

# The Bill of Rights and Religion

## LESSONS 1 & 2 Key Terms

### Unlock the Key Terms

Choose 2 or more key terms and write one sentence correctly using all the terms.

**Directions:** As you read each Background Essay, be on the lookout for these key terms. After reading, write out the correct definition for each term.

separation of church and state \_\_\_\_\_

Establishment Clause \_\_\_\_\_

Lemon test \_\_\_\_\_

endorsement test \_\_\_\_\_

coercion test \_\_\_\_\_

voucher system \_\_\_\_\_

Free Exercise Clause \_\_\_\_\_



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## The Establishment Clause:

### LESSON 1

## How Separate Are Church and State?

**H**ow would you if feel all your classmates, no matter what their faith, had to begin every school day with a New Testament reading? Once you graduated, can you imagine having to sign a statement saying that you believed in God in order to vote? Even though Americans now take “freedom of religion” for granted, it was not always that way.

#### READING TIP:

As you read, try underlining the main idea of each paragraph.

### What Did the Founders Intend?

Many early colonists left England so they could practice their faith freely. But it wasn't long before religious discrimination began in many of the colonies. Some states only allowed Christians to hold public office. Other states required everyone to believe in God.

Most of the Founders practiced some form of Christianity or believed in God. They agreed, however, that the federal government and religion should be kept separate. The Founders wished to keep the federal government from interfering in state and individual religious freedom. On the other hand, states could establish official, state-sponsored and tax-supported religions. Pennsylvania, for example, established Quakerism as the state religion.

When discussing religion and government, Americans often think of a “separation of church and state.” This powerful phrase is not found in the Bill of Rights. It comes from an 1802 letter by President Thomas Jefferson to the Danbury Baptist Association in Connecticut. His letter promised the group that the federal government did not have power over their parish. He described the First Amendment as building “a wall of separation between church and state.”

### What Does the Establishment Clause Mean?

The beginning of the First Amendment reads: “Congress shall make no law respecting an establishment of religion...” This is referred to as the Establishment Clause. This clause served two purposes. It banned a national church and kept the federal government out of existing state churches.

The first important Supreme Court case involving the Establishment Clause did not come until 1947. The case was *Everson v. Board of Education*. A New Jersey school district was using public money to pay for Catholic school students' costs of getting to and from school. The Court voted 5-4 that the policy was constitutional. The Court noted that the New Jersey policy applied to both public and private schools. Since it did not benefit only one specific religion, the policy passed constitutional review.

## How Does the Court Find Violations?

The Court made a test to find Establishment Clause violations twenty-five years later. *Lemon v. Kurtzman* made its way to the Court in 1971. This case was about using public money to pay for religious schools' textbooks and teacher salaries. The "Lemon Test" held that a law does not violate the Establishment Clause if: (1) it has a non-religious purpose; (2) its principal effect neither aids nor hurts a religion; and (3) government and religion are not overly mixed. Paying religious schools back for education costs violated government neutrality.

Justice Sandra Day O'Connor added to the Lemon Test in *Lynch v. Donnelly* in 1984. The government cannot endorse, or even appear to endorse, any one religion. This check is called the endorsement test.

## Can There Be Religion in Student Life?

Since the government funds public schools, many Establishment Clause cases center on the question: can religion and schools mix? In most cases, the Court has answered, "Very little."

The Court ruled that all school-sponsored prayer is unlawful in *Engel v. Vitale* in 1962. A year later the Court struck down a Pennsylvania law that said each school day must begin with a Bible reading (*Abington School District v. Schempp*, 1963). In 1980, the Court turned over state laws that forced teachers to display the Ten Commandments in their classrooms (*Stone v. Graham*). Setting aside a minute for "voluntary prayer" was also struck down (*Wallace v. Jaffree*, 1985).



The Court also limited some religious actions at school events because students might feel forced to participate. The Court ruled against rabbi-led prayer at public school graduation ceremonies (*Lee v. Weisman*, 1992). This case led to another test for establishment clause violations: the coercion (or force) test. A law that forces a person to participate in a religious ceremony is unconstitutional. Because of this test, the Court struck down a Texas policy letting high school students vote on whether a prayer should be read at sporting events (*Santa Fe Independent School District v. Doe*, 2000).

