

C3 TEACHERS  
9-12 Free Exercise of Religion



[https://www.theadvocate.com/baton\\_rouge/news/coronavirus/article\\_f94fe6f4-88c0-11ea-9ce2-cffe089c3883.html](https://www.theadvocate.com/baton_rouge/news/coronavirus/article_f94fe6f4-88c0-11ea-9ce2-cffe089c3883.html)

## Should I be exempt from the law because of my religious beliefs?

### Supporting Questions

1. What does the First Amendment say about religion?
2. How can laws conflict with religious practices?
3. What is a religious exemption?

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## 9-12 Free Exercise of Religion

Should I be exempt from the law because of my religious beliefs?	
<b>Standards and Content</b>	Social Studies Georgia Standards of Excellence: (American Government/Civics) SSCG7 Demonstrate knowledge of civil liberties and civil rights.
<b>Staging the Compelling Question</b>	Review and discuss graphs on global government restrictions on religion. Discuss what it means to have religious freedom.

Supporting Question 1
What does the First Amendment say about religion?
Formative Performance Task
Write a summary of what the “free exercise” clause protects and how judges interpret this clause.
Featured Sources
<p><b>Source A:</b> Video: “The First Amendment: Freedom of Religion in the U.S.” by the History channel</p> <p><b>Source B:</b> U.S. Constitution, Amendment 1</p> <p><b>Source C:</b> Excerpt from “Finding Common Ground: A First Amendment Guide to Religion and Public Schools,” written and edited by Charles C. Haynes and Oliver Thomas</p>

Supporting Question 2
How can laws conflict with religious practices?
Formative Performance Task
Create a table that shows examples of how people felt their religious freedom was violated and how the courts responded.
Featured Sources
<p><b>Source A:</b> Supreme Court case summaries from Oyez —a law project from Cornell’s Legal Information Institute</p>

Supporting Question 3
What is a religious exemption?
Formative Performance Task
List three examples of religious exemptions with reasons why the exemptions exist.
Featured Sources
<p><b>Source A:</b> NPR podcast on “Who Gets Religious Exemptions and Why.”</p> <p><b>Source B:</b> Pew Research Center article on religious exemptions for vaccines</p> <p><b>Source C:</b> <i>Miami Herald</i> video of church members blocked from attending a service due to the COVID-19 stay-at-home order</p> <p><b>Source D:</b> Map of states with religious exemptions during COVID-19</p> <p><b>Source E:</b> USA TODAY article about Virginia’s religious exemption for mandatory school attendance</p>

<b>Summative Performance Task</b>	<b>ARGUMENT:</b> Construct an argument (e.g., detailed outline, poster, essay) that addresses the compelling question using specific claims and relevant evidence from sources while acknowledging competing views.
	<b>EXTENSION:</b> Write an op-ed for a local or school newspaper representing the argument made in the summative task about whether or not the government should control free exercise of religion.
<b>Taking Informed Action</b>	<b>UNDERSTAND:</b> Consider whether individuals have a role in protecting the religious beliefs of others, even when they do not agree with those beliefs.
	<b>ASSESS:</b> Determine how others might engage in a structured discussion about this issue.
	<b>ACT:</b> Conduct a public Structured Academic Controversy (SAC) discussing this issue.

\*Featured sources are suggested and links are provided

## Inquiry Description

Religious liberty, often called America’s “first liberty,” is considered a basic right of its citizens, but religious beliefs and issues of conscience can sometimes conflict with government laws and mandates. Balancing the common good, while protecting religion from government control, is a complicated and often heated issue. This inquiry has students explore the tension between religious freedom and government intervention. Students explore the challenges of interpreting the First Amendment as the United States becomes an increasingly religiously diverse nation.

Students will examine:

- Religious liberty as stated in the First Amendment to the U.S. Constitution;
- Examples of how the Supreme Court has ruled on issues of religion;
- The use of religious exemptions to allow for individual religious freedom and how these exemptions can be contested.

By the end of this inquiry, students will be able to argue whether citizens should be exempt from laws and government mandates when religious beliefs are at stake.

This inquiry also highlights the following standards:

- Social Studies Georgia Standards of Excellence: (American Government/Civics)  
SSCG7 Demonstrate knowledge of civil liberties and civil rights.
- C3 Standards:  
D2. Rel.4.9-12: Describe and analyze examples of how religions are embedded in all aspects of culture and cannot only be isolated to the “private” sphere;  
D2. Rel.10.9-12: Identify assumptions about the definition of religion and the proper role of religion in private and public life.

