

FREE *to believe*



CRITICAL ENGAGEMENT QUESTION

How does the First Amendment protect freedom of religion?

OVERVIEW

The First Amendment protects freedom of religion in two ways: it protects citizens' freedom from government-established religion, while also protecting an absolute freedom of belief. Through the stories of Bridget Mergens and Billy Gobitas, students will see how the actions of two young people made sure that these First Amendment protections were applied to students in public schools. Students will then further their understanding of the two clauses by creating original role-plays based on actual Supreme Court cases involving freedom of religion.

It does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg.

—THOMAS JEFFERSON

A union of government and religion tends to destroy government and degrade religion.

—HUGO BLACK

MUSEUM CONNECTION

Help your students understand what freedom of religion means. Take your class to the **Freedom of Religion** exhibit and experience the computer interactive on *Westside Community School v. Mergens* (1990) at the McCormick Tribune Freedom Museum (www.FreedomMuseum.us).

OBJECTIVES

Students will:

- explain how Bridget Mergens and Billy Gobitas preserved freedom of religion.
- understand the Establishment and Free Exercise Clauses.
- apply both clauses of the First Amendment to a variety of scenarios.
- appreciate the First Amendment's protection of freedom of belief.

STANDARDS

NCHS: Era 10, Standard 2
 CCE: IIB1, VB1, VC1
 NCSS: Strands 1, 3, 4, 5, and 6

STUDENT MATERIALS

Handout A: The First Amendment and Freedom of Religion
 Handout B: Religion in Public Schools Challenge
 Handout C: Gobitas and Mergens
 Handout D: First Amendment Religious Freedoms Cut and Paste
 Scissors and glue

TEACHER MATERIALS

Freedom of Religion Role-Play Cards
 Answer Key

FREEDOM CARDS

Charles Carroll
 Bridget Mergens
 See page 107

GRADE LEVEL/TIME

Two 45-minute middle school classes or one 90-minute block

BACKGROUND/HOMEWORK

[10 minutes the day before]

- Have students complete **Handout A: The First Amendment and Freedom of Religion**.
- Have students share their responses to **Handout A**. As a large group, discuss the two ways the First Amendment ensures freedom of religion, i.e., by protecting freedom from government-established religion (Establishment Clause), as well as by protecting the individual's right to believe and practice whatever religion s/he chooses (Free Exercise Clause).

WARM-UP

[10-15 minutes]

- Distribute **Handout B: Religion in Public Schools Challenge**. Use **Handout B** as a transparency master and reveal one statement at a time, having students raise their hand if they think it is true.
- Go over the answers as a large group, and ask students whether they were surprised by any.

ACTIVITY I

[20-30 minutes]

- Have students work in pairs to read the stories on **Handout C: Gobitas and Mergens**. After they have completed the reading, have students complete **Handout D: First Amendment Religious Freedoms Cut and Paste** by cutting out all of the boxes and gluing the corresponding statements to either the Gobitas column or the Mergens column.
- Ask the class to compare and contrast the struggles of both students. Have students discuss these questions as a large group.
 - Who faced the more difficult situation?
 - Whose situation did more to strengthen religious freedom?
 - Which clause(s) of the First Amendment could be applied to each situation?

ACTIVITY II

[20-30 minutes]

- Divide the class into groups of four and give each group a **Freedom of Religion Role Play Card**. Have each group member assume the role of an individual in the scenario. Give groups time to compose a role-play depicting the situation.
- Have students present their role-plays to the class. As groups present, allow discussion and ask students to predict how the Supreme Court ruled. Then, reveal the Court's decisions. (See *Answer Key*.)

- C. Conduct a large group discussion on freedom of religion to answer the questions:
- Why is freedom of religion important?
 - What challenges do students, parents, teachers, and administrators face when trying to protect freedom of religion?
 - How does the First Amendment guarantee freedom of belief?

HOMEWORK

- A. Have students write a one-page fictional dialogue that might have taken place between Billy and Bridget.
- B. Have students select one of the role-play scenarios and write a one- to two-page script, building on the ideas discussed in class.