The Court places fewer limits on voluntary student religious groups. Public high schools must give religious clubs the same right to use facilities as other groups (*Board of Education of Westside Community Schools v. Mergens*, 1990). In 2001, the Court held that an elementary school violated a religious club's free speech rights when it did not allow them to meet on school grounds after classes, but allowed all non-religious groups to do so (*Good News Club v. Milford Central School*).

*The Founders wished to keep the federal government from interfering in religious freedom.*

### **Can Public Money Go to Private Schools?**

Should tax money, which everyone pays, go to schools that are funded by religious and other private groups? This issue arose in the twenty-first century: public funds in private schools. In *Mitchell v. Helms* (2000), the Court allowed the government to pay for computer equipment for public, private, and religious schools.

Another complex issue in this area is voucher systems. Parents receive a fixed amount of public funds called a voucher to pay for a private or religious school of their choice. Public schools then have less money when parents spend their vouchers in private schools. In *Zelman v. Simmons-Harris* (2002) the Court upheld the voucher system in Cleveland, Ohio, in a 5-4 decision. The Court concluded that the system was designed for a non-religious purpose: the better education of children. Therefore it did not violate the establishment clause of the federal constitution. However, such voucher programs may violate parts of specific state constitutions.

### **Can the Government Use Religious Symbols?**

One more key question under the Establishment Clause is: When can the government use religious symbols? The Court has ruled that states can open lawmaking sessions with a prayer (*Marsh v. Chambers*, 1983).

In *Lynch v. Donnelly* (1984), the Court ruled that states have the right to celebrate the Christmas holiday with a “sufficiently secular” public nativity display. In contrast, the Court did not allow a nativity scene in a 1989 case. In that case, (*County v. Greater Pittsburgh ACLU*) only a display with a menorah and Christmas tree was permitted.

In 2004, the Supreme Court heard the case of *Elk Grove Unified School District v. Newdow*. The issue was whether a mandatory recitation in public schools of the Pledge of Allegiance, which contains the phrase “under God,” was an unconstitutional endorsement of religion. The Court did not rule on this specific question. (They said the plaintiff, Mr Newdow, did not have the right to bring the case to court on behalf of his daughter). It is likely a similar issue will again come to the Supreme Court.

While the Supreme Court continues to define the application of the Establishment Clause, the relationship between the government and religion continues to be a topic of great debate.

## LESSON 1 *Establishment Scenarios*

**“Congress shall make no law respecting an establishment of religion...”**

**Directions:** For each of the following scenarios, explain whether or not you think the Supreme Court would apply the Lemon, endorsement and coercion tests, and whether you believe each is constitutional or unconstitutional.

SCENARIO	LEMON TEST	ENDORSEMENT TEST	COERCION TEST	YOUR OPINION
1. Your public school district has a two-minute moment of silence at the beginning of each school day. At the beginning of the two-minute period, the teacher must read the following prepared statement: ‘We will now have our daily two minutes of silence. I encourage each of you to take advantage of this time to prepare yourself mentally for the day ahead. No noise or work is permitted.’				
2. The teacher adds – against the orders of the school district – ‘Since I am a Christian, I will be using this time to pray.’				
3. The teacher adds, “Since I am an atheist, I will not be using this time to pray.”				
4. A state law gives each student a \$2,000 scholarship for tuition and books, payable to a school of their choice. Less than 10% choose to attend a religious school. Several religious schools require students to take a class in that school’s religion, though they do not have to belong to that particular church or any church at all.				

**LESSON 1** *Establishment Scenarios (continued)*

SCENARIO	LEMON TEST	ENDORSEMENT TEST	COERCION TEST	YOUR OPINION
<p><b>5.</b> Your world literature teacher assigns the class a passage from Dante's <i>Inferno</i>, the story of a Journey through the author's version of Hell. During class discussion, the teacher asks, "Is the story more terrifying for those who believe in God and in the existence of punishment in the next life?"</p>				
<p><b>6.</b> Your state government provides funding for a program run out of a local Jewish temple. The temple provides meals and job counseling to unemployed persons. In return, the temple expects that participants perform basic chores around the temple (watering flowers, moving grass, raking leaves). They must also attend a short prayer at the end of each work day.</p>				
<p><b>7.</b> Your public high school valedictorian speaks about her personal faith in Jesus Christ during her graduation speech. School officials have not approved this revision of her speech.</p>				

## LESSON 2 *What Is Impact of the Free Exercise Clause?*

Jesse Cantwell, his father, and brother walked through a Roman Catholic neighborhood in New Haven, Connecticut. They were Jehovah's Witnesses and carried religious pamphlets, books, and records. They also had a small record player that played an anti-Catholic message called "Enemies."

Jesse Cantwell stopped two men on the street, and the men agreed to listen to the record. The two men were Catholic and reacted angrily when they heard it. The Cantwells were later arrested for solicitation without a permit and for causing a breach of the peace. This led to the landmark decision, *Cantwell v. Connecticut*, 1940.

### READING TIP:

As you read, try to predict the outcome of each Free Exercise case.

### Why Is Cantwell an Important Case?

In *Cantwell*, the Supreme Court looked at the First Amendment. It states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." The Supreme Court recognized "the [First] Amendment embraces two concepts: freedom to believe and freedom to act."

The Court held that Cantwell could not be barred from giving out his materials because they were religious in nature. General rules for solicitation were valid. Restrictions based



on religion were not. The local ordinance allowed officials to decide what causes should be called religious. Therefore it violated the First Amendment. *Cantwell* is an important decision because the Court recognized an absolute freedom of belief. The government can't try to tell anyone which religion is true.

### What Are Most Free Exercise Cases About?

Most Free Exercise cases involve people who feel they have been treated unfairly for practicing their religion. Laws regarding work or welfare and religion have been tested since the 1940 *Cantwell* case.

Some religions do not permit work on the Sabbath day. Yet many businesses are open daily. The Court ruled that states cannot deny job loss benefits to citizens for turning down a job because it would require work on the

Sabbath (*Sherbert v. Verner*, 1963). In 1985, however, the Court decided that private employers could fire employees who refused to work on their Sabbath day (*Thornton v. Caldor, Inc.*, 1985).

In a famous case (*Employment Division v. Smith*, 1990), a person was fired for using peyote, an illegal drug. The drugs, however, were used as part of a Native American religious service. The Court ruled that even though the drug use had a spiritual purpose, the state did not have to pay unemployment benefits to the individual who lost his job. The law barring peyote was not related to its religious use. The Court reasoned that the state could turn down benefits to anyone who lost their job because of illegal activity.

*The First Amendment embraces two concepts: freedom to believe and freedom to act.*

### **When Are Laws Pertaining to Religion Unconstitutional?**

The Court must judge if a law targets a particular group or person when deciding Free Exercise cases. Laws that single out one religion or person are unconstitutional.

In *Braunfeld v. Brown* (1961), the Court approved of a Pennsylvania law that said stores must close on Sundays. Orthodox Jews claimed the law overly burdened them since their religion required them to close their stores on Saturdays as well. But the Court held the law did not target Jews specifically as a group. Therefore the law was constitutional.

On the other hand, in 1978, the Court struck down a Tennessee law that did not allow clergy members to hold public office. In that case (*McDaniel v. Paty*), the law singled out people because of their religious line of work.

In 1993, the Court applied the "general law" test to laws passed by four Florida cities. The cities banned animal sacrifice (*Church of the Lukumi Babalu Aye v. City of Hialeah*). The Court found these laws actually targeted the Santeria religion, which uses animal sacrifice in prayer. Since they targeted a specific religious group, the laws were unconstitutional.

### **What About Exceptions Within General Laws?**

Sometimes even general laws affect certain religions or people. The Court must then ask if a reasonable exception could be made within a general law. In a famous 1972 case (*Wisconsin v. Yoder*), the Court ruled that Amish teens could be excused from mandatory school attendance laws since their religion says they must live apart from the world and worldly influence.

During the 1980s the Court ruled that the Amish must pay Social Security taxes (*United States v. Lee*, 1982). It also said that the Air Force could ban Jewish hats called yarmulkes (*Goldman v. Weinberger*, 1986).

People of many different faiths live side by side in our free society. Free Exercise cases raise important questions about how the government can treat everyone fairly and yet respect everyone's right to free exercise.



## LESSON 2 *Free Exercise Extended Anticipation Guide*

**Congress shall make no law respecting an establishment of religion  
or prohibiting the free exercise thereof...**

**Directions:** PART 1—Before reading the essay “What Is the Impact of the Free Exercise Clause?” read each statement in the middle of the chart. Fill in whether you think that the Supreme Court ruled the government’s action in the case constitutional or unconstitutional.

PART 2—Read the essay. If the information supports your choice in Part 1 above, mark YES, and summarize the text information. If the information does not support your choice in Part 1 above, mark NO, then summarize the text information. Next, explain whether or not you agree with the Supreme Court’s decision for each case.

Before Reading: Constitutional or Unconstitutional?	Scenario	Was your choice correct? Do you agree with the Court? Why or why not?
	1. Two people were arrested after they walked through a Roman Catholic neighborhood and asked two men they met on the street to listen to an anti-Catholic message on their CD player.	
	2. A person was fired for using peyote, an illegal drug, as part of a Native American religious service. The state refused to pay welfare benefits to the person who lost his job.	
	3. Several southern cities banned a religious group from using animal sacrifice as part of their prayer ritual.	
	4. The state fined members of the Amish religion who refused to allow their teenage children to attend public school.	

**LESSON 2** *People v. Jack Woody*

**Congress shall make no law respecting an establishment of religion  
or prohibiting the free exercise thereof...**

**LOCATION:** The desert, near Needles, California, in a Navajo Hogan – 1962. On the wall of the Hogan is a framed copy of the articles of incorporation of the Native American Church of the State of California. It includes the following statement, “that we further pledge ourselves to work for unity with the sacramental use of peyote and its religious use.”

**SCENE:** A group of Native Americans have met to perform a religious ceremony which includes the use of peyote, an hallucinogenic extract which causes those who eat it to have “visions.”

**CONFLICT:** California police officers arrest the defendant, Jack Woody, and charge him (and others) with violating the California law which prohibits the “unauthorized possession of peyote.” Mr. Woody argued that his use of peyote was protected by his First Amendment right of free exercise of religion.

**TASK:** Based on the First Amendment and your reading of the Free Exercise Clause essay, write a brief explanation of why you agree or disagree with Mr. Woody’s claim that his rights have been violated.

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## LESSON 2 *Free Exercise Issues*

**Congress shall make no law respecting an establishment of religion  
or prohibiting the free exercise thereof...**

**Directions:** For each of the following laws, think of ways in which the law could conflict with a person's religious beliefs. Then, explain whether or not you believe that the law violates the First Amendment's Free Exercise Clause.

LAW	POSSIBLE CONFLICT	VIOLATION?
1. No display of personal photographs or wall hangings in personal workspaces are allowed.		
2. Parents who are Christian Scientists choose prayer over medicine. The law says they cannot refuse medical treatment for their seriously ill daughter.		
3. Public employees, as a condition of employment, must contribute to an insurance system that covers medical expenses including birth control services and first trimester abortion.		
4. A member of the Old Order Amish, who do not accept Social Security benefits, is required to pay social security taxes.		
5. A uniform regulation prohibits members of the Air Force from wearing any head covering indoors.		
6. All witnesses in state court—including those required to appear—are required to swear an oath on either the Bible or Constitution before testifying at the trial.		

## LESSON 2 *Tinker v. Des Moines*

**Directions:** Read the following description of *Tinker v. Des Moines School District* (1969) and answer questions 1–4 as a group.

Opposition to the war in Vietnam was growing steadily during 1968. The Des Moines, Iowa, school district adopted a policy forbidding the wearing of black armbands as a war protest. The school district threatened to suspend from school student violators who refused to take off their armbands.

John Tinker, age 15, and his sister Mary Beth, age 13, belonged to a pacifist family. Pacifists believe that all wars are wrong. The Tinkers and a friend deliberately wore black armbands to school knowing that they violated the school rule. They remained quiet and orderly during their protest, but they refused to remove their armbands when told to do so. The schools suspended them and two other students, a total of five of 18,000 students. Some students made hostile statements to the armband wearers, but no one threatened or committed any violence. School life went on with no disruption. The district tolerated other political symbols, including the wearing of Iron Crosses, generally considered a Nazi symbol.

The Tinker's father and some other parents sued in federal district court. They argued that the school district violated the students' First Amendment right to free expression. The court sided with the school district's argument that the policy reflected a fear that the armbands might cause trouble in the schools due to disagreements about the war in Vietnam. The U.S. Court of Appeals also agreed with the school district. Mr. Tinker appealed to the U.S. Supreme Court.

1. What was the fact situation? What happened that brought Tinker to court?
2. What Bill of Rights principle did Tinker argue applies to this case?
3. How did the school district justify its position?
4. In your opinion, which side has the stronger argument? Why? Justify your position.
5. How did the U.S. Supreme Court decide the case?

## LESSON 2 *Texas v. Johnson*

**Directions:** Read the following description of *Texas v. Johnson* (1969) and answer questions 1–4 as a group.

**D**uring the 1984 Republican National Convention in Dallas, Texas, Gregory Lee Johnson burned an American flag to protest President Ronald Reagan's policies. Fellow protesters chanted in support. No violence occurred and no one was injured, although some spectators were offended by Johnson's desecration of the flag. The police arrested Johnson, and a court convicted him of breaking a Texas law that made it a felony to desecrate a venerated object. His conduct also risked a breach of the peace. The judge fined him \$2000 and sentenced him to one year in jail. The Texas Court of Criminal Appeals reversed the lower court's sentence. It found Johnson's flag burning was "expressive conduct," and thus protected by the First Amendment. The state of Texas appealed to the U.S. Supreme Court.

1. What happened to bring this case to court?
2. Which Bill of Rights principle is involved?
3. What arguments did the state of Texas use to justify convicting Johnson?
4. How do you believe the U.S. Supreme Court should decide this case? Justify your opinion.
5. How did the Supreme Court decide the case?

## LESSON 1

### What Is the Tradition of Citizen Juries?

**W**hether it is *Judge Judy* during the day, *Law and Order* in prime time, or *Court TV* around the clock, Americans are fascinated by the justice system. As interesting as it is to watch courtroom dramas, taking part in them is even more meaningful. Juries bring the voice of the people to the justice system. Twelve private citizens sit in judgment of their neighbors with the power to apply the law. The police search, the lawyers debate, and the judge oversees the trial, but it is the jurors who make the final decision.

#### READING TIP:

Try reading the first sentence of each paragraph, and then going back and reading the whole essay.

#### How Did Citizen Juries Emerge?

The role of citizen juries in a free society began in 1215 with the Magna Carta. King John of England declared: "No freeman shall be taken, imprisoned...or in any other way destroyed...except by the lawful judgment of his peers." Despite this policy, King John and later rulers were still hostile to juries. They sometimes ignored them or even punished jurors for their verdicts.

#### Can Jurors Be Punished for Their Verdicts?

In 1670 England, William Penn was arrested for preaching at a Quaker religious meeting. He had openly broken the law that made the Church of England the kingdom's only legal church. Penn was clearly "guilty" under the

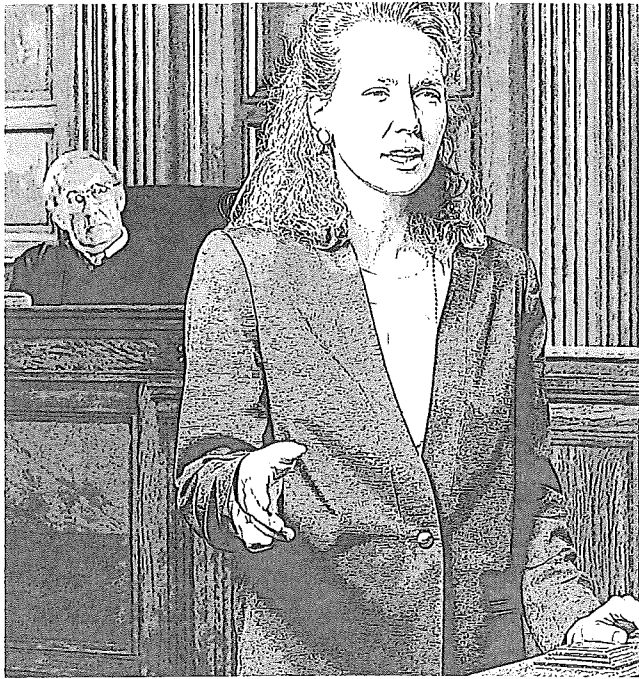
law. But four jurors would not convict. The four holdouts said it was an "unjust law."

