

THE IMPACT OF RELIGIOUS POLICY ON CIVIL LIBERTIES

Grade Level: 12

Time Requirements: 90-minute block

Standards of Learning: Virginia & United States Government

SOL Govt.11a: The student will demonstrate knowledge of civil liberties and civil rights by examining the Bill of Rights, with emphasis on First Amendment freedoms (**Freedom of Religion**).

SOL Essential Understandings: The first amendments to the Constitution of the United States of America, known as the Bill of Rights, outline American civil liberties.

SOL Essential Questions: What is the Bill Rights? What are the freedoms listed in the First Amendment to the Constitution of the United States of America?

Goals

Students will be able to interpret a primary document and write a strong analytical essay on religious policy.

Objectives

- Students will understand the First Amendment and the complex legal interpretations regarding religion.
- Students will understand the founders' role in the development of religious policy in America.
- Students will understand how religious freedom is protected in the United States today.

Prerequisites—Students will be familiar with the following terms:

Bill of Rights – First ten amendments of the Constitution, and includes specific guarantees such as free speech, free press and religion.

Civil liberties – The personal rights and freedoms that the federal government cannot abridge, either by law, constitution, or judicial interpretation. These are limitations on the power of government to restrain or dictate how individuals act.

Freedom of religion – People shall be free to exercise their religion and government may not establish a religion.

Free Exercise Clause – Protects people's right to believe what they wish and worship freely in matters of religion.

Establishment Clause – Creates separation of church and state--the government may not endorse an official religion nor give preferential treatment...

Materials Needed

Internet access

Washington Times article entitled: Muslims Offer to Help 'John Does' Sued by Imams (by Audrey Hudson, March 21, 2007, WashingtonTimes.com)

Memorial and Remonstrance Against Religious Assessments (drafted by James Madison, 1785)

Bill for Establishing Religious Freedom (drafted by Thomas Jefferson, 1777)

Virginia Statute for Religious Freedom (enacted by the Virginia General Assembly 1786)

Virginia Declaration of Rights – Article 16 (drafted by George Mason, 1776)

Universal Declaration of Human Rights – Article 18 (adopted by United Nations, 1948)

Court Cases

Free Exercise Cases

Reynolds v United States (1879) - Reynolds, a Mormon, practiced polygamy (married to more than one wife) which was allowed by the teachings of his church. Reynolds was convicted under a federal law prohibiting polygamy. He appealed his conviction to the Supreme Court. The Supreme Court upheld his conviction and held that the First Amendment does not forbid Congress the power to punish those actions that are “violations of social duties or subversive of good order.”

Welsh v United States (1970) - The Supreme Court has upheld the right of the federal government to draft those who have religious objections. The Court ruled that the only persons who could not be drafted were those “whose consciences... would give them no rest if they allowed themselves to become part of an instrument of war.”

Establishment Clause Cases

Lemon v. Kurtzman (1971) - The Court ruled that New York State could not use state funds to pay parochial school teachers' salaries. To be constitutional, the challenged law must:

- Have a secular purpose
- Neither advance nor inhibit religion
- Not foster excessive government entanglement with religion

In 1980, the Lemon Test was used to invalidate a Kentucky law that required the posting of the Ten Commandments in public school classrooms.

Zelman v Simmons-Harris (2002): The Supreme Court upheld Ohio's school voucher plan. Vouchers (grants for tuition payments) from the State are used by parents to send children to private schools, if the parents choose. The Court found that this Ohio program was not intended to promote religion, but rather, to help children from low income families.

Directions for the Lesson

This assignment is designed to provide students with a basic understanding of religious policy and help to develop their writing and analytical thinking skills. Begin the lesson by having students identify what rights they have that are protected by the First Amendment. Ask students why the writers of the Constitution felt it was necessary to protect people's freedom of religion – the right to worship or not worship as they see fit. After a short discussion on First Amendment guarantees, distribute the article entitled: “Muslims Offer to Help 'John Does' Sued by Imams.” Students will read the article and write a one page reaction paper. Students will review the listed documents and court cases and write a five-paragraph essay. In the essay, students should explain the religious provision provided by the First Amendment. Students should also address the role of the founders regarding the development of religious policy and the present role of the government in reference to religious freedom.

Assessment/Evaluation

Students will submit a five-paragraph essay demonstrating their understanding of the specific points addressed in the lesson regarding complexity of the First Amendment and the founders' position on religion and protection of religious freedom. The essay will be graded for its content, organizational structure and logical presentation of information.