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REPORT from the Capital

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Capital Campaign Update

Rev. Keith and Sharon Felton: We support the BJC financially because ...

"The Baptist Joint Committee is our advocate in Washington, D.C. and throughout the country for religious liberty and separation of church and state. In light of the current political and religious climate and the attempts to tear down the wall of separation, a Center for Religious Liberty on Capitol Hill is long overdue. The opportunities for education, for training, and for expanding the reach of the BJC multiply exponentially with such a facility. Our freedom is fragile, sometimes seeming to teeter on the brink, but the BJC stands firm and strong. It is the voice, our voice fighting to shore up the wall and secure freedom for all people.

Supporting the BJC through financial gifts, participation and prayer, fights for faith and church. Giving keeps government out of our pulpits and our pews. We give so that the BJC can