The four Penn jurors were sentenced to nine weeks of torture in prison. King Charles II freed the jurors after a few days, but fined each a lot of money. The four refused to pay and remained in jail until the court removed the fines. The Penn case demonstrates the principle that juries now cannot be punished for their verdicts.

#### How Do the Constitution and the Bill of Rights Protect Juries?

Before the American Revolution, the British often did not honor the right to a jury trial. This action fueled the colonists' desire for independence. The colonists particularly hated the British practice of taking colonists away to England to be tried in admiralty courts. In these courts, a single military judge determined guilt. In the Constitution, the Founders made sure that "the Trial of all Crimes... shall be by Jury" in the state where the alleged crime was committed. The tradition of citizens finding guilt was upheld.

The Bill of Rights affirms in three places the right to a trial by jury. The Fifth Amendment states that the federal government must provide a grand jury for "a capital or otherwise infamous crime." Grand juries have between sixteen and twenty-three members. To carry out this rule, a federal prosecutor must convince twelve jurors that there is enough evidence to go to trial. The grand jury system makes sure that citizens decide if the government may charge someone with a very serious crime.



The Sixth Amendment requires that a jury be impartial. The trial must also be held in the state where the alleged crime took place.

The Seventh Amendment protects the right to a jury trial in most federal civil lawsuits. These lawsuits usually are brought in federal court because the parties live in different states.

### **What Power Do Juries Have?**

Juries have powerful abilities. They determine the facts of a case. They decide who is truthful and who is lying. They apply the laws in the courtroom. They choose which citizens will be allowed to remain free and which ones will be removed from society. They have the power to find guilt or innocence.

Jurors often don't know about one of their most powerful rights. If a jury believes a law to be unjust, they can refuse to convict someone who has broken it. This is called jury nullification. This was the case in the trial of William Penn.

*The Bill of Rights affirms  
in three places the right  
to a trial by jury.*

### **Is Jury Nullification Right or Wrong?**

The reason jurors choose to set aside the law determines whether jury nullification contributes to or obstructs justice. In the early Nineteenth century, fugitive slave laws made it illegal to harbor or assist escaped slaves, but many jurors believed slavery to be an immoral and unjust institution. Many juries refused to convict abolitionists for breaking the law. Cases of jury nullification allowed abolitionists to remain free and led to the continuance of the abolitionist movement.

However, in the twentieth century, juries in the American south sometimes refused to convict Ku Klux Klan members and others who lynched and murdered African-Americans or white civil rights workers. These were not cases of jurors refusing to apply an unjust law, but rather of racist jurors sympathizing with racist defendants. Jury nullification remains a controversial issue.

Average citizens on juries have held tremendous power for hundreds of years in America. They continue to do their civic duty to administer justice and sometimes even change the course of history. One day you will no doubt be called for jury duty. It will be your chance to play a part in justice being done.

The Bill of Rights and *Citizen Juries*

**LESSONS 1 & 2** *Key Terms*

**Unlock the Key Terms**  
Choose a key term and 2-3  
words that mean the same.

**Directions:** As you read each Background Essay, be on the lookout for these key terms. After reading, write out the correct definition for each term.

