

State Aid to Religion and Religious Education

Terms:

<i>Lemon</i> Test (3 parts)	Secular Purpose
Primary Effect	Excessive Entanglement
Endorsement Test	School Vouchers
Virginia State for Religious Tolerance	Danbury Baptists Letter
Wall of Separation	Accommodation
Neutrality	

Assigned Cases:

Everson v. Bd of Ed; *Lemon v. Kurtzman*; *Agostini v. Felton*; *Zelman v. Simmons-Harris*

Questions for Reading Assigned Cases:

How does the decision in *Everson* lead to the rules in *Lemon v. Kurtzman*? How well does Black's adoption of the secular purpose test in *Everson* stand up through later cases?

What is excessive entanglement? How have attempts to avoid excessive entanglement led to the adoption of particular policies, such as school vouchers and after school programs?

Are *Agostini v. Felton* and *Zelman v. Simmons-Harris* compatible with *Lemon v. Kurtzman*? How much of the *Lemon* test is left after the Court's most recent decisions in this area?

An additional question: Two years ago Utah's legislature passed a school voucher bill which allows state vouchers to be issued to parents who may pass them on the private or parochial school of their choice. The law was overturned through a referendum, but an unresolved question remained. Did such a policy violate the section of Utah's Constitution below, even if it did not violate the Establishment Clause under the decision in *Zelman v. Simmons Harris*?

Article I, Section 4. [Religious liberty.]

The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.