Lesson Overview:
In this lesson, students will examine the First Amendment’s religious clause and its application to contemporary issues of religious liberty. Students will review video segments from First Freedom: The Fight for Religious Liberty that explore the development of the freedom of worship clauses in the First Amendment and the establishment of a separation of church and state.

Grade Level: 7–12

Related Academic Subjects:
U.S. History, Civics/Government, Language Arts

Time Needed to Complete the Lesson:
- Opening Activity: one half class period
- Video Viewing Activity: one class period
- Main Activity: two to three class periods

Materials Needed to Complete the Lesson:
- computers with Internet access for research
- pens, pencils, and paper
- student handouts:
  - Video Viewing Questions 1 and 2 (two handouts)
  - Case Review Analysis Activity

Lesson Objectives:
The student will:
- Understand the two provisions of religious liberty contained in the First Amendment’s religious clause
- Apply its meaning to contemporary issues of religious liberty
• Analyze the protections the First Amendment provides religion and the government
• Analyze the role of religion in American politics, particularly in the 1800 presidential campaign
• Analyze how the First Amendment’s religious clause applies to contemporary issues of religious liberty

Video Segments Used in the Lesson:

Video Segment 1: “Protection of Religious Liberty”
Description: In 1789, as the people of the United States took their first steps under a new Constitution, there was an underlying concern that the new government possessed too much power over the states and citizens. During the ratification process two years earlier, a diverse group of individuals, known as the anti-Federalists, insisted that a bill of rights be added to ensure protection for people’s liberties. Of special concern was the protection of religious liberty. Many people understood that religion could become involved in politics, and the concern was that people in power would try to establish their church as the national church.

Video Segment 2: “Campaign of 1800”
Description: By 1800, political parties had established themselves in American politics and were in full operation during the election between John Adams and Thomas Jefferson. This was one of the most polarized and contentious political campaigns in American history. Thomas Jefferson had secretly hired a pamphleteer who specialized in political slander to write vicious allegations against Adams. Supporters of Adams retaliated, publicly calling Jefferson a coward and an atheist. The brutality of the campaign severed the once-strong relationship between the two patriots.

Lesson Procedure:
Opening Activity
In this activity, students are introduced to the First Amendment’s religious freedom clause. They will examine its wording and then compare their understanding to several statements involving religion and government. They will either agree or disagree that the statement is aligned with the First Amendment’s religious freedom clause and explain why.

1. On the overhead or front board, write the text to the First Amendment’s religious freedom clause, and give students a little time to read through the text:

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

2. Have students pair up and discuss their understanding of the clause.

3. On the front board or on the floor of the classroom, draw a continuum line with “Supported by First Amendment” at one end and “Not Supported by the First Amendment” at the other.
4. Distribute the list of statements below or have them posted large enough for students to see on the whiteboard or overhead.

5. Have students work in their small groups reviewing one statement, then determine whether the statement is supported by the First Amendment’s religious freedom clause and explain why (answer guide provided below in italics). As an alternative, you can assign each small group one of these statements below:

   a. It should be a law that anyone running for a government office should have strong religious beliefs.
   b. Since most Americans are Christians, it’s okay if the government provides some funding for churches to promote Christian values.
   c. The government should be prohibited from passing any law that might restrict an individual from practicing his/her religion, even if one of the rituals of the religion could be harmful to the individual.
   d. The government shouldn’t allow religious symbols to be displayed on government property.
   e. The government shouldn’t put the term “In God We Trust” on coins or currency.
   f. Atheists should receive the same protection against discrimination as religious people.
   g. Protecting religion from government influence is as important as protecting government from religious influence.
   h. People of all faiths — Christians, Jews, Muslims, Hindus, Buddhists, or of no faith at all — should be allowed to run for office in the United States.