alleged \_\_\_\_\_

grand jury \_\_\_\_\_

impartial \_\_\_\_\_

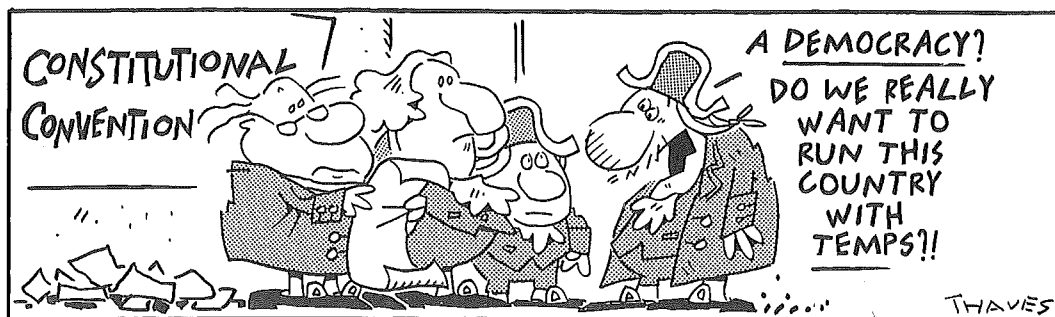
jury nullification \_\_\_\_\_

abolitionists \_\_\_\_\_

jury pool \_\_\_\_\_

unbiased \_\_\_\_\_

sequestered \_\_\_\_\_



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**LESSON 1** *The History of Juries*

**Directions:** As you read the Lesson One Background Essay, "What Is the Tradition of Citizen Juries?," fill in the chart describing how King John, King Charles II, and the British before the American Revolution treated jurors and their verdicts.

	TREATMENT OF JURORS AND VERDICTS
Magna Carta and King John (1215)	
King Charles II (1670)	
British treatment of colonists before the American Revolution	

## LESSON 1 *A Jury Trial*

**Directions:** Read the following scenario and then deliberate with your fellow jury members whether to find Harriet guilty or not guilty. A unanimous vote is required for conviction.

**SCENARIO:** The year is 1851 and you've been called for jury duty. The prosecutor, defense attorney, and judge have presented you with the following facts. After electing a foreperson, decide with your fellow jury members whether you will find the defendant guilty or not guilty. Your foreperson will report your verdict to the class, but all jury members should be prepared to explain their reasoning.

- Harriet, a white Maryland housewife, was arrested last month for allowing an escaped slave to stay in her home.
- After leaving Harriet's home, the slave continued north and was caught attempting to enter Canada. He was returned to his master in North Carolina.
- Found among the slave's very meager possessions was a sapphire necklace belonging to Harriet.
- Harriet took the stand in her own defense. She did not deny helping the slave and explained that she gave him the necklace to sell for whatever money he could get to help him in his trip North.
- The Fugitive Slave Act, passed in 1850, clearly makes it illegal to harbor or assist escaped slaves.

"We the jury find the defendant, Harriet, \_\_\_\_\_"

## LESSON 1 *Analyzing Jury Powers*

**Directions:** Read and think about the following ideas about jury powers and responsibilities. Then answer the questions at the end.

"It is not only the juror's right, but his duty... to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the directions of the court."

- John Adams

"I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution."

-Thomas Jefferson

"The jury has a right to judge both the law as well as the fact in controversy."

-John Jay, first Chief Justice of the Supreme Court

"Jurors should acquit, even against the judge's instruction...if exercising their judgment with discretion and honesty they have a clear conviction that the charge of the court is wrong."

- Alexander Hamilton

1. Thomas Jefferson believed jury duty to be more important than voting as a civic duty. Why do you think the Founders believed serving on a jury was so important?

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2. Do you believe that jury nullification is an appropriate exercise of a jury's power, or do you think it is an irresponsible thing for them to do? Explain.

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**LESSON 1** *The Fifth, Six, and Seventh Amendments*

**Directions:** Fill in each blank with the correct word.

1. The \_\_\_\_\_ Amendment requires that the federal government provide a grand jury for "a capital or otherwise infamous crime."
2. The Sixth Amendment requires that a jury be \_\_\_\_\_.
3. A trial must also be held in \_\_\_\_\_.
4. The Seventh Amendment protects the right to a jury trial in \_\_\_\_\_.
5. Grand juries are made up of \_\_\_\_\_ members, and a prosecutor must convince \_\_\_\_\_ of them that there is enough evidence to go to trial.
6. \_\_\_\_\_ out of ten amendments in the Bill of Rights protect the right to a jury trial.