U.S. Supreme Court

West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)

West Virginia State Board of Education v. Barnette

No. 591

Argued March 11, 1943

Decided June 14, 1943

319 U.S. 624

*APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA*

# Syllabus

1. State action against which the Fourteenth Amendment protects includes action by a state board of education. P. 319 U. S. 637.

2. The action of a State in making it compulsory for children in the public schools to salute the flag and pledge allegiance -- by extending the right arm, palm upward, and declaring, "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all" -- violates the First and Fourteenth Amendments. P. 319 U. S. 642.

So *held* as applied to children who were expelled for refusal to comply, and whose absence thereby became "unlawful," subjecting them and their parents or guardians to punishment.

3. That those who refused compliance did so on religious grounds does not control the decision of this question, and it is unnecessary to inquire into the sincerity of their views. P. 319 U. S. 634.

4. Under the Federal Constitution, compulsion as here employed is not a permissible means of achieving "national unity." P. 319 U. S. 640. **[p. 625]** 5. *Minersville School Dist. v. Gobitis,* 310 U. S. 586, overruled; *Hamilton v. Regents,* 293 U. S. 245, distinguished. Pp. 319 U. S. 642, 319 U. S. 632.

47 F.Supp. 251, affirmed.

APPEAL from a decree of a District Court of three judges enjoining the enforcement of a regulation of the West Virginia State Board of Education requiring children in the public schools to salute the American flag.