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First Amendment: Religious Freedom

Prepared by the University of Virginia Center for Politics

Purpose: The First Amendment is an important addition to the United States Constitution. Its provisions allow citizens the ability to express themselves freely without reproach from the government. This lesson examines the history behind this amendment by tracing the development of religious freedom in America. Materials provided examine the need for religious and political freedoms and look at the importance of First Amendment freedoms today.

Objectives:

1. Students will examine religious freedom at Jamestown and other colonies in order to describe the importance of religious freedom to the Framers of the Constitution.
2. Students will evaluate the importance of religious freedom as guaranteed by the First Amendment of the United States Constitution to the functioning of a democracy.
3. Students will compare religious liberty in France and the United States to develop an understanding of American democratic principles.

Key Words:

First Amendment
Establishment Clause

Secularism
Free Exercise Clause

Laïcité

Materials:

1. Teacher Transparency, *What Students Think About the First Amendment*.
2. Student Resource, *Wisconsin v. Yoder*.
3. Student Resource, *Religion at Jamestown*.
4. Student Resource, *Religious Freedom: Comparing Colonies*.
5. Teacher Transparency, *Ideas About Religious Freedom*.
6. Student Resource, *Virginia Statute for Religious Freedom, 1786*. (Versions A and B)
7. Teacher Resource, *Laïcité*.
8. Student Resource, *Laïcité*.
9. Student Resource, *Settlement Reached in Lawsuit*.
10. Student Resource, *Letter in Support of the First Amendment*.

Procedure:

1. **Warm Up/Motivation.** Ask the students to copy the continuum line into their notebooks and place a mark along it that indicates their opinion to the following statement:

The First Amendment is important in my life.

Strongly Disagree	Disagree	Agree	Strongly Agree
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Place the continuum on the board and ask the students to place their marks. Compare the class results with the results from the “Future of the First Amendment” survey completed by the John S. and James L. Knight Foundation. (<http://firstamendment.jideas.org/index.html>)

- High school students tend to express little appreciation for the First Amendment. Nearly three-fourths (73 percent) either say they don’t know how they feel about the First Amendment, or they take it for granted.

Display the teacher transparency, *What Students Think About the First Amendment*.

- Does this surprise you? Why or why not?
 - Why would many students claim not to know about the first amendment?
 - How can you explain the fact that teachers and principals have more appreciation of the first amendment?
2. Ask the students to write down what they know about the first amendment from prior knowledge. Review their answers, and then have them read the first amendment and answer the following questions.

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for redress of grievances.

After reviewing the First Amendment, have the students revisit the continuum and evaluate whether their responses have changed.

- What rights does the First Amendment guarantee to American citizens?
 - Why do you think the framers of the Constitution placed freedom of religion as the first right guaranteed?
3. Have the students evaluate the importance of a high school diploma to success in life. Most students should comment that a high school education is

important for getting a job. Ask the students to respond to the following question:

- Should students be required (by state and local governments) to attend school until the age of 16? Why or why not?

Distribute the student handout, *Wisconsin v. Yoder*. This case involves the Amish and their religious opposition to education after the eighth grade. (For more background information visit, www.oyez.org/oyez/resource/case/449) Instruct the students to read the case summary and identify the arguments on both sides of the case.

Summarize the importance of the case by discussing the following questions:

- What was important about the Court's ruling in this case?
- How important is the free exercise of religion to American democracy as demonstrated by this case? What evidence is there to support your opinion?

If time permits have the students research other cases involving religion and schools. Compare the cases and have the students evaluate the Supreme Court's role in protecting the rights of its citizens.

