

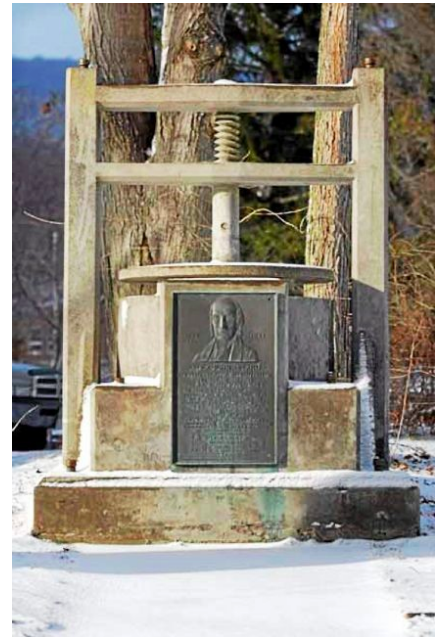


**What do a 1,235-
pound block of
cheese and
Muhammad Ali
have in common?**

2017 National Endowment for the Humanities: Muslim American Identities, Past and Present Summer Seminar
Andrew D. Jones - participant
NEH Instructor-Dr. Edward E. Curtis IV-Professor of Religious Studies, IUPUI

Essential Question(s)

How has the Supreme Court's interpretation of the 1st Amendment both prevented the establishment of religion and promoted the free exercise of it AND how have these decisions fulfilled or failed to fulfill the Founders' visions for the 1st Amendment?



Founders' Visions for Religious Liberty in America.

Learning Focus

- >What were the Founders' competing visions for the Religious Liberty?
- Examine Jefferson, Madison, Washington, Henry's visions through Primary Source Documents.
- >What does the U.S. Constitution say about religious liberty?
- Examine the 1st Amendment: Free Exercise/Anti-Establishment Clause.

Clay v. United States (1971)

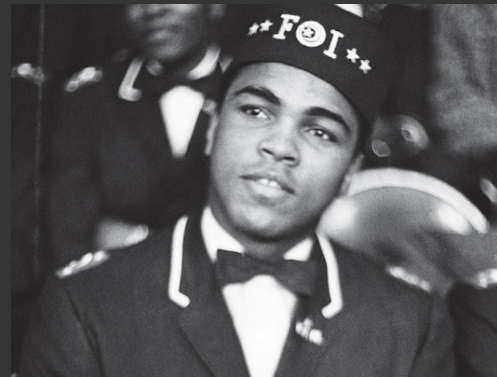
Learning Focus

How have U.S. Supreme Court rulings affected religious liberty?

How have individual challenges further defined religious liberty both regards to free exercise and anti-establishment clauses?

How is past court precedent applied in cases?

Examine Cases. (Facts, Issue, Holding, Reasoning)



Current Controversy/Historical Case

Learning Focus

-->Identify a Current Controversy or Historical Case involving Religious Liberty where you present oral arguments for your "client".

Why?

Teach Empathy, Advocacy Skills, Rule of Law, and Value of Freedom.

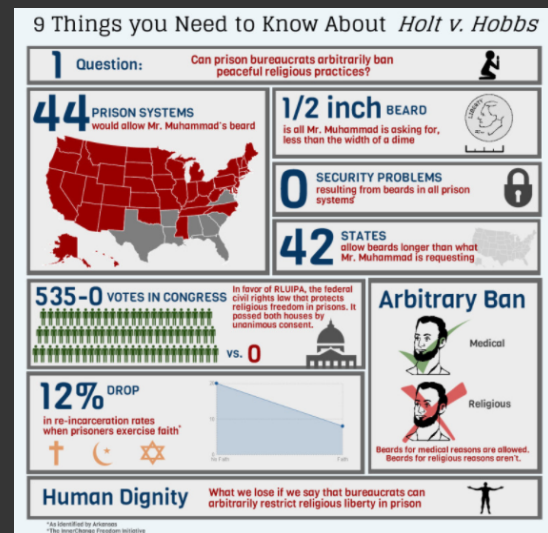
Options involving Muslim Americans:

Islamic Center of Mississippi, Inc. v. City of Starkville, Potter v. D.C., Brown v. Peyton 1971, (A prisoner does not shed...First Amendment rights at the portals, limits to religion based on convincing state interest.), Holt v. Hobbs 2015.

