

Question I (School District contract with Briarcliff School) (40 points)

- Standing-coerced to attend relig school and taxpayer \$ spent on sending to relig sch-----(3) _____
- Purpose-Sch Dist (SD) obligation to provide appropriate educ for special needs students-(3) _____
- Effect-AA-direct aid in form of \$ to religious school, no private choice, no limits on use-(5) _____
- Effect-SD-separate program, no religious content, \$ doesn't pay for religious education--(5) _____
- Entanglemt-same personnel as parochial sch, needs constant monitoring as in Lemon-----(4) _____
- Agostini test (Lemon modified for parochial school aid cases)-purpose/3 effect criteria---(2) _____
- Effect-gov'tal indoctrinatn of relig?; define participants by relig?; excessive entanglemt?(6) _____
- Endorsemt test-purpose/effect of endorsemt/knowledgeable observer, knows history-----(5) _____
- Pay for AA to go to another school-eliminates coercion to attend, but still an Estab Cl issue even if no coercion, other students might not sue, but taxpayer still could sue------(4) _____
- Miscellaneous _____ (3) _____

Question II (Palinites and Sarah Palin Day school holiday) (40 points)

- Standing-\$ to change?, student impacted?, not objecting to all relig holidays------(2) _____
- Palinism - is it a religion?; Malnak test- ultimate questions, comprehensive, formal signs(3) _____
- Test applied to facts - argue a religion, argue not a religion, but a pol group------(6) _____
- Estab Cl (if a religion) - Lemon-purpose, effect (allow religion to advance its own interests), entanglement - political divisiveness, election along relig lines, endorsement gloss------(7) _____
- Kennedy accommodation test-lift burden, don't shift burden, available to others who are similarly situated or favoritism toward Palinites-apply to facts------(6) _____
- Denominational Preference - pref for Palinism, if a religion - strict scrutiny test applied--(4) _____
- Free Ex-non-neutral-Lukumi-discrim ag Jews (no YK) or hybrid claim?, strict scrut------(4) _____
- Sincerely held religious beliefs burdened, what burden does BB allege?------(2) _____
- Not req'd to accommodate relig holidays, but can SD accommodate some & not others?(3) _____
- Miscellaneous _____ (3) _____

Question II (City of Les Croix seal) (40 points)

- Standing-economic-tax \$ spent on seal in a variety of forms-uniforms, stationary, etc------(3) _____
- Noneco standing-encounters seal in many circs-no change in routine but not nec'y------(4) _____
- Estab Cl-Lemon test - purpose - recognize historical origins of city or promote religion?-(3) _____
- Even if originally to endorse relig that is no longer true (like Sunday closing law)------(3) _____
- Effect-mark all official acts w/relig symbol, law enforcemt uniforms etc, symbolic union(5) _____
- Cross along w/secular symbols on seal, does cross dominate-like issue in display cases---(3) _____
- Effect-is this first challenge?, if so 200 yrs w/o objection, longstanding practice (Marsh)-(2) _____
- Entanglement-no entanglement with religious entities in use of seal/pol divisiveness?-----(2) _____
- Endorsemt Test-Purpose to endorse?------(3) _____
- Effect of endorsemt? What does reasonable observer know? GG feels like outsider------(4) _____
- Free Speech - rt to add Jewish star - seal not a pub forum just gov't sp so no rt of access(5) _____
- Miscellaneous _____ (3) _____