

LAW AND RELIGION

Spring, 2012

Professor Lasson

Syllabus

Reading Materials: *TO BE ASSIGNED*

General Information:

This course examines the history and development of the religion clauses of the First Amendment, as well as the relevant jurisprudence. Classes will center around discussion of landmark decisions as well as current and controversial cases.

Grades:

Grades are determined on the basis of class participation and a research paper.

Conferences:

Conferences may be arranged by appointment. Regular office hours are posted outside of Room 309.

Reading Assignments:

Assigned and distributed materials (see over) should be read *prior to each class*.

{over}

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Schedule and Assignments

Classes will meet on Wednesdays at 3 pm, according to the schedule below.

<u>class</u>	<u>subject</u>	<u>assignment</u>
Week 1 (1/11)	Orientation Historical Perspectives	Internet 1; <i>U.S. v. Ballard</i> (1944); <i>Malnak v. Yogi</i> (1979)
Week 2 (1/18)	Historical Perspectives Video: "Religion in America" {submit research proposals}	Internet 2
Week 3 (1/25)	N O CLASS {released time to outline/begin research on papers}	
Week 4 (2/1)	Historical Perspectives – freedom of religion in Maryland The Religion Clauses	Article 1 <i>Reynolds v. United States</i> (1878) <i>Zorach v. Clauson</i> (1952)
Week 5 (2/8)	Religion in the Schools – school prayer Religion in the Schools – busing, tuition, etc.r	<i>Murray v. Curlett</i> (1963); <i>Lemon v. Kurtzman</i> (1971) <i>Bob Jones University v. U.S.</i> (1983) <i>Kiryas Joel S.D. v. Grumet</i> (1994)
Week 6 (2/15)	Religion in the Workplace – Sunday closing laws – employment	<i>Braunfeld v. Brown</i> (1961) <i>Sherbert v. Verner</i> (1963) <i>Employment Division v. Smith</i> (1990)
Week 7 (2/22)	Religious Holiday Displays Speech and Religion: – The Nuremberg Laws & Trials	Internet 3 <i>Lynch v. Donnelly</i> (1984)
Week 8 (2/29)	Speech and Religion – Group Defamation – Holocaust Denial	Articles 2 & 3 <i>Regina v. Keegstra</i> (1990)
Week 9 (3/7)	Speech and Religion: – Incitement in the Mosques Religion in the Military: – conscientious objection – uniform apparel	Article 4 <i>Goldman v. Weinberger</i> (1986)
Week 10 (3/14)	Religion and Privacy Marriage and Reproduction Abortion and Homosexuality	Article 5 <i>Griswold v. Connecticut</i> (1965) Internet 4

Week 11 (3/21)	{SPRING BREAK}	
Week 12 (3/28)	Religion in International Law Honor Killings, Islamophobia	Articles 6 & 7 Internet 5
Week 13 (4/4)	Current Cases & Controversies – protests and funerals	<i>Snyder v. Phelps</i> (2011) <i>Neustadter v. Holy Cross</i> (2011)
Week 14 (4/11)	Current Cases & Controversies – strict scrutiny vs. court discretion	<i>Latter-Day Saints v. Amos</i> (1987) <i>Webb v. Philadelphia</i> (2009)
Week 15 (4/18)	The Movement to Ban Sharia Law Range of Institutional Religion-State Relationships <i>Summing Up</i>	Internet 6

Papers Due April 25th

Assignments

Cases

Bob Jones University v. United States, 461 U.S. 574 (1983)
Beauharnais v. Illinois, 343 U.S. 250 (1952)
Brandenburg v. Ohio, 395 U.S., 444 (1969)
Braunfeld v. Brown, 366 U.S. 599 (1961)
Cantwell v. Connecticut, 310 U.S. 296 (1940)
Church of Lukumi Babalu Aye v. City of Hialeah 508 U.S. 520 (1993)
Employment Division v. Smith, 494 U.S. 872 (1990)
Everson v. Board of Education, 330 U.S. 1 (1947)
Kiryas Joel School District v. Grumet, 512 U.S. 687 (1994)
Latter-Day Saints v. Amos, 483 U.S. 327 (1987)
Lee v. Weisman, 505 U.S. 577 (1992)
Lynch v. Donnelly, 465 U.S. 668 (1984)
Malnak v. Yogi, 592 F.2d 197 (3rd Cir. 1979)
Mueller v. Allen, 463 U.S. 388 (1983)
Neustadter v. Holy Cross (2011) - see <http://mdcourts.gov/opinions/coa/2011/12a10.pdf>
Murray v. Curlett, 374 U.S. 203 (1963)
Regina v. Keegstra, 3 S.C.R. 697 (1990)
Reynolds v. United States 98 U.S. 145 (1878)
Sherbert v. Verner 374 U.S.398 (1963)
Snyder v. Phelps, 562 U.S. (2011)
United States v. Ballard, 322 U.S.78 (1944)
Webb v. Philadelphia, 562 F.3d 256 (3rd Cir. 2009)
Zorach v. Clauson, 343 U.S. 306 (1952)

Articles

1. *Free Exercise in the Free State: Maryland's Role in Religious Liberty and the First Amendment*
31 JOURNAL OF CHURCH AND STATE 201 (1989)
2. *Holocaust Denial and the First Amendment: The Quest for Truth in a Free Society*
6 GEORGE MASON LAW REVIEW 35 (1997)
3. *Incitement in the Mosques: Testing the Limits of Free Speech and Religious Liberty*
27 WHITTIER LAW REVIEW 3 (2005)
4. *Religious Liberty in the Military: The First Amendment Under Friendly Fire,*
9 JOURNAL OF LAW AND RELIGION (1992)
5. *Civil Liberties for Homosexuals: The Law in Limbo*
10 DAYTON LAW REVIEW 645 (1985)
6. *Bloodstains on a "Code of Honor": Murderous Marginalization of Women in the Islamic World*
30 WOMEN'S RIGHTS LAW REPORTER 407 (2009)
7. *Fundamentalism from the Perspective of Liberal Tolerance,*
24 CARDOZO LAW REVIEW 1631 (2003)

Internet

1. "History of Religious Liberty in America" (essay by Charles C. Haynes)
http://www.firstamendmentcenter.org/rel_liberty/history/overview.aspx
2. "Legislative History of the Religion Clauses" (essay by Tom Peters)
<http://candst.tripod.com/tnppage/basic4.htm>
3. "The Nuremberg Laws" (Jewish Virtual Library)
<http://www.jewishvirtuallibrary.org/jsource/Holocaust/nurlaws.html>
4. "Religion and International Law" (essay by Mark Weston Janis)
<http://www.asil.org/insigh93.cfm>
5. "Religion & Belief" (ACLU web-page)
<http://www.aclu.org/religion-belief>
6. "Banning Sharia Law in Oklahoma"
http://www.lexisnexis.com/lawschool/research/default.aspx?ORIGINATOR_CODE=00092&signoff=off