

READING CLOSELY GRADES 11-12 UNIT TEXTS

IMPORTANT NOTE: Because of the ever-changing nature of website addresses, the *resources may no longer be available through the suggested links*. Teachers and students can relocate these texts through web searches using the information provided.

AUTHOR	DATE	PUBLISHER	L	NOTES
Text #1: Church and State – No Union Upon Any Terms (Engraving)				
Thomas Nast	1871	Harper’s Weekly Magazine	NA	Historical engraving portraying the State’s refusal to allow religious parties to participate in the Union.
Text #2 (a): First Amendment to the United States Constitution (Government Document)				
Congress of United States	1791	Library of Congress	1000L	Amendment protecting the right to freedom of religion and expression.
Text #2 (b): Letter to the Danbury Baptists (Letter)				
Thomas Jefferson	1802	Library of Congress	1830L	Letter details Jefferson’s commitment to the First Amendment; rich and complex language.
Text #3: God in America (Video)				
PBS	2010	PBS	NA	Video introduces the struggle to define how Church and State should mix.
Text #4: God in America (Website)				
PBS	NA	PBS	NA	Website has several links to timelines, interviews, and exposés on specific topics such as “God in the White House.”
Text #5: Santa Fe Independent School District v. Doe (U.S. Supreme Court Opinion)				
Justice Stevens	2000	US Supreme Court	1370L	Court opinion ruling establishing the unconstitutionality of prayers being held in school; argumentative and complex.
Text #6: Santa Fe Independent School District v. Doe (U.S. Supreme Court Opinion)				
Chief Justice Rehnquist	2000	US Supreme Court	1390L	Dissenting opinion arguing Stevens ruling is too restrictive of religious in public institutions; argumentative and complex.
Text #7: Speech to Greater Houston Ministerial Association (Speech)				
John F. Kennedy	1960	NA	1320L	Senator’s speech defends his conviction of the separation of Church and State and affirms religious freedoms in the US.
Text #8: Union Square Speech (Speech)				
Dorothy Day	1965	NA	1570L	Speech argues that religion endorses peace rather than violence and praises non-violent movements.
Text #9: I Have Been to the Mountaintop (Speech)				
Martin Luther King, Jr.	1968	NA	950L	Speech affirms the non-violent human rights movement and embeds it in his religious conviction; dramatic and religious tones.
Extended Reading: Divinity School Address (Speech)				
Ralph Waldo Emerson	1838	James Munroe & co.	1030L	Excerpt establishes the importance of nature over the Church and intuition of the individual.
Extended Reading: Church and State (Poem)				
Butler Yeats	1934	Spectator	NA	Poem links both Church and State to a mob and idealizes the individual’s heart and mind.
Extended Reading: What Does the First Amendment's Establishment Clause Really Mean? (Article)				
Tom Head	NA	About.com	NA	Excerpt summarizes three judicial interpretations of the meaning the separation of Church and State.



TEXT #1

Church and State – No Union Upon Any Terms Thomas Nast Harper's Weekly, 1871

<http://publ.princeton.edu/sheetreader.php?obj=ng451h65m>



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TEXT #2

First Amendment to the United States Constitution Library of Congress, 1791

<http://www.ala.org/offices/oif/firstamendment/firstamendment>

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging** the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a **redress** of grievances.

Letter to the Danbury Baptists Thomas Jefferson Library of Congress, 1802

<http://www.loc.gov/loc/lcib/9806/danpre.html>

The Final Letter, as Sent

To messers. Nehemiah Dodge, Ephraim Robbins, & Stephen S. Nelson, a committee of the Danbury Baptist association in the state of Connecticut.

Gentlemen:

5 The affectionate sentiments of esteem and **approbation** which you are so good as to **P1** express towards me, on behalf of the Danbury Baptist association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, & in proportion as they are persuaded of my **fidelity** to those duties, the discharge of them becomes more and more pleasing.

abridging	redress	approbation
to reduce	the setting right of what is wrong	official approval
fidelity		
the strict observance of promises or duties		



10

P2

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I **contemplate** with **sovereign** reverence that act of the whole American people which declared that their legislature should "make

15 no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.

P3

20 I **reciprocate** your kind prayers for the protection & blessing of the common father and creator of man, and **tender** you for yourselves & your religious association, assurances of my high respect & esteem.