Modern cases:

Schools v. Mergens (1990)

Lee v. Weismann (1992)

Santa Fe Independent School District v. Jane Doe (2000)

Lemon v. Kurtzman (1971)

Web sites for Supreme Court cases:

www.oyez.org- U.S. Supreme Court Multimedia

www.crf-usa.org- Constitutional Rights Foundation

<http://religiousfreedom.lib.virginia.edu>- The Religious Freedom Page

4. Engage the students in researching the history of religious freedom by completing a short research assignment. First, have the students read the resource sheet, *Religion at Jamestown*. Ask them to identify the ways in which religion played a role in the colony and how this restricted the freedom of its citizens. Each student should receive a copy of the student resource, *Religious Freedom: Comparing Colonies*. Assign each group a colony to research. Working in small groups students should complete their section of the resource and be prepared to share their answers with the class. Students could prepare a transparency or poster that would inform the rest of the group about their colony and its views on religious freedom. Following the activity students should be able to see that the amount of religious freedom varied from colony to colony.

Helpful sites:

Teacher Serve- www.nhc.rtp.nc.us:8080/tserve/eighteen.htm

(Information on the Middle Colonies of New York,
Pennsylvania, Delaware)

Religion and the Founding of the American Republic-
www.loc.gov/exhibits/religion/rel01.html

Founding Fathers Homepage-
www.usahistory.infor/colonial/education.html

Teaching American History Institutes-
http://score.rims.k12.ca.us/score_lessons/tah/resource/religion2.html

*Links to resources on the colonies.

An Outline of American History-
http://odur.let.rug.nl/~usa/H/1990/ch1_p3.htm

5. Display the teacher transparency, ***Ideas about Religious Freedom***. Discuss the major differences between Patrick Henry and Jefferson and Madison.
 - To what extent do you think these ideas influenced the creation of the First Amendment?
6. Read the ***Virginia Statute for Religious Freedom*** written by Thomas Jefferson in 1786. Two versions are provided.
 - According to Jefferson, how does supporting religious freedom prevent tyranny?
 - How does democracy benefit from establishing religious freedom?

Have the students read the Establishment Clause and Free Exercise Clause of the First Amendment.

Establishment Clause: “Congress shall make no law respecting an establishment of religion.”

Free Exercise Clause: “or prohibiting the free exercise thereof”

- In your opinion, how important are these clauses to the protection of American democracy?
7. Distribute the student resource, ***Laïcité***. An accompanying teacher resource provides background on freedom of religion in France. Ask the students to compare and contrast the United States system to that of France.
 - Which of these two systems do you prefer? Why?
 - Which offers the most freedom? Explain your answer.
 - List the pros and cons of the French and American systems.
 8. To transition to an examination of current issues regarding First Amendment freedoms ask the students to respond to the following:
 - Why aren't students allowed to bring weapons to school?

- Are there ever times when students should be allowed to carry weapons?
- Could prohibiting weapons in school ever be a violation of someone's rights?

Ask the students to read the article included on the student resource, ***Settlement Reached in Lawsuit.***

- What were the issues of religious freedom discussed in the article?
- Did the extending of religious freedom to Sikh children deny others their rights? Why or why not?
- Was our democracy strengthened or weakened by this decision?

If time allows have students read other articles regarding the denial and restoration of First Amendment freedoms. They could read one and share the information with the class.

http://religiousfreedom.lib.virginia.edu/court/prin_v_mass.html- Prince v. Massachusetts. Do Jehovah's Witnesses have the right to use their children for proselytize?

http://religiousfreedom.lib.virginia.edu/court/lyin_v_nort.html- Lying v. Northwest Indian CPA. Are sacred areas "off limits" to public use?

