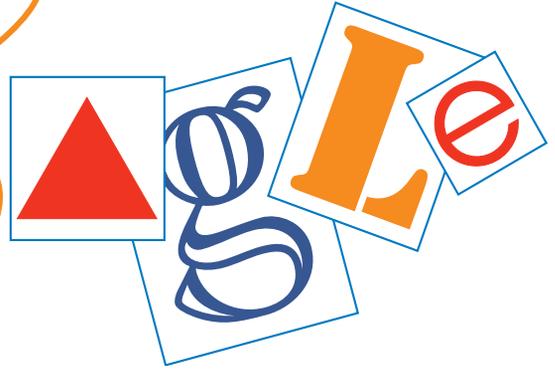


THE LEGAL E

A LEGAL NEWSPAPER FOR KIDS
Published by New Jersey State Bar Foundation



Social Media Platforms Profit From Damage to Teens

by Emily Pecot

Instagram and its parent company, Facebook Inc., rebranded as Meta, have faced increasing calls to rein in social media practices that promote hate speech and online bullying. Additionally, documents obtained and published by *The Wall Street Journal* demonstrate that Facebook continues to pursue younger Instagram users despite internal data showing the platform's detrimental effects on teenagers. These effects are most profound on girls whose body images can be warped by the platform's unrealistic portrayals.



Understanding online bullying

According to data from the Pew Research Center, 72% of U.S. teens are active on Instagram, making it the second most popular social media platform, just below YouTube at 85% and edging out Snapchat at 69%. The speed with which content can go viral as well as the extent of its reach makes Instagram an ideal platform to anonymously target victims. Since Instagram is a

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Adult Marijuana Use Now Legal in New Jersey

by Maria Wood

In February 2021, New Jersey became the 14th state to legalize adult marijuana use when Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. New Jersey legislators had attempted and failed to legalize marijuana in the Garden State twice. It took New Jersey voters approving a **referendum** to establish a state constitutional amendment to legalize recreational cannabis use for people at least 21 years of age. In November 2020, 66% of New Jersey voters (2.7 million) voted to establish the amendment.



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Balancing First Amendment Religious Issues in the Courts

by Michael Barbella

In freedom of religion cases, the issues usually come down to a balance between the First Amendment's Establishment Clause and its Free Exercise Clause. The First Amendment of the U.S. Constitution states: Congress shall make no law respecting an establishment of religion (Establishment Clause), or prohibiting the free exercise thereof; (Free Exercise Clause).

The Establishment Clause of the First Amendment has been interpreted to mean that the government cannot support one particular religion over another religion



or support religion over no religion. The First Amendment's Free Exercise Clause says that the government cannot prohibit citizens from practicing their religious faith.

You've probably heard the phrase "separation of church and state" to

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First Amendment **CONTINUED FROM PAGE 1**

explain the Establishment Clause. The words “separation of church and state,” however, don’t actually appear in the U.S. Constitution. The phrase is attributed to a letter that Thomas Jefferson wrote in reply to the Danbury Baptists in 1802. As a religious minority, they were concerned that there was no explicit protection of religious liberty in Connecticut’s state constitution. In his letter President Jefferson referred to the U.S. Constitution’s Establishment Clause and contended that it built “a wall of separation between Church and State.”

Over the years the U.S. Supreme Court has been called on a number of times to decide freedom of religion cases. The Court decided one such case, *Espinoza v. Montana Department of Revenue*, in June 2020 and will issue an opinion in another case, *Carson v. Makin*, in 2022.

What’s this about?

In May 2015, Montana enacted an alternative school voucher program intended to boost support for private education. The program authorized the use of public funds to help finance alternative or private K-12 schools. Specifically, the Montana law provided a tax credit to donors of “innovative educational programs” at public and private **non-parochial** schools. The **statute** capped tax credits at \$3 million, with no more than \$150 going to any individual child.

In administering the voucher program, Montana’s Department of Revenue established an administrative policy that barred the tax credits from being used for attendance at a religious school. The Department based its policy on a Montana state constitutional provision which says: “The state shall not make any direct or indirect appropriation or payment from any public fund or monies... for any **sectarian** purpose to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.” This language comes from the Blaine Amendment in the Montana State Constitution.

What’s a Blaine Amendment?

Named after U.S. Representative James G. Blaine of Maine, the language of these amendments varies by region. After hearing a speech delivered by President Ulysses S. Grant, where he defended public education and attacked **sectarian** schools, Representative Blaine proposed a federal constitutional amendment in 1876 that would have expanded the U.S. Constitution’s Establishment Clause to prohibit state funding for religious schools.

The amendment passed the House of Representatives but failed in the Senate; however, many states adopted the language of Blaine’s amendment in their state constitutions. Montana is one of 37 states whose state constitution contains a Blaine Amendment. New Jersey’s state constitution has no such provision.

Although Blaine amendments were steeped in the anti-Catholic bigotry that was prevalent in the late 1800s, their purpose evolved over the years to be

seen as a protection of religious liberty, as Jonathan A. Greenblatt of the Anti-Defamation League told *The Washington Post* in 2017.

“These constitutional provisions serve significant government interests—leaving the support of churches to church members, while also protecting houses of worship against discrimination and interference from the government,” Greenblatt said.

Espinoza

In December 2015, the Department of Revenue’s policy spurred a legal challenge from three mothers, including Kendra Espinoza, whose name is on the case. They wanted to use the scholarships at a private Christian school and sued Montana’s Department of Revenue, alleging its rule discriminated based on both their religious views and the sectarian nature of their chosen academy, Stillwater Christian School.

In March 2016, a district court judge sided with the mothers, contending that the Department of Revenue misinterpreted Montana’s constitution. The district court ordered the office to discontinue enforcement of the policy; however, the Department of Revenue **appealed** the decision to the Montana Supreme Court, contending the tax credit program was unconstitutional



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without the policy. The higher court agreed and **reversed** the lower court decision in December 2018. The Montana Supreme Court, however, invalidated the program for all schools, religious or otherwise, based on the state's constitutional provision.

In its 5-2 ruling, the Montana Supreme Court said, "When the Legislature indirectly pays general tuition payments at sectarian schools, the Legislature effectively subsidizes the sectarian school's educational program. That type of government subsidy in aid of sectarian schools is precisely what the delegates intended Article X, Section 6, to prohibit."

What the U.S. Supreme Court said

Six months after the Montana Supreme Court decision, the U.S. Supreme Court agreed to hear the case, garnering national attention for its potential implications on education policy and funding. Conservative groups and religious organizations have long advocated for equal treatment of faith-based education, but teachers' unions and civil rights groups have argued against it, claiming such equity could endanger public school funding.

The U.S. Supreme Court ultimately **reversed** the Montana Supreme Court's decision in June 2020, deciding the lower court's interpretation of the policy violated the U.S. Constitution's Free Exercise Clause. The Court considered *Trinity Lutheran Church of Columbia Inc. v. Comer* as binding **precedent** in deciding the case, rejecting the Montana Department of Revenue's notion that its no-aid policy promoted religious freedom. In the *Trinity* case, decided in 2017, the Court said that denying religious institutions access to a state-funded program that repaved playground surfaces violated the First Amendment.

"We have long recognized the rights of parents to direct 'the religious upbringing' of their children. Many



parents exercise that right by sending their children to religious schools, a choice protected by the Constitution. But the no-aid provision penalizes that decision by cutting families off from otherwise available benefits if they choose a religious private school rather than a **secular** one, and for no other reason," Chief Justice John G. Roberts wrote for the majority in the *Espinoza* decision. "A State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious."

Perry Dane, a professor at Rutgers Law School—Camden, who teaches courses on religion and the law, says that the U.S. Supreme Court had a stricter interpretation of the Establishment Clause in the past than it does now.

"For example, the Court has allowed states to let parents direct some state monies to religious schools as part of a general program sending money to other private schools," Professor Dane says. "More recently, the Court has gone further. It has ruled that, in some cases, the Free Exercise Clause forbids states running such programs from discriminating against religious private schools. That was the issue in *Espinoza*."

