

## **Case Brief: West Virginia State Board of Education v. Barnette**

1. **Identification of the Case:** West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S. Ct. 1178 (Supreme Court of the United States, 1943)
2. **Action Sought:** Coercive Remedy
3. **Facts of the Case:** The West Virginia State Board of Education, in 1942, adopted a resolution (largely on the basis of an earlier decision in *Minersville School District v. Gobitis*) stating that all teachers and pupils “shall be required to participate in the salute honoring the Nation represented by the Flag”.
4. **Question to be Answered by the Court:** Whether or not mandatory participation in a flag-salute ceremony is unconstitutional
5. **Answer Given by the Court:** Yes. The West Virginia law requiring participation in the flag salute was found to be unconstitutional.
6. **Reasons:** Such a law prescribed by a state governing body “transcends the constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.”
7. **Significance of the Case [for schools]**

The significance of this case lies not only in the court finding the West Virginia statute unconstitutional but in the overruling of a previous Supreme Court case, *Minersville School District v. Gobitis*, that moved the court in the opposite direction. This decision showed reflection and a reversal of opinions from some of the same judges that sat on the *Gobitis* case. In it, Justice Jackson “held that a state may require pupils to attend educational exercises based on American history and civics to teach patriotism, but that ceremonies involving compulsory rituals, such as the flag salute, were unconstitutional (Alexander & Alexander, 2008)

It's significance for schools is great because it calls into question many of the traditions adopted by public schools and engrained in the concerts, pep fests, and observances of many schools still today. This case is particularly salient against the current backdrop of national anthem protests and flag desecration. Our students are more tuned in to this topic now and it's important that we, as school officials, are operating under the law.