

# Yeshiva University Undergraduate 2019 Langfan Family Constitutional Oratory Competition



**Sunday, April 7, 2019**

**Moot Court Room**

**Cardozo Law School**

55 5th Ave, New York, NY



A total of four prizes will be awarded:

**FIRST PLACE (WILF): \$1,000**  
**FIRST PLACE (BEREN): \$1,000**  
**SECOND PLACE: \$750**  
**THIRD PLACE: \$500**

Special Thanks to the Langfan Family for their continued support.

## THIS YEAR'S TOPIC

Does the refusal to provide goods and services on religious grounds violate the customer's Constitutional right to freedom of religion?

### ISSUE BACKGROUND:

The Ottawamie Ladies' Episcopal Club (OLEC) is about to host their annual Christmas Eve party. They approach Dave Smith, owner of Sweet Tooth Bakery, and request a cake for the occasion with "Merry Christmas!" written across the top, "Jesus Is Lord" across the bottom, and a cross in the middle.

Mr. Smith refuses to accept the commission, stating that he is a militant Rastafarian. OLEC modifies their request, demanding instead a cake that merely says "Merry Christmas." Mr. Smith again refuses. OLECS amends their request a second time, asking for a plain cake with no writing that will be served at the party. Mr. Smith refuses on the grounds that he cannot in good conscience contribute to a holiday he profoundly disagrees with.

Ottawamie is a small town; the closest bakery is 25 miles away. The town has a nondiscrimination statute that reads in part: "Goods and services may not be denied to patrons on the grounds of their ethnicity, gender, sexual orientation, or religion."

OLEC brings suit, charging Sweet Tooth Bakery with discrimination. They further charge that Mr. Smith has violated their Constitutional rights under the Establishment Clause of the First Amendment to the US Constitution. Mr. Smith countersues, charging that by compelling him to make the cake OLEC is violating *his* right to free exercise of his religion under the same amendment.

OLEC demands in judgment that Mr. Smith make the cake as originally requested. The court may fulfill this judgment in whole or in part (that is, require him to make an amended cake) or deny it altogether.

How should the court decide, and why?

**Resolved: Does Sweet Tooth Bakery's refusal to accommodate the Ottawamie Ladies' Episcopal Club (OLEC)'s request violate OLEC's right to free exercise of religion?**

### GETTING STARTED

An essential component of your presentation is the depth of your knowledge based on the extent and quality of topic research. All participants should be familiar with the legal issues at stake in the debate from the perspective of an informed and concerned citizen. We recognize that you are undergraduates and not law students.

The Langfan competition is open to all Yeshiva University undergraduates at both campuses. It is a public speaking competition aimed at promoting student awareness

and understanding of important constitutional issues.

We recommend you start by reading the appropriate articles of the *United States Constitution*. Then try searching for newspaper articles online. Once you have a good sense of the basic issues, the cases listed below will help you formulate your argument.

Primary Sources:

Establishment Clause of the US Constitution

*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. \_\_\_\_ (2018)

*Klein, dba Sweet Cakes by Melissa, v. Oregon Bureau of Labor and Industries*, 28 Or. App. 507 (2017)

*Cantwell v. Connecticut*, 310 U.S. 296 (1940)

Sources may be found via LexisNexis Law Directory online, which may be accessed from any university library. These materials are only suggestions and should not limit your research.

## JUDGING CRITERIA

In general, you will be judged based on:

- The clarity of your argument/thesis
- Cohesive use of research material to support your argument
- Effective rebuttal of anticipated counter-arguments
- Overall style and effective delivery

**YOU WILL HAVE NO MORE THAN FIVE MINUTES TO PRESENT YOUR ARGUMENT BEFORE A PANEL OF THREE JUDGES.** There will be no time allotted for a rebuttal. Timing will be strictly enforced, so please prepare your remarks accordingly.

If you plan to participate, please contact Ms. Debbie Beaudreau at [beaudrea@yu.edu](mailto:beaudrea@yu.edu) no later than **Friday, March 15<sup>th</sup>, 2019**.

Please send any general questions you might have to either Ms. Lolita Wood-Hill ([woodhill@yu.edu](mailto:woodhill@yu.edu)) or Ms. Illana Milch ([illana.milch@yu.edu](mailto:illana.milch@yu.edu)).

Questions regarding the case and legal issues should be sent to Professor Douglas Burgess ([burgess@yu.edu](mailto:burgess@yu.edu)).