Th Jefferson

Jan. 1. 1802.

contemplate	sovereign	reciprocate
to consider thoroughly	importance	to give in return
tender		
to make a formal offer		



TEXT #3

God in America **PBS**

Video

<http://www.youtube.com/watch?v=a0fTTIJrzal>

TEXT #4

God in America **PBS**

Website

<http://www.pbs.org/godinamerica/>



TEXT #5

U.S. Supreme Court Decision: Santa Fe Independent School District v. Doe **Justice Stevens**

U.S. Supreme Court, June 19, 2000

<http://law2.umkc.edu/faculty/projects/ftrials/firstamendment/santafe.html>

Justice Stevens delivered the opinion of the Court.

Prior to 1995, the Santa Fe High School student who occupied the school's elective office of student council chaplain delivered a prayer over the public address system before each varsity football game for the entire season. This practice, along with others, was challenged in District Court as a violation of the Establishment Clause of the First

P1

5 Amendment. While these proceedings were pending in the District Court, the school district adopted a different policy that permits, but does not require, prayer initiated and led by a student at all home games. The District Court entered an order modifying that policy to permit only **nonsectarian, nonproselytizing** prayer. The Court of Appeals held that, even as modified by the District Court, the football prayer policy was invalid. We **10** granted the school district's petition for **certiorari** to review that holding...

The final policy (October policy)...

"STUDENT ACTIVITIES:

"PRE-GAME CEREMONIES AT FOOTBALL GAMES

"The board has chosen to permit students to deliver a brief invocation and/or message to be **P2**

15 delivered during the pre-game ceremonies of home varsity football games to **solemnize** the event, to promote good sportsmanship and student safety, and to establish the appropriate

nonsectarian	nonproselytizing	certiorari
not associated with or limited to a specific religious denomination	not attempting to convert or change belief	a written document requesting the record of a proceeding in an inferior court review
solemnize		
to view as serious, to dignify		



environment for the competition.

"Upon advice and direction of the high school principal, each spring, the high school student council shall conduct an election, by the high school student body, by secret ballot, to determine whether such a statement or **invocation** will be a part of the pre-game ceremonies and if so, shall elect a student, from a list of student volunteers, to deliver the statement or invocation. The student volunteer who is selected by his or her classmates may decide what message and/or invocation to deliver, consistent with the goals and purposes of this policy..."

...The first Clause in the First Amendment to the Federal Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Fourteenth Amendment imposes those substantive limitations on the legislative power of the States and their political subdivisions...

...Granting only one student access to the stage at a time does not, of course, necessarily preclude a finding that a school has created a limited public forum. Here, however, Santa Fe's student election system ensures that only those messages deemed "appropriate" under the District's policy may be delivered. That is, the **majoritarian** process implemented by the District guarantees, by definition, that minority candidates will never prevail and that their views will be effectively silenced...

...If instead of a choice between an invocation and no pregame message, the first election determined whether a political speech should be made, and the second election determined whether the speaker should be a Democrat or a Republican, it would be rather clear that the public address system was being used to deliver a **partisan** message reflecting the viewpoint of the majority rather than a random statement by a private individual...

...Moreover, the District has failed to divorce itself from the religious content in the invocations. It has not succeeded in doing so, either by claiming that its policy is "one of

invocation	preclude	majoritarian
a form of prayer invoking God's presence, especially one said at the beginning of a religious service	to make impossible	the majority
partisan		
a supporter of a particular group or party		



neutrality rather than endorsement" or by characterizing the individual student as the "circuit-breaker" in the process. Contrary to the District's repeated assertions that it has adopted a "hands-off" approach to the pregame invocation, the realities of the situation plainly reveal that its policy involves both perceived and actual endorsement of religion. In this case, as we found in Lee, the **45** "degree of school involvement" makes it clear that the pregame prayers bear "the imprint of the State and thus put school-age children who objected in an **untenable** position."

... In addition to involving the school in the selection of the speaker, the policy, by its terms, **P8** invites and encourages religious messages. The policy itself states that the purpose of the message is "to solemnize the event." A religious message is the most obvious method of **50** solemnizing an event. Moreover, the requirements that the message "promote good sportsmanship" and "establish the appropriate environment for competition" further narrow the types of message deemed appropriate, suggesting that a solemn, yet nonreligious, message, such as commentary on United States foreign policy, would be prohibited. Indeed, the only type of message that is expressly endorsed in the text is an "invocation" - a term that primarily describes an **55** appeal for divine assistance. In fact, as used in the past at Santa Fe High School, an "invocation" has always entailed a focused religious message. Thus, the expressed purposes of the policy encourage the selection of a religious message, and that is precisely how the students understand the policy. The results of the elections described in the parties' **stipulation** make it clear that the students understood that the central question before them was whether prayer should be a part of the **60** pregame ceremony. We recognize the important role that public worship plays in many communities, as well as the sincere desire to include public prayer as a part of various occasions so as to mark those occasions' significance. But such religious activity in public schools, as elsewhere, must comport with the First Amendment...

