

*Teacher Case Discussion Guide Sheets***A. *Murray v. Curlett* (1963): School Prayer**

The Baltimore Board of Education required students to recite the Lord's Prayer, or read from the Bible, every morning. Bill Murray, who considered himself an atheist, complained to his mother that he should not be required to participate because it violated his freedom of religion.

Ms. Murray petitioned the Board to excuse her son from the classroom during the five-minute recitation and reading. The Board ruled that Bill could remain silent, but could not be excused. They argued that the daily exercises had the non-religious purpose of promoting moral values. Ms. Murray held her son out of school in protest until the state Attorney General finally ruled that objecting students could be excused from class during Bible and prayer exercises.

After the ruling, Bill began to be punched and harassed by classmates. The Murray home was repeatedly vandalized, and they were subjected to threatening phone calls and letters. Ms. Murray reacted by asking the courts to ban school prayer exercises altogether in Baltimore schools.

1. What was the argument for the daily religious exercises?
2. Why did Murray argue the daily religious exercises violated his freedom of religion?
3. Should the school board have excused Murray from the classroom?
4. Was the final decision by the Attorney General to excuse objecting students an appropriate solution?
5. Why did Ms. Murray finally ask the courts to ban school prayer exercises?
6. What should the court have done? Why?
  - a. Be sure that your response addresses the arguments made by both sides
  - b. Be sure that your response addresses the First Amendment's "establishment" and "free exercise" clauses.

Follow-up discussion:**The Question:**

1. May the court prohibit a religious practice that the majority of the people desire?

**Reveal the court ruling**

Examine the court's reasoning:

- a. Prayers served a religious purpose and infringed on the liberty of those not in the majority
- b. **Standard:** The state must be neutral: Its policies may neither advance nor inhibit religion
- c. **Key quotes/references**
  - *West Va v. Barnette*: The very purpose of a Bill of Rights was . . . to place them (rights) beyond the reach of majorities . . . One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote
  - Later (1971) the court developed the Lemon Test:
    - the statute must have a secular legislative purpose
    - it must neither advance nor inhibit religion
    - it must not foster an excessive government entanglement with religion

**B. *Wisconsin v. Yoder* (1972): Compulsory School Attendance**

People of the Amish faith follow strictly the biblical command: “Be not conformed to the world.” They regard most modern ways of behavior and life as sinful. Amish doctrine forbids unnecessary contact with persons outside the Amish community. The Amish consider public education to be evil and a threat to their religious beliefs because it exposes their children to outside ideas and values. They forbid formal education beyond eighth grade.

In 1968 Wisconsin prosecuted the parents of three Amish students (aged 14-15 years old) for violating a law requiring all children to attend public schools until the age of 16. Although their children did not attend any certified public or private school, the parents had substituted a vocational type education that included some German and English classes and work on the farm and in the home.

The parents argued that the Wisconsin law infringed upon the free exercise of their faith and that exempting the Amish from compulsory education would not cause any disadvantages to the state. Wisconsin argued that the state had an overriding interest in the general education level of its citizens and in the rights of children to an equal opportunity to succeed in society.

1. What was the state’s argument for compelling the Amish to attend public schools?
2. Why did the Amish argue that compulsory education violated their freedom of religion?
3. Should any group with an objection to compulsory school be exempted from the school attendance law?
4. Do the Amish present a special case that should be decided differently from most cases?
5. What should the court have done? Why?
  - a. Be sure that your response addresses the arguments made by both sides
  - b. Be sure that your response addresses the First Amendment’s “establishment” and “free exercise” clauses.

Follow-up discussion:**The Question:**

- May the court exempt a religious minority from a legal requirement that other citizens must follow?

**Reveal the court ruling**

Examine the court’s reasoning:

- The public interest in compulsory education was not so compelling as to outweigh the dictates of the Amish faith.
- **Standard:** Religious conduct that does not threaten the protection of society or its fundamental interests should be allowed.
- **Key quotes/references**
  - **Test for determining free exercise violations:**
    1. Has the state or government action created a burden on the free exercise of religion?
    2. Is there a sufficiently compelling state interest to justify this infringement of liberty?
    3. Has the state used the least intrusive means possible to achieve the legitimate goal of the state?
  - Even though the court ruled for free exercise rights in this case, it cautioned that freedom to act on beliefs is not absolute. Cited *Cantwell v. Connecticut* (1940): “The [freedom to

believe] is absolute but, . . . the [freedom to act] cannot be [absolute]. Conduct remains subject to regulation for the protection of society.”

***C. Employment Division v. Smith (1990) –Religious Practices and the Right to Work***

Two Native American drug counselors employed by a private drug rehabilitation clinic were members of the Native American Church. As church members they took part in a religious ceremony that included ingesting a small quantity of peyote for sacramental purposes. The men were fired for violating a company policy that forbade employees to use alcohol or illegal drugs. After being fired, the counselors sought unemployment benefits.

The government ruled that the men were ineligible for benefits because of work-related “misconduct.” The fired men claimed that the sacramental use of small quantities of the drug in their church was comparable to the use of small quantities of alcohol in Christian religious ceremonies. They claimed that such use as part of an established religious ritual was protected as free exercise of religion. Since their religious beliefs led to the behavior that caused their unemployment, they argued that it would be unfair to penalize them for that behavior by denying them unemployment benefits.

1. What was the state’s argument for denying unemployment benefits to the counselors?
2. Why did the men argue that denial of benefits violated their freedom of religion?
3. Should any group whose faith calls for a practice that runs contrary to law be exempted from compliance with that law?
4. Does the Native American Church present a special case that should be decided differently from most cases? Is this case different from the Amish case?
5. What should the court have done? Why?
  - a. Be sure that your response addresses the arguments made by both sides
  - b. Be sure that your response addresses the First Amendment’s “free exercise” clause.

