

THE SOUR SPECTER OF THE FIRST AMENDMENT

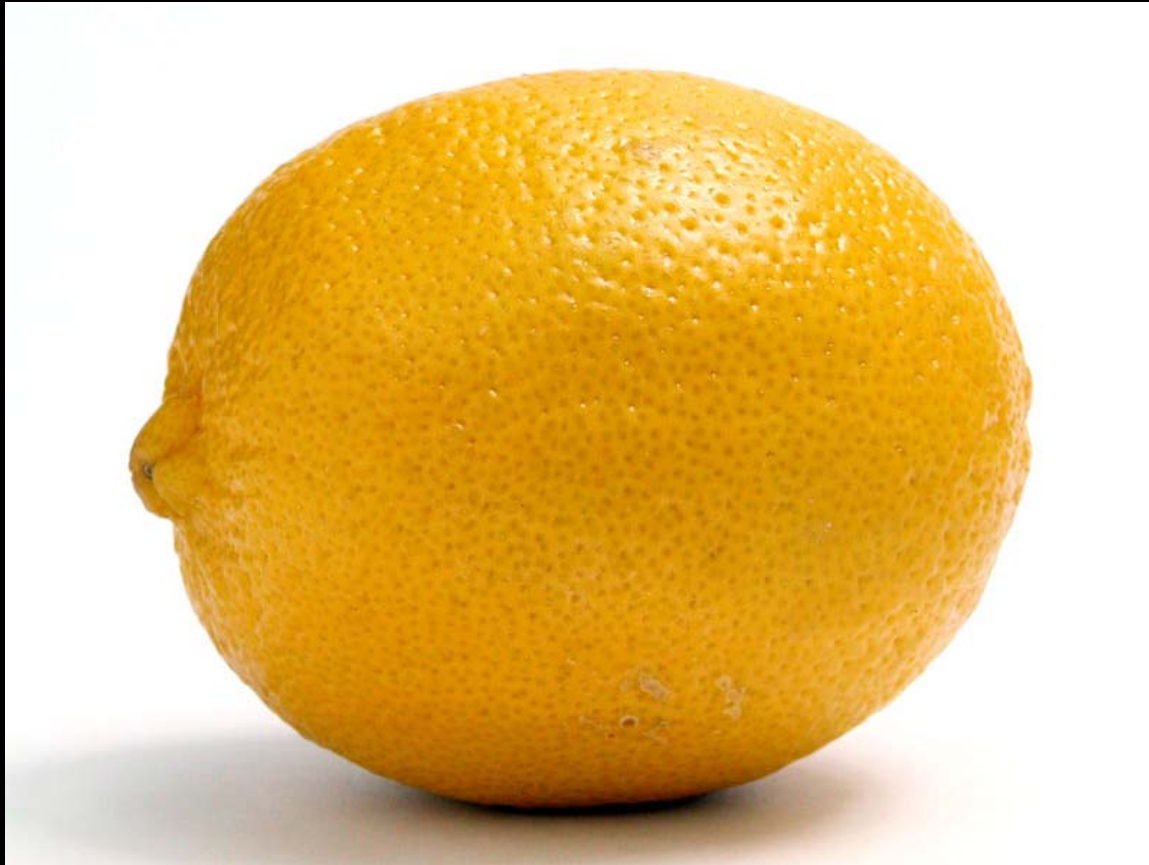
**The History, Legacy, and Zest of
*Lemon v. Kurtzman***



*“Like some
ghoul in a late-night horror movie
that repeatedly sits up in its grave and shuffles abroad after
being repeatedly killed and buried,
Lemon stalks our Establishment Clause
jurisprudence once again,
frightening the little children and school
attorneys of Center Moriches Union Free
School District.”*



JUSTICE ANTONIN SCALIA



A Lovely Piece of Fruit



Sometimes, life just gives you me.



The Lovely Liz Lemon



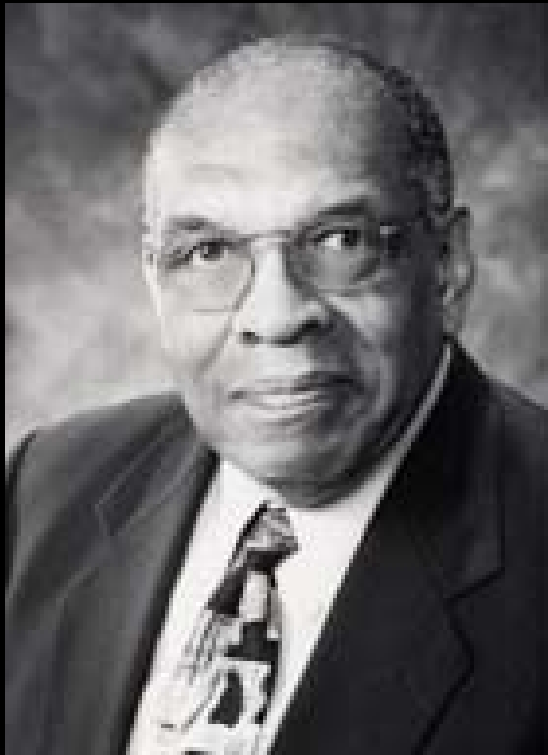
**“Lemon, don't gloat.
It makes you seem mannish.”**



The Lovely Lemon Monster

**“I WANT YOUR SCHOOL
VOUCHERS!!!”**

Lemon v. Kurtzman



Alton J. Lemon
Taxpayer, Parent



David Kurtzman
*Superintendent of Public
Instruction of Pennsylvania*



What exactly am I paying for?

- State can purchase “secular educational services” from nonpublic schools
 - Teachers’ salaries, textbooks, etc.
- Math, foreign languages, science, and PE
- Schools had to keep separate budgets
- Textbooks and teachers had to be approved by the state



\$17.5 Million
1000+ Schools

Briefs in Brief

Schools and State

- Financial crisis
 - Possible crisis at public schools
 - Big private school population
 - Restrictions are enough

Parents

- Unconstitutional
 - State using religious means to public end
 - Entanglement
 - Purpose and effect



*“Congress shall make no law
respecting an establishment of
religion, or prohibiting the
free exercise thereof...”*



**1ST AMENDMENT
US CONSTITUTION**

Does the government's action:

- 1. Have a secular legislative purpose;**
- 2. Have the primary effect of either advancing or inhibiting religion;**
- 3. Result in an "excessive government entanglement" with religion?**