One of the purposes served by the Establishment Clause is to remove debate over this **P9** **65** kind of issue from governmental supervision or control. We explained in Lee that the "preservation and transmission of religious beliefs and worship is a responsibility and a

untenable	stipulation	
an argument that is incapable of defense	a condition or an agreement within a contract	



choice committed to the private sphere." The two student elections authorized by the policy, coupled with the debates that presumably must precede each, **impermissibly** invade that private sphere. The election mechanism, when considered in light of the

70 history in which the policy in question evolved, reflects a device the District put in place that determines whether religious messages will be delivered at home football games. The mechanism encourages divisiveness along religious lines in a public school setting, a result at odds with the Establishment Clause...

... The Religion Clauses of the First Amendment prevent the government from making any **P10**

75 law respecting the establishment of religion or prohibiting the free exercise thereof. By no means do these commands impose a prohibition on all religious activity in our public schools. Thus, nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during, or after the schoolday. But the religious liberty protected by the Constitution is abridged when the State affirmatively sponsors the particular religious practice of prayer...

80 ... But the Constitution also requires that we keep in mind "the myriad, subtle ways in which **P11** Establishment Clause values can be eroded," and that we guard against other different, yet equally important, constitutional injuries. One is the mere passage by the District of a policy that has the purpose and perception of government establishment of religion. Another is the implementation of a governmental electoral process that subjects the issue of prayer to a majoritarian vote...

85 ... As discussed, the text of the October policy alone reveals that it has an unconstitutional **P12** purpose. The plain language of the policy clearly spells out the extent of school involvement in both the election of the speaker and the content of the message. Additionally, the text of the October policy specifies only one, clearly preferred message - that of Santa Fe's traditional religious "invocation." Finally, the extremely selective access of the policy and other content restrictions

90 confirm that it is not a content-neutral regulation that creates a limited public forum for the

impermissibly		
not allowed		



expression of student speech...

...This case comes to us as the latest step in developing **litigation** brought as a challenge to **P13** institutional practices that unquestionably violated the Establishment Clause. One of those practices was the District's long-established tradition of **sanctioning** student-led prayer at varsity **95** football games. The narrow question before us is whether implementation of the October policy **insulates** the continuation of such prayers from constitutional scrutiny. It does not. Our inquiry into this question not only can, but must, include an examination of the circumstances surrounding its enactment. Whether a government activity violates the Establishment Clause is "in large part a legal question to be answered on the basis of judicial interpretation of social facts..."

100 Every government practice must be judged in its unique circumstances. Our discussion in the previous sections, demonstrates that in this case the District's direct involvement with school prayer exceeds constitutional limits.

The District, nevertheless, asks us to pretend that we do not recognize what every Santa Fe **P14** High School student understands clearly - that this policy is about prayer. The District further **105** asks us to accept what is obviously untrue: that these messages are necessary to "solemnize" a football game and that this single-student, year-long position is essential to the protection of student speech. We refuse to turn a blind eye to the context in which this policy arose, and that context **quells** any doubt that this policy was implemented with the purpose of **endorsing** school prayer.

110 Therefore, the simple enactment of this policy, with the purpose and perception of school **P15** endorsement of student prayer, was a constitutional violation. We need not wait for the inevitable to confirm and magnify the constitutional injury. In *Wallace*, for example, we invalidated Alabama's as yet unimplemented and voluntary "moment of silence" statute based on our conclusion that it was enacted "for the sole purpose of expressing the State's endorsement of **115** prayer activities for one minute at the beginning of each school day." Therefore, even if no Santa Fe

litigation	sanctioning	quells
to dispute; to contest at law	authoritative approval	to put an end to something
endorsing		
to approve, support, or sustain		



High School student were ever to offer a religious message, the October policy fails a **facial challenge** because the attempt by the District to encourage prayer is also at issue. Government efforts to endorse religion cannot evade constitutional **reproach** based solely on the remote possibility that those attempts may fail.

