

*If you so choose, write a 4-5 page (maximum of five pages) "brief" in clear and grammatically correct English on the following case before the date provided in class (varies with class session). You should briefly note the facts, isolate the relevant constitutional questions, and discuss those questions referring to the cases we have read in class. Please remember to submit your memorandum in both hard copy and through Turnitin.com.*

Assigned March 15, 2007. Due March 29, 2007.

*El-Mohammed v. Utah Department of Corrections*

El-Mohammed, a Muslim and a permanent guest at the state of Utah's penitentiary, has requested *halal* meat as part of his diet. *Halal* meat is specially slaughtered to comply with Islamic law regarding the sanctity of animal life and avoidance of disease. Among its requirements, *Halel* preparation requires inspection of the animal, the use of a sharp knife against the carotid artery, the draining of all blood, and a special blessing by a religiously observant Muslim according to Islamic texts. Because *kosher* meat is prepared similarly, with the exception that the inspection, slaughter, draining of blood, and blessing be performed by a religiously observant Jew according to Jewish law, many Muslims accept *kosher* meat as *halal*. However, many other Muslims, including El-Mohammed, do not.

The Utah Department of Corrections has offered to accommodate El-Mohammed's request for *halal* meat by offering *kosher* meat twice a week and a vegetarian meal for all other meals. El-Mohammed, relying on the Religious Land Use and Institutionalized Persons Act of 2000, has rejected UDOC's offer of accommodation for three reasons. He first claims that the offer of only two meals with meat per week disadvantages him relative to prisoners without religious dietary restrictions. Secondly, he claims that, while many Muslims accept *kosher* meat as *halal*, the religious teachers who he follows do not, and therefore the accommodation is meaningless, asking him to follow an interpretation of Islamic law which differs from his own and indicating a state preference for one school of Islam over another. Thirdly, El-Mohammed argues that the offer of *kosher* food rather than *halal* is unreasonable, because, while there are a number of religiously observant Muslim prisoners in his facility, several of whom accept *kosher* meat as *halal*, there is not even a single religiously observant Jew housed in the same prison.

Examine El-Mohammed's claims under the Establishment and Free Exercise clauses and make a recommendation to the judge for whom you are clerking, noting all of the relevant precedents.