

Who Has the Stronger Case?

Understanding Religious Freedom Laws in the United States

Overview

This activity supplements students' reading of "The Free Exercise of Religion in America," which can be found in the Spring 2015 issue of *Bill of Rights in Action* (30:3). In this activity, students work in small groups to evaluate one of three scenarios that address how state-level religious freedom laws work in the United States. Then, working individually, students write a paragraph in which they weigh the main arguments for and against the application of a religious freedom law and decide what they think should be done in each scenario.

Materials

- "The Free Exercise of Religion in America," *Bill of Rights in Action* – one per student
- Religious Freedom Activity (Scenario One, Two, or Three) – one per student
- Graphic Organizer (Scenario One, Two, or Three) – one per student

Procedure

1. Explain to students that the application of laws meant to protect the religious freedom of citizens has recently become a major political issue. Those laws sometimes come into conflict with other laws that provide different types of legal protections for citizens. Tell students they will get to decide for themselves how to apply a state Religious Freedom Restoration Act (RFRA) in scenarios based on real-life situations.
2. Divide the class into small groups and distribute the handouts. Inform students that they will first read their assigned scenario and discuss the Discussion Question in their group. Review with students the instructions on the handout for discussing their particular case.
3. Provide sufficient time to complete the activity and answer questions related to understanding the readings and activity, including writing the paragraph. Alternatively, the paragraph can be completed as homework.
4. After writing individually, students can reconvene in their groups and share their decisions and reasons with each other. Each group will then take a vote on how they want to decide the issue.
5. Read aloud Scenario One. One person from each group that dealt with that scenario should then report their group's decision and give the main reasons for their decision. Encourage other groups to ask questions. Repeat for Scenarios Two and Three.
6. Have the class discuss the most persuasive arguments they heard for each scenario and what made those arguments persuasive. Then, have the class vote how they would decide in each scenario.

College and Career Anchor Standards

Speaking and Listening

Comprehension and Collaboration

CCSS.ELA-Literacy.CCRA.SL.1

Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

Presentation of Knowledge and Ideas

CCSS.ELA-Literacy.CCRA.SL.4

Present information, Endings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.

Reading

Key Ideas and Details:

CCSS.ELA-Literacy.CCRA.R.1

Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

Integration of Knowledge and Ideas

CCSS.ELA-Literacy.CCRA.R.8

Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

Common Core State Standards

CCSS.ELA-Literacy.SL.1

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades [9-10 or 11-12] topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-Literacy.SL.1.b

Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

CCSS.ELA-Literacy.SL.1.d

Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.

CCSS.ELA-Literacy.RH.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-Literacy.RH.9

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

CCSS.ELA-Literacy.WHST.9

Draw evidence from informational texts to support analysis, reflection, and research.

National High School Civics

National High School Civics Standard 2: Understands the essential characteristics of limited and unlimited governments.

(5) Knows essential political freedoms (e.g., freedom of religion, speech) and economic freedoms . . . and understands competing ideas about the relationships between the two . . .

National High School Civics Standard 11: Understands the role of diversity in American life and the importance of shared values, political beliefs, and civic beliefs in an increasingly diverse American society. (1) Knows how the racial, religious, socioeconomic, regional, ethnic, and linguistic diversity of American society has influenced American politics through time.

National High School U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. (3) Understands the Bill of Rights and various challenges to it (e.g., . . . recent court cases involving the Bill of Rights).

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. (3) Understands how the rise of religious groups and movements influenced political issues in contemporary American society (e.g., . . . how Supreme Court decisions since 1968 have affected the meaning and practice of religious freedom).

California History-Social Science Standard

California History-Social Science Standard 11.3: Students analyze the role religion played in the founding of America, its lasting moral, social, and political impacts, and issues regarding religious liberty. (5) Describe the principles of religious liberty found in the Establishment and Free Exercise clauses of the First Amendment, including the debate on the issue of separation of church and state.