Note: This inquiry is expected to take three or four 50-minute class periods. The inquiry timeframe could expand if teachers think their students need additional instructional experiences (e.g., supporting questions, formative performance tasks, featured sources, writing). Teachers are encouraged to adapt the inquiry to meet the needs and interests of their students.

## Structure of the Inquiry

This inquiry is structured into three supporting questions that unpack the compelling question, “Should I be exempt from the law because of my religious beliefs?” Each supporting question is supported with featured sources and a performance task to assess understanding. The questions are created to enable students to construct an argument addressing the compelling question by the end of the inquiry. This inquiry concludes with students taking informed action on the related issue of religious tolerance.

## Staging the Compelling Question

The inquiry opens with a staging activity introducing students to the concept of religious freedom. By exploring how and to what degree religious practices are restricted around the world, students learn more about what it means to have religious freedom.

Teachers may begin this opener by asking students what it means to have religious freedom. Students can then be shown examples of how religious freedom can be restricted by using the featured sources for this section. “A Closer Look at How Religious Restrictions Have Risen Around the World” highlights how religious restrictions have increased in certain countries. It also provides categories for these restrictions, including sections on how governments can limit religious practices and harass certain religious groups. The other featured source, “This Map of the State of Religious Freedom Around the World is Chilling,” provides similar data and graphics depicting government restrictions on religion around the world. There is a wide range of data and maps provided in these sources. Teachers can select the information they believe would best engage their students.

One approach could be:

- A brief introduction on what it means to have religious freedom:
  - “The right to choose what religion to follow and to worship without interference.” <https://www.merriam-webster.com/dictionary/freedom%20of%20religion>
- Highlight examples of laws, policies and actions by countries that restrict religious freedom:
  - Government harassment of religious groups;
  - Force against religious groups;
    - Hostility or violence based on religious beliefs and governments’ failure to respond to threats and attacks;
    - Restrictions on religious attire, including individuals punished for wearing head coverings.
- Share text from the sources such as:

*Excerpt from “This Map of the State of Religious Freedom Around the World is Chilling:”*

This rise in government restrictions was linked to two indicators in particular — government harassment and use of force against religious groups. The researchers found that widespread government harassment of religious groups occurred in 105 countries in 2015 (53 percent), compared to 85 (43 percent) in 2014 and 96 (48 percent) in 2013.

Consistent with previous years, the Middle East-North Africa region had the largest percentage of governments that harassed and used force against religious groups (95 percent). European countries came in second, at 89 percent. Europe also experienced the largest increase in government harassment (rising from 17 countries in 2014 to 27 countries in 2015) and use of force against religious groups (going from 15 countries in 2014 to 24 countries in 2015). In particular, [Pew pointed to France for cases where individuals were punished for wearing face coverings in public spaces](#) and [Russia for prosecuting groups for publicly exercising their religion](#). [https://www.huffpost.com/entry/pew-global-religious-restrictions\\_n\\_58ed070be4b0ca64d919ab12](https://www.huffpost.com/entry/pew-global-religious-restrictions_n_58ed070be4b0ca64d919ab12)

- Share map of government restrictions:



[https://www.huffpost.com/entry/pew-global-religious-restrictions\\_n\\_58ed070be4b0ca64d919ab12](https://www.huffpost.com/entry/pew-global-religious-restrictions_n_58ed070be4b0ca64d919ab12)

Teachers can then transition to the first supporting question about how religious freedom is addressed in the U.S. Constitution.

**Featured Sources:**

Kuruvilla, C. (2017, April 11). *This Map of the State of Religious Freedom Around the World is Chilling*. Huffington Post. [https://www.huffpost.com/entry/pew-global-religious-restrictions\\_n\\_58ed070be4b0ca64d919ab12](https://www.huffpost.com/entry/pew-global-religious-restrictions_n_58ed070be4b0ca64d919ab12)

*A closer look at how religious restrictions have risen around the world: Tenth annual report dives deeper into the ways government restrictions on religion and social hostilities involving religion have changed, from 2007 to 2017.* (2019, July 15). Pew Research Center. Retrieved May 16, 2020 from <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/>

## Supporting Question 1

The first supporting question — “What does the First Amendment say about religion?” — has students examine how religion and religious freedom is addressed in the First Amendment to the U.S. Constitution. By considering this question, students learn about the history of religious freedom in America and fundamental laws that serve to ensure that freedom. The formative performance task asks students to summarize what the free exercise clause protects and how courts interpret this clause. Featured Source A is a brief video overview on the First Amendment and religion. Featured Source B is text from the First Amendment to the Constitution. Featured Source C is a chapter from “[Finding Common Ground: A First Amendment Guide to Religion and Public Schools](#)” on the Supreme Court and religious liberty.

