

Free to Believe (Adapted from [Faces of Freedom in American History](#) p. 17)

Critical Engagement Question: How does the First Amendment protect freedom of religion?

Background: The First Amendment protects freedom of expression. It protects freedom of religion in two ways: the government may not establish a religion nor may the government prohibit an individual from the free exercise of religious beliefs. The stories of Billy Gobitas and Bridget Mergens will show how these two clauses of the First Amendment applied to students in the public schools.

Objectives: Through the study of this lesson the students will be able to:

Understand and explain the meaning of the Establishment and the Free Exercise clauses;
Explain how Billy Gobitas and Bridget Mergens preserved freedom of religion in their schools;

Apply both clauses of the religious freedom to a variety of scenarios;

Appreciate the First Amendment's protection of freedom of belief in their own lives.

Standards:

NCHS: Era 10, Standard 2

CCE: IIB1; VB1; VC1

NCSS: Strands 1, 3, 4, 5, 6

IL State Standards: Language Arts: 1C; 4A

Social Studies: 14 A, C, F; 15 B; 18 B

Resources:

Copies of the First Amendment (not included)

Handout A The First Amendment and Freedom of Religion

Handout B: Religion in Public Schools Challenge

Handout C: Stories of Gobitas and Mergens

Handout D: First Amendment Religious Freedoms Cut and Paste

Teacher Materials:

Freedom of Religion Role Play Cards

Answer Key to Handout B and Role Play cards

Grade level/time frame:

The lesson could be adapted for middle or high school.

It could be done in one 60-90 minute class (short version) or expanded to several classes (see notes for various adaptations)

The Lesson:

Background/Homework/Warm-up: (10-20 minutes the day before or the day of the lesson)

1. Discuss/post the following quotes:

It does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket or breaks my leg. Thomas Jefferson

A union of government and religion tends to destroy government and degrade religion.
Justice Hugo Black

2. Students complete handout A then discuss their answers (pairs, groups, whole class)
(If you have time to expand here, you could have the students find current news articles regarding religious expression and tie those into the discussion)

Activity One: (10-15 minutes)

Complete handout B: Religion in Public Schools Challenge; give correct answers; discuss. Were any students surprised by the answers? Why? (This could be done on paper, with computers, or an overhead projector)

You could introduce the concept of symbols at this point and discuss the significance of secular and religious symbols. Discuss the emotional attachment, positive and negative, to some symbols.

Activity Two: (20-30 minutes)

Read Handout C: the stories of Billy Gobitas and Bridget Mergens (aloud or silently)
Handout D (2 pages): Religious Freedoms Cut and Paste (skip this part with older students or if there is not enough time for younger students)

Compare and contrast the stories of Billy and Bridget

What did each student want to do?

How did people react to their struggle?

Who faced the more challenging situation? Why?

Whose situation did more to strengthen religious freedom? How?

Which clause of the First Amendment could be applied to each case?

Do you agree or disagree with Billy and Bridget? Explain.

Activity Three: (20-30 minutes)

Role play: Divide the class into groups and give each group a role play card

Have the students compose a skit to depict the story on their card

Present the skit to the class

Discuss each case

Predict how the Supreme Court would rule in each case and why

Reveal Court's decision (see answer key)

(You could skip the skits and have groups of students play the role of the Supreme Court for each of the cases. If you are pressed for time the students could just read and discuss the cases then check the ruling of the court or, this could be a homework assignment)

Discussion questions for the role play cards:

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, Extensions, and Real Life Portal:

Reflect and take a stand on the issues of freedom of religion by:

- Writing a short essay on what would happen in our society if religious freedom was not protected by the Bill of Rights
- Keep a journal for 24 hours or longer noting the times and instances when students used or saw religious expression
- Interview school administration regarding current school policy on freedom of religion
- Conduct a survey on attitudes towards religious expression in the public arena
- Write a letter to an elected official or newspaper editor regarding this topic
- Court Cases: Use various court cases to show how conflicts over freedom of religion can be resolved through the court system. Emphasize rule of law. See handouts for court case briefings
- Collect contemporary newspaper articles and blogs about the topic of freedom of religion
- Compare and contrast policies about religious expression in the US with policies in other countries
- Take a look at the UN Universal Declaration of Human Rights and discuss the provisions regarding religious freedom
- Make a visual (poster, power point, etc.) regarding religious freedom and expression
- Make a timeline with words and pictures about freedom of religion and the courts
- Students could write letters back and forth between Billy and Bridget. Half the class could pretend to be Billy writing to Bridget, the other half could be Bridget writing to Billy. The students could then switch and read the letters and write back as the other character.
- Interview school administrators or school board members regarding school or district policies on practices associated with: required moments of silence; student religious organizations; religious texts in school libraries; policies on religious attire or symbols; holiday celebrations in school; prayers at graduation and other events; other religious displays; creationism and evolution in the classroom. Write an article for the school newspaper based on the interviews.

US GOVERNMENT

JUDICIAL BRANCH

YOU BE THE JUDGE

Read the following Supreme Court case summaries and provide the following information for each case:

1. Title and date of the case
 2. Constitutional **issue**
 3. **Section** of the **Constitution** (or Amendments) that applies to the case
 4. How would you rule on the case? Why?
 5. How the Supreme Court ruled
-

A. Korematsu v. US (1944): After the attack on Pearl Harbor Japanese Americans, even citizens, were suspected of being pro-Japan or possibly even spies for Japan. President Roosevelt issued Executive Order 9066 which authorized the military to evacuate and relocate approximately 112,000 persons of Japanese ancestry, about 70,000 of whom were natural born US citizens. An act of Congress later reinforced the executive order. Mr. Korematsu, a US citizen, refused to leave his home in California. He was convicted in the district court and appealed his case all the way to the US Supreme Court. He claimed his rights were violated.

