



# Burn Ban?

## Texas v. Johnson



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**Subject** Social Studies  
**Course** U.S. Government

### Essential Question

How is free speech protected in the Texas v. Johnson decision?

### Summary

In this lesson, students first analyze a quote about free speech before discussing whether the right to free speech is important. Next, students summarize the Texas v. Johnson Supreme Court case before debating whether a constitutional amendment banning flag burning is necessary. Students reflect on their learning by responding to the essential question, “How is free speech protected in the Texas v. Johnson decision?”

### Snapshot

#### Engage

Students analyze a quote on free speech.

#### Explore

Students discuss the right to free speech.

#### Explain

Students summarize the Texas v. Johnson Supreme Court case.

#### Extend

Students debate a constitutional amendment to ban flag burning.

#### Evaluate

Students reflect by responding to the question, “How is free speech protected in the Texas v. Johnson decision?”

## 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.3.10E:** Texas v. Johnson (1989)

## Attachments

- [Case Summary - Burn Ban.docx](#)
- [Case Summary - Burn Ban.pdf](#)
- [Constitutional Amendment Debate - Burn Ban.docx](#)
- [Constitutional Amendment Debate - Burn Ban.pdf](#)
- [Court Case Review - Burn Ban.docx](#)
- [Court Case Review - Burn Ban.pdf](#)
- [Graphic Organizer - Burn Ban.docx](#)
- [Graphic Organizer - Burn Ban.pdf](#)
- [Lesson Slides - Burn Ban.pptx](#)

## Materials

- Lesson Slides (attached)
- Sticky Notes (one per student)
- Case Summary (attached; one per student)
- Graphic Organizer (attached; one per student)
- Court Case Review (attached; one per student)
- Constitutional Amendment Debate (attached; one per group of four students)
- Sticky notes (one per student)
- Pen/pencil
- Notebook paper

10 minutes

## Engage

Use the attached **Lesson Slides** to guide the lesson. Begin with **slide 3** and read the quote on the slide to students: *"I disapprove of what you say, but I will defend to the death your right to say it"* ~ Evelyn Beatrice Hall.

Ask students to [Think, Pair, Share](#) what the quote means. Provide time for students to first think about the quote; then, pair students up and ask them to talk to one another about the meaning of the quote. Next, ask for volunteers to share what they talked about.

Move to **slide 4**, which has the essential question, and **slide 5**, which has the lesson objectives. Review both of these with students. Ask students to think about the essential question as they complete the lesson.

15 minutes

## Explore

Display **slide 6** and introduce the [Commit and Toss](#) strategy to students. Provide each student with a sticky note. Have students respond to the question on the slide, "Is it important to have freedom of speech? Why or why not?" on their sticky notes. Then, have students crumple up their sticky notes and toss them into the air. Ask students to pick up a sticky note and read it. Ask several students to read what is written on the sticky note they picked up. Ask students whether they agree or disagree with the note they picked up or whether they want to add something to what is written. Have a brief class discussion about the student's thoughts and responses.

25 minutes

## Explain

Move to **slide 7**. Pass out the attached **Case Summary** and **Graphic Organizer** handouts to each student. Have students read the summary of the court case Texas v. Johnson and use that information to complete the graphic organizer handout. Encourage students to consider the First Amendment while they are reading. If needed, show students a short video that further explains the case of Texas v. Johnson, *Can You Burn an American Flag?*

### Embedded video

<https://youtube.com/watch?v=PN0o5oDpvGo>

After students have completed the graphic organizer, have a class discussion about the decision in Texas v. Johnson. Display **slide 8**, which has questions that can prompt the discussion.

### Teacher's Note: Possible Student Responses

- The case was about a person's ability to burn the American flag as a form of protesting the government.
- The court decided flag burning was "expressive conduct," which is a form of speech.
- The Court thought that even though the flag is important, people's right to say what they think is more important.
- The Court said that even though Johnson wasn't talking when he burned the flag, he was still showing his opinion. It's like the statement you make when you wear an OU or OSU shirt.

20 minutes

## Extend

Place students into groups of four and provide each group with one copy of the attached **Constitutional Amendment Debate** handout. Introduce students to the [Debate Team Carousel](#) strategy. Move to **slide 9** and read the question on the slide: *Should there be a constitutional amendment to ban burning the United States flag?*

Show the short video on the slide, which gives two perspectives to the question.

### Embedded video

<https://youtube.com/watch?v=DmDm5iRFBE0>

After the video, move to **slide 10** and follow the steps to complete the handout.

Ask one student in each group to begin by writing their response to the question in box one. When the first student finishes, ask them to pass their paper to the student on their right. The next student reads what is written in box one and writes a statement of support for that response in box two. Next, ask students to pass their papers to the right again and have the third student add a counter-argument response in the third box. Finally, have students move the handout to the right once more. The fourth student reads the responses in boxes one through three and then writes a statement that summarizes the responses in the first three boxes.

### Teacher's Note: Possible Student Claims

If students struggle to write a claim in the first box, here are some ideas that can be suggested:

- A Constitutional amendment should be passed because burning the flag is disrespectful to the history of our country.
- A Constitutional amendment should not be passed to ban flag burning because protesting is an important right for Americans to have.

Once the students have written their responses, ask the class to pass the handout back to the original student and provide a few minutes for everyone to read all the responses. Ask for a few volunteers to share their opinions about a constitutional amendment to ban burning the flag.

10 minutes

## Evaluate

Move to **slide 11** and have students take out a piece of notebook paper. Provide time for students to individually respond to the essential question: "How is free speech protected in the Texas v. Johnson decision?" Collect student responses to assess student understanding of the lesson.

### Teacher's Note: Lesson Extension

After teaching the court cases [Gitlow v. New York](#), [West Virginia v. Barnette](#), [Engel v. Vitale](#), [Tinker v. Des Moines](#), and Texas v. Johnson, consider having students review the court cases by using the [Forbidden Phrases](#) strategy. In this strategy, one student prompts another to say a specific word on a card but cannot say the four forbidden associated words. See the attached **Court Case Review** handout for a list of words about the five court cases. Print enough copies so that students can complete the cards in pairs.

## Resources

- *Can you burn an American flag? Texas v. Johnson*. YouTube. (2017a, April 21). [https://youtu.be/PNOo5oDpvGo?si=di\\_EZndhA\\_ly8Ee0](https://youtu.be/PNOo5oDpvGo?si=di_EZndhA_ly8Ee0)
- *Landmark US flag burning case marks 25th Anniversary*. YouTube. (2014a, June 20). <https://www.youtube.com/watch?v=DmDm5iRFBE0>
- K20 Center. (n.d.). Commit and toss. Strategies. <https://learn.k20center.ou.edu/strategy/119>
- K20 Center. (n.d.). Debate team carousel. Strategies. <https://learn.k20center.ou.edu/strategy/110>
- K20 Center. (n.d.). Forbidden phrases. Strategies. <https://learn.k20center.ou.edu/strategy/3342>
- K20 Center. (n.d.). Think, pair, share. Strategies. <https://learn.k20center.ou.edu/strategy/139>