

Tinker v. Des Moines Independent Community School District

MR. JUSTICE STEWART, concurring.

Although I agree with much of what is said in the Court's opinion, and with its judgment in this case, I [\[515\]](#) cannot share the Court's uncritical assumption that, school discipline aside, the First Amendment rights of children are coextensive with those of adults. Indeed, I had thought the Court decided otherwise just last Term in *Ginsberg v. New York*, [390 U. S. 629](#). I continue to hold the view I expressed in that case:

"[A] State may permissibly determine that, at least in some precisely delineated areas, a child -- like someone in a captive audience -- is not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees." *Id.* at 649-650 (concurring in result). Cf. *Prince v. Massachusetts*, [321 U. S. 158](#).