California History-Social Science Standard 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, . . .) articulated in the First Amendment and the due process . . . clauses of the Fourteenth Amendment.

Standards reprinted with permission:

National Standards © 2000 McREL, Mid-continent Research for Education and Learning, 2550 S. Parker Road, Ste. 500, Aurora, CO 80014, (303)337.0990.

California Standards copyrighted by the California Dept. of Education, P.O. Box 271, Sacramento, CA 95812.

Who Has the Stronger Case? (Scenario One)

Central State’s Religious Freedom and Restoration Act (RFRA) states:

The state, and any institution of the state, may not make it substantially difficult for a person to freely practice his or her religious beliefs. The state may not also make it substantially difficult for any organization or business to freely practice their religious beliefs. People, organizations, and businesses have the right to use the courts to challenge any action of the state that they think makes it substantially difficult to freely practice their religious beliefs.

Working in groups, you will be making a decision on the outcome of one of three cases.

Instructions

Have one member of your group read the scenario aloud. The other members should read along silently and underline important facts in the scenario.

All members should answer the Discussion Question, referring to the text of the Central State RFRA above, the text of the scenario, and their knowledge of the Main Article (“The Free Exercise of Religion in America”).

Write a one-paragraph decision explaining your position. One sentence should clearly state your point of view. The supporting sentences should defend your point of view and should include references to both the RFRA and the facts of the case. In arguing for your point of view, **make sure at least one sentence addresses the opposite point of view and explains why your argument is stronger.** To help you with this, a **graphic organizer** has been included to help you create your decision.

Scenario

Centerville has passed a new ordinance (local law) stating that no one can serve food to anyone outdoors in a public area within 500 feet of a residential area. Also, the ordinance states that all food served outdoors must be served from food trucks certified by the city. Citing public safety concerns, the city council passed the ordinance in order to prevent large numbers of homeless people from congregating in and around Tree Park. Volunteers from a local church bring meals to the park in their cars. Residents living around Tree Park have been complaining for years about the practice because crowds of homeless people often congregate. Sometimes, several homeless people will cause minor disturbances both in the park and in the surrounding neighborhood. After the laws were passed, a group of volunteers from First Centerville Church received large fines for continuing the practice. They are appealing the fines, claiming that their religious beliefs require them to help feed the homeless as part of their free exercise of religion and the city has no right to regulate their religious practices.

Discussion Question: Does Centerville’s ordinance make it substantially difficult for the church volunteers to practice their religion? Why or why not?

WHO HAS THE STRONGER CASE? SCENARIO ONE - GRAPHIC ORGANIZER

What arguments support Centerville's position that groups cannot serve food to the homeless in Tree Park?

What arguments support the volunteers' position that they have the right to serve food in Tree Park?

Who has the better argument, Centerville or the volunteers? Why? Write your answer in a paragraph in the space provided.

ACTIVITY

Who Has the Stronger Case? (Scenario Two)

Central State’s Religious Freedom and Restoration Act (RFRA) states:

The state, and any institution of the state, may not make it substantially difficult for a person to freely practice his or her religious beliefs. The state may not also make it substantially difficult for any organization or business to freely practice their religious beliefs. People, organizations, and businesses have the right to use the courts to challenge any action of the state that they think makes it substantially difficult to freely practice their religious beliefs.

Working in groups, you will be making a decision on the outcome of one of three cases.

Instructions

Have one member of your group read the scenario aloud. The other members should read along silently and underline important facts in the scenario.

All members should answer the Discussion Question, referring to the text of the Central State RFRA above, the text of the scenario, and their knowledge of the Main Article (“The Free Exercise of Religion in America”).

Write a one-paragraph decision explaining your position. One sentence should clearly state your point of view. The supporting sentences should defend your point of view and should include references to both the RFRA and the facts of the case. In arguing for your point of view, **make sure at least one sentence addresses the opposite point of view and explains why your argument is stronger.** To help you with this, a **graphic organizer** has been included to help you create your decision.

