1995

How Much God In The Schools?: A Discussion of Religion's Role in the Classroom (Program)

Institute of Bill of Rights Law at The College of William & Mary School of Law

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HOW MUCH GOD
In The Schools?

a discussion about

Religion's Role in the Classroom

WITH KEYNOTE ADDRESS BY

REGENT UNIVERSITY CHANCELLOR
PAT ROBERTSON

AND CLOSING ADDRESS BY

ACLU PRESIDENT
NADINE STROSSEN

ALSO FEATURING: A PANEL OF DISTINGUISHED CONSTITUTIONAL EXPERTS AND
A MOOT COURT ARGUMENT ON RELIGION IN THE SCHOOLS

THE INSTITUTE OF BILL OF RIGHTS LAW STUDENT SYMPOSIUM

UNIVERSITY CENTER AUDITORIUM
6 TO 9:15 P.M. THURSDAY, FEBRUARY 23, 1995
• FREE ADMISSION •
The Student Division of the Institute of Bill of Rights Law was established to foster dialogue and promote research among law students. An integral part of the Institute, the Student Division enhances the educational opportunities of students and promotes thoughtful resolution of political and social problems.

The Institute of Bill of Rights Law was established in 1982 at the College of William and Mary, Marshall-Wythe School of Law, to support research and education on the Constitution and Bill of Rights. The programs and publications of the Institute are designed to enrich the educational experience of law students, broaden public knowledge, promote scholarly research, and facilitate creative public policy solutions to conflicts involving constitutional issues.

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without whose assistance the symposium would not have been possible.
**THE CASE**


vs.

*Alice Ghiradelli, Benjamin Ghiradelli, and Chloe Ghiradelli*

The Moot Court Presentation involves two students at Selah Middle School, who, with their mother, seek an injunction against the public school board to prohibit the teaching of the class “Religions of America.” The plaintiffs/respondents claim that the class violates the First Amendment’s bar against establishment of religion by the government. The defendants/petitioners, the public school board and its officials, answer that the class teaches about religion in an educational, historical, cultural and nondenominational manner and does not attempt to indoctrinate students.

Selah Middle School is located in the fictional Jefferson City, State of Madison. The school board was recently elected by a large majority after a campaign which promised to restore “morality, responsibility and the free exercise of religion to public schools.” One of the first actions of the new board was to reform the curriculum. In addition, the school board added a new class, “Religions of America,” required for all students. The class teaches about various religions which are practiced in the United States. Although some students of the faith studied volunteer to recite prayers, students are not required to participate in any devotional activities or prayers. Various religions’ symbols and writings, including the Ten Commandments, a Crucifix, a Menorah and a statue of Buddha are a part of a teaching display brought out only during the religion class.

Alice and Benjamin Ghiradelli, aged 12 and 13 respectively, and their mother, Chloe, are Hindu. They complain that as a result of the “Religions of America” class, they were ridiculed, slandered and made to feel unwanted at the public school. In addition, Alice and Benjamin allege that they felt compelled to pray Christian prayers, despite the teacher’s instruction that it was an academic course and prayer was voluntary.

The trial court applied a neutrality standard and dismissed the case in favor of the school board. The U.S. Court of Appeals reversed, and granted the injunction. The court rejected the neutrality standard used by the trial court, in favor of the three pronged Lemon Test, concluding that “the course has the inherent purpose and effect of inculcating middle school children with religious beliefs, primarily Christian...entangl[ing] church and state in an unholy alliance...is therefore unconstitutional.”

The case has been granted *certiorari* by the Supreme Court of the United States to determine first, whether the Court of Appeals erred in its determination that Petitioners’ course “Religions of America” violates the Establishment Clause, and second, whether an injunction should be upheld to bar the teaching of the course “Religions of America,” or if only certain elements of the course should be enjoined.
THE COLLEGE OF WILLIAM AND MARY
INSTITUTE OF BILL OF RIGHTS LAW
STUDENT DIVISION

HOW MUCH GOD IN THE SCHOOLS?
A Discussion of Religion's Role in the Classroom

February 23, 1995

6:00 pm WELCOME Peter Owen
6:05 pm KEYNOTE ADDRESS Pat Robertson, Chancellor, Regent University
6:30 pm MOOT COURT EXERCISE

The Advocates

for the petitioner for the respondent
Laura Feltman Mike Grable
Matt Johnson Emily Jenkins

The Justices

Chief Justice Neal Devins, Professor of Law, College of William and Mary
Davison Douglas, Professor of Law, College of William and Mary
Sheri Lynn Johnson, Visiting Distinguished Lee Professor of Law
College of William and Mary
Tim Singhel, 3rd Year Law Student, College of William and Mary
Lucy White, 2nd Year Law Student, College of William and Mary

7:05 pm JUSTICES ADJOURN FOR DELIBERATION
TEN MINUTE BREAK
7:15 pm  JUSTICES DELIVER DECISION(S) WITH COMMENTS
7:25 pm  PANEL DISCUSSION AND TOWN MEETING

The Panel
Moderator: Thomas Krattenmaker, Dean, William and Mary Law School
Lynn Buzzard, Professor of Law, Campbell University Law School
Steven Goldberg, Professor of Law, Georgetown University Law School
Elliot Minchberg, Legal Director, People for the American Way
Jay Sekulow, Chief Counsel, American Center for Law and Justice
Nadine Strossen, President, American Civil Liberties Union
Ruti Teitel, Professor of Law, New York Law School

8:50 pm  CLOSING ADDRESS  Nadine Strossen, President
                      ACLU
9:15 pm  FINAL COMMENTS  Peter Owen
**BIOGRAPHICAL INFORMATION**

**Lynn R. Buzzard** is a Professor of Constitutional Law & Director of the Church-State Resource Center at the Norman Adrian Wiggins School of Law, Campbell University. Professor Buzzard received his B.A. and M.A.T. from Duke University, his M.Div. from Duke Divinity School, and his J.D. from DePaul University School of Law. Prior to joining the Campbell faculty in 1985, Professor Buzzard served as the Executive Director of the Christian Legal Society & Center for Law and Religious Freedom for 15 years.

**Neal E. Devins** is a Professor of Law and Lecturer in Government at the College of William and Mary. Professor Devins received his A.B. from Georgetown and his J.D. from Vanderbilt. Prior to joining the William and Mary faculty in 1987, he was Assistant General Counsel for the United States Commission on Civil Rights, and Project Director for the Institute for Public Policy Studies at Vanderbilt. Professor Devins is co-author of *Political Dynamics of Constitutional Law* and the author of numerous other publications.

**Davison Douglas** is a law professor at the College of William and Mary. Professor Douglas received his A.B. from Princeton, an M.A.R. from Yale Divinity School, and his Ph.D. in History and J.D. from Yale University. Prior to joining the William and Mary faculty in 1990, he clerked for the Honorable Walter R. Mansfield, United States Court of Appeals for the Second Circuit. Professor Douglas is the author of a forthcoming book on school desegregation and editor of a two-volume set on school busing.

**Steven P. Goldberg** is a Professor of Law at Georgetown University. He received his A.B. from Harvard College and a J.D. from Yale Law School. Professor Goldberg served as a law clerk to Chief Judge David L. Bazelon, United States Court of Appeals, District of Columbia Circuit, and to Justice William J. Brennan, Jr., United States Supreme Court, prior to joining the Georgetown faculty in 1977. He teaches a seminar on Law and Religion and has published several articles on that topic.

**Sheri Lynn Johnson** is the Visiting Distinguished Lee Professor of Law at William and Mary from Cornell University Law School. Professor Johnson received her B.A. from the University of Minnesota and a J.D. from Yale University. Before joining the faculty of Cornell, Professor Johnson was a NSF Fellow and was associate appellate counsel for the Legal Aid Society of New York City.

**Thomas G. Krattenmaker** is the Dean of the Marshall-Wythe School of Law, College of William and Mary. Prior to his coming to William and Mary in 1994, Dean Krattenmaker taught at Georgetown University Law Center. He is a graduate of Swarthmore College and received his J.D. from Columbia University. Dean Krattenmaker clerked for United States Supreme Court Justice John A. Harlan, and has been chief of the evaluation division for the Federal Trade Commission’s Bureau of Consumer Protection and co-director of the Federal Communication Commission’s Network Inquiry.
Elliot M. Mincberg is the Legal Director of People for the American Way. Prior to joining People for the American Way, Mr. Mincberg was in private practice in Washington, D.C., where his area of expertise included constitutional and education law and civil rights. He has litigated and published extensively on First Amendment speech and religious issues, on the Equal Access Act, and on school desegregation. He is a graduate of Northwestern University and received his law degree from Harvard University.

Pat Robertson is the founder and Chancellor of Regent University. Mr. Robertson received a B.A. from Washington and Lee University, a J.D. from Yale University Law School and his master's degree from New York Theological Seminary. He is the author of nine books including *The Turning Tide*, *The New Millennium*, *America's Dates with Destiny*, *The Plan*, *The Secret Kingdom*, and *The New World Order*. Mr. Robertson is also the founder of the American Center for Law and Justice.

Jay A. Sekulow is the Chief Counsel of the American Center for Law and Justice. He is a graduate of Mercer University where he received a B.A. in 1977 and a J.D. in 1980. Mr. Sekulow was formerly a trial attorney in the Office of the Chief Counsel of the Internal Revenue Service. He is the co-author of "Lamb's Chapel v. Center Moriches Union Free School District: An End to Religious Apartheid," *Mississippi College Law Review*.

Tim Singhel is a third year law student at Marshall-Wythe School of Law, College of William and Mary.

Nadine Strossen is a Professor of Law at New York Law School. She received an A.B. from Harvard-Radcliffe College and a J.D. from Harvard Law School. Ms. Strossen is President of the American Civil Liberties Union and serves on the board of directors for numerous other human rights organizations. Ms. Strossen has published extensively in the area of civil liberties, most recently "In Defense of Freedom and Equality: The American Civil Liberties Union Past, Present, and Future," *Harvard Civil Rights-Civil Liberties Law Review*.

Ruti G. Teitel is a law professor at New York Law School. She received her J.D. from Cornell in 1980. Ms. Teitel served as a Deputy Assistant Attorney General, New York State Attorney General's Office, as well as the Assistant Director of the Law Department of the Anti-Defamation League, prior to joining the faculty of New York Law School in 1988. She is a member of the International Human Rights Committee of the NYC Bar.

Lucy G. White is a second year law student at Marshall-Wythe School of Law, College of William and Mary.