

*Bill of Rights*  
*as provided in the ten Original Amendments to*  
*The Constitution of the United States*  
*in force December 15, 1791.*

## THE FIRST AMENDMENT

# THE ESTABLISHMENT OF RELIGION CLAUSE

### Its Constitutional History and the Contemporary Debate

#### Article IV

**T**he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Article V

**N**o person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he compelled in any Criminal Case, to be a witness against himself; nor be deprived of life, liberty,

or property without due process of law; nor shall the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

#### Article VIII

**E**xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### Article IX

**T**he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### Article X

**T**he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



*Regards*  
*Henry J. Brown*

EDITED BY ALAN BROWNSTEIN

# The Establishment Of Religion Clause The First Amendment Bill Of Rights Series

**United States. Congress. House.  
Committee on the Judiciary.  
Subcommittee on Civil and  
Constitutional Rights**

## **The Establishment Of Religion Clause The First Amendment Bill Of Rights Series:**

**The Religion Clauses of the First Amendment** Ellis M. West, 2012-07-10 The First Amendment of the U S Constitution begins Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof The Supreme Court has consistently held that these words usually called the religion clauses were meant to prohibit laws that violate religious freedom or equality In recent years however a growing number of constitutional law and history scholars have contended that the religion clauses were not intended to protect religious freedom but to reserve the states rights to legislate on If the states rights interpretation of the religion clauses were correct and came to be accepted by the Supreme Court it could profoundly affect the way the Court decides church state cases involving state laws It would allow the states to legislate on religion even to violate religious freedom discriminate on the basis of religion or to establish a particular religion This book carefully thoroughly and critically examines all the arguments for such an interpretation and more importantly all the available historical evidence It concludes that the clauses were meant to protect religious freedom and equality of the individuals not the states rights Congressional Record United States. Congress, 1999 **Hearings** United States. Congress. House. Committee on Education, 1961 *Federal Aid to Schools*. 87-1 United States. Congress. House Education & Labor, 1961 **March 21, 22, 24, 27, 28, and 29, 1961** United States. Congress. House. Committee on Education and Labor, 1961 **The Encyclopedia of World Religions** Robert S. Ellwood, 2008 Contains nearly 600 brief entries on the world s religious traditions **Religious Liberty in America** Louis Fisher, 2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and

statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual s right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom Religious Liberty in America persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish The Concise Princeton Encyclopedia of American Political History Michael Kazin, Rebecca Edwards, Adam Rothman, 2011-08-08 An essential guide to U S politics from the founding to today With 150 accessible articles written by more than 130 leading experts this essential reference provides authoritative introductions to some of the most important and talked about topics in American history and politics from the founding to today Abridged from the acclaimed Princeton Encyclopedia of American Political History this is the only single volume encyclopedia that provides comprehensive coverage of both the traditional topics of U S political history and the broader forces that shape American politics including economics religion social movements race class and gender Fully indexed and cross referenced each entry provides crucial context expert analysis informed perspectives and suggestions for further reading Contributors include Dean Baker Lewis Gould Alex Keyssar James Kloppenberg Patricia Nelson Limerick Lisa McGirr Jack Rakove Nick Salvatore Stephen Skowronek Jeremi Suri Julian Zelizer and many more Entries cover Key political periods from the founding to today Political institutions major parties and founding documents The broader forces that shape U S politics from economics religion and social movements to race class and gender Ideas philosophies and movements The political history and influence of geographic regions **Religion and American Law** Paul Finkelman, 2003-12-16 First published in 2000 Routledge is an imprint of Taylor Francis an informa company **Abortion Rights as the Free Exercise of Religion** Peter S. Wenz, 2025-07-18 This book is the first to analyze Supreme Court decisions related to religious freedom and abortion rights showing that the Court gives women a religious right to abortions at least during the first half of pregnancy The Court considers any sincerely claimed religious belief to be worthy of accommodation if it causes no great harm Therefore a woman who claims that having a child would interfere with work dedicated to God s glory should receive an accommodation that exempts her from state laws restricting abortion as that is the kind of relief accorded by the Court to others seeking religious exemptions from generally applicable laws and other rules The Court cannot claim in this case that abortion causes great harm because it maintains even in its most recent abortion decision that it is neutral on the question of when the unborn attains a right to life and loss of the unborn s life is the central harm claimed by others regarding abortion The book argues that 21 weeks of gestation is the earliest point at which a right to life can be attributed to the fetus on a scientific basis The Changing Landscape of Religious Expression in US Public Schools Brett A. Geier, 2025-11-20 This book explores the intersection of issues related to religion and state in public schools in the United States Framed through a study of the landmark 2022 Supreme Court case Kennedy v Bremerton School

District where a high school football coach's post game prayers at midfield became the centerpiece of a major ruling on religious expression in public schools the book analyzes how this case represents a significant shift in the Supreme Court's interpretation of the Establishment Clause particularly under the Roberts Court which has increasingly favored religious freedom claims over strict separation of church and state Through eleven chapters Geier explores the historical context of religion in American public schools the rise and fall of the Lemon test the influence of Christian Nationalism and provides a detailed analysis of both the majority opinion written by Justice Gorsuch and the dissent by Justice Sotomayor Drawing from his experience as a public school administrator and legal researcher Geier argues that this ruling signals a new era where individual religious rights are being prioritized over Establishment Clause concerns in public schools potentially leading to increased religious expression in educational settings

