

limited to four in number on a single property, and could be displayed no longer than 12 hours before the event and 1 hour after. The Court concluded that these differences constituted restrictions on free speech based on the content of that speech. In other words, the restrictions in the sign code depended on the nature of the communication on the sign. The Court used the following illustration:

"If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government."<sup>3</sup>

In a unanimous decision, the Court held that Reed had been denied his freedom of speech rights by the sign code even though the town of Gilbert had no disagreement with or hostility toward Reed or his church.

In the 1969 case of *Tinker v. Des Moines School District*, the Supreme Court also upheld the freedom of speech claim of Mary Beth Tinker. In a 7 to 2 decision, the Court ruled that Tinker's wearing of a black arm band constituted an expression of her disapproval of the Vietnam War and was thus speech. Such symbolic speech is warranted the full protection of the First Amendment as long as this silent passive expression of an opinion does not disrupt the educational mission of the school, which it did not.

Mary Beth Tinker eventually became a nurse and worked with the Veterans Administration, in some instances caring for veterans of the Vietnam War. In 2013, at the age of 61, she began a tour sponsored by a variety of First Amendment support groups like the Student Press Law Center and the American Civil Liberties Union. Called a "rock star" by one of her sponsors, she has traveled across the country speaking to student groups about her case and the importance of free communication for the expression of students' ideas.<sup>4</sup> After his case, Clyde Reed returned to Arizona and continued a ministry that includes visits to hospitals, senior living facilities, and Alzheimer's centers.

The responses of Reed and Tinker regarding challenges to their ability to speak are indicative of the focus on rights today. Americans often turn to the courts to protect their rights, and the U.S. Supreme Court looms large in the lives of citizens due to its role as interpreter of our basic rights. Court decisions have protected citizens from the actions of all governments at every level of American politics and defined the extent of citizens' rights in a wide variety of areas. The

Court's decisions are not always consistent or predictable, however, because the cases often involve conflicts of basic rights, and the members of the Court and the political climate change over time. In this chapter, we will study the nature of those basic rights and freedoms known as **civil liberties**. ■

**civil liberties** The personal freedoms of individuals that are protected from government intrusion.



Mary Beth Tinker on the right in 1965 is shown wearing the black armband she wore to school to protest the United States' involvement in the Vietnam War. (© Bettmann/Corbis via Getty Images)



In more recent years, Tinker has spoken to student groups about the importance of free communication. (© AP Photo/Manuel Balce Cenata)