Columbia University in the City of New York | *New York, N.Y. 10027*
SCHOOL OF LAW

February 27, 2015

Representative Ed DeLaney
Indiana House of Representatives
200 W. Washington St.
Indianapolis, IN 46204-2786

Re: Religious Freedom Restoration Act

Dear Representative DeLaney:

We write you as legal scholars with expertise in matters of religious freedom, civil rights, and the interaction between those fields, to offer our expert opinion on the scope and meaning of the proposed Religious Freedom Restoration Acts pending before both houses of the Indiana legislature. The thirty signatories to this letter, many who are Indiana University law professors, agree with the Indiana Supreme Court "that the Indiana Constitution's religious liberty clauses did not intend to afford only narrow protection for a person's internal thoughts and private practices of religion and conscience."[1] We share the view that a commitment to religious liberty is fundamental to a uniquely American notion of pluralism whereby religiously motivated practices should be accommodated in contexts where such accommodation would not result in meaningful harm to the rights of identifiable third parties.

That said, we have several concerns with the language of the proposed Religious Freedom Restoration Acts (RFRA). The first rests primarily in the way in which they expand the protection of religious liberty rights by unsettling a finely tuned harmony between religious liberty and other rights secured by the Indiana Constitution and laws. Although some proponents of the legislation maintain that the proposed RFRAs offers a modest and reasoned method to secure rights to religious liberty in Indiana, it is our expert opinion that the proposals, if adopted, would amount to an over-correction in protecting important religious liberty rights, thereby destroying a well-established harmony struck in Indiana law between these important rights and

---

[1] *City Chapel Evangelical Free Inc. v. City of South Bend*, 744 N.E.2d 443, 446 (Ind.S.Ct. 2001).
[2] The Indiana Supreme Court has sought to strike this balance in a range of cases. See e.g.: *Meredith v. Pence*, 984 N.E.2d 1213 (Ind. S.Ct. 2013); *Thomas v. Review Bd. of Indiana Employment Sec. Div.*, 271 Ind. 233 (1979), rev'd 450 U.S. 707 (1981); *Sumpter v. State*, 261 Ind. 471(1974).
[3] *City Chapel Evangelical Free Inc. v. City of South Bend ex rel. Dept. of Redevelopment*, 744 N.E.2d 443, 450 (2001)(finding the religious liberty clauses of the Indiana Constitution to reflect "core values").
[4] *Church of Christ v. Metropolitan Bd. of Zoning App.*, 175 Ind.App. 346, 349-50 (1978)(recognizing religious liberty rights as fundamental).
[5] *City Chapel Evangelical Free, Inc. v. City of South Bend*, 744 N.E.2d 443, 420 ("there is within each provision of our Bill of Rights a cluster of essential values which the legislature may qualify but not alienate).
[6] *Endres v. Indiana State Police*, 794 N.E.2d 1089, 1096 (Ind.App. 2003), affirmed in part, vacated in part by *Endres v. Indiana State Police, Ind.*, 809 N.E.2d 320 (Ind.S.Ct. 2004)("Even if it proves possible to swap

other rights secured under the Indiana Constitution and statutes.[2]

To be sure, the right to religious liberty in Indiana has been treated as a "core"[3] or "fundamental"[4] right, along with the state's compelling interest in protecting other forms of liberty and equality. But despite the deep commitment to religious liberty enshrined in the Indiana Constitution, this right is not absolute.[5]

Religious liberty, while fundamental, finds elevated protection under the Indiana Constitution along with other fundamental rights, and the hard work of the courts has been to find the proper balance among those rights. As the Indiana Court of Appeals observed when it denied a state police officer's plea for an exemption from working as a riverboat gaming agent on account of his religious objections to gambling: "Churches, and by implication the religious freedoms enjoyed by worshippers, are subject to reasonable regulations, not tantamount to alienation, by the State to the extent as might be required to promote the public health, safety, or general welfare … Law-enforcement agencies need the cooperation of all members … Firefighters must extinguish all fires, even those in places of worship that the firefighter regards as heretical. Just so with police."[6]

Federal free exercise doctrine follows a similar trajectory. A longstanding constitutional principle has held that neither the government nor the law may accommodate religious belief by lifting burdens on religious actors if doing so shifts those burdens to third parties. We see this principle enshrined in the U.S. Supreme Court's recent decision in *Holt v. Hobbs*,[7] a case in which a prisoner of faith sought an exemption from a prison no beard-policy because his sincerely held religious beliefs required him to wear a short beard. The Supreme Court found unanimously that the Religious Land Use and Institutionalized Persons Act (RLUIPA) required that the Arkansas Department of Correction accommodate the prisoner's religiously-based demand for an exemption from the no-beard policy. The unanimity of the decision turned on the fact that no third parties were required to bear the cost of the requested accommodation.[8] The

---

[2] The Indiana Supreme Court has sought to strike this balance in a range of cases. See e.g.: *Meredith v. Pence*, 984 N.E.2d 1213 (Ind. S.Ct. 2013); *Thomas v. Review Bd. of Indiana Employment Sec. Div.*, 271 Ind. 233 (1979), rev'd 450 U.S. 707 (1981); *Sumpter v. State*, 261 Ind. 471(1974).

[3] *City Chapel Evangelical Free Inc. v. City of South Bend ex rel. Dept. of Redevelopment*, 744 N.E.2d 443, 450 (2001)(finding the religious liberty clauses of the Indiana Constitution to reflect "core values").

[4] *Church of Christ v. Metropolitan Bd. of Zoning App.*, 175 Ind.App. 346, 349-50 (1978)(recognizing religious liberty rights as fundamental).

[5] *City Chapel Evangelical Free, Inc. v. City of South Bend*, 744 N.E.2d 443, 420 ("there is within each provision of our Bill of Rights a cluster of essential values which the legislature may qualify but not alienate).

[6] *Endres v. Indiana State Police*, 794 N.E.2d 1089, 1096 (Ind.App. 2003), affirmed in part, vacated in part by *Endres v. Indiana State Police, Ind.*, 809 N.E.2d 320 (Ind.S.Ct. 2004)("Even if it proves possible to swap assignments on one occasion, another may arise when personnel are not available to cover selective objectors, or when ... seniority systems or limits on overtime curtail the options for shuffling personnel. Beyond all of this is the need to hold police officers to their promise to enforce the law without favoritism-as judges take an oath to enforce all laws, without regard to their (or the litigants') social, political, or religious beliefs," quoting *Endres v. Indiana State Police*, 334 F.3d 618, 624-25 (7th Cir.2003)(Posner, C.J., concurring)).

[7] *Holt v. Hobbs*, 135 S.Ct. 853 (2015).

[8] See, in particular, Justice Ginsburg's concurrence, joined by Justice Sotomayor, emphasizing the importance of the absence of third party costs for the accommodation, thus affirming the position of a majority of the Court in *Hobby*

Supreme Court has consistently held that the government may not accommodate religious belief by lifting burdens on religious actors if that means shifting meaningful burdens to third parties. This principle protects against the possibility that the government could impose the beliefs of some citizens on other citizens, thereby taking sides in religious disputes among private parties. Avoiding that kind of official bias on questions as charged as religious ones is a core norm of the First Amendment.

In *Estate of Thornton v. Caldor*,[9] the Court invalidated a Connecticut statute that required all employers to accommodate every employee who did not wish to work on the day he or she regarded as the Sabbath. The Court held that the law accommodated religious belief only by shifting serious costs to employers and to other employees.[10] The Court held that the state law "contravenes a fundamental principle of the Religion Clauses," namely that "'The First Amendment . . . gives no one the right to insist that, in pursuit of their own interests others must conform their conduct to his own religious necessities.'"[11] In other words, the Constitution allows special exemptions for religious actors, but not when they work to impose costs on others.

Later, in *Cutter v. Wilkinson* the Court turned away an Establishment Clause challenge to RLIUPA itself. There, the Court said in a unanimous opinion that in applying RLUIPA courts must take "adequate account" of the burdens that could be imposed on third parties and it cited *Estate of Thornton v. Caldor*.[12] As such, the principle against third party harms is grounded in the Establishment Clause.[13]

Free exercise cases likewise emphasize the constitutional importance of avoiding burden-shifting to third parties when considering accommodations for religion. In *United States v. Lee*, the Court refused to grant an exemption to an Amish employer who was theologically opposed to paying Social Security taxes on behalf of his employees. The Court held that granting the exemption would impose unacceptable costs on the third-party employees:

> When followers of a particular sect enter into commercial activity as a matter of choice, the limits they accept on their own conduct as a matter of conscience and faith are not to be superimposed on the statutory schemes which are binding on others in that activity. Granting an exemption from social security taxes to an employer operates to impose the

---

Lobby. Id. at 867 ("accommodating petitioner's religious belief in this case would not detrimentally affect others who do not share petitioner's belief.").

[9] 472 U.S. 703 (1985).

[10] *Id*. at 709 (holding that under the Connecticut statute, "religious concerns automatically control over all secular interests at the workplace; the statute takes no account of the convenience or interests of the employer or those of other employees who not observe a Sabbath").

[11] *Id*. at 710 (quoting *Otten v. Baltimore & Ohio R. Co.*, 205 F.2d 58, 61 (2d Cir. 1953) (Hand, J.)).

[12] 544 U.S. 709, 720 (2004) ("Properly applying RLUIPA, courts must take adequate account of the burdens a requested accommodation may impose on nonbeneficiaries, see Estate of Thornton v. Caldor, Inc., 472 U.S. 703, 105 S.Ct. 2914, 86 L.Ed.2d 557 (1985) . . . .").

[13] *See* Frederick Mark Gedicks & Rebecca G. Van Tassell, *RFRA Exemptions from the Contraception Mandate: An Unconstitutional Accommodation of Religion*, 49 HARV. C.R.-C.L. L. REV. 1 (2014); see also Micah Schwartzman, Richard Schragger, & Nelson Tebbe, *The Establishment Clause and the Contraception Mandate*, BALKINIZATION (Nov. 27, 2013), http://balkin.blogspot.com/2013/11/the-establishment-clause-and.html.

employer's religious faith on the employees.[14]

The Supreme Court's decision in *Burwell v. Hobby Lobby*[15] once again affirmed the principle of avoiding burden shifting, though, we would argue, based on a misreading of the facts of the case. In *Hobby Lobby* the majority of the Court found that religious interests asserted by the company's corporate ownership under the federal RFRA could be accommodated by extending an exemption process already available to religious non-profit corporations. The Court maintained that this accommodation amounted to a means by which the government could achieve its compelling goals while minimizing any burden on the religious liberty of the corporate ownership, and without "any detrimental effect on any third party."[16]

Justice Kennedy, the crucial fifth vote in the case, reaffirmed the principle when he wrote that religion exemptions may not "unduly restrict other persons, such as employees, in protecting their own interests, interests the law deems compelling."[17] This factual conclusion drawn by seven members of the Court, that accommodating the corporate ownership's religious beliefs without any detrimental effects on any third party, was misplaced, as Justices Ginsburg and Sotomayor have insisted.[18] In fact, Hobby Lobby's employees have been harmed, and continue to be harmed, by the Court's decision. Although the Obama Administration is working on implementing the solution that the Court suggested in its opinion,[19] that solution has not yet been put in place, and as such employees of Hobby Lobby are currently not receiving health insurance coverage for the treatment to which the corporation objects.[20] What is more, any rule that the administration implements, whereby the religious beliefs of the corporation can be accommodated through an alternative process for coverage, cannot be retroactive.[21] Therefore, Hobby Lobby's employees have suffered harm that may well be irreparable, including heightened risk of unwanted pregnancies and other health problems.

Thus, the *Hobby Lobby* Court affirmed in theory but ignored in fact the important principle that religious liberty rights under the federal RFRA cannot be protected by shifting a burden to third parties. In order to protect against the Indiana RFRA being interpreted by state or federal courts in ways that similarly undermine this important balance between religious liberty and other important rights, we urge that the proposed law include clear language clarifying that religion accommodations are not available where extending them would result in meaningful harm to third parties.

The proposed state RFRAs threaten to destabilize the harmony among fundamental rights struck by Indiana courts in a long line of cases and in a complex set of contexts. The proposed

---

[14] 455 U.S. 252, 261 (1982).
[15] *Burwell v. Hobby Lobby Inc*., 134. U.S. 2751 (2014).
[16] *Id.* at 2781 n.37.
[17] *Id*. at 2786-87 (Kennedy, J., concurring).
[18] *Holt*, 135 S.Ct. at 867 (Ginsburg, J., joined by Sotomayor, J., concurring).
[19] See *Notice of Proposed Rulemaking Coverage of Certain Preventive Services Under the Affordable Care Act*, 79 FR 51118-01 (Aug. 27, 2014).
[20] See Nelson Tebbe, Richard Schragger, & Micah Schwartzman, *Update on the Establishment Clause and Third Party Harms: One Ongoing Violation and One Constitutional Accommodation*, BALKINIZATION (Oct. 16, 2014), http://balkin.blogspot.com/2014/10/update-on-establishment-clause-and.html.
[21] Bowen v. Georgetown Univ. Hosp., 488 U.S. 204, 208 (1988).

law seeks to override this reasoned balance among rights by bluntly and categorically granting religious liberty rights a special status. In so doing, the proposed law jeopardizes parallel compelling state interests such as public health and safety, equality, and other fundamental liberties. What is more, without language that prohibits the shifting of the costs of religious liberty rights secured under the state RFRA to third party rights-holders that do not share the religious beliefs of the claimants, the proposed RFRA risks exposing the state to valid claims that it has violated Article 1, Section 4 of the Indiana Constitution, a provision that prohibits the law from preferring religious over non-religious policies and practices. Further, adopting a measure such as the proposed RFRAs, one that creates a legal mechanism by which the costs of religious liberty may be shifted to third parties, raises serious Establishment Clause concerns under the federal Constitution insofar as it risks governmental endorsement or support of religion, and can be reasonably read as the state advancing religious interests. The use of state power in the services of religion or religious interests clearly runs afoul of the Establishment Clause of the U.S. Constitution's First Amendment and of Article 1 of the Indiana Constitution.[22]

Second, advocates who favor the proposed state RFRA have argued that the proposals, at their core, mirror the federal RFRA, and that the federal law, in place since 1993, was supported by a wide coalition of Republicans and Democrats – and indeed, was signed by President Bill Clinton. It is argued that given this bipartisan support for the federal RFRA in 1993, the proposed state RFRAs, mirroring the text of federal law, should also receive bipartisan support.[23] However, this parallel between support for the federal RFRA and the proposed state RFRA is misplaced. In fact, many members of the bipartisan coalition that supported the passage of the federal RFRA in 1993 now hold the view that the law has been interpreted and applied in ways they did not expect at the time they lent their endorsement to the law. As a result, the legislators who voted on RFRA have distanced themselves from their initial backing of the legislation.[24] This fragmentation occurred over questions such as the application of RFRA-based rights as a defense to liability for housing discrimination,[25] the debates concerning the never-enacted

[22] See *Lemon v. Kurtzman*, 403 U.S. 602 (1970).

[23] See Curt Smith, "Indiana needs to adopt religious freedom law," *IndyStar*, February 2, 2015 ("It mirrors the federal Religious Freedom Restoration Act (RFRA), which federal courts have frequently affirmed since it passed by overwhelming bipartisan majorities in the U.S. House and U.S. Senate in 1993"); Indiana Association of Home Educators, *Home Education and the Religious Freedom Restoration Act,* http://www.iahe.net/blog/religious-freedom-restoration-act-201502 (the proposed law "mirrors existing federal law (RFRA) in place in 1993 … RFRA passed the US Senate with 97 of 100 votes. It was carried by Senator Ted Kennedy and endorsed by the American Civil Liberties Union. President Bill Clinton signed it into law.").

[24] Nineteen members of Congress who voted for the passage of the law in 1993 have now withdrawn their support for the federal RFRA given that it has been interpreted by the courts in ways that were not intended by the Congress at the time of the law's passage. See Brief For United States Senators Murray, Baucus, Boxer, Brown, Cantwell, Cardin, Durbin, Feinstein, Harkin, Johnson, Leahy, Levin, Markey, Menendez, Mikulski, Reid, Sanders, Schumer, And Wyden As Amici Curiae In Support Of Hobby Lobby Petitioners And Conestoga Respondents, Burwell v. Hobby Lobby Inc., 134. U.S. 2751 (2014) ("[We] could not have anticipated, and did not intend, such a broad and unprecedented expansion of RFRA.").

[25] There was a split among advocates who otherwise supported religious liberty rights as to whether a RFRA-like defense could be raised in response to the enforcement of sexual orientation and marital status-based discrimination protections in, among other contexts, housing. See *Swanner v. Anchorage Equal Rights Commission*, 874 P.2d 274 (S.Ct. Alaska 1994)(finding that ruling that landlord discriminated on basis of marital status by refusing to rent to unmarried couples did not violate landlord's right to religious freedom).

Religious Liberty Protection Act (RLPA),[26] debates over the scope and meaning of the Religious Land Use and Institutionalized Persons Act passed by Congress in 2000,[27] and disagreement as to whether corporations of any size or corporate form could be religious liberty rights-holders.[28]

Perhaps of greater importance, Indiana's protections for religious liberty were never intended to mirror federal religious liberty protections, whether embodied in the First Amendment or otherwise.[29] Contrary to those advocates who have characterized Indiana courts' interpretation of the religion clauses of the state Constitution as "uncertain" and "underdeveloped,"[30] it is our view that the Indiana courts have given the state constitution's religion clauses careful and nuanced interpretation. Indiana has its own history and tradition of protecting the religious liberty of its citizens in ways that depart from the federal standard. State courts and commentators have insisted that the Indiana Constitution's protection of religious liberty rights, contained in seven distinct and separate provisions of Article 1, should be read as "establishing a separate role for the state religion clauses."[31] The state RFRA bills promise to transform religious liberty protections in Indiana to bring them into conformance with federal protections, and threaten to override well-established approaches to religious liberty enshrined in the Indiana Constitution and laws. Such a reform of religious liberty rights in Indiana, by importing federal standards that differ from local standards in significant respects, would overturn years of careful interpretation by Indiana courts of §§ 2-8 of Article 1 of the Indiana Constitution. Overriding that reasoned jurisprudence by substituting a federal statutory standard of religious liberty (in the form of language that purportedly mirrors the federal RFRA) is neither necessary nor appropriate to protecting religious liberty rights in Indiana.

Third, the state RFRA bills do not, in fact, mirror the language of the federal RFRA. The federal RFRA and most other state RFRAs provide that in order to pass constitutional muster the alleged burden on the exercise of sincerely held religious beliefs must be "in furtherance of a compelling governmental interest." Some versions of the state RFRA now pending before the Indiana Legislature, by contrast, set forth that the state must demonstrate that "applying the burden to the person's exercise of religion is: (1) essential to further a compelling governmental interest; . . ." This difference in language, creating a much higher burden for the state in

---

[26] H.R. 1691, 106th Cong. (1999); H.R. 4019, 105th Cong. (1998). See James M. Oleske, Jr, *Obamacare, RFRA, and the Perils of Legislative History,* 67 Vand. L. Rev. En Banc 77, 82-83 (2014).

[27] 42 U.S.C. 2000cc.

[28] See Oleske, *Obamacare, RFRA, and the Perils of Legislative History,* 67 Vand. L. Rev. En Banc 77, 81-83 (describing the breakdown of the RFRA coalition over the issue of whether religious exemptions should be allowed only for small business enterprises and whether religious liberty claims can legitimately trump rights grounded in civil rights legislation); William P. Marshall, *Bad Statutes Make Bad Law:* Hobby Lobby V. Burwell, forthcoming 2014 Sup Ct Rev ___, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2562949 (describing the fragmentation of the coalition supporting RFRA).

[29] "[T]he religious liberty protections in the Indiana Constitution 'were not intended merely to mirror the federal First Amendment.' … When Indiana's present constitution was adopted in 1851, the framers who drafted it and the voters who ratified it did not copy or paraphrase the 1791 language of the federal First Amendment. Instead, they adopted seven separate and specific provisions, Sections 2 through 8 of Article 1, relating to religion." *Meredith v. Pence*, 984 N.E.2d 1213, 1225 (Ind.S.Ct. 2013), quoting *City Chapel Evangelical Free Inc. v. City of South Bend ex rel. Dept. of Redevelopment*, 744 N.E.2d 443, 445-46 (2001).

[30] See Letter of Law Professors to Hon. Brent Steele, dated February 3, 2015, pp. 2-3.

[31] Rosalie Berger Levinson, *State and Federal Constitutional Law Developments*, 35 Ind. L. Rev. 1263, 1291 (2001).

defending the application of otherwise generally applicable laws in cases where there is an alleged burden on religious liberty rights, is extremely important. This higher burden will be particularly critical in cases where RFRA rights might be asserted as a defense to a claim of discrimination; the RFRA claimant will be encouraged to assert a range of ways, including the market, in which application of the anti-discrimination law is non-essential. Further, the definition of "person" under the proposed RFRA differs substantially from that contained in the federal RFRA, affording standing to assert religious liberty rights to a much broader class of entities than that currently recognized by federal law.

Finally, some of the supporters of the proposed state RFRAs argue that the bills are "hardly radical" but rather offer modest and well-cabined protections for religious liberty. They insist that the proposed RFRAs are modest proposals since *Hobby Lobby* and other cases interpreting the federal RFRA evidence a track record of "cautious enforcement" by courts of statutory religious liberty rights, and that the law would merely enable the "opening of a door" with state and local officials to discuss how they might consider burdens on the exercise of religion. These advocates further argue that an Indiana RFRA, if passed, is unlikely to be interpreted by courts to grant religious liberty rights to for-profit businesses or owners of public accommodations, and that they have seen little evidence that similar statutes have unleashed a great deal of litigation. Thus, they argue, the proposed Indiana RFRA represents a narrow avenue through which to clarify and signal the state's commitment to religious liberty.[32]

In our expert opinion, the clear evidence suggests otherwise and unmistakably demonstrates that the broad language of the proposed state RFRA will more likely create confusion, conflict, and a wave of litigation that will threaten the clarity of religious liberty rights in Indiana while undermining the state's ability to enforce other compelling interests. This confusion and conflict will increasingly take the form of private actors, such as employers, landlords, small business owners, or corporations, taking the law into their own hands and acting in ways that violate generally applicable laws on the grounds that they have a religious justification for doing so. Members of the public will then be asked to bear the cost of their employer's, their landlord's, their local shopkeeper's, or a police officer's private religious beliefs. As we have learned on the federal level, RFRAs do not "open a door" to conversation, but rather invite new conflict that takes the form of litigation. This collision of public rights and individual religious beliefs will produce a flood of litigation, whereby Indiana courts will be asked to rebalance what has been a workable and respectful harmony of rights and responsibilities in a pluralistic society.[33]

---

[32] Id.

[33] As of mid-February, 2015, 100 lawsuits have been initiated under the federal RFRA challenging terms of the Affordable Care Act. Similarly, scores of cases have been filed in which employers have sought an exemption from sex or sexual orientation based discrimination protections; business owners have sought to justify refusals of service to members of the public on the grounds that doing so would violate their religious beliefs; employers have terminated employees because the employee's private conduct offends the employer's religious beliefs; and licensed medical providers have refused to treat some patients, in violation of professional standards, because such treatment would violate their religious beliefs. See, The Becket Fund for Religious Liberty, "Our Cases," http://www.becketfund.org/u-s-litigation/our-cases/; ACLU, "Using Religion to Discriminate," https://www.aclu.org/using-religion-discriminate; and Religion Dispatches, http://religiondispatches.org/.

In conclusion, each signatory to this letter recognizes the important place that rights to religious liberty hold in the set of rights we regard as fundamental in the U.S. legal system. Yet, rather than advancing reasonable concerns about religious freedom, the proposed Religious Freedom Restoration Act is more a solution in search of a problem, or worse, if passed will create confusion, conflict, and a wave of litigation that will threaten the clarity of religious liberty rights in Indiana while undermining the state's ability to enforce other compelling interests.

Sincerely,

Katherine Franke
Isidor and Seville Sulzbacher Professor of Law
Columbia University

Kara Loewentheil
Director, Public Rights/Private Conscience Project
Research Fellow
Columbia Law School

Jennifer Drobac
Professor of Law
Indiana University Robert H. McKinney School of Law

Rob Katz
Professor of Law
Indiana University Robert H. McKinney School of Law

Fran Quigley
Clinical Professor
Health and Human Rights Clinic
Indiana University Robert H. McKinney School of Law

Florence Wagman Roisman
William F. Harvey Professor of Law and
Chancellor's Professor
Indiana University Robert H. McKinney School of Law

Lea Shaver
Associate Professor
Indiana University Robert H. McKinney School of Law

Deborah Widiss
Associate Professor
Indiana University Maurer School of Law

Susan H. Williams
Walter W. Foskett Professor of Law
Director, Center for Constitutional Democracy
Indiana University Maurer School of Law

Carwina Weng
Clinical Professor and
Director, Disability Law Clinic
Indiana University Maurer School of Law

Jeannine Bell
Professor of Law and
Neizer Faculty Fellow
Indiana University Maurer School of Law

Aviva Orenstein
Professor of Law and
Val Nolan Faculty Fellow
Indiana University Maurer School of Law

Shawn Marie Boyne
Professor of Law
Indiana University Robert H. McKinney School of Law

Jeffrey O. Cooper
Associate Professor
Indiana University Robert H. McKinney School of Law

Ira C. Lupu
F. Elwood & Eleanor Davis Professor of Law Emeritus
George Washington University

Nelson Tebbe
Professor of Law
Brooklyn Law School

Robert W. Tuttle
Berz Research Professor of Law and Religion
George Washington University

Ariela Gross
Professor of Law
University of Southern California Gould School of Law

Naomi Mezey
Professor of Law
Georgetown Law

Caroline Mala Corbin
Professor of Law
University of Miami School of Law

Richard C. Schragger
Perre Bowen Professor
Barron F. Black Research Professor of Law
University of Virginia School of Law

Micah J. Schwartzman
Edward F. Howrey Professor of Law
University of Virginia School of Law

Steven K. Green, J.D., Ph.D.
Fred H. Paulus Professor of Law and Director
Center for Religion, Law and Democracy
Willamette University

Nomi Stolzenberg
Nathan and Lilly Shapell Chair in Law
University of Southern California Gould School of Law

Sarah Barringer Gordon
Arlin M Adams Professor of Constitutional Law
and Professor of History
University of Pennsylvania

Frederick Mark Gedicks
Guy Anderson Chair & Professor of Law
Brigham Young University Law School

Claudia E. Haupt
Associate-in-Law
Columbia Law School

Marci A. Hamilton
Verkuil Chair in Public Law
Benjamin N. Cardozo Law School
Yeshiva University

Laura S. Underkuffler
J. DuPratt White Professor
Cornell Law School

Carlos A. Ball
Distinguished Professor
Rutgers University School of Law

* Titles and institutions are for identification purposes only.