Teachers may choose to use the following procedure:

- Begin with the video from the History channel that provides a brief overview on the First Amendment, religious liberty and the separation of church and state (Featured Source A);
- Have students read the First Amendment to the Constitution, specifically focusing on the clauses addressing religion (Featured Source B);
- Have students read chapter 4, “The Supreme Court, Religious Liberty, and Public Education” from “Finding Common Ground: A First Amendment Guide to Religion and Public Schools” written and edited by Charles C. Haynes and Oliver Thomas (Featured Source C).

Teachers can then instruct students to focus specifically on the Free Exercise Clause and write a summary of what this clause protects, as well as how judges interpret this clause. **See Appendix A** for a handout that teachers could use as the formative performance task.

Vocabulary terms in **Appendix D** can also be used throughout the inquiry to support students with the readings and their writing. Teachers can add to the list as needed. The following sources were selected to support this question:

**Featured Source A** is a video by the History channel that provides a brief overview of the religion clauses found in the First Amendment.

*History*. (2018, February 12) *The First Amendment: Freedom of Religion in the U.S.* [Video]. YouTube.

<https://www.youtube.com/watch?v=RC9uqHtnvzo>

**Featured Source B** is the U.S. Constitution, Amendment 1. Teachers can access the text of the First Amendment on the U.S. National Archives website.

National Archives. (n.d.) *America’s founding documents*. <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

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**Featured Source C** is a chapter from *Finding Common Ground: A First Amendment Guide to Religion in Public Schools* written and edited by Charles C. Haynes and Oliver Thomas. Teachers can instruct students to read chapter 4 on *The Supreme Court, Religious Liberty and Public Education*.

Haynes, C.C., & Thomas, O. (2007). *Finding common ground: A First Amendment guide to religion in public schools*.

First Amendment Center: <https://www.freedomforum.org/commonground>

## Supporting Question 2

The second supporting question — “How can laws conflict with religious practices?” — helps students understand possible violations of the free exercise clause. By examining different court cases, students learn how Supreme Court judges have ruled on these issues. Featured Source A includes summaries of four different Supreme Court cases related to the free exercise of religion.

The formative task asks students to create a table with examples of how people felt their religious freedom was violated and how the courts responded. See **Appendix B** for a handout that teachers could use for this formative performance task.

Teachers may choose to use the following procedure:

- Provide students with the handout from Appendix B;
- Instruct them to complete the table by reading about the different court cases on the Oyez website (Featured Source A);
- If time permits, teachers may choose to incorporate audio of the oral arguments provided on the website. The recording of the lawyers’ statements can be used to highlight the main arguments.

The following sources were selected to support this question:

**Featured Source A** contains different summaries of Supreme Court cases.

<i>Sherbert v. Verner</i>	<a href="https://www.oyez.org/cases/1962/526">https://www.oyez.org/cases/1962/526</a>
<i>Goldman v. Weinberger</i>	<a href="https://www.oyez.org/cases/1985/84-1097">https://www.oyez.org/cases/1985/84-1097</a>
<i>Burwell v. Hobby Lobby Stores</i>	<a href="https://www.oyez.org/cases/2013/13-354">https://www.oyez.org/cases/2013/13-354</a>
<i>Holt v. Hobbs</i>	<a href="https://www.oyez.org/cases/2014/13-6827">https://www.oyez.org/cases/2014/13-6827</a>

Oyez. (n.d.). *Sherbert v. Verner*. <https://www.oyez.org/cases/1962/526>

Oyez. (n.d.). *Goldman v. Weinberger*. <https://www.oyez.org/cases/1985/84-1097>

Oyez. (n.d.). *Burwell v. Hobby Lobby Stores*. <https://www.oyez.org/cases/2013/13-354>

Oyez. (n.d.). *Holt v. Hobbs*. <https://www.oyez.org/cases/2014/13-6827>



## Supporting Question 3

The third supporting question — “What is a religious exemption?” — examines how and why the government allows for exceptions to laws and mandates when legislation conflicts with someone’s religious beliefs. The formative task asks students to list three examples of religious exemptions with reasons why the exemptions exist. See **Appendix C** for a handout teachers could use for this formative performance task.

