

REPORT

from the **Capital**

113th Congress more religiously diverse, less Protestant

Three Buddhists, a Hindu and a “none” walked into the 113th Congress, and it’s no joke. Rather, it’s a series of “firsts” that reflect the growing religious diversity of the country.

When the new Congress was sworn in earlier this month, Hawaii Democrat Tulsi Gabbard, an Iraq war veteran, began representing the state’s 2nd Congressional District and became the first Hindu in either chamber on Capitol Hill.

The 31-year-old Gabbard was born in American Samoa to a Catholic father and a Hindu mother, and moved to Hawaii as a child. She follows the Vaishnava branch of Hinduism, which venerates the deity Lord Vishnu and his primary incarnations.

Gabbard took over the seat held by Rep. Mazie Hirono, who won a Senate race on Nov. 6 and became the first Buddhist to sit in the upper chamber. There were already two other Buddhists in the House of Representatives, both of whom won re-election: Rep. Hank Johnson, a Georgia Democrat, and Rep. Colleen Hanabusa, a fellow Hawaii Democrat.

An analysis of the new Congress by the Pew Forum on Religion & Public Life also notes that Kyrsten Sinema, an Arizona Democrat who narrowly won a seat in the House, is the first member of Congress to publicly describe her religion as “none” — the popular name of a fast-growing category of Americans who say they have no particular religious affiliation.

After Sinema’s win was heralded by non-theist groups, her campaign said she does not consider herself an atheist but rather “secular.”

The Pew Forum — which based its congressional analysis on data collected by CQ Roll Call — says that about one in five U.S. adults describe themselves as atheist, agnostic or “nothing in particular.” Ten other mem-

bers of the 113th Congress (about 2 percent) do not specify a religious affiliation, Pew says, up from six members in the outgoing 112th Congress.

The new Congress also sees significant shifts among the main-

stays of the American religious landscape.

Protestants still comprise the majority, with about 56 percent of the members in both chambers. But that continues a steady decline since 1961, when 75 percent of members were some variety of Protestant. The new Congress is 13.7 percent Baptist, with 73 members professing that affiliation. That percentage is a bit lower than the 17 percent of all Americans who identify as Baptists, but the number increased by five from the last Congress, and it has risen since 1969 when there were only 53 Baptists in Congress.

The number of Jews in Congress has declined, going from 39 seats to 33 seats — though at 6 percent that is still a significantly larger share than their proportion in the overall U.S. population, which is just under 2 percent. And even though Mitt Romney, the Mormon standard-bearer, lost the presidential election, the number of Mormons in Congress remains the same, at about 3 percent, or 15 seats overall.

Roman Catholics appear to be the big winner from the Nov. 6 vote, edging up from about 156 seats, or 29 percent of Congress, to 163, or just over 30 percent. That compares with the 22 percent of the wider U.S. population that identifies as Catholic. Catholic Democrats outnumber Catholic Republicans in the House by a 75-61 margin, and by an 18-9 margin in the Senate.

Two Muslim members of the House — Minnesota’s Keith Ellison and Indiana’s André Carson, both Democrats — returned to Capitol Hill.

— David Gibson, Religion News Service and BJC Staff Reports



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BJC joins others to urge tracking of hate crimes against Sikhs, Arabs, Hindus

WASHINGTON — The Baptist Joint Committee has joined a broad coalition of organizations in urging the FBI and other law enforcement agencies to collect separate data on hate crimes directed against Sikhs, Arabs and Hindus as part of the FBI's hate crime data collection programs.

The FBI has been tracking and documenting hate crimes reported from federal, state and local law enforcement officials since 1991 as required by the Hate Crimes Statistics Act of 1990. It collects information about bias-motivated crimes directed at religious groups such as Jews, Christians and Muslims, but despite demonstrated evidence that Sikh, Arab and Hindu individuals and institutions have been targets of vandalism and violence because of their faith, the FBI does not collect separate data on hate crimes against these specific groups.

"A threat to anyone's religious freedom is a threat to everyone's religious freedom," said K. Hollyn Hollman,

general counsel for the Baptist Joint Committee. "Accurate reporting of hate crimes is essential to protecting the religious freedom rights of Sikh, Arab and Hindu Americans."

In calling for these changes to law enforcement data collection practices, the coalition of more than 60 civic and religious groups pointed to the 2012 bias-motivated murders of six Sikh worshippers at their house of worship in Oak Creek, Wis. Signers of the statement include the Anti-Defamation League, American Jewish Committee, Christian Church (Disciples of Christ), Interfaith Alliance, NAACP, National Urban League, Sojourners, Southern Poverty Law Center and the General Board of Church and Society of the United Methodist Church.

An extensive advisory review process will conclude this June with a final policy recommendation to the director of the FBI.

—Jeff Huett

Commission suggests ways to keep closer eye on lavish ministries

A special commission created by the Evangelical Council for Financial Accountability has called for clearer IRS guidance and greater involvement among donors to address "outliers" among congregations and other nonprofits that are not being financially accountable.

Its 91-page report was a response to a request for recommendations from Sen. Charles Grassley, R-Iowa, after he concluded a three-year investigation into alleged lavish spending by six prominent broadcast ministries in 2011.

Among the dozens of suggestions of the interfaith commission:

—Compensation for leaders of nonprofits should be "reasonable," and nonprofits should make such information available to donors who request it.

—The Internal Revenue Service should clarify forms related to the income tax exclusion for clergy housing — which is being challenged in court by atheists who consider it unconstitutional.

—The IRS should not create a specific advisory committee for religious organizations, but it should allow the religious community to give input as it creates more guidance on tax law.

—The tax agency should give more advice about "love offerings" — monetary gifts sometimes given to clergy outside of regular congregational offerings — to avoid the "mistaken impression that there is 100 percent correlation between deductibility by the giver and taxability to the receiver."

—The IRS should modify forms to permit organizations, such as operators of shelters from domestic violence, to redact sensitive information from public disclosure if it would put people at risk.

In an introduction to the report, commission president Michael Batts said a comparatively small number of organizations are involved in "egregious financial misconduct" and "excessive legislation" is not necessary to address them.

"We cannot allow the behavior of a few outliers in the religious and nonprofit sector to threaten the freedoms of those who are not the problem — those who are doing the good work," said Batts, a former ECFA chairman, in an introduction to the report.

Grassley's three-year probe concluded that evangelists Benny Hinn of Texas and Joyce Meyer of Missouri had made "significant reforms" to their operations. Grassley's final report said Texas-based Kenneth Copeland Ministries, Georgia pastors Creflo Dollar and Eddie Long and Florida megachurch pastor Paula White had provided incomplete or no responses.

Grassley, in a statement, said the new report demonstrates the challenge of trying to prevent abuse without harming "above-board organizations." He encouraged both donors and the IRS to heed the commission's recommendations, but noted that Congress could extend the review if it addresses comprehensive tax reform.

"The report gives less attention to resolving some of the thornier questions, such as how to build accountability from entities that exploit vagueness in current laws and regulations for individual benefit rather than the greater good," he said.

The commission plans to release a report in 2013 with recommendations about political expression of churches and other charities.

—Adelle M. Banks, Religion News Service

REFLECTIONS

A 'no religious test' scorecard

Allow me one more retrospective on the interplay of religion and politics in the 2012 elections.

In my September column in this publication, I expressed optimism that we, as a country, were taking more seriously the constitutional principle against imposing a religious test for public office. Noting that for the first time no white Anglo-Saxon Protestant appeared on either ticket of the two major political parties for president and vice president and that the U.S. Supreme Court is composed only of Catholic and Jewish justices, I observed the historic Protestant hegemony at the upper reaches of our federal government had receded — despite the fact that Protestantism continues to be the largest religious tradition in our country.

Now looking back on the election it appears my optimism was well-founded. For all of the talk among evangelical Christians and others that they would never vote for a Mormon, there is no evidence to suggest that Gov. Mitt Romney's defeat was related to his Mormonism. True, there may be some who refused to vote for him because of his religion and others who did not vote at all for that reason, but President Barack Obama's margin of victory far exceeds any disability suffered by Gov. Romney because of his religion. We also can take some satisfaction in knowing that the Democratic Party, as well as Democratic-sympathizing political action committees, did not raise Gov. Romney's religion as an issue in the election.

It also appears that we did a fair job of talking about religion in the public square in a responsible way. As I have argued before, the principle, as well as the letter, of the no religious test clause in Article VI of the U.S. Constitution does not disclaim religion's relevance to public life. But, it does mean that we should not impose a religious litmus test on our candidates and, when religion is taken into account, consider it only to the extent it directly affects a public policy position entertained by the candidate or impacts the candidate's fitness to serve in office. With a few highly visible exceptions — e.g., Rev. Robert Jeffress' brazen condemnation of Gov. Romney's candidacy based solely on his Mormonism and Rev. Franklin Graham's veiled endorsement of Gov. Romney because of Graham's bogus belief that the president is a crypto-Muslim — we did a commendable job in balancing the pertinence of religion to public life with the prohibition on religious tests.

In addition to the unprecedented religious

makeup of both the presidential ticket and the Supreme Court and treating religion responsibly in the public square, the outcome in congressional races also gives cause for optimism. (For more, see page 1)

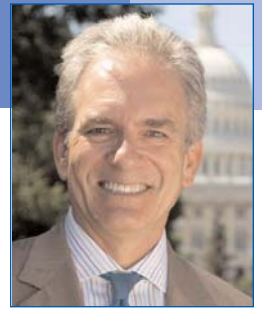
Two Muslim members of the House of Representatives, Keith Ellison, D-Minn., and André Carson, D-Ind., were re-elected. After serving in the House, Mazie Hirono, D-Hawaii, became the first Buddhist ever to be elected to the Senate. Tulsi Gabbard, D-Hawaii, became the first Hindu to be elected to the House. Finally, Kyrsten Sinema, D-Ariz, was elected to the House as the only self-identified "religiously unaffiliated" member. (Confessed atheist Rep. Pete Stark, D-Calif., served 20 terms in Congress before losing his seat in 2012.)

Moreover, we appear to have come to terms with members of Congress who are not Christian or Jewish taking oaths of office on their own holy books. When Rep. Ellison was first elected and in 2007 opted to take his oath of office on the Quran, a great outcry arose. Many insisted he use the Bible even though he is a Muslim. None of that appeared to happen this year. Rep. Gabbard affirmed her oath on the Bhagavad-Gita, the Hindu holy book; Sen. Hirono opted against placing her hand on any book; and Rep. Sinema chose, appropriately enough, to place her hand on a copy of the U.S. Constitution. Hardly a peep of protest could be heard in opposition to these conscientious practices of these members of Congress.

Am I being Pollyannaish here? I don't think so. I recognize we continue to have a long way to go. Many still think that we are and should be a "Christian nation," legally and constitutionally. Islamophobia and anti-Mormon prejudice prevails in many quarters.

However, the fact that an overwhelming Christian majority is willing to elect representatives who reflect America's vast religious pluralism and astonishing diversity and give them permission to solemnize their introduction to their new position without protest suggests to me that we are making progress.

May we continue to move forward in our thinking and practice. The "no religious test" principle in the Constitution must go hand in glove with the First Amendment's two religion clauses; they are equally important in protecting religious liberty in a nation whose religious tapestry is becoming increasingly mottled.



J. Brent Walker
Executive Director

God has never been truant

By BJC Executive Director J. Brent Walker

The Dec. 14 murder of 26 people in an elementary school in Newtown, Conn., shocked the nation. Former presidential candidate and Baptist preacher Mike Huckabee said we have “systematically removed God from our schools” on Fox News and then asked, “Should we be so surprised that schools would become a place of carnage?” The next week, he clarified his comments, saying “I’m not suggesting by any stretch

that if we had prayer in schools regularly as we once did that this wouldn’t have happened, because you can’t have that kind of direct cause and effect. But we’ve created an atmosphere in this country where the only time we want to invoke God’s name is after the tragedy.” BJC Executive Director J. Brent Walker responded on Dec. 19 with these words:

At a time of national tragedy, we should all be praying, grieving and supporting those who suffered grievous loss. Then we must have a conversation, even a debate, followed by action to make sure what we saw in Newtown does not happen again or at least lessen the chances.

Thankfully, this past weekend, many pastors and religious leaders across the nation provided leadership that will help see us through. They took to their pulpits to provide guidance and words of hope to members of their congregations — many who came to worship with heavy hearts.

What we do not need, however, is for pundits — like Mike Huckabee no less — using those awful events to score political or journalistic points, especially when what is said is not true.

A statement Dec. 14 by the former presidential candidate and Baptist

preacher Huckabee claiming that the murder of 26 students and teachers at a Newtown, Conn., elementary school was caused by the nation’s systematic removal of God from public schools is bad theology and a blatant misstatement of the important constitutional protections afforded to students in the public schools.

