

# Literacy and the Law

## Lesson Title: Lesson 3: Understanding Differences and Understanding the Constitution



**Presented by: Fran Chadwick**

**Context of the lesson within the project:** Students have the opportunity to reflect on the traditions of various religions. They apply what they have learned about the free exercise clause to a specific case where the plaintiff claims religious freedom has been violated. They must analyze a secondary source (summary of a court case relating to freedom of religion) as it relates to the free exercise clause and the specific case. (Slides 17-25)

### **Standards Addressed:**

#### **Common Core State Standards**

#### **Reading Standards for Literacy in History/Social Studies Grade 6-8**

#### **Key Ideas and Details**

1. Cite specific textual evidence to support analysis of primary and secondary sources.

#### **Craft and Structure**

4. Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

### **Essential Questions/Issues:**

Why are the constitutional protections to Freedom of Religion essential to our democracy?

How can citizens ensure their religious liberty is protected?

### **Objective(s):**

Students will gain an awareness and understanding of different faiths and their traditions.

Students will analyze and “interpret” the meaning of the vocabulary regarding freedom of religion as written in the First Amendment of the constitution, especially as it relates to the free exercise clause.

**Assessment:** These objectives will be assessed through teacher observation, and dialogue.

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**Quality Criteria:**

	<b>Absolutely!</b>	<b>Almost!</b>	<b>Not Yet!</b>
<p><b>Interpretation and Application</b> I am able to apply and analyze the facts of a case to the free exercise clause and understand why this case is challenging.</p>			
<p><b>Collaboration</b> I work with others to review, brainstorm and determine the meaning of the freedom of religion language in the First amendment of the Constitution.</p>			

**Materials and Resources Needed:** Power point, room for students to group with a partner. Handout, Summary Background of the Cheema Case, Materials for note-taking.

(Approximately 45 minutes)

**Learning Activity Steps:**

**Hook:** (5 minutes)

**Slide 17 :** Let’s look at some religious practices, relating to freedom of religion. There are lots of religions in the world, and they have different traditions, and sometimes different dress:

- Catholic women wear a veil as a act of humility to God.
- Jewish wear the Yalmukah, signifying that God is always above them.
- Many Islamic women dress modestly.
- Amish women wear plain dress, including bonnets.
- Many Christians wear a cross.

**Sikh Religion Intro:** (5-10 minutes)

**Slide 18:** Introduces a religion students might not be as familiar with:  
The Sikh (pronounced Seek) religion is from India...Sikhism, which came into existence about 350 years ago, is a religion that **emphasizes doing good deeds**. Some of their beliefs involve the five articles of faith. The men must follow and wear these articles of faith everyday:

- Kesh - Living in harmony with God’s will, hair is kept in a turban to protect it.
- Kanga- The Sikh keep their hair groomed and clean, and use a comb, the way God made them.
- Kara - They wear the bracelet to symbolize restraint from evil deeds.
- Kirpan = This small steel blade, kept in a sheath is an emblem of courage and self-defense, it symbolizes their readiness to defend the weak and innocent.
- Kachera - This is an undergarment or under-shorts, to serve as a reminder of self restraint.

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**Ask students...** Does it help for us to understand the differences of all of these religions? Why or why not? What does the First Amendment to the Constitution say about religion?

**Reinforce: We may all have our own beliefs about religion; this freedom is given to us by the First Amendment in the Bill of Rights of the U.S. Constitution. Even though we do not believe the same as another person, we have the responsibility to respect the right of everyone to believe their way and they must respect your right as well.**

**Case Study:** (20 minutes)

**Slide 19:** Students may read Cheema v. Thompson, Background Handout again, and ask them if they remember in which court this case must be heard, now that the decision is being appealed by the Cheema's. (Slide 7, Structure of the Courts might be reviewed).

As you read in the background of the case, the district court believed, after considering the questions that must be asked regarding Freedom of Religion, that the school district had an important or compelling interest in assuring the safety of its students even though this school rule burdened, or limited the Cheema's free exercise of religion. Therefore the Cheema's lost the case in the U.S. District Court.

The Cheema's took the case to the next level, the U.S. Court of Appeal. Why is this a federal court case? (Deals with the U.S. Constitution, First Amendment).

**Slide 20:** Now that we know which court system handles this case, we need to know as attorneys, what we are dealing with? Which part of the First Amendment, Freedom of Religion does this case relate to? (Delve: Ask, "What were the two clauses?")

If necessary, have students use the handouts they completed In Your Own Words – review the meaning of establishment and free exercise...

**Yes, Free Exercise!**

**Slide 21:** Ask students why Free Exercise? Ask students to share why this case deals with Free Exercise, rather than Establishment – Summarize with a partner, and then share out as a closure to this lesson.

As attorneys you will be assigned to represent the plaintiffs in the case (Cheema's), or the defendants (Thompson, the principal, Livingston School District), you will need to understand exactly how to interpret the Free Exercise Clause and argue for your clients.

**Slide 22:** As attorney's we must know more about the Free Exercise Clause, as there is more than one question to be considered. **You must take notes and know these three questions as they are presented to you.**

This part can get tricky...we will review it, and then apply it to the case so that it makes

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more sense! When a law is made (or a rule from a school) about freedom of religion, and there is a question whether the law prevents the free exercise of religion, three questions must be considered by the appellate justices.

If the answer is **no** to all questions, then the law or rule at the school is constitutional. The answers to all three questions must be considered, before a decision is made about the free exercise clause.

### Question Number 1:

Has the religious freedom been burdened or taken away by government action (school district) or law? In this case, did the government take away the freedom? (discuss)

It is unconstitutional to take away the freedom, so if the answer is “yes”, another question must be asked:

### Slide 23:

### Question Number 2:

Is there a compelling state/government interest that would make taking away the kirpan okay? (ie: Safety of the students). If the answer is **no**, then what the school district did would be considered unconstitutional. If the answer is **yes**, it would be considered constitutional, but there is still one more question must be considered. Discuss with one another, as this can be confusing ~

In this case, did the school district argue in court that there *was* a compelling state interest that made it okay to take away the Cheema’s religious rights? What was that interest? (Safety of the students, so the answer to the question is “yes”)

### Slide 24:

### Question Number 3:

The last question must be considered. Please read question number three. What do you think is meant by “satisfy without restricting the religious liberty?”

Discuss “less restrictive”, or restricting religious liberty: Is there any way the government can be satisfied, could they have done something else to solve the problem, without taking away the religious liberty? If the answer is “no”, then what the school district did was unconstitutional, (they should have tried to provide a way to work it out).

If answer is “yes”, they worked with them to find a solution that was the least restrictive, their actions were constitutional.

**In other words, the government must try to find a way to satisfy it’s concerns (least restrictive), to make something work, so that the religious exercise can still take place.**

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**Closure:** (5 minutes)

**Slide 25:** Turn to your partner, and discuss the three questions that must be asked when the free exercise of religion is challenged in court. Share out with entire group, assessing understanding by observation of participation and comments of the students.