**Answer Guide:**

a. *This would be in violation of the Sixth Amendment of the Constitution, which states, “no religious Test shall ever be required as a Qualification to any Office or pubic Trust under the United States.”*

b. *The Supreme Court has ruled that some support of religion is allowed as long as it doesn’t single out any particular religion. In this case, supporting Christianity because it is the majority religion would not be allowed under the “no establishment” clause of the First Amendment.*

c. *The Supreme Court has ruled that most religious rituals are allowed under the “free exercise” clause of the First Amendment. However, when it is obvious that a religious practice poses potential harm to an individual (such as snake charming), it is not protected by the free exercise clause.*

d. *Generally, religious symbols are not allowed on public land, such as nativity scenes in public parks or crucifixes on mountaintops. However, in recent years, the Supreme Court seems to be sending mixed messages in its rulings. On June 26, 2005, the Court handed down two seemingly contradictory rulings. The distinction is that simple displays of the Ten Commandments were not inherently*
unconstitutional if they portrayed neutrality in honoring the nation’s legal history. But if the display endorsed a religion, that was unconstitutional.

e. The motto “In God We Trust” has been challenged more than once in court, but judges have ruled that its use does not violate the First Amendment's prohibition on the establishment of religion. In the first case challenging the motto, Aronow v. U.S. (1970), the 9th U.S. Circuit Court of Appeals ruled that the use of the motto is not government sponsorship of religion. The Supreme Court has not ruled directly on this issue.

f. Under the provisions of the Constitution and the Bill of Rights, atheists are protected from discrimination just like any other citizens.

g. Protecting religion from government influence and vice versa was one of the major intents of the Founding Fathers as they crafted the religious protections of the First Amendment.

h. People of any faiths or no faith are allowed to run for office under the Sixth Amendment’s no religious test provision.

6. Randomly review each group’s position on the selected statements. Ask other groups if they agree or disagree and why.

Video Viewing Activity – A Constitution without God
Tell students that these two video clips provide information on the adoption of the Bill of Rights to the Constitution in 1791, the influence of religion in the election of 1800, and the establishment of the principle of separation of church and state.

1. Organize students into small groups. Distribute the two video viewing student handouts to each group.

2. Allow time for student groups to view each of the video clips from the film First Freedom, following the cues on their handouts. (This step can also be given as homework.)

3. Have students discuss the Small Group Questions first.

4. Have them meet as a full class and review the Small Group Questions with the class.

5. Assign each group one of the Large Group Discussion Questions from each of the video viewing handouts. (Or discuss all the Large Group Discussion Questions with the entire class.)

6. After each group has discussed the questions, have them present their findings to the class.
Main Lesson:
In this activity, students working in small groups will conduct a case review of one of several contemporary and sometimes contentious issues surrounding the free exercise clause of the First Amendment. In the case review, they will role-play judges researching the different positions on the issue and rendering a judgment.

Before you begin this activity, it is suggested that you review the featured cases (listed in the student handout) to determine if you want students to examine all or only some of the issues. You may also substitute other First Amendment Supreme Court cases from Oyez.org or the other sites in the Resources section.

1. Divide students into odd-numbered groups of three to five (larger classes can divide into groups of seven).
2. Assign or have student groups choose one of the cases listed on the case studies analysis sheet.
3. Review the Background, Directions, and Case Review Analysis/Decision Sheet with all students.
4. Provide time for students to research their case, fill out their analysis form, and deliberate the facts of the case.
5. Have student judges summarize their decision, record any dissenting opinions, and prepare a class presentation. Provide an opportunity for students to ask questions of each group of judges on their decisions.

Culminating Activities:
• Have students write a reflection essay on the following questions:

  How might national or local politics enter into any of these cases? What actions by the legislative or executive branches of government might be imposed to resolve these issues? How might these actions align or conflict with the religious clause of the First Amendment?

• Have students form groups and debate one of the issues they researched in the case review activity.

Assessment:
• Cooperation and participation during group activities and case review preparation.
• Depth of discussion during the debriefing questions.
• Use the suggested rubric provided at the end of this lesson or your own assessment tool to evaluate student work on the essays.
Resources:
- Teaching History.org: http://teachinghistory.org/teaching-materials/ask-a-master-teacher/24471
- Legal Information Institute: http://www.law.cornell.edu/
- The Oyez Project: http://www.oyez.org/
- Find Law: http://lp.findlaw.com/
- The Supreme Court of the United States: http://www.supremecourt.gov/
- Debate.org: http://www.debate.org/opinions/religion/