It is impossible for anyone to remove Almighty God from anywhere, including the public schools. God is never truant. He was there on Friday morning suffering with those killed and injured, emboldening the many acts of heroism, rejoicing with the lives that were saved.

It is true that state-sponsored religious exercises are not allowed in public schools, and properly so. But religion can be expressed — voluntarily and uncoercively — in dozens of ways by the students and even in the classroom.

In an effort to regain some credibility, Huckabee still maintains that we have “escorted God right out of our culture and marched him off the public square,” and that we only call upon God after a tragedy.

False again. We have no more banned God from our culture and public square than kicked him out of our public schools. And, certainly after a tragedy is a particularly appropriate time to reach out to God for comfort and guidance, but our political culture and day-to-day public rhetoric is replete with references to God far more than in any industrialized country that I know.

We’ll never be able to explain what happened last Friday in Newtown — not politicians, not theologians, not social scientists. But, self-serving, simplistic and simply wrong explanations will not do.

Religious Liberty Essay Scholarship Contest

Don’t let high school juniors and seniors miss a chance to win up to \$2,000! Entries for the Religious Liberty Essay Scholarship Contest must be postmarked by **March 1**.

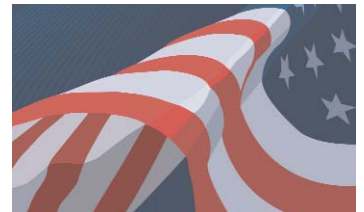
The contest, sponsored by the Religious Liberty Council of the Baptist Joint Committee, is open to all high school students in the graduating classes of 2013 and 2014. This year, the scholarship money has increased: Grand prize is \$2,000 and a trip to Washington, D.C. Second prize is \$1,000, and third prize is \$250.

To enter the contest, eligible students must write an essay of 800-1,200 words addressing the following:

The United States of America was religiously diverse at its founding. Its population included numerous Protestant groups, small Catholic and Jewish populations, those who practiced traditional Native American religions as well as those who practiced African religions. The United States has become even more religiously

diverse, yet Christianity has remained the majority faith tradition since the country’s beginnings. Today, some Americans assert that the country was founded as a “Christian nation” while others contend that statement is a myth. Using the Constitution and writings of the Founders, research and evaluate the claim that the United States was founded as a “Christian nation.” Include a discussion of the current implications for religious freedom for all people in a democratic country in which the majority rules in elections and ballot initiatives.

Contest forms and complete rules are available online at www.BJConline.org/contest. Winners will be announced in the summer of 2013. If you have questions, contact Cherilyn Crowe at 202-544-4226 or ccrowe@BJConline.org.



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You can honor someone with a gift to the Baptist Joint Committee at any time. Just send a note with your check, or give at BJCOnline.org/donate and check the box to designate your gift in honor or memory of someone.

If you have questions, contact Development Director Taryn Deaton at tdeaton@BJCOnline.org.

Update: Developments in the White House Office of Faith-based and Neighborhood Partnerships

Overshadowed by the more high-profile religious liberty headlines of the past year, the work of the federal faith-based initiative has proceeded quietly under President Barack Obama's leadership. Before taking office, the president expressed his commitment to constitutionally sound partnerships between government and religious entities to provide secular social services. He recognized the need for certain reforms to the White House Office of Faith-based Initiatives created by President George W. Bush, and his administration has made slow but steady progress toward implementing constitutional safeguards that protect religious liberty in the context of public partnerships with religious groups. Early in his first term, President Obama renamed it the Office of Faith-based and Neighborhood Partnerships (OFBNP), a title that reflects the importance of engaging both non-religious and faith-based nonprofits. The OFBNP works with the 13 faith-based offices in various federal agencies to serve needy citizens at home and abroad.



By
Nan Futrell Liles
BJC Staff Counsel

In November 2010, President Obama signed an executive order clarifying the appropriate contours of partnerships between the federal government and faith-based social service providers. Among other improvements, the executive order provides that religious organizations may not engage in "explicitly religious" activities (including worship, religious instruction or proselytization) or include overt religious content in federally funded programs. While the executive order carefully protects organizations' right to maintain their religious character and mission and the right to compete for funding on the same basis as secular groups, it requires that explicitly religious activities be kept separate in time or location from services funded with direct federal aid. The executive order also sets forth standards to promote transparency and accountability regarding partnerships with faith-based organizations, and it includes important protections for program beneficiaries who may object to a provider's religious affiliation. In a disappointing, but unsurprising, omission, the executive order does not overturn a Bush-era policy allowing religious organizations to discriminate on the basis of religion when hiring for federally funded positions. Finally, it established an Interagency Working Group charged with reviewing existing agency policies and producing a report outlining necessary amendments and additions to ensure that agency regulations and guidance documents comply with the principles set forth in the order.

The Working Group submitted its report in April 2012 — more than a year later than expected — proposing regulatory changes and providing useful guidance that

will increase uniformity among agencies reflecting the executive order reforms. The Baptist Joint Committee, working with our partners in the Coalition Against Religious Discrimination (CARD), reviewed the Working Group report and identified some ways of improving its recommendations. Our comments, which we sent in late November, urged federal agencies to take full advantage of earlier recommendations made by President Obama's first Advisory Council on Faith-Based and Neighborhood Partnerships, a diverse body of 25 individuals with expertise on the work of faith-based and other community organizations. Among other things, CARD asked that the agencies strengthen language guaranteeing beneficiaries' right to alternative service providers, including mandatory written notice of those rights; adopt clearer definitions of what kinds of "explicitly religious activities" are prohibited in federally funded programs; and develop specific enforcement plans for addressing noncompliance issues. We will continue to encourage the new administration to implement these changes.

In the meantime, the president has appointed a new Advisory Council, tasked with focusing on issues related to human trafficking and modern-day slavery in America. The 2012 Council is in the process of drafting a report identifying ways the government can better partner with faith-based and other nongovernmental groups to address this crisis and serve its victims. This and other developing initiatives were discussed at a recent Brookings Institute event we attended examining the next four years of the OFBNP. Panelists both within and outside of the administration (including former BJC General Counsel Melissa Rogers, who chaired the White House Advisory Council on Faith-Based and Neighborhood Partnerships) discussed past successes as well as future goals and challenges facing the federal government as it continues to partner with faith-based entities to achieve common aims in constitutionally sound ways. The BJC recognizes the hard work and diligence required to ensure that the Obama faith-based initiative will live up to its promise of fulfilling secular needs without diminishing religious freedom. As the administration builds upon the positive changes it has already undertaken, we will closely follow OFBNP policy developments and offer guidance where we see opportunities to bolster religious liberty protections in the context of public partnerships with faith-based entities.

The "Hollman Report" will return in next month's Report from the Capital.

Walker to deliver 2013 Shurden Lectures at Stetson University

Baptist Joint Committee Executive Director J. Brent Walker will deliver the 2013 Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State. The 8th annual series will be held April 9-10 on the campus of Stetson University in DeLand, Fla. Walker earned his law degree from the Stetson University College of Law.



Walker

In 2004, the Shurdens of Macon, Ga., made a gift to the Baptist Joint Committee to establish the annual lecture-ship. Designed to enhance the ministry and programs of the BJC, the lectures are held at Mercer University in Macon, Ga., every three years and at another seminary, college or university the other years.

Walker will present three lectures over the course of two days, which will be free and open to the public. For the latest information, visit www.BJConline.org/lectures.

Paynter to deliver address at 2013 RLC Luncheon

Suzii Paynter will be the keynote speaker at the 2013 Religious Liberty Council Luncheon on June 28 in Greensboro, N.C.



Paynter

Paynter is the Director of the Christian Life Commission of the Baptist General Convention of Texas and of the BGCT's Advocacy and Care Center. She is a registered lobbyist for the Christian Life Commission and leads efforts to address a variety of public policy areas, including hunger, child and maternal nutrition, ending human trafficking, life issues, juvenile justice, foster care, immigration and education. She is an active member of interfaith efforts to affect legislation and policy and has been an advocate for religious liberty issues, literacy and early intervention for high-risk children.

The luncheon meeting will be held during the Cooperative Baptist Fellowship General Assembly. Visit www.BJConline.org/luncheon for the latest information.

Evangelical grad student settles with university

A graduate counseling student who was expelled from Eastern Michigan University after citing her faith when she declined to advise a gay client has settled her case with the school.

Julea Ward, citing her evangelical Christian beliefs, disagreed with professors who told her she was required to support the sexual orientation of her clients. She was assigned a client who sought counseling on a same-sex relationship but later asked to have the client referred to another counselor.

In January, the 6th U.S. Circuit Court of Appeals ruled that Ward might have been expelled because of her faith and sent the case back to a lower court.

"Public universities shouldn't force students to violate their religious beliefs to get a degree," said Jeremy Tedesco, a lawyer with the Alliance Defending Freedom, who represented Ward before the appeals court.

The ADF, which was formerly known as Alliance Defense Fund, said Ward's expulsion will be removed from her record.

The university in Ypsilanti, Mich., issued a statement saying the settlement totaled \$75,000, and the school's curriculum requirements remain intact.

"The faculty retains its right to establish, in its learned judgment, the curriculum and program requirements for the counseling program at Eastern Michigan University," said Walter Kraft, the university's vice president for communications.

"EMU has made the decision that it is in the best interest of its students and the taxpayers of the state of Michigan to resolve the litigation rather than continue to spend money on a costly trial."

—Adelle M. Banks, Religion News Service

Poll: Most Americans say employers should cover contraception

Most Americans say that employers — even religious ones — should provide birth control coverage to their employees, according to a survey released Dec. 3.

The poll by LifeWay Research also showed that almost two-thirds of Americans (63 percent) believe businesses should be required to provide the coverage for free, even if contraception conflicts with the owner's religious ethics.

As part of the Affordable Care Act, the 2010 health care reform law, President Obama issued regulations that require most employers, including some religious ones like Catholic colleges and hospitals, to provide birth control coverage. The administration has said it may expand the policy to accommodate additional religious organizations.

In the meantime, however, dozens of Catholic dioceses, as well as Christian colleges and business owners who oppose contraception on moral or religious grounds, have sued to block the mandate from taking effect.

Most Americans, however, believe that businesses (63 percent), nonprofit organizations (56 percent) and even Catholic and other religious schools, hospitals and charities (53 percent) should provide free birth control coverage to employees.

Women are more likely than men to "strongly agree" that such coverage should be provided, LifeWay found.

The online survey of 1,191 adult Americans was conducted Nov. 14-16, 2012. The sampling error is less than plus or minus 2.9 percentage points, according to LifeWay.

—Daniel Burke, Religion News Service



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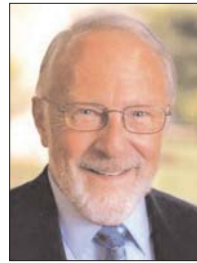
Cherilyn Crowe
Associate Editor

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WHY WE GIVE

My support helps sustain 'the work of the BJC into the future'

In the late 1950s, Dwight Jessup's political science professor at Bethel University introduced him to the Baptist Joint Committee. More than 50 years later, Jessup's relationship with the BJC is going strong. Jessup serves on the BJC Board of Directors as a representative from Converge Worldwide (Baptist General Conference).



Jessup

A retired university and seminary academic administrator, Jessup stays up-to-date with church-state policy issues and litigation by reading *Report from the Capital*. "Early on, I subscribed (in those days one had to pay for it)," he wrote, "and still have a copy of every

issue published since 1979."

Jessup and his wife, Karin, believe that the BJC plays an essential role of a watchdog always on guard to protect religious liberty. The Jessups support the BJC annually and donated to the recent capital campaign.

The Jessups have also chosen to help permanently ensure the BJC's work by leaving the organization in their will. "We believe our financial support will help sustain the work of the BJC into the future," wrote Jessup. "We find it to be an excellent way to exercise our God-given stewardship of influence for the good of His kingdom work."

If you are interested in making a planned gift to secure the long-term influence of the BJC, please contact Taryn Deaton, director of development, at tdeaton@BJCOnline.org or 202-544-4226.

IRA Charitable Rollover Renewed

If you took a distribution from your IRA in December 2012, you may be eligible to make a special gift to charity and reduce your 2012 taxes.

♦ Congress just passed legislation to **extend the IRA charitable rollover**. The law also allows individuals who are 70 ½ to make special gifts to charity. Individuals who took a taxable distribution from their IRA in December

2012 can avoid taxes on the distribution by making a gift to charity in January 2013.

♦ Also, the IRA Charitable Rollover has been reinstated for all of 2013 and will now expire on Dec. 31, 2013.

Check with your IRA administrator and your advisers to see if this charitable gift opportunity is right for you.