

What We Stand For

West Virginia State Board of Education v. Barnette

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Grade Level	11th – 12th Grade	**Time Frame**	75-90 minutes
Subject	Social Studies	**Duration**	2 Periods
Course	U.S. Government		

Essential Question

How does WV State Board of Education v. Barnette demonstrate how the First Amendment protects people's right to the freedoms of religion and speech?

Summary

This is one of several lessons that examines Supreme Court decisions that have clarified individual rights under the First Amendment. Students will examine the events that led up to the case of West Virginia State Board of Education v. Barnette. They will analyze its implications for the freedoms of religion and speech in the United States and draw parallels between the case and current events.

Snapshot

Engage

Students assess their understanding of the Pledge of Allegiance by participating in a Fiction in the Facts activity.

Explore

Students examine a timeline that chronicles the history of the Pledge of Allegiance. They retrieve information they already know and identify new information by creating Circle Maps.

Explain

Students watch a video and read a brief about the case, and they use a Graphic Organizer to categorize the information they have learned.

Extend

Students acquire a deeper understanding of the case by engaging in a Fishbowl discussion that examines the concurring and dissenting opinions delivered by the justices.

Evaluate

Students summarize what they have learned by writing Six-Word Memoirs about the concurring and dissenting opinions.

Standards

Oklahoma Academic Standards (Social Studies: United States Government (9th through 12th grade))

USG.3.10: Analyze historic and contemporary examples of landmark Supreme Court decisions which have addressed and clarified individual rights under the First Amendment, including
USG.3.10B: West Virginia v. Barnette (1943)

Attachments

- Fishbowl Note Catcher — What We Stand For.docx
- Fishbowl Note Catcher — What We Stand For.pdf
- Fishbowl Note Catcher—What We Stand For - Spanish.docx
- Fishbowl Note Catcher—What We Stand For - Spanish.pdf
- Graphic Organizer — What We Stand For.docx
- Graphic Organizer — What We Stand For.pdf
- Graphic Organizer—What We Stand For - Spanish.docx
- Graphic Organizer—What We Stand For - Spanish.pdf
- Lesson Slides — What We Stand For.pptx
- Pledge of Allegiance Timeline — What We Stand For - Spanish.docx
- Pledge of Allegiance Timeline — What We Stand For - Spanish.pdf
- Pledge of Allegiance Timeline — What We Stand For.docx
- Pledge of Allegiance Timeline — What We Stand For.pdf
- WV State BoE v. Barnette Brief — What We Stand For - Spanish.docx
- WV State BoE v. Barnette Brief — What We Stand For - Spanish.pdf
- WV State BoE v. Barnette Brief — What We Stand For.docx
- WV State BoE v. Barnette Brief — What We Stand For.pdf

Materials

- Computers with Internet access
- Scrap paper
- Pens/pencils
- Blue and red pens, colored pencils, or markers
- Lesson Slides
- Pledge of Allegiance Timeline handout (attached; one per student)
- West Virginia v. Barnette Brief handout (attached; one per student)
- Graphic Organizer handout (attached; one per student)
- Fishbowl Note Catcher handout (attached; one per student)

10 minutes

Engage

Use the attached **Lesson Slides** to guide the lesson. Display **slides 3 and 4** to introduce the lesson's essential question and learning objectives.

Let students know that they will be engaging in a Fiction in the Facts activity. Begin by telling them that this activity is similar to "Two Truths and a Lie." Display **slide 5**. Instruct students to spend a minute carefully reading each of the three statements presented on the slide, and ask them to use Poll Everywhere to vote on which one of the statements is false. Once they've voted, have them take another couple of minutes to write down on a piece of scrap paper a sentence or two explaining why they made their selection.

When everyone has finished writing, take a couple of minutes to call on volunteers to share what they think the false answer is and what their reasoning is for thinking so. After students have shared their guesses, click slide 5 again to reveal the false answer. Move to **slide 6**, and go over each of the explanations with students. Ask them if they are surprised by the correct answer.

Repeat the process with **slides 7 and 8**.

Teacher's Note: Poll Everywhere

If you are unfamiliar with Poll Everywhere, consider visiting their Support Center. This website has instructions for creating, activating, and presenting your two questions.

15 minutes

Explore

Display **slide 9**, and introduce students to the First Amendment to the US Constitution to demonstrate where the freedom of religion and speech originate.

Distribute the **Pledge of Allegiance Timeline** handout to students. Display **slide 10**. Tell students that for this Circle Map activity, they will need to take out a clean sheet of scrap paper. Have students write the phrase "Pledge of Allegiance" in the center of the paper and draw a small circle around it. Around the small circle, they will draw a larger circle. Instruct students to use blue pens, colored pencils, or markers to write everything they know about the Pledge of Allegiance within that larger circle.

Display **slide 11**. Ask students to spend about five minutes studying the timeline. As they do so, have them use red pens, colored pencils, or markers to write in the large circle all of the new information they have learned about the Pledge of Allegiance.

Display **slide 12**. Have students draw a square around the large circle. As an alternative, they could use the remaining space on the page to represent a rectangle that surrounds the circle. Within the square or rectangle, have students write 2-3 sentences summarizing all that they know and have learned about the Pledge of Allegiance. Once students have finished, call on a few volunteers, and ask them to share their responses with the class.

20 minutes

Explain

Display **slide 13**, and inform the students that they will be watching a video about West Virginia State Board of Education v. Barnette.

Embedded video
https://youtube.com/watch?v=V792ysvZnws

As they watch the video, encourage students to pay attention to what they notice and what they are wondering about the case and the freedoms of religion and speech. This is a modified I Notice, I Wonder instructional strategy. Play the video for students.

