

Unit 2: The Bill of Rights and Religion

LESSON 1: THE ESTABLISHMENT CLAUSE - HOW SEPARATE ARE CHURCH AND STATE?

Handout A: Background Essay – The Establishment Clause: How Separate Are Church and State?

1. The Founders believed that the Establishment Clause would prevent the involvement of the national government in religion, as well as the establishment of a national church. They believed that the clause allowed the existence of state-supported religions.
2. The tests include the Lemon Test, the Endorsement Test, and the Coercion Test.
3. Accept all reasoned responses.
4. Accept all reasoned responses.
5. The Founders would be more inclined to support the “picket fence” image since they all believed that religious belief and practice would strengthen and support republican government and civil society. The “wall” metaphor implies no interaction between church and state while the “picket fence” metaphor implies that, while there are barriers between religion and government, there are also appropriate opportunities for one to influence the other.

Handout B: Religion at My School

Answers will vary.

Handout C: Interpreting the Establishment Clause

Accept reasoned answers. Students should give significant thought to the Founders’ purpose for the Establishment and Free

Exercise Clauses and should determine the interpretations of both by the Supreme Court over time.

LESSON 2: WHAT IS THE SIGNIFICANCE OF THE FREE EXERCISE CLAUSE?

Handout A: Free Exercise Anticipation Guide

1. The Court held that Cantwell could not be barred from giving out his materials just because they were religious in nature. General rules for solicitation were valid, but restrictions on religion were not. Since local laws allowed government officials to decide what causes should be called “religious,” the law violated the First Amendment.
2. The Court ruled that the state government did not have to pay unemployment benefits to the individual who lost his job. The state could turn down benefits to anyone who lost their job because of illegal activity.
3. The Court said that these laws actually targeted the Santeria religion, which uses animal sacrifice in prayer. Since they targeted a specific religious group, the laws were unconstitutional.
4. A famous 1972 ruling (*Wisconsin v. Yoder*) concluded that Amish teens could be excused from mandatory school attendance laws since their religion says they must live apart from the world and worldly influence.