

Civil Liberties FRQ Spring 2021

1. The First Amendment includes two clauses relating to the freedom of religion.
- (a) Select one of the following cases and identify the First Amendment clause upon which the United States Supreme Court based its decision.
- *Engel v. Vitale* (school prayer)
 - *Lemon v. Kurtzman* (state funding for private religious schools)
- (b) Describe the Supreme Court's decision in the case that you selected in (a).
- (c) Select one of the following cases and identify the First Amendment clause upon which the Supreme Court based its decision.
- *Reynolds v. United States* (polygamy)
 - *Oregon v. Smith* (drug use in religious ceremonies)
- (d) Describe the Supreme Court's decision in the case that you selected in (c).
- (e) Many of these decisions have caused controversy in the United States. Describe two ways in which other political institutions might limit the impact of Supreme Court decisions.



Please respond on separate paper, following directions from your teacher.

Part A**Part (a): 1 point**

One point is earned for correctly identifying the establishment clause as the First Amendment clause upon which the United States Supreme Court based its decision for either the *Engel* or *Lemon* case.



0	1
---	---

The student response correctly identified the establishment clause as the First Amendment clause upon which the United States Supreme Court based its decision for either the *Engel* or *Lemon* case.

Part B**Part (b): 1 point**

One point is earned for a correct description of the Supreme Court's decision in the case that was selected in part (a).



Civil Liberties FRQ Spring 2021

Acceptable explanations of *Engel v. Vitale*:

- Must say that the decision struck down state-sponsored prayer in school.
- MUST mention state-sponsored or state-organized prayer to get credit.
- MUST indicate that the prayer had some type of official government backing/sponsorship/sanction.
- Do not have to specify "public schools" to get credit.

No point is given if the answer states only that the decision "banned prayer in school." Acceptable explanations of *Lemon v. Kurtzman*:

- Must say that the decision struck down state funding for private religious schools. (More specifically, it struck down state funding to pay parochial teachers to give instruction in secular subjects.)
- Will receive credit for statements recognizing that there are certain conditions or criteria that are used in determining if a government practice does not violate the establishment clause. Conditions/criteria may include:
 - Secular purpose.
 - Neither enhances nor inhibits religion.
 - No excessive entanglement between government and religion.



0	1
---	---

The student response provided a correct description of the Supreme Court's decision in the case that was selected in part (a).

Acceptable explanations of *Engel v. Vitale*:

- Must say that the decision struck down state-sponsored prayer in school.
- MUST mention state-sponsored or state-organized prayer to get credit.
- MUST indicate that the prayer had some type of official government backing/sponsorship/sanction.
- Do not have to specify "public schools" to get credit.

Acceptable explanations of *Lemon v. Kurtzman*:

- Must say that the decision struck down state funding for private religious schools. (More specifically, it struck down state funding to pay parochial teachers to give instruction in secular subjects.)
- Will receive credit for statements recognizing that there are certain conditions or criteria that are used in determining if a government practice does not violate the establishment clause. Conditions/criteria may include:
 - Secular purpose.
 - Neither enhances nor inhibits religion.
 - No excessive entanglement between government and religion.

Part C



Civil Liberties FRQ Spring 2021

Part (c): 1 point

One point is earned for identifying the free exercise clause as the First Amendment clause upon which the Supreme Court based its decision for either *Reynolds v. United States* or *Oregon v. Smith*.



0	1
---	---

The student response correctly identified the free exercise clause as the First Amendment clause upon which the Supreme Court based its decision for either *Reynolds v. United States* or *Oregon v. Smith*.

Part D

Part (d): 1 point

One point is earned for describing the Supreme Court's decision in the case that was selected in part (c).

An acceptable explanation of *Reynolds v. United States* is:

- The decision restricted/banned/disallowed polygamy.

No point is earned for saying that the "Supreme Court declared polygamy to be unconstitutional." Polygamy is a personal action that is illegal but not a governmental action that is unconstitutional.

An acceptable explanation of *Oregon v. Smith* is:

- The decision restricted/banned drug use in religious ceremonies.

No point is earned for saying that the "Supreme Court declared drug use in religious ceremonies to be unconstitutional." Drug use is a personal action that is illegal but not a governmental action that is unconstitutional.



0	1
---	---

The student response correctly described the Supreme Court's decision in the case that was selected in part (c).

An acceptable explanation of *Reynolds v. United States* is:

- The decision restricted/banned/disallowed polygamy.

An acceptable explanation of *Oregon v. Smith* is:

- The decision restricted/banned drug use in religious ceremonies.



Civil Liberties FRQ Spring 2021

Part E**Part (e): 2 points**

One point is earned for each correct description of ways in which other political institutions might limit the impact of Supreme Court decisions.

Acceptable descriptions may include:

- Congressional/state/local legislation.
- Executive branch/state government refusal to enforce a Supreme Court decision; ignoring a Supreme Court decision.
- Judicial appointments.
- Constitutional amendment.
- Change in appellate jurisdiction.

Other political institutions do not have to be identified by name; for example, "Constitutional amendments can be passed to overturn Supreme Court decisions" is acceptable.

In part (e), students do not have to confine their answers to freedom of religion. An acceptable answer, for example, might cite state legislation designed to get around the provisions of *Roe v. Wade* even though the latter obviously does not involve freedom of religion.



0	1	2
---	---	---

The student response earned one point for each correct description of ways in which other political institutions might limit the impact of Supreme Court decisions.

Acceptable descriptions may include:

- Congressional/state/local legislation.
- Executive branch/state government refusal to enforce a Supreme Court decision; ignoring a Supreme Court decision.
- Judicial appointments.
- Constitutional amendment.
- Change in appellate jurisdiction.