

REPORT

from the Capital

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YEARS

Defending & extending
religious liberty for all



Special Anniversary Issue

BJC: working together in common cause

In honor of the 75th Anniversary of the Baptist Joint Committee for Religious Liberty, we are proud to present this special expanded edition of *Report from the Capital*, in which we celebrate our past in the context of our work today. The consistent mission of the BJC has been to defend religious freedom for all in the historic Baptist tradition. As Stan Hastey, former BJC staff member and denominational leader, chronicled in his 1973 doctoral dissertation on the BJC, our distinction as an agency is marked by our 1) “jointness,” bringing together Baptists from across the spectrum, and ecumenism—working with groups outside of Baptist life who share our values; (2) strategic location in the nation’s capital; (3) charge to provide a witness in public affairs, particularly for religious liberty; and (4) professional staff of specialists in the area of public policy advocacy. Hastey’s observations still aptly describe the BJC four decades later.

In 12 years as the BJC’s executive director, I have sought to uphold the tradition that has made this organization strong for 75 years. We continue to espouse the Baptist commitment to religious liberty and the separation of church and state — now serving 15 Baptist bodies and still on Capitol Hill — as we file briefs in the U.S. Supreme Court, pressure Congress and the administration and engage in a variety of education efforts throughout Baptist life and the culture at large.

Our longevity is due to our ideals and also to many people who have committed their time and talents to our work: those who have worked on staff and those who have worked with them; those who have served on the Board; those whose prayers, encouragement and financial support sustain the agency; and those who put our shared principles into action, standing up for religious liberty at the local level.

Certainly, the BJC benefited from the leadership of the original chairman of the Committee, **Rufus Washington Weaver**, and the four executive directors who preceded me. The BJC traces its roots to the 1936 founding of the Committee on Public Relations of the

Walker



Dawson



Carlson



Wood



Dunn

Southern Baptist Convention, which was chaired by Weaver. He also chaired a similar committee of the Northern Baptist Convention (now American Baptist Churches USA). When the Northern Convention declared its desire to work jointly, the committees began working together under Weaver’s leadership in Washington. Weaver also worked to include the predominantly African-American National Baptist Convention, USA, Inc., in joint efforts.

The decision by three Baptist organizations to work together created a new model. They wanted a joint Baptist witness, and in 1946 the Joint Conference Committee on Public Relations opened a permanent office in Washington, D.C., under the direction of its first executive director, **Joseph Martin Dawson**. Dawson established the Washington office and led as a former pastor and statesman through 1953. **C. Emanuel Carlson** expanded the office, invested mightily in the education efforts of the BJC and added constituent bodies, serving until 1971. **James E. Wood Jr.**, who served from 1972 to 1980, built on Carlson’s commitment to scholarly research and writing, emphasis-

Through the Years — BJC Executive Directors

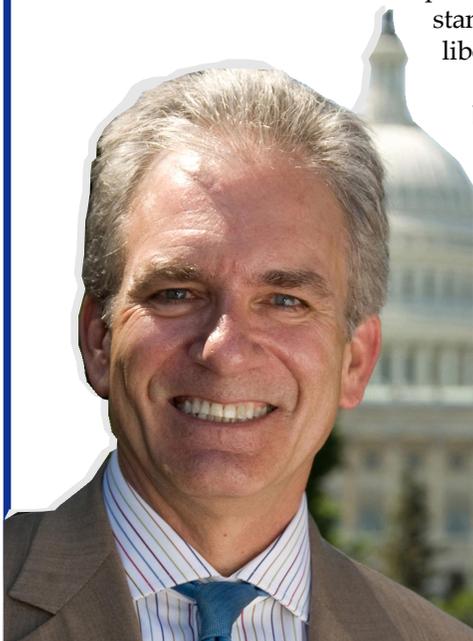


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ing religious liberty as a necessary part of dynamic Christian citizenship. Beginning in 1980, **James M. Dunn** led the BJC as a firebrand activist and advocate whose belief in the absolute importance of voluntary, heartfelt religion informed all that he did. They each stood squarely in the Baptist tradition, informed by history and energized by the dominant demands of the kingdom of God.

These former leaders have much in common: all were theologically trained Baptists, passionately pursuing God's calling to defend and extend religious liberty for all. Each brought different personalities and talents to the position and made distinct contributions to the agency, a few of which are chronicled in this publication.

It has been my distinct honor and calling to serve as executive director since 1999, standing on the shoulders of my predecessors who continue to inspire our staff in the work we do each day. Today, as always, we are the faithful stewards of our Baptist heritage and the principles that we champion—soul freedom, religious liberty, and church-state separation. At the same time, we seek new ways of expressing and teaching our heritage and principles in the

21st century. We do so while keeping sight of the fact that our labor at the BJC is a Christian ministry that is needed now more than ever before. The means we employ, no less than the ends we seek, should speak a Christian witness.

We appreciate you, our friends, partners and supporters, and look forward to our continued work together. We hope this publication serves as a reminder of where we've come from, what we've achieved together and why we must continue to defend religious liberty for all.

For further reading on the BJC's history and its past executive directors, see Pam Parry, *On Guard for Religious Liberty: Six Decades of the Baptist Joint Committee*, Smyth & Helwys, (1996); Stanley LeRoy Hastey, *A History of the Baptist Joint Committee on Public Affairs* (doctoral dissertation, 1973); J. Brent Walker, "BJC=JMD²: The Contributions of Joseph M. Dawson and James M. Dunn to the Baptist Joint Committee," Vol. XLI, *Baptist History & Heritage*, No. 3, Summer/Fall 2006, pp. 8-20.

From the classroom to the front page,

A steady voice for religious liberty

In March 2011, the U.S. Supreme Court issued a ruling about the free speech rights of a small, controversial church that protests military funerals. The 8-1 opinion held that the protesters — members of the Topeka, Kan.,-based Westboro Baptist Church — cannot be held liable for inflicting emotional distress on the family of a dead soldier. ¶ Though the Baptist Joint Committee was not involved in the case, a reporter from the national media called for help with her research on the church. **“Can just any church call itself ‘Baptist?’” the reporter asked.**

at Georgetown College in Kentucky, church-state expert Melissa Rogers said, “While we might disagree about whether the Supreme Court came to the right conclusion in one case or another, clearly its decisions preserve a role for religion in our nation’s public life.” Rogers delivered these remarks as part of the BJC’s annual Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State. The series is designed to enhance the ministry and programs of the Baptist Joint Committee and inspire others to embrace an ardent commitment to religious freedom. Since its inception in 2006, the lectureship has brought highly-respected experts to colleges and seminary campuses to educate and inspire students and communities.

The BJC welcomed the opportunity to explain the congregational nature of Baptist polity and other Baptist distinctives to a reporter who, through years of contact, has come to trust the BJC as a reliable source. Such contact with media is a prime example of the educator role that the BJC plays and evidence of the strong reputation the organization has built in the church-state arena.

For 75 years, the BJC has fought to defend and extend religious liberty not just for Baptists, but for everyone. Religious liberty is bound up in the notion of “soul freedom” that all receive as a gift of God. Church-state separation is the political and constitutional means of securing our God-given religious liberty. That the BJC remains a source of thoughtful, compelling and accurate information and analysis at the intersection of church

and state is a testament to its guiding principles and its mission.

