

8.2 Freedom of Religion

Government and Politics

Essential question for this unit

How much power should the government have?

Review Unalienable Rights

Civil liberties vs. Civil Rights

Balance of individual rights vs. common good

14th Amendment and Selective Incorporation

Religious Liberty

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” *1st*
Amendment

The 1st Amendment sets out two guarantees of religious freedom

prohibits establishment of religion

prohibits limiting free exercise of religion

Religious Liberty

These guarantees were born out of centuries of opposition to government-established churches

Establishment clause - Congress cannot pass laws respecting an establishment of religion (separation of church and state)

Free exercise clause - Congress cannot pass laws prohibiting the exercise of religion

Religious Liberty

The phrase “**separation of church and state**”
expresses an understanding and intent of the
establishment clause. (*1947 Everson v. Board of*
Education)

The operation/institutions of Church and government
are constitutionally separated in this country.
Limits imposed by the Establishment Clause remain a
matter of continuing controversy.

Religion and Education

The most challenges between religion and government have been over issues pertaining to education.

For example

Can State and local governments give financial aid to parochial (church-related) schools?

(Totino/Benilde)

Can public schools open their day or commencement with a prayer, or moment of silence?

Is it proper for religious student groups to hold meetings at public schools in the evenings?

Religion and Education

More often than not, the Court has found laws that provide some form of public aid to church-related schools unconstitutional.

“Lemon Test” *1971 Lemon v. Kurtzman*

- 1) a law must have a secular, not religious, purpose
- 2) it must neither advance nor inhibit religion
- 3) it must not foster an excessive entanglement of government and religion

Religion and Education

Should public schools be allowed to release students during school hours to attend religious classes?

released time programs are unconstitutional if held in public facilities, but not if held in private places off school grounds

Religion and Education

Equal Access Act of 1984 - declares that any public high school that receives federal funds must allow student religious groups to meet in the school on the same terms that it sets for other student organizations.

Supreme Court ruled the law does not violate the Establishment Clause

Prayers, Bible, Evolution

The Court has also decided on cases involving the recitation of prayers and the reading of the Bible in public schools.

In general, the rulings of the Court has held that public schools cannot sponsor religious exercises.

Teaching of evolution in public schools.

Rulings support the teaching

Other Establishment Clause Cases

Seasonal displays

Can publicly sponsored observances properly include expressions of religious belief?

What about a public display made up only of a religious symbol?

Christmas tree?

Ten commandments

public display constitutional?

Free Exercise

While each person has the right to **believe** whatever they choose, they do not have an absolute right to **act** as they choose.

Limits

Upheld



Review/Reflection

Review freedom of religion