

Religion & the Const Spring '08 Exam No. _____ Raw Score _____ Final Grade _____

Question I (Senior Awards Assembly Prayer) (50 points)

Standing-noneconomic-attendance at event (mandatory for Mary Arnold)------(4) _____
Lemon Test-School's Purpose-allow officials to recognize achievements of their children(3) _____
Effect - psychological coercion? - respectful silence as in Lee v. Weissman------(4) _____
Legal coercion - mandatory attendance at SAA, but need not participate in prayer------(4) _____
Gov't Speech vs. Private Speech-speaking as school bd chair vs. as parent, public forum(6) _____
School sponsorship (as in Doe)-official event, on stage by virtue of position------(4) _____
Not sponsored by school-not on program, no guidelines, no advance knowledge------(4) _____
Entanglement-no involvement w/religious org so no claim under this prong, divisiveness(2) _____
Endorsement Test apply-purpose to endorse, effect- in/outside, knowledgeable observer(5) _____
Denominational prayer not just monotheistic, ceremonial deism?------(5) _____
Graduation-advance knowledge, does this mean becomes school sponsored?------(6) _____
Miscellaneous _____ (3) _____

Question II (Our Religious Heritage Display) (50 points)

BB's claim-Standing-BB-non-eco harm-no change in behavior-walks by occasionally-----(4) _____
BB-not a resident so couldn't claim municipal taxpayer standing & not as separationist---(2) _____
Original display - not a public forum (gov't speech) - placed there by gov't------(3) _____
Modified Display-gov't speech so can bring EC claim or became a PF (private speech)---(4) _____
If gov't speech - Lemon Test - Purpose (promote religious diversity)------(2) _____
Effect-passive display but only religious symbols, Christmas & 10 Commandments cases(4) _____
Excessive Entanglement-only involvement acceptance of gift, but decide if a religious symbol(3) _____
If gov sp-Endorsement Test-purpose/effect to endorse,in/outside, knowledgeable observer(4) _____
Prefer Religion over Nonreligion, but no denominational pref- is that an EC violation?---(2) _____
SCA's Claim-Standing-SCA-noneco harm by city refusing donation------(2) _____
Govt speech vs. Private speech - is it still gov't speech even though accepted donations?-(3) _____
If private-free speech claim-display as PF, only for religious symbols?, viewpoint discrim(4) _____
Is SCA a religion? Apply Malnak Test-ultimate ideas, comprehensive, formal signs------(6) _____
Exclusion from PF - Strict Scrutiny or only reasonableness to limit forum to like items---(4) _____
Miscellaneous _____ (3) _____

Question III (Elementary School Teacher Continuing Education Fund) (50 points)

Standing - state taxpayer standing, genuine spending program------(2) _____
Lemon/Agostini Test- prong one - Purpose-improve teacher quality------(2) _____
Effect-gov't indoctrination-pays for religious training, but reimbursement of school choices(4) _____
Recipients not defined by religion-all schools based on # of teachers- Mitchell v. Helms-(4) _____
Broad class of beneficiaries-all teachers, public, private, religious, secular, 80% public---(4) _____
Direct vs. Indirect Aid-aid to schools, but based on teacher choice of where to work------(4) _____
Money to Parochial Schools - but as reimbursement for specific expenses------(4) _____
Neutral Aid - just giving \$ to pay for training, but \$ can be diverted, but reimbursement-(4) _____
Direct aid to fund education provided by religious school, teacher training not education(4) _____
No limit on training (train to teach religion) & includes pervasively sectarian schools---(4) _____
Excessive Entanglement - admin cooperation, but no pervasive monitoring, divisiveness(3) _____
Endorsement Test applied- purpose, effect, in/outside, knowledgeable observer------(4) _____
Facial vs. as applied challenge - can put off consideration of religious training programs(4) _____
Miscellaneous _____ (3) _____