Teachers may choose to use the following procedure:

- Provide students with the handout (Appendix C) and introduce the term “religious exemption;”
- Listen to the first 12 minutes of “Who Gets Religious Exemptions and Why.” The teacher could also have students read the transcript if preferred (Featured Source A);
- Have students read about exemptions for vaccines and review the corresponding map (Featured Source B);
- Watch the video of a pastor contesting a stay-at-home order, read part of the corresponding article and review the map of states that allow for a religious exemption to this order (Featured Source C);
- Have students read the article (or selected text) on the religious exemption for mandatory school attendance (Featured Source D);
- Complete Appendix C as the formative performance task.

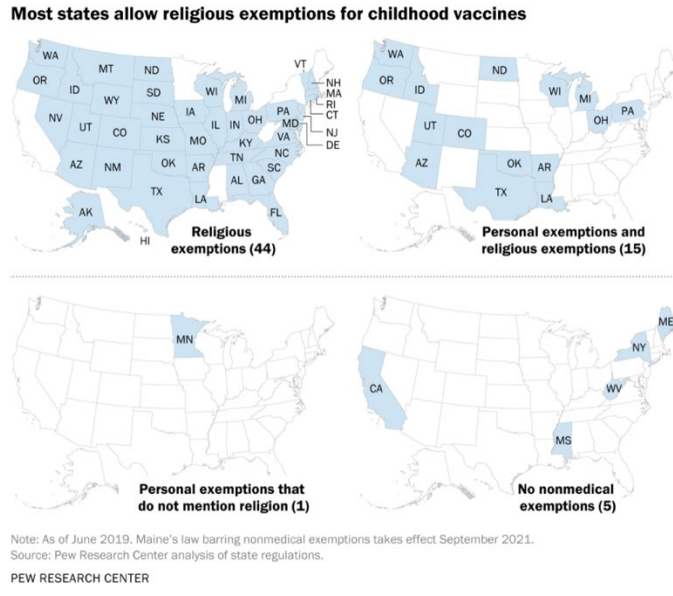
The following sources were selected to support this question:

**Featured Source A** is an NPR podcast on “Who Gets Religious Exemptions and Why.” The beginning of the podcast includes a brief history of religious exemptions in the United States, as well as examples. Teachers may choose to have students take notes while listening or may choose to review some of the examples mentioned after the program. The entire podcast is 30 minutes long, but teachers may decide to only have students listen to the first 12 minutes (the first break in the podcast) as an introduction to the topic.

Ludden, J. (Host). (2013, February 21). Who gets religious exemptions and why. [Audio podcast episode]. In *Talk of the Nation*. NPR. <https://www.npr.org/2013/02/21/172613472/who-gets-religious-exemptions-and-why>

**Featured Source B** is an article from the Pew Research Center that provides data on exemptions for vaccines. It specifically highlights a measles outbreak and decision by the state of New York to close religious exemptions for childhood vaccinations.

Sandstrom, A. (2019, June 28). *Amid measles outbreak, New York closes religious exemption for vaccinations – but most states retain it.* Pew Research Center. <https://www.pewresearch.org/fact-tank/2019/06/28/nearly-all-states-allow-religious-exemptions-for-vaccinations/>



**Featured Source C** is a video of church members in California being blocked from attending a Palm Sunday church service due to the COVID-19 stay-at-home order issued by the state. The pastor argues the order violates his First Amendment rights. Other states allow for religious exemptions to this order. A news article about this story is also included under the video. A teacher may choose to include selected text providing further detail. For example:

Fowler, H. (2020, April 9). *Coronavirus vs. freedom of religion: Can stay-at-home orders keep you from church?* Miami Herald. <https://www.miamiherald.com/news/coronavirus/article241891831.html>

Following its run-ins with police over California’s stay-at-home order, Cross Culture Christian Center hired Boyles [to represent them](#), the Los Angeles Times reported. He has repeatedly argued city officials violated his client’s First Amendment rights.

In a blog post published March 25 in response to California Gov. Gavin Newsom’s emergency order, Boyles questioned just how “narrowly tailored” the decision was to shut down religious gatherings.

