhardt attended tenth grade. Fifty students signed up to wear armbands on December 16. The message was to mourn the dead on both sides of the war. When one of the students wrote an article about their plan for the *Rough Rider*, the student newspaper, the principal learned of the plan and called a meeting of the Des Moines principals, who quickly passed a preemptive rule that any student wearing a black armband to school would be asked to remove it and, if refusing, would be suspended.

On December 14, two days before the planned student action, an article appeared in the *Des Moines Register*, detailing the new rule against black armbands. Initially, Reverend Tinker said he did not want his children to break any rules by wearing the armbands to school. The children reminded him that he had stood up for his beliefs and he had always preached to follow one’s conscience. Mary Beth remembers her father taking the children to the graves of his friends killed in the Second World War, saying, “If one does not take action, we could have the Nazis again.” He later testified in court how he came to support his children following their consciences.

Mary Beth was surrounded by other examples of family and friends who took action because of deeply held beliefs. The NAACP voted the Tinker family the Iowa Family of the Year in 1963. Dr. Tinker, Mary Beth’s mother, a psychologist, had supported Edna Griffin in her sit-in protest at Katz Drug Store for denial of service because of her color.

Now, as Mary Beth watched daily news reports about the killing of people in Vietnam and saw the body bags of soldiers coming home, she made the emotional decision to wear the armbands.

On December 16, 1965, Mary Beth walked with her friend Connie to Warren Harding Junior High School. As they stopped at the candy store on the way, Connie warned Mary Beth that she would get into trouble if she wore the armband into the school. Mary Beth responded that this was her way of supporting the Christmas truce in Vietnam proposed by Robert Kennedy.

Once at school, there was no trouble going to her morning classes. Although she ignored the boys in the lunchroom who teased, “I want an armband for Christmas,” she felt intimidated. When she got to her math class, her teacher, Mr. Moberly, gave her a pink slip and told her to

³ CHILDREN AND THE LAW: CHILD VS. STATE 6 (Janet W. Steverson ed., 1st ed. 2002).

⁴ AP, *JFK and the Civil Rights Movement*, CBS NEWS, <https://www.cbsnews.com/pictures/jfk-and-the-civil-rights-movement/7/> (last accessed Apr. 10, 2019).

report to the principal's office before she came back to class. He had spent the previous day warning students about the ban on wearing armbands. She reported to the office where, in the principal's absence, the assistant principal, Mr. Wiladsen, asked that she hand over the armband to him. At that point, her tiny bit of courage ran out and she took off the armband. She returned to math class but, at the classroom door, she was called a second time to the office, this time by Vera Tarmann, the Girls' Advisor, to learn that she was suspended for breaking the rule against armbands.

At the same time, at Roosevelt High School, Chris Eckhardt was being suspended for wearing a black armband.

Mary Beth's brother, John, wore his armband to North High School on December 17, 1965. He was asked to remove his armband. When the principal said, "I would ask you to take off the armband, but you are not going to do that," John got the courage to say, "You're right. I am not going to take it off." A total of five students were suspended: John, Mary Beth, Chris Eckhardt, Bruce Clark, and Chris Singer. Hope and Paul Tinker, in fifth and second grades, wore armbands the same day that Mary Beth did, but they were not suspended.

Des Moines newspapers supported the students. The *Des Moines Register* published a letter from a Lieutenant Corporal in the Marines, saying that young people have a right to express their values. The *Des Moines Register's* editorial board supported the students' actions. The Quaker community stood with the students as well. John received support from his classmates; a member of the football team stood up for him, telling students who were heckling John about the armband, "Guys, we have our rights in this country. John has a right to express his view."

But the Tinker family also experienced actions that were not supportive. Red paint was thrown at their home and car. One person wrote in a letter that she "wanted to vomit" when she saw Mary Beth's photograph in the paper. On Christmas Eve, the family received a bomb threat. And Mary Beth received a telephone call from a woman who threatened to kill her. Other students were harassed as well, including the boys at Roosevelt, who were threatened by the gym teacher during class and attacked off school grounds by students the day that they wore the armbands.

But by the time the five students returned to school following Christmas vacation, the ACLU of Iowa had entered the case on behalf of Mary Beth, John, and Chris Eckhardt. On the advice of their attorney, Dan Johnston, the students did not wear the armbands when they returned to school, but decided to wear black clothing for the remainder of the school year to continue their protest.

