

**THE FIRST AMENDMENT AND RELIGION IN AMERICA**  
PSC 291  
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**respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**

**--First Amendment to the Constitution of the United States**

This course is an examination of the special articulation and role of religion in the United States, particularly as expressed in the two religion clauses of the First-Amendment. We will examine some of the key historical and judicial decisions (usually, but not exclusively from the Supreme Court of the United States) that have shaped the course of American civil and social life.

Work for the course will consist of regular class attendance and participation, a short midterm paper and a final essay. (Students who are taking Political Science writing [PSC 291W] should meet with me at the end of the first class on September 6<sup>th</sup> to discuss writing requirements that will be in lieu of the short-term paper and final essay.)

September 6 Overture

**Richard Posner, "Faith-Based Morality and Public Policy" (and related material), <http://leiterreports.typepad.com/blog/2004/12/>**



James Madison, A Memorial and Remonstrance Against Religious Assessments (1785)  
Noonan & Gaffney, pp. 172-180  
George Washington, First Inaugural Address (1789)



## Tax Exemptions to Religious Organizations

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\*Note on Taxpayer Standing

### November 15 Prayers, Pledges, and the First Amendment

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Commandments and Symbols

“Stone v. Graham,” 449 U.S. 39 (1980)

“Allegheny County v. Greater Pittsburgh ACLU,” 492 U.S. 573 (1989)

### November 22 Commandments and Symbols (cont.)

“Van Orden v. Perry,” 545 U.S. 677 (2005) (including “Appendix”)

“McCreary County v. ACLU of Kentucky,” 545 U.S. 844 (2005)

Witte & Nichols, pp. 23434

Religious Speech and the Establishment Clause

“Widmar v. Vincent,” 454 U.S. 263 (1981)

“Good News Club v. Milford Central School District,” 533 U.S. 98 (2001)

\*Note on “Faith Center Church Evangelistic Ministries v. Glover”

\*Note on “Christian Legal Society v. Martinęz

Exercise Establishment

“Locke v. Davey,” 540 U.S. 712 (2004)

Exercise Establishment

“Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC,” 565  
U.S. \_\_\_\_ (2012)

\*Note on “Bob Jones University v. United States”

November 29 **Academic Views on the Supreme Court and the Religion Clauses**

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Chicago Law Review (1992), pp. 1154  
.DWKOHHQ 0 6XOOLYDQ ³5HOLJLRQ Chicago  
Law Review(1992), pp. 19523  
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