

Bill of Rights in Action



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RELIGION, POLITICAL POWER, AND THE THIRTY YEARS' WAR



This engraving depicts the Battle of Prague in 1648, the last battle of the Thirty Years' War. As you read, look for the event that triggered the war thirty years before this battle took place.

In 1618, conflict between Catholics and Protestants within the Holy Roman Empire sparked the Thirty Years' War. Actually a series of wars, this conflict led to a struggle for political power that involved most of Europe.

In 1521, Charles V, the Catholic emperor of the Holy Roman Empire, summoned Martin Luther, a German priest and scholar, to answer for charges of heresy. Luther believed that most Catholic Church practices were valid, but he demanded certain changes. For example, he believed in reading the Bible as the source of religious truth rather than relying on the pope's interpretation. Luther's demands went too far for the Catholic Church and Emperor Charles. Luther, the first Protestant leader, was found guilty of heresy and made an outlaw by Emperor Charles.

In spite of the emperor's action, Lutheranism quickly spread throughout much of Europe. Soon another Protestant critic of the Catholic Church, John Calvin, went even further. He condemned many

Catholic practices like displaying images of the saints. He also called for a simpler religious service rather than rituals recited in Latin by priests.

The Catholic Church tried to stop the Protestant Reformation sweeping Europe. The Catholic Church attempted to revive and defend Catholicism through its own Counter-Reformation (or Catholic Reformation), rejecting almost all the Protestant demands for major religious reforms. The Counter-Reformation, however, did involve some reforms, such as the regulation of priests' training and investigation of financial corruption by the clergy. The Catholic Church also created the Jesuit Order to take the lead in rooting out Protestantism and restoring Catholicism as the only true faith.

Catholic rulers sometimes took the Catholic Reformation into their own hands and led campaigns to "re-Catholicize" their realms. For example, they forcibly replaced Protestant ministers with Catholic priests. ▶

RELIGION AND SOCIETY

This edition of *Bill of Rights in Action* looks at the impact of religion on politics, law, and social reform. The first article examines the conflict between Catholics and Protestants in the Thirty Years' War in Europe. The second article looks at a period of religious revival in the United States called the Second Great Awakening. The third article examines the issue of prayer at government meetings in the Supreme Court case of *Town of Greece v. Galloway*.

World History: *Religion, Power, and the Thirty Years' War* by longtime contributor Carlton Martz

U.S. History: *The Second Great Awakening and Reform in the 19th Century* by guest writer Thomas Holm

U.S. Government/Current Issues: *Prayer at Government Meetings and the First Amendment* by guest writer Brian Huber

Many Protestants resisted the Catholic rulers' actions. The greatest conflict took place in the Holy Roman Empire where Catholic and Protestant hatreds exploded. Almost all of Europe became engulfed in a religious and political struggle called the Thirty Years' War.

The Holy Roman Empire

The Holy Roman Empire included what are now mainly Germany, Austria, the Czech Republic, and Spain. In 1558, the ruling dynasty of the Habsburg family split and formed a separate Spanish empire that included Portugal, the Netherlands, and much of America. The remaining Holy Roman Empire dominated Central Europe. Most of the people in the Holy Roman Empire were ethnically German.

At the core of the Holy Roman Empire was Catholic Austria, the homeland of the Habsburgs. Beyond Austria, the extremely fragmented Empire included hundreds of territories ruled by semi-independent members of royal families, bishops, and other nobility, as well as imperial city councils.

There was a quasi-representative assembly for the Empire, called the Imperial Diet. The Catholic Habsburg emperor was chosen by seven "Electors" in the Diet. He did not hold absolute power except in his own Austrian lands. He had to consult with the Diet, mostly made up of nobles, to do major things like raise taxes.

In 1547, Emperor Charles V went to war against the Lutherans to "bring them back to the old faith [Catholicism] and to the obedience of the [pope]."

After a military stalemate, the two sides negotiated the Peace of Augsburg in 1555. This recognized the right of Lutheran (but not Calvinist) lords "to enjoy their religious belief." The custom of the time was that the religion of the lord automatically became the religion of his subjects.

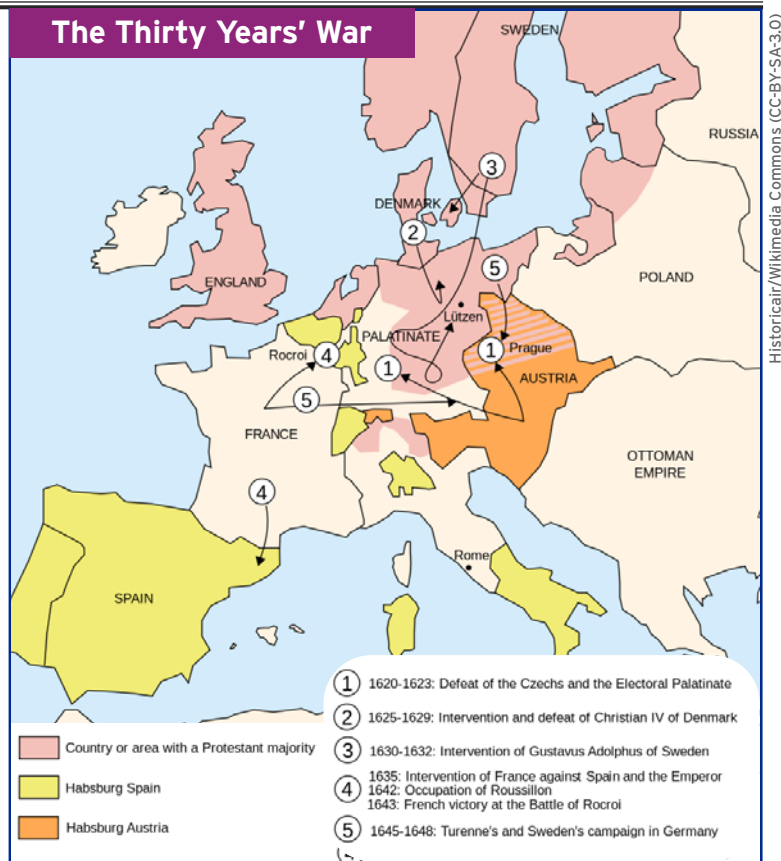
Rudolf's Campaign

In the 1580s, a new emperor, Rudolf II, decided to launch a re-Catholicization campaign in Austria to suppress Protestant worship. He was aided by his Habsburg cousin, Archduke Ferdinand (later Emperor Ferdinand II).

Ferdinand, who was educated by Jesuits to be a dedicated Catholic, sent soldiers into an Austrian province to close Protestant churches, schools, and cemeteries. His men burned Protestant books and installed Catholic priests in each town. Hundreds of Protestant pastors, teachers, city officials, and scholars (including astronomer Johannes Kepler) were expelled from the province into exile after they refused to convert to Catholicism.