Through a wide range of education efforts — including organizing conferences, providing reliable resources on specific religious liberty issues, interacting with the media and dispelling misinformation — the BJC has established itself as a go-to source for information about religious liberty and the separation of church and state.

CONFERENCES & RESOURCES

Opinions about the proper relationship between religion and government run the gamut, even within Baptist circles. Since its founding, the BJC has convened conferences and events that bring together individuals for discussion and action.

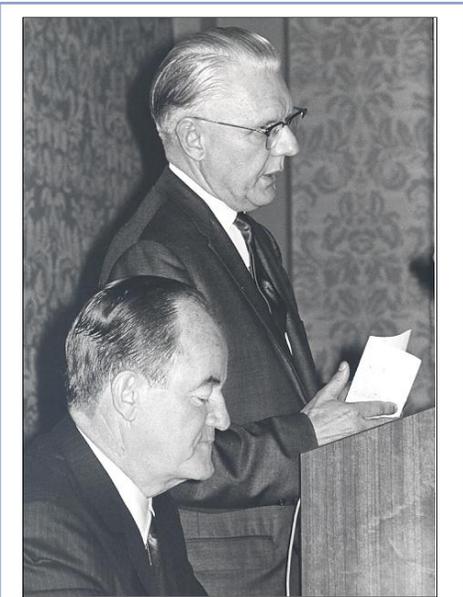
Last year, before a crowd gathered



Church-state expert Melissa Rogers, who is a former BJC general counsel, was the speaker at the 2011 Shurden Lectures, held in Georgetown, Ky. She is pictured on the left next to BJC Executive Director J. Brent Walker, Dr. Kay W. Shurden, Dr. Walter B. Shurden, and BJC General Counsel K. Hollyn Hollman. The Shurdens’ gift endowed the annual lecture series, which began in 2006.



Always an educator, former BJC Executive Director James E. Wood Jr. emphasized the importance of teaching young people about the BJC's mission. In this 1973 photo, he is shown speaking with a group of teenagers and adults from the First Baptist Church of Port Allegany, Pa., who visited the BJC during a trip to Washington.



BJC Executive Director C. Emanuel Carlson introduces Vice President Hubert Humphrey at the 1967 Religious Liberty Conference. Humphrey spoke informally to the hundreds of Baptists gathered, and he took questions. He praised the "tremendous influence" of the church, saying churches, along with church leaders and laypeople, were the deciding forces in passing the 1964 Civil Rights Bill.

Previous speakers have included scholar Martin Marty, Rabbi David Saperstein and Professor Randall Balmer.

Like the Shurden Lectures, the BJC's annual Religious Liberty Council Luncheon unites religious liberty supporters from across the country. Since 1991, the Religious Liberty Council—the BJC's individual membership organization—has sponsored the luncheon in conjunction with the Cooperative Baptist Fellowship General Assembly. Each year, the gathering brings BJC supporters together to learn more about the BJC's work, to honor outstanding contributions and to encourage each other in standing up for religious liberty in their communities.

These annual events are part of a long tradition of gatherings organized by the BJC. From 1957 to 1990, the BJC held at least 22 formal conferences on some aspect of church-state relations, beginning under the leadership of former Executive Director C. Emanuel Carlson. As a scholar and an educator, Carlson was intensely focused on defining and promoting a firm philosophical and biblical basis for his Baptist advocacy. Conference topics included the Constitutional aspects of religious freedom, such as the meaning of the free exercise of religion; specific questions about Christian citizen-

ship; tax policy; evangelism and the role of the mass media in church-state relations. Newsletter coverage in the 1970s noted that the views expressed at the conferences did not necessarily represent BJC policy, but the conferences helped enrich the conversation on church-state issues and led to the development of resource material as the BJC and other organizations decided their own policy positions.

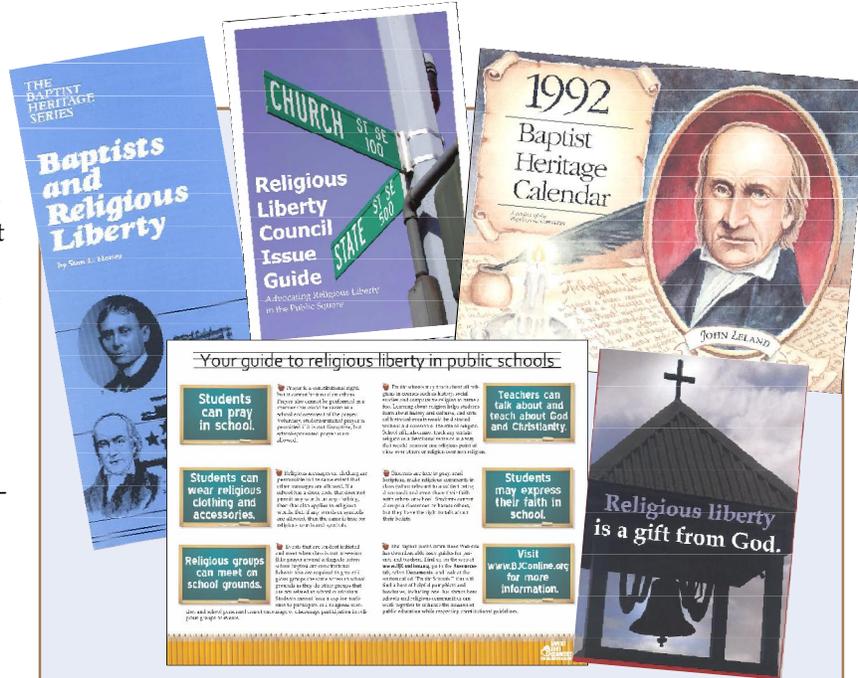
Some of the most successful events have been in collaboration with other groups as a way to commission research on issues concerning religious liberty and church-state separation. In July 1999, the BJC, the Cooperative Baptist Fellowship and London's Bloomsbury Central Baptist Church sponsored a conference in London with the theme "Beyond Mere Toleration: Religious Liberty as a Basic Human Right." It provided the opportunity for participants from 20 countries to explore the inadequacy of mere toleration to provide true religious freedom. In 2005, the BJC joined with Associated Baptist Press and *Baptists Today* news journal to sponsor a Washington, D.C., conference on the First Amendment. The two-day event focused on religious freedom and free-

dom of the press. Staunch religious liberty proponent Rep. Chet Edwards, D-Texas, emphasized the importance of an offensive rather than a defensive strategy for protecting religious freedom and Rep. David Price, D-N.C., counseled humility in dealing with opponents.

ONGOING EDUCATION

Because religious liberty is always one generation away from extinction, the Baptist Joint Committee emphasizes its education role, especially its efforts to reach young people. Speaking to students has long been a hallmark of BJC outreach. In 1973, Executive Director James E. Wood Jr. affirmed this commitment, saying that learning about the BJC's work "is an educational experience for the young people in our churches that is much needed today." Not only does the BJC sponsor an annual religious liberty essay contest for high school juniors and seniors, but it also regularly conducts programs for students and other groups that visit the nation's capital. Sessions focus on the BJC's work advancing religious freedom in the legislative, executive and judicial branches of government and our constitutional history. Baptist principles of soul freedom and freedom of conscience are also emphasized. The sessions provide visiting groups a chance to ask questions about religious liberty matters that are important to them and their communities.

