

Gabriel Borelli of West Haven High School is the recipient of the Honorable Mention Award

### The First Amendment

The First Amendment's establishment clause and free exercise clause have long defended the freedom of religion. The establishment clause prevents the government's advance or hindrance of religion and the free exercise clause prevents the government's prohibition of religious exercise ("Free"; "Freedom"). However, debates over alleged violations of these clauses continue today. The three-part *Lemon* test, established in the Supreme Court case *Lemon v. Kurtzman* (1971), is often used by courts to ensure that government action is secular, does not promote or hinder any religion, and avoids excessively entanglement with religion ("U.S."). Many have questioned if and when sacred religious texts can be displayed or discussed in the classroom. Although tight restrictions exist under the First Amendment and the *Lemon* test, various situations occur when religious texts can be discussed in school.

At my school, religion is often a relevant educational topic but not officially endorsed by the teacher. For example, my anthropology class openly discusses various theories of evolution. A book we read as a summer assignment for the course, The Blind Watchmaker, discusses the biblical theory of creation as a common belief and an alternative to evolution theories (Dawkins 7). Discussion of the Bible's creation theory is no endorsement of religion but rather a declaration of what many people believe. It is not the same as school-mandated teaching of creationism such as the Louisiana law that was struck down in *Edwards v. Aguillard* (1987) ("First Amendment"). In my anthropology class, competing statements of "facts" do not endorse religion nor do they excessively entangle school with religion, therefore passing the *Lemon* test.

Another instance where religious text can be taught is when the topic is religiously neutral. In other words, multiple religious texts are discussed and no individual religious endorsement occurs, such as in a global studies or world religion class. Under normal circumstances, discussion of religious texts would not be okay as it could be seen as an endorsement of one religion ("Religion"). However, students being educated on the sacred texts

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of multiple religions neutralizes any endorsement of religion by neither promoting nor hindering any one religion, thus passing the *Lemon* test ("U.S.").

A third instance where religious texts can be discussed in a public school classroom is when students are learning about what is and is not acceptable under the First Amendment's freedom of religion. For example, students in government classes often learn about cases such as *Stone v. Graham* (1980) where the Supreme Court found it unconstitutional to require the posting of the Ten Commandments in public schools ("First"). Such cases discuss religion but do not promote or endorse it. The discussions keep religion neutral by showing what can and cannot be done relating to religion while preventing public schools from becoming excessively entangled with religion, thus passing the *Lemon* test.

In addition to the study of religious text, it is sometimes acceptable for religious symbols to be posted on school grounds. Great confusion comes around the holidays when Christmas trees and Jewish menorahs are displayed publically. The Third Circuit Court of Appeals in *ACLU NJ v. Township of Wall, NJ* (1997) found that the public display of these symbols alone to be unconstitutional, a decision later supported by the Supreme Court. However, the addition of Frosty the Snowman, Santa Claus, and a sleigh neutralized the religion endorsement and therefore made the display constitutional ("Religious"). In short, the public display of holiday decorations is constitutional as religion is neither hindered nor advanced. In the *ACLU* case, the religiously neutral decorations overrode the religious ones.

One final instance where religious texts can be discussed in public schools is in after-school religion programs. In *Good News Club v. Milford Central School* (2001), the Supreme Court declared that public schools needed to allow for after-school religious activities similar to how a school would allow a chess club (Janda 454). In this case, the Supreme Court cited freedom of speech in correlation with freedom of religion as the school fought the club as a result of its religious base, denying the freedom of speech ("Good"). Clearly, in an after-school

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religious club, sacred religious texts such as the Ten Commandments would come up for discussion. This demonstrates another example where religious texts can be discussed in public schools.

In conclusion, various situations exist when religious text can be brought up and discussed in a public school classroom. One occurs when a religious tenet is relevant to a course curriculum, such as an anthropology class reading about creationism. Sacred text can also be discussed in a religiously neutral class such as global studies or world religions. Religion can also be discussed in a government class analyzing the limits and boundaries of the First Amendment's freedom of religion in various Supreme Court cases. In addition to class discussion, neutrally religious symbols can be displayed as holiday decorations. Also, after-school religious programs permit the discussion of religion. In sum, some religious discussions and displays are constitutional under the First Amendment.