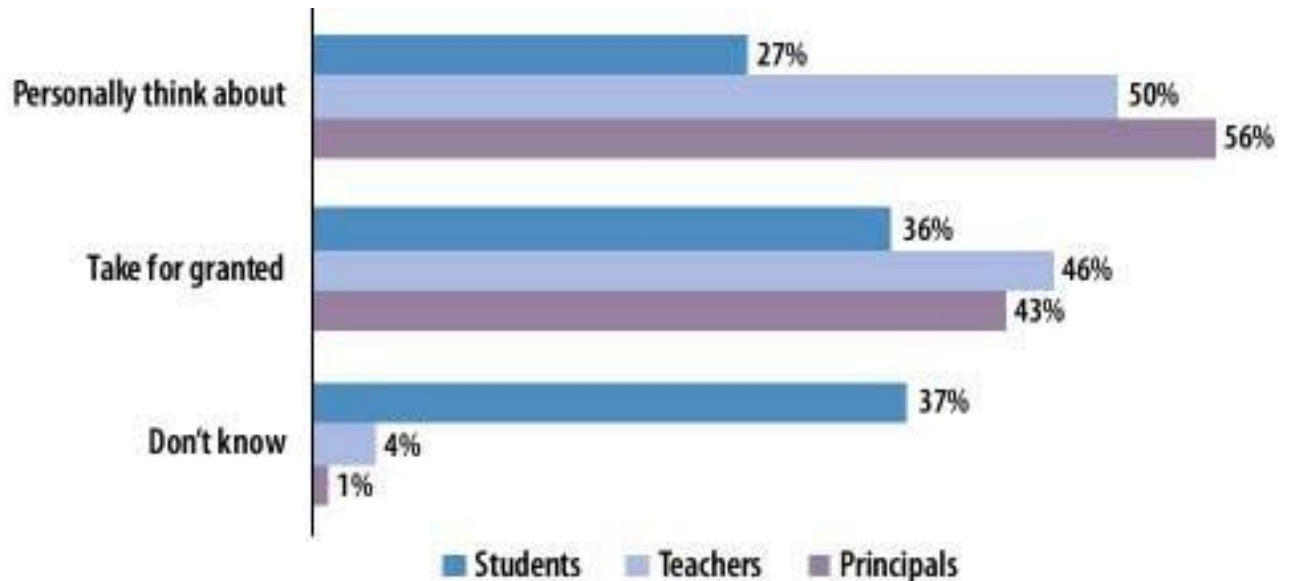
<http://www.eh.doe.gov/oepa/laws/airfa.html>- Protection of American Indian religious lands.

<http://www.aclu.org/ReligiousLiberty/ReligiousLiberty.cfm?ID=18401&c=29> -Can someone be fired for having a beard for religious purposes?

- How does each article demonstrate the importance of the first amendment?
- Does extending these freedoms deny freedom to others?

9. To assess student comprehension of the importance of First Amendment freedoms ask the students to write a letter to a student who believes that the First Amendment isn't important to his/her life, using the student resource, ***Letter in Support of the First Amendment.*** Students should refer to personal experience, Supreme Court cases, and information from the lesson to provide evidence to the importance of the First Amendment to the lives of Americans and the health of a democracy.

What Students Think About the First Amendment



(100,000 American High School students, teachers and administrators were surveyed for this report)

- High school students tend to express little appreciation for the First Amendment. Nearly three-fourths (73 percent) either says they don't know how they feel about the First Amendment, or they take it for granted.

From: "Future of the First Amendment"
University of Connecticut
John S. and James L. Knight Foundation

Wisconsin v. Yoder, 1972

Jonas Yoder, Wallace Miller, and Adin Yutzy were prosecuted under a Wisconsin law that required all children to attend school until the age of 16. The three parents refused to send their children to school after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

The parents continued their children's' education at home, emphasizing domestic and farming skills. According to them, any further education in the schools would present their children with too much exposure to the "evil world."

The families argued that their religious freedom was being infringed upon, a claim which the Wisconsin Supreme Court accepted when it found in favor of the Amish parents. The state appealed the case to the Supreme Court.

Background of the Case:

Amish communities today are characterized by a fundamental belief that salvation requires life in a church community separate and apart from the world and worldly influence. This concept of life apart from the secular world is central to their faith. Amish beliefs require members of the community to make their living by farming or closely related activities.