While much of the BJC's education-



BJC RESOURCES THROUGH THE YEARS

From its beginning, the BJC created informative printed resources on specific matters at the intersection of church and state. Topics covered over the years include the issue of appointing an ambassador to the Vatican, taxation and churches, Baptist heritage and religious liberty, the impact of Supreme Court decisions, the biblical basis for church-state separation, ways to lobby a member of Congress, religion in the public schools and more. The organization continues to create materials on topics as they arise. Current resources are available on the BJC's website at www.BJConline.org.

al work takes place on Capitol Hill, BJC staff members often travel to churches, colleges and denominational gatherings to preach or lead forums and to participate in discussions on religious liberty and church-state relations. In recent years, current BJC Executive Director Brent Walker has delivered sermons on evangelism in a pluralistic world and our role as a Christian American citizen — moving in the dual realms of the Kingdom of God and Caesar. The BJC's activity outside the Beltway is key in preparing advocates to combat religious liberty threats.

In addition to engaging in an active public dialogue, the BJC regularly provides important information about

religious liberty through a variety of publications. The monthly magazine, *Report From the Capital*, sent to households, colleges and seminaries across the country, keeps readers up-to-date by providing news and analysis of church-state issues. The organization also produces brochures and handouts that synthesize complex religious liberty issues into information that can be used for activism within local communities. The BJC website offers a wealth of information, including a continually updated blog, for those interested in learning more about church-state law and religion in public life.

The BJC also produces resources for churches. Its unique relationship with clergy and other church leaders makes it ideally situated to counsel pastors on religious liberty issues, as well as to provide ideas about

incorporating principles of religious liberty into their ministries. For instance, the BJC encourages church leaders to celebrate a "Religious Liberty Day" with their congregations. Curriculum, litanies, hymns, dramatic monologues, children's sermons, and other materials are available on the BJC's website at BJConline.org/ReligiousLibertyDay.

MEDIA

The BJC's media presence plays a vital role in its ability to impact the public debate over church-state issues. BJC Executive Director J. Brent Walker and General Counsel K.

Hollyn Hollman frequently serve as sources for articles in newspapers and magazines, appear on a wide range of national television programs and write op-eds for local and national media sources. Walker has participated in an online panel on *The Washington Post* website called “On Faith.” Their media appearances continue a tradition dating back to the BJC’s first executive director, J.M. Dawson, who appeared on Lawrence Spivak’s “Keep Posted” television program in 1950. From NBC’s “Today” show to National Public Radio, Fox News and *The Washington Post*, BJC staff members are regularly quoted or interviewed about church-state matters. In each instance, BJC insight provides needed context and helps to frame the broader debate.

In addition to interpreting events for the national media, the BJC historically has been a retailer of news and commentary. Responding to a need for reliable information about religious liberty issues, the BJC created its own news service, focusing on content of particular interest to Baptists. The BJC content was used by Baptist publications, the Southern Baptist Convention’s Baptist Press, and radio and television outlets. In 1961, BJC Associate Executive Director Barry Garrett was given Press Gallery membership in the U.S. House and Senate, granting him access to all congressional sessions and better access to members of Congress. That marked the first time the standing committee of correspondents had admitted a representative from a news service of a Protestant denomination. Garrett’s coverage of religious freedom issues was extensive, and it included multiple trips overseas to cover the Vatican.

For years, the BJC also organized briefings in D.C. for editors of Baptist publications, helping them connect with people in power. Speakers at those briefings included longtime NBC newsman Edwin Newman, U.S. Supreme Court Justice Harry Blackmun and President Bill Clinton. In 2000, the BJC helped form the Washington bureau of the Associated Baptist Press.



The BJC has worked with the media for decades. At top, former BJC Executive Director J. M. Dawson (front row, second from left) participates in the “Keep Posted” television program with Lawrence Spivak on Oct. 30, 1951. At left, BJC staff member Barry Garrett is shown during one of his trips to Vatican City to cover religious news for the BJC’s independent news service.

MYTH-BUSTERS

Through the media and other means, some have perpetuated misleading information about religious liberty issues to meet certain ideological and political goals. The BJC, acutely aware of genuine threats to religious liberty, uses a variety of methods to make sure accurate information is freely available. This often includes exposing myths and rumors directly, as current Executive Director Brent Walker did last year in an extensive written piece debunking some of the

“separation of church and state” myths that commonly permeate today’s culture.

At times, the BJC’s media mission involves confronting those who directly threaten religious liberty by spreading misinformation. The BJC exposed historical falsehoods disseminated by David Barton, who *Time* magazine identified as one of the most influential evangelicals in 1995. Barton had served as the vice chair of the Texas GOP, written several books and founded an organization to advance his belief that America was



Media briefings

To help editors of Baptist publications cover religious liberty issues, the BJC once held briefings that coincided with its annual board meetings. The briefings brought Baptist journalists from around the country face-to-face with a variety of influential speakers, including members of the media, elected officials and Supreme Court Justices. In 1990, U.S. Supreme Court Justice Harry Blackmun (pictured with then-BJC Executive Director James M. Dunn) covered a range of topics in his off-the-record session, including church-state separation.



founded as a “Christian nation.” That same year, in 1995, J. Brent Walker published a critique of Barton’s work, exposing inaccuracies such as its over-generalization of the Founders’ religious faith to fit Barton’s agenda. The BJC continues to combat the Barton camp’s inconsistencies. An updated version of Walker’s critique is often quoted to rebut Barton’s claims.

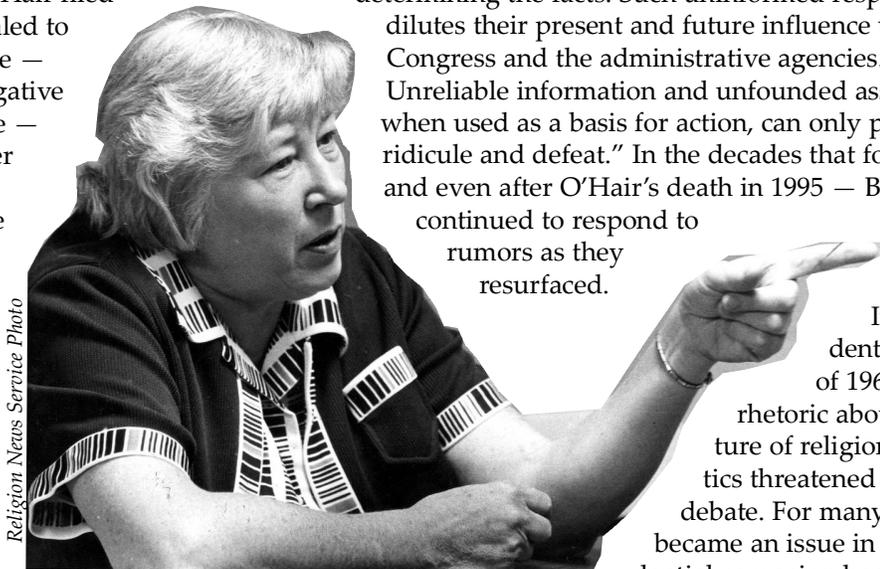
Through his regular column in *Report from the Capital*, BJC Executive Director James M. Dunn often fought church-state myths written by media, spoken by politicians and preached by clergy. “Before posing as a historian one should do the necessary history homework,” Dunn wrote in 1983, chastising those who would re-write history to suggest that the Founders did not intend for an institutional separation of church and state. To journalists writing about prayer in public schools being banned by the courts, he wrote, “Before playing lawyer one should read the ruling he/she is interpreting.”

Few subjects have been the object of more myth creation than American atheist Madalyn Murray O’Hair. Best known for her part in the U.S. Supreme Court case that ended government-sponsored Bible reading in the public schools in the 1960s, O’Hair filed multiple lawsuits that were appealed to the U.S. Supreme Court. Her name — which triggered a conditioned negative response in many religious people — was often erroneously tied to other petitions or lawsuits. BJC General Counsel John Baker addressed the rampant inaccuracies about O’Hair’s alleged extreme actions in the July/August 1975 edition of *Report from the Capital*. In a piece headlined “Dubunking the Rumors,” Baker wrote “No, Madalyn Murray O’Hair ... is not circulating a petition to NASA to stop the astronauts from praying or reading the Bible in outer space. No, Mrs. O’Hair is not petitioning the FCC to stop religious radio and TV broadcasting. Somebody is crying ‘Wolf.’” The FCC petition — which only sought an investigation of some radio and television stations — came from two California broadcasters unrelated to O’Hair. As for the NASA petition, it was a relic of O’Hair’s previous attempt to challenge NASA practices she viewed as unconstitutional.

In closing, Baker said, “Acting on or distributing these



unfactual circulars is just one of many instances in which a number of religious people have responded without determining the facts. Such uninformed response dilutes their present and future influence with Congress and the administrative agencies. ... Unreliable information and unfounded assertions, when used as a basis for action, can only produce ridicule and defeat.” In the decades that followed — and even after O’Hair’s death in 1995 — BJC staff has continued to respond to rumors as they resurfaced.



Madalyn Murray O’Hair

In the presidential election of 1960, sharp rhetoric about the mixture of religion and politics threatened civil public debate. For many, religion became an issue in the presidential campaign because John F. Kennedy was Roman Catholic.

Issues of *Report from the Capital* in that year offered opinions and analysis from different voices and reminded voters about basic facts, including the constitutional guarantee against any religious test for public office. BJC Executive Director C. Emanuel Carlson acknowledged that materials containing half-truths and misrepresentations were being circulated in some churches, and he sought a meeting with Democratic nominee



BJC Executive Director J. Brent Walker speaks to the media on Sept. 7, 2010, after talking to U.S. Attorney General Eric Holder about religious freedom with representatives from Muslim Advocates, The Interfaith Alliance and the Religious Action Center of Reform Judaism. The leaders discussed the need for a strong statement from the Attorney General that the Department of Justice will protect religious freedom for all and prosecute those who commit religiously-motivated hate crimes in light of rising anti-Muslim sentiment.

Kennedy and Republican nominee Richard Nixon. In August 1960, Carlson met with Kennedy and the two men agreed to a statement that said, “A frank renunciation by all Churches of political power as a means of religious ends would greatly improve the political climate and would seem to be a legitimate request by both political parties.”

Carlson also worked to restore civility to other hot debates in the 1960s. In a three-part series of articles for *Report from the Capital* in 1962-63, Carlson examined what he saw as some of the problems involved in the national discussion of religion in the public schools and movements to legislate and litigate on religious matters.

DEFENDING MINORITIES

Combating myths is just one way that the BJC helps maintain civil



public debate about religious liberty issues. Another way the BJC has tried to improve the public’s understanding of our constitutional values is by standing up for religious minorities and those being targeted solely because of their faith.

In the aftermath of the attacks of September 11, 2001, Muslims in the United States became targets for violence and fear-mongering. During 2011, Rep. Peter King, R-N.Y., held a series of three hearings before the U.S. House Homeland Security Committee on the “radicalization” of American Muslims which investigated people of the Muslim faith but excluded other forms of religious extremism. The BJC joined a coalition of other religious groups to raise concerns about the sharp rhetoric and scheduled congressional hearings targeting American Muslims. To confront

this anti-Muslim tone in Congress, the BJC wrote letters to Members of Congress, participated in press conferences denouncing the discriminatory hearings and publicly recognized Muslims as a vital part of the American religious tapestry.

For more than 75 years, the BJC has cultivated a reputation as a steady, reliable source of information and analysis, even when the public square is filled with inflammatory rhetoric. The organization has stayed true to its mission of defending and extending religious liberty, while educating Baptists and others about the threats to this vital freedom. Whether giving valuable context and analysis to the media, convening its supporters for research and dialogue, providing resources for churches, educating students or debunking myths, the BJC stands guard at the church-state intersection. While helping to ensure our constitution’s promise of religious liberty in a vibrant religious landscape, the BJC seeks to foster open discussion about religion and matters of faith.

Building a legal legacy

The BJC's work in the executive, legislative & judicial branches helps ensure the Baptist legacy of freedom continues for the next generation

A

perennial and vocal critic of government-funded religion, the BJC in 1996 sounded an alarm about the dangers of a new so-called "charitable choice" law. Conceived as a part of the welfare reform legislation in the Clinton administration, this "faith-based initiative" under President George W. Bush became an increasingly popular means of providing government funding to private social service providers, including many religious organizations. When President Barack Obama was elected in 2008, the BJC and other religious liberty advocates anticipated positive reform. As a former constitutional law professor and seasoned community organizer, Obama was expected to have a strong interest in federal policy regarding government partnerships with faith-based organizations. While campaigning, he expressed support for these partnerships generally but also promised some important changes.

While President Obama has retained much of what his predecessor



THE EXECUTIVE BRANCH

put in place, he has made his own mark on federal "faith-based" policy. He began by appointing an Advisory Council on Faith-based and Neighborhood Partnerships (with former BJC General Counsel Melissa Rogers serving as its Chair) and receiving recommendations for reform based on the work of a task force of experts, including BJC Executive Director J. Brent Walker. In November 2010, the Obama administration issued an executive order making changes to strengthen religious liberty protections in federal policy, accomplishing many reforms recommended by the BJC and its allies for the past decade. The BJC

applauded the revisions, while continuing to advocate for additional reforms, such as those that would protect against

government-funded religious discrimination.

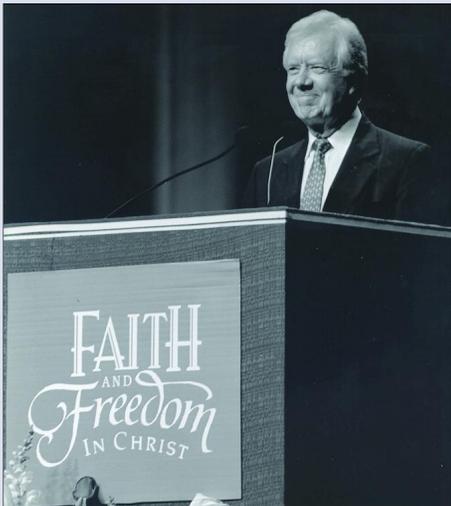
The BJC's interaction with the Obama administration demonstrates one of the ways the agency has sought to promote religious freedom at the highest level of government through the years. Its efforts in the executive branch are intended to make certain that the Constitution is upheld

throughout government and to increase public understanding of America's unique constitutional tradition. With each new administration, there are different challenges and opportunities. In the regular course of its advocacy efforts, BJC staff meets with administration officials, files comments to proposed regulations that implement federal policy and participates in a variety of other formal and informal efforts to ensure that the government upholds the constitutional separation of church and state.

The BJC's specific interaction with the executive branch has varied with the policies pursued by each administration and with the identity and openness of the executive. According to BJC records, the organization's first direct dealing with the executive branch developed through a strong working relationship with the Department of State during the 1937 crisis of religious liberty in Romania. The Romanian government issued a decree that forbade "religious proselytism," effectively ending Baptist mission work in that country. As part of its efforts to help reopen churches, the BJC petitioned the Romanian minister, published a pamphlet that prompted thousands of telegrams protesting the treatment of Baptists and worked closely with State Department officials. This work during



Photos top to bottom:
President Lyndon Johnson
speaks to a group of
Baptists in the White
House Rose Garden in
1968; Former
Congressman and SBC
president Brooks Hays
(left) greets Secretary of
State Dean Rusk during a
session at the State
Department in 1961;
When Baptist Jimmy
Carter became president,
many in the media want-
ed to know more about
his denomination; BJC
Executive Director James
M. Dunn talks with
Secretary of Education
Richard W. Riley in 1995
after Riley spoke to the
BJC Board meeting.



the BJC's early years established the Committee as a respected voice for Baptists in public affairs, giving it access to the White House and members of Congress. A few years after the crisis, President Franklin D. Roosevelt invited BJC Chairman Rufus Weaver to the White House to talk about the organization's concerns over an appointment of an ambassador to the Vatican.

The BJC's work with the chief executive continued in future presidential administrations. No matter the leader or party in the Oval Office, the BJC put pressure on presidents about a wide range of issues affecting religious liberty domestically and internationally. And, on occasion, White House officials came to the BJC to discuss the issues. During the Lyndon Johnson administration, for example, Baptists met with the president twice in the White House Rose Garden, and Vice President Hubert Humphrey spoke at the BJC's 1967 Religious Liberty Conference, taking questions from the crowd. In the 1990s, at a BJC-organized briefing for Baptist editors and leaders, President Bill Clinton

spoke about how his faith informed his decisions and his positions on controversial issues such as abortion and gays in the military. Also in that decade, the BJC Board of Directors heard directly from White House Communications Director Ann Lewis and Education Secretary Richard W. Riley.

Some of the BJC's executive branch interaction involves advocacy in the regulatory process. The BJC often weighs in on Executive Orders and proposed government rules that affect religious liberty. In the 1970s, the BJC worked on several regulatory issues to help ensure churches were protected from the undue influence of government. Among its efforts, the BJC opposed the IRS's attempts to define what constitutes a church, an IRS plan to require church-related schools to prove that they are racially nondiscriminatory or risk the loss of their tax exemption, and rules that would add regulations to church schools.

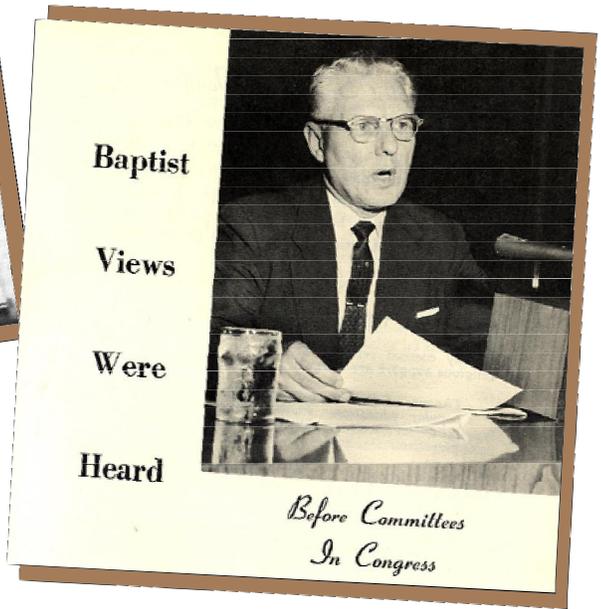
In the 1990s, the organization put pressure on the Equal Employment Opportunity Commission regarding its proposed guidelines addressing



harassment in the workplace. While some wanted the EEOC to exempt religious harassment from the guidelines for fear it would stifle religion, the BJC said it should be left in but with clarification to ensure that the guidelines would be used to protect religion and not applied in ways that would limit religious speech.

This type of work continues today. The BJC recently filed written opposition to a proposed rule that would severely undercut the U.S. commitment to religious freedom at home and abroad by allowing the U.S. Agency for International Development (USAID) to use federal funds to acquire, construct or rehabilitate “structures that are used, in whole or in part, for inherently religious activities.” These administrative efforts, while proceeding largely outside the public’s notice, are important means of safeguarding religious liberty.

Baptist presidents Jimmy Carter and Bill Clinton were both closely connected to religious freedom in the Baptist tradition. When President Carter declared his disagreement with the idea of tuition tax credits, he men-



tioned the separation of church and state among his rationales. The Carter administration encouraged the Coalition to Save Public Education, a group of organizations – including the Baptist Joint Committee – organized in 1978 to defeat tuition tax credit legislation. After President Bill Clinton signed the Religious Freedom Restoration Act in 1993, the BJC was part of a meeting with the president and others in his administration as the organization developed a strategy for implementing the law’s enhanced protections for religious practice.

The BJC always hopes for strong presidential leadership to draw attention to the nation’s tradition of religious liberty for all, and it looks for opportunities to encourage and influence such leadership.



Presidential moment



After signing the Religious Freedom Restoration Act in 1993, President Bill Clinton (left) talks with BJC Executive Director James M. Dunn and former General Counsel Oliver S. Thomas.



CONGRESS

While the president has a powerful role in setting the nation’s priorities and maintaining religious freedom, the protection of religious liberty typically rests more in the hands of Congress and the courts.

For decades, the Baptist Joint Committee has monitored Congress as an important part of the agency’s mission to protect religious liberty. With offices in D.C. since 1946, the BJC has developed relationships with leaders in Congress and their staffs to work on a



Each executive director and general counsel in the history of the Baptist Joint Committee testified before Congress at some point. Pictured from far left to right: General Counsel John Baker, Executive Director C. Emanuel Carlson (as featured on the cover of an early 1960s BJC pamphlet about congressional testimony), Executive Director James M. Dunn, General Counsel K. Hollyn Hollman and Executive Director J. Brent Walker.

variety of legislative measures to prevent government from interfering with or advancing religion to the detriment of religious liberty. The BJC's congressional efforts include reviewing and analyzing proposed legislation, seeking revisions, supporting or opposing legislation, participating in briefings for congressional staff and testifying before committees. In addition to the BJC's appearances before Congress in formal settings, the organization serves as a local connection between Congress and the churches and individual supporters of the BJC's efforts. Critical to the organization's legislative work is its knowledge of the legislative process, maintenance of relationships with congressional members and staff, and communication with BJC supporters about Congress.

The BJC often coordinates its congressional efforts with other groups that share its goals. The organization's first executive director, J.M. Dawson, established the BJC's practice of partnering with other religious, civil liberties and education groups to achieve specific legislative purposes. Dawson sought wider Baptist participation in the agency and encouraged Baptists across the country to work together. During his tenure, additional Baptist bodies – including Seventh Day Baptists, the Baptist General Convention of America (now the Baptist General Conference) and the North American Baptist

General Conference (now the North American Baptist Conference) – began to affiliate with the BJC to pursue a shared vision of religious liberty. Dawson also recognized the need to develop other organizations that would bring different voices to defend religious liberty and speak on behalf of those outside the BJC's denominational context. In 1947 he helped establish Protestants and Other Americans United for Separation of Church and State (now known as "Americans United for Separation of Church and State"). The BJC continues to work in various coalitions with Americans United as well as with many other groups from a wide variety of perspectives to pursue specific legislative goals.

Through the years, the BJC has developed a track record of both working to craft needed legislation and standing against proposals that threaten religious liberty. Beginning in the 1950s, the BJC ardently opposed congressional proposals to officially declare the United States a "Christian Nation." Such efforts were popular during the Cold War era and were proposed in various ways in subsequent years. After the Supreme Court ruled against government-sponsored prayer and Bible reading in the public schools, some members of Congress sought to pass legislation to advance prayer in schools through various proposals in the 1970s and 80s. When Sen. Jesse Helms, R-N.C., a staunch opponent

BJC Executive Director J. Brent Walker speaks to the media after oral arguments in two cases regarding government displays of the Ten Commandments in 2005 (*Van Orden v. Perry* and *McCreary Co., Ky. v. ACLU of Ky.*)



of robust religious freedom, planned to propose legislation in 1978 that would prevent the federal courts from dealing with the question of school-sponsored prayer in public schools, BJC Executive Director James E. Wood Jr. wrote a letter to every member of the U.S. Senate expressing the BJC's opposition and explaining the constitutional case against such measures. In 1982, BJC Executive Director James M. Dunn condemned President Ronald Reagan's call for a constitutional amendment on public school prayer, memorably remarking that it was "despicable demagoguery for the President to play petty politics with prayer." Dunn said the amendment would lead to government-approved written prayers, and he fought against the amendment, including through congressional testimony. No matter the decade or political environment, the BJC has remained a vigilant watchdog for religious liber-

ty in the halls of Congress.

While the BJC strongly opposes misguided efforts to reassert government-sponsored prayer in schools, it has always recognized the importance of protecting the individual religious freedom rights of students that were not in conflict with "no establishment" principles. In the 1980s, the BJC joined with other advocates to support legislation to protect religious liberty in public schools through the Equal Access Act. The Act made sure public school students who wish to meet for religious purposes have the same rights provided to other voluntary, stu-

dent-initiated groups. After the Act became law, the BJC joined with others to successfully defend its constitutionality, which the Supreme Court upheld in *Board of Education v. Mergens* (1990).

One of the agency's most significant legislative achievements came in the wake of the Supreme Court's decision in *Employment Division v. Smith* (1990). In *Smith*, the Court declared that the Free Exercise Clause of the First Amendment did not prohibit neutral laws of general applicability that burden religious practice, marking a significant departure from its previous free exercise decisions. The BJC's efforts to respond to this unwelcome change began immediately. Working with many of its allies in the religious freedom community, the BJC began exploring effective ways to respond to the Court's decision and eventually was asked to lead the Coalition for the Free Exercise of Religion, a coalition of more than 60 groups that worked to pass the Religious Freedom Restoration Act (RFRA) in 1993, restoring the pre-*Smith* free exercise standard as a matter of federal statutory law.

That legislative achievement was dealt a blow, however, in 1997 when the Supreme Court in *City of Boerne v. Flores* held RFRA unconstitutional as applied to state and local governments. Again, the BJC took the lead, heading a diverse coalition of religious and civil liberties groups in supporting what eventually became the Religious Land Use and Institutionalized Persons Act (RLUIPA). That legislation provided enhanced protections in two



Congressional conversations

Maintaining relationships with members of Congress and their staff members is critical to the BJC's legislative work. Some members of Congress have emerged as true champions of religious liberty in their careers. Pictured left to right: Sen. Mark Hatfield, R-Ore., confers with BJC Executive Director James Dunn in 1986 during an editor's briefing in the senator's office; Sens. Ted Kennedy, D-Mass., and Orrin Hatch, R-Utah, participate with BJC General Counsel J. Brent Walker in a 1998 event supporting a religious liberty bill co-sponsored by the pair; and Rep. Chet Edwards, D-Texas, talks with BJC Executive Director J. Brent Walker in 2009.



BJC General Counsel Oliver S. Thomas (left) stands with the Weisman family after oral arguments in the 1992 case of *Lee v. Weisman*.



BJC General Counsel K. Hollyn Hollman speaks to media about the BJC brief in *Arizona Christian School Tuition Organization v. Wimm, et. al.* on the steps of the U.S. Supreme Court in 2010.



BJC General Counsel Melissa Rogers addresses the media after oral arguments in *Santa Fe Independent School District v. Doe* (2000), saying the prayer policy pursued by the school district would result in “coercion, control and compromise of prayer.”

discrete areas where free exercise was a persistent problem: land use laws applied to religious organizations and individuals in government custody. Since its enactment in 2000, religious assemblies of every faith have enjoyed protection from land use regulations that are unnecessarily burdensome or discriminatory. While challenges remain for some religious organizations to overcome patterns of prejudice, RLUIPA has been extremely important in ensuring fair treatment of religious entities and individuals under the law. Likewise, RLUIPA’s “prison provisions” have given states greater incentive to accommodate the religious needs of those whose religious rights would otherwise be severely restricted because of incarceration or other state-custody. In 2005, the U.S. Supreme Court upheld the constitutionality of RLUIPA with respect to its prison provisions in *Cutter v. Wilkinson*, a case in which the BJC participated to defend the statute.

Through the years, BJC staff has been asked to provide testimony before Congress on a variety of constitutional and policy issues. The testimony of current staff members continues a long tradition dating back to the BJC’s first executive director, J.M. Dawson, who provided testimony in 1950 about a bill regarding the advertisement of alcohol. C. Emanuel Carlson’s 1965 testimony before con-

gressional committees in both houses provided crucial analysis of how landmark education legislation dealt with church-state issues.

In 1973, General Counsel John Baker testified in opposition to proposals which would grant federal income tax credits to parents paying tuition in nonpublic schools. Four days later, Executive Director James E. Wood Jr. testified in defense of tax deductions for charitable non-profit organizations. In the early 1980s, congressional testimony from Executive Director James M. Dunn continued the BJC’s ongoing record of opposing diplomatic ties to the Vatican. In recent years, General Counsel K. Hollyn Hollman provided testimony to a subcommittee of the U.S. House of Representatives Committee on Government Reform about the legal and practical issues related to the Faith-based Initiative, and Executive Director J. Brent Walker testified before the House Constitution Subcommittee regarding a proposed Religious Liberty Protection Act.



Baker

The BJC’s other opportunities to promote religious freedom in Congress include participation in briefings for congressional staff on topics such as

the church-state record of Supreme Court nominees, various aspects of the Faith-based Initiative and the religious liberty impact of the reauthorization of the D.C. school voucher program allowing federal funding to be used for tuition in private and religious schools. While many of these efforts do not garner media coverage, they are an essential component of protecting religious liberty and avoiding negative consequences – unintended and otherwise – oftentimes found in seemingly unrelated legislation.



THE COURTS

During the 2010 term of the U.S. Supreme Court, the Baptist Joint Committee was involved in two cases before the nation’s highest court. One case involved the interpretation of RLUIPA in the context of a prisoner’s right to religious accommodation. The other case involved taxpayers’ rights to challenge an Arizona tax credit law that would benefit private, religious schools, which the plaintiffs claimed was a government establishment of religion. At stake was a legal doctrine called “standing” that has been essential in litigation to protect the separa-

tion of church and state and prevent government funding of religion for decades.

The BJC's involvement in these cases exemplifies the litigation component of its work in Washington. For much of the BJC's history, participation in religious liberty cases, particularly in the Supreme Court, has been a significant part of its work to protect religious freedom. Though its role in litigation has varied through the years, the BJC has typically engaged in litigation by filing briefs as *amicus curiae*, a term that means "friend of the court." *Amicus* briefs are intended to assist the court by providing additional context or support for specific points at issue in the dispute. In its history, the BJC has filed more than 120 legal briefs in courts at various levels.

The Supreme Court is the final arbiter for the meaning of the Constitution, and the BJC's religious liberty efforts have long included advocacy in the courts. While only a small number of the religious liberty disputes are decided by the Supreme Court, each such case presents an opportunity both to influence the Court's decision and engage the public in debates about the practical meaning of the religious liberty Americans enjoy.

The BJC filed its first *amicus* brief in the landmark case of *Everson v. Board of Education of the Township of Ewing, NJ* (1947). The case addressed whether it was constitutionally permissible to allow tax dollars to fund student transportation to parochial schools. The BJC had no staff attorney, but Committee Chairman **E. Hilton Jackson** was a constitutional lawyer, and the organization believed the Court's decision could have far-reaching legislative implications. By action of the Joint Conference Committee on Public Relations, as the organization was then known, Jackson filed a brief opposing the tax benefit for parochial schools and then argued the

case before the Court.

In a 5-4 decision, the Court upheld the local law providing school bus transportation to religious private schools, as well as public schools, under a theory that the tax money benefited the child, not the religious school. The entire Court, however, embraced a definition of "no establishment" that included a strong statement in favor of the separation of church and state. The majority opinion, written by Justice Hugo Black, contains one of the most famous passages describing the separation of church and state as embodied in the First Amendment:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. ... No person can be punished for entertaining or professing religious beliefs or disbeliefs.... Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."

The decision proved to be extremely important, setting a standard that emphasized strict separation and neutrality, which would emerge as major themes in future school aid cases. It was also the first case in which the Supreme Court held that the Establishment Clause was enforceable against state and local governments.

The BJC also participated in a significant case the next year: *McCollum v. Board of Education* (1948). Once again,

board chair Hilton Jackson wrote a brief on behalf of the BJC. The BJC brief maintained that a state violated the First Amendment when it arranged for private religious groups to teach religious doctrine in the public schools. The Supreme Court agreed, holding, "This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith ... This is not separation of Church and State." The government sponsorship at issue in *McCollum*, which the BJC opposed, was the use of public schools for religious instruction by churches during the school day. The Supreme Court underscored the difference between such affirmative government support of religion and a more passive accommodation of religion when it upheld an off-campus released time program in *Zorach v. Clauson* (1952).

In the early 1970s, the BJC began to participate in Supreme Court cases on a more regular basis. In *Walz v. Tax Commission of City of New York* (1970), the BJC filed a brief arguing that a state property tax exemption that benefited a broad group of religious, educational and charitable nonprofit organizations did not violate the Establishment Clause simply because it included churches. The brief included a statement adopted by the BJC Board of Directors that said any exemptions for churches should be based on religious liberty or equality. The Supreme Court agreed that the tax exemption was constitutional in a 7-1 decision. In the opinion, Chief Justice Warren Burger wrote that the First Amendment calls for an attitude of "benevolent neutrality" toward religion that allows religious exercise to exist "without sponsorship and without interference."

The BJC filed briefs in cases throughout the 1970s involving principles of both "no establishment" and



A stained glass window at the historic New York Avenue Presbyterian Church in Washington, D.C., illustrates the separation of church and state in America. Across the top, the Supreme Court, the U.S. Capitol and the White House are depicted. Also included are portraits of Supreme Court Chief Justice John Marshall, Abraham Lincoln, George Washington and Thomas Jefferson, which frame those symbols of the three branches of government. In the center, the U.S. seal appears next to symbols of Christianity, Judaism and Islam.

“free exercise.” In the case of *National Labor Relations Board v. Catholic Bishop of Chicago* (1979), the BJC brief argued the NLRB violated both religion clauses when it exercised jurisdiction over church-related schools and ordered collective bargaining. In the next decade, the BJC expanded its advocacy efforts considerably, filing briefs in nearly a dozen Supreme Court cases that raised an array of religious liberty issues. In *Widmar v. Vincent* (1981), the BJC filed on the winning side as the Court held that a public university violated the First Amendment when it banned a religious student group from meeting on campus but granted access to secular groups. The BJC also filed briefs opposing a state law that disproportionately burdened certain churches’ ability to solicit contributions; challenging a nativity scene included in a city’s Christmas display; and supporting religious employers’ rights to make employment decisions based on religion.

During the next decade, the BJC was involved in important free exercise cases defending the rights of minority religious groups against government laws that targeted them because of their unpopular beliefs and practices. The organization continued its support for the right of religious organizations to enjoy equal access to public facilities, while maintaining the historic Baptist commitment to avoid government support of religion.

When the Supreme Court returned to the issue of school prayer in *Lee v. Weisman* (1992), the BJC filed a brief on behalf of the family who successfully challenged the constitutionality of conducting official prayers at a public high school graduation. The brief defended the Court’s neutrality standard in Establishment Clause cases against an attempt to replace it with a much lower standard that would prohibit only government coercion in matters of religion.

In the 2000s, the BJC’s *amicus* work supported the constitutionality and broad interpretation of federal free exercise legislation, defended the application of state constitutions to prevent

government funding of religion, argued against restrictions on the rules of standing, and weighed in on cases challenging religious displays, such as Ten Commandments monuments and crosses, on governmental property. At the urging of Alabama clergy from various denominations, the BJC filed a brief opposing Alabama Chief Justice Roy Moore’s famous Ten Commandments monument in the Alabama State Judicial Building. For the clergy and many other defenders of religious liberty, the display was an affront to the constitutional values that benefit all religions. Allowing it would place the government in the position of selecting and advancing favored religious practices and beliefs, violating the government neutrality toward religion guaranteed by the First Amendment. The monument was eventually removed, and Moore lost his judicial post for failing to comply with a federal court order.

When the Supreme Court finally addressed the constitutionality of Ten Commandments displays on government property, the BJC joined church-state scholar and professor Douglas Laycock to file briefs proposing an approach that would simplify the disposition of many religious display cases in the lower courts. (*Van Orden v. Perry*, 2005; *McCreary Co., Ky. v. ACLU of Ky.*, 2005) The BJC argued that when government displays a sacred text, courts should presume that it endorses that text. Absent evidence at the site of the display to negate the presumption, such displays are unconstitutional. While the Court did not adopt this approach, opting instead to continue a case-by-case approach that resulted in one display being upheld and the other one being struck, Justice Ruth Bader Ginsburg mentioned the BJC’s brief during oral arguments in the Kentucky case. Though the decisions emphasized distinct facts that influenced the outcome of each case, such as the history and physical surroundings of the displays, courts have continued to struggle with religious display cases.

In the Supreme Court’s October 2011

term, the BJC has filed a brief in an employment dispute case to support the ministerial exception, a constitutional doctrine that protects religious institutions’ right to select ministers and guards against government resolution of religious questions. As with all church-state cases, it is difficult to predict how the Court will rule. What is certain, however, is that the outcome of this case will affect the meaning of religious liberty. As the Supreme Court remains deeply divided in its approach to many religious liberty questions, the BJC will continue to aid the Court by emphasizing the unique and essential nature of constitutional protections in this country.



Outside the adversarial setting of the courtroom, the BJC draws on its legal expertise to provide analysis of current law to a broader public and engage others in the important work of defending religious liberty. In addition to its legal advocacy efforts, the BJC works to foster understanding and appreciation of religious liberty protections. Through *Report from the Capital* and other stand-alone publications, the BJC serves as a credible, unbiased resource of information on key church-state cases and the contextual legal landscape.

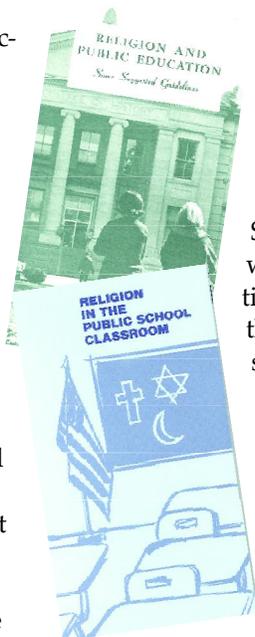
This commitment dates back to the organization’s early days and its first publications. In 1948, the BJC dedicated an entire edition of *Report from the Capital* to explaining the Supreme Court’s *McCullum* decision and its implications for the future of religion in public schools. Through the years the BJC has periodically published material to explain areas of church-state law, as it did following the Supreme Court’s school prayer decisions of the 1960s. Subsequent BJC legal reports explained aspects of church law such as an income tax provision for parsonages, procedures

ministers should follow when applying for social security benefits and tax exemptions for churches.

In addition to its own reporting, the BJC has successfully partnered with groups from various perspectives to explain the legal principles and their application to common disputes. After Congress passed the Equal Access Act in 1984, the Baptist Joint Committee and a coalition of religious and civil rights groups – some of which supported the Equal Access Act and some of which opposed it – drafted guidelines for implementing the Act in accordance with law. The guidelines were designed to help school administrators, teachers and student groups facing the statute’s practical implementation understand the new legislation’s impact in real school situations.

In 1994, the BJC partnered with other religious and civil liberties organizations to publish “A Shared Vision: Religious Liberty in the 21st Century.” The statement – signed by six religious and civil liberties organizations and more than 80 individuals – reaffirmed the basic principles of church-state law that are necessary for a comprehensive understanding of religious liberty. It also urged others to incorporate the principles at every level of government and in debates over issues such as aid to parochial schools and prayer in public schools. It was updated in 2002 to reflect legislative and judicial developments in church-state law.

In 1995, the BJC joined a broad coalition in drafting and releasing “Religion in the Public Schools: A Joint Statement of Current Law.” The collaborators were groups spanning the religious and ideological spectrum. Included were the ACLU, the Christian Legal Society, People for the American Way and the National Association of Evangelicals.



The project aimed to resolve confusion surrounding many activities on public school campuses. Subsequently, the Secretary of Education drew heavily from the joint statement when drafting the official set of government guidelines detailing the extent to which religious expression is permitted in public schools. The Secretary’s guidelines coincided with President Bill Clinton’s directive advising school officials that the Constitution does not make schools “religion-free zones.” To date, these guidelines, supplemented by materials added during the George W. Bush administration, remain in effect and are available on the U.S.

Department of Education website.

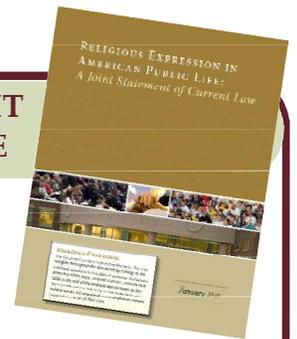
Most recently, in 2010, BJC staff joined a diverse group of religious liberty experts in drafting “Religious Expression in American Public Life: A Joint Statement of Current Law.” The document, published by the Center for Religion and Public Affairs at Wake Forest University School of Divinity, summarizes how current law answers a number of questions regarding religious expression and practice in public life. It underscores the important distinction between religious expression attributa-



BJC Executive Director James M. Dunn introduces the “Shared Vision” statement after presenting it to Vice President Al Gore in 1994.

ACCESS IT ONLINE

The 2010 statement is available on the website of the Wake Forest University Divinity School’s Center for Religion and Public Affairs.



Drafting committee members Charles Haynes from the First Amendment Center and Colby May from the American Center for Law and Justice, project leader Melissa Rogers, syndicated columnist E.J. Dionne Jr. and Marc Stern from the American Jewish Committee listen to BJC General Counsel K. Hollyn Hollman’s presentation during the document’s release on January 12, 2010.

ble to the government versus the private religious expression of nongovernmental organizations and individuals. It also describes current law governing issues that relate to the role of religion in public life. The joint statement exemplifies the BJC’s dedication to moving beyond disagreement about what the law should be and providing accurate information about the current state of the law. As noted in its foreword, the statement stemmed from a “shared conviction that religious liberty, or freedom of conscience, is a fundamental, inalienable right for all people, religious and nonreligious.”

The BJC’s legal efforts express the organization’s longstanding commitment to be an active force in the fight for religious liberty for all. Cultivating its specialization in the complex area of church-state law is an important way the BJC continues the Baptist legacy for freedom that is a hallmark of American life.



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- North American Baptist Conference
- Progressive National Baptist Convention Inc.
- Religious Liberty Council
- Seventh Day Baptist General Conference

REPORT from the Capital

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Here's to the next 75 with you!

Seventy-five years ago, a vision of cooperation among Baptists led to a strong prophetic voice in support of religious liberty in the nation's capital. By combining their efforts for the separation of church and state, Baptists laid a strong foundation for the BJC to thrive into the 21st century.

Like those who first joined forces in support of religious liberty, your efforts today are amplified when you join us in standing up for our most cherished freedom.

The BJC is supported now by 15 Baptist organizations, which are listed to the left of this column. When you support the BJC, you not only connect with these groups that value religious freedom, but you also unite with people in cities and small towns from coast to coast. In no small way, each contribution enables our work in the courts, in Congress and in the executive agencies, as well as our education efforts.

Since our founding in 1936, the

BJC's mission has remained the same: to defend and extend religious liberty for all people.

As shown here and in numerous other accounts of the BJC's work, you know the impact we have together.

You've seen that the BJC provides a steady voice for religious liberty by speaking a prophetic, yet civil, message and bringing a voice of reason to the media.

You've seen that the BJC has built a strong legal legacy through our work in the courts to ensure our freedom will continue for gen-

erations to come.

You've also seen how the BJC does its work, often in coalitions of religious and civil liberties groups that rely on our leadership, as we lend expertise on a full range of church-state issues.

Your engagement and financial support of this work is vital to our success defending religious liberty for the next 75 years and beyond. So, here's to the next 75 with you.

