



UNDERSTANDING THE FIRST AMENDMENT THROUGH *BARNETTE*

Lesson Plan for Grades 7-12

Teacher Resource: Completed Graphic Organizer for note-taking

Freedom

Religion

- Establishment Clause - the government cannot establish an official religion or favor one religion over another
- Free Exercise Clause - individuals are free to practice their religion or choose not to without government interference

Freedom

Speech

- individuals can express opinions publically without government censorship
- includes spoken, written, symbolic (gestures, art), and some forms of protest
- limitations: speech that incites violence, threats, or lawbreaking may not be protected

Freedom

Press

- the press can publish information, opinions, and news without government control
- supports accountability and informed public discourse

Freedom

Assembly

- citizens can gather peacefully for protests, meetings, or demonstrations
- government cannot ban groups from meeting, as long as they remain non-violent

Freedom

Petition

- citizens can request changes or raise concerns to government officials without fear of punishment
- includes letters, petitions, protests, and online communications



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Background and Context

- West Virginia required all public school students to salute the flag and recite the Pledge of Allegiance.
- Some students, members of Jehovah's Witnesses, refused due to their religious beliefs. The case challenged whether the state could compel students to participate.

Main Characters

- Students & Families: Jehovah's Witness students and their parents
- School Officials / State: West Virginia Board of Education, state authorities enforcing the flag salute
- Supreme Court Justices: Majority opinion written by Justice Robert H. Jackson

Issue/Question before the Court

- Can a state require students to salute the flag and recite the Pledge of Allegiance against their religious beliefs without violating the First Amendment?

School/State's Argument

- Saluting the flag teaches patriotism and loyalty to the country
- Uniformity in schools promotes order and discipline
- Government has the authority to promote national unity, especially during wartime

Student/Family's Argument

- Compulsory saluting violates freedom of speech and religion
- Forcing students to express beliefs they do not hold is coercion
- Individual rights should be protected from majority pressure

Court's Decision

- The Court ruled in favor of the students, holding that the state cannot force students to salute the flag or recite the Pledge of Allegiance. Justice Jackson wrote the majority opinion.

Impact / Significance

- Strengthened protection of individual rights in schools
- Established precedent that the government cannot compel speech
- Reinforced that minority rights are protected even when unpopular
- Influenced later cases on free speech and religious liberty