A Vision fulfilled or not? And whose?

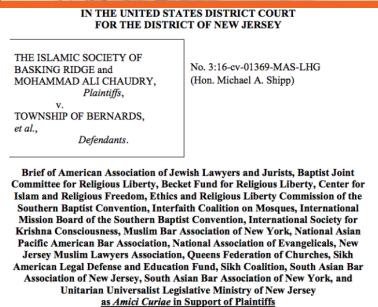
Learning Focus

After examining, the case of *Clay v. United States (1971)* and others both historical and contemporary, which Founders' vision of religious liberty has been most fulfilled and why?



Presentation

Extension: Discuss Majority Religious Liberty v. Minority Religious Liberty. Why might it be important to protect religious liberty, even if that religion is NOT the one the Founders had in mind?



“What is all the commotion about? Nobody asks other boxers about their religion. But now that I am the champion, I am the king, so it seems the world is all shook up about what I believe. You call it the Black Muslims, I don’t. This is the name that has been given to us by the press. The real name is Islam. That means peace.”

-Muhammad Ali, as quoted in *Ali Rap*, edited by George Lois

Brothers and sisters, when you have a government that says we can decide whether or not a house of worship can be constructed based upon the theological beliefs of that house of worship, then there are going to be ...churches in San Francisco and New York and throughout the country who are not going to be able to build. - Russell Moore, the president of the Ethics and Liberty Commission

So What do a 1,235-pound block of cheese and Muhammad Ali have in common?



NEH Final Project Outline:

1. What do I want students to learn?

- a. The Founders' competing visions for religious freedom.
- b. The Supreme Court interpretations and applications of the 1st Amendment.
- c. The struggle for religious exercise among Muslim Americans.
- d. The First Amendment provision for religious liberty (free exercise & anti-establishment clauses).
- e. Continual struggle for individual religious liberty and current controversies.

2. What skills do I want students to use?

- a. Analysis and application
- b. Oral Argument
- c. Advocacy

3. What teaching and learning activities will I use?

- a. Readings on competing visions with compare and contrast.
- b. Case Brief Analysis of *Clay v. US*
- c. Case Brief Analysis for Historical Religious Liberties
- d. Oral Arguments for Current Controversies for Religious Liberty

4. How will I check for understanding?

- a. Class Discussion
- b. Primary Source Analysis
- c. Case Study Analysis
- d. Oral Arguments

Indiana State Standards Addressed:

- USG.2.3** Analyze and interpret central ideas on government, individual rights, and the common good in founding documents of the United States.
- USG.2.4** Explain the history and provide examples of foundational ideas of American government embedded in the Founding-Era documents such as: natural rights philosophy, social contract, popular sovereignty, constitutionalism, representative democracy, political factions, federalism, and individual rights.
- USG.2.8** Explain the history and provide historical and contemporary examples of fundamental principles and values of American political and civic life, including liberty, security, the common good, justice, equality, law and order, rights of individuals, diversity, popular sovereignty, and representative democracy. (Individuals, Society and Culture)
- USG.5.4** Identify and describe the civil and constitutional rights found in the United States Constitution and Bill of Rights and expanded by decisions of the United States Supreme Court; analyze and evaluate landmark cases of the United States Supreme Court concerning civil rights and liberties of individuals.
- USG.5.5** Identify when it is constitutional for our government to limit the rights of individuals and explain the reasons why the government would want to do this.

Essential Question: How has the Supreme Court's interpretation of the 1st Amendment both prevented the establishment of religion and promoted the free exercise of it AND how have these decisions fulfilled or failed to fulfill the Founders' visions for the 1st Amendment?

Learning Focus:

1. What were the Founders competing visions for the Separation of Church and State? (Washington, Madison, Jefferson, Henry)
2. Learning Focus: How did the Supreme Court ruling in ***Clay v. United States (1971)*** effect Muslim Americans' religious liberty? Was the US Justice Department within their constitutional rights to arrest Muhammad Ali or was Muhammad Ali within his rights to avoid the draft?
3. Learning Focus: When is it constitutional for the U.S. Government to limit individual religious freedom and when is it not?