Formal high school education beyond the eighth grade is contrary to Amish beliefs for several reasons. It places Amish children in an environment hostile to Amish beliefs with its increasing emphasis on competition in class work and sports and with pressure to conform to the styles, manners, and ways of the peer group. It also takes the children away from their community, physically and emotionally, during the crucial and formative adolescent period of life. During this time period it is crucial that Amish children acquire attitudes favoring manual work and self-reliance and the specific skills need to perform the adult role of an Amish farmer or housewife.

Once a child has learned basic reading, writing, and elementary mathematics Amish children are taught through example by "doing" rather than by being in a classroom. Amish children are also taught to grow in their faith through their relationship with the community and prepare themselves for the responsibility of adult baptism. High school attendance with teachers not of the Amish faith interposes a serious barrier to the integration of the Amish child into the Amish religious community.

Decision:

The Supreme Court agreed by a vote of 6 to 1 that the compulsory education law in Wisconsin violated the Free Exercise Clause of the First Amendment.

Majority Opinion: (Chief Justice Burger)

The Amish have a legitimate reason for removing their children from school prior to their attending high school. The qualities emphasized in higher education (self-distinction, competitiveness, scientific accomplishment, etc.) are contrary to Amish values. Additionally, attendance in high school hinders the Amish community by depriving them of the labor of their children and limiting their ability to instill appropriate values in their adolescents. A state's interest in universal education must be balanced against the legitimate claims of special interest groups of people. The State cites two interests in compulsory education: to create a citizenry to

participate in our political system and to prepare self-supportive people. The Court agrees with the Amish that additional one or two years of education will not significantly affect either of these interests.

Additional findings of the Court:

- The beliefs of the Amish were religiously based and long held.
- The court rejected the State's argument that the Free Exercise Clause did not apply because the case was dealing with "action" or "conduct" and not beliefs.
- The law compelled the Amish to act in ways directly opposed to their religious beliefs.
- The benefit to the government of having Amish children attend high school was negligible. Nothing in the record showed that this interest in creating a knowledgeable citizenry outweighed the damage done to Amish beliefs.
- By denying the Amish of the children's labor during the two years, the state was limiting the parents' ability to instill appropriate values in their adolescents.

Dissenting Opinion: (Justice Douglas)

If the parents in this case are allowed a religious exemption, the inevitable effect is to impose the parents' notions of religious duty upon their children. Where the child is mature enough to express potentially conflicting desires, it would be an invasion of the child's rights to permit such an imposition without canvassing his views... As the child has not other effective forum, it is in this litigation that his rights should be considered. And, if an Amish child desires to attend high school, and is mature enough to have that desire respected, the State may well be able to override the parents' religiously motivated objections.

- Children should be heard on their desire to attend school and continue with their Amish religion, the decision only considers the opinion of the parents and the state.
- Children have constitutionally protectible interests and this decision denies the child's rights in favor of the parent.
- Will allowing exemptions for Amish families lead to other religious groups petitioning to be exempt from compulsory education laws?

Significance:

The decision prohibited state governments from claiming any absolute right to institute compulsive high school education and intrude into the way in which families raise children. By preventing parents from removing their children from school, the government had interfered with the families and stopped them from instilling their religious faith in their children in the only ways they know how. Parents' rights to teach their religion and follow their religion were deemed more important than governmental interests in educating all children.

Religion at Jamestown

Jamestown is the first permanent English settlement in North America and the birthplace of representative government. As such, an examination of religious freedom in America would not be acceptable if it did not include a description of religious life at Jamestown. The 1607 settlers did not travel to Virginia for religious reasons however they brought their beliefs and practices with them. Although not extremely religious as a group, most had loyalties to the Church of England.

The accepted church, the Church of England, was an important figure in the lives of the settlers. There was no separation of church and state. This meant that the administration and laws of the colony were in line with the beliefs of the Anglican Church. The first Assembly was opened with a prayer by a minister. Assembly meetings took place in the church and repairs to the church were paid for with public money.

In 1629, legislation was passed that regulated citizens' behaviors on Sundays. Perry Miller, a historian, described these laws as "a match for anything to be found in Puritan societies." Included in this action were no laws demanding that citizens neither work or travel on Sunday. Attendance at Sunday services was mandatory for all citizens and failure to abide by these laws would result in a penalty.

