

THE FREE EXERCISE CLAUSE AND THE ESTABLISHMENT CLAUSE

Goals

Students will demonstrate knowledge of the Free Exercise Clause and the Establishment Clause from the United State Constitution by creating a pamphlet about one civil liberties landmark Supreme Court case.

Objectives

SOL: GOVT. 10c & 11a

Students will need one or two ninety-minute-block periods to complete this assignment.

Students will be able to...

1. Demonstrate their knowledge of the Free Exercise and Establishment Clauses by applying one of the clauses to a landmark Supreme Court case.
2. Create a project using the information that they have learned.
3. Utilized the internet to access several sources in order to complete the assignment.
4. Work cooperatively in groups to achieve a set goal.

Prerequisites

Students should already have a good understanding about Civil Liberties. Students should also have learned about the Free Exercise Clause and the Establishment Clause and what section of the Constitution they came from. Student should also have a general understanding of how the United States Supreme Court works. Knowing the meaning of the following vocabulary words should help.

1. Majority Opinion
2. Supreme Court Justice
3. Dissenting Opinion
4. Concurring Opinion
5. Appeal
6. Plaintiff
7. Defendant
8. The Lemon Test

Materials

1. Internet Access
2. 1 sheet of poster board for each group
3. Coloring supplies (markers, colored pencils, crayons)
4. 1 copy of the Web Quest document per group
5. 1 copy of the Court Case Worksheet per student
6. Additional supplies (not needed but helpful)
 - a. Construction paper; old magazines; civics, government, or political science textbooks; dictionaries; rulers; other arts and crafts supplies

Lesson Description

Students will begin class with a focus activity. Next students will complete, individually, a worksheet on their assigned Supreme Court case. After completing this worksheet, students will work in groups to create a pamphlet about the case they have been assigned. The list of Supreme Court cases are as follows:

1. Engel v. Vitale (1962)
2. Lemon v. Kurtzman (1971)
3. Santa Fe Independent School District v. Doe (2000)
4. Lee v. Weisman (1992)
5. Zelman v. Simmons-Harris (2002)

Students are to use only their textbooks and the website that were provided to complete the activity.

Lesson Procedure

A Web Quest is designed to be a student-led learning experience. There is not much work on the teacher's end during the lesson. I recommend going over the directions, expectations for group work, requirements for the assignment, and rubric with students before beginning the activity. Have students follow the directions step by step in the process section, and the activity should run smoothly.

Before class

1. Make enough copies of the court cases worksheet (1 per student).
2. Make enough copies of the Web Quest document (1 per group, group of 2-3 is best).
3. Gather enough art supplies (1 poster board per group, etc.).
4. Guarantee internet access for every group.
5. Create groups ahead of time. Make groups heterogeneous with students of different abilities in each group.

During Class

6. Open class with the following quote. Have students record the quote into their notebooks and ask them to describe what the quote means and how it can be applicable to their lives. If you have a blog this can be done in there as well.

**"The First Amendment has erected a wall between Church and State.
That wall must be kept high and impregnable.
We could not approve the slightest breach."**

Hugo L. Black

Everson v. Board of Education 1947

7. Have students share their responses with the class.
8. Divide students into the groups that you have already chosen.
9. Hand out the worksheet for the court cases and the Web Quest document.
10. Give students time to complete the worksheet (20-30 minutes).
11. After worksheet is completed, give students the poster board and instruct them to tri fold it. It should look like a larger version of a pamphlet.
12. Give student the rest of the class period (30-45 minutes) to work on the pamphlets.
 - a. *If students are slower workers or are sharing resources and materials you may want to allow for a longer period of time to complete the pamphlets.*

After lesson

As an enrichment activity, you can have students copy down the following quote and ask them the following questions.

"Just as the right to speak and the right to refrain from speaking are complementary components of a broader concept of individual freedom, so also the individual's freedom to choose his own creed is the counterpart of his right to refrain from accepting the creed established by the majority."