Standards:
McREL: http://www.mcrel.org/compendium/browse.asp

U.S. History:
- **Standard 6:** Understands the causes of the American Revolution, the ideas and interests involved in shaping the revolutionary movement, and reasons for the American victory
- **Standard 29:** Understands the struggle for racial and gender equality and for the extension of civil liberties
- **Standard 31:** Understands economic, social, and cultural developments in the contemporary United States

Civics:
- **Standard 9:** Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy
- **Standard 13:** Understands the character of American political and social conflict and factors that tend to prevent or lower its intensity
- **Standard 25:** Understands issues regarding personal, political, and economic rights

Language Arts:

**Writing**
- **Standard 1:** Uses the general skills and strategies of the writing process
- **Standard 2:** Uses grammatical and mechanical conventions in written compositions
- **Standard 3:** Gathers and uses information for research purposes

**Listening and Speaking**
- **Standard 7:** Uses listening and speaking strategies for different purposes

**Thinking and Reasoning**
- **Standard 1:** Understands and applies the basic principles of presenting and making an argument

**About the Author:** Greg Timmons has been a social studies teacher for more than 30 years. He has written lessons for several PBS productions, including *THE NEWS HOUR, FRONTLINE*, and various Ken Burns productions, including *THE WAR, THE NATIONAL PARKS: AMERICA’s BEST IDEA, THE TENTH INNING, PROHIBITION and THE DUST BOWL*. He resides in Washington state and Montana.
Video Viewing Questions

Video Segment 1: “Protection of Religious Liberty”

Description: In 1789, as the people of the United States took their first steps under a new Constitution, there was an underlying concern that the new government possessed too much power over the states and citizens. During the ratification process two years earlier, a diverse group of individuals, known as the anti-Federalists, insisted that a bill of rights be added to ensure protection for people’s liberties. Of special concern was the protection of religious liberty. Many people understood that religion could become involved in politics, and the concern was that people in power would try to establish their church as the national church.

Small Group Questions:

1. Describe some of the fears many Americans, especially the anti-Federalists, had as the new Constitution took effect in 1789. What were some of the specific concerns related to the practice of religion?

2. Even though he was under pressure to do so, why was James Madison initially reluctant to support a bill of rights amended to the new Constitution?

3. Describe the two parts of the First Amendment’s religious clause:

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

4. At the time it was written, why did the First Amendment apply only to the federal government?

5. Why is the religious clause of the First Amendment considered a milestone in world history?

Large Group Discussion Questions:

1. What would be the advantages and disadvantages of a state-sanctioned religion? Which do you feel outweighs the other, the advantages or disadvantages?

2. Most historians agree that the intention of the First Amendment’s religious clause was to make sure that the church and the state were separate institutions. How would such a separation protect both religion from government and government from religion?

3. At the outset, the First Amendment applied only to the federal government. States and individuals could still discriminate against people of different religions. Look at a copy of section 1 of the 14th Amendment and explain how it forces states to comply with the provisions of the federal Constitution.
**Video Viewing Questions**

**Video Segment 2: “Campaign of 1800”**
Description: By 1800, political parties had established themselves in American politics and were in full operation during the election between John Adams and Thomas Jefferson. This was one of the most polarized and contentious political campaigns in American history. Thomas Jefferson had secretly hired a pamphleteer who specialized in political slander to write vicious allegations against Adams. Supporters of Adams retaliated, publicly calling Jefferson a coward and an atheist. The brutality of the campaign severed the once-strong relationship between the two patriots.

**Small Group Questions:**
1. Describe President John Adams’s reasons for declaring a national day of fasting. Explain why this declaration made the sectarian Christians, such as Baptists and Methodists, nervous.

2. Describe how religion became an issue in the 1800 election between John Adams and Thomas Jefferson and how the accusation that Jefferson was an atheist was intended to instill fear in the voters.

3. In the aftermath of the 1800 election, explain how the First Amendment’s religious clause forbidding the establishment of religion and protecting the right of religious worship had encouraged the growth of religions in the United States.

**Large Group Discussion Questions:**
1. Compare and contrast the examples of political rancor in the 1800 election with elections today. Which do you feel is more extreme and why?

