“*from* Texas v. Johnson Majority Opinion” by William J. Brennan

Critical Vocabulary – Define each word:

1. Compulsion
2. Implicit
3. Reaffirmation
4. Resilience

Background:

1. In what year did the Supreme Court deliver its ruling on this case?
2. Who wrote the majority opinion in this case?
3. Which Constitutional Amendment is up for debate in this case?
4. Summarize the First Amendment.

Read the selection from the court opinion “Texas v. Johnson Majority Opinion” by William J. Brennan. Then, reread the lines indicated with each question below. Answer each question, citing text evidence.

1. Lines 1–2: Restate the first paragraph in your own words.
2. Lines 3–6: Which phrase indicates that the Court does not think *encouraging* proper treatment of the flag is the same as legally *requiring* proper treatment of the flag?
3. Lines 17–25: In which lines does Justice Brennan apply Holmes’s idea to the current case?

Analysis Questions

1. In its argument to make flag burning a criminal offense, what events did Texas predict might happen? How does the Court interpret the significance of these possible events?
2. How does Justice Brennan support the idea that “the flag’s deservedly cherished place in our community will be strengthened, not weakened” by the ruling?
3. How is the image of the flag flying over Fort McHenry related to the central idea of the opinion?
4. What does Justice Brennan’s repetition of the word ‘resilience’ to refer to the nation suggest about his view of the Constitution?