B. Schenck v. US (1919): As part of an effort to promote national unity during WWI Congress enacted several laws that restricted some of the 1st Amendment freedoms in order to curb antiwar speech and actions. The Espionage Act prohibited any attempt to interfere with the war effort including speaking out against the draft. The Sedition Act prohibited saying or publishing anything disrespectful to the US government. Charles Schenck, president of the Socialist Party of America, claimed that the war had been caused by and would benefit only the rich, while causing thousands of poor people to serve in the military and risk injury and death. He participated in various protests including mailing about 15,000 pamphlets urging le to resist the draft. He was arrested, tried and convicted for violating the Espionage Act. He eventually appealed his case all the way to the US Supreme Court.

C. New Jersey v. TLO (1985): In 1980, a teacher at Piscataway HS found TLO and another student smoking in the restroom. That was a violation of school rules. The girls were taken to the principal's office where one of them confessed to smoking but TLO denied it. An assistant principal searched TLO's purse and found cigarettes, rolling papers, a pipe, some marijuana, a wad of dollar bills and incriminating letters. TLO was taken to the police station where she confessed that she was a dealer. The juvenile court sentenced her to probation and she appealed her case all the way to the US Supreme Court.

D. Hazelwood School District v. Kuhlmeier (1987): In 1983, 3 reporters for the Hazelwood High School newspaper wrote some articles about divorce, teen pregnancy and runaway teens. The stories were approved by the faculty advisor and names were changed to protect identities. The principal decided that the controversial stories were an invasion of privacy and presented the subjects in a way with which he disagreed. He felt the material was inappropriate for the high school paper and would not allow it to go to print. The students took their case all the way to the US Supreme Court.

E. Tinker v. Des Moines School District (1969): In 1965, John and Mary Beth Tinker were sent home from school for wearing black arm bands to protest the war in Vietnam. The school allowed students to wear political symbols but not armbands to protest the war. Their parents sued the school district and eventually took their case all the way to the US Supreme Court.

F. Frederick v. Morse (2007): In 2002, Joseph Frederick, a student at Juneau-Douglas HS attended a parade near his school. When he unfurled a banner that read “Bong Hits 4 Jesus,” the principal took it and suspended him for 10 days because she said that the banner promoted drug use and conflicted with the school’s anti-drug policy. The district court ruled in favor of the principal and the school but the 9th Circuit Court of Appeals said it was a violation of Frederick’s rights to take the banner. The case went all the way to the US Supreme Court.

Notes on the Lesson:

Critical Engagement Questions: How does the first amendment protect freedom of religion?
(Add these and other questions as appropriate throughout the lesson:

What is a symbol?

Why are symbols important?

Why is freedom of religion important?

How and when is it protected?

Why is religious freedom controversial?

How are controversies over freedom of religion resolved within the US system of government?

Does freedom **of** religion also mean freedom **from** religion?

Are there any limits on freedom of religion?

How are freedom and responsibility related?

Do we have absolute freedom to do anything, anytime, anywhere?)

Be careful not to lose track of the critical engagement questions. They could be used later as essay questions on an exam or quiz.

Background/Homework/Warm-up:

- Consider discussing the quotes on the first page of the lesson even before the warm-up
- Be sure that the younger students understand the difference between the establishment clause and the free exercise clause on handout A
- Emphasize the importance of symbols as a means of communication in many areas of life, (secular and religious; for good, bad and neutral purposes) Also note emotional attachment to symbols.
- For handout B, consider letting students answer questions individually first so that they have an opportunity to think about the issues without any influence from other students

Activity I:

- Connects FREEDOM OF RELIGION to the BILL OF RIGHTS
- Younger students may need some guided reading questions for the articles in handout C.
- Older students will not need to cut and paste the statements in handout D
- In part B, consider adding some questions about how the individual students in your class might have felt if they were in the shoes of Gobitas or Mergens

Activity II:

- For the role play activity, you may need to have the younger students actually write a script to help them stay focused (see part B under homework).
- For part C, you may need to do some small group discussions first.
- Try to connect freedom of religion to some issues in your own school environment.

Activity III: (can be modified to fit the grade level and time available)

Homework, Extensions, and Real Life Portal:

Court Cases:

See www.BillofRightsInstitute.org for information on these and other cases.

These are some of the cases that could be used for a “You Be the Judge” activity (see attached) or a court case time line.

Establishment Clause:

Everson v Bd. Of Education (1947)

Engel v. Vitale (1962)

Abington School District v. Schempp (1963)

Lemon v Kurtzman (1971)

Stone v Graham (1980)

Wallace v. Jaffree (1985)

Allegheny County v Greater Pittsburgh ACLU (1989)

Bd. Of Education of Westside Community School v. Mergens (1990)

Lee v Weisman (1992)

Santa Fe Independent School District v Doe (2000)

Mitchell v Helms (2000)

Free Exercise:

Cantwell v Connecticut (1940)

Braunfeld v Brown (1961)

Sherbert v Verner (1963)

Wisconsin v Yoder (1972)

McDaniel v Paty (1978)

Thornton v Caldor, Inc (1985)

Employment Division v Smith (1990)

Church of the Lukumi Babalu Aye v City of Hialeah (1993)