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1. What challenges under the United States Constitution, if any, could Ivan reasonably raise to the dining hall quotations, and what is the likely outcome?

Standing

To bring an action, a Plaintiff must have Standing. Generally, the plaintiff must have suffered or is about to suffer imminent harm/Injury, and that the harm is redressable by the court.

Here, based on the facts, it is uncertain if Ivan has suffered any actual harm or injury, or will suffer harm or injury based on the quotations from the ten commandments, although he may argue that he has, if they are contrary to his sincerely held beliefs of his religion. IF, Ivan has been found to have suffered harm, then the court could address the issue by possibly removing the quotes from the wall of the dining hall.

Next to bring an action, the issue must be Ripe and actually at controversy. If Ivan has been harmed by the quotations in the dining room, then it may be ripe. If Ivan has not be harmed, then the issue would fail for lack of ripeness. Further, if the Jail took down the quotes, and resolved the matter prior to Ivan bringing the action, then the action would likely be Moot.

First Amendment (1A) - Under the Establishment Clause US Constitution, a person is entitled to freedom of religion without excessive government entanglement. A court will review the matter under the guidelines of strict scrutiny.

The government shall not promote or favor one religion over another. Generally the Lemon Test (Kurz v. Lemon) which is a 3 prong test is applied. That the rule looks for a (1)secular purpose, (2)that the government neither advance one particular religion over another, or the (3) government has excessive entanglement

Here, the government is posting "quotes" from the 10 commandments. Which although based in christian faith, were selected because they were considered to be 'good moral principles" with the hope that they would assist the prisoners upon release.

The jail will likely argue that the quotes were placed more for a secular purpose, and that their placement does not advance one particular religion, nor is the government excessively entangling itself, but rather trying to promote good moral character.

The jail will also argue that the selection chosen, neither advances one particular religion over another, because the majority of recognized religions would also spout these same proverbs of good moral character.

Whether or not the Jail has excessively entangled itself is likely the most difficult to decide. It is the jail (gov. actor) who placed the quotes, inside a government building (jail) for the purpose of instructing the prisoners on good moral behavior. It does not appear on its face that the intent was to promote the quotes as biblical or religious, but perhaps rephrasing them such as Don't kill, Don't Steal, Don't Lie would make them more secular. The court has held in cases regarding Christmas decorations and the Ten Commandments statue in a courthouse, that just because the item was there, it was there for a more general purpose (such as celebrating the holiday etc) and that it didn't further one religion over another, and was not excessive entanglement.

Equal Protection -is based on the notion that an individual or a like group cannot be singled out or treated differently. Depending on the classifications of the group, would depend on whether a rational basis, intermediate scrutiny or strict scrutiny would apply. Religion would fall under the strict scrutiny basis.

Ivan is not being treated differently than the other prisoners because of the quotes in the dining room. As such a ruling in favor of Ivan based on an argument of equal protection is not a likely.

Likely Outcome?

First the court will need to determine if Ivan has standing to sue. It does not appear that Ivan has been harmed by the quotes on the wall. If the court does find that Ivan has standing to sue, the court will look at whether or not the Jail (government actor) used the statements in a way inconsistent with the Lemon test based on the 1st amendment freedom of religion. If the court finds that the purpose was not secular (to improve general moral character of the inmates) but rather to advance religion (believe in the ten commandments!) the court may order the Jail to remove the quotes.

2. What challenges under the United States Constitution, if any, could Ivan reasonably raise to the denial of his request for the book and the tea? What is the likely outcome?

Standing (described above)

Re: Book: Here Ivan likely has standing as described above. By the Jails denial of his right to read his religious book, he is unable to practice his faith while incarcerated. As such, Ivan may be able to assert that he has suffered harm. The injury is redressable by the court, in allowing Ivan access to the religious book. The issue is ripe, because Ivan is being deprived the reading matter and actually at controversy. If the Jail does provide Ivan the book, the issue may not fail because of lack of mootness, if the instance is capable of repetition with another inmate.