Lessons:

1. **The Constitution & Founders' Visions:**
 - a. Question: *What were the Founders' visions of religious liberty?*
 - b. Read and review documents on Founders & 1st Amendment rights (Anti-Establishment Clause & Free Exercise Clause)
 - c. Religious Views of Founders
 - d. See [Graphic Organizer](#)

Visions for Religious Liberty				
	Based on the information you have read complete the following.	Cite two pieces of evidence from the primary source that provides insight into the Founders' view on Religious Liberty.	How would you describe the Founders' view on Religious Liberty? Progressive, Libertarian, Conservative, other? Would they be for individual religious liberty?	How might this Founder's view(s) support or limit religious liberty?
Thomas Jefferson	<u>Letter to the Danbury Baptist Association (1802)</u>			
Patrick Henry	<u>A Proposal for Tax Supported Religion</u>			
George Washington	<u>Letter to a Hebrew Congregation</u>			
James Madison	<u>Memorial & Remonstrance Against Religious Assessments</u>			

2. Case Brief and Analysis *of* [Clay v. United States, 1971](#)
 - a. 3 part religious test for conscientious objectors
 - b. Case Audio with Opening Arguments
 - c. [Questions for analysis \(Facts, Issue, Holding, Reasoning\)](#)
 - d. Group Discussion from Founders' Perspective?

US Supreme Court Rulings

1. Case: **Clay v. United States (1971)**

- a. Facts:
- b. Issue or Legal Question:
- c. Holding:
- d. Reasoning:

3. Case: **Sherbert v. Verner (1963)**

- i. Facts:
- j. Issue or Legal Question:
- k. Holding:
- l. Reasoning:

2. Case: **Engel v. Vitale (1962)**

- e. Facts:
- f. Issue or Legal Question:
- g. Holding:
- h. Reasoning:

4. Case: **Reynolds v. United States (1879)**

- m. Facts:
- n. Issue or Legal Question:
- o. Holding:
- p. Reasoning

Identify a Current Controversy or Historical Case

- e. [Current Controversy](#)

Identify a Current Controversy/Historical Case involving Religious Liberty Case where you do the following:

e. Record the details of the controversy providing facts of the case and the issue.

f. Write oral arguments that you would make on behalf of your client at the Supreme Court.

g. Present your oral arguments.

Note: Students should create original oral arguments so the selection of the case may need to be reviewed.

Possibilities for Muslim American Cases: Involve cases on discrimination, diet, grooming, prayers, clothing, searches by female guards, etc.

*** For multiple cases See c. 9 “**American Muslims, American Islam, and the American Constitutional Heritage** of *Religious Freedom in America: Constitutional Roots and Contemporary Challenges*, edited by Allen D. Hertzke, University of Oklahoma Press, 2015.

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| n. | • <i>O’Lone v. Shabazz</i> 1987 |
| i. | • <i>Wright v. Wilkins</i> 1961 |
| o. | • <i>Abdullah v. Kinnison</i> 1977 |
| j. | • <i>Brown v. McGinnis</i> 1962 |
| p. | • Holt v. Hobbs 2015 |
| k. | • <i>Fullwood v. Clemmer</i> 1964 |
| q. | • <i>Islamic Center of Mississippi, Inc. v. City of Starkville</i> |
| l. | • <i>Moorish Science Temple Inc. v. Smith</i> 1976 |
| r. | • <i>Potter v. D.C.</i> |
| m. | • <i>Jihaad v. Carlson</i> 1975 |
| s. | • <i>F.O.P. Newark Lodge No. 12 v. City of Newark</i> |

[Presentation](#)

Extension Activity: Discuss Majority Religious Liberty v. Minority Religious Liberty. Why might it be important to protect religious liberty, even if that religion is NOT the one the Founders had in mind?

3. A Vision fulfilled or Not?
 - a. Revisit the Vision of the Founders and the cases studied in a discussion and answer: A Vision fulfilled or Not?
4. Optional Extension: Discuss Majority Religious Liberty v. Minority Religious Liberty
 - a. Why might it be important to protect religious liberty, even if that religious liberty is NOT the one the Founders had in mind?

Resources

www.oyez.org for case briefs, oral arguments, and audio for US Supreme Court Cases.

<https://billofrightsinsitute.org/cases> for a list and brief description of Religious Liberty: Landmark Supreme Court Cases.

Works Cited

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