



FELLOWSHIP SYMPOSIUM

From the State House to
the Schoolhouse:
Religious Expression in
the Public Sphere

Friday, September 29, 2006
8:30 AM - 1:30 PM

WYNNE COURTROOM
INDIANA UNIVERSITY SCHOOL OF LAW - INDIANAPOLIS

3.5 hours of Indiana CLE credit



AGENDA

- 8:00 – 8:30 a.m. **Registration and Coffee**
- 8:30 – 8:40 a.m. **Welcome and Introductory Remarks**
Cynthia Baker
Director, Program on Law and State Government
- 8:40 – 9:00 a.m. **Fellowship Address**
States' Expressions of Religion in the Modern Public Sphere
Chris Campaniolo
Fellow, Program on Law and State Government
- 9:00 – 10:00 a.m. **Morning Address**
Government Money, Government Speech, and the Establishment Clause in the Supreme Court
Professor Douglas Laycock
University of Michigan School of Law
- 10:00 - 10:15 a.m. **Break/Refreshments**
- 10:15 – 10:35 a.m. **Fellowship Address**
Religious Expression in the Public Schools: An Ever-changing Dynamic
Carrie Lynn
Fellow, Program on Law and State Government
- 10:40 – 11:40 a.m. **Panel Discussion**
Religion in the Schoolhouse
Professor Luke Meier
University of Nebraska School of Law

Kevin McDowell
General Counsel, Indiana Department of Education

Ken Falk
Legal Director, American Civil Liberties Union of Indiana
- 11:50 a.m. - 1:20 p.m. **Lunch and Afternoon Address**
The Evolution of Religion's Impact on State Government
Professor Thomas Berg
Saint Thomas University School of Law
- 1:20 – 1:30 p.m. **Closing Remarks**
Cynthia Baker
Director, Program on Law and State Government

*“Religion in America takes no direct part in the government of society,
but it must be regarded as the first of their political institutions.”*

– Alexis de Tocqueville



The Program on Law and State Government Fellowships

By fostering study and research of critical issues facing state governments, the Program on Law and State Government (PLSG) aims to enrich and broaden the dialogue between state governments and the academic legal community. Students benefit through participation in internships, fellowships and other research initiatives, which in turn assist governments as they confront the realities of the economy, the political pressures of representative democracy, and the changing landscape of federalism. Ultimately, the PLSG serves as a resource for lawyers and aspiring lawyers as they strive to better understand the confluence of law and state government.

The PLSG Fellowships provide a unique opportunity for law students interested in contributing to the contemporary scholarship of legal issues facing state governments. Awarded annually on a competitive basis, the fellowships enable two students to work with Director Cynthia Baker to explore an issue of the students' choosing by hosting an academic event and developing scholarship on that topic. This symposium, addressing religion in the public sphere, presents the culmination of the ideas, research, and work of the 2006 PLSG Fellows, Chris Campaniolo and Carrie Lynn. Past fellowship topics include: ethics of public service, administrative adjudication, charter school law, state regulation and funding of elections, and the internet's impact on state tax systems.

For more information about the Program on Law and State Government at the IU School of Law-Indianapolis, contact the program's director, Cynthia Baker at 317-278-2357 or e-mail cabaker@iupui.edu, www.indylaw.indiana.edu.



The Program on Law and State Government would like to thank the Editorial Board of the *Indiana Law Review* for its support of this Fellowship Symposium in anticipation of the upcoming symposium issue of the *Indiana Law Review* focusing on law and religion.

Supported by the Henry J. Kaiser Family Foundation, Menlo Park, California

From the State House to the Schoolhouse: Religious Expression in the Public Sphere

The 2006 Program on Law and State Government Fellowship Symposium will focus on an aspect of state law interwoven with America's religious and political history: the many ways states express religious ideas and messages in the public sphere.

From state house grounds to schoolhouse classrooms, policy makers and educators grapple with an important yet sensitive issue – how to recognize religion's importance while respecting federal and state constitutional law. In 2001, a monument of the Ten Commandments was displayed in the Rotunda of Alabama's state judicial building. Earlier this year the Indiana General Assembly enacted House Bill 1013-2006, which created a new license plate bearing the motto, "In God We Trust." And, while the Seventh Circuit Court of Appeals is currently reviewing a Federal District Court Judge's decision to prohibit daily sectarian prayers in the Indiana House chamber, a Federal Circuit Court rejected Ohio's efforts to limit a preacher's speech at Ohio's Statehouse. In many instances, state government decisions regarding religious expression become the subject of public debate, new state legislation, litigation, and, sometimes, front page headlines.

When public school classrooms become an arena for religious expression, the legal debate can become even more complex. In 2001, the Virginia General Assembly began requiring the daily recitation of the Pledge of Allegiance in its public schools. Those opposed to the law assert that "one nation under God" is a form of unconstitutional religious coercion. Although the United States Supreme Court has yet to rule on the issue, the 9th Circuit Court of Appeals upheld a similar law, stating that the recitation of the Pledge of Allegiance constitutes a display of patriotism, not religion. In Pennsylvania, courts denied the efforts of a local school board to include the Theory of Intelligent Design in the district's biology curriculum. The decision sparked a national debate, indicating that the legal dynamics dictating how religion is incorporated into public schools often remain ambiguous. Public school teachers face the difficult task of balancing their roles as representatives of the state with their constitutional rights to free speech. As the boundaries between the rights and obligations of teachers, students, parents, and the state continue to overlap, discussions of these issues have never been more important.

These topics pose some of the questions state governments face when religious ideas are expressed in the public sphere. Does religion have a place in state government and in public schools? If so, how does the law define that role? In the public school setting, where does the arm of the state end and the strength of the local school district begin? Who should decide ultimately how religion is taught in public school classrooms: the citizens of the state, the local taxpayers, the school district board, the teachers, the parents? The Program on Law and State Government welcomes your participation in the 2006 Program on Law and State Government Fellowship Symposium.

Registration

The registration fee of \$100 (\$55 for state government judges and attorneys; \$35 for lunch program only) includes coffee service, written materials and lunch. Please complete the attached registration form and mail with a check made payable to the IU School of Law-Indianapolis. The symposium will carry 3.5 hours of CLE credit. You must include your attorney number if you wish to receive Indiana CLE credit. If you seek CLE credit in another state, please contact that state's continuing legal education commission. Registrations should be mailed to The Program on Law & State Government, IU School of Law-Indianapolis, 530 West New York Street, Indianapolis, IN 46202. Registrations received by September 15, 2006 will avoid late registration fee. Cancellations after September 22, 2006, will not be refunded.

Scholarships based on financial need may be made available. To apply, send a letter outlining academic or professional interest in the symposium and justifying your request for a symposium scholarship to Arika Bell, IU School of Law-Indianapolis, Program on Law and State Government, 530 West New York Street, Indianapolis, IN 46202. Requests for scholarships must be received by September 8, 2006. If you have questions regarding the scholarships or the symposium, please contact Arika Bell at arlbell@iupui.edu or call (317) 278-2357.

Free parking will be available on a first-come, first-served basis in the surface lot immediately west of the law school building (lot 85).

Individuals with disabilities who need special assistance, please call (317) 278-3400. Special arrangements can be made to accommodate most needs.



Registration Form

Name _____

Firm _____

Address _____

City/State/Zip _____

Phone _____ E-mail _____

Attorney # _____

- I request a vegetarian meal.
- \$100 full registration
- \$55 state government attorney and judge registration fee
- \$35 lunch program only (1 credit of CLE)
- \$125 late registration fee (received on or after September 16, 2006)

Total Amount Enclosed \$_____.

*Return completed form, with check made payable
to the IU School of Law-Indianapolis
Attn: Program on Law & State Government
IU School of Law-Indianapolis
Lawrence W. Inlow Hall, 530 West New York Street
Indianapolis, IN 46202*

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