

Religion Fall 2011 Harpaz Exam # _____ Raw Score _____ Exam Grade _____

Question I (high school property transfer) (72 points)

Standing - taxpayer and funds out of eco dev tax; spending measure------(4)___
Lemon Test - purpose, effect, entanglement------(2)___
Apply Lemon-Purpose-eco dev; effect-transfer of city propy to relig sch for less than FMV. No broad range of beneficiaries, direct aid case; entanglement: city & school tied together for 10 yrs thru use of athletic facilities, but scheduling of secular activity(12)___
Agostini Test and Apply test-purpose; effect:(1)whether results in govtal indoctrination of religion;(2) defines participants by religion;(3) creates excessive entanglement(12)___
Endorsement Test and Apply Test: purpose to endorse?; effect of endorsement?; what does knowledgeable observer perceive about arrangement with the city?------(9)___
Larkin-gov't power lent to relig entity? not eminent domain, but city purchase-----(8)___
Kirys Joel - acceptable accommodation of religion?-not lifting burden imposed on relig by govt (couldn't afford property); not relieved of burden of law of genl applicability; is burden shifted? To city taxpayers-fund is depleted by purchase price; no evidence wouldn't do same thing for dif relig school in same circs-fails the test------(12)___
Denominat'al Pref-Catholic Ch?-no other relig gets prop, just coincidence?; same benefit for any purchaser? strict scrutiny? (comp'g int, alt means that don't prefer relig?) (10)___
Miscellaneous_____ (3)___

Question II (city holiday display and memorial cross) (36 points)

standing - taxpayer and resident, any city money spent on display?------(5)___
noneconomic standing - works near the display; offended by it------(5)___
Lemon test-purpose-to celebrate holiday season (Lynch) and honor dead soldier; effect of crèche/cross (any secular symbols?); no entanglmt w/religious entity------(9)___
Endorsement test - what would knowledgeable observer perceive about display?(7)___
whose speech?-public(donated to city) or private(private \$, pub forum)?------(7)___
Miscellaneous_____ (3)___

Question III (public school holiday assembly song selection) (36 points)

Standing-child who attends school and is reqd to participate and attend------(3)___
Lemon Test-Purpose-pt of performing arts curric; to acknowledge holiday season(4)___
Effect-Guidelines-balance secular/sectarian; relig songs, only entertainmt not worship?; coercion?-have to participate?, but only as art not relig? Songs chosen; approval-(7)___
Entanglement-none; school is acting alone------(2)___
Endorsement - chosen by kids, knowledgeable observer would realize that not intended as endorsement but only as beautiful songs to sing; many songs have religious origins; principal approved one song, but not necessarily endorsement - once students chose song overturning their decision could be seen as hostility to religion------(7)___
Free exercise-hybrid rt-rt of parent to raise child & free ex-Yoder-strict scrutiny-----(6)___
No excuse from participating sought only objected afterwards; could student be excused? so no proof of coercion and no free exercise claim------(4)___
Miscellaneous_____ (3)___