LEMON TEST

Lemon Report Card

1. Secular Purpose Test

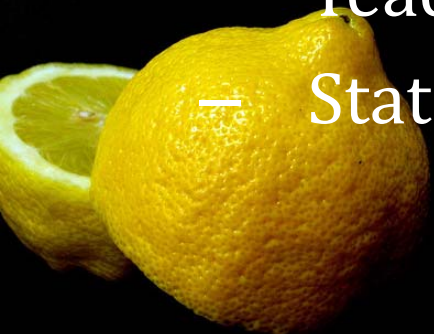
- Plays well with secular government

2. Primary Effect Test

- Law demonstrates disregard for boundaries

3. Entanglement Test

- Religious control
- Teachers balancing act
- State surveillance



Lemon Report Card

1. Secular Purpose Test

- Plays well with secular government

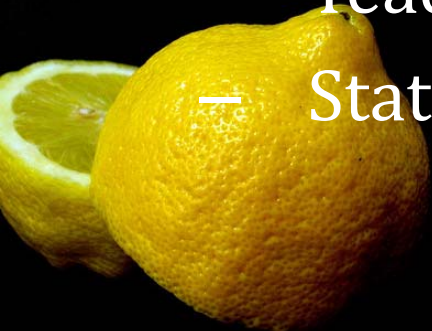
PASS

2. Primary Effect Test

- Law demonstrates disregard for boundaries

3. Entanglement Test

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Lemon Report Card

1. Secular Purpose Test

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PASS

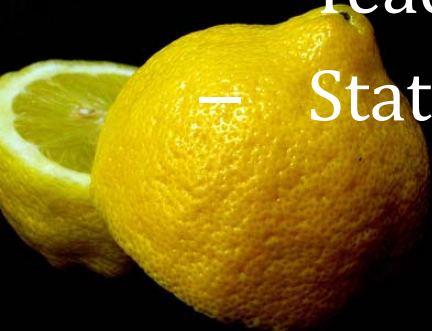
2. Primary Effect Test

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INCOMPLETE

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Lemon Report Card

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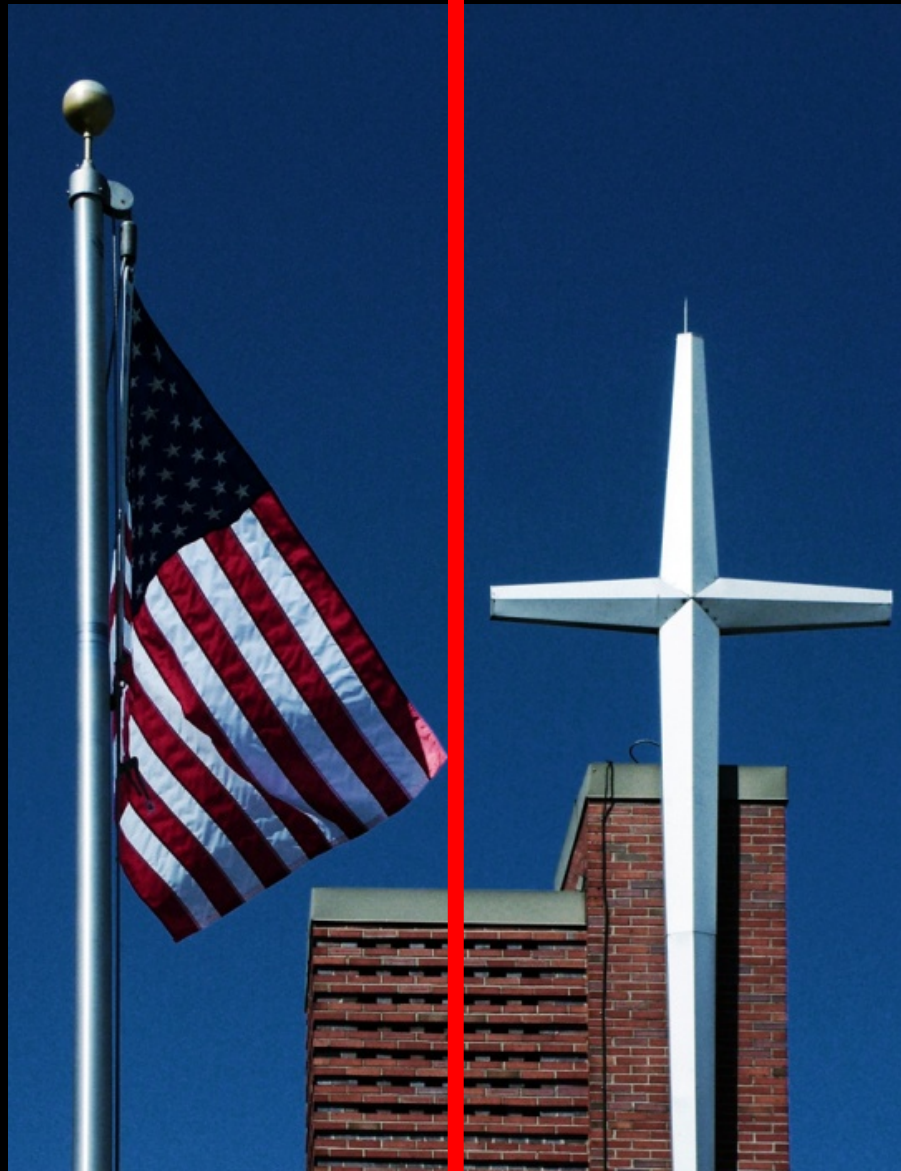
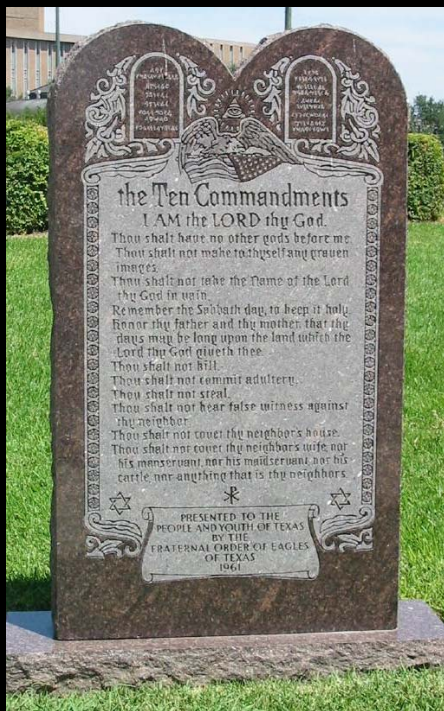
- Religious control
- Teachers balancing act
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EPIC FAIL





“The Lemon test is reviled by conservatives who believe that there should be no wall of separation between church and state. It is the bulwark of separation of church and state for those who want it to be there....”



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