- 120** This policy likewise does not survive a facial challenge because it impermissibly imposes **P16** upon the student body a majoritarian election on the issue of prayer. Through its election scheme, the District has established a governmental electoral mechanism that turns the school into a forum for religious debate. It further empowers the student body majority with the authority to subject students of minority views to constitutionally improper messages. The award of that
- 125** power alone, regardless of the students' ultimate use of it, is not acceptable. Like the **referendum** in *Board of Regents of Univ. of Wis. System v. Southworth*, the election mechanism established by the District undermines the essential protection of minority viewpoints. Such a system encourages **divisiveness** along religious lines and threatens the imposition of **coercion** upon those students not desiring to participate in a religious exercise. Simply by establishing this school-related
- 130** procedure, which entrusts the inherently nongovernmental subject of religion to a majoritarian vote, a constitutional violation has occurred. No further injury is required for the policy to fail a facial challenge.

- To properly examine this policy on its face, we "must be deemed aware of the history and **P17** context of the community and forum." Our examination of those circumstances above leads
- 135** to the conclusion that this policy does not provide the District with the constitutional safe harbor it sought. The policy is invalid on its face because it establishes an improper majoritarian election on religion, and unquestionably has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

The judgment of the Court of Appeals is, accordingly, affirmed.

- 140** It is so ordered.

facial challenge	reproach	referendum
a challenge to a statute which the plaintiff alleges that the legislation is always unconstitutional	to find fault with a person or group	A general vote by the electorate on a single political question that has been referred to them
divisiveness	coercion	
forming or expressing division or distribution	force of a group to gain compliance as in the government or police force	



TEXT #6

U.S. Supreme Court Decision: Santa Fe Independent School District v. Doe Chief Justice Rehnquist

U.S. Supreme Court, June 19, 2000

<http://law2.umkc.edu/faculty/projects/ftrials/firstamendment/santafe.html>

Chief Justice Rehnquist, with whom Justice Scalia and Justice Thomas join, dissenting.

The Court distorts existing **precedent** to conclude that the school district's student-
message program is invalid on its face under the Establishment Clause. But even more
disturbing than its holding is the tone of the Court's opinion; it bristles with hostility to all
things religious in public life. Neither the holding nor the tone of the opinion is faithful to
5 the meaning of the Establishment Clause, when it is recalled that George Washington
himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a
day of "public thanksgiving and prayer, to be observed by acknowledging with grateful
hearts the many and signal favors of Almighty God."

The Court, **venturing** into the realm of **prophecy**, decides that it "need not wait for
10 the inevitable" and invalidates the district's policy on its face. To do so, it applies the most
rigid version of the oft-criticized test of *Lemon v. Kurtzman* (1971).

Even if it were appropriate to apply the *Lemon* test here, the district's student-message
policy should not be invalidated on its face. The Court applies *Lemon* and holds that
the "policy is invalid on its face because it establishes an improper majoritarian election on
15 religion, and unquestionably has the purpose and creates the perception of encouraging

precedent	venturing	prophecy
an act that serves as a guide or justifies the following situation	to move forward when opposition or resistance appears likely to follow	predictions
rigid		
unbending, firm, inflexible		



the delivery of prayer at a series of important school events." The Court's reliance on each of these conclusions misses the mark.

First, the Court **misconstrues** the nature of the "majoritarian election" permitted by the policy as being an election on "prayer" and "religion." To the contrary, the election **P4**

20 permitted by the policy is a two-fold process whereby students vote first on whether to have a student speaker before football games at all, and second, if the students vote to have such a speaker, on who that speaker will be. It is conceivable that the election could become one in which student candidates campaign on platforms that focus on whether or not they will pray if elected. It is also conceivable that the election could lead to a Christian

25 prayer before 90 percent of the football games. If, upon implementation, the policy operated in this fashion, we would have a record before us to review whether the policy, as applied, violated the Establishment Clause or **unduly** suppressed minority viewpoints. But it is possible that the students might vote not to have a pregame speaker, in which case there would be no threat of a constitutional violation. It is also possible that the

30 election would not focus on prayer, but on public speaking ability or social popularity. And if student campaigning did begin to focus on prayer, the school might decide to implement reasonable campaign restrictions.

