

ASK  
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about



**Getting an education isn't just about books and grades** – we're also learning how to participate fully in the life of this nation. (Because one day **we are going to be in charge!**)

But in order to really participate, we need to know our rights – otherwise we may lose them. The highest law in our land is the U.S. Constitution, which has some amendments, known as the Bill of Rights. The Bill of Rights guarantees that the government can never deprive people in the U.S. of certain fundamental rights including the right to freedom of religion and to free speech and the due process of law. Many federal and state laws give us additional rights, too.

The Bill of Rights applies to young people as well as adults. And what I'm going to do right here is tell you about

**RELIGIOUS FREEDOM.**

your right to

# RELIGIOUS FREEDOM

## WHAT IS RELIGIOUS FREEDOM EXACTLY?

The First Amendment to the U.S. Constitution says that everyone in the United States has the right to **practice his or her own religion, or no religion at all.**

Our country's founders – who were of different religious backgrounds themselves – knew the best way to protect religious liberty was to **keep the government out of religion.** So they created the First Amendment – to guarantee the separation of church and state. This fundamental freedom is a major reason why the U.S. has managed to avoid a lot of the religious conflicts that have torn so many other nations apart.

The **Establishment Clause** of the First Amendment prohibits government from encouraging or promoting ("establishing") religion in any way. That's why we don't have an official religion of the United States. This means that the government may not give **financial support to any religion.** That's why many school voucher programs violate the Establishment Clause – because they give taxpayers' money to schools that promote religion.

The **Free Exercise Clause** of the First Amendment gives you the right to worship or not as you choose. The government can't penalize you because of your religious beliefs.

## HOW DO YOU KNOW THE GOVERNMENT IS "ESTABLISHING RELIGION"?

In 1971, the Supreme Court decided *Lemon v. Kurtzman* which created three tests for determining whether a particular government act or policy unconstitutionally promotes religion.

The *Lemon* test says that in order to be constitutional, a policy must:

1. **Have a non-religious purpose;**
2. **Not end up promoting or favoring any set of religious beliefs; and**
3. **Not overly involve the government with religion.**

## IS IT CONSTITUTIONAL TO TEACH RELIGION IN PUBLIC SCHOOLS?

No. The public schools are run by the government. Therefore, they must obey the First Amendment. This means that while they can teach about the influences of religion in history, literature and philosophy – they **can't promote religious beliefs or practices as part of the curriculum.** Since private and parochial schools aren't run by the government, the First Amendment doesn't apply to them.

Also, **students can be excused from some school activities if they conflict with their religious beliefs.**

## CAN MY TEACHER START THE DAY OR A MEETING WITH PRAYER?

No. Prayers, scriptural readings and loudspeaker devotionals violate the First Amendment because they promote religion. This is true even if the prayer is **"non-denominational"** (not of any particular religion.) Moments of silence might be unconstitutional – it depends on whether or not the real reason they're being held is to encourage prayer.

We spend a big part of our life in school, so **let's get involved!** Join the student government! **Attend school meetings!** Petition your school administration! **Talk about your rights** with your friends! **We can make a difference!**

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## CAN MY SCHOOL HAVE PRAYERS AT GRADUATION?

No. In 1992, the Supreme Court decided in *Lee v. Weisman* that **graduation prayers are unconstitutional in public schools**. Think about it: graduation prayers would give non-believers or kids of other faiths the feeling that **their participation in prayer is required**. It doesn't matter who leads the prayer – a minister, a priest, a rabbi, whoever, or whether the prayer is non-denominational – some kids would feel left out.

**Student-led prayer is unconstitutional too.** Just because a student or group of students leads the prayer, the graduation ceremony is still a school-sponsored event, right?

You can choose to have a private **alternative event** that includes prayer, like a baccalaureate. It just can't be sponsored by the school. Student, parent or church groups can organize it – but it still must be held off of school grounds.

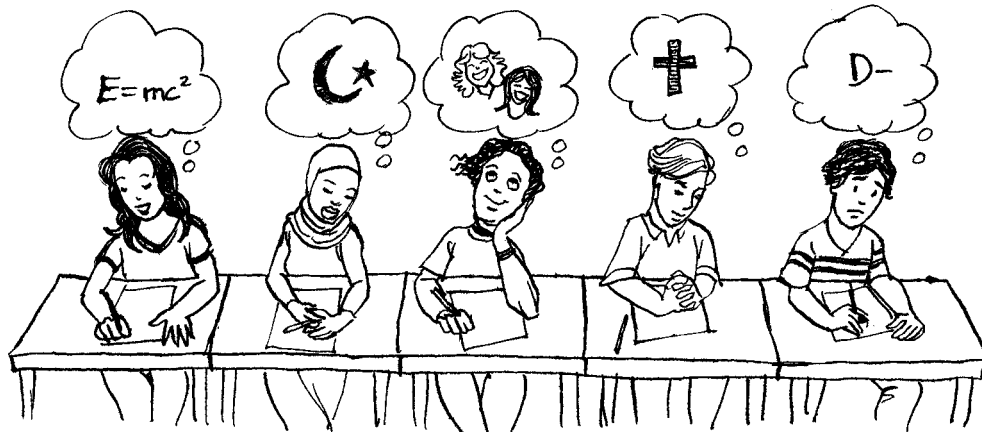
## WHAT IF WE PUT IT TO A VOTE?

That doesn't change anything. In the United States, each individual has certain **fundamental freedoms** – including freedom of religion. These can't be taken away, even by "majority rule."

Think about your friends who have different faiths or no religious beliefs at all. **They'd still feel excluded** from their own graduation exercises. Or worse, they'd feel like the school thought your religion was better than theirs. Put the shoe on the other foot for a second and think about how that would make you feel!

## IS IT EVER OK TO PRAY IN SCHOOL?

Sure. Individual students have the right to pray whenever they want to, as long as they **don't disrupt classroom instruction or**



**You have the right to pray in school - but you also have the right NOT to pray**

**other educational activities - or try to force others to pray along with them.** If a school official has told you that you can't pray at all during the school day, **your right to exercise your religion is being violated.** Contact your local ACLU for help.

## IS IT OK TO CELEBRATE RELIGIOUS HOLIDAYS IN PUBLIC SCHOOLS?

It depends. Making Christmas stockings, Easter eggs or Hannukah dreidels is probably okay because, over the years, **these have become secular customs** that people of many different backgrounds enjoy. But a Nativity pageant, which is full of religious meaning, could be considered unconstitutional.

## WHAT ABOUT RELIGIOUS CLUBS OR BIBLE DISTRIBUTION?

**Student-organized Bible clubs are OK as long as three conditions are met:**

(1) the activity must take place during non-school hours; (2) school officials can't be involved in organizing or running the club, **and** (3) the school must make its facilities available to all student groups on an equal basis. So your Bible club couldn't be the only group allowed access to the school

grounds. Neither could your school let other student groups use the building for meetings and events and deny your Bible club the same opportunity.

**The organized distribution of Bibles or any other holy book during the school day is unconstitutional,** even if teachers aren't the ones actually handing out the Bibles, and even if they're not used as a part of the school's educational program. That's because the school building or grounds are still being used to spread a religious doctrine at a time when students are required to be there.

**That's what religious freedom is all about - you are free to worship as you choose - even if that means not at all.**

your local ACLU is: