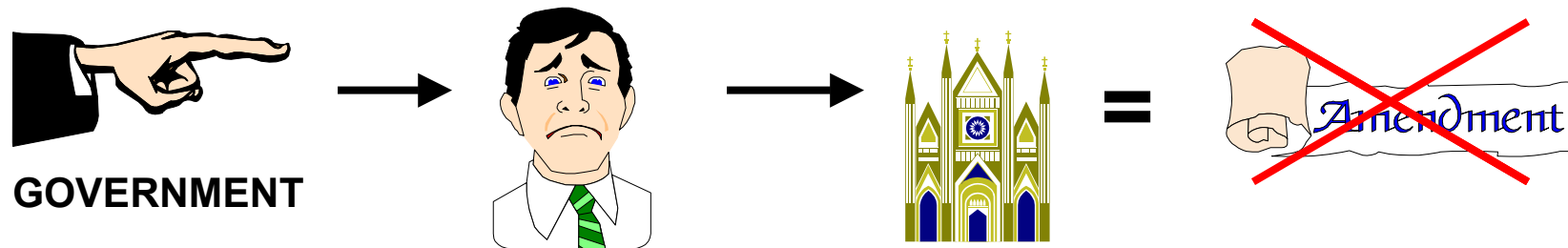


Establishment Clause – Coercion & Endorsement Tests

In recent years, the Court has begun to examine the rigidity of the Lemon Test. Issues have arisen that have called into question the credibility and validity of the Lemon Test and its application. Some of the issues are:

- Nativity scenes in holiday displays on public property
- The posting of the Ten Commandments in a courtroom
- The daily prayer to start business in Congress
- The words, "In God We Trust" on currency
- The study of the Bible and religion as part of secular education in public schools
- Loans of books and other services from public schools to private religious schools

TEST #2- THE COERCION TEST- Based on the 1992 case of Lee v. Weisman, 505 U.S. 577 the religious practice is examined to see to what extent, if any, pressure is applied to force or coerce individuals to participate. The Court has defined that "Unconstitutional coercion occurs when: (1) the government directs (2) a formal religious exercise (3) in such a way as to oblige the participation of objectors."



TEST #3- THE ENDORSEMENT TEST- Finally, drawing from the 1989 case of Allegheny County v. ACLU, 492 U.S. 573, the practice is examined to see if it unconstitutionally endorses religion by conveying "a message that religion is 'favored,' 'preferred,' or 'promoted' over other beliefs."

