

BJC in the Courts

Religious liberty in America is protected by the twin guarantees of the Religion Clauses in the First Amendment and other laws that deal with the relationship between the institutions of government and religion. The BJC believes that support for religious liberty requires support for the principles embodied in the First Amendment's Religion Clauses and Free Speech Clause that have long protected our freedom.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; U.S. Constitution, amend I

The Religion Clauses make up our "first freedom" of the First Amendment of the Bill of Rights and became law in 1791. The meaning of our first freedom has been informed by history and developed through the cases of the U.S. Supreme Court. Although originally directed only to the federal government, the First Amendment's protections have been interpreted as applicable to the states through the 14th Amendment. The Free Exercise Clause was expressly incorporated in *Cantwell v. Connecticut*, 310 U.S. 296 (1940) and the Establishment Clause in *Everson v. Board of Education*, 330 U.S. 1 (1947).

The BJC Office of the General Counsel monitors church-state litigation, provides analysis of cases, and participates in some of the more pressing litigation matters affecting religious freedom. The cases on which we have worked involve the First Amendment and various statutes that also protect religious freedom. We do not initiate litigation but participate primarily through coordinated *amicus curiae* (friend-of-the-court) efforts. We are often asked to join such efforts, as well as to contribute to the planning, writing, and editing process, or to do outreach for additional support for *amicus* efforts. Many times we work with counsel from other organizations or law firms contributing work *pro bono*. We typically file briefs in any U.S. Supreme Court case dealing with religious liberty and decide involvement in other lawsuits on a case-by-case basis.