But the Court ignores these possibilities by holding that merely granting the student **P5**

body the power to elect a speaker that may choose to pray, "regardless of the students' **35** ultimate use of it, is not acceptable." The Court so holds despite that any speech that may occur as a result of the election process here would be private, not government, speech.

misconstrues	unduly	
to misunderstand the meaning of; take in a wrong sense; misinterprets	in an inappropriate, unjustifiable, or improper way	



The elected student, not the government, would choose what to say. Support for the Court's holding cannot be found in any of our cases. And it essentially invalidates all student elections. A newly elected student body president, or even a newly elected prom king or queen, could use opportunities for public speaking to say prayers. Under the Court's view, the mere grant of power to the students to vote for such offices, in light of the fear that those elected might publicly pray, violates the Establishment Clause.

P6

Second, with respect to the policy's purpose, the Court holds that "the simple enactment of this policy, with the purpose and perception of school endorsement of student prayer, was a constitutional violation." But the policy itself has **plausible secular** purposes: "To **solemnize** the event, to promote good sportsmanship and student safety, and to establish the appropriate environment for the competition." Where a governmental body "expresses a plausible secular purpose" for an enactment, "courts should generally **defer** to that stated intent." The Court grants no deference to-and appears openly hostile toward-the policy's stated purposes, and wastes no time in concluding that they are a sham.

P7

For example, the Court dismisses the secular purpose of solemnization by claiming that it "invites and encourages religious messages." The Court so concludes based on its rather strange view that a "religious message is the most obvious means of solemnizing an event." But it is easy to think of solemn messages that are not religious in nature, for example urging that a game be fought fairly. And sporting events often begin with a solemn rendition of our national anthem, with its concluding verse "And this be our motto:

P8

plausible	secular	solemnize
likely, probable	not associated to or connected with religion	to perform with pomp or ceremony using religious rites
defer		
to give in respectfully in judgment or opinion		



'In God is our trust.' " Under the Court's logic, a public school that sponsors the singing of the national anthem before football games violates the Establishment Clause. Although the Court apparently believes that solemnizing football games is an illegitimate purpose, the voters in the school district seem to disagree. Nothing in the Establishment Clause prevents them from making this choice.

The Court bases its conclusion that the true purpose of the policy is to endorse student prayer on its view of the school district's history of Establishment Clause violations and the context in which the policy was written, that is, as "the latest step in developing **litigation** brought as a challenge to institutional practices that unquestionably violated the Establishment Clause." But the context-attempted **compliance** with a District Court order actually demonstrates that the school district was acting **diligently** to come within the governing constitutional law. The District Court ordered the school district to formulate a policy consistent with Fifth Circuit precedent, which permitted a school district to have a prayer-only policy. But the school district went further than required by the District Court order and eventually settled on a policy that gave the student speaker a choice to deliver either an **invocation** or a message. In so doing, the school district exhibited a willingness to comply with, and exceed, Establishment Clause restrictions. Thus, the policy cannot be viewed as having a **sectarian** purpose.

Finally, the Court seems to demand that a government policy be completely neutral as to content or be considered one that endorses religion. This is undoubtedly a new

litigation	compliance	diligently
to dispute: to contest at law	cooperation or obedience	painstakingly, done with great care and attention
invocation	sectarian	
a form of prayer invoking God's presence, especially one said at the beginning of a religious service	a body of persons adhering to a particular religious faith	



requirement, as our Establishment Clause **jurisprudence** simply does not **mandate** "content neutrality." That concept is found in our First Amendment speech cases and is **80** used as a guide for determining when we apply strict **scrutiny**. For example, we look to "content neutrality" in reviewing loudness restrictions imposed on speech in public forums. The Court seems to think that the fact that the policy is not content neutral somehow controls the Establishment Clause inquiry.

But even our speech jurisprudence would not require that all public school actions **P11** **85** with respect to student speech be content neutral. Schools do not violate the First Amendment every time they restrict student speech to certain categories. But under the Court's view, a school policy under which the student body president is to solemnize the graduation ceremony by giving a favorable introduction to the guest speaker would be **facially** unconstitutional. Solemnization "invites and encourages" prayer and the policy's **90** content limitations prohibit the student body president from giving a solemn, yet non-religious, message like "**commentary** on United States foreign policy."

The policy at issue here may be applied in an unconstitutional manner, but it will be **P12** time enough to invalidate it if that is found to be the case. I would reverse the judgment of the Court of Appeals.

jurisprudence	mandate	scrutiny
a body or system of law	to order or require	a close and searching look or examination
facially	commentary	
When challenging the constitutionality of a law; normal method of seeking invalidation	a series of comments, explanations, or annotations	



TEXT #7

Speech to Greater Houston Ministerial Association

John F. Kennedy

1960

Credit: AmericanRhetoric.com

Text/Audio: <http://www.americanrhetoric.com/speeches/jfkhoustonministers.html>

Video: <http://www.youtube.com/watch?v=iDP4qrA8hvg>

Reverend Meza, Reverend Reck, I'm grateful for your generous invitation to speak my **P1**
views.

