



LEADD

LEADERSHIP EDUCATION ADVANCING
DEMOCRACY & DIVERSITY
A PROJECT OF INTERFAITH ALLIANCE

Moot Supreme Court Case

Salazar v. Buono

SOME QUESTIONS TO CONSIDER:

1. If the land had remained in government hands, would the display of the Latin Cross in this war memorial have been a clear violation of the first amendment?
2. What difference did the transfer of land make? Under what conditions would it make a substantive difference in the nature of the case? Under what conditions would it simply be a nominal difference without substantively altering the constitutionality of the display?
3. Can the Latin Cross ever be a purely secular symbol and not a religious one?
4. Are there situations in which the display of a cross on public land would be constitutionally permissible? If so, what are they? If not, why not?
5. What if the government allowed, encouraged or erected symbols of other religions nearby in the same Mohave National Preserve? Would that be a constitutionally acceptable accommodation? Do inclusive religious displays by government violate the establishment clause?
6. If this cross is declared unconstitutional, does that mean crosses and other religious symbols must be removed from the graves of service men in national cemeteries such as Arlington National Cemetery?
7. If the exchange of a small plot of land is insufficient to pass constitutional muster, can you craft other accommodations that would pass the constitutional tests? What would such accommodations look like?