2. Explain whether you feel questioning a candidate’s religious faith is an appropriate issue for an election campaign.

3. With the Adams campaign saying a vote for Jefferson was a vote for diminishing religion in America, explain how the election of 1800 was a test for religious freedom.
Case Review Analysis Activity

**Background:** For most people, the words and meaning of the First Amendment’s religious clause are clear and understood: The state cannot establish a religion, nor can it sanction, assist, or in any way favor one religion over another. Also, the right to freely practice one’s religious beliefs shall not be infringed on by the state in any way. However, over time unique circumstances and changes in public attitudes have brought controversy to these two seemingly simple protections of religious liberty. For several years, debates have raged over several issues involving the establishment of religion and the free exercise thereof. The Supreme Court has struggled to clearly define whether displaying religious symbols, such as the Ten Commandments, on public land is a violation. The teaching of Darwin’s theory of evolution instead of the Bible’s interpretation of creation has found its way out of school board meetings and into state legislatures. As the government has provided citizens more access to health care, questions have arisen over whether religious organizations or individuals should be forced to provide health services they believe violate their commitment to God. Society’s expanded acceptance of alternative lifestyles has called into question the extent of civil rights for those who are seeking personal relationships with members of the same sex. In all these issues, the clarity of the religious clause of the First Amendment and the extent of religious freedom have become problematic.

**Instructions:** You are a team of judges who have been assigned to review a case involving religious liberty. Below is an annotated list of several issues involving the religious clause of the First Amendment and some suggested research sources. Review your assigned case and use the Study Analysis/Decision Sheet to record your findings. You might want to divide some of the work among members of your group, but be sure to share all information as you fill out the analysis form. After you complete your research, as a group discuss the facts and issues of the case and decide whether there is a violation of the “no establishment” or “free exercise” clauses of the First Amendment. Write a summary of your decision in the Case Review Decision section. If any of the judges on your panel disagree with the majority decision, record their judgment in the appropriate place.

**Teaching evolution vs. creationism:**
While many religions do not object to the modern theory of evolution, various fundamental sects, including some churches within Christianity, have rejected the theory in very strong terms. Observers of the controversy note that creationism is based on faith and evolution is based on science. In the United States, this has been a long-running battle dating back to the publication of Charles Darwin’s *Origin of the Species*. The issue was dramatized in a Broadway play and numerous motion pictures. Controversy surrounds several state legislatures that have banned the teaching of evolution in public schools. Some schools offer an alternative theory of humanity’s origins called “creationism” that is taught along with evolution. Critics charge that this is in violation of the First Amendment’s establishment clause because creationism is based on the teachings of the Bible.

**Resources:**
Conscientious objection to providing health care service:

Conscientious objection in health care is the refusal to perform a legal role or responsibility because of a moral or other personal objection. Examples are doctors refusing to perform abortions, pharmacies refusing to sell contraception devices or drugs for physician-assisted suicide, or parents refusing to immunize their children. Many states have conscience clauses in their laws that allow health care providers to refuse to provide services and parents to refuse treatment for their children on religious grounds. However, the consequences of such personal decisions are not limited to the individual, because they often affect other people’s health or access to care. Critics of conscientious objection contend that health care providers have a moral obligation to provide specific services and minimize disruptions of health care for the patient. Parents who opt out of vaccinating their children put other children at risk of preventable diseases. The question becomes, does the state have the right to pass laws that are objectionable to the religious beliefs of individuals, even if they are intended to improve the health of society?

Resources:

Religious symbols on public property:

It has been said that America is a Christian nation. While it is true that many of the values embedded in the country’s founding documents are also found in Judeo-Christian tradition, it is also true that the founders went to great lengths to define what they meant by no government establishment of religion. Yet the debate rages on, from placing “In God We Trust” on our currency to posting crosses on public lands in commemoration of fallen heroes. The Supreme Court has narrowly defined where the line is to be drawn, but has also left the public somewhat confused on exactly what symbols are and are not allowed. Is any reference to any religion by government or on public property a violation of the no establishment clause of the First Amendment? How tall should be the wall between church and state be?