While the so-called religious issue is necessarily and properly the chief topic here **P2**
tonight, I want to emphasize from the outset that we have far more critical issues to face in
5 the 1960 election: the spread of Communist influence, until it now festers 90 miles off the
coast of Florida; the humiliating treatment of our president and vice president by those
who no longer respect our power; the hungry children I saw in West Virginia; the old
people who cannot pay their doctor bills; the families forced to give up their farms; an
America with too many slums, with too few schools, and too late to the moon and outer
10 space.

These are the real issues which should decide this campaign. And they are not religious **P3**
issues—for war and hunger and ignorance and despair know no religious barriers.



But because I am a Catholic, and no Catholic has ever been elected president, the real issues in this campaign have been **obscured**—perhaps deliberately, in some quarters less responsible than this. So it is apparently necessary for me to state once again not what kind of church I believe in—for that should be important only to me—but what kind of America I believe in.

I believe in an America where the separation of church and state is absolute, where no Catholic **prelate** would tell the president (should he be Catholic) how to act, and no Protestant minister would tell his **parishioners** for whom to vote; where no church or church school is granted any public funds or political preference; and where no man is denied public office merely because his religion differs from the president who might appoint him or the people who might elect him.

I believe in an America that is officially neither Catholic, Protestant, nor Jewish; where no public official either requests or accepts instructions on public policy from the pope, the National Council of Churches, or any other **ecclesiastical** source; where no religious body seeks to impose its will directly or indirectly upon the general populace or the public acts of its officials; and where religious liberty is so **indivisible** that an act against one church is treated as an act against all.

obscured	prelate	parishioners
not clear, vague	a church important dignitary	a member of a parish or local church community
ecclesiastical	indivisible	
having an association with the church	unable to separate	



30 For while this year it may be a Catholic against whom the finger of suspicion is **P6**
 pointed, in other years it has been, and may someday be again, a Jew—or a Quaker or
 a Unitarian or a Baptist. It was Virginia’s harassment of Baptist preachers, for example, that
 helped lead to Jefferson’s statute of religious freedom. Today I may be the victim, but
 tomorrow it may be you—until the whole fabric of our harmonious society is ripped at a
35 time of great national peril.

Finally, I believe in an America where religious intolerance will someday end; where all **P7**
 men and all churches are treated as equal; where every man has the same right to attend
 or not attend the church of his choice; where there is no Catholic vote, no anti-Catholic
 vote, no bloc voting of any kind; and where Catholics, Protestants, and Jews, at both the
40 **lay** and **pastoral** level, will refrain from those attitudes of **disdain** and division which have
 so often marred their works in the past, and promote instead the American ideal of
 brotherhood.

That is the kind of America in which I believe. And it represents the kind of presidency **P8**
 in which I believe—a great office that must neither be humbled by making it the
45 instrument of any one religious group, nor tarnished by **arbitrarily** withholding its
 occupancy from the members of any one religious group. I believe in a president whose
 religious views are his own private affair, neither imposed by him upon the nation, or
 imposed by the nation upon him as a condition to holding that office.

lay	pastoral	disdain
a person who is not a member of the clergy (a group of ordained ministers in a church)	relating the duties of a clergyman or priest to his congregation	scorn; a feeling of contempt or dislike for anything regarded as unworthy
arbitrarily		
decided by a judge or arbiter rather than by a law		



I would not look with favor upon a president working to **subvert** the First

P9

50 Amendment’s guarantees of religious liberty. Nor would our system of checks and balances permit him to do so. And neither do I look with favor upon those who would work to subvert Article VI of the Constitution by requiring a religious test—even by indirection—for it. If they disagree with that safeguard, they should be out openly working to repeal it.

55 I want a chief executive whose public acts are responsible to all groups and obligated to none; who can attend any ceremony, service, or dinner his office may appropriately require of him; and whose fulfillment of his presidential oath is not limited or conditioned by any religious oath, ritual, or obligation.

