

NEWS/OBITUARIES

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Lawmakers devise prayer compromise

House begins legislative session with voluntary devotions; state lawmaker defends action

By MIKE SMITH
THE ASSOCIATED PRESS

INDIANAPOLIS

Minutes before Wednesday's start of the 2006 legislative session, many House members bowed their heads for prayers they said met a federal court order banning prayers that endorse a specific religion to start the chamber's official state business.

House Speaker Brian Bosma said the prayers recited by the lawmakers complied with a November ruling by U.S. District Court Judge David Hamilton that bars invocations from the podium that refer to Jesus Christ or use other Christian terms such as "savior."

Hamilton's order said such prayers amounted to a state endorsement of religion.

So 10 minutes before officially gaveling in, several House members gathered in the back of the chamber for what Bosma called informal, voluntary prayers.

One prayer led by Democratic Rep. Peggy Welch of Bloomington referred to Lord and Holy



AP PHOTO

Rep. Peggy Welch, center, D-Bloomington, leads fellow members of state legislators in what was called an informal prayer before the start of the 2006 legislative session in Indianapolis on Wednesday.

Spirit. Republican Rep. Eric Turner of Gas City specifically mentioned Christ in his prayer.

"Father, we thank you for sending your son to be a model for our lives," Turner said. "Help us to be Christlike in all that we do, in our interactions with one another as we represent our constituents back home. As we walk and talk, help us to be Christlike.

Father, we just pray these things in the name of our Lord and our Savior, Jesus Christ."

Many House members smiled and clapped afterward.

Bosma said that because the prayers preceded official business, were said in the back of the chamber and were completely voluntary, they complied with the court order. He said he still

believes Hamilton's ruling tramples on free speech and plans to appeal it to the 7th U.S. Circuit Court of Appeals.

For now, he will continue the new practice.

"We are a nation of laws, even laws that we disagree with," Bosma said.

Hamilton's order also bars Christian references and the promotion of other religions, and states that nonsectarian prayer was necessary if the tradition in the House was to continue.

The ruling stems from a lawsuit filed by the American Civil Liberties Union of Indiana on behalf of four people, including a Quaker lobbyist, who said they found the tradition of offering the usually Christian prayers offensive.

Ken Falk, an attorney with the ACLU of Indiana, said he believed the prayers before the Wednesday's session did not violate the court order because they were not state invocations.

"I would not disagree with the speaker," Falk said. "I don't see this as legislative prayer."

IN OTHER NEWS

Legislators pushing for telephone deregulation

INDIANAPOLIS — Some lawmakers are supporting a bill they say would increase broadband service and free telephone companies from state regulations, but consumer groups say the legislation would drive up prices for Indiana residents. Sen. Brandt Hershman, R-Wheatfield, said his proposal would deregulate basic, residential phone service by 2009, allowing telephone companies to set their own rates. Currently, the Indiana Utility Regulatory Commission limits those phone rates.

Phone companies pushing for deregulation say it is hard for them to compete with newer telecommunication companies because those industries do not have to follow IURC regulations.

"We are regulated, they are not. It's difficult, in some cases impossible, for us to compete against those technologies," said John Koppin, president of the Indiana Telecommunications Association, which represents AT&T Indiana.

Franklin
Roberta M. Bates, 80
Greenwood
Eniah N. Champion, infant
Indianapolis
Eleanor J. Fraser, 64

FRANKLIN

Roberta M. (Miller) Bates

Roberta M. (Miller) Bates, 80, died Wednesday, Jan. 4, 2006, at the Indiana Masonic Home in Franklin.

She was preceded in death by her husband, Ray A. Bates.

Arrangements are pending at Meredith-Clark Funeral Home, Cremation and Personalization Center in Morgantown.

GREENWOOD

Eniah N. Champion

Eniah N. Champion, infant, died Monday, Jan. 2, 2006, at Riley Hospital for Children in Indianapolis. She was a resident of Greenwood.

Survivors include her parents, Justus and Tracey (Shrum) Champion; and a sister, Emilee Champion.

A funeral service will be conducted at 1 p.m. today at Forest Lawn Funeral Home, 1977 S. State Road 135 in Greenwood. Friends may call from 11 a.m. until service time today at the funeral home. Burial will be at Forest Lawn Memory Gardens in Greenwood.

INDIANAPOLIS

Eleanor J. (Furgeson) Fraser

Eleanor J. (Furgeson) Fraser, 64, died Wednesday, Jan. 4, 2006, at her residence in Indianapolis.

Survivors include three children, Jon Fraser of Needham, Vincent Fraser of Whiteland and Linda Waymon of Franklin; a sister, Nancy Doran of Beech Grove; several half brothers and half sisters; and four grandchildren.

A funeral service will be conducted at 1 p.m. Saturday at Jessen Funeral Home, 729 U.S. 31 North in Whiteland. Friends may call from 4 to 8 p.m. Friday and from 11 a.m. until service time Saturday at the funeral home. Burial will be at West Newton Cemetery in Indianapolis.

Memorial contributions may be made to American Cancer Society, 6030 W. 62nd St., Indianapolis, IN 46278.

Survey: Many want ISTEP as rite of spring

By ASHLEY M. HEHER
THE ASSOCIATED PRESS

INDIANAPOLIS

About 70 percent of Indiana residents think the state's ISTEP exams should be given to students in the spring, according to an education group's survey released Wednesday.

Researchers had expected the survey results by Indiana University's Center for Evaluation and Education Policy to be more evenly split between testing in the fall and spring.

About 16 percent said they prefer the test in the fall, and the rest were unsure or declined a preference.

Indiana Gov. Mitch Daniels

"What stuck out for me was the public support for public schools. Overall, people are happy with their local schools."

Susan Brace

school board member and teacher at Jefferson Middle School in Fort Wayne on results from a recent survey on the state's education program

tried unsuccessfully last year to have the tests moved to the spring.

"The people in Indiana clearly care about their public schools," said Jonathan Plucker, the center's director.

The report showed 94 percent of people surveyed felt more work should be done to close the so-called achievement gap be-

tween white students and minority and low-income students.

The telephone survey of 600 residents is in its third year and has a margin of error of plus or minus 4 percentage points.

Researchers also found a sharp increase, 76 percent this year compared to 60 percent in 2004, in the number of Indiana residents who said they opposed cutting public

school funding as a way to balance the state's budget.

Nearly 60 percent said they would be willing to pay higher taxes to support public education.

Susan Brace, a school board member and a teacher at Jefferson Middle School in Fort Wayne, said she was unsure if lawmakers would be able to use much of the survey's information because of their short session.

Still, she was pleased to see confidence in public schools remained high.

"What stuck out for me was the public support for public schools," she said. "Overall, people are happy with their local schools."

About 56 percent of Indiana residents said the state's public

schools provided an excellent or good education, and 64 percent of respondents gave their local public schools the same favorable ratings.

But the study also highlighted racial disparities.

While 59 percent of whites surveyed said schools were performing well, only 45 percent of minorities gave schools a similar rating.

About 80 percent of white respondents blamed the achievement gap between white students and their low-income or minority counterparts on social factors such as family income and a parents' education levels. About 60 percent of minorities blamed the gap on those factors.

• Murderer

(CONTINUED FROM PAGE ONE)

strangled to death.

On Tuesday, the defense raised questions about the performance of his trial attorneys, his mental status and how the original case was conducted.

Lead defense attorney Tom Hinesley argued that Overstreet's trial attorneys failed to make sure

that essential information was given to three medical experts evaluating his mental status.

If all the experts would have been given a social history showing that Overstreet had a history of mental illness, they would have more conclusively diagnosed him with schizophrenia, Hinesley said.

He also said the lawyers failed to pick the most convincing medical expert to testify about Overstreet's mental status at the trial.

Deputy state attorney general Jim Martin disagreed that Over-

street's attorneys didn't provide adequate legal counsel. He said that, through family and expert testimony, the lawyers were able to show mental problems that existed back to Overstreet's childhood.

The justices questioned each side's arguments and will now review the case before giving their decision, a process that can take several weeks.

Overstreet, 39, has been on death row for five years.

This is the second appeal he has brought to the state's highest

court. Justices upheld his conviction and death sentence in February 2003. He then asked for a lesser sentence, known as post-conviction relief, from Johnson County Superior Court.

Judge Cynthia Emkes upheld the death sentence in 2004 after months of reviewing trial testimony and arguments about the case she originally heard in 2000.

Portions of the information for this story were taken from a live, online webcast of the Indiana Supreme Court proceedings.

• Greener

(CONTINUED FROM PAGE ONE)

Tracy Trail will benefit schools by giving students a safer alternative to cutting through yards, snow and mud on their way home to nearby housing additions, Greenwood school Superintendent David Edds said.

"We're anxious for the city to get the whole system up," Edds said.

Park officials don't expect the trail to be finished until 2007 at the earliest, but once it is complete, it will be the gem of the trail system, Cummings has said.

City workers are planning a walking bridge over Smith Valley Road as part of the trail system.

They have oral agreements for possible pieces of land for the bridge, but nothing agreed to in writing, said Norm Gabehart, director of operations for the city.

A committee planning city trails is also trying to find land for building a wooden pedestrian bridge over U.S. 31.

Officials have spent nearly four years trying to develop a network of trails and parks. A study in 2002 showed that Greenwood needed more than 246 acres of parks to serve current and future residents.

PARK PLANS

White River Township Trustee Dan Maple announced plans to organize community forums to see if area residents want more park services, and he wants to see if the township and Greenwood can work together to extend trails into the Center Grove area. State law allows a township trustee to create a park district, which would impose an extra property tax on homeowners inside that district.

White River Township has about 40,000 residents, more than any city or town in the county, but has only one 13-acre park, which is maintained by county government.

But the city's efforts to build trails and parks were stalled, mostly due to lack of funding and failed grant applications for state or federal monies.

This was a concern for Mayor Charles Henderson, who wanted trails not just for the benefit of the community but as a method of attracting new businesses and jobs into the city. Businesses want to move into an area where their employees will want to live.

Park development started to push forward last year as city officials started to fund trails piece by piece as money became available, and the parks board went into debt to purchase land for what will become the city's largest park.

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Academic scholarships offered by REMC

Johnson County REMC is offering two \$1,000 academic scholarships to high school seniors planning to attend an Indiana college or university in the fall of 2006. An application and eligibility guidelines may be obtained from the REMC office or the REMC website.

Student's parent or legal guardian must be a Johnson County REMC member.

Deadline to apply is January 31, 2006

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