

## **FIRST AMENDMENT RELIGION CLAUSES**

### **Goals**

**VUS.5d** The student will demonstrate knowledge of the issues involved in the creation and ratification of the Constitution of the United States of America and how the principles of limited government, consent of the governed, and the social contract are embodied in it by

**d)** Examining the significance of the Virginia Declaration of Rights and the Virginia Statute for Religious Freedom in the framing of the Bill of Rights.

This lesson will come at the end of a larger unit in which the student will explain the origins of the Constitution, identify major compromises necessary to produce the Constitution, including the roles of James Madison and George Washington, and describe the conflict over ratification, including the Bill of Rights and the disagreements between the Federalists and Anti-Federalists.

At the end of this unit, the student should be able to list the rights that are included in the First Amendment, describe the difference between the Establishment and Free Exercise Clauses, and demonstrate an understanding that the First Amendment was written to prevent the persecution and disharmony that occurred when the king required that all his subjects adhere to one particular religion.

### **Objectives**

During this lesson, the student will examine the freedoms and rights provided for in the First Amendment, with a focus on the freedom of religion. The student will distinguish between the two parts to the freedom of religion, specifically, no laws respecting the establishment of religion, and the free exercise of religion. The student will understand the vocabulary terms and recognize their significance. The student will be able to demonstrate his or her knowledge by engaging in a debate on the First Amendment and answering questions on the topics of this lesson.

### **Vocabulary**

The Establishment Clause  
The Free Exercise Clause  
Conscience  
Worship  
Religion  
Separation of Church and State

### **Prerequisites**

The student is expected to have a basic understanding of what the Bill of Rights is and why the early leaders of our country considered it important to add this list to the Constitution. The teacher should have some background knowledge of the religious tolerance of the various colonies.

## **Materials**

- Each student should be provided with a copy of at least the relevant portions of the: (1) Virginia Declaration of Rights – Article 16; (2) the Virginia Statute for Religious Freedom; (3) the First Amendment to the Bill of Rights; and (4) a copy of Article 18 of the Universal Declaration of Human Rights. (If you provide full copies of each of these documents for additional or advanced study, students should have a highlighter to quickly identify the relevant parts for this lesson.)
- You will need a K-W-L sheet and a copy of the 5-question quiz to be given at the end of the lesson for each student.
- You will also need one copy of each of three court cases:  
[http://supct.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0473\\_0373\\_ZS.html](http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0473_0373_ZS.html)  
School District of the City of Grand Rapids v. Ball (83-990)  
<http://supct.law.cornell.edu/supct/html/91-948.ZS.html>  
Church of the Lukumi Bablu Aye v. City of Hialeah (91-948)  
[http://supct.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0406\\_0205\\_ZS.html](http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0406_0205_ZS.html)  
Wisconsin v. Yoder (70-110)

## **Lesson Description**

This lesson is designed for a 90-minute block. The focus of this lesson is the freedom of religion. Students will brainstorm rights, learn vocabulary related to the freedom of religion, read relevant portions of historical documents and rewrite those portions in their own words, engage in a debate on the necessity of the right to freedom of religion, read the facts of three court cases and summarize those cases stating how the Establishment Clause or Free Exercise Clause of the First Amendment is relevant, and take a short quiz on the material covered in this lesson. This lesson incorporates SIOP principles.

## **Lesson Procedure**

Bell activity (first 10 minutes) – Students list their rights as citizens. After giving the students a few minutes to make their list, spend the next 5 minutes having the students tell you what was on their lists while you write their answers on the board or overhead. If students list something that is not a right, explain that. Students add to their lists any rights a classmate thought of that were not already on their own lists. Highlight those rights that are included in the First Amendment (freedom of religion, speech, the press, peaceful assembly, and to petition the Government for a redress of grievances). Students should include this list in their notes.

