

LAW DAY ★ 2019



The First Amendment contains two separate protections regarding religion: the Free Exercise Clause and the Establishment Clause. The Establishment Clause prohibits the federal or state government (through the 14th Amendment) from enacting laws to promote one religion over another religion. While many Americans might take this right for granted, there are many countries in the world with state-sponsored religion. For example, Saudi Arabia recognizes Islam as the official state religion and England recognizes the Church of England (Christianity) as the state religion.

When people describe a “separation of church and state,” they may be referring to the protections under the Establishment Clause. Thomas Jefferson referred to the clause as “building a wall of separation between church and state.” In the 20th century, the United States Supreme Court established several tests to determine whether a law or government action violated the Establishment Clause. In general, laws must be for a secular (nonreligious) purpose and the primary effect of the law cannot advance or inhibit religion. Laws should also not require excessive entanglement between the government and religion.

ACTIVITIES:

1. Ask students to break up into groups. Each group will be assigned one of two imaginary religions (for example, a religion that worships cats and a religion that worships dogs). The groups should make up principles of the religion that followers of the religion should observe to demonstrate their faith. Students should then develop ways schools could support those principles. Then have the students switch groups, so each group contains half from each imaginary religion. Have the students discuss how schools are supposed to support their imaginary religion. As a class, come together and list the requirements and compare. Discuss how it would feel to have the school impose one religion’s requirements on students who don’t follow that religion.
2. Discuss the landmark United States Supreme Court case *Engel v. Vitale* (1962), which prohibited the state of New York from requiring students to recite a prayer at the beginning of every school day and thus violated the Establishment Clause. Compare with *Board of Education of Westside Community Schools v. Mergens* (1990), which allowed religious student groups to meet on campus outside of school hours. Have the students identify differences between the two cases. Based on these differences and the two cases, have students come up with ideas of what would or would not be allowed under the Establishment Clause.