

Gurdev Kaur Cheema v. Harold Thompson

Background

Three young Sikh children stood at the center of this controversy: Rajinder, Sukhjinder, and Jaspreet Cheema attended school in the Livingston Unified School District (CA).

A central tenet of their religion requires them to wear at all times five symbols of their faith: “kes” (long hair), “kangha” (comb), “kachch” (sacred underwear), “kara” (steel bracelet, and a “kirpan” (a curved, steel blade and is worn in a sheath held to the body by a leather strap). The kirpans at issue here are roughly the size of an open Swiss Army knife, about 6-7 inches long with a blade of roughly 3 ½ inches). The three children, ages 7, 8 and 10 at the time of the ruling, were required under the terms of their faith to wear a “kirpan” which has deep religious significance in their faith.

This case began when the school district refused to allow the children to wear kirpans to school. The Cheema’s took the case to the district court, claiming that the school’s policy of banning all knives on its campuses burdened their free exercise of religion. The district court believed that the school district had a compelling interest in assuring the safety of its students, and in “reserving a school environment which best facilitates children’s learning.” The district court believed that there was more of a “hardship” or “burden” for the school than for the Cheema’s.

The case was taken to appeal at the U.S. 9th Circuit Court of Appeals.

Form your arguments, given this background, and using the “Three Questions of the Free Exercise Clause”....