

Question I (Italian festival-Mass) (40 points)

Standing-not city taxpayer, noneco personal injury, altered behavior?---(6) _____
 Lemon test-purpose-endorse Catholicism or acknowledge italian origins--(4) _____
 effect-mass part of festival with nonreligious elements like Lynch----(4) _____
 can mass be a secular celebration in context of festival?----- (3) _____
 voluntary;no coercion to attend;not public school-unlike Lee v. Weisman(4) _____
 45 minute event, not permanent or seasonal display----- (2) _____
 no money to church, but city provided space for mass----- (2) _____
 endorsement-message to adherents and nonadherents, symbolic union----- (4) _____
 entanglement-city official asked priest to participate(Lee v. Weisman)-(2) _____
 no indication worked together in planning mass, but set up cross, altar(2) _____
 preference for Catholic religion (Grumet) - Larson test----- (2) _____
 public forum-Widmar----- (2) _____
 miscellaneous _____ (3) _____
 Total- _____ pts.

Question II (Sikh teacher's right to wear religious garb) (80 points)

SINCERELY HELD RELIGIOUS BELIEF - recent convert qualifies----- (4) _____
 SUBSTANTIAL BURDEN on religion-choice between religion & job----- (3) _____
 no sub burden-gave teacher choice of admin job,can wear clothes off job(3) _____
 protection doesn't turn on CENTRALITY of wearing garb to Sikh religion-(3) _____
 ESTAB CL-if teachers wear relig garb-would that violate Est Cl (Widmar)(3) _____
 if allow:purpose-to allow free exercise;not promote relig in schools---(2) _____
 if allow:effect-advance religion?teachers as role models----- (2) _____
 wearing garb is result of private choices, not promoted by school----- (2) _____
 would school appear to endorse relig; symbolic union of church & state-(2) _____
 if allow:no entanglement issue----- (1) _____
 DRESS CODE- COMPELLING PURPOSE? maintain neutrality of classroom----- (3) _____
 LESS RESTR ALT/would int be undermined by an exception for religion---- (3) _____
 alternative of allowing teacher to explain no endorsement intended---- (3) _____
 statute treats religion and nonreligion equally----- (2) _____
 would allowing religious garb violate ESTAB CL (see above)----- (2) _____
 GARB LAW-COMPELLING PURPOSE?maintain ch/st sep----- (2) _____
 But pub schools should encourage respect for diversity----- (2) _____
 LESS RESTRICTIVE ALTS-allow teacher to explain no endorsement intended-(2) _____
 But 4th grade students are impressionable;explanation might not work---(3) _____
 narrow means-allow teacher to change clothes; admin job alternative---- (2) _____
 discriminates against religious clothing unlike Dress Code----- (2) _____
 discrim among religions?-not on face;discrim purpose?effects only religions
 that prefer/require special clothing-like Larson or Lukimi Babalu Aye?-(5) _____
 does Garb Law violate ESTABLISHMENT CLAUSE----- (2) _____
 LEMON-PURPOSE to inhibit relig(anti-catholic)or maintain ch & st sep---(3) _____
 EFFECT-inhibits free ex;can exercise relig when off job or get dif. job(3) _____
 refusal to grant exemption doesn't create ENTANGLEMENT unlike Title VII(3) _____
 would allowing relig. garb violate ESTAB CL (see above)----- (2) _____
 FREE EX CL-does any exception apply or would standard be comp int test-(4) _____
 create exception for school officials like prison & military-ratl basis(4) _____
 Miscellaneous _____ (3) _____
 Total- _____ pts