**Proposed Constitutional Amendments on Abortion** United States. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights, 1976

**Supreme Court A to Z** Kenneth Jost, 2012-03-14 The Supreme Court A to Z offers accessible information about the Supreme Court including its history traditions organization dynamics and personalities The entries in The Supreme Court A to Z are arranged alphabetically and are extensively cross referenced to related information This volume also has a detailed index reference materials on Supreme Court nominations a seat chart of the justices the U S Constitution online sources of decisions and a bibliography to help simplify research The fifth edition of The Supreme Court A to Z has been thoroughly updated to incorporate coverage of significant new cases and recent changes on the bench and includes more than 350 alphabetized entries Presented in an engaging reader friendly design this edition includes Biographies of recently appointed Associate Justices Elena Kagan and Sonia Sotomayor Updated entries on key issues and concepts including abortion campaigns and elections civil rights class action due process freedom of the press retired justices reapportionment and redistricting school desegregation and war powers New entries on criminal law and media and the court which highlights the Court's online presence This timely resource also includes updated seat charts of the justices online sources for finding decisions and a selected bibliography The Supreme Court A to Z is part of CQ Press's five volume American Government A to Z series

Educating for Democracy Robert F. McNergney, Edward R. Ducharme, Mary K. Ducharme, 1999-04 Use of case methods to promote democratic teaching learning Part I suggests how why teacher educators can use case methods at preservice inservice levels Part II presents 6 cases designed to stimulate consideration of democratic teaching learn

*The Wiley Blackwell Companion to Religion and Politics in the U.S.* Barbara A. McGraw, 2016-05-31 The Wiley Blackwell Companion to Religion and Politics in the U S provides a broad inclusive and rich range of chapters in the study of religion and politics Arranged in their historical context chapters address themes of history law social and religious movements policy and political theory Broadens the parameters of this timely subject and includes the latest work in the field Draws together newly commissioned essays by distinguished authors that are cogent for scholars while also being in a style that is accessible

to students Provides a balanced and inclusive approach to religion and politics in the U S Engages diverse perspectives from various discourses about religion and politics across the political and disciplinary spectra while placing them in their larger historical context

**Religious Liberty, Vol. 1** Douglas Laycock, 2010-02-22 The Collected Works on Religious Liberty comprehensively collects the scholarship advocacy and explanatory writings of leading scholar and lawyer Douglas Laycock illuminating every major religious liberty issue from both theoretical and practical perspectives This first volume gives the big picture of religious liberty in the United States It fits a vast range of disparate disputes into a coherent pattern from public school prayers to private school vouchers to regulation of churches and believers Laycock clearly and carefully explains what the law is and argues for what the law should be He also reviews the history of Western religious liberty from the American founding to Protestant Catholic conflict in the nineteenth century using this history to cast light on the meaning of our constitutional guarantees Collected Works on Religious Liberty is unique in the depth and range of its coverage Laycock helpfully includes both scholarly articles and key legal documents and unlike many legal scholars explains them clearly and succinctly All the while he maintains a centrist perspective presenting all sides believers and nonbelievers alike fairly

*Collected Works on Religious Liberty, Vol. 1* Douglas Laycock, 2010 One of the most respected and influential scholars of religious liberty in our time Douglas Laycock has argued many crucial religious liberty cases in the U S appellate courts and Supreme Court His noteworthy scholarly and popular writings are being collected in four comprehensive volumes under the title Religious Liberty This first volume gives the big picture of religious liberty in the United States fitting a vast range of disparate disputes into a coherent pattern from public school prayers to private school vouchers to regulation of churches and believers Laycock's clear overviews provide the broad historical helpful context often lacking in today's press

**Constitutional Law: Rights, Liberties and Justice 8th Edition** Lee Epstein, Thomas G. Walker, 2013 Judicial decisions never occur in a vacuum they are influenced by a myriad of political factors From lawyers and interest groups to the shifting sentiments of public opinion to the ideological and behavioral inclinations of the justices Epstein and Walker show how all these dynamics play an integral part in the overall development of constitutional doctrine Drawing deeply from the spheres of political science and legal studies the expert case material is skillfully analyzed and presented for today's students Known for fastidious revising and streamlining the authors account for the latest scholarship in the field and offer rock solid analysis of recent landmark cases including as all the important opinions handed down through 2011 Building on the successes of the 7th edition the book's clean layout and design clearly distinguishes between commentary and opinion excerpts Not only does the design make the book an easier read for students it effectively showcases photos justice biographies and the Aftermath and Global Perspective sidebars And based on positive user feedback the authors have added even more Aftermath boxes in this new edition New cases in the 8th edition Hosanna Tabor Evangelical Lutheran Church and School v Equal Employment Opportunity Commission 2012 Snyder v Phelps 2011 Brown v Entertainment Merchants

Association 2011 United States v Jones 2012 Citizens United v Federal Election Commission     *Journal of Proceeding and Addresses* National Education Association of the United States,1889 Vols for 1866 70 include Proceedings of the American Normal School Association 1866 69 include Proceedings of the National Association of School Superintendents 1870 includes Addresses and journal of proceedings of the Central College Association     Proceedings of the Annual Meeting - National Education Association of the United States National Education Association of the United States,1889

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