Even though the Montana Supreme Court suspended the program, according to Chief Justice Roberts' opinion, that didn't absolve the state of wrongdoing. Nixing the Tax Credit

program did not promote religious freedom, as Montana had argued, but rather constituted "discrimination against religious schools and the families whose children attend them," the chief justice wrote.

In his dissent, Justice Stephen G. Breyer warned his fellow justices against an "overly rigid application" of the Free Exercise and Establishment clauses, noting that such an interpretation could spawn conflicting mandates that eventually would defeat their basic purpose.

"It may be that, under our precedents, the Establishment Clause does not forbid Montana to subsidize the education of petitioners' children," Justice Breyer wrote. "But the question here is whether the Free Exercise Clause requires it to do so. The majority believes the answer to that question is 'yes.' The majority's approach and its conclusion in this case, I fear, risk the kind of entanglement and conflict the religion clauses are intended to prevent."

That conflict, though, might very well stem from the Court's struggle to remain neutral in religious matters. "These cases and others suggest the [U.S.] Supreme Court is increasingly focusing on the neutrality principle in its understanding of the religion clauses," Professor Dane says. "The challenge, though, will be to enforce that principle in a way that continues to recognize the importance of separation of religion and state as a bedrock commitment of the American Constitution."

Another case in Maine

The U.S. Supreme Court heard oral arguments on December 8, 2021 in another freedom of religion case. This one, *Carson v. Makin*, concerned the state of Maine, which has a system in place to provide an education for students in rural parts of the state if there is no public high school available. If a public high school is not an option, the state will

Adult Marijuana Use CONTINUED FROM PAGE 1

While New Jersey voters pushed legal marijuana use over the finish line, it was still necessary for the New Jersey Legislature to work out the details of the law, which is why there has been a delay in implementation. Under the new law, adults aged 21 or over can possess up to six ounces of marijuana, which they can consume on private property. Public consumption is prohibited, as is driving while under the influence of cannabis. Those who possess or distribute larger amounts of cannabis outside of the legal market will be subject to fines and criminal prosecution.

For example, possession of more than six ounces would bring a fine of \$25,000 and a jail term of one-and-a-half years. A first offense for distributing less than an ounce outside of the legal parameters would carry no penalty. However, a second offense for distributing less than an ounce would be considered a crime with a possible 18-month jail term and a \$25,000 fine. Distributing larger amounts would be subject to harsher penalties.

According to the National Conference of State Legislatures, 18 states, including New Jersey, have regulated adult-use cannabis. The Garden State had already legalized cannabis treatment for certain medical conditions in 2015. As of 2021, the state had licensed 23 medical marijuana dispensaries. Those medicinal dispensaries will be given preference in setting up recreational marijuana sales, as long as they have enough stock to supply patients and caregivers.

The New Jersey Cannabis Regulatory Commission (CRC) will oversee the licensing application process, which will cover six categories: cultivators, manufacturers, wholesalers,

retailers, distributors and delivery services. The commission began ramping up the application process in December 2021; however, the first general public dispensaries are not likely to be up and running until February 2022 at the earliest and some estimates are even later..

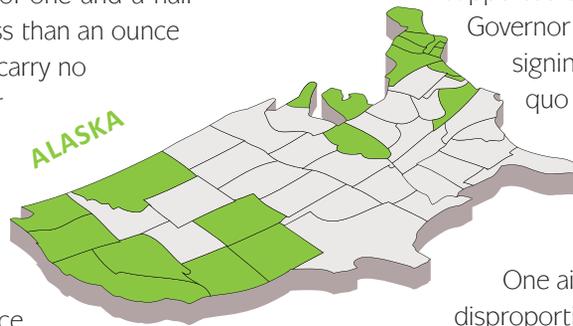
Inequities in the war on drugs

Governor Murphy framed the legalization of cannabis in New Jersey as a social justice issue.

“Our current marijuana prohibition laws have failed every test of social justice, which is why for years I’ve strongly supported the legalization of adult-use cannabis,” Governor Murphy said in a statement after signing the law. “Maintaining a status quo that allows tens of thousands, disproportionately people of color, to be arrested in New Jersey each year for low-level drug offenses is unjust and indefensible.”