P10

This is the kind of America I believe in, and this is the kind I fought for in the South

P11

60 Pacific, and the kind my brother died for in Europe. No one suggested then that we may have a “divided loyalty,” that we did “not believe in liberty,” or that we belonged to a disloyal group that threatened the “freedoms for which our forefathers died.”

And in fact, this is the kind of America for which our forefathers died, when they fled here to escape religious test oaths that denied office to members of less favored

P12

65 churches; when they fought for the Constitution, the Bill of Rights, and the Virginia Statute of Religious Freedom; and when they fought at the shrine I visited today, the Alamo. For side by side with Bowie and Crockett died McCafferty and Bailey and Carey. But no one knows whether they were Catholic or not, for there was no religious test at the Alamo.

subvert		
to corrupt		



TEXT #8

Union Square Speech Dorothy Day

November 6, 1965

Credit: The Dorothy Day-Catholic Worker Collection, Series W-6.4, Box 2, Folder 5, Department of Special Collections and University Archives, Marquette University Libraries, Milwaukee, WI.

<http://voicesofdemocracy.umd.edu/day-union-square-speech-speech-text/>

When Jesus walked this earth; True God and True man, and was talking to the multitudes, a woman in the crowd cried out, "Blessed is the womb that bore you and the breast that bore you and the breast that nourished you." And he answered her, "Yes, but rather, blessed are those who hear the word of God and keep it." **P1**

5 And the word of God is the new commandment he gave us—to love our enemies, to overcome evil with good, to love others as he loved us—that is, to lay down our lives for our brothers throughout the world, not to take the lives of men, women, and children, young and old, by bombs and **napalm** and all the other instruments of war. **P2**

Instead he spoke of the instruments of peace, to be practiced by all nations—to feed the hungry of the world,—not to destroy their crops, not to spend billions on defense, which means instruments of destruction. He commanded us to feed the hungry, shelter the homeless, to save lives, not to destroy them, these precious lives for whom he willingly sacrificed his own. **P3**

I speak today as one who is old, and who must uphold and endorse the courage of the young who themselves are willing to give up their freedom. I speak as one who is old, and whose whole lifetime has seen the cruelty and **hysteria** of war in this last half century. **P4**

napalm	hysteria	
a highly flammable substance	an outburst of emotion that is uncontrollable	



But who has also seen, praise God, the emerging nations of Africa and Asia, and Latin America, achieving in many instances their own freedom through non-violent struggles, side by side with violence. Our own country has through tens of thousand of the Negroe
20 [sic] people, shown an example to the world of what a non-violent struggle can achieve. This very struggle, begun by students, by the young, by the seemingly helpless, have led the way in vision, in courage, even in a **martyrdom**, which has been shared by the little children, in the struggle for full freedom and for human dignity which means the right to health, education, and work which is a full development of man’s god-given talents.

25 We have seen the works of man’s genius and vision in the world today, in the conquering of space, in his struggle with plague and famine, and in each and every demonstration such as this one—there is evidence of his struggle against war. **P5**

I wish to place myself beside A. J. Muste speaking, if I am permitted, to show my **solidarity** of purpose with these young men, and to point out that we too are breaking
30 the law, committing civil disobedience, in advocating and trying to encourage all those who are **conscripted**, to inform their conscience, to heed the still small voice, and to refuse to participate in the immorality of war. It is the most **potent** way to end war. **P6**

We too, by law, myself and all who signed the statement of conscience, should be arrested and we would **esteem** it an honour to share prison penalties with these others. I
35 would like to conclude these few words with a prayer in the words of St. Francis, saint of poverty and peace, “O Lord, make me an instrument of your peace, Where there is hatred, let me **sow** love.” **P7**

martyrdom	solidarity	conscripted
the condition, sufferings, or death of a martyr, rather than renounce ones religion	a union which arises from common interests or obligations	to draft for military or naval service
potent	esteem	sow
powerful; mighty	to consider with respect or admiration	to plant or introduce



TEXT #9

I Have Been to the Mountaintop **Martin Luther King Jr.** **April 3, 1968**

Due to Copyright licensing we are unable to publish the text.

