

Teaching Demonstration
Group Work
Individual Rights

Free Exercise of Religion

The Law:

The First Amendment to the U. S. Constitution provides that “Congress shall make no law . . . prohibiting the free exercise (of religion). The 14th Amendment applies this protection to cover state government actions as well.

The Case: (See simplified case study in folder on reserve.)

Smith and Black worked as drug counselors for a private drug rehabilitation center. Their center did contract work for the state of Oregon. An Oregon law allows state employees to be dismissed for “work-related” misconduct outside of work hours and denies unemployment compensation to individuals so dismissed.

Smith and Black are members of the Native American Church, which teaches its followers to avoid the use of alcohol and illicit drugs but also makes sacramental use of peyote in certain ceremonies.

Smith and Black are dismissed from their jobs because of their use of peyote at Native American Church ceremonies. They apply for unemployment compensation, but are denied it.

The Issue:

Does the First Amendment protect Smith and Black from being denied unemployment payments because of their religious use of peyote?

Questions to Consider:

1. What is “exercise” of religion? Belief? Conduct? How far does conduct extend?
2. Is freedom to act on religious beliefs absolute? When, if ever, should it be limited? Why? Who should decide?
3. Some state legislatures have enacted laws exempting sacramental use of peyote from their drug laws. Is that enough protection for Native American Church members? Do we need to make it a constitutional issue?
4. The drug laws apply to everyone. The state law at issue is not discriminatory because it’s not aimed specifically at the Native American Church. Since the law does not directly prohibit their practice of their religion, and since the war on drugs is so important, shouldn’t members of the Native American Church have to obey the drugs laws, just like everyone else?
5. Should we only give constitutional protection to religious practices when another significant right is threatened, like the right to determine what education is best for your child, or the right to freedom of the press, or freedom of association, or freedom of speech?
6. If you give constitutional protection to sacramental use of peyote, will people claim religious reasons for avoiding serving in the military or paying social security or income taxes, claiming exemption from laws governing child labor, child neglect, mandatory vaccination or school attendance, cruelty to animals, abortion, polygamy, even prostitution? How do you draw the line?

SUMMARY OF THE WORLD

If we could shrink the Earth's population to a village of precisely 100 people with all existing ratios remaining the same, the village would look like this:

- There would be 57 Asians, 21 Europeans, 14 from the Western Hemisphere, and 8 Africans.
- Fifty-one would be female, 49 male.
- Seventy would be non-white, 30 white.
- Seventy would be non-Christian.
- Half the wealth would be in the hands of only six people and all six would be citizens of the United States.
- Eighty would live in substandard housing.
- Seventy would be unable to read.
- Fifty would suffer from malnutrition.
- Only one person would have a college education.
- No one would own a computer.

When we from the United States consider our world from such an incredibly compressed perspective, the need for both tolerance and understanding becomes glaringly apparent.

Paper #2 - Discrimination

This paper should be between 1½ and 2 double spaced typed pages. It is due on _____ at the beginning of class.

Ask your parents, friends or anyone who has a job, to get a statement from their personnel or human resource department at their place of work with the company's hiring policies. If this is not available, please refer to the attached generic policy.

For this paper:

- Assume you are the attorney for the firm which has submitted their hiring policy for review.
- Analyze the policy for any recommendation you would make.
- Write a “report” for your client. Include both good items and items in their policy that should be changed. If you feel something should be changed, state the reason why.
- Keep in mind:
 - The government desires to correct past discrimination in hiring practices.
 - The protected classifications are: race, creed, color, sex, and national origin. There are also laws which protect disability and those who are over the age of 42.

Remember to put thought into your paper. There are usually no “right” answers, but the requirement is for a well thought-out and structured paper. Proper grammar and spelling count.

INTRODUCTION TO DISCRIMINATION

OBJECTIVE: To help the students experience discrimination by being treated differently as to assignments and pop quizzes given.

DISCRIMINATION ROLEPLAY

As the students arrive for class, affix a colored armband on each of them. The armbands will be purple, green, or orange. Students in each group will be treated as follows:

A. Purple (royalty):

1. The purple group will include about seven students.
2. They will be seated in the choice seats in the right rear section of the classroom.
3. Once class begins, they will be given donuts and juice and asked if they are comfortable.
4. They will not be asked any questions, but will be asked to determine the punishment for those in other groups who are unable to correctly answer questions.

B. Green (middle ground):

1. About ten students will be in the green group.
2. They will occupy the front row.
3. A member of the purples will give each green a Tootsie Pop to pacify them.
4. The greens will basically be ignored during class, except for a few general questions from the reading. They will be allowed to help each other out to find the answers.

C. Orange (outcasts):

1. This group will include about seven students.
2. They will be seated at tables set to the left side, rear of the classroom, facing the wall.
3. They will receive nothing except brusque treatment.
4. Direct specific, nit-picky questions from the reading assignment to these students, and when they can't answer, the purples will get to decide a punishment for them.

Ask a series of questions of the Orange group, based on the reading assignment. They will include specific issues of which federal law or constitutional provision protects against certain kinds of discrimination. When they can't answer the questions, the Purples will get to impose ridiculous punishments on them.

Elicit from the Green group a general description of the constitutional and statutory provisions which protect against discrimination. List them on the board.