Once the video is over, display **slide 14**. As a class, take some time to discuss what the students noticed and wonder about the case and the freedoms of religion and speech.

After a quick discussion, display **slide 15**, and pass out the **Graphic Organizer** handout and **West Virginia State Board of Education v. Barnette Brief** handout to each student. Give the students 10 minutes to use the handout to fill in the graphic organizer in their own words.

Teacher's Note: Lesson Timing

Consider stopping the lesson at this point and resuming the following day with the Fishbowl exercise.

30 minutes

Extend

Tell your students that they will be engaging in a discussion strategy known as Fishbowl. Distribute the **Fishbowl Note Catcher** handout to students. Once students have received their handouts, display **slide 16**, and separate them into two discussion groups. Let students know that as they form their discussion groups, they will need to move to opposite sides of the classroom. On each side of the classroom, they will need to arrange their chairs into two circles. Just as the Circle Map activity required the creation of two circles, students will arrange a larger circle of chairs outside of a smaller circle. Anticipate that 5-6 students will be sitting within each circle.

Within each discussion group, have students once again separate into two smaller groups. Explain to students that Group 1 in each group will sit in the smaller circle and answer a series of questions as they discuss the first statement, while Group 2 will quietly listen in the outer circle and take notes on their handouts. These will be the students looking into the "fishbowl."

Display **slide 17**, and provide students with more in-depth descriptions of the responsibilities of those who will be sitting in the inner circle and the outer circle. If necessary, take a moment to have students look at their note catchers and become acquainted with the questions they will be discussing during the activity. Proceed to **slide 18**, and introduce the first quote. In this quote, Gathie Barnett Edmonds reflects on the concurring opinion of the justices 64 years after they sided in her favor.

When students have had two or three minutes to discuss the quote, have Group 1 students switch to the "fishbowl" seats. It will now be Group 2's turn to sit in the inner circle and answer the questions for an additional few minutes. They can also share the notes they have written with each other and elaborate on what they have deduced. Group 1 students will listen quietly and take notes as Group 2 engages in discussion. Before the class reconvenes, give Group 1 students in each group a minute or two to ask clarifying questions of Group 2.

Teacher's Note: Facilitating the Fishbowl

While the two Fishbowl conversations are taking place, make sure to walk back and forth between the discussion groups to check on their progress. Answer any questions the students might have, and provide students with additional guiding questions as needed.

Once students have completed the Round 1 of the Fishbowl activity, have a brief, whole-class discussion about the quote. Call on volunteers from each discussion group, and ask the volunteers what their group concluded about the significance of the quote.

Display **slide 19**, and remind students of the responsibilities they will have as they discuss the second quote. Display **slide 20**. This quote is an excerpt from Justice Felix Frankfurter's dissenting opinion.

Teacher's Note: Understanding the Text

Students may have difficulty with some of the language in this quote. In particular, you may want to define the phrase "civil immunity" before having students begin Round 2 of the Fishbowl discussion. Explain to students that this describes a situation in which people refrain from taking part in actions that are expected of American citizens, such as voting.

In Round 2 of the Fishbowl discussion, Group 2 students will begin by discussing the quote in the inner circle, while Group 1 students will listen quietly and take notes while sitting in the outer circle. The groups will switch positions after two or three minutes, and Group 1 will discuss the quote while Group 2 observes and takes notes. Before the class reconvenes, give Group 2 students in each group a minute or two to ask clarifying questions of Group 1.

After the groups have discussed the second quote, reconvene everyone for a whole-class discussion. Call on volunteers from each discussion group, and ask the volunteers what their group concluded about the significance of the quote.

15 minutes

Evaluate

Display **slide 21**. Let students know that this lesson will conclude with a Six-Word Memoir exercise. Explain that students who were in Group 1 of their discussion groups will be writing their memoirs about the concurring opinion, while students who were in Group 2 will be writing about the dissenting opinion. Tell students that they will be asked to boil down each opinion delivered by the Supreme Court in the case to only six words. Give them about 10 minutes to brainstorm and write out these words on a piece of scrap paper. Before they begin, make sure to share the examples relating to the concurring and dissenting opinions from another important Supreme Court case, Gitlow v. New York found on slide 21.

At the end of the activity, if time permits, have a few volunteers share their six-word memoirs. Collect these memoirs at the end of the class, and grade them as a summative assessment.

Resources

- Bill of Rights Institute. (2022, April 25). West Virginia State Board of Education v. Barnette | BRI's homework help series [Video]. YouTube. https://www.youtube.com/watch?v=V792ysvZnws
- Dbenbenn, Zscout370, Jacobolus, Indolences, Technion. (2015, March 26). Flag of the United States. Wikimedia Commons. https://commons.wikimedia.org/wiki/File:Flag_of_the_United_States.svg
- K20 Center. (n.d.). Circle maps. Strategies. https://learn.k20center.ou.edu/strategy/159
- K20 Center. (n.d.). Fiction in the facts. Strategies. https://learn.k20center.ou.edu/strategy/60
- K20 Center. (n.d.). Fishbowl. Strategies. https://learn.k20center.ou.edu/strategy/3053
- K20 Center. (n.d.). I notice, I wonder. Strategies. https://learn.k20center.ou.edu/strategy/180
- K20 Center. (n.d.). Poll Everywhere. Tech Tools. https://learn.k20center.ou.edu/tech-tool/662
- K20 Center. (n.d.). Six-word memoirs. Strategies. https://learn.k20center.ou.edu/strategy/75
- Poll Everywhere. (n.d.). Support center. https://support.polleverywhere.com/hc/en-us