“The government here appears to be trying using a sledgehammer to kill a mosquito,” he said “A sledgehammer that is not only undermining religious freedom, but is doing great harm to our society and economy.”

Boyles and other conservative Christian voices have pushed for states to exempt religious organizations from stay-at-home orders as an “essential” service.

Several states already have, including Arkansas, Michigan and New Mexico.



## Summative Performance Task

At this point in the inquiry, students have examined the First Amendment, Supreme Court cases on issues of religious liberty and examples and arguments regarding religious exemptions.

Students should be expected to demonstrate the breadth of their understandings and their abilities to use evidence from multiple sources to support their claims. In this task, students construct an evidence-based argument using multiple sources to answer the compelling question, “Should I be exempt from the law because of my religious beliefs?” It is important to note that students’ answers could take a variety of forms, including a detailed outline, poster or essay. To support students in their writing, students could refer to the vocabulary provided in **Appendix D**. Students’ arguments will likely vary, but could include any of the following:

- I should be exempt from a law or mandate if it goes against my religious beliefs. Freedom of religion is a basic human right and I should be able to have the freedom to obey my conscience more than the government. The government should only intervene in extreme circumstances that cause *certain* physical harm;
- I should be exempt from a law or mandate if it goes against my religious beliefs. The government should stay out of issues related to religious freedom, even when others *claim* they are affected. If there is a difference of opinion, the government should side with exemptions and religious freedom;
- I should not be exempt from a law or mandate when other people could be affected. Part of the government’s job is to protect its citizens. When an exemption has even a possible negative affect on someone else, it should not be allowed;
- I should not be exempt from a law or mandate just because I disagree with it. Laws are bigger than individual beliefs and I have to obey the law. There is the greater community to consider and the consensus (the government) dictates what individuals can and cannot do. Religious freedoms should not apply to *all* contexts and places in our society. Exemptions can unfairly discriminate in favor of religion.

To **extend** their arguments, teachers may have students write an op-ed for a local or school newspaper representing the argument made in the summative task.

Students also have the opportunity to **take informed action** by considering whether individuals have a role in protecting the religious beliefs of others, even when they do not agree with those beliefs. Students can determine how to engage in a structured discussion about this issue and then conduct a public Structured Academic Controversy (SAC). This allows students to *understand* the role of religious tolerance in these issues, *assess* ways to learn more about others’ religious beliefs and *act* in a discussion that encourages listening and a more nuanced understanding of religious liberty.

## Appendix A: Supporting Question 1

The Free Exercise clause states:

The Free Exercise clause protects:

Refer to pages 34-38 in “Finding Common Ground: A First Amendment Guide to Religion and Public Schools.”

In order for a person to claim the protections of the Free Exercise clause, they must show their actions:

- 1) Are motivated by \_\_\_\_\_
- 2) Have been \_\_\_\_\_

The government can still defend a law if it can show:

- 1) It is acting because of a \_\_\_\_\_
- 2) It is doing that in a way that is \_\_\_\_\_

Appendix B: Supporting Question 2

Case	What was the issue? What was the religious freedom claim?	What was the Supreme Court's decision? Who won?
<i>Sherbert v. Verner</i>		
<i>Goldman v. Weinberger</i>		
<i>Burwell v. Hobby Lobby Stores</i>		
<i>Holt v. Hobbs</i>		

Appendix C: Supporting Question 3

Type of religious exemption:	Why some people want the exemption:	Why some people <i>do not</i> want the exemption:

## Appendix D: Vocabulary

**Sincere** religious belief: A deeply held belief that may be investigated and/or questioned by the courts

**Exemption:** Something that is no longer required

**Burden** on religious belief: Something that interferes in a significant way with someone's religion

**Sabbath:** In several religions, this means a day of rest and worship, which can include the expectation that no work be done on that day

**Free Exercise:** This term in the First Amendment means the right to practice your religion how you want

**Dissent:** To disagree or have a different opinion

**Opinion** (Supreme Court): The written legal decision of the judges

**Majority Opinion** (Supreme Court): What the majority of the judges have decided on a case (can require five justices)

**Dissenting Opinion** (Supreme Court): An opinion that disagrees with the majority opinion

**Injunction:** A court order telling someone to stop doing something

**Yarmulke:** A cap traditionally worn by Jewish men