Not all early Virginians were members of the Church of England. Those who were of a different faith were persecuted and not permitted to practice their beliefs. Ministers were required to teach the Anglican beliefs and customs to their Puritan neighbors. The Puritans resented and resisted this action resulting in bitter conflicts. Beginning with Catholics, all other religious groups were prohibited from practicing in Virginia. Eventually those ministers not following the Church of England were driven out of the colony.

The 1606 Charter outlining the beginnings of English settlement in Virginia described the role of the settler in "civilizing" the Indians. The English believed that their religion was the only one of importance and that bringing Christianity to the Indians would be a benevolent gift. The Indians had their own system of belief that differed greatly from Christianity and bitterly resented English attempts to Christianize them.

It is hard to imagine that the beginnings of religious freedom found their roots in Virginia but it was Virginia that had the first representative assembly. In this assembly were the seeds of discourse and debate that allowed the ideas of the enlightenment to flourish thus allowing for the Statute of Religious Freedom to be instituted in Virginia in 1786. This document went beyond mere toleration for other religions and created religious freedom for the citizens of Virginia.

www.virtualjamestown.org/rlaws.html- Virtual Jamestown

Miller, Perry. *Religion and Society in the Early Literature of Virginia*. Cambridge, MA. 1956, p105.

Religious Freedom: Comparing the Colonies

	Jamestown	Plymouth	Maryland	Pennsylvania	New York
Year Established					
Dominant Religion					
Views towards those of non-dominant beliefs					
Relationship between dominant church and government					

- What might the writers of the Constitution have learned from the experiences of the colonies in terms of religion and government?

Ideas about Religious Freedom

John Locke- *A Letter Concerning Toleration*” 1689

- “The toleration of those that differ from others in matters of religion is so agreeable to the gospel...”
- People should not be punished for having beliefs different from the majority
- All groups have a right to be heard.
- The power of a government derives from the people.
- Supported a separation of church and state.

James Madison-

- “all men are equally entitled to the full and free exercise of religion, according to their dictates of conscience.”- Article 16, Virginia Declaration of Rights
- All citizens should have the same rights regardless of religious belief or lack of religious belief.

Thomas Jefferson-

- Complete freedom of religion; equality of beliefs before the law; and end to all control, support, or linkage between religion and the state.

Patrick Henry-

- Democracy requires public morality, public morality requires religion.
- Religion is like a public utility, good for all. All citizens should support religious institutions.
 - 1779 Bill drafted by Henry- Citizens could choose which denomination would receive their tax dollars or it could go to a secular institution such as schools.

Virginia Statute for Religious Freedom (1786) Version A

Thomas Jefferson

Jefferson drafted the following measure, but it was Madison who secured its adoption by the Virginia legislature in 1786. It is still part of modern Virginia's constitution, and it has not only been copied by other states but was also the basis for the Religion Clauses in the Constitution's Bill of Rights. Both men considered this bill one of the great achievements of their lives, and Jefferson directed that on his tombstone he should not be remembered as president of the United States or for any of the other high offices he held, but as the author of the Declaration of Independence and the Virginia Statute for Religious Freedom, and as the founder of the University of Virginia.

Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as it was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its

officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish enlarge, or affect their civil capacities.

And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act shall be an infringement of natural right.

Source: W.W. Hening, ed., *Statutes at Large of Virginia*, vol. 12 (1823): 84-86.

Virginia Statute for Religious Freedom (1786) Version B

Thomas Jefferson

Jefferson drafted the following measure, but it was Madison who secured its adoption by the Virginia legislature in 1786. It is still part of modern Virginia's constitution, and it has not only been copied by other states but was also the basis for the Religion Clauses in the Constitution's Bill of Rights. Both men considered this bill one of the great achievements of their lives, and Jefferson directed that on his tombstone he should not be remembered as president of the United States or for any of the other high offices he held, but as the author of the Declaration of Independence and the Virginia Statute for Religious Freedom, and as the founder of the University of Virginia.

