**ADDITIONAL CASE STUDY OPTIONS**

Enjoy deliberating these cases. There is no need to apply a specific test.

Use your acquired background knowledge and reasoning instead.

**VAN ORDEN V. PERRY, 2004**

Facts of the Case

Thomas Van Orden sued Texas in federal district court, arguing a Ten Commandments monument on the grounds of the state capitol building represented an unconstitutional government endorsement of religion. Orden argued this violated the First Amendment's establishment clause, which prohibits the government from passing laws "respecting an establishment of religion." The district court and the Fifth Circuit Court of Appeals ruled against Orden and said the monument served a valid secular purpose and would not appear to a reasonable observer to represent a government endorsement of religion.

Question

Does a Ten Commandments monument on the grounds of a state capitol building violate the First Amendment's establishment clause, which barred the government from passing laws "respecting an establishment of religion?"

**GONZALES v. O CENTRO ESPIRITA, 2005**

Facts of the Case

O Centro Espirita Benficiente Uniao do Vegetal (UDV), a religious organization, brought suit in federal court to prevent the government from interfering with UDV's use of hoasca, a substance used during religious ceremonies that contains a drug prohibited by the Controlled Substances Act. UDV argued that the Religious Freedom Restoration Act, which prohibits substantial imposition on religious practices in the absence of a compelling government interest, established their right to use hoasca.

The district court sided with UDV and the Tenth Circuit Court of Appeals affirmed, finding that the government had not sufficiently proved the alleged health risks posed by hoasca and could not show a substantial risk that the drug would be abuse recreationally. In response to the Attorney General's argument that prohibiting the drug was required by an international treaty, the court ruled that the government had failed to "narrowly tailor" its prohibition of the drug.

Question

Does the Religious Freedom Restoration Act of 1993 (see Major Problems, pg. 466) require the government to permit the importation, distribution, possession and use of an otherwise illegal drug by a religious organization when Congress has found that the drug has a high potential for abuse, is unsafe for use even under medical supervision, and violates an international treaty when imported or distributed?