EXTENSIONS

- A. Assign various freedom of religion cases to the class, and have students present what they learned about their case by writing a one-paragraph summary of the facts of the case and decision, and creating a visual depiction of the situation. Students can begin their research on the landmark Supreme Court cases page at www.BillofRightsInstitute.org.
- B. Have students research various tests used by the Supreme Court to determine if a government action violates the Establishment Clause. In a PowerPoint or other presentation, have students explain and assess the Lemon Test, the Endorsement Test, and the Coercion Test.



REAL LIFE PORTAL

Have students learn about and report on the status of religion in their school. (If not a public institution, students should choose a local public school to study.) Students should prepare a booklet or newsletter reporting on the existence or practices associated with:

- Required moments of silence
- Student religious organizations
- Religious texts in the school library
- Policies on religious attire or jewelry (for students as well as teachers)
- Holiday decorations or celebrations
- Prayers at graduation
- Other religious displays

THE FIRST AMENDMENT AND FREEDOM OF RELIGION

Directions: Read the excerpt from the First Amendment below and then complete the sections below.

THE FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

Establishment Clause:

Congress shall make no law respecting an establishment of religion

Free Exercise Clause:

or prohibiting the free exercise thereof

1. Rephrase the Establishment Clause in your own words:

2. Rephrase the Free Exercise Clause in your own words:

3. Why do you think the Founders included both of these protections for freedom of religion?

RELIGION IN PUBLIC SCHOOLS CHALLENGE

Directions: *Mark each statement true or false as it pertains to public schools.*

- _____ 1. Your school district can require the Pledge of Allegiance to be read every day.
- _____ 2. Your teacher can require you to recite the Pledge of Allegiance.
- _____ 3. Your teacher can require you to stand during (but not recite) the Pledge of Allegiance.
- _____ 4. You can be expelled for refusing to recite the Pledge of Allegiance if it is in the student handbook.
- _____ 5. A teacher may sponsor a Bible Study Club.
- _____ 6. Students may meet in a Bible Study Club during school hours.
- _____ 7. Students may meet in a Bible Study Club after school hours.
- _____ 8. Your teacher can lead the class in prayer before class.
- _____ 9. Students can lead the student body in prayer on the P.A. system before a football game.
- _____ 10. A Rabbi can lead the audience in a non-denominational prayer at graduation.
- _____ 11. A student can post the Ten Commandments in his or her locker.
- _____ 12. A teacher can post the Ten Commandments in his or her classroom.

GOBITAS AND MERGENS

Directions: Read the information and complete Handout D.

Billy Gobitas was a ten-year-old elementary school student. He was also a Jehovah's Witness. Witnesses believe that saluting the flag is a form of idol worship, a direct violation of the second commandment in the Bible. Therefore, saluting the American flag and reciting the Pledge of Allegiance would be violating Billy's religion. When Billy refused to participate in 1935, he was expelled from school. Billy wrote a letter to the school board explaining, "I do not salute the flag because I have promised to do the will of God." The school board did not change its position.

The Gobitas family was physically attacked and their family grocery store boycotted. The Gobitas family was under great financial strain due to the poor income from the grocery store and the cost of sending two children to private school. Their father, with the help of The Watch Tower Society of the Jehovah's Witnesses, sued on behalf of his children.

In 1940, the Supreme Court decided against the Gobitas family, ruling that the government could require respect for the flag as a key symbol of national unity. However, three years later the Supreme Court changed its mind. *West Virginia State Board of Education v. Barnette* was another case involving the Jehovah's Witnesses. In that case, the Supreme Court held that the right of free speech guaranteed in the First Amendment to the Constitution means the government cannot force anyone to salute the American flag or recite the Pledge of Allegiance.

Bridget Mergens, a high school honor student, thought it would be a great idea to start a Christian Bible study club after school. Drugs and violence were common in her hometown of Omaha, Nebraska, so Bridget thought her homeroom teacher and principal would happily support her idea to begin such a club. She was shocked when both the principal and the superintendent refused her request. The principal and superintendent believed that the club would violate the Establishment Clause of the First Amendment. They also thought it would open the door to any religion, even Satanists, to gain access to the high school after school hours.