Transcript is available at the following link

<http://www.americanrhetoric.com/speeches/>

[mlkivebeentothemountaintop.htm](http://www.americanrhetoric.com/speeches/mlkivebeentothemountaintop.htm)

Audio: <http://www.youtube.com/watch?v=ixfwGLxRJU8> Clip: [http://](http://www.youtube.com/watch?v=Oehry1JC9Rk)

www.youtube.com/watch?v=Oehry1JC9Rk



EXTENDED READING

Divinity School Address

Ralph Waldo Emerson

James Munroe & co, 1838

(Excerpt)

...the Moral Nature, that Law of laws, whose revelations introduce greatness, — yea, **P1**
God himself, into the open soul, is not explored as the fountain of the established
teaching in society. Men have come to speak of the revelation as somewhat long ago given
and done, as if God were dead. The injury to faith throttles the preacher; and the goodliest
5 of institutions becomes an uncertain and inarticulate voice. It is very certain that it is the
effect of conversation with the beauty of the soul, to beget a desire and need to impart to
others the same knowledge and love. If utterance is denied, the thought lies like a burden
on the man. Always the seer is a sayer. Somehow his dream is told: somehow he publishes
it with solemn joy: sometimes with pencil on canvas; sometimes with chisel on stone;
10 sometimes in towers and aisles of granite, his soul's worship is builded; sometimes in
anthems of indefinite music; but clearest and most permanent, in words. The man
enamored of this excellency, becomes its priest or poet. The office is coeval with the world.

But observe the condition, the spiritual limitation of the office. The spirit only can **P2**
teach. Not any profane man, not any sensual, not any liar, not any slave can teach, but
15 only he can give, who has; he only can create, who is. The man on whom the soul
descends, through whom the soul speaks, alone can teach. Courage, piety, love, wisdom,
can teach; and every man can pen his door to these angels, and they shall bring him the



gift of tongues. But the man who aims to speak as books enable, as synods use, as the fashion guides, and as interest commands, babbles. Let him hush. To this holy office, you propose to devote yourselves. I wish you may feel your call in throbs of desire and hope.

20 The office is the first in the world. It is of that reality, that it cannot suffer the deduction of any falsehood. And it is my duty to say to you, that the need was never greater of new revelation than now.

From the views I have already expressed, you will infer the sad conviction, which I share, I believe, with numbers, of the universal decay and now almost death of faith in

P3

25 society. The soul is not preached. The Church seems to totter to its fall, almost all life extinct. On this occasion, any complaisance would be criminal, which told you, whose hope and commission it is to preach the faith of Christ, that the faith of Christ is preached....And what greater calamity can fall upon a nation, than the loss of worship? Then all things go to decay. Genius leaves the temple, to haunt the senate, or the market.

30 Literature becomes frivolous. Science is cold. The eye of youth is not lighted by the hope of other worlds, and age is without honor. Society lives to trifles, and when men die, we do not mention them...



EXTENDED READING

Church and State

W. B. Yeats

Spectator, 1934

HERE is fresh matter, poet,
Matter for old age meet;
Might of the Church and the State,
Their mobs put under their feet.
O but heart's wine shall run pure,

5 Mind's bread grow sweet.

That were a cowardly song,
Wander in dreams no more;
What if the Church and the State
Are the mob that howls at the door!

10 Wine shall run thick to the end,
Bread taste sour.



EXTENDED READING

What Does the First Amendment's Establishment Clause Really Mean? **Tom Head**

<http://civilliberty.about.com/od/religiousliberty/a/establishment.htm>

(Excerpt)

The phrase "wall of separation between Church and State" continues to define the popular meaning of the establishment clause. From a judiciary standpoint, however, there are actually three popular interpretations of the clause's meaning: **P1**

I. Separationism, which holds that the establishment clause prevents any government endorsement or support of religious establishments. Examples of those holding this view include House Speaker Nancy Pelosi as well as Justice Stephen Breyer, Justice Ruth Bader Ginsburg, and Justice David Souter of the U.S. Supreme Court. **P2**

II. Accommodationism, which holds that the government may support or endorse religious establishments as long as it treats all religions equally and does not show preferential treatment. This view is held by President George W. Bush and former President Bill Clinton, as well as Justice Anthony Kennedy and Justice Antonin Scalia of the U.S. Supreme Court. **P3**



III. Preferentialism or Christian dominionism, which holds that the establishment clause only prevents a literal Church of America from being created and does not prevent the government from explicitly endorsing Christianity. This uncommon view is held by the Rev. Pat Robertson and former Alabama Supreme Court Justice Roy Moore, and there is evidence that Justice Clarence Thomas of the U.S. Supreme Court may believe that the preferentialist interpretation of the establishment clause applies to state law. This is due more to his narrow interpretation of the incorporation doctrine than to his interpretation of the establishment clause itself, which is probably accommodationist.