Resources:
- PBS NewsHour: http://www.pbs.org/newshour/bb/law/jan-june05/scotus_3-02.html
Physician-assisted suicide:
Sometimes referred to as “death with dignity,” the act of terminally ill and suffering individuals voluntarily taking their own lives is highly controversial. For centuries, the thought of committing suicide to avoid pain and suffering, not to mention expense, was never a part of public discussion and was most likely limited only to the suffering and their family members. But improvements in medical science that can keep people alive for a long time, even in a vegetative state, have opened the door to questions of how much control individuals have over their own death. For many, any act of suicide under any circumstance is a violation of religious law. For others, even strong believers, assisted suicide is an act of compassion and mercy to the terminally ill suffering from intense pain. Do states that allow physician-assisted suicide violate laws that make suicide illegal? Does the state have a right to ban suicide even when it is done under the care of a doctor? Where does religious code enter into this and where does it leave off?

Resources:
PBS NewsHour: http://www.pbs.org/newshour/bb/health/jan-june96/right_to_die_04-08.html?print
## Case Review Analysis/Decision Sheet

### Topic

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### Cases Study Analysis
Describe the central point of this issue as it pertains to the First Amendment religious clause ("no establishment" or "free exercise" or a combination of both).

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### Summarize the two main positions on this controversy

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<th>Position 1:</th>
<th>Position 2:</th>
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Main Points and Arguments (list 3–4):

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Main Points and Arguments (list 3–4):
Identify past court cases (federal court or Supreme Court) that have reviewed this issue. What are the legal precedents of this case? How have courts ruled on this issue or a similar issue in the past?

<table>
<thead>
<tr>
<th>What is at stake for each side?</th>
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<tbody>
<tr>
<td><strong>Position 1</strong></td>
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<td><strong>Position 2</strong></td>
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<tr>
<td><strong>Case Review Decision</strong></td>
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<td>Summarize your decision (use an extra piece of paper if necessary)</td>
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<th>What is the impact of your decision? How will it affect all parties concerned? How will it improve the situation?</th>
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<th>If any judge disagrees with the majority opinion, write down the reasoning and include it in the decision.</th>
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# Essay Rubric – A Constitution without God

**Student Name ___________________________________________**

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<thead>
<tr>
<th>CATEGORY</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
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<tbody>
<tr>
<td>Content</td>
<td>Shows a full understanding of the topic.</td>
<td>Shows a good understanding of the topic.</td>
<td>Shows a good understanding of parts of the topic.</td>
<td>Does not seem to understand the topic very well.</td>
</tr>
<tr>
<td>Organization</td>
<td>Information is very organized with well-constructed paragraphs and subheadings.</td>
<td>Information is organized with well-constructed paragraphs.</td>
<td>Information is organized, but paragraphs are not well constructed.</td>
<td>Information appears to be disorganized.</td>
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<tr>
<td>Quality of Information</td>
<td>Information clearly relates to the main topic. It includes several supporting details and/or examples.</td>
<td>Information clearly relates to the main topic. It provides 1–2 supporting details and/or examples.</td>
<td>Information clearly relates to the main topic. No details and/or examples are given.</td>
<td>Information has little or nothing to do with the main topic.</td>
</tr>
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**SUBTOTAL** _______ out of 12 pts.

**WRITING QUALITY**

<table>
<thead>
<tr>
<th>Mechanics</th>
<th>No grammatical, spelling, or punctuation errors.</th>
<th>Almost no grammatical, spelling, or punctuation errors</th>
<th>A few grammatical, spelling, or punctuation errors.</th>
<th>Many grammatical, spelling, or punctuation errors.</th>
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<tbody>
<tr>
<td>Diagrams and Illustrations</td>
<td>Diagrams and illustrations are neat and accurate and add to the reader’s understanding of the topic.</td>
<td>Diagrams and illustrations are accurate and add to the reader’s understanding of the topic.</td>
<td>Diagrams and illustrations are neat and accurate and sometimes add to the reader’s understanding of the topic.</td>
<td>Diagrams and illustrations are not accurate OR do not add to the reader’s understanding of the topic.</td>
</tr>
</tbody>
</table>

**SUBTOTAL** _______ out of 8 pts.

**TOTAL** _______ out of 20 pts.