

Religion & Webinar Teaching Resources

Religion & The Supreme Court – released December 2021

[YouTube Link](#)

Overview:

Religion and religious freedom are often key themes before the Supreme Court. A 2021 New York Times article went as far as to claim “An Extraordinary Winning Streak for Religion at the Supreme Court.” Both the current docket and the faith traditions of the sitting justices have ignited a series of questions around the issues of disestablishment, free exercise, and the ways race, class, and gender identity interact with each of these bedrock American principles. For instance, does the Supreme Court’s protection of religious freedom undermine equality before the law? Does this protection go beyond what even the Founders intended? Panelists will discuss the justices’ understanding of religion, the ways religion is changing in America, and the impact of these combined variables on American life. How can new scholarship about religion, race, gender identity, and jurisprudence help us interrogate the current moment? How can scholars in these fields help us understand the inflection points that define the relationship between Supreme Court decisions and our shared future?

Cohosts

Arthur E. Farnsley is Senior Research Fellow of the Center, Research Director for Religion and Urban Culture 2.0 and data evangelist for the Association of Religion Data Archives. He served as Executive Officer of the Society for the Scientific Study of Religion (SSSR) from 2007-2016. An expert in American religion and civil society, his books include *The Bible in American Life* (Oxford University Press, 2017), *Flea Market Jesus* (Cascade Books, 2012); *Sacred Circles, Public Squares: The Multicentering of American Religion* (Indiana University Press, 2005); *Rising Expectations: Urban Congregations, Welfare Reform, and Civic Life* (Indiana University, 2003); and *Southern Baptist Politics: Authority and Power in the Restructuring of an American Denomination* (Pennsylvania State University, 1994). His articles have appeared on the cover of both *Christian Century* and *Christianity Today* magazines.

Sally Gordon is well known for her work on religion in American public life and the law of church and state, especially for the ways that religious liberty developed over the course of American national history. She is a frequent commentator in news media on the constitutional law of religion and debates about religious freedom. Her current book project is *Freedom’s Holy Light: Disestablishment in America, 1776-1876*, about the historical relationship between religion, politics, and law. Her first book, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Univ. of North Carolina, 2002), won the Mormon History Association’s and the Utah Historical Society’s best book awards in 2003. Her second book, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Harvard, 2010), explores the world of church and state in the 20th century.

Panelists

Beth Cate practiced law in the public and private sectors for 20 years. Her expertise includes intellectual property law, data privacy and security, administrative law, compliance and ethics, and constitutional law. With Fred H. Cate, she co-authored “The Supreme Court and Information Privacy” for *Bulk Surveillance: Systematic Government Access to Private Sector Data*, James X. Dempsey and Fred H. Cate eds. (Oxford Univ. Press 2018). An earlier version of the chapter appeared as an article in the journal *International Data Privacy Law*. They are currently working on a book about the Supreme Court’s privacy jurisprudence, and she

is also working on an article addressing the future of student records privacy. She has authored two entries in Springer's *Global Encyclopedia of Public Administration, Public Policy, and Governance*, entitled "Constitutional Rights of Public Employees" and "Constitutional Intersection of Civil Liberty and Public Administration." She also co-authored, with Andrea Need, "Correcting the System of Unequal Justice," in Tavis Smiley's 2016 book *Covenant With Black America—Ten Years Later*.

Fred Smith Jr. is associate professor at Emory University School of Law. He is a scholar of the federal judiciary, constitutional law, and local government. In 2019, he was named Emory Law's Outstanding Professor of the Year. Smith clerked for Judge Myron Thompson of the Middle District of Alabama; Judge Barrington D. Parker Jr. of the United States Court of Appeals for the Second Circuit; and Justice Sonia Sotomayor of the United States Supreme Court. Prior to teaching, he also worked for Bondurant, Mixson & Elmore LLP in Atlanta. Smith's research focuses on accountability, federal jurisdiction, and state sovereignty. His work has appeared, or will appear, in *Columbia Law Review*, *Harvard Law Review*, *Michigan Law Review*, *New York University Law Review*, *Notre Dame Law Review*, *Stanford Law Review*, *Vanderbilt Law Review*, among other academic journals.

Sources Mentioned in Video

Books

The Supreme Court and Privacy

Court Cases

- [Fulton v Philadelphia](#)
- [Bostock v Clayton County](#)
- [Carson v Makin](#)
- [Bob Jones v United States](#)
- Evangelicals and Catholics Together signed in 1994
<https://www.gty.org/library/articles/A149/evangelicals-and-catholics-together>
- Smith Case <https://www.oyez.org/cases/1989/88-1213>

Teaching Resource 1: Written Responses

- Using this video to show the intersection between government and religion but also how these lenses help students understand religious studies and the core concepts.
1. How do scholars of religion draw a line between what is religious and what is not? Do they, or is it not possible?
 2. This video online seminar was before the overturning of *Roe v. Wade*. How does the information from this video impact the understanding of cases like *Roe v. Wade*, landmark cases, and the overturning of such laws?

Related Teaching Resources (found on RAAC website):

- Political Science 4070: Religion and American Politics
 - o https://raac.iupui.edu/teaching_resources/political-science-4070-religion-and-american-politics/
- Religion and the Politics of the Vote
 - o <https://www.youtube.com/watch?v=HGqjc56E3gQ>
- The Religion Clauses of the First Amendment
 - o https://raac.iupui.edu/teaching_resources/syllabus-5/
- American Religion Timelines
 - o https://raac.iupui.edu/teaching_resources/american-religion-timelines/
- Church and State in American History
 - o https://raac.iupui.edu/teaching_resources/balik-shelby-m-church-and-state-in-american-history/
- L2430: Analyzing Religion and Politics
 - o https://raac.iupui.edu/teaching_resources/l2430-analysing-religion-and-politics/
- Law and Religion in U.S History
 - o https://raac.iupui.edu/teaching_resources/law-and-religion-in-u-s-history/