Follow-up discussion:

**The Question:**

- May the court exempt a religious minority from a legal requirement that other citizens must follow?

**Reveal the court ruling**

Examine the court’s reasoning:

- The public interest in regulating potentially dangerous behavior is compelling. It allows society to make impartial laws regulating personal actions. Religious belief does not give one veto power over the laws.
- **Standard:** The state has a compelling interest in regulating behavior that may pose a threat the protection of society. Religious liberty does not exempt citizens from laws directed toward societal protection that apply to all citizens.
- **Key quotes/references**
  - “If prohibiting the exercise of religion is not the object of the law, but merely the incidental effect of a generally applicable [law], the First Amendment has not been offended.”

- Cited *Cantwell v. Connecticut (1940)*: “The [freedom to believe] is absolute but, . . . the [freedom to act] cannot be [absolute]. Conduct remains subject to regulation for the protection of society.”
- Cited *Reynolds v. U.S. (1879)*: “[To excuse compliance with the law because of religious belief] would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself.”

#### ***D. Church of the Lukumi Babalu Aye v. City of Hialeah (1993) – Religious Practices***

A church that practiced the Afro-Caribbean-based Santeria religion leased land in Hialeah, Florida and planned to establish a church, school, and cultural center there. Santeria includes the ritual sacrifice of animals as a part of its religious rituals. They practice animal sacrifice at birth, marriage, and death rites. They also use sacrifice for curing the sick and other annual ceremonies.

In response to public concern, the Hialeah City Council held an emergency public session and passed several ordinances prohibiting animal sacrifice. The council claimed that the practices were “inconsistent with public morals, peace or safety” and violated state animal cruelty laws. The Church claimed that these city ordinances were discriminatory and violated their First Amendment rights to freely exercise their religion.

1. What was the city’s argument for prohibiting certain practices of the Church of the Lukumi Babalu Aye?
2. Why did the Church argue that the city ordinances violated their freedom of religion?
3. Should the government be able to regulate or prohibit the religious practices of a group if the majority of citizens oppose those practices?
4. Does the Church of the Lukumi Babalu Aye present a special case that should be decided differently from most cases? Is this case different from the Smith case?
5. What should the court have done? Why?
  - a. Be sure that your response addresses the arguments made by both sides
  - b. Be sure that your response addresses the First Amendment’s “free exercise” clause.

Follow-up discussion:

#### **The Question:**

- May society prohibit religious practices of a minority group that the majority find objectionable or dangerous?

#### **Reveal the court ruling**

Examine the court’s reasoning:

- The ordinances were not neutral. They singled out the Santeria church and restrained more religious conduct than was necessary.
- **Standard:** Religious liberty does not exempt citizens from laws directed toward societal protection that apply to all citizens. Laws burdening religious practice that are not neutrally applied to all citizens must undergo the most rigorous scrutiny test:
  - Must advance compelling state interests of the highest order
  - Must be least intrusive means possible to enforce public interest
- **Key quotes/references**

- “The principle that government, in pursuit of legitimate interests, cannot in a [selective manner impose burdens only on conduct motivated by religious belief] is essential to the protection of the rights guaranteed by the Free Exercise Clause . . .”
- Cited *Smith (1990)*: A law that burdens religious practice need not be justified by a compelling governmental interest if it is neutral and of general applicability. (Ruled that this case did not meet the Smith Standard).

### ***E. Bob Jones University v. US (1982) – Tax Exemptions for Religion***

The U. S. tax code provides tax exempt status to “corporations . . . operated exclusively for religious, charitable . . . or educational purposes.” In 1970, that policy was changed to deny tax-exempt status to private schools that practiced racial discrimination.

Bob Jones University is an institution dedicated to “fundamentalist Christian beliefs.” The university believed that interracial dating and marriage were contrary to religious teachings and banned these practices among its students. The Internal Revenue Service declared the university was ineligible for tax-exempt status due to racial discrimination. Bob Jones University claimed that this action unfairly penalized them because of their religious beliefs.

1. What was the government’s argument for denying tax exempt status to Bob Jones University?
2. Why did the University argue that the government’s action violated their freedom of religion?
3. May society deny privileges to one religious group that it grants to others?
4. How is this case similar to and different from the Smith case?
5. What should the court have done? Why?
  - a. Be sure that your response addresses the arguments made by both sides
  - b. Be sure that your response addresses the First Amendment’s “free exercise” clause.

### Follow-up discussion:

#### **The Question:**

- May the court exempt a religious minority from a legal requirement that other groups must follow?

#### **Reveal the court ruling**

Examine the court’s reasoning:

- Religious belief cannot be used as an excuse for engaging in behavior that violates socially important beliefs. Tax exempt status is awarded to those groups who promote the public interest. Jones’ policy does not serve the public good.
- **Standard:** The state may justify a limitation on religious liberty by showing that it is essential to accomplish an overriding governmental interest and that no less intrusive means is possible to enforce the state interest.
- **Key quotes/references**
  - “The governmental interest at stake here is compelling . . . the Government has a fundamental, overriding interest in eradicating racial discrimination in education”
  - Cited *Reynolds (1879)*: “Laws . . . cannot interfere with mere religious belief and opinions, [but] they may with practices . . . [To excuse people for obeying the law because of religious belief] would be to make the professed doctrines of religious belief

superior to the law of the land, and in effect to permit every citizen to become a law unto himself.”