One aim of the legislation is to address the disproportionate impact the war on drugs and marijuana arrests has had on communities of color and in economically challenged municipalities, say its proponents. The war on drugs refers to policies, implemented in the 1970s during the Nixon Administration, to “eradicate drugs.” Those policies focused on incarceration and have been criticized for resulting in the mass incarceration of African Americans. The effects of those 1970s policies still resonate today.

For example, according to the American Civil Liberties Union, Black people in New Jersey are 3.5 times more likely to be arrested for marijuana possession than white people. Data from the Federal Bureau of Investigation in 2017 indicate



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ATTN: TEACHERS! **LOOKING FOR A LESSON PLAN?** **OUR CIVICS BLOG HAS YOU COVERED**

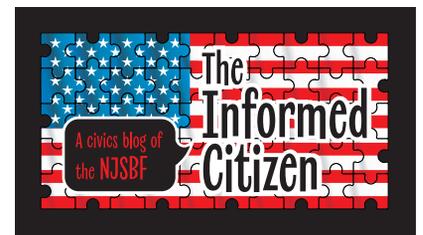
If you’re looking for a civics lesson plan, look no further than The New Jersey State Bar Foundation’s **FREE** civics blog, *The Informed Citizen*.

Each blog post contains discussion questions and relevant glossary words, providing ready-made lesson plans to help students (and adults) better understand the subject matter. Civics topics can be hard to grasp, but *The Informed Citizen* is written in plain language with the goal of keeping readers engaged.

Posts are added periodically throughout the school year. Here are just some of the topics you’ll find explained on the blog:

Primaries & Caucuses • Impeachment • Democratic Norms • Origins of Political Parties
Equal Justice Under the Law • Ignorance of the Law Is Not an Excuse • Rule of Law • Art of Diplomacy

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Adult Marijuana Use **CONTINUED FROM PAGE 4**

that New Jersey police departments made more than 33,000 arrests for marijuana possession, which cost New Jersey taxpayers millions of dollars to prosecute.

Once New Jersey's adult-use cannabis law took effect, the state **expunged** roughly 362,000 minor marijuana convictions. With expungement, the conviction is wiped from a person's record. At the same time, prosecutors will not pursue pending marijuana-related cases now in the court system, unless the arrest was for a violation still illegal under the new law.

The new law also attempts to boost minority participation in the marijuana industry. In that regard, the CRC will prioritize licenses for women, minorities and disabled veterans.

Chirali V. Patel, an associate with the Cannabis & Hemp Law and Litigation practices at Pashman Stein Walder Hayden in Hackensack, says the CRC's goal is to award about 15% of the licenses to women-owned businesses, 15% to minority-owned business, and 15% to disabled veterans.

The state has also authorized what are known as "micro licenses" for dispensaries or businesses with a smaller footprint of 2,500 square feet of physical space. This will allow smaller business people who don't have the same access to private capital as the larger players do to gain access into the industry and possibly grow, Patel says.

Because cannabis remains illegal on the federal level, obtaining a traditional loan from a bank is difficult. Consequently, marijuana businesses must fund operations with venture or private capital, Patel says, which has traditionally gone to white males.

The state will also give preference to businesses that set up shop in what are termed "impact zones," or cities that have borne the brunt of the war on drugs, with high marijuana-related arrests. Those areas or towns will receive a portion of the taxes collected from cannabis sales to fund community services.

"The idea behind [the impact zones] is to target areas and municipalities heavily policed and that have had high marijuana convictions, so money goes back into those communities devastated by the war on drugs and to create an economic boom," Patel says.

At press time, the CRC had yet to designate the impact zones; however, Patel predicts the cities most likely to end up on the list would include Newark, Paterson, Passaic and Atlantic City.

Underage marijuana use

One sticking point in the debate over the marijuana law (and a reason for the lag time between November 2020



and February 2021) was how to address underage marijuana use. Ultimately, in a separate bill, legislators agreed to a tiered system of civil penalties. Penalties will be based on age and the number of offenses, similar to what is now used for underage drinking. For instance, a person under 21 would get a written warning for a first offense. If the

person is under age 18, the person's parent or guardian would also receive written notice. Subsequent offenses would require parental notification and a referral to a community-based service such as drug education or treatment.

By decriminalizing underage marijuana use, young people can avoid interactions with law enforcement and be spared going through the legal system, Patel says.

Not everyone agrees. Under the law, police officers cannot stop a young person if they smell marijuana. The state's Policemen's Benevolent Association opposes such a ban, saying in a statement, "underage users of marijuana will be free to smoke it anywhere, including in places the bill says is illegal, because merely stopping a person to enforce the law is now illegal for police."

Critics of the law also argue legalizing marijuana could lead to an uptick in underage cannabis use. Many studies have shown that the adolescent brain is still developing, and marijuana use during adolescence can affect areas of the brain that control cognitive ability. However, a 2021 study by Columbia University's Mailman School of Public Health, which was published in the *Journal of the American Medical Association*, found that post-legalization, marijuana use among young people age 12 to 20 did not increase.

Many NJ municipalities not onboard

After the legalization law was enacted, more than 70% of New Jersey towns (approximately 400) banned cannabis businesses within their borders. Even local officials in towns prohibiting cannabis businesses, however, expressed willingness to revisit the issue as the industry takes shape.

Patel points out that towns can always opt back into the program. The law regulates the industry, ensuring product safety. But towns have the right to dictate business hours, places of businesses, and the number of businesses. "The law gave a lot of latitude to municipalities," Patel says. "And nobody wants to lose out on tax revenue and job creation."

Estimates of how much tax revenue New Jersey can expect to collect from cannabis sales have been hard to pin down. In 2016, when it looked like the Garden State would pass legalization in 2017, New Jersey Policy Perspective estimated the state could receive

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Damage to Teens **CONTINUED FROM PAGE 1**

large-scale application, using artificial intelligence to detect cyberbullying is limited.

“Young people especially have been figuring out ways of being under the radar and not having what they’re doing get noticed by the adults,” says Joel Penney, Ph.D., a professor in the School of Communication and Media at Montclair State University. “I think the content moderation piece is extremely challenging.”

The Cyberbullying Research Center, a website dedicated to providing information about the way young people use and misuse technology, defines cyberbullying as “when someone repeatedly and intentionally harasses, mistreats, or makes fun of another person online or while using cell phones or other electronic devices.” The Pew Research Center estimates that nearly 59% of preteens and teenagers have experienced cyberbullying. Data from the U.S. Department of Education’s National Center for Education Statistics indicates that girls are three times more likely to be bullied online than boys.

Cyberbullying on Instagram

In an article published in *The Atlantic*, several teenage girls spoke about their experiences with cyberbullying on Instagram under the condition of anonymity. One 15-year-old girl relayed a story about a former friend who cyberbullied her and the anxiety she felt whenever she opened the app.

Identified only as Yael (not her real name), she said, “I knew when I opened the app, she would be there. I was having a lot of anxiety over it, a lot of stress.”

Another teenager, identified as Annie (also 15 years old), talked about the “hate pages”

created about her. Hate pages are separate Instagram accounts built purposely to bully a particular person. These pages can be created by one person or sometimes by a group of teens.

“I’ve had at least 10 hate pages made about me,” Annie said. “I know some were made in a row by the same person, but some were from different people. They say really nasty things about you, the most outrageous as possible.”

Under increased pressure to address



public and mental health concerns regarding

younger users, Instagram implemented user

restrictions

aimed at curbing harassment. One such tool flags comments as possible bullying and displays a message to the author asking if they would like to send a less inflammatory comment. In 2020, an Instagram representative told *Wired* magazine that after that tool was put in place, one in five people either edited their comment or deleted it before sending. Instagram also placed restrictions on comments during live videos, but direct messaging remains largely unaddressed.

“Instagram won’t delete a person’s account unless it’s clear bullying on their main feed,” Hadley (not her real name) said in *The Atlantic* piece. “No one is going to do that. It’s over DM [direct message] and in comment sections.”

Further fueling negative self-image is the “Likes” function, which shows how many other users are positively reacting to posts. Instagram integrated the ability for users to hide “Likes” on posts in an effort to mitigate the competitive and pressurized nature of social media. After user complaints about the move, Instagram made hiding “Likes” an opt-in function.

Despite Instagram’s attempts to root out problematic behavior, the 2020 Annual Bullying Survey conducted by Ditch the Label, a global youth charity, showed that one in five users aged 12 to 20 experienced bullying on Instagram.

“Lots of bullying stems from jealousy, and Instagram is the ultimate jealousy platform,” Hadley said. “People are constantly posting pics of their cars, their bodies. Anything good in your life or at school goes on Insta, and that makes people jealous.”

Instagram’s own research

Instagram’s internal slide presentation “Teen Mental Health Deep Dive,” which was leaked by *The Wall Street Journal*, shows the platform’s image-based core feature encourages users to display only the best version of their lives, leading to unrealistic expectations for teens. Instagram’s own research and surveys of young users found “32% of teen girls said that when they felt bad about their bodies, Instagram made them feel worse.” Further internal research revealed that among teens who reported suicidal thoughts, six percent of American users linked those thoughts with their Instagram use.

Internal documents from 2018 obtained by *The New York Times* revealed that Instagram was afraid of losing the teenage market to other apps. An internal strategy memo stated: “If we lose the teen foothold in the U.S. we lose the pipeline.” In 2018, Instagram allocated \$390 million to pursue and maintain teen users through

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Damage to Teens **CONTINUED FROM PAGE 6**

digital ads, pinpointing 13- to 15-year-olds, dubbed the “early high school” category, as the most important target of their ad dollars. Taking it a step further, advertisers were encouraged to create ads intended for the early high school category but making them appeal to even younger children.

Oversight and legal repercussions

Instagram’s pursuit of younger users in the face of acknowledged negative mental health impacts is sounding alarm bells for lawmakers. Congress has grilled the leaders of social media companies many times on Capitol Hill, leading to debate over Section 230 of the Communications Decency Act of 1996. Section 230 states: “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” Essentially, this means that social media platforms cannot be sued for what its users post.

“You’ve given people a platform to communicate and short of pulling the plug on it, it’s very hard to control what people say,” Dr. Penney says.

Advocates are eager to regulate social media companies and would like to use Section 230 to do that, says Dr. Penney. The impact that would have on the psychological harms to teenagers, however, he says is unclear.

“In general, the United States has been very slow and reluctant to regulate this industry at all, and that’s very much in contrast to certain other parts of the world,” Dr. Penney says. “There does seem to be a climate that’s changing as a result of what’s been shown.”

Some online bullying victims have succeeded in court under a patchwork of state and local defamation, stalking, and anti-discrimination laws. However, these laws only go so far when perpetrators are often anonymous, leaving victims powerless.

“In real-life bullying, you know who’s doing it,” said Skye, another anonymous

teenager from *The Atlantic* piece. “Teachers tell you with bullying to just say ‘stop,’ but in this case you can’t, and you don’t even know who to tell stop to.”

In light of the recent revelations, lawmakers pressed Facebook to abandon plans for an Instagram platform specifically for children. Facebook placed the project on hold but would not commit to scrapping it totally. Curbing the abusive behavior and self-image warping effects of the platform remains challenging. According to statistics, 50 percent of teen girls report using it “near-constantly.”

“We have to acknowledge the broader point that Instagram and other social media apps are designed to keep people using them for as many hours as possible, because that’s how they make the most money,” Jean Twenge, author of *iGen*, a book about the first generation to grow up with smartphones and social media, told *Time* magazine. “If we’re going to do any kind of intervention with a teen girl, it’d probably be a lot more productive to tell her: people are making money off of every minute that you spend on this app.”

Other platforms

Critics are also shining a light on other social media platforms like TikTok (owned by Bytedance), Discord, YouTube and Snapchat. Since Snapchat posts are only visible for 24 hours and there is more audience control, cyberbullying on the platform tends to be less effective. With 40% of TikTok users being 14 to 24 years of age, concerns over children’s privacy are cropping up due to the app’s access to users’ microphone, camera and location, among other private data.

YouTube, which boasts 85 percent



usership among 12- to 17-year-olds, continues to attract malicious content even on its platform for children, YouTube Kids. Nonetheless, with more than 2 billion users worldwide, Instagram, under the Facebook umbrella, remains the foremost platform for harmful effects.

