



UNDERSTANDING THE FIRST AMENDMENT THROUGH *BARNETTE*

Lesson Plan for Grades 7-12

Teacher Resource: *West Virginia State Board of Education v. Barnette*
Overview

Case Background

- During World War II, the West Virginia State Board of Education required all public-school students to salute the American flag and recite the Pledge of Allegiance daily.
- Students who refused on religious grounds, including Jehovah's Witnesses, faced expulsion, and their parents could be fined.
- The case reached the U.S. Supreme Court, challenging whether the law violated the First Amendment.

Key Constitutional Question: Can the government compel individuals to express beliefs or participate in patriotic rituals, even in public schools?

- Focus on freedom of speech and freedom of religion.
- Examines the limits of government authority over students and minors.

Supreme Court Decision

- Date: June 14, 1943
- Outcome: The Court ruled 6-3 in favor of the students, striking down the law.
- Majority Opinion: Written by Justice Robert H. Jackson.

Justice Jackson's Reasoning

- Compelled Speech: The government cannot force individuals to express beliefs they do not hold.
- Protection of Minority Rights: Even unpopular or minority viewpoints must be protected to ensure democracy.
- Education and Citizenship: True loyalty cannot be coerced; it must be voluntary and genuine.
- Importance of Conscience: Schools must respect the conscience of students, even when societal pressures push conformity.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." – Justice Jackson

Key Takeaways for Students

- The First Amendment protects individuals from compulsory expression.



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- Minority rights are essential to democracy.
- Justice Jackson's opinion emphasizes that loyalty and patriotism cannot be imposed.
- The case remains a cornerstone for freedom of speech and religion in schools.

Classroom Connections

- Compare the situation in 1943 with modern examples of free speech or protest in schools.
- Discuss what it means to be a citizen who exercises rights responsibly.
- Encourage students to reflect on situations where conscience conflicts with authority.