

THE FIRST AMENDMENT AND RELIGION IN AMERICA
PSC 291/REL 297
Professor Jackson
Spring 2014

Required material: All assigned readings are posted in .pdf format on Blackboard. (The .pdf files can be printed on a 21 basis, if you so desire, conserving paper and ink. This is practical for many of the .pdf files that currently have one printed page per .pdf page, but probably not practical (i.e., legible) for the .pdf files that currently have two printed pages per .pdf page.)

Congress shall make no law 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

Noonan & Gaffney, pp. 1673
James Madison A Memorial and Remonstrance Against Religious
Assessment (1785)
Noonan & Gaffney, pp. 17200
George Washington First Inaugural Address (1789)
Congressional Resolution: Day of Thanksgiving (1789)
George Washington Farewell Address (1796)
Thomas Jefferson Letter to the Danbury Baptists (1802)
James Madison Detached Memoranda (circa 1817)

February 11 The American Experience Through the Application of the First

Religious Exemption Law Map of the United States

Religious Land Use and Institutionalized Persons Act of 2000

1 R W H R Q 3 & X W W H U Y : L O N L Q V R Q ' 8 6

Ministerial Exemption: More than Free Exercise?

3 + R V D T O O E R U (Y D Q J H O L F D O / X W K H U D Q & K X U F K 6 F
U.S. ___ (2012)

February 25 Work on Mid -Term Paper

March 4 Mid -Term Paper Due (half-class)

" Religion " and its " Exercise "

3 8 Q L W H G 6 W D W H V Y 6 H H J H U ' 8 6

March 11 No class (Spring break)

March 18 Perspectives on the Free Exercise of Religion

Winnifred Sullivan, The Impossibility of Religious Freedom (Princeton U. Press, 2005), pp. 2, 7-9, 29-31, 105-09, 138-51

Martha Nussbaum, LE H U W \ R I & R Q V F L H Q F H , Q ' H I H Q V H R
Tradition of Religious Equality (Basic Books 2008), pp. 142, 151-58, 164-74

Kent Greenawald, Religion and the Constitution Volume I: Free Exercise and Fairness (Princeton University Press 2006), pp. 45-84

3 7 K R P D V Y 5 H Y L H Z % R D U G ' 8 6
1 R W H R Q 3 8 Q L W H G 6 W D W H V Y % D O O D U G ' 8 6

March 25 The Establishment Clause and State Aid to Religious Schools

Feldman, Divided by God pp. 57-71, 86-92

3 (Y H U V R Q Y % G R I (G X F D W L R Q ' 8 6
3 / H P R Q Y . X U W] P D Q ' 8 6
3 = H O P D Q Y - 6 D T T R Q V 8 6

Tax Exemptions to Religious Organizations

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3 6 W D Q G L Q J ' D Q G W K H \$ E L O L W \ W R & K D O O H Q J H O F

*Note on Taxpayer Standing

April 1

Prayers, Pledges, and the First Amendment

3: HVW 9 LUJLQLD 6WDWH %G RI \$ 624 (1948) LRQ Y %D
3/HH Y :HLVPDQ ' 8 6
3 0DUVK Y &KDPEHUV ' 8 6
1 RWH RQ 3 6 LPSVRQ Y &KHWVWHUILHOG &RXQW
404 F.3d 276 (4th Cir. 2005), cert. denied, 546 U.S.937
(2005)
1 RWH RQ 3 1 RZLQDZ Unon Sk R R O ' L597ULFW ' 8 6
1007(9th Cir. 2010)

Commandments and Symbols

3 6 WRQH Y *UDKDP ' 8 6
3 \$OOHJKHQ \ &RXQW \ Y *UHDWHU 3LWWVEXUJK \$&

April 8

Commandments and Symbols (cont.)

3 9DQ 2YGHBUU \ ' 8 6 LQFOXGLQJ 3\$SS
3 0F&UH DU \ &RXQW \ Y \$&/8 RI .HQW XF N \ ' 8 6
Witte & Nichols, pp. 23434

Religious Speech and the Establishment Clause

3 : LGPDU Y 9LQFHQW ' 8 6
3 * RRG 1HZV &OXE&YHQWLDROU6FKRRO 'LVWULFW ' 8 6
1 RWH RQ 3)DLWK &HQWHU &KXUFK (YDQJHOLV
No. 05-16132 (9th Cir. 2006), cert. denied(2007).
1 RWH RQ 3 &KULVWLDQ /HJDO 6RFLHW \ Y 0DU