Scenario

Center State has a law which protects people from discrimination in work, housing, and businesses open to the public. Discrimination occurs when someone is treated differently or denied equal protection of the laws because of that person’s race, religion, ethnicity, nationality, physical disability, or sexual orientation. Yummy Bakery refused to create a wedding cake for a gay couple’s wedding. The owner claims that his religious beliefs prevent him from supporting same-sex marriage. The couple filed a complaint with Center State’s human rights commission against Yummy Bakery for refusing them service. The state fined Yummy Bakery and ordered it to serve all customers. Yummy Bakery is appealing the decision and claims the anti-discrimination law prohibits them from acting on their religious beliefs.

Discussion Question: Does Center State’s decision to fine Yummy Bakery and order it to serve all customers make it substantially difficult for the owners of Yummy Bakery to practice their religion? Why or why not?

WHO HAS THE STRONGER CASE? SCENARIO TWO - GRAPHIC ORGANIZER

What arguments support Yummy Bakery's refusal to create a cake for a same-sex marriage ceremony?

What arguments support Center State's decision to fine and the demand that Yummy Bakery serve all customers?

Who has the better argument, Yummy Bakery or Center State? Why? Write your answer in a paragraph in the space provided.

ACTIVITY

Who Has the Stronger Case? (Scenario Three)

Central State’s Religious Freedom and Restoration Act (RFRA) states:

The state, and any institution of the state, may not make it substantially difficult for a person to freely practice his or her religious beliefs. The state may not also make it substantially difficult for any organization or business to freely practice their religious beliefs. People, organizations, and businesses have the right to use the courts to challenge any action of the state that they think makes it substantially difficult to freely practice their religious beliefs.

Working in groups, you will be making a decision on the outcome of one of three cases.

Instructions

Have one member of your group read the scenario aloud. The other members should read along silently and underline important facts in the scenario.

All members should answer the Discussion Question, referring to the text of the Central State RFRA above, the text of the scenario, and their knowledge of the Main Article (“The Free Exercise of Religion in America”).

Write a one-paragraph decision explaining your position. One sentence should clearly state your point of view. The supporting sentences should defend your point of view and should include references to both the RFRA and the facts of the case. In arguing for your point of view, **make sure at least one sentence addresses the opposite point of view and explains why your argument is stronger.** To help you with this, a **graphic organizer** has been included to help you create your decision.

Scenario

Center State has a law that protects people from discrimination in work, housing, and businesses open to the public. Discrimination occurs when someone is treated differently or denied equal protection of the laws because of that person’s race, religion, ethnicity, nationality, physical disability, or sexual orientation.

Elena is a Muslim and says her religion requires her to wear a headscarf in public at all times. She interviewed for a job as a sales associate with the High Fashion store at Centerville’s mall. The assistant manager told her she did great in the interview, but Elena never got a call back. Through a friend who works at High Fashion, Elena learned that the owners said they could not hire Elena because of Elena’s headscarf. The store has a dress code, which does not allow any hats or scarves. Elena filed a complaint with the state human rights commission against High Fashion. High Fashion claimed it did not discriminate against Elena because of her religion, but instead because of the pre-existing dress code that is “essential for success in business.” High Fashion argued that Elena should have mentioned that the headscarf was religious during the interview. The commission ruled in favor of High Fashion and dismissed Elena’s case. Elena is appealing the decision and also claims the human rights commission has violated the Central State RFRA.

Discussion Question: Does Center State’s human rights commission’s dismissal of Elena’s case make it substantially difficult for Elena to practice her religion? Why or why not?

WHO HAS THE STRONGER CASE? SCENARIO THREE - GRAPHIC ORGANIZER

What arguments support Center State's decision to dismiss Elena's case against High Fashion?

What arguments support Elena's claim that Center State (the human rights commission) made it substantially difficult for Elena to practice her religion?

Who has the better argument, Elena or Center State? Why? Write your answer in a paragraph in the space provided.