In 1602, Emperor Rudolf ordered that only Catholic worship was legal in the kingdom of Bohemia, a part of the Empire near Austria. All other faiths had no civil or religious rights even though Bohemia was over eighty percent

The Thirty Years' War



Lutheran along with a small Calvinist minority. This was a clear violation of the Peace of Augsburg, which had guaranteed Lutheran lords the right to practice their Protestant faith.

By this time, Protestants in other parts of the Empire feared that Emperor Rudolf's campaign would threaten them. In 1608, Protestant nobles formed a defensive alliance called the Protestant Union, led by Frederick V, ruler of a Calvinist region of the Empire called the Palatinate. A year later, Catholics organized their own defensive alliance, the Catholic League. War was in the air.

Revolt in Bohemia

In 1609, angry Lutheran nobles from Bohemia met with Emperor Rudolf to demand their right of religion under the Peace of Augsburg. They got Rudolf's attention when they threatened to form a militia to defend their religious worship. Rudolf then signed a "Letter of Majesty" that granted Bohemian lords the right to choose to be Catholic, Lutheran, or Calvinist. A commission of "defenders" was also established to assure Rudolf's concessions were carried out.

When Rudolf died in 1612, his brother Matthias became the new emperor. Emperor Matthias took advantage of uncertain language in Rudolf's Letter of Majesty to favor the Catholics. He also named Archduke Ferdinand as the King of Bohemia. The Lutherans, a big majority in Bohemia, hated becoming subjects of a Catholic king with a history of persecuting Protestants.

Bohemian Protestants accused the new emperor of violating the Letter of Majesty and set off to confront him in

Prague, the part-time Habsburg capital in Bohemia. By the time they got to Prague, Matthias had left for Vienna, his other capital. The Bohemian Protestants forced their way into Prague Castle and demanded to speak with the emperor's envoys (representatives).

On May 23, 1618, about 100 angry Bohemian Protestant nobles and the defenders crowded into a castle room. Two of the emperor's envoys and their secretary appeared. The Bohemians accused the emperor of violating the Letter of Majesty. They shouted down the envoys when they tried to speak. The crowd grew more hostile. Someone fired a gun into the air. Another said, "Thus we declare you enemies, enemies of the country, and the destroyers of our rights." Several in the crowd grabbed the two envoys and threw them out a window. Then, for good measure, they threw out the secretary, too. The three fell 50 feet to the ground but somehow were not killed and escaped.

There was no turning back now. The Bohemians replaced their Catholic King Ferdinand with the Calvinist Frederick V of the neighboring Palatinate. Meanwhile, Emperor Matthias died and Ferdinand was chosen to become the new emperor.

Emperor Ferdinand II and the Catholic League invaded Bohemia and crushed the revolt by 1620. Bohemia's new Protestant king, Frederick V, fled to the Dutch Netherlands for safety.

Ferdinand Clamps Down

Ferdinand came down hard on the rebels. A special commission that the Protestants named "The Blood Court" sentenced 32 to death for treason; and, 27 were actually executed by beheading or hanging. Some heads, hands, and one tongue were nailed over the Prague town gates. Ferdinand confiscated the property of hundreds of Protestant families. About 100,000 people left Bohemia into exile to avoid persecution.

Even more importantly, Ferdinand revoked the Letter of Majesty, making Catholicism the only legal faith. Ferdinand also increased his political power over the Imperial Diet and the fragmented territories of the Empire. He then used his Imperial Army to back a new re-Catholicization campaign in Bohemia and in other parts of the Empire.

The War Spreads

The actions of Emperor Ferdinand during and after the revolt in Bohemia troubled Europe. Both Protestant and Catholic leaders alike feared the Habsburgs would upset Europe's balance of power.

First to act was King Christian IV of Lutheran Denmark. He formed a new Protestant Union with England and the Dutch Republic in the Netherlands, fighting Habsburg Spain, to counter Emperor Ferdinand's growing

power. King Christian's immediate purpose, however, was to secure certain lands and river trade routes in the Protestant northern part of the Empire.

Secretly supported by Catholic France that wanted to curb Habsburg power, Christian invaded the northern Empire in 1625. But Ferdinand's Imperial Army defeated him a few years later.

Flush with victory, Ferdinand issued an edict ordering the return to Catholic control all churches and other religious property that had been taken over by Protestants when they converted from Catholicism to Lutheranism or other faiths. This further inflamed Protestant hatred of the emperor.

But before long, Lutheran Sweden's King Gustavus Adolphus invaded the Empire in 1630. His purpose was to prevent Emperor Ferdinand from threatening Sweden's national security. King Gustavus, financially aided by the Dutch Republic and France, led his armies of Swedes and Protestant German mercenaries into the heart of the Empire until he was killed in battle in 1632.

Now France directly entered the war. The French could not allow the Habsburg Emperor Ferdinand to defeat Sweden or allow Habsburg Spain to defeat the Dutch. The French did not want the Habsburg dynasty to become too powerful. In 1635, France went to war on the side of the Swedes against the Empire, and the Dutch against Spain. Thus, Catholic France with Protestant allies ended up fighting against the Catholic Habsburgs over matters of political power that had little to do with religious tenets.

The 1630s proved to be the most destructive part of the Thirty Years' War. The northern Empire Protestant city of Magdeburg, an ally of Sweden, was sacked and probably unintentionally set afire by Ferdinand's Imperial Army. Over 20,000 men, women, and children died, most by burning to death. Even for Europeans, who had become almost used to roaming armies, numerous battles, and brutal treatment of civilians by soldiers, Magdeburg was a shock.

The Peace of Westphalia

In 1637, Emperor Ferdinand II died and was replaced by his son, Ferdinand III. Ferdinand III was more open to ending the war by making concessions, and called for a conference to do this at Westphalia, a region in the northwestern part of the Empire.

In June 1645, negotiations began among representatives of the Holy Roman Empire, Sweden, France, Spain, and the Dutch Republic. This was the first such international peace conference in European history. Fighting continued, however, and affected the talks that lasted over three years.

The Peace of Westphalia was signed on Oct. 24, 1648. "That there be a Christian, universal, and perpetual [ongoing] peace," the agreement began. Spain ►

War was in the air.

signed a separate treaty with the Dutch Republic confirming its independence. The war between Spain and France continued for another decade.

Major provisions of the political and religious settlements in the Peace of Westphalia are listed below.

Political Settlement

- The Empire ceded certain territories to Sweden and France.
- The emperor was required to get the consent of the Empire's Imperial Diet before he made any major decision, including war and peace.
- The heads of the Empire's territories were free to enter into security alliances with foreign nations that were not hostile to the emperor.
- With certain exceptions, the injuries caused by all participants "shall be entirely forgotten" (pardoned).
- All garrisons of soldiers from all parties to the peace were to be withdrawn after the peace was ratified, prisoners of war were released, and "satisfaction" money paid to soldiers serving Sweden.
- All armies, except local self-defense militias, in the Empire were to be disbanded.
- All parties were to obey the terms of the peace and not interfere with them being carried out or face military intervention.

Religious Settlement

- The ownership of religious property in the Empire was restored to whichever faith possessed it on January 1, 1624. Protestants renounced further claims to Catholic Church lands.
- Those who had converted to another faith since 1624 and became a religious minority in an imperial territory could worship in their homes and raise their children in the faith they chose.
- No religious discrimination in the Empire was permitted with regard to employment, business, guilds, schools, universities, inheritance, or use of hospitals, poor houses, and cemeteries.
- Catholic bishops were prohibited from exercising spiritual control over Protestant subjects in religiously mixed imperial cities.
- When religious disputes arose, Catholics and Protestants were required to meet separately in the Imperial Diet to negotiate and find a compromise.
- Calvinists, but not other religious minorities, were granted equal legal status with Catholics and Lutherans under imperial law.
- Lords were no longer permitted to impose their own religion on their subjects.

The Holy Roman Empire, where most of the fighting occurred, lost about 20 percent of its pre-war population. Up to eight million civilians died, chiefly from disease, starvation, and harsh living conditions when fighting

drove them from their homes. About one million soldiers died, the majority due to disease. Also, due to the widespread belief that the war was God's punishment for the evil of witchcraft, hundreds of men and women were tortured and burned at the stake as witches.

A New International System

Many scholars credit the Peace of Westphalia with starting the modern nation-state system. In a nation-state, the people are subject to the laws of a national ruler and/or parliament rather than the will of local leaders. In addition, the Peace became a model for ending future wars and establishing international law. Over the centuries since the Peace, nations have agreed on laws of war and human rights and eventually created international organizations like the United Nations.

Except for ongoing conflicts in England, the Peace of Westphalia ended most of the Protestant-Catholic warfare in Europe. The religious settlement imposed on the Holy Roman Empire did not assure freedom of religion for all its subjects but it set a new standard for the time. Freedom of religion slowly evolved throughout all of Europe and eventually became part of our own Bill of Rights.

WRITING & DISCUSSION

1. Why do you think the Thirty Years' War was mainly fought in the Holy Roman Empire?
2. Some historians blame the Holy Roman Emperor Ferdinand II for the Thirty Years' War? Do you agree? Why or why not?
3. Do you think the Peace of Westphalia was fair to the Holy Roman Empire? Why or why not?

ACTIVITY: What Was the Thirty Years' War About?

The Thirty Years' War was one of the most destructive wars in European history but was it about religion or political power?

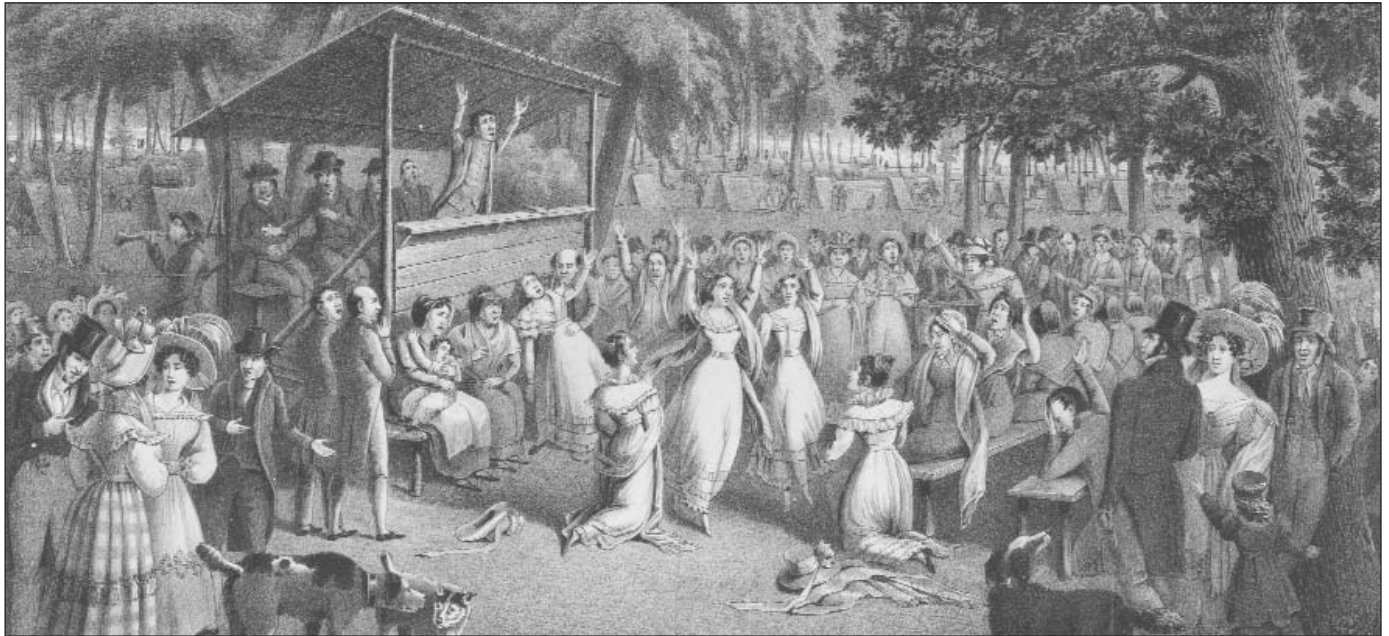
1. Form small groups to discuss the above question. Choose a spokesperson for your group.
2. The groups should choose one of the positions in the chart below that assign certain percentages to religion and political power as a cause of the war.

Position	Religion is the cause.	Political power is the cause.
A	0%	100%
B	100%	0%
C	50%	50%
D	25%	75%
E	75%	25%

3. The groups should then prepare evidence and arguments from the article to justify their percentages in the position (A-E) that they chose and present this to the class.

THE SECOND GREAT AWAKENING AND REFORM IN THE 19TH CENTURY

American Protestant Christians' beliefs changed during the early 19th century in a period known as the Second Great Awakening. Marked by a wave of enthusiastic religious revivals, the Second Great Awakening set the stage for equally enthusiastic social reform movements, especially abolitionism and temperance.



Library of Congress

Camp meetings like the one pictured above were part of the Protestant Christian revival in the first half of the 19th century. What actions do you see people doing? What emotions are they showing?

After the American Revolution, the new American nation's population grew from almost 4 million in 1790 to 17 million in 1840. At the same time, the nation quickly expanded westward from the original 13 colonies into territories of Kentucky, Ohio, Tennessee, and the massive Louisiana Purchase of 1803. A new market economy dominated by merchants and manufacturers also developed.

During the 1790s, only about 10 percent of white Americans regularly attended church. To "revive" church attendance, many charismatic preachers, or evangelists, organized lively Christian revival meetings. Revivals were mass meetings where people heard biblical messages and came to have their souls saved from sin (evil thought and action).

This period of revivals began around 1800 and reached its peak in the early 1830s. It was a period of religious fervor called the Second Great Awakening. Like the First Great Awakening of the 1730s and 1740s, the Second Great Awakening emphasized the importance of converting people to Protestant Christianity.

The Christianity of the revivals came to be known as "evangelical." The word *evangelical* has its root the ancient Greek word for "good news." Evangelical Christians emphasized personal commitment to faith over the

authority of priests. They also emphasized doing good works and perfecting humankind.

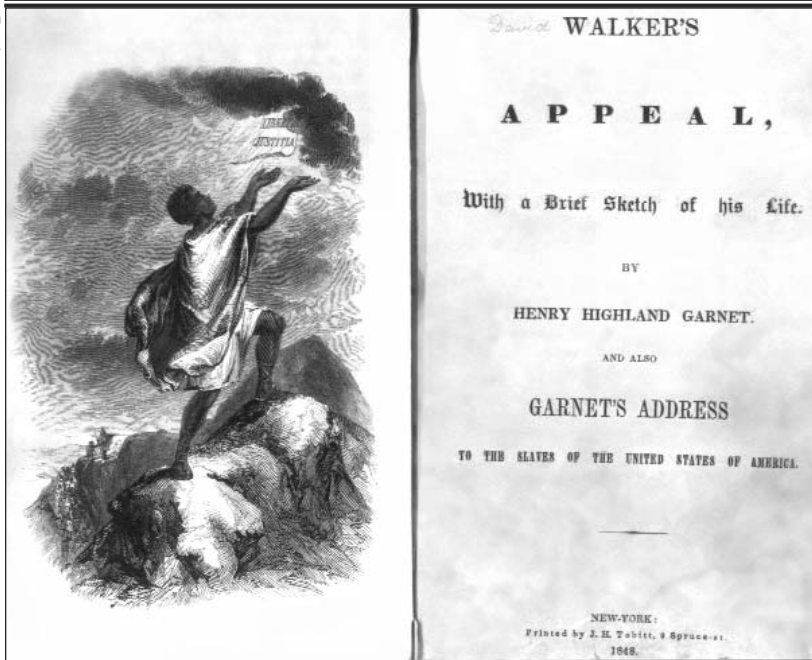
The Second Great Awakening, in particular, rejected the Enlightenment influences on the founding of the United States. Worshippers rejected rationalism and deism, the worship of a distant and uninvolved God. For evangelicals, God was directly involved with each person's life and with society as a whole.

The rapidly growing Baptist and Methodist churches helped spread the evangelical message the most through the new western frontiers. Many evangelicals also belonged to the Presbyterian Church.

Charles Finney

The most famous leader in the Second Great Awakening was the Reverend Charles Grandison Finney (1792–1875). Finney was a minister in the Presbyterian Church, which traditionally held Calvinist beliefs. Calvinism is a Protestant theology that includes a doctrine of predestination. Predestination is the belief that God already knows which people are saved, regardless of any action these saved people might take in their lives.

Finney and other preachers of his time modified the Calvinist doctrine. Finney preached that people could and should exercise free will. He urged his followers to ►



This is the title page of an 1848 edition of David Walker's *Appeal* with a biographical sketch by Henry Highland Garnet. Garnet was a black minister and abolitionist who believed in legal coercion over moral suasion to abolish slavery.

choose to reject sin and instead to live morally upstanding lives. He also urged them to help others.

Finney was inspired to become a preacher after attending a revival in 1821. In turn, he then preached at revivals. "Religion," Finney said, "is something to do, not something to wait for." He also said, "Away with the idea that Christians can remain neutral and keep still, and yet enjoy the approbation [or praise] and blessing of God." With these ideas, Finney became committed to social reform. He supported temperance, which is opposition to the drinking of alcohol, and the abolition of slavery.

Finney preached at revivals from 1825 to 1835. He began preaching in the western frontier and then moved on to upstate New York. After his years at revivals, he became a professor of theology and president of Oberlin College in Ohio. He remained a preacher his entire life.

The Revivals

On the American frontier, revivals were called "camp meetings." They became a key feature of the Second Great Awakening. The first camp meeting took place in Kentucky in 1800, and the practice faded somewhat after 1835.

Both frontier and urban revivals attracted crowds of hundreds and, in some cases, thousands of worshippers. The frontier camp meetings were generally more emotional than the urban revivals. Frequently calling upon the Holy Spirit, people in camp meetings prayed out loud and, in some cases, collapsed in religious ecstasy.

The camp meeting was also an important social event. The meetings brought rural people together from wide geographic areas. A camp meeting usually lasted

several days. Ministers traveled from revival to revival, calling for attendees to convert and accept Christ's saving grace from morning until night.

In the urban areas, African Americans were often excluded from participating in politics but were not excluded from religion. They eagerly participated in revivals, at which they could call for equality and justice.

Women, especially young women, enthusiastically joined revivals. In fact, they outnumbered men as converts. Joining revivals may have reinforced women's traditional role as guardians of religion at home. Leadership and preaching roles at camp meetings were generally limited to white men, but women could also pray aloud at revivals. This allowed them to expand their public roles within the religious community.

In the urban revivals, people in the developing middle class of business managers, clerks, professionals, and others who found jobs in the new market economy were especially likely to respond to preaching like that of Finney's. They relied on religion to cope with the pressures of their daily lives.

In addition, church membership improved people's social statuses. Religious practice proved that a person had the values, determination, and discipline to succeed in society. Thus, church membership was often linked to upward social mobility.

Spreading the Gospel

With its emphasis on free will and self-reliance, the Second Great Awakening saw a flowering of voluntarism. Evangelicals set up voluntary associations in which men and women found ways to preach the Christian Gospel to an ever-growing population.

The voluntary associations included the American Bible Society, the American Sunday School Union, and the American Tract Society. These groups sought to spread biblical messages and morals widely through the frontier and the cities. In addition, Congregationalists, Presbyterians, Methodists, and Baptists founded about half of all colleges and universities in the nation before 1860.

Abolitionism

As the revivals swept through New England, abolitionism also grew in that same area. Many early abolitionists were devout Protestant Christians. Some formed colonization societies with the aim of helping free blacks go to Africa. Others formed societies whose aim was to persuade slave-owners to *manumit* their slaves, which means to legally free them, often at the time of the slave-owner's death.

Still other Christian abolitionists were not satisfied with the “moral suasion” of colonization and manumission. Moral suasion means persuading people to stop voluntarily participating in evil. Radical abolitionists wanted an immediate end to slavery.

David Walker was a black man who had been born in 1785 to a free black woman in North Carolina. Despite his own free status, he was appalled by the black slavery he saw growing up and eventually moved north to Boston, Massachusetts. Walker used strong religious language in his anti-slavery writings. In 1829, he wrote *An Appeal to the Colored Citizens of the World*. “It is a notorious fact,” he wrote, “that the major part of white Americans have . . . tried to keep us ignorant and make us believe that God made us and our children to be slaves to them and theirs. Oh! My God, have mercy on Christian Americans!”

The emotional atmosphere of revivals in Northern cities took hold in meetings of abolitionists. Sinners sought to be saved in revivals by openly repenting, or seeking forgiveness from Christ. Likewise, people who held proslavery views expressed remorse and openly repented in emotional abolitionist meetings. They pledged themselves to end slavery in Christ’s name.

After his years of revival preaching, Charles Finney became skeptical of the conversions at revivals. He thought that an extremely emotional conversion at a revival was “more superficial” than necessary. Christians, he thought, should instead lead lives of consistent holiness.

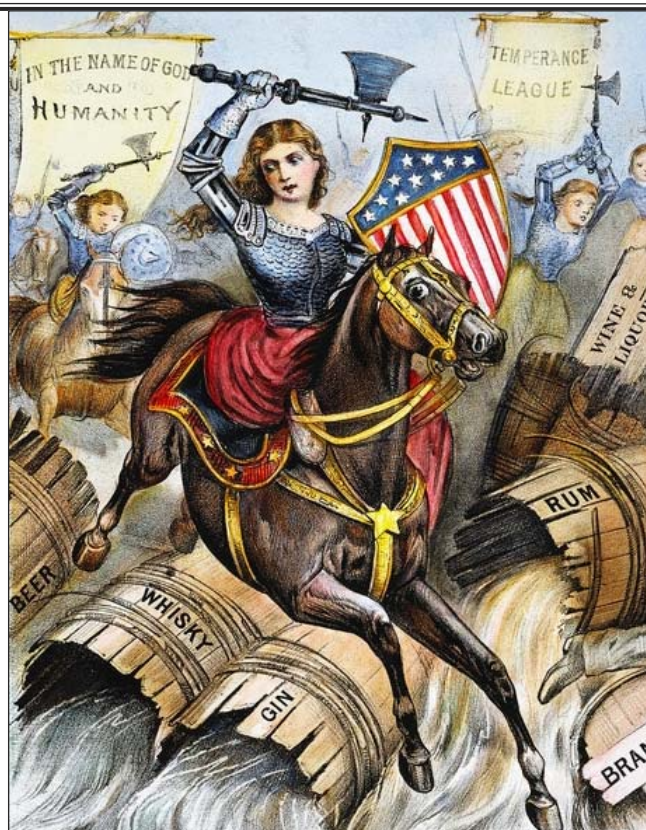
Finney’s changing opinion of revivalism coincided with a change in his abolitionist views. He and many Christian abolitionists began to focus on abolishing slavery through using the law, or legal coercion. They thought that trying to convince pro-slavery white Americans to voluntarily support abolition was not enough.

Temperance

Temperance societies formed throughout the nation in the antebellum, or pre-Civil War, years of the 19th century. They wanted to warn America of the dangers of alcohol abuse. Some temperance advocates feared social disorder from drunkenness. Most temperance advocates, however, simply believed that sobriety was holy. Evangelicals led the temperance movement, which also included non-evangelical Christians.

Between 1800 and 1830, Americans, especially white men, drank more alcohol on an individual basis than at any other time in American history. Each year during this time, Americans above the age of 14 on average consumed between 6.6 and 7.1 gallons of pure

Both frontier and urban revivals attracted crowds of hundreds and, in some cases, thousands of worshippers.



This cartoon from 1874 is titled “Woman’s holy war. Grand charge on the enemy’s works.” What does this cartoon tell you about the temperance movement in the 19th century?

alcohol. (In 1998, Americans drank 2.8 gallons per year on average.)

The American Temperance Society (ATS) formed in 1826. Its aim was to save people from the evils of liquor. Over time, the ATS defined temperance as complete abstinence from all forms of alcohol. By 1835, the ATS had over one million members.

To spread its message of reform, the ATS relied on methods similar to those of evangelical revivalists. For example, the ATS used roving lecturers to share its message, similar to the traveling ministers in the revivals of the Second Great Awakening. As the temperance movement grew, in fact, evangelicals increasingly condemned drinking.

Like the growing evangelical movement, too, a majority of ATS members were women. Some joined all-female societies, and others often dominated the membership of mixed ATS societies. While temperance organizations barred women from leadership, approximately 35 to 60 percent of the members of local organizations were women.

Middle-class temperance spokesmen tied temperance to success in business. For example, in discussing why some people succeeded in an increasingly competitive society, the New York-based *Temperance Recorder* asserted,

“The enterprise of this country is so great, and competition so eager in every branch of business . . . that profit can only result from . . . temperance.”

The ATS and other temperance societies initially relied on moral suasion, similar to the early abolitionists. They successfully encouraged many people to reform through an optimistic message of progress. Average drinking had decreased to 3.1 gallons in 1840. Average drinking further declined to 1.8 gallons by 1845, the lowest average for the 19th century. Despite these successes, by the mid-1840s, the ATS began to seek legal coercion to enforce temperance, rather than rely on moral suasion.

The result was the so-called “Maine Laws” of the 1850s. In 1851, the state of Maine banned the manufacture and sale of alcohol by wholesalers and retailers. Between 1852 and 1855, twelve additional Northern states passed “Maine Laws,” which sometimes provoked violent protests.

As northern and southern states drew closer to open conflict over slavery in the later 1850s, Northern states focused their energy less on temperance and more on the evils of slavery. Several states repealed their Maine Laws, while most other states either ignored or minimally enforced the laws. In addition, the temperance issue divided the membership of both major political parties, which led them to try to deemphasize the temperance movement.

Revivalism's Legacy

After the Civil War, temperance continued to appeal to the middle class and large numbers of workers.

It remained especially appealing to skilled and native-born workers who sought upward mobility. Slavery, of course, ended with the 13th Amendment, beginning the period of Reconstruction.

Temperance reform reached its peak in the early 20th century in the period known as Prohibition. Ratified in 1919, the 18th Amendment prohibited the manufacture, transportation, and sale of alcohol in the United States. It did not outlaw drinking alcohol. Due to ineffective enforcement, an increase in organized crime, corruption in law enforcement, and popular demand, the 21st Amendment repealed Prohibition in 1933.

The ultimate legal coercion, a constitutional amendment, did not end alcohol consumption. Evangelical temperance activists reverted to using moral suasion after Prohibition's end.

WRITING & DISCUSSION

1. What were the factors that led to religious revivals in the early 19th century?
2. Why did Protestants during the Second Great Awakening reject many values of the Enlightenment?
3. How did Charles Finney influence the Second Great Awakening? Why did his views change over the course of his career?
4. Compare the use of moral suasion in the abolitionist and temperance movements. Was the temperance movement successful? Why or why not? Use evidence from the article to support your answer.

ACTIVITY: Persuasion or Coercion

Divide students into small groups. Each group's task is to decide whether moral suasion or legal coercion is the preferable means to confront each problem listed below.

Each group should first identify criteria for moral suasion and legal coercion as the primary means of shaping behavior by identifying two or three pros and cons for each means. They should use the facts in the article for support and examples.

Then, each group should discuss each of the problems below, apply the criteria of moral suasion and legal coercion, and decide which of the two means is the better one for each problem. Each group will then present results to class.

- Eliminating cyberbullying.
- Requiring people to buy health insurance.
- Getting U.S. companies to stop banking profits overseas to reduce their U.S. tax obligations.
- Eliminating police brutality.
- Ending prescription drug abuse and addiction.
- Stopping animal cruelty.

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PRAYER AT GOVERNMENT MEETINGS AND THE FIRST AMENDMENT

Picture yourself attending your local city or town council meeting. You want to speak to the council about an issue important to you. At the beginning of the session, the council invites a person to stand at the microphone and recite a prayer. The prayer comes from a religious belief different from your own beliefs. How would you feel?

The First Amendment begins with the words “Congress shall make no law respecting an establishment of religion” This is the Establishment Clause. It means the government cannot establish an official religion, either by creating one or by requiring all persons to adopt the same one. It also means that government cannot favor one religion over another.

Many interpret the clause to mean a “separation of church and state,” to borrow Thomas Jefferson’s phrase. Others interpret “establishment” more narrowly. They say the government can favor religion over non-religion as long as the government does not create a “national religion” or force people to be part of any particular religion.

In addition, despite the use of the word “Congress,” the Establishment Clause today applies to state and local governments as well. In 1947, the Supreme Court held in *Everson v. Board of Education* that the Establishment Clause applied to the states through the 14th Amendment’s Due Process Clause (“No State shall make or enforce any law which shall . . . deprive any person of life, liberty, or property, without due process of law”). What happens when a small city government board meeting (town council) starts with a prayer?

Prayers in Greece

Town of Greece is a small town in upstate New York with a predominantly Catholic population of about 94,000. In 1999, the newly elected town supervisor, John Auberger, decided to open the monthly town board meeting with a roll call, Pledge of Allegiance, and a prayer. After all, Auberger thought, the county legislature had opened its sessions with prayer for years.

A local clergy member who would stand at the front facing the audience gave the prayer. Auberger would then thank the minister for serving as the board’s “chaplain of the month” and present him or her with a commemorative plaque. Auberger intended the prayer to place the board members in a clear state of mind, invoke divine guidance, and follow a tradition practiced by several state legislatures and the United States Congress.

Susan Galloway and Linda Stephens, two women who regularly attended meetings, complained in 2007



A priest offers a prayer in the Wisconsin State Senate, 2015. As you read, think about how this image compares to the facts of the *Marsh v. Chambers* and *Greece v. Galloway* cases.

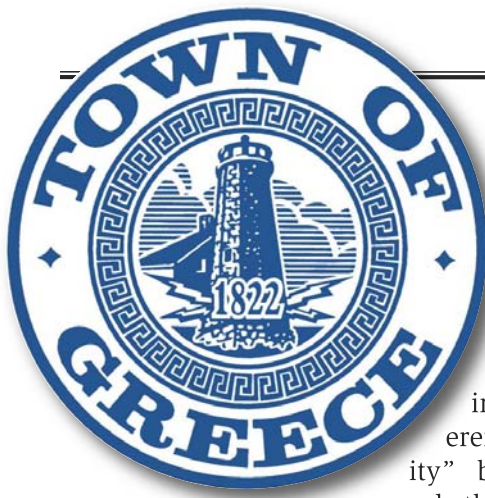
Wisconsin State Senate

that the prayers were all Christian. As non-Christians, they felt compelled to participate and felt isolated during the brief ceremony. Galloway is Jewish, and Stephens is an atheist.

The town used an informal method for choosing the prayer-givers, all of whom were unpaid volunteers. A town employee called congregations listed in the town directory until an available minister agreed to come and deliver the prayer. Employees created a list of those willing to return in the future. The town never denied an opportunity for someone to be a prayer-giver, but from 1999 to 2007, all the participating prayer-givers came from Christian sects.

The town left it up to the clergy member to create and deliver the prayer as they saw fit. One such prayer at a board meeting was “Lord we ask you to send your spirit of servanthood upon all of us gathered here this evening . . . in the name of our brother Jesus. Amen.” Another was “Lord, God of all creation, we give you thanks and praise for your presence and action in the world We acknowledge the saving sacrifice of Jesus Christ on the cross”

After Galloway and Stephens objected to the prayer as a violation of their religious and philosophical views, the town invited a Jewish layman (non-clergy), a chairman of the local Baha’i temple, and a Wiccan priestess. (Baha’i is a monotheistic religion originating in 19th century Persia, which is now Iran. Wicca refers to contemporary “witchcraft” or paganism.) Galloway and Stephens filed a complaint in the district court for a violation of their First Amendment right against a government establishment of religion. ▶



The federal district court in New York found the prayer practice consistent with the First Amendment. The court found “no impermissible preference for Christianity” because the town opened the program to all available prayer givers regardless of religion.

On appeal, the court of appeals reversed the lower court decision. It found the Town of Greece board meeting’s practice to be an unconstitutional endorsement of religion. Judge Guido Calabresi wrote, “We do not hold that the town may not open its public meetings with prayer or invocation But when one creed dominates others—regardless of a town’s intentions—constitutional concerns come to the fore.”

Judge Calabresi noted that the town board made no attempt to let know the community know other religions were welcome.

Precedents

Town of Greece appealed the decision to the U.S. Supreme Court. The issue was whether Greece imposed an impermissible establishment of religion on its citizens by opening its monthly meetings with *sectarian* prayer, or prayer from one or another particular religious sect.

It was not the first time the Supreme Court had encountered these issues. In *Marsh v. Chambers* (1983), State Senator Ernest Chambers of Nebraska challenged the state legislature for having a chaplain offer prayer at the beginning of each session. The state paid the chaplains. Chambers sued the Nebraska legislature and State Treasurer Frank Marsh. The Court found Nebraska’s practice was not a violation of the Establishment Clause, focusing on historical custom in its holding.

In *County of Allegheny v. American Civil Liberties Union* (1989), plaintiffs challenged two public-sponsored holiday displays in Pittsburgh. One display involved a Christian nativity scene inside the Allegheny County Courthouse, and the other was a Chanukah menorah outside the City-County Building.

The court decided the nativity scene sent a message that the county government was endorsing Christianity. The nativity scene appeared prominently inside the courthouse. The menorah in *Allegheny*, however, was acceptable because it was located outside the government building next to a large Christmas

tree. The mix of holiday symbols also was not an “endorsement” of any single religion.

In *Lee v. Weisman* (1992), a parent of a high school student challenged a middle school principal who invited a rabbi to speak at the school’s graduation ceremony. The Court held the graduation prayer created a “state sponsored and state directed religious exercise in a public school.” The court further found it did create a subtle and indirect *coercion*, or an action that forced the students to stand respectfully and silently for a prayer.

At the Supreme Court

In the *Town of Greece* case, Greece (Petitioners) argued the practice does not favor one denomination. Most prayers are Christian only because most people in the town are Christian. They also argued that history and tradition allow an acknowledgement of the religious belief of its citizens. The first Congress did this. Lastly, the city argued the lower court disregarded *Marsh* and wrongly applied the “endorsement test” from another case that prohibited government from endorsing religion and making anyone feel like a second-class citizen.

Galloway and Stephens (Respondents) contended their case was very different from *Marsh*. They argued, “*Marsh* did not approve prayers containing sectarian language or themes.” The audience was effectively required to participate in the prayer.

They argued that the *Lee* decision made government coercion (the practice of persuading someone to do something through force or intimidation) unconstitutional. Respondents argued that in *Marsh*, the Nebraska legislature did not require attendance during the prayer as a condition for receiving the public benefit or service of the officials. The state lawmakers were free to come and go during the prayer. In Greece, however, the “intimate setting of a town board meeting” created “social pressure.”

Lastly, Respondents argued that Greece’s practice advanced Christianity. Respondents did not have a problem with prayer as long as it is *nonsectarian* (not favoring a specific religion), as in *Marsh*. The prayers offered in Greece were sectarian.

The Decision

Respondents’ arguments did not persuade the Supreme Court. Justice Kennedy wrote the majority opinion for the court in a 5-4 decision. Relying heavily on *Marsh*, the Court found the policy of Greece “fits within the tradition long followed in Congress and the state legislatures” and did “not fall outside the tradition this Court has recognized” The fact that the first Congress provided for a chaplain only days after approving the First Amendment “demonstrates that

the [Founding Fathers] considered legislative prayer a benign acknowledgment of religion's role in society."

The court also found that the prayers do not have to be nonsectarian. "Once it invites prayer into the public sphere," Justice Kennedy wrote, "government must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian." It is not proper for courts to "act as supervisors and censors of religious speech"

The court also found that the proper question is whether government coerces anyone to participate in the prayer, not whether government "endorsed" any religion. The "principal audience" for the prayers was not the public but the lawmakers themselves. The prayers gave the lawmakers "quiet reflection" to govern better.

Even if Respondents felt offended or excluded by the town board during the prayer, offense alone is not coercion as set forth in *Lee*. Galloway and Stephens suggested that people might feel pressured to join the prayer, or might worry they may be treated differently for not praying. The court found no evidence to support this claim.

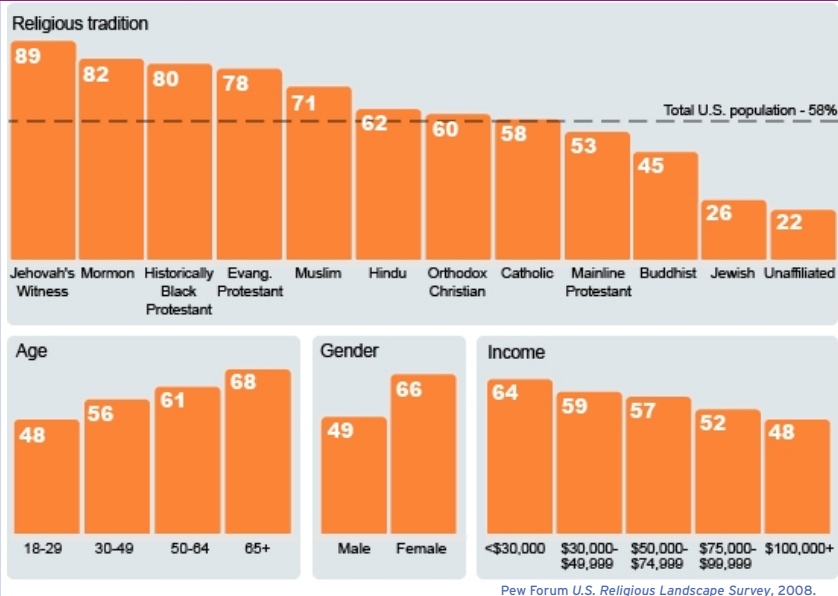
Finally, the court disagreed with the lower court that the town violated the Establishment Clause by using mostly Christian prayers. "The town made reasonable efforts," wrote Justice Kennedy, "to identify all of the congregations located within its borders."

The Dissent

Justice Elena Kagan wrote a dissent, joined by Justices Ginsberg, Breyer, and Sotomayor. While Justice Kagan agreed with *Marsh*, this case differed because "Greece's town meetings involve participation by ordinary citizens, and the invocations given — directly to those citizens — were predominately sectarian in content."

A citizen of Greece's first interaction with the government in conducting official business is to "stand and pray with others in a way conflicting with her own religious beliefs." If she opts not to participate, the "public proceeding becomes . . . an instrument for dividing her from adherents to the community's major religion, and for altering the very nature of her relationship with her government."

Percentage of Americans Who Pray at Least Once a Day by . .



What does this graph tell you about American views on prayer?

Justice Kagan also argued this case differs from *Marsh* because "the prayers given in Greece, addressed directly to the town's citizenry, were more sectarian, and less inclusive, than anything this Court sustained in *Marsh*." First, in Nebraska, prayer occurred during legislative sessions, and the public took no part in the proceedings. Second, the clergy in Nebraska spoke to the elected representatives, but in Greece the prayer giver spoke directly to the audience area with his or her back to the town board. Third, the prayers in Greece were almost exclusively Christian for eight years. Those three differences, taken together, make this case different from *Marsh*.

WRITING & DISCUSSION

1. What does the Establishment Clause say? Which interpretation provided in this article do you agree with? Why?
2. Describe the prayer policy of the Town of Greece's board meeting. What did Galloway and Stephens object to?
3. The Respondents did not object to all prayers at legislative meetings. They just argued that prayer should be nonsectarian, or inclusive, making no specific reference to Christianity or any other religion. Explain Justice Kennedy's opinion of Respondents' argument.
4. Do you agree with the majority decision or the dissent in this case? Why?



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ACTIVITY: Graduation in a Church

1. Divide the class into small groups. (Each group works best with an odd number of members.) Each group is a group of justices on the Supreme Court. Here are the facts of the case:

In this case, a majority of students at a high school in Centerville School District voted to have their graduation ceremonies held in a local non-denominational Christian church. Graduations traditionally took place in the school's gymnasium. Students complained that the gymnasium was hot, stuffy, and uncomfortable. The church had air-conditioning, ample parking, and cushioned seats.

Christian religious symbols adorned the church's interior. One large cross hung over the place where school officials sat. In the lobby were tables filled with Christian literature addressed to children and teens, as well as Christian posters and banners.

The school-district superintendent, a member of the church, approved the high school's request to move graduation ceremonies to the church. The district rented the church space. During the graduation ceremonies, no one offered prayers or invocations (calling upon a divine power).

Several current and former non-Christian students and their parents sued the school district. They claimed they felt unwelcome, uncomfortable, upset, and/or angry because of the church setting. They also claimed there were alternative secular venues the district could have rented.

