

# **US History**

## **Lesson #11: April 6, 2020**

**Learning Target (LOR 2.A):** Explain how the US Constitution protects individual liberties & rights.

# Warm Up: The Bill of Rights (BOR) protects you from...

- A. actions of your state government.
- B. actions of your central government.
- C. actions of both the state and central government.

(On your paper, write down what you think the answer is and why. We will check back at the end to see if you were right!)

## A reminder: the BOR = the First 10 Amendments

At the Constitutional Convention, the Anti-Federalists did not want to ratify the Constitution because there WASN'T a Bill of Rights included. The Federalists then promised they would add the BOR later, if the Anti-Federalists would please support the Constitution.

# Civil Liberties

Today we will be walking through the purpose of the Bill of Rights and the idea of Civil Liberties. Your civil liberties are spelled out in the Bill of Rights. You will be focusing on Amendments 1, 4, 5, & 6 in later lessons, but you'll be aware of all the others after today.

To start, think about this picture. The shield is like the Bill of Rights, because it's protecting Wonder Woman from arrows. But what do the arrows represent? Who does Wonder Woman represent? That's what I want you to think about in relation to your rights and write down those answers on your paper.



# What are Civil Liberties?



**Civil Liberties**  
protect/shield you  
from your government!

government  
action

government action

government action

government action

**Civil Liberties** are constitutional protections against the actions of the government. Many are found in the Bill of Rights, but others (like Habeas Corpus) are found in the Constitution itself.

# What are Civil Liberties?



government  
action

government action

government action

government action

**Civil Liberties are your  
protections, BUT they  
are NOT clearly  
defined!**

# Civil Liberties

So were you right? Wonder Woman is YOU and the arrows are the GOVERNMENT and their ACTIONS, and the shield is, of course, the Bill of Rights!

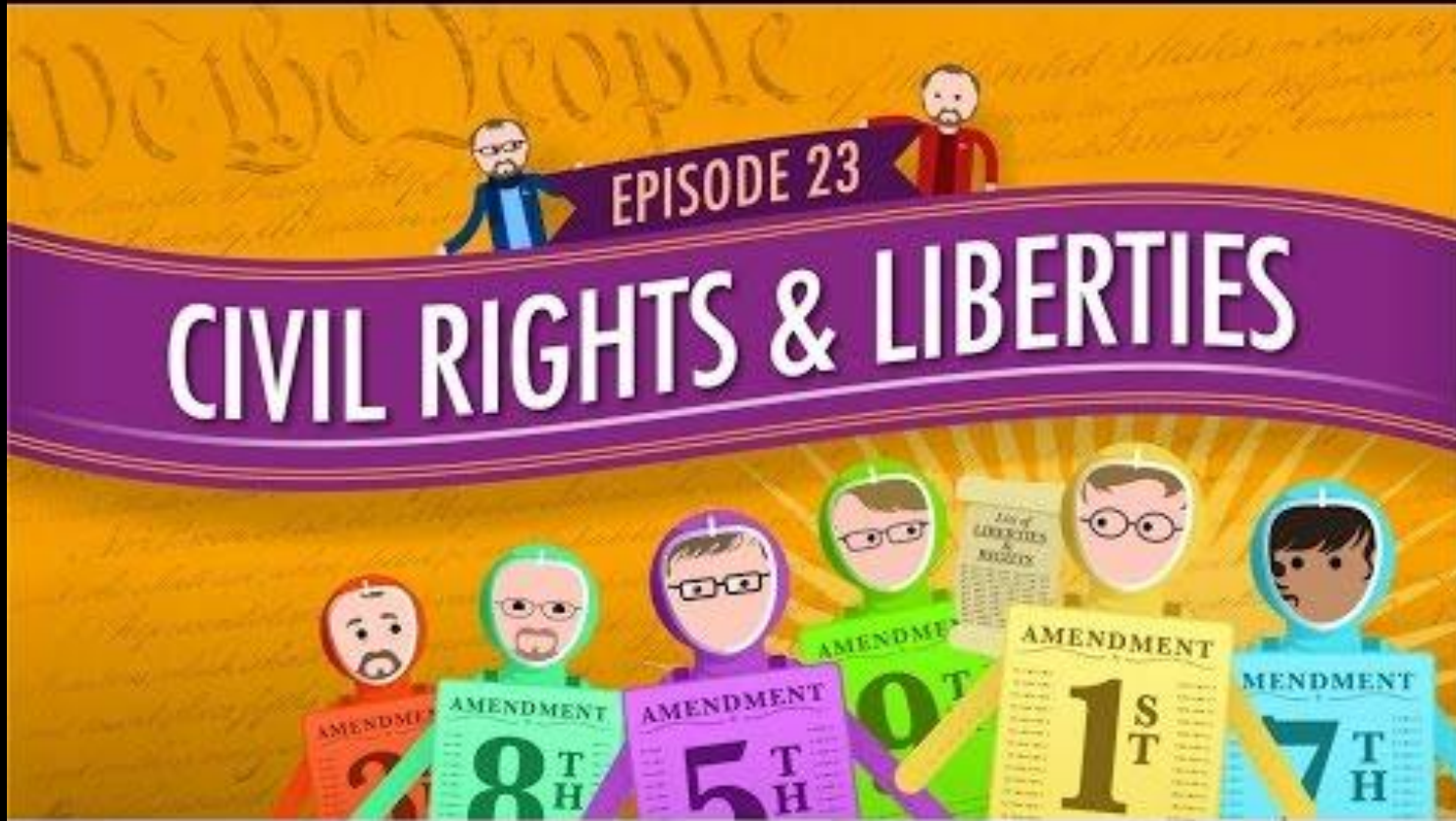


**Practice:**

As you watch the video, write down the difference between Civil RIGHTS and Civil LIBERTIES.

Then, choose 3 liberties from the BOR and tell why they are important enough to be added.

Finally, we will learn more about Selective Incorporation later, but write down a definition for it, for now.



# Reflection: The Bill of Rights (BOR) protects you from...

- A. actions of your state government.
- B. actions of your central government.**
- C. actions of both the state and central government.

So the answer is B. It *can't* be C and it isn't A because each state has its own Bill of Rights. Therefore, why is the answer B and why *can't* it be C? (Think back to the video, or rewatch the section about *Barron v. Baltimore* if you need to.)

## A reminder: the BOR = the First 10 Amendments

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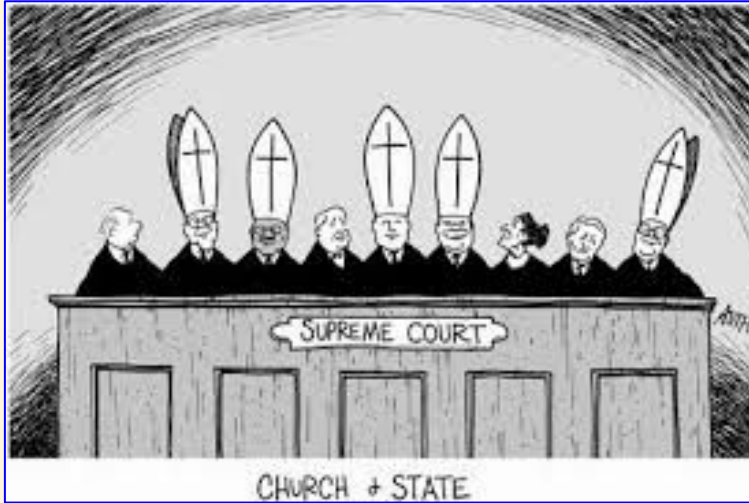


# AP US Gov & Politics

## Lesson #12: April 6th

Learning Target (LOR 2.B) : Describe the rights protected in the Bill of Rights.

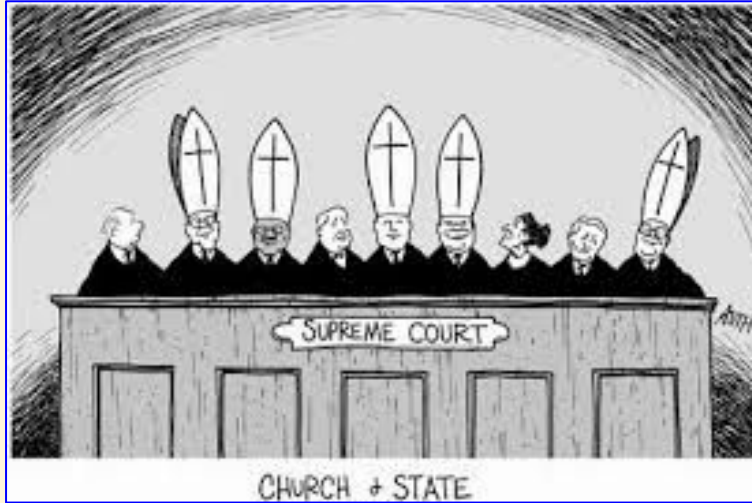
# Warm Up



First, look at picture of the Supreme Court with hats on. This is a simple cartoon with only 3 main components. Why do you think there are hats on only 5 of them? What does this make you think about the Supreme Court's interpretation of First Amendment religious freedoms? Jot down a couple of guesses on a sheet of paper.

Second, look at the picture of the man holding the Ten Commandments tablet. The man can be assumed to be a member of the US Supreme Court based on his black robe. Based on your viewing of this cartoon what is this cartoon's viewpoint about Supreme Court rulings on cases dealing with Religion and the Government?

# Warm Up: **Teacher Thought**



**First, Supreme Court Hat cartoon:** It is my interpretation of the artist's meaning that only 5 of the 9 justices agree with a policy that supports the Catholic Church. In this example, those hats are references to the Pope or specific religious teachings having a major influence in State/Government affairs.

**Second, Supreme Court Judge with Ten Commandments cartoon:** It is my interpretation of the artist's meaning that members of the government, particularly a member of the Supreme Court, are not following the First Amendment. He is infringing on citizens' religious practices and instead is guiding citizens to singular beliefs.

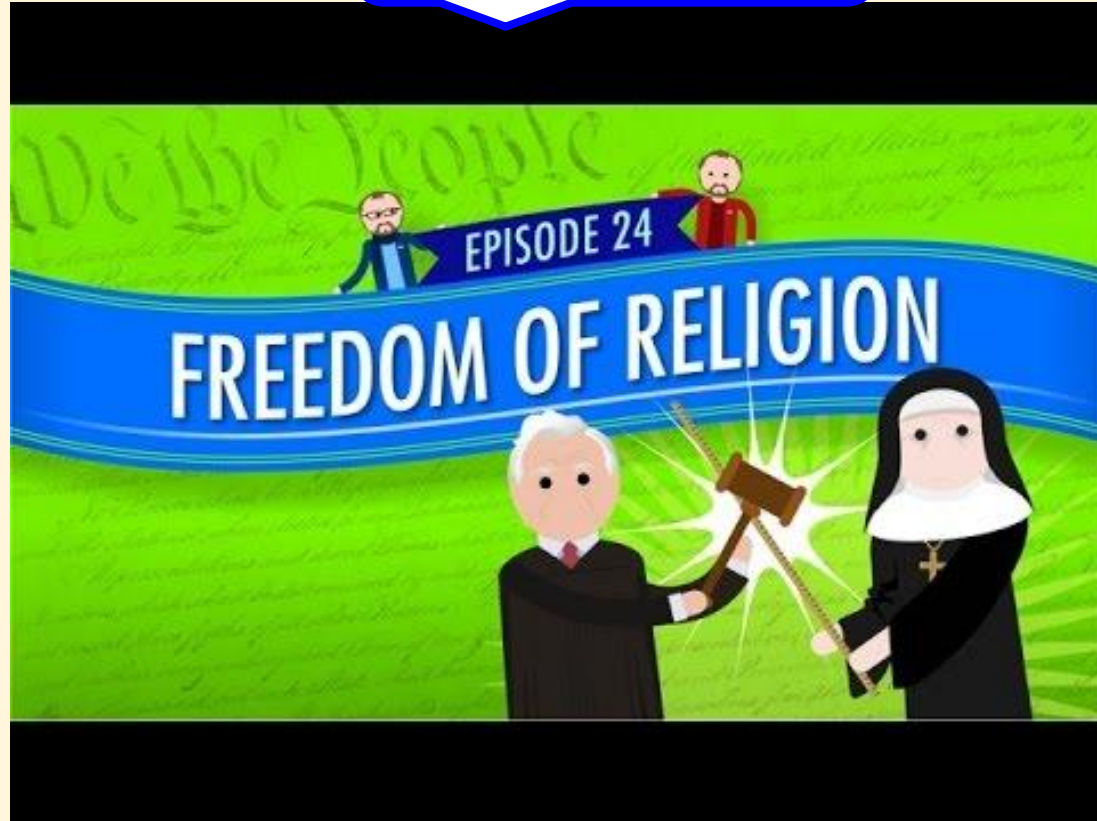
# Lesson Activity

Today we will learn about the 1st Amendment Freedom of Religion. There are two basic clauses that determine the extent of religious freedoms apply:

- 1) **Establishment Clause**
- 2) **Free Exercise Clause**

*Lemon v. Kurtzman* is usually not expected to be part of your AP court case load but it was the basis...Hence Lemon Test!

