Title

1. Introduction
   1. Almost all American’s know about the First Amendment Right to Free Speech
   2. But less know about the rest of the First
   3. Establishment Clause
   4. Catherine Nolan’s history class dilemma
      1. “How do faculty members draw the line between free speech and disruptive behavior?” (Nolan-Ferrell)
      2. Similar concept with Establishment Clause. How to balance freedom religion, and not establishing a religion?
2. Background
   1. Purpose of First Amendment
      1. Thomas Jefferson: “religion is a matter which lies solely between Man & his god” (Jefferson)
   2. First settlers of US wanted separation of church and state
      1. Roger Williams, founder of Rhode Island, came to us bc he believed separation is necessary (Strous)
   3. Thomas Jefferson:
      1. Reynolds v. U.S. 98 U.S. 145 (1878)
   4. Justice Black: the First Amendment “requires the state to be a neutral in its relations with groups of religious believers and nonbelievers; it does not require the state to be their adversary.”
3. Everson v. Board of Ed. (1947)
   1. Incorporated Establishment Clause of the First Amendment via Equal Protection Clause of the Fourteenth
   2. Can state law subsidize bus fees for transportation of children to parochial schools under the First Amendment?
   3. Precedent
      1. Justice Black: In summary, no public institution should establish a church, pass laws that support or aid any religion, and create policies than penalize anyone for their belief/non-belief. Also, public institutions should never participate in the affairs of religious groups or vice versa.
4. Impact
   1. Lemon v. Kurtzman 403 U.S. 602 (1971)
      1. Lemon Test: Three such tests may be gleaned from our cases. First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion…;finally, the statute must not foster "an excessive government entanglement with religion."
      2. State law funding private/religious school is no no violating Everson precedent
   2. Religious Displays
      1. Lynch v. Donelly
   3. State Sanctioned Prayer in School
      1. Engel v. Vitale 370 U.S. 421 (1962)
         1. Optional prayer everyday.
         2. Indirect Coercion
      2. School District of Abington Township, Pennsylvania v. Schempp 374 U.S. 203 (1963)
      3. LEE et al. v. WEISMAN 505 U.S. 557 (1992)
         1. Coercion test solidified
      4. Unconstitutional
5. Conclusion

Works Cited

Jefferson, Thomas. Letter to the Danbury Baptists – The Final Letter. 1 Jan. 1802. Library of Congress.

Jasper, Margaret C. The Law of Speech and the First Amendment. Oceana Publications, 1999.

Everson v. Board of Education of the Township of Ewing (No. 52) 330 U.S. 1 (1947)

Engel v. Vitale 370 U.S. 421 (1962)

Lemon v. Kurtzman 403 U.S. 602 (1971)

Reynolds v. U.S. 98 U.S. 145 (1878)

Lee v. Weisman, 505 U.S. 577 (1992).

Gordon, Glenn S. “Lynch v. Donelly: Breaking Down the Barriers to Religious Displays.” Cornell Law Review, vol. 71, no. 1, Nov. 1985, pp. 185–208.

Nolan-Ferrell, Catherine. “Balancing Classroom Civility and Free Speech.” American Association of University Professors, AAUP, 2017, [www.aaup.org/article/balancing-classroom-civility-and-free-speech#.XbfEe-hKhPY](http://www.aaup.org/article/balancing-classroom-civility-and-free-speech#.XbfEe-hKhPY).

Straus, Oscar S. “Chapter IV.” Roger Williams, the Pioneer of Religious Liberty, The Century Co., 1894, pp. 42–57.