Bridget believed that her rights were being violated and decided to challenge the decision. "I really believed we were being treated unfairly," says Bridget. "We weren't asking for special treatment. And if we wanted to do something destructive, like sacrifice dogs or cats or mess up the school, I could understand it. But all we wanted to do was meet like any other club." While not everyone agreed with her, many teachers and students supported her pursuit.

It took almost five years, but the Supreme Court sided with Bridget. Since other student-established and -led clubs were allowed to meet after school, then the Bible Study must be allowed as well. The decision meant that religious clubs are allowed in public schools as long as they do not specifically give advantages to those participating or force students to participate in any religious activities.

FIRST AMENDMENT RELIGIOUS FREEDOMS CUT AND PASTE

Directions: Read the statements and decide whether they apply to Billy Gobitas or Bridget Mergens. Then, using scissors and glue, cut out each statement and glue it under the appropriate column.

1 The Supreme Court ruled against me.	7 I said I believed I was doing the "will of God."
2 Neighbors physically attacked my family and boycotted my family's grocery store.	8 I was an elementary school student.
3 I was a high school student.	9 I had the support of many students and teachers.
4 I suggested that religious activities could take place after school hours.	10 The Supreme Court ruled in my favor.
5 I believed that my school forced some students to violate their religion.	11 I believed that barring religious clubs from school was unfair.
6 I argued that the schools opposed a voluntary religious activity.	12 I had to choose between following my religious beliefs and attending public schools.

CUT AND PASTE (CONT.)

BILLY GOBITAS

BRIDGET MERGENS

FREEDOM OF RELIGION ROLE PLAY CARDS

Directions: Read the following scenarios and assign roles to your group members. Then work together to write a brief role-play depicting the situation that sparked the conflict.

Jon was a student in a Baltimore public high school. Following school policy, his teacher began each day with a reading of the Lord's Prayer as written in the King James (Protestant) Bible. Jon, like all of his family members, was an atheist and did not believe in God. Jon and his mother, Mrs. O'Hair, complained to the school about the practice of the required recitation, arguing it violated the Establishment Clause. A school official responded that if he did not wish to participate in the prayer, John could stand out in the hallway while it was being read. Mrs. O'Hair was concerned her son would feel like an outcast, and took the school to court. The case eventually made it to the Supreme Court.

Roles: Jon, Mrs. O'Hair, teacher, school official

Deborah was a Jewish student at a public school in Rhode Island. The principal of her school, Mr. Lee, invited a Rabbi to lead a prayer at the graduation ceremony. Mr. Lee gave the Rabbi instructions that the prayer had to be non-sectarian. Deborah challenged the practice of inviting clergy to deliver prayers at school events together with her father, Mr. Weisman. They claimed that the practice violated the Establishment Clause. The district court rejected her claim so she took the case to the Supreme Court.

Roles: Deborah, Mr. Lee, Rabbi, Mr. Weisman

Jonas and Wallace, ages 14 and 15, were members of the Old Order Amish. Amish believe that salvation requires life in a church community separate and apart from the world and worldly influence. In keeping with their religion, their parents did not send them to school after the eighth grade. The law in Wisconsin, however, said that children must attend school until age 16. John W. Calhoun, Assistant Attorney General of Wisconsin, argued that the state has an interest in educating children, and fined the parents for their refusal to send their kids to school. Jonas and Wallace took their case to the Supreme Court, arguing that the Wisconsin attendance law violated the Free Exercise Clause.

Roles: Jonas, Wallace, parent, Mr. Calhoun

The West Virginia teacher called the class to order by beginning the Pledge of Allegiance. The requirement at the time (1943) was the "stiff-arm salute." Students had to keep their right hands raised with palm turned up, while reciting: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands; one nation, indivisible, with liberty and justice for all." A Jehovah's Witness student refused to salute the flag, because to do so would violate his religious beliefs. A school official explained that according to state law, refusing to salute the flag was "insubordination" and would get him expelled. A group of Witness students, believing this statute violated the Free Exercise clause, took their case to the Supreme Court.

Roles: Jehovah's Witness student, reciting student, teacher, school official