Re: Tea: Here, The Jails denial of his right to drink the tea is in part based on the fact that Ivan would be consuming an illegal drug while in jail. Although this habit may be central to the practice of the tenants of the specific religion, it is reasonable that the Jail would not allow the behavior. The solution here would be to allow Ivan to drink the illegal drug tea, which is not likely a resolution that would be approved by the court. The court allows for religion to be burdened so long as incidental as described in detail below. Ivan would argue that he has standing to bring the matter in regards to the tea because

lack of the tea is infringing on his benefits to practice his religion, and as such there is an actual case in controversy and the matter is ripe for consideration.

First Amendment (1A) - Under the Establishment Clause, in the US Constitution, a person is entitled to freedom of religion. He is entitled to be able to practice his choice of religion so long as he has a reasonable belief in the religion (i.e. he isn't just claiming to believe in it so he can have illegal drugs in jail.) Again the court would review the matter under strict scrutiny.

Denial for the Request for the book While the Jail likely does not run afoul of the 1st amendment by providing copies of the Koran and the Bible to inmates, as those are generally the two most common religious materials, and they are neither advancing one over the other, just making them available upon request, the jail should be willing to provide other religious materials for smaller less popular religions at the request of the inmate.

Here, although the book encourages the use of an illegal drug, Ivan's request to the book should not be denied. Alcohol was illegal at some point, and an exception had to be carved out for its use as sacramental during prohibition, but the Bible didn't stop being read because it references wine, which was then illegal. The jail does not get to decide the merits of what the religion is based on when deciding whether or not to offer the book, if Ivan holds a sincere belief in the religion. here, the act of reading a book is not illegal. Further, the facts are silent as to whether or not the subject matter of the book would qualify as unprotected speech (obscenity, incite violence, etc.)

The fact that the jail is refusing the book based on the encouragement of the illegal drug use is also troubling as it may appear that the Jail is trying to promote other types of religions over Ivan's. The jail has decided that Ivan's practice of this religion is somehow not as important as others, or silently judging and disparaging his choice of religion. As such, Ivan's right to practice his religion may have been compromised.

Denial for the Request for the tea Ivan has the right to assemble to practice his religion, however not to ingest illegal drugs while in jail.

The Supreme Court has held in a prior ruling that the use of Peyote during a sacramental observance did not make it legal for use or consumption, and that a line had to be drawn as the government is allowed to burden religious practice if not extreme. It is likely here that the same argument could be applied.

The government is allowed to burden religion if the burden is slight. Here, the hallucinogenic tea contains an illegal drug. Much like grape juice being substituted for wine, a comparable tea without the substance may be a reasonable replacement without significantly impeding Ivan's right to practice.

Equal Protection

Ivan may argue that he is being denied the right of equal protection by not being allowed to properly participate in his religious observance. He may argue that he as a follower of this smaller sect, is being treated differently than the inmates who follow more main stream faiths.

Ivan is being treated differently by not having access to the book, based on the fact that it encourages illegal drug use. The reason behind the denial is based on the content of the beliefs and practices of the religion. (which would be akin to someone being denied a bible because there are killings in it.) As such, Ivan is again, not being treated equally to other inmates.

Should Ivan make an Equal Protection argument regarding the tea, he will likely be less successful, again like improvising grape juice for wine. Because of the illegality of the hallucinogenic, and the fact that Ivan is in jail, and although inmates do not have all the rights and freedoms of a non incarcerated person, Ivan should not be allowed access to the illegal substance, based on either an equal protection or freedom of religion argument. So long as the jail attempts to meet his needs in allowing him to practice his faith without the illegal substance, Ivan will be treated as equally as other inmates who observe religious practices.

Likely Outcome?

Based on the above, Ivan should be allowed access to the book, but should not be allowed the hallucinogenic sacramental tea due to the illegal drug substance contained in the tea.

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