

THE FIRST AMENDMENT ESTABLISHMENT AND FREE EXERCISE OF RELIGION

Goals

This lesson is part of a larger unit on Citizenship: Rights, Duties, and Liberties in which students learn basic aspects of citizenship and how the First and Fourteenth Amendments affect citizenship.

By the end of the unit, students will be able to identify rights, duties and responsibilities of citizenship. They will also understand the meaning and importance of the First and Fourteenth Amendments.

Objectives

By analyzing landmark Supreme Court cases and creating scenarios of their own, students will understand the importance of the First Amendment as it pertains to establishment and free exercise of religion.

First Amendment freedoms are discussed in **Virginia Standard of Learning CE 3b**, which is for eighth grade.

Prerequisites

Students should have a basic knowledge of the history and importance of the Constitution of the United States and the Bill of Rights.

Materials

- First Amendment text
- The Bill of Rights Institute website is a great resource for brief summaries of landmark Supreme Court Cases:
<http://www.billofrightsinstitute.org/teach/freeResources/LandmarkSupremeCourtCases/#ReligionEst>
- Frayer Model visual organizer
- Writing paper

Lesson Description

In this lesson, students will come to understand the First Amendment as it relates to religion. Students will learn the meanings of the terms “establishment” and “free exercise” of religion and learn to discern between the two. They will study landmark First Amendment cases. Finally, they will evaluate student-generated scenarios for constitutionality.

Lesson Procedure

The lesson is introduced with a brief discussion of the Constitution and the Bill of Rights.

The class analyzes the First Amendment with special emphasis on establishment and free exercise of religion. Text of the First Amendment is provided below.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Special emphasis is placed on the terms “establishment” and “exercise.” The class discusses its understanding of the terms. Students refine their understandings of the two terms by filling out a Frayer Model worksheet and sharing them with each other.

Definitions of establishment and exercise are listed below:

Establishment: Having the government sponsor or approve a particular church or religion

Exercise: Practicing religion

Through classroom discussion, the class understands the meaning of the First Amendment as it pertains to religion, that: Laws favoring a particular church or religion or preventing the practice of religion are unconstitutional.

The class examines some landmark Supreme Court cases that pertain to the religious aspects of the First Amendment. When considering the scenario, students should determine two things: (1) whether the landmark case pertains to establishment or free exercise; and (2) whether the laws in question were constitutional or not. Brief summaries are listed below. When sharing, the teacher should take care to not give away the nature and constitutionality of the case.

Establishment Cases

Engel v. Vitale (1962)

New York’s requirement of a state-composed prayer to begin the school day was declared an unconstitutional violation of the Establishment Clause.

Abington School District v. Schempp (1963)

A Pennsylvania law, requiring that each public school day open with Bible reading, was struck down as violating the Establishment Clause.

Santa Fe Independent School District v. Doe (2000)

A public school district’s policy of having students vote on a prayer to be read by a student at football games violated the Establishment Clause. The voting policy resulted in religious coercion of the minority by the majority.

Good News Club v. Milford Central School (2001)

Religious clubs were allowed to meet in public schools after class hours as other clubs were permitted to do. Allowing religious clubs to meet did not violate the Establishment Clause.

Free Exercise Cases

Reynolds v. United States (1879)

A federal law banning polygamy was upheld. The Free Exercise Clause forbids government from regulating belief, but does allow government to regulate actions such as marriage.

Wisconsin v. Yoder (1972)

The Court ruled that Amish adolescents could be exempt from a state law requiring school attendance for all 14- to 16-year-olds, since their religion required living apart from the world and worldly influence. The state's interest in students attending two more years of school was not enough to outweigh the individual right to free exercise.

Church of the Lukumi Babalu Aye v. City of Hialeah (1993)

Laws passed by four Florida cities banning animal sacrifice were targeted at the Santeria religion, which employs animal sacrifice in prayer, and therefore, the laws were unconstitutional.

Students each create two scenarios on their own. One should relate to establishment and the other should relate to free exercise. The scenarios may or may not be constitutional. Students then share one of their scenarios with the class. The class will identify the nature of the case and determine the constitutionality of the situation.

Assessment/Evaluation

Student/class understanding is assessed during class discussion.

Frayer Model worksheet and student-generated scenarios are collected and evaluated for understanding.