

GEORGETOWN UNIVERSITY  
SUMMER 2007  
CAESAR, GOD AND THE CONSTITUTION  
Church-State Tensions and Religious Freedom in American Society  
RORY QUIRK  
Phone: 202-237-7897; Email: roryquirk@gmail.com

Required Text: Alley, *The Constitution & Religion: Leading Supreme Court Cases on Church and State* (Prometheus 1999 PAPER)

Required Course Supplement: Will be provided to students at no charge.

Time: The class will meet from 8:45 am to 1 pm Saturdays, starting June 7 and ending July 19 (session 4 and session 6 will run an additional 15 minutes, to 1:15). No class on July 5.

Examinations: A mid-term examination will be given on June 28 (first half of class). The final examination will be given on July 19 (last half of class). The examinations will consist of essay questions in which you will be asked to analyze and discuss the constitutional implications of described hypothetical scenarios.

Research Project: Each student will be assigned to research a particular topic tied to a particular church-state issue. The student will produce a term paper of 16 to 20 pages (double-spaced) which builds on an aspect of the book presentation, for submission NLT than Friday, August 1. Assignments of topics will be made the second week of the course. Students will receive prior guidance on both the research and writing components of the project.

Teaching Method: Class is a fast-paced mix of lecture, case analysis, discussion, and the Socratic method of teaching based on textbook and case assignments. We place a premium on close reasoning and cogent exposition.

Class Attendance and Participation: This is not a “distance learning” or “virtual classroom” course. Class preparation, attendance and participation are essential. ATTENDANCE AT ALL SIX CLASS SESSIONS IS MANDATORY.

Grading: The grade will be based upon the mid-term (30%), the class presentation and research paper (35%), and the final examination (35%). The quality of class preparation and classroom participation will be factored into the final grade.

CAVEAT: This is a fast-paced, high-energy, demanding course.

### **Disabilities Statement**

If you believe you have a disability, then you should contact the Academic Resource Center ([arc@georgetown.edu](mailto:arc@georgetown.edu)) for further information. The Center is located in the Leavey Center, Suite 335. The Academic Resource Center is the campus office responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies

## SYLLABUS INTRODUCTION AND OVERVIEW

Session 1 – June 7

- A. The Constitution
- B. The Religion Clauses
- C. What Is “Religion”?

Text: 15-35

Supp: Stein Article; Hentoff Article; Constitution – Excerpts; Glossary;  
Sup. Ct. Chart; Who Are These Guys?

### THE ANTI-ESTABLISHMENT CLAUSE I. GENESIS

- A. Historical Antecedents
- B. The Founders’ Viewpoints
- C. Contemporary Viewpoints

Text: 59-64 (Rutledge dissent in Everson)

### II. THE STATE IN RELIGIOUS SCHOOLS

The Early Cases

Text: Pierce; Cochran

Supp: Meyer

Erecting the Wall

- A. Direct Financial Aid
  - 1. Primary/Secondary Schools

Text: Lemon; Nyquist

2. Colleges and Universities  
Supp: Tilton, Hunt, Roemer

Session 2 – June 14

B. Indirect Financial Aid

1. Buses, Books, Materials, Testing, Diagnostics  
Text: Everson, Allen  
Supp: Wolman, Regan

2. Shared Time (Remedial/Enrichment Courses)  
Text: Ball, Aguilar

3. Tax Relief and Tuition Benefits  
Text: Nyquist  
Supp: Mueller, Witters

◦◦Chinks in the Wall  
Text: Zobrest, Agostini

Research Topic Assigned; Sample Exam Question Distributed

Session 3 – June 21

◦◦Hole in the Wall  
Supp: Mitchell, Zelman

◦◦Re-Bricking in the Wall?  
Supp: Locke

III. RELIGION IN THE STATE SCHOOLS

A. Religious Exercises  
Text: Engel, Schempp, Wallace, Stone, Lee v. Wiseman  
Supp: Santa Fe, Newdow

B. Religion in the Curriculum  
Text: Epperson, Edwards

Session 4 – June 28

MIDTERM EXAMINATION

## IV. GOVERNMENT ACKNOWLEDGMENT OF RELIGION

### Religious Symbols

Text: Lynch, Allegheny County, Capital Square

Supp: McCreary County, Van Orden

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### THE FREE EXERCISE CLAUSE

#### A. Free Exercise Minimized – The Early Cases

##### 1. Belief v. Conduct Analysis

Reynolds, Cantwell, Barnette

##### 2. Indirect Burden Analysis

Braunfeld

July 5 -- NO CLASS

Session 5 -- July 12

#### B. Free Exercise Regnant -- The Apogee of Strict Scrutiny

Text: Sherbert, Yoder

Supp: Thomas

#### C. Free Exercise Ebbing – State Interest in the Ascendancy

Supp: U.S. v. Lee, Bob Jones, Bowen v. Roy, Lyng

#### D. Free Exercise Today – Recent Cases

Text: Smith, Lukumi Babalu Aye

Supp: Locke

Session 6 – July 19

#### D. Free Exercise Today – Recent Cases

Text: Boerne, TX

Supp: Cutter, Gonzales

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### CONCLUSION

#### A. Semester in Review

#### B. Wrapup

FINAL EXAMINATION

CAESAR, GOD AND THE CONSTITUTION  
SUMMER 2008  
SUPPLEMENT INDEX

FOOD FOR THOUGHT  
STEIN ARTICLE  
HENTOFF ARTICLE

20 LARGEST U.S. CHURCHES CHART  
CONSTITUTION -- EXCERPTS  
GLOSSARY  
SUPREME COURT JUSTICES -- CHART  
WHO ARE THESE GUYS?

MEYER  
TILTON, HUNT, ROEMER  
WOLMAN  
REGAN

MUELLER  
WITTERS

MITCHELL  
ZELMAN  
LOCKE

SANTA FE  
NEWDOW

MCCREARY COUNTY  
VAN ORDEN

THOMAS  
U.S. V. LEE  
BOB JONES  
BOWEN V. ROY  
LYNG

CUTTER  
GONZALES