The attorney and the students, along with their families, attended the January meeting of the school board, where Dr. Tinker, Mary Beth's and John's mother, told the members that she and Reverend Tinker did not raise their children to be defiant, but they supported the ways they expressed their opinions about their government's actions in Vietnam. The ACLU argued that students have the right to wear buttons, medals and armbands as symbolic speech, protected under the First Amendment. Although their attorney also argued that other students had been allowed symbolic speech in the Des Moines schools, the School Board voted to continue the ban.

Following the meeting, the ACLU filed for an injunction restraining the school officials from enforcing the ban. The federal district court dismissed the complaint for an injunction and ruled that the school officials acted out of a reasonable fear that wearing armbands would create a disruption at school.⁵ The Eight Circuit affirmed.⁶ During the same year, 1966, a decision by the Fifth Circuit, *Burnside v. Byars*, held that school officials in Mississippi could not prohibit students

⁵ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 258 F.Supp. 971, 973 (S.D. Iowa 1966), *rev'd*, 393 U.S. 503.

⁶ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 383 F.2d 988 (8th Cir. 1967), *rev'd*, 393 U.S. 503.

from wearing freedom buttons to advocate for voting rights and to protest the murders of civil rights workers.⁷ The Court found no evidence that the buttons caused a substantial disruption in the school environment.⁸

Contrary to the ruling in the Fifth Circuit, the federal district court in *Tinker* ruled that the school officials acted out of a reasonable fear that wearing armbands would create a disruption at school.⁹ With a division in the Circuits, the issue then reached the Supreme Court on whether the regulation in *Tinker v. Des Moines Independent Community School District* violated the constitutional rights of students.¹⁰

The Tinker family went to the Supreme Court on November 12, 1968 to hear the oral argument in the case (except John, who missed the court proceedings as he fell asleep in the airport near his college!). The Court found no evidence that the students' symbolic speech materially and substantially interfered with the requirement of appropriate discipline in the operation of the school or that it collided with the rights of others.¹¹ In the opinion issued the next year, the Court said, referring to the wearing of armbands to protest the Nation's involvement in Vietnam that was singled out for prohibition, "In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate."¹²

The family had moved to St. Louis by the time the Supreme Court announced its decision upholding the students' constitutional rights to freedom of expression in the school setting.¹³ When the decision was announced on February 24, 1969, Mary Beth was a junior in high school. When she came home from school, reporters were at her house and calling for interviews. When they came to her school, she was surprised and felt shy when they wanted to talk to her, or take photographs of her in chemistry class. She now says that she "had no idea" of the significance of the ruling at the time.

Following high school, Mary Beth hesitated about going into academics and going to college because she saw her mother's career as a psychologist hurt because of her involvement in fostering racial equality and peace. Mary Beth became, instead, a piano technician, tuning and repairing pianos, a work she enjoyed. Years later, she decided to become a nurse and was surprised to see the *Tinker* case cited in her nursing textbook. Slowly, she began to realize that she had been a plaintiff in a landmark Supreme Court case and to understand how important that case is. She went on to obtain dual masters' degrees in nursing and public health and worked for many years as a pediatric and emergency room nurse, and also as a Nurse Practitioner.

Her work as a nurse brought her into contact with many children who do not get what they need from our society because of poverty and poor life prospects. Her experience in this landmark case led her to start "The Tinker Tour" to share with young people how important it is that they use their voices and their First Amendment rights, respectfully and courageously, to safeguard the rights guaranteed under the Constitution for all its citizens. And she wants adults to listen to and respect children's voices. Young people should know that their contribution does not have to be an overwhelming project, she says. It can be something small. But young people will have a good life when they speak up and join with others for what they care about. That is Mary Beth's message, and it continues to resonate with students today.

⁷ *Burnside v. Byars*, 363 F.2d 744, 748-49 (5th Cir. 1966).

⁸ *Id.* at 748.

⁹ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 258 F.Supp. 971, 973 (S.D. Iowa 1966), *rev'd*, 393 U.S. 503.

¹⁰ *Tinker*, 393 U.S. 503.

¹¹ *Id.* at 508.

¹² *Id.* at 511.

¹³ *Id.*