Write the vocabulary words on the board and ask students if they can predict what the topic of today's lesson will be. Then put the objectives on the overhead along with the SOL. Pass out the K-W-L sheets and have students write what they *Know* about freedom of religion and what they *Want* to learn. Inform students that a completed K-W-L sheet is their exit ticket today. Explain the vocabulary words and phrases. Give the students a chance to write these down. Their homework assignment is to write more complete definitions of these terms. Allow about 10 minutes total for these activities.

Have a student pass out the copies of the first three documents (Virginia Declaration of Rights, Virginia Statute for Religious Freedom, and the First Amendment). While the copies are being passed out, give a brief history of the colonies and their views on religious freedom. Examples include Maryland founded as a refuge for Catholics, Rhode Island founded by religious dissenters from Massachusetts' strict enforcement of Anglicanism (and becoming the first colony to grant religious freedom to all), the Congregational Church being the official religion of Connecticut, and Pennsylvania's pro-Quaker stance. Explain that this is the background against which the framers of the Constitution and subsequent Bill of Rights were working. Read aloud Article 16 of the Virginia Declaration of Rights. In pairs, have students rewrite the article in their own words. Ask a few students to share what they have written. Then focus on the next to last paragraph of the Virginia Statute for Religious Freedom. As before, read this section aloud, and then have the pairs of students rewrite the section in their own words and share. (You will have to explain that "burthened" is an old-fashioned word for "burdened" because it is unlikely they will know it or be able to find it in an abridged dictionary.) Spend about 15 minutes on this activity.

Divide the class in half and tell them that they are the delegates who have been sent by their states to vote on each of the proposed amendments. One half has the assignment of arguing in favor of the First Amendment freedom of religion. The other half has the more difficult assignment of arguing the opposite – that there should be a government-sanctioned and supported religion. This group may require help coming up with reasons. The teacher may need to assist with suggestions, such as promoting good, moral behavior of the citizens, and having the people in agreement in their religious beliefs as a way to promote unity in society. If everyone attends the same church, it is easier for news, laws, and other governmental updates to be disseminated quickly to the people. Give the students 10 minutes to put together the arguments for their side. Then each side gets 2 minutes to present their arguments before a vote is taken whether or not to include the freedom of religion in the First Amendment. The total time for this activity should be about 15 minutes.

Spend about 10 minutes on this section. Lead students through the development of the ideas and language of religious freedom that came down through the earlier Virginia documents to the First Amendment. Ask students what would be different today if the First Amendment had been voted down. Then ask students whether they think the concepts of religious freedom would have been approved if they had been voted on 60 years ago, in 1948. Take a vote and record the numbers. Pass out copies of Article 18 of the Universal Declaration of Human Rights and show the students that the United Nations apparently thought freedom of religion was still a good idea even in 1948. Show students how this article is the ideological offspring of the Virginia documents and U.S. Bill of Rights.

Divide the students into three groups and pass out copies of the three Supreme Court cases. Ask the students to work together in their groups to decide why each case is in violation of the Establishment Clause or the Free Exercise Clause. Ask students from each group what they decided and to explain how the Court reached its decisions. Would they have reached the same decision as the Court did? Why or why not? Give the groups about 10 minutes to review their case, and decide whether they agreed with the Court. Then allow each group about 2 minutes to share the facts, the Supreme Court's decision, and their group's decision and rationale for that decision with the class.

For the last 10-15 minutes of class, have the students complete the *What I Learned* section of their K-W-L sheets, which they will hand in as their exit tickets, and take a 5-question quiz on the First Amendment. A sample quiz is included below.

### **Assessment/Evaluation**

The students will be evaluated through their participation in the group activities and discussions, the answers given on their K-W-L sheets, and their answers on the quiz given at the end of the class.

### **Sample Quiz**

1. Name a right that is guaranteed by the First Amendment.
2. What is meant by “the Establishment Clause?”
3. True or False – The original 13 colonies all had freedom of religion as part of their laws.
4. James Madison took the religious freedom ideas that he wrote into the First Amendment from what two Virginia documents?
5. Of the three Supreme Court cases discussed in class today, give the reasons you agree or disagree with the Court in one case.