**Justice John Paul Stevens
U. S. Supreme Court Justice
Source: Wallace v. Jaffree, 1985**

1. What components of the United State's Constitution is Justice John Paul Stevens defending in this quote?
2. In your court case, which of the components mentioned above did the plaintiff feel was denied to them?
3. What actions did the Supreme Court take to maintain the freedoms of the plaintiff?
4. What is your opinion? Do you feel that American society and government do an adequate job of maintaining a complete neutrality and separation in terms of religion? Why or why not? Cite examples.

Assessment/Evaluation

Students will be evaluated on their pamphlets according to the rubric that is enclosed on the Web Quest document. Students will be assessed on the information that they have learned through a standard quiz with multiple choice questions.

Expand the lesson

1. A good method of expanding the lesson would be to pass to each student 4 copies of the Court Case Worksheet (one for each of the court cases).
2. Have each group post around the room their pamphlet on their court case.
3. Have students walk around and gather the information that they need to complete the worksheet for each of the other court cases that they themselves did not research.
4. Afterwards have students compare and contrast the court cases.

Supreme Court Case Worksheet and Web Quest document follow

3. What was the majority opinion of the Supreme Court in regards to this case?

a. *i.e.:* What was the verdict of the Justices of the Supreme Court?

4. Who wrote the majority opinion? What other Justices supported it?

a. *i.e.:* give names

Name: _____

Date: ____/____/____

Block: _____

Free Exercise Clause and Establishment Clause Web Quest

Introduction

Since the ratification of the United States Constitution, and subsequently the First Amendment, federal and state governments have been charged with the task of allowing religious freedom. Through the Establishment Clause and the Free Exercise Clause, federal, state, and local governments are forbidden from making provision to favor one religion over another and inhibiting individuals from expressing their religious beliefs, respectively.

You and your group are researchers for an organization that protects Americans civil liberties. You have been contracted to head a campaign to inform the public about landmark Supreme Court cases that dealt with the First Amendment.

Task

Your group will be responsible for creating a pamphlet that will give information, in a fun and creative format about an assigned Supreme Court case.

In addition, each student will be given a worksheet that will ask questions about the court case that your group has been assigned. Using the websites given, answer the questions. (Note: The questions that are asked on the worksheet are the exact same questions that must be included in your pamphlet.)

Process

Each pamphlet must answer the following questions in detail.

1. In a minimum of 5 sentences, explain the facts of the case.
 - a. *i.e.: What events led to the plaintiff filing suit?*
2. What Amendment is being considered in this court case? What is the legal basis?
 - a. *Ex: First Amendment: Free Exercise*
3. In what ways does this court case embody the legal basis you chosen?
 - a. *i.e.: Defend the legal basis you have chosen using the facts from the case.*
4. What was the majority opinion of the Supreme Court in regards to this case?
 - a. *i.e.: What was the verdict of the Justices of the Supreme Court?*
5. Who wrote the majority opinion? What other Justices supported it?
 - a. *i.e.: Give names.*

Each pamphlet must also include the following

1. Title Page
 - a. Title of Supreme Court Cases that you have researched
 - b. Fictitious name for the organization that you represent
 - c. Logo that represents your organization in color
 - d. Date of publication
2. Visual
 - a. Must include a picture that visually displays the events that led to the case going to court.
3. Include the names of all group members and the sources used on the back flap.

Just a list of the website that you used will be fine.

Use the following websites to find information about your assigned court case. Each court case has several website that you may use. Use more than one!!!

Engel v. Vitale (1962)

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/engel.html>

Gives detailed information about case background and the court's opinion by Justice Hugo Black

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0370_0421_ZS.html

Court opinion and legal basis

http://www.oyez.org/cases/1960-1969/1961/1961_468/

Brief synopsis of court case

Lemon v. Kurtzman (1971)

http://religiousfreedom.lib.virginia.edu/court/lemo_v_kurt.html

http://www.oyez.org/cases/1970-1979/1970/1970_89/

Brief synopsis of court case and well as the opinion of the Supreme Court

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0403_0602_ZS.html

Detailed description of case and opinion of Supreme Court

Santa Fe Independent School District v. Doe (2000)

http://www.oyez.org/cases/1990-1999/1999/1999_99_62/

Brief description of court case and opinion of the Supreme Court

<http://www.law.umkc.edu/faculty/projects/ftrials/firstamendment/santafe.html>

Detailed facts of the case, opinion of the Supreme Court as written by Justice Stevens