- Based on the opening paragraph, how strongly do you think Thomas Jefferson felt about religious freedom in Virginia? What evidence supports this opinion?

In the opening section of the document Jefferson outlines his reasons for extending religious freedom in Virginia.

- Forcing a man/woman to furnish money for the support of religious beliefs that he/she disbelieves is sinful and tyrannical.
- Even forcing a citizen to support (through forced donation) a teacher of his/her own religious belief is depriving him/her of the liberty of giving contributions to the pastor or cleric of their choice.
- Our civil rights have not dependence on our religious opinions, therefore disallowing a person to serve in a public office because he/she is not of a certain religious belief, or forcing them to adopt that belief in order to serve, is depriving him/her their natural right as a citizen.
- Truth is great and will prevail if left to itself. Truth has nothing to fear from conflict, free argument and debate even in the area of religious belief. Errors cease to be dangerous when citizens have the ability to contradict them.

Section II.

- No citizen shall be compelled to frequent, support any religious worship place or ministry or be made to suffer due to his/her religious belief.
- All citizens should be free to profess their opinions in matters of religion and cannot be denied public office due to their beliefs.

Section III.

- The rights hereby stated are of the natural rights of mankind and therefore any act to repeal this act would be considered a violation of natural right.

Laïcité in France

In France and some other French-speaking countries, laïcité is a prevailing conception of the separation of church and state and the absence of religious interference into government affairs (and vice versa). The concept is related to secularism combined with the free exercise of religion, and therefore does not imply any hostility towards religious beliefs. It is essentially a belief that government and political issues should be kept completely separate from religious organizations and religious issues. This is meant to protect the government from religious organizations pushing their agenda on the public. In fact, the French government is legally prohibited from recognizing any religion.

Today, laïcité is accepted by all of France's mainstream religions, except the far-right who want the return to a situation where Catholicism was a state religion with a political role, as well as some Islamist leaders that do not recognize the superiority of civil law over religious law.

In public affairs, religious discourse is generally considered incompatible with reasoned political debate, which is very different from in the United States. Political leaders may openly practice their religion (for instance, president Jacques Chirac is a Catholic), but they are expected to refrain from mixing their private religious life with their public functions.

French individuals consider religion an exclusively private matter whose ostentatious display is inappropriate. Civil servants are supposed to be neutral with respect to politics and religion and to keep a certain reserve; ostentatious displays of religious affiliation may be banned.

Laïcité is a core concept in the French constitution and many see being discreet with one's religion a necessity of being French. This has led to frequent divisions with non-Christian immigrants, especially with France's large Muslim population. The most recent debate was over whether ostentatious religious displays, such as the hijab (head scarf), Sikh turban and large Christian crosses and Stars of David, should be banned from public schools. Finally after a lot of political debate a law has been recently voted to ban them in schools.

Laïcité in France

In France, the concept of *laïcité* describes the separation of church and state, and the absence of religious interference into government affairs (and vice versa). It is related to **secularism** and the free exercise of religion. Governmental and political issues must be kept completely separate from religious issues. This is meant to protect the government from religious influence.

There are some religious groups in France that do not like this practice of *laïcité*, because they feel that the government should include aspects of their religious expression in public. In public affairs, religious discourse is considered incompatible with reasoned political debate. Political leaders may openly practice their religion. For example, Jacques Chirac, the president, is a practicing Catholic, but he must not mix his private religious life with his public responsibility.

For the majority of French people, religion is considered a private matter, and large displays of religion in public are inappropriate, and in some cases banned. For example, Muslim women who wear headscarves must take them off before they enter a public French school. Christian and Jewish students are not allowed to wear large crosses or Stars of David. Schools are to be kept completely free of religious references. Some argue that this restricts an individual's freedom to practice their religion but the French believe that this makes their system equitable for people of all beliefs.