Click on this Crash Course video



# Freedom of Religion: Establishment Clause

Write me down. I'm important! And my title of the slide!

- Government cannot favor one religion over another by supporting or neglecting it
- Founder Thomas Jefferson argued for a separation between Church (religion) and State (government) functions



# Debate #1 : Can the Federal Government Provide Funding to Private Religious Schools the same way as it does for Public Schools?

Write me  
down. I'm  
important!

According to precedent (judicial interpretation acting as an example for future scenarios)

- Federal funds used to construct buildings and provide academic supplies, but **NOT** to endorse teachings



# Freedom of Religion: Free Exercise Clause

Write me down. I'm important! And my title of the slide!

- Beliefs & Behaviors: Court has held that gov't can't infringe upon your beliefs, but it CAN regulate some religions behavior to some degree.



# Debate #2 : How is Prayer treated in Schools?

Write me  
down. I'm  
important!

According to Equal  
Access Act of 1984 (Law):

- Student groups **can't be denied** access to school buildings for the purpose of meeting / worship **if other groups are allowed access**





# ESSENTIAL COURT CASES!

## Engel v. Vitale (1962)

- In the 1950s, New York schools encouraged teachers to lead students in a non-denominational prayer each morning. A group of parents, including Steven Engel, challenged this school prayer as a violation of the establishment clause of the First Amendment.

## Wisconsin v. Yoder (1972)

- The state of Wisconsin fined three Amish families for refusing to send their children to school past the eighth grade. State law mandated that all students attend school until age 16.

# Engel v. Vitale (1962) Background

- In 1951, the State Board of Regents of New York composed a non-denominational prayer for **public school students in New York to recite each morning along with the Pledge of Allegiance**. The prayer read: “Almighty God, we acknowledge our dependence on Thee, and beg Thy blessings upon us, our teachers, and our country.”
- **Participation in the prayer was voluntary**, but students who left the room or remained silent during the prayer risked being ostracized by their peers for following a different religion or no religion. School leaders also conducted the prayer like a Christian prayer, with students bowing their heads and pressing their palms together.
- **Michael Engel** was a student at a school in Long Island that adopted the prayer in 1958. His father, **Steven Engel**, joined with several other parents of students in the district to protest the prayer. They argued that the school-sponsored prayer violated the establishment clause of the First Amendment, which states that “Congress shall make no law respecting an establishment of religion.” When the Board of Regents refused to consider their petition to stop the prayer, the group of parents filed suit.

## Did the Board of Regents' voluntary non-denominational prayer violate the establishment clause of the First Amendment?

[Click for Summary  
Video of Engel v. Vitale](#)

Write me down. I'm important! And my title of the slide!

**Yes, the prayer did violate the establishment clause.** In a 6-1 decision, the Court sided with Engel and the parent group. They ruled that by providing the prayer, the state of New York had officially approved religion, and the First Amendment prevents government interference with religion. Justice Hugo Black explained the Court's reasoning:

**"The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say . . . Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity."**

# Practice #1

Based on the ruling in Engel v. Vitale, the Supreme Court is most likely to view a case concerning which of the following as an establishment clause case?

- A) A teacher wears a button endorsing a political candidate
- B) A coach at a public high school leads the soccer team in prayer before each match
- C) A student is suspended for reading a religious book during study hall

## Practice #1 Answer

Based on the ruling in Engel v. Vitale, the Supreme Court is most likely to view a case concerning which of the following as an establishment clause case?

- A) A teacher wears a button endorsing a political candidate
- B) A coach at a public high school leads the soccer team in prayer before each match
- C) A student is suspended for reading a religious book during study hall

# Wisconsin v. Yoder (1972) Background

- In 1971, the state of Wisconsin fined three Amish families for refusing to send their children to school beyond the eighth grade. Wisconsin law stipulated that all children had to attend school until age 16, but the **Yoder**, **Miller**, and **Yutzy** families believed that further education for their children would damage their religious beliefs. The Amish believe in simplicity, and the families considered worldly education harmful to maintaining their way of life.
- Although the Amish do not believe in undertaking legal action, a foundation set up on their behalf brought suit. They argued that the Wisconsin law violated the **free exercise clause** of the First Amendment, which states that “Congress shall make no law . . . prohibiting the free exercise [of religion].”

Did Wisconsin's law requiring that all students attend school until the age of 16 violate the free exercise clause by criminalizing the actions of parents who refused to send children to school for religious reasons?

[Click for Summary  
Video of Wisconsin v.  
Yoder](#)

Write me down. I'm important! And my title of the slide!

**Yes, the Wisconsin law violated the Amish families' right to free exercise of religion.** The Court agreed that mandatory high school education was likely to damage the religious upbringing of the Amish students. Since the Amish community is well-established, the Court believed its children were unlikely to become a burden on society. As Chief Justice Warren Burger explained:

**“The conclusion is inescapable that secondary schooling, by exposing Amish children to worldly influences in terms of attitudes, goals, and values contrary to beliefs, and by substantially interfering with the religious development of the Amish child and his integration into the way of life of the Amish faith community at the crucial adolescent stage of development, contravenes the basic religious tenets and practice of the Amish faith, both as to the parent and the child.”**



## Practice #2

Based on the ruling in *Wisconsin v. Yoder*, the Supreme Court is most likely to view which of the following as a free exercise case?

- A) A school district blocks a student newspaper from printing an article about a religious group
- B) A public school suspends students for refusing to include “under God in the Pledge of Allegiance
- C) Parents refuse to vaccinate their son, claiming it interferes with their religious principles

## Practice #2 Answer

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**Practice #3** : Which of the following is an accurate comparison of the constitutional principles cited in *Engel v. Vitale* (1962) and *Wisconsin v. Yoder* (1972)? **BOTH MUST BE TRUE ON BOTH CASES!**

*Engel v. Vitale*

*Wisconsin v. Yoder*

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- |          |   |   |
|----------|---|---|
| <b>A</b> | Speech creating a “clear and present danger” is not protected by the First Amendment    | Congress may not use the commerce clause to make possession of a gun in a school zone a federal crime |
| <b>B</b> | Symbolic speech is protected under the First Amendment                                  | The US Constitution and federal laws are supreme over state laws                                      |
| <b>C</b> | School sponsorship of religious activities violates the establishment clause            | Compelling Amish students to attend school past the eighth grade violates the free exercise clause    |
| <b>D</b> | The First Amendment safeguards the freedom of the press to publish classified materials | The right to privacy extends to a woman’s decision to have an abortion                                |

**Practice #3 Answer** : Which of the following is an accurate comparison of the constitutional principles cited in *Engel v. Vitale* (1962) and *Wisconsin v. Yoder* (1972)? **BOTH MUST BE TRUE ON BOTH CASES!**

*Engel v. Vitale*

*Wisconsin v. Yoder*

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- |   |   |   |
|---|---|---|
| A | Speech creating a “clear and present danger” is not protected by the First Amendment    | Congress may not use the commerce clause to make possession of a gun in a school zone a federal crime     |
| B | Symbolic speech is protected under the First Amendment                                  | The US Constitution and federal laws are supreme over state laws  |
| C | <b>School sponsorship of religious activities violates the establishment clause</b>     | <b>Compelling Amish students to attend school past the eighth grade violates the free exercise clause</b> |
| D | The First Amendment safeguards the freedom of the press to publish classified materials | The right to privacy extends to a woman’s decision to have an abortion                                    |

## Practice #4

**Based on previous rulings, the Supreme Court is likely to view which of the following as a free exercise clause case?**

- A) A public school prevents Muslim students from wearing headscarves
- B) A state law prohibits teaching evolution
- C) A public school holds mandatory prayers before sporting events
- D) A state reimburses religious schools for textbooks and teacher salaries

# Practice #4 Answer

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# Meaning of Supreme Court Rulings

***Engel v. Vitale*** : It's important to note that the ruling in Engel did not forbid school prayer altogether. Students are still free to pray at school on their own time, but school leaders or state officials cannot lead students in prayer.

In ***Wisconsin v. Yoder***, the Court prioritized free exercise of religion over the state interest in an educated populace. The Court ruled that the individual liberty to worship freely outweighed the state's interest in forcing students to attend school.

# Reflection Questions to Consider

1. The prayer at issue in *Engel v. Vitale* was voluntary. Why do you think the Supreme Court ruled that schools cannot lead students in prayers, even if students may choose not to participate?
2. Why do you think school prayer continues to be a hotly-contested matter in the United States?
3. One of the justices, William O. Douglas, lodged a partial dissent in ***Wisconsin v. Yoder***, arguing that the students themselves (not just their parents) should have been able to weigh in on whether they wanted to continue their schooling. Should the Supreme Court have taken the opinion of the students into account in this case? Why or why not?
4. What happens when the free exercise of religion conflicts with compelling government interests in its citizens' education, health, or wellbeing? Should families be permitted to continue religious practices that the government finds harmful to children?