“I think Facebook has got a target on its back because it’s the number one company in this space, they’re making so much money, and now they’ve become this conglomerate that’s been swallowing up all these other apps, so it’s the big gorilla that people want to point to as the center where these problems are emanating from,” says Dr. Penney. “I could imagine that Bytedance could find themselves in hot water down the line, we just haven’t gotten there yet.” 🛠️

DISCUSSION QUESTIONS



1. Think about how much time you spend on social media platforms. Would you say it is too much? Why or why not?
2. If you didn’t have social media, what other activities would you devote your time to? List three such activities and explain their importance to you.
3. What do you think about the revelations surrounding Instagram? How do they affect your online activities and your own personal actions?
4. What steps do you think could be taken to combat cyberbullying at a personal, school and federal level?

First Amendment CONTINUED FROM PAGE 3

pay up to \$11,000 toward tuition at a private school, provided the school is not religious. You may be thinking that the issue seems the same as the one in *Espinoza*. The subtle difference is



that while the Court's ruling in *Espinoza* determined that it was unconstitutional to block religious schools from public funding simply because of their religious status, *Carson* will ask the Court to rule whether it is also unconstitutional to exclude religious institutions because it would fund religious activity, such as teaching a particular religion or religious philosophy.

For example, the two schools at issue in *Carson* are Bangor Christian School and Temple Academy. In court documents, Maine alleges that both schools discriminate against people of other religions, as well as LGBTQ students and teachers. Temple Academy, according to the court filings, "will not admit a child who lives in a two-father or a two-mother family"

and the school requires its teachers to acknowledge and accept that "God recognizes homosexuals and other deviants as perverted."

LGBTQ advocates are concerned that

a ruling in favor of the **plaintiffs** in the *Carson* case would mean that taxpayer money would be funding discrimination, which violates the Maine Human Rights Act. According to reporting in *Christianity Today*, both schools "because of their biblical principles" would not "accept tuition assistance from the state if doing so would mean adhering to Maine's Human Rights Act."

In an opinion piece for *The Washington Post*, Rachel Laser, president of Americans United for the Separation of Church and State, wrote, "Each of us should get to decide how—and whether—to support religion. People of faith, and those of no religion, should not have to support the inculcation [instilling] of beliefs with

which they disagree. It is up to parents and religious communities to educate their children in their faith. Publicly funded schools should never serve that purpose."

The Court is expected to issue its ruling in *Carson v. Makin* in June 2022. 

DISCUSSION QUESTIONS



1. How do you feel about the Court's decision in *Espinoza*? Should a state be required to subsidize religious education? Why or why not?
2. What do you think about the two schools in the *Carson* case? Should they have the right to hire and admit whoever they want based on their "biblical principles" even if those principles discriminate? Explain your answer.
3. What do you think about the separation of church and state? Is it important? Why or why not?

Adult Marijuana Use CONTINUED FROM PAGE 5

as much as \$300 million in sales tax from a legal recreational cannabis market. In his most recent budget, Governor Murphy didn't include any projected tax revenue from cannabis sales, although in the past he put the figure at between \$60 million and \$80 million for both medical and legal cannabis sales. 

DISCUSSION QUESTIONS



1. What are the pros and cons of adult-use cannabis coming to the Garden State?
2. What do you think prompted 70% of New Jersey towns to ban cannabis businesses? What might be their concerns?
3. What do you think about the penalties for underage marijuana use? Are they too severe or not severe enough? Explain your answer.

GLOSSARY

- appealed** — when a decision from a lower court is reviewed by a higher court.
- expunged** — to have erased (i.e., your criminal record).
- non-parochial** — not relating to a church or parish.
- plaintiff** — person or persons bringing a civil lawsuit against another person or entity.
- precedent** — a legal case that will serve as a model for any future case dealing with the same issues.
- referendum** — the referral of a measure proposed or passed by a legislative body to the voters for approval or rejection.
- reverse** — to void or change a decision by a lower court.
- sectarian** — associated with a particular religion.
- secular** — not sacred or concerned with religion.
- statute** — legislation that has been signed into law.