

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Widmar v. Vincent, 454 U.S. 263 (1981)



It does not follow, however, that an "equal access" policy would be incompatible with this Court's Establishment Clause cases. Those cases hold that a policy will not offend the Establishment Clause if it can pass a three-pronged test:

"First, the [governmental policy] must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . ; finally, the [policy] must not foster 'an excessive government entanglement with religion.'"

Lemon v. Kurtzman, 403 U. S. 602, 403 U. S. 612-613 (1971). See *Committee for Public Education v. Regan*, 444 U. S. 646, 444 U. S. 653 (1980); *Roemer v. Maryland Public Works Bd.*, 426 U. S. 736, 426 U. S. 748 (1976).