

C

Interpreting the Establishment Clause

Directions: When you hear each scenario, ask yourself “Is this law or rule establishing a religion?” Confer with your partner, and answer the question in three ways:

How would the Founders answer this question and why?

How would the Supreme Court answer this question and why?

How would you answer this question and why?

SCENARIO	FOUNDERS	SUPREME COURT	YOU
1.			
2.			
3.			
4.			
5.			

SCENARIO	FOUNDERS	SUPREME COURT	YOU
6.			
7.			
8.			
9.			
10.			
11.			

Establishment Clause Scenarios

1. I am your history teacher, and before we begin class, we will have our daily two minutes of silence. I encourage each of you to take advantage of this time to prepare yourself for the day ahead.
2. I am your gym teacher, and before we begin class, we will have our daily two minutes of silence. I encourage each of you to take advantage of this time to prepare yourself for the day ahead. Since I am Muslim, I will be using this time to pray.
3. I am your chemistry teacher, and before we begin class, we will have our daily two minutes of silence. I encourage each of you to take advantage of this time to prepare yourself for the day ahead. Since I am an atheist, I will not be using this time to pray.
4. I am the valedictorian of your class this year, and I plan to speak about my personal relationship with Jesus in my graduation speech. School officials have not reviewed what I plan to say.
5. I run a program that provides meals and job counseling for unemployed and homeless people. The money for the program comes from the state government and the program is run out of my Jewish synagogue [a Jewish place of worship]. Participants are asked to perform basic chores around the building and must attend a short prayer service at the end of each workday.
6. I am principal of your high school, and I have posted a copy of the Ten Commandments in the school office. No one has to read them, but they are there for all to see.
7. As superintendent [the person in charge of all schools in a certain place] of your school district, I require that all students recite the Pledge of Allegiance each day.
8. As a member of the school board [a group that makes decisions about how to run a school], I want to eliminate any schoolwide holiday that has a religious significance, such as Christmas, Easter, Yom Kippur, or Ramadan.
9. As a member of the school board [a group that makes decisions about how to run a school], I want to give each school a total of ten school-wide holidays having religious significance. Each principal will decide how those ten days should be divided.
10. I am your classmate and also a devout [dedicated or very faithful] Christian. I invite all of you to meet me at the flagpole next Wednesday morning before school for prayer, scripture-reading, and singing.
11. I am the leader of the school choir, and have chosen Ave Maria (Hail Mary), a well-known classical piece of music, to be part of our December concert.