

ESTABLISHMENT CLAUSE TESTS

The Constitutional guarantee for separation of church and state is provided for in the "Establishment Clause" of the First Amendment: "*Congress shall make no law respecting an establishment of religion,*" Over many years and many cases mainly involving religion in public schools, the Supreme Court has developed **three "tests" to be applied** to religious practices for determining their constitutionality under the Establishment Clause. The Lemon Test is commonly used as the "separationist" view. In recent years, the Court has adopted a more "accommodationist" view through its modification of the Lemon Test (Tests 2 & #).

TEST #1- LEMON TEST (based on *Lemon v. Kurtzman, 1971*) - In order for any government policy regarding religion it must pass a **three-prong** test. This is the test commonly used to maintain separation of church and state.