Separation of Church and State in the United States

Separation of church and state in the United States is much different from that of France. The Establishment Clause in the Constitution states that all religions are allowed to be freely practiced, and there can be no establishment of a state sponsored religion. Unlike France, religious matters are not kept separate from political issues in the United States. Often religion is a driving force in American politics.

An example of this philosophy one can look at President George W. Bush's White House Office of Faith Based and Community Initiatives (FBCI). Established in 2001, by executive order the office provides federal funding to religious groups who help those in need or generally improve their communities. Such a program would not be found in France where it is forbidden for religious organizations to receive funding from the government.

In schools around the United States, it is not unusual to find Christmas trees or other displays around the Christmas season that relate to religion. Students are not prohibited from wearing religious symbols (such as crosses) in their schools or dressing in accordance with their faith.

Recent cases have been brought to the Supreme Court concerning the display of the Ten Commandments in courthouses. The Supreme Court has ruled that these displays may violate the Establishment Clause if they are deliberately trying to promote the Christian religion to the exclusion of other religions. The Establishment Clause, and the conception of the separation of church and state, is always open to re-interpretation by the courts; it is not set in stone.

- Secularism** - Rejection or exclusion of religion and religious considerations
- The view that religious considerations should be excluded from civil affairs or public education

***Settlement Reached in Lawsuit Concerning Rights of Baptized Sikh
Students to Wear Symbolic Ceremonial Knives to School
Thursday, June 12, 1997***

SAN FRANCISCO -- The Livingston Union School District and the ACLU of Northern California announced today that they have resolved a lawsuit concerning the rights of baptized Sikh students to wear symbolic ceremonial knives -- known as kirpans -- to school.

The parties described the settlement -- which will allow the students to wear the kirpans subject to strict limitations on size and other restrictions designed to assure that they cannot be misused -- as an agreement intended to promote the two important goals of religious freedom and school security.

Stephen V. Bomse of Heller, Ehrman, White & McAuliffe, a cooperating attorney for the ACLU, who, with ACLU staff attorney Margaret Crosby, represented the plaintiffs, said: "This is an important achievement for religious liberty, but it is an achievement that does not come at the cost of safety in our schools."

Henry Escobar, Superintendent of the Livingston Union School District, said: "We are pleased to have reached a resolution among all parties. Our primary concern at all times has been the safety issues. We have always been and continue to be respectful of the Sikhs' religious beliefs. We are happy we have been able to accommodate their religious needs without jeopardizing the safety of our students, faculty or staff."

The Cheema children have been attending school with their Kirpans pursuant to an order by the Ninth Circuit Court of Appeals in September 1994. The court's order allowed the children to wear their kirpans to school pending a full trial on the School District's claim that kirpans pose an unacceptable danger to school safety.

Settlement was reached when the parties were able to agree upon terms that, they believe, adequately insure student safety without compromising the Sikh students' religious beliefs.

Under the agreement, the kirpan blade must be no longer than 2.5 inches. It must also be dulled and sewn securely into a sheath and further secured in a cloth pouch which the Sikh community in Livingstone designed to accommodate the District's concerns over safety. The parties further agreed to give the District limited inspection rights to be sure that the restrictions are being followed.

The settlement was approved by the Livingstone Union School Board at its June 10, 1997 meeting.

Letter in Support of the First Amendment

Write a letter to a student who does not believe that the First Amendment is important in his/her life. Reflect on the materials presented in this lesson and personal experiences to inspire him/her to learn about the First Amendment and explain the relevance of First Amendment freedoms to the lives of American citizens.

Criteria	Points Possible	Points Earned
Clearly demonstrated knowledge of the First Amendment.	20	
Provided examples of the importance of religious freedom to the functioning of democracy.	15	
Referred to Supreme Court decisions regarding the First Amendment	10	
Described the history of religious freedom and its importance in the creation of American democracy.	15	
Communicated a belief in the importance of the First Amendment to the lives of citizens.	20	
Total:	80	

Comments: