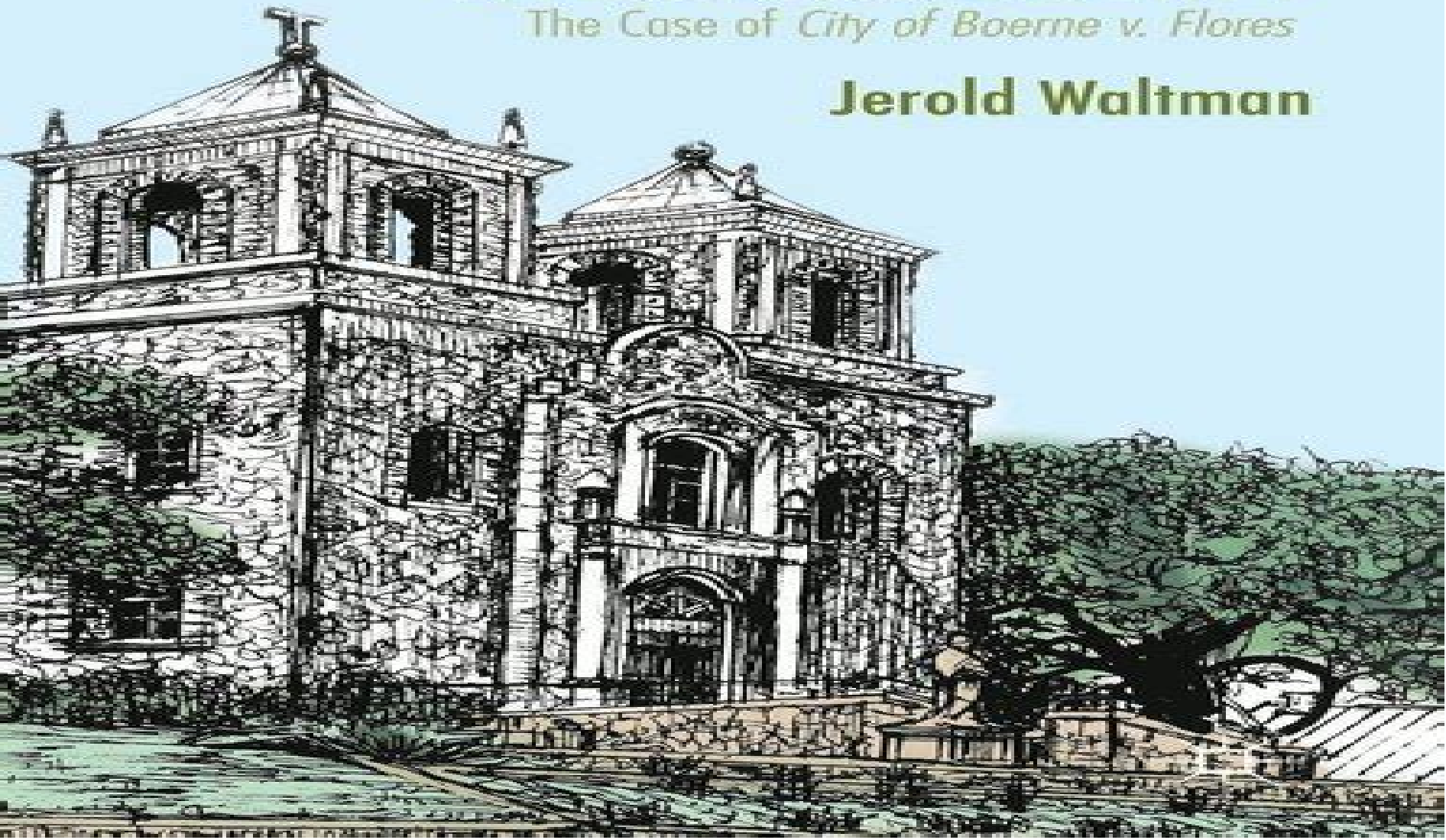


# CONGRESS, THE SUPREME COURT, AND RELIGIOUS LIBERTY

*The Case of City of Boerne v. Flores*

**Jerold Waltman**



# Religious Liberty In The Supreme Court

**Carolyn Nestor Long**



## **Religious Liberty In The Supreme Court:**

Religion on Trial Phillip E. Hammond, David W. Machacek, Eric Michael Mazur, 2004 The free exercise of conscience is under threat in the United States Already the conservative bloc of the Supreme Court is reversing the progress of religious liberty that had been steadily advancing And this danger will only increase if more conservative judges are nominated to the court This is the impassioned argument of Religion on Trial Against Justices Scalia Thomas and Chief Justice Rehnquist the authors argue that what the First Amendment protects is the freedom of individual conviction not the rights of sectarian majorities to inflict their values on others Beginning with an analysis of the origins of the Constitution and then following the history of significant church state issues Religion on Trial shows that the trajectory of American history has been toward greater freedoms for more Americans freedom of religion moving gradually toward freedom of conscience regardless of religion But in the last quarter century conservatives have gained political power and they are now attempting to limit the ability of the Court to protect the rights of individual conscience Writing not just as scholars but as advocates of church state separation Hammond Machacek and Mazur make the strong case that every American needs to pay attention to what is happening on the Supreme Court or risk losing the liberties of conscience and religion that have been gained so far

**Religious Liberty in the Supreme Court** Terry Eastland, 1995 Twenty five cases decided between 1940 and 1992 including the upholding of a Minnesota law in the 1983 *Mueller v Allen* case are introduced excerpted and annotated with editorial comment on fifteen of the cases from such sources as the New York Times the Washington Post The Christian Century and The New Republic as well as comment on trends in the Court's religion clause jurisprudence and their implications for our public life by three legal scholars Includes index of cases and judges Religious Liberty and the American Supreme Court Vincent Phillip Muñoz, 2015-03-27 Throughout American history legal battles concerning the First Amendment's protection of religious liberty have been among the most contentious issue of the rights guaranteed by the United States Constitution Religious Liberty and the American Supreme Court The Essential Cases and Documents represents the most authoritative and up to date overview of the landmark cases that have defined religious freedom in America Noted religious liberty expert Vincent Philip Munoz Notre Dame provides carefully edited excerpts from over fifty of the most important Supreme Court religious liberty cases In addition Munoz's substantive introduction offers an overview on the constitutional history of religious liberty in America Introductory headnotes to each case provides the constitutional and historical context Religious Liberty and the American Supreme Court is an indispensable resource for anyone interested matters of religious freedom from the Republic's earliest days to current debates *Religious Liberty and the American Supreme Court* Vincent Phillip Muñoz, 2015-03-27 Throughout American history legal battles concerning the First Amendment's protection of religious liberty have been among the most contentious issue of the rights guaranteed by the United States Constitution Religious Liberty and the American Supreme Court The Essential Cases and Documents

represents the most authoritative and up to date overview of the landmark cases that have defined religious freedom in America Noted religious liberty expert Vincent Philip Munoz Notre Dame provides carefully edited excerpts from over fifty of the most important Supreme Court religious liberty cases In addition Munoz s substantive introduction offers an overview on the constitutional history of religious liberty in America Introductory headnotes to each case provides the constitutional and historical context Religious Liberty and the American Supreme Court is an indispensable resource for anyone interested matters of religious freedom from the Republic s earliest days to current debates Congress, the Supreme Court, and Religious Liberty J. Waltman,2013-06-18 In the case City of Boerne v Flores the Supreme Court struck down the Religious Freedom Restoration Act of 1993 Waltman offers the first book length analysis of the act to show how this case contributes to an intense legal debate still ongoing today Can and should the Supreme Court be the exclusive interpreter of the Constitution

Religious Liberty in America Louis Fisher,2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual s right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom Religious Liberty in America persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish **Free to Believe** Luke

Goodrich,2019-10-22 A leading religious freedom attorney the veteran of several Supreme Court battles helps people of faith

understand religious liberty in our rapidly changing culture why it matters how it is threatened and how to respond with confidence and grace WINNER OF THE CHRISTIAN BOOK AWARD THE GOSPEL COALITION S BEST BOOK OF THE YEAR PUBLIC THEOLOGY CURRENT EVENTS NAMED ONE OF THE BEST BOOKS OF THE YEAR BY WORLD MAGAZINE Many Americans feel like their religious freedom is under attack They see the culture changing around them and they fear that their beliefs will soon be punished as a form of bigotry Others think these fears are overblown and say Christians should stop complaining about imaginary persecution In *Free to Believe* leading religious freedom attorney Luke Goodrich challenges both sides of this debate offering a fresh perspective on the most controversial religious freedom conflicts today With penetrating insights on gay rights abortion rights Islam and the public square Goodrich argues that threats to religious freedom are real but they might not be quite what you think As a lawyer at the Becket Fund for Religious Liberty Goodrich has won several historic Supreme Court victories for clients such as the Little Sisters of the Poor and Hobby Lobby Combining frontline experience with faithful attention to Scripture Goodrich shows why religious freedom matters how it is threatened and how to protect it The result is a groundbreaking book full of clear insight practical wisdom and refreshing hope for all people of faith

*Witnessing Their Faith* Jay Sekulow, 2006 When it was ratified in 1791 the First Amendment to the Constitution of the United States sought to protect against two distinct types of government actions that interfere with religious liberty the establishment of a national religion and interference with individual rights to practice religion Since that time no question has so bedeviled the U S Supreme Court as finding the best way to interpret and apply the Establishment Clause and the Free Exercise Clause of the First Amendment In this unique and timely book Jay Sekulow examines not only the key cases and their historical context that have shaped the law concerning church state relations but also for the first time the impact of the religious faith and practices of Supreme Court Justices who have ruled in each case Covering cases from the teaching of religion in public schools and the use of federal funds for parochial schools to today s debates about the Pledge of Allegiance and public displays of the Ten Commandments *Witnessing Their Faith* is essential reading for anyone interested in the history and future of religious freedom in America

**A Review of the Decision of the Supreme Court of the United States, in the Case of *Geo. Reynolds Vs. the United States*** George Quayle Cannon, 1879

**Religious Liberty and the Secular State** John M. Swomley, 1987 This book examines the political and religious context in which the Constitution and The Bill of Rights were adopted Swomley reasons that those who wrote and adopted the Constitution and First Amendment intended a strict separation of church and state a government that would neither aid nor impede religion *Religious Liberty and the Secular State* refutes Chief Justice Rehnquist s position that the framers of the Constitution did not intend to ban all religious aid only preferential aid Swomley also refutes Rehnquist s claim that the Establishment Clause in the First Amendment was intended to prevent the establishment of a single national church Swomley concludes that the Constitution was intended to prevent the federal government from establishing one or more churches and to prevent the tax

support of churches on any basis This book exposes the Supreme Court's erosion of the Establishment Clause while emphasizing the Free Exercise Clause Swomley also explores civil religion secular humanism and the current counter revolution against separation of church and state led by some religious and political conservatives who would profit from government aid He also lists the benefits churches would realize under a secular government Religious Freedom and the Supreme Court Ronald Bruce Flowers, Melissa Rogers, Steven Keith Green, 2008 It is clear relevant and an essential text for the twenty first century

**Encyclopedia of American Civil Liberties** Paul Finkelman, 2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book's multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students

**Religious Liberty Protection Act of 1998** United States. Congress. Senate. Committee on the Judiciary, 1999

**Issues in Religious Liberty** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, 1985

**The Tragedy of Religious Freedom** Marc O. DeGirolami, 2013-06-10 Legal scholars expect to resolve religious dilemmas according to principles of equality neutrality or separation of church and state But such abstractions fail to do justice to the clashing values in today's pluralistic society Marc DeGirolami explains why conflicts implicating religious liberty are so emotionally fraught and deeply contested

**Religious Liberty in Crisis** Ken Starr, 2021-04-13 What was unfathomable in the first two decades of the twenty first century has become a reality Religious liberty both in the United States and across the world is in crisis As we navigate the coming decades We the People must know our rights more than ever particularly as it relates to the freedom to exercise our religion Armed with a proper understanding of this country's rich tradition of religious liberty we can protect faith through any crisis that comes our way Without that understanding though we'll watch as the creeping secular age erodes our freedom In this book Ken Starr explores the crises that threaten religious liberty in America He also examines the ways well meaning government action sometimes undermines the religious liberty of the people and how the Supreme Court in the past has ultimately provided us protection from such forms of government overreach He also explores the possibilities of future overreach by government officials The reader will learn how each of us can resist the quarantining of our faith within the confines of the law and why that resistance is important Through gaining a deep understanding of the Constitutional importance of religious expression Starr invites the reader to be a part of protecting those rights of religious freedom and taking a more active role in advancing the cause of liberty

Religious Liberty United States. Congress. Senate. Committee on the Judiciary, 2000

Religion and the American Constitutional Experiment John Witte, Jr., Joel A. Nichols, 2016-03-11 This accessible introduction tells the American story of religious liberty from its colonial beginnings to the latest Supreme Court cases The authors provide

extensive analysis of the formation of the First Amendment religion clauses and the plausible original intent or understanding of the founders They describe the enduring principles of American religious freedom liberty of conscience free exercise of religion religious equality religious pluralism separation of church and state and no establishment of religion as those principles were developed by the founders and applied by the Supreme Court Successive chapters analyze the two hundred plus Supreme Court cases on religious freedom on the free exercise of religion the roles of government and religion in education the place of religion in public life and the interaction of religious organizations and the state A final chapter shows how favorably American religious freedom compares with international human rights norms and European Court of Human Rights case law Lucid comprehensive multidisciplinary and balanced this volume is an ideal classroom text and armchair paperback Detailed appendices offer drafts of each of the religion clauses debated in 1788 and 1789 a table of all state constitutional laws on religious freedom and a summary of every Supreme Court case on religious liberty from 1815 to 2015 Throughout the volume the authors address frankly and fully the hot button issues of our day religious freedom versus sexual liberty freedom of conscience and its limitations religious group rights and the worries about abuse faith based legal systems and their place in liberal democracies and the fresh rise of anti-Semitism Islamophobia and anti Christianity in America and abroad For this new edition the authors have updated each chapter in light of new scholarship and new Supreme Court case law through the 2015 term and have added an appendix mapping some of the cutting edge issues of religious liberty and church state relations

**Religious Liberty Protection Act of 1999** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 2000

**Religious Freedom and Indian Rights** Carolyn Nestor Long, 2000

The Supreme Court's controversial decision in *Oregon v Smith* sharply departed from previous expansive readings of the First Amendment's religious freedom clause and ignited a firestorm of protest from legal scholars religious groups legislators and Native Americans A major event in Native American history the case attracted widespread support for the Indian cause from a diverse array of religious groups eager to protect their own religious freedom and led to an intense tug of war between the Court and Congress Carolyn Long provides the first book length analysis of *Smith* and shows why it continues to resonate so deeply in the American psyche Back cover

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