1. Examine why religious liberty is protected in the Bill of Rights.
2. Describe the limits imposed by the Establishment Clause of the 1st Amendment.
3. Summarize the Supreme Court rulings on religion and education as well as other Establishment Clause cases.
4. Explain how the Supreme Court has interpreted and limited the Free Exercise Clause.
Key Terms

- **Establishment Clause**: the clause in the 1st Amendment that prohibits the government from establishing a religion

- **Free Exercise Clause**: the 1st Amendment clause that bans government from interfering with the free practice of any religion

- **parochial**: church-related
Introduction

- How does the 1st Amendment protect the freedom of religion?
  
  -- The Establishment Clause of the 1st Amendment bans Congress from passing any law to establish a religion.
  
  -- The Free Exercise Clause bans Congress from preventing anyone from freely practicing their own religion.
  
  -- The 14th Amendment extends these bans to the state governments.
Religious Freedom

- Support for religious freedom was partly a rejection of colonial government-sponsored churches.
  - In 1786 Thomas Jefferson wrote the Virginia Statute for Religious Freedom, influencing the 1st Amendment.
  - Jefferson said the 1st Amendment created a “wall of separation between church and state.”
• The federal government does not support a specific religion, but does encourage religion in general.
  – Most religious property and contributions to religions are not taxed.
  – Oaths of office, the national anthem, and U.S. coins and currency make reference to God.

• The exact limits of the Establishment Clause remain controversial.
Most Supreme Court rulings on the Establishment Clause have involved religion and education.

- The Court has ruled that public school students may be released during school to attend religious classes, but only if those classes are held in private places off school grounds.

- The Court has allowed states to fund bussing for parochial as well as public schools, as a safety measure.

Checkpoint Answer: Public schools are state sponsored institutions, and as such they are not allowed to promote (aid) or oppose religion, so they may not sponsor prayers in school.
The Court has banned mandatory prayers to start school, posting of the Ten Commandments in classrooms, and school-sponsored prayers at graduations and football games.

- Students can pray as individuals in school and at school events.

• The Equal Access Act of 1984 requires public high schools to let student religious groups meet at school.
  – The Supreme Court has ruled that this law applies to grade schools as well.

• The Supreme Court has ruled that states cannot ban the teaching of evolution in public schools or require the teaching of creation science.

Parochial Schools

- Several states provide public financial aid to parochial schools.
  
  - Supporters argue that parochial students would otherwise be educated at public expense and that their parents pay taxes to support public schools.
  
  - Opponents argue that parents could send their children to public schools and that funding parochial schools amounts to government sponsorship of religious teaching.
Checkpoint Answer: To determine if state aid to parochial schools is constitutional under the laws separating church and state.
The Lemon Test

The courts determine whether State aid to parochial schools is constitutional by applying the Lemon test. How does the Lemon test support the court’s rulings in Wolman v. Walter and Mueller v. Allen?

1. Secular purpose
2. Neutral toward religion
3. Disentangled from religion

Constitutional
Examples of the *Lemon* Test

- The Court *usually* finds public aid for church-related schools to be unconstitutional:

  - It has banned using taxes to pay for teacher salaries, field trips, school districts set up for a religious community, or to reimburse parents for parochial tuition.

  - The Court has allowed states to give tax deductions or tuition vouchers to parents who send children to private schools, which may include parochial schools.

Public Displays

- Are government-sponsored chaplains, seasonal displays, or displays of the Ten Commandments constitutional?
  - The Supreme Court has given different rulings on displays, depending upon how they promote religion.
• A Christmas tree sparkles in front of the California State Capital.

• The Court has ruled that “government may celebrate Christmas in some manner and form, but not in a way that endorses Christian doctrine.”
• A chaplain offers the opening prayer in both houses of Congress and most State legislatures.
• The Court has ruled that this practice, unlike organized prayer in public schools, is constitutionally permissible.
• Checkpoint: What acts are not protected by the Free Exercise Clause?

– No government law or action can deny a person the right to hold any religious beliefs that they wish.

– However, no one has the right to break criminal laws, offend public morals, or threaten public safety while practicing their religion.

Checkpoint Answer: The Free Exercise Clause does not protect the right to offend public morals, break criminal laws, or threaten public safety.
• The Supreme Court has often ruled that the Free Exercise Clause only applies to beliefs rooted in religion.

• The Court has struck down laws requiring a license to raise money for religious causes.

• The Court has ruled that Amish children do not have to attend school past the 8th grade and that Jehovah’s Witnesses do not have to salute the American flag due to the beliefs of each religious group.

Now that you have learned how the 1st Amendment protects the freedom of religion, go back and answer the Chapter Essential Question.

– How can the judiciary balance individual rights with the common good?