2. With your fellow justices, you must deliberate and reach a decision on the following question:
Did Centerville School District violate the Establishment Clause by holding graduation ceremonies in the church?
3. To deliberate with your fellow justices, apply the coercion test used in *Town of Greece v. Galloway*. Allow everyone on your court to speak and be heard. Finally, take a vote on your decision.
4. Choose a spokesperson who will report to the class your court's decision and reasons for your decision.
5. Debrief by answering this question: Would your court's decision be different if it had used the endorsement test of *County of Allegheny v. American Civil Liberties Union*? Why or why not?
6. Optional writing: As a justice, write your opinion in this case in a few well-developed paragraphs.
(Facts of the case are based on *Doe v. Elmbrook School District*, No. 10-2922 (7th Cir. 2011), *cert. denied*, 573 U.S. (2014).)

Civics on Call

Discussion of current events and controversial issues is one of the six proven practices of highly effective civic education identified by the Civic Mission of Schools (CMS). "When students have an opportunity to discuss current issues in a classroom setting," reports CMS, "they tend to have a greater interest in civic life and politics as well as improved critical thinking and communication skills."

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- The Syrian Refugee Crisis and U.S. Policy
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Making Your Voice Heard 

- Making Your Voice Heard
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- Elections, Money, and the First Amendment
- Edward Snowden, the NSA, and Mass Surveillance
- The Syrian Refugee Crisis and U.S. Policy (Civil Conversation)

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Standards Addressed

Thirty Years' War

National World History Standard 27: Understands how European society experienced political, economic, and cultural transformations in an age of global intercommunication between 1450 and 1750. Middle: (4) Understands origins of the Reformation and Catholic Reformation (e.g., why many Europeans were unhappy with the late medieval Catholic Church, and how the beliefs and ideas of leading Protestant reformers reflected this discontent; what the Catholic Reformation sought to achieve, and the effect of religious reforms and divisions on Europeans; the patterns of religious affiliation in Europe in the early 17th century and factors that led some populations to embrace the Protestant Reformation while others rejected it). **High:** (2) Understands causes and the major political, social, and economic consequences of the religious wars in Europe in the 16th and 17th centuries, and the legacy of these wars in modern Europe.

California HSS Standard 7.9: Students analyze the historical developments of the Reformation. (2) Describe the theological, political, and economic ideas of the major figures during the Reformation (e.g., . . . Martin Luther . . .). (4) Identify and locate the European regions that remained Catholic and those that became Protestant . . .

Common Core State Standards: SL.6-8/9-10.1, SL.6-8/9-10.3, RH.6-8/9-10.1, RH.6-8/9-10.2, RH.6-8/9-10.3, RH.6-8/9-10.4, RH.6-8/9-10.10, WHST.6-8/9-10.1, WHST.6-8/9-10.2, WHST.6-8/9-10.9, WHST.6-8/9-10.10.

Second Great Awakening

National U.S. History Standard 12: Understands the sources and character of cultural, religious, and social reform movements in the antebellum period. Middle: (2) Understands the significant religious, philosophical, and social movements of the 19th century and their impacts on American society and social reform (e.g., the impact of the Second Great Awakening on issues such as public education, temperance, women's suffrage, and abolitionism . . .). **High:** (2) Understands the social impact of the Second Great Awakening (e.g., how Great Awakening leaders affected ordinary people; how the belief in individual responsibility for salvation and millennialism influenced reform movements; the role of moral suasion, social control, and compromise in reform).

California HSS Standard 11.3: Students analyze the role religion played in the founding of America, its lasting moral, social, and political impacts, and issues regarding religious liberty. (2) Analyze the great religious revivals and the leaders involved in them, including the First Great Awakening, the Second Great Awakening . . .

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

Prayer at Government Meetings

National Civics Standard (18): Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. Middle: (2) Knows historical and contemporary examples of the rule of law . . . **High:** (2) Knows historical and contemporary practices that illustrate the central place of the rule of law (e.g., . . . higher court review of lower court compliance with the law . . .). (5) Understands how the individual's rights to life, liberty, and property are protected by the trial and appellate levels of the judicial process and by the principal varieties of law (e.g., constitutional, criminal, and civil law).

California HSS Standard 12.2: Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (1) Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion . . .).

California HSS Standard 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment . . .

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.7, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

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Constitutional Rights Foundation Receives Grant to Support Teacher Leaders, Collaboration, and Implementation of New State Standards

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T2T Collab

Constitutional Rights Foundation (CRF) has been awarded a new grant from the Center for the Future of Teaching & Learning at WestEd to work with teacher leaders to enhance instructional practices that engage students in critical thinking and improve reading, writing, and discussion skills.

We have fabulous partners: Los Angeles County Office of Education, Carolina K-12 at University of North Carolina-Chapel Hill, and the Florida Joint Center for Citizenship at the Lou Frey Institute housed at University of Central Florida.

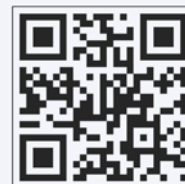
CRF and our partners are working with 20 teacher leaders who will be featured in upcoming issues of *Bill of Rights in Action*. We will share tips, lessons, and resources on CRF's and partner websites throughout the year! Look for the  icon!

There are two ways to join the T2T Collab:

- Teachers based in Los Angeles County and San Bernardino County in California, North Carolina, or Florida can join one of our teacher cohorts lead by teacher leaders and receive free face-to-face professional development, online support, and stipends too!
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This project is part of the Center for Teaching & Learning's Teacher Practice Network and is funded by the Bill & Melinda Gates Foundation.



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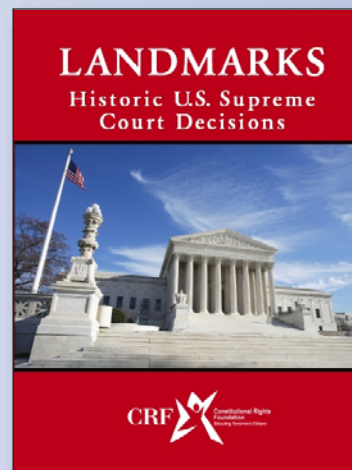
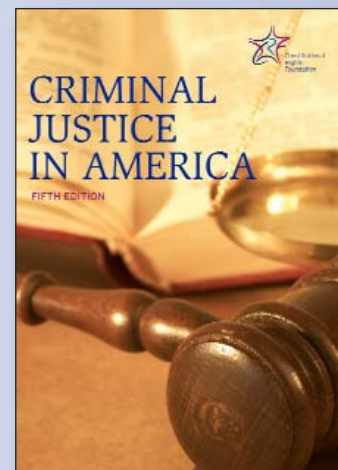
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<i>Mapp v. Ohio</i> (1961)	<i>Gideon v. Wainwright</i> (1963)	<i>Miranda v. Arizona</i> (1966)	<i>U.S. v. Nixon</i> (1974)
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Constitutional Rights Foundation Receives Grant to Support Teacher Leaders, Collaboration, and Implementation of New State Standards

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For more information and to join a cohort visit: www.crf-usa.org/t2tcollab

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