

## The Religion Clauses

1. Establishment Clause ["Congress shall make no law respecting the establishment of religion...."]

## a. Background

- state religions many states had them
- Maryland's "Toleration Act" allowed freedom of religion, as long as it was some branch of Christianity
- ad as its stated ple to read so

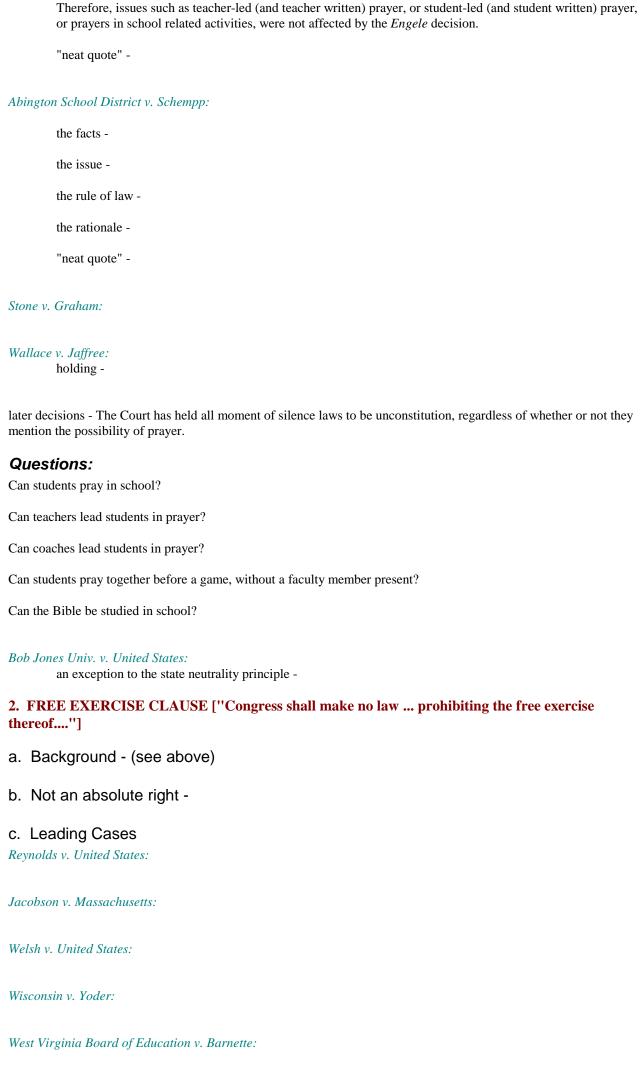
decide for itself

"Old Deluder Act" - This first law establishing public schools purpose the foiling of "that old deluder, Satan" by teaching pethat they could read the Holy Scriptures for themselves.	
b. Purpose: The Establishment Clause was originally intended to protect the ability of each state to whether to have a state religion or what degree of religious toleration to allow.	d
c. Leading Cases:	
Everson v. Board of Education of Township of Ewing (a.k.a. "New Jersey school bus case"):	
the facts -	
the issue -	
the rule of law -	
the rationale -	
"neat quote" -	
McCollum v. Board of Education:	
the facts -	
the issue -	
the rule of law -	
the rationale -	
"neat quote" -	
Zorach v. Clauson:	
the facts -	
the issue -	
the rule of law -	
the rationale -	
dinstinction from McCollum -	
"neat quote" -	
Engele v. Vitale:	
the facts -	

the issue -

the rule of law -

the rationale -



what wasn't decided - Supreme Court decisions only apply to the SPECIFIC ISSUE before the Court.

rationale - "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or any other matter of opinion of force citizens to confess by word or act their faith therein."