

## Written Material

### KENNEDY v. BREMERTON

- [Opinion of the Court](#)
- [Sotomayor Dissent](#)

## CASES DISCUSSED

- [Lemon v. Kurtzman](#) (1971): Statutes that provide state funding for non-public, non-secular schools violate the Establishment Clause of the First Amendment. The Supreme Court established its three-part “Lemon Test” in this case.
- [Carson v. Makin](#) (2022): The Supreme Court ruled that Maine’s requirement that school tuition assistance payments only be used towards secular schools violates the Free Exercise Clause of the First Amendment.
- [Shurtleff v. Boston](#) (2022): The Supreme Court ruled that the city government’s flag raising program does not constitute government speech, so the city was wrong in denying an application to raise a “Christian flag.”
- [Tinker v. Des Moines Independent Community School District](#) (1969): The Supreme Court ruled that the wearing of armbands—in the form of protest—by students in public schools could not be prohibited, as First Amendment rights are not lost once a student steps onto school grounds.
- [Santa Fe Independent School District v. Doe](#) (2000): The Supreme Court ruled that student-led prayer prior at football games violated the establishment clause of the First Amendment.
- [Locke v. Davey](#) (2004): The Supreme Court ruled that Washington state could exclude non-secular majors with its scholarships without violating the Free Exercise clause.
- [Trinity Lutheran Church of Columbia Inc. v. Comer](#) (2017): The Supreme Court ruled that it was unconstitutional under the *free exercise* clause to exclude churches from an otherwise neutral secular aid program.
- [Town of Greece v. Galloway](#) (2014): The Supreme Court ruled that Christian prayer before a legislative meeting was not a violation of the Establishment Clause.

## LAWS DISCUSSED

1st Amendment - “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

## RELATED PAGES

[The Lemon Test Explained](#) – Prof. Sarah Gordon explains the three-part *Lemon Test* and whether it has been overturned by the *Kennedy v. Bremerton* case.

