**SLIDE 1**

*Balancing Classroom Civility and Free Speech*

Balancing First Amendment rights.

First has several parts

Two – Freedom of Religion & the Establishment Clause

History & 5 Cases

**SLIDE 2**

The First is your right to Freedom of:

Speech

Religion – Establishment Clause

Press

Popular topic in Supreme Court

**SLIDE 3**

But first, history and origins

Two perspectives: origins of the US and Founding Fathers

* Thomas Jefferson

Ancestors came for religious freedom

Lutheran Exile Example

Oscar Straus’s: Roger Williams, the Pioneer of Religious Liberty: Roger Williams Trial

“The civil magistrates may not intermeddle to stop a church from apostacy and heresy”

**SLIDE 4**

Second perspective explored in *Reynolds v. U.S.*

Reynolds religion > Polygamy

Law > No

Thomas Jefferson, Letter to Danbury Baptists:

“A matter between man his God”

“Legislature should make no law respecting an establishment of religion or prohibiting the free exercise thereof; thus building a wall of separation between church and state”

Decision: Religion is not excuse to break law

Wall analogy important

**SLIDE 5**

Analogy used in *Everson v. Board*.

Summary: Can states subsidize bus fees for religious school students?

Making Decision

Incorporated Establishment Clause

* + Apply to states

Precedent built wall:

Public Institutions should not:

Establish church

Pass law supporting religion

Participate in religious groups, vice versa

Decided that subsidy doesn’t violate constitution under this definition of Establishment Clause

Precedent to be used for many cases to come

**SLIDE 6**

Religion in school

Seems obvious

But few decades ago, was not

1960s many cases

*Everson* precedent important in deciding

**SLIDE 7**

Two Cases:

*Engel v. Vitale (1962)* & *Abbington v. Schempp (1963)*

Both challenged school sanctioned prayers.

*Engel* > Prayer is optional and non denominational

Decision:

Although optional,

Still coerced

Violated *Everson* Precedent

Similar cases as *Engel*

Such as *Abbington*

* + Similar cases often required prayer

Another line drawn

No prayer in public-schools

**SLIDE 8**

Defining moment in Establishment Clause history

*Lemon v. Kurtzman*

Nutshell:

Tax dollar subsidy to religion school secular teachers

*Everson* not sufficient for decision

3-Pronged *Lemon* Test

* + Legislative purpose must be secular
  + Effect must not promote or inhibit religion
  + “excessive government entanglement with religion.”

Decision:

Legislative purpose good

BUT “excessive government entanglement”

**SLIDE 9 - LAST**

Throughout history of Constitutional law

Establishment clause evolved

Started as “Wall analogy”

Built by *Everson*

Helped separate religion from school

* + Secular education IMPORTANT

Now, we have *Lemon* Test

Used in lower courts

Balance clearer

between Freedom of Religion and Establishment

**CONCLUSION**

There are many fine balances like Catherine Nolan-Ferrell’s balancing freedom of speech and classroom civility. There is a delicate balance between church and state; A delicate balance that was developed throughout several centuries and supreme court cases. On college campuses, free speech is a delicate issue. Hate speech and protected speech are separated by a blurry line. On a more campus wide level, permitting controversial speakers to speak can be difficult. There are strong arguments for and against controversial speakers who harbor what some consider hate speech. Branching from that, we explored the effect of hate speech and prejudiced attitudes towards Latin0X college students, and how that affects the safety of such students.

Hopefully you’ve learned more about the fine balances we talked about, because now we’re going to do a Kahoot quiz!