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LEADERSHIP EDUCATION ADVANCING
DEMOCRACY & DIVERSITY
A PROJECT OF INTERFAITH ALLIANCE

Moot Supreme Court Case

Hastings Christian Fellowship v. Martinez

Some Questions to Consider:

1. What if the Fellowship did not require members to sign a statement of their beliefs as a condition of membership? Would that satisfy the university requirement of openness? Would it violate the Free Exercise rights of Fellowship members?
2. Suppose the Fellowship organized without seeking official recognition, would its membership requirements be constitutionally acceptable? Would denial of benefits of recognition, such as ability to use University space for meetings and University facilities for communication and publicity, constitute abridgement of the Free Exercise clause?
3. What is it about recognition by the University that activates First Amendment issues?
4. How would you answer the question put by Justice Alito at oral argument in this case: “If an all-comers policy [i.e., that all authorized student organizations must be open to any and all students of the school] is adopted for the purpose of discriminating on the basis of [religious] viewpoint, does it violate the First Amendment?”
5. A policy that recognized student clubs that excluded some students on the basis of race would be manifestly unconstitutional. Is this case constitutionally different?
6. It is the policy of the Hastings Christian Fellowship to exclude gay persons from membership on the grounds that homosexuality violates their religious belief although they say they welcome gay persons (and any and all students) to attend their meetings. The exclusion of gay persons from membership also violates university policy. Does university policy in this regard violate the Fellowship’s First Amendment rights.