<http://www.firstamendmentschools.org/freedoms/case.aspx?id=489>

Description of events that led to court case, majority and dissenting opinion of the Supreme Court

Lee v. Weisman (1992)

http://www.oyez.org/cases/1990-1999/1991/1991_90_1014/

Brief description of court case and opinion of the Supreme Court

http://religiousfreedom.lib.virginia.edu/court/lee_v_weis.html

Description of events that led to court case, majority and dissenting opinion of the Supreme Court

<http://www.law.cornell.edu/supct/html/90-1014.ZS.html>

Detailed facts of the case, opinion of the Supreme Court as written by Justice Kennedy

Zelman v. Simmons-Harris (2002)

<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/zelman.html>

<http://www.law.cornell.edu/supct/html/00-1751.ZS.html>

Detailed facts of the case with majority opinion of the Supreme Court written by Justice Rehnquist

http://www.oyez.org/cases/2000-2009/2001/2001_00_1751/

Brief description of the case and opinion of the Supreme Court.

Evaluation

	Beginning 1	Developing 2	Accomplished 3	Exemplary 4	Score
Information is politically and historically accurate	<i>Contains many obvious errors</i>	<i>Contains 1-2 minor errors</i>	<i>Contains accurate information</i>	<i>Conveys to the reader proper knowledge of the court cases and opinions of the court.</i>	
Information is presented in a logical and appropriate manner with the requirements fulfilled	<i>Information is difficult to understand and none of the requirements were fulfilled.</i>	<i>Information is clearly presented with 2 requirements not fulfilled</i>	<i>Information is well organized, visually appealing, with 1 requirement not fulfilled</i>	<i>Information flows in logical order, is well organized, and all the requirements are fulfilled</i>	
Demonstration of understanding of Free Exercise Clause and Establishment Clause	<i>Demonstrates no understanding of Free Exercise and Establishment Clauses</i>	<i>Shows very limited understanding of Free Exercise and Establishment Clauses</i>	<i>Demonstrates an understanding of Free Exercise and Establishment Clauses</i>	<i>Demonstrates an understanding of Free Exercise and Establishment Clauses and is able to identify instances where either has been violated by citing evidence from court case.</i>	
Creativity	<i>Pamphlet is sloppy lacks effort, color, or any design elements</i>	<i>Pamphlet is neat but lacks any color or design elements</i>	<i>Pamphlet is neat, and shows evidence of color and design elements</i>	<i>Pamphlet shows creativity and an overall effort to attract readers' visual attention</i>	

Conclusions

Congratulations! You have successfully completed your campaign and your clients are very pleased with your work. Hopefully, you have learned that while the United States Constitution makes provisions to protect individual religious freedom, state governments and local governments have not always acted in accordance with these provisions. Through this lesson you should have witnessed the process by which citizens can file complaints when they believe that their constitutional rights have been violated. Also, how the protections from established religion and the protections of free exercise of religion are challenged and defended in life situations. Finally, it is hoped that you have gained an understanding and appreciation for the work of the United States Supreme Court to interpret and uphold the U.S. Constitution.

Credits

Concept & Ideas

Council for America's First Freedom Teacher Institute: *Footprints of Religious Freedom*

Resources from the following Websites

Oyez: U.S. Supreme Court Media

Multimedia archive devoted to the Supreme Court of the United States.

www.oyez.org

Cornell Law School Legal Information Institute (LII)

Research portal that includes Supreme Court case opinions and various aspects of the United States Law code.

www.law.cornell.edu

University of Missouri-Kansas City

Various websites that correspond to select faculty

First Amendment Center

Dedicated to providing comprehensive research coverage on First Amendment issues with articles, video clips, and reports.

www.firstamendmentcenter.org

University of Virginia Religious Freedoms

Dedicated to exploring religious freedom through historical documents, constitutions, laws, court decisions, information about other religious freedom organizations, and much more.

<http://religiousfreedom.lib.virginia.edu/home.html>