



UNDERSTANDING THE FIRST AMENDMENT THROUGH *BARNETTE*

Lesson Plan for Grades 7-12

Teacher Resource: Guided reading of excerpts from *Barnette* opinion

Excerpt 1: Compelled Speech

"To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind..."

- Teacher Notes:
 - Jackson is framing the central issue: Can the government force speech?
 - Key idea: The Bill of Rights protects individuals from being compelled to express beliefs they do not hold.
- Discussion Prompts:
 - What does "compel him to utter what is not in his mind" mean?
 - How does this relate to students who refuse to salute the flag?
 - Can you think of a modern example where someone might be forced to express something against their beliefs?

Excerpt 2: Government Power vs. Individual Freedom

"To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end..."

- Teacher Notes:
 - Jackson emphasizes that protecting rights strengthens democracy, rather than weakens the state.
 - Highlights tension between authority and personal conscience.
- Discussion Prompts:
 - Why does Jackson think protecting freedom of mind makes the government stronger?
 - How might officials argue differently?
 - How does this idea apply to modern debates about civic or political expression?

Excerpt 3: Bill of Rights as a Shield

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials... Authority here is to be controlled by public opinion, not public opinion by authority."

- Teacher Notes:



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- This reinforces that certain rights cannot be overridden by popular vote or political pressure.
- Jackson links legal protections to the concept of active citizenship.
- Discussion Prompts:
 - What rights are “beyond the reach of majorities and officials”?
 - Why does Jackson say public opinion should control authority, not the other way around?
 - How does this connect to the responsibilities of citizens?

Excerpt 4: Intellectual Individualism

“We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes...”

- Teacher Notes:
 - Students can explore the idea that freedom includes accepting dissenting views, even if they seem unusual.
 - Ties to Jackson’s broader view of pluralism as essential for democracy.
- Discussion Prompts:
 - What does Jackson mean by “intellectual individualism”?
 - How might this apply to minority rights today?
 - Why is it acceptable for some actions to be “eccentric” or “abnormal” in a free society?

Excerpt 5: The “Fixed Star”

“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...”

- Teacher Notes:
 - “Fixed star” = fundamental guiding principle.
 - Jackson’s language is memorable and ideal for student discussion and quotation.
- Discussion Prompts:
 - What is the “fixed star” principle?
 - How does it protect students and minorities?
 - Can you think of a situation today where this principle might be tested?

Excerpt 6: Government Limits



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"We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit..."

- Teacher Notes:
 - Jackson concludes that government overreach violates the First Amendment.
 - Connects directly to lesson goal: students must understand limits on government authority and responsibilities of citizens to protect rights.
- Discussion Prompts:
 - What does Jackson mean by "sphere of intellect and spirit"?
 - How does this relate to the broader purpose of citizenship in a democracy?
 - How can students practice being responsible citizens today?

Teacher Tips for Classroom Use

- Break students into small groups, assigning each excerpt to a group for guided analysis.
- Encourage highlighting key phrases for discussion.
- End with a whole-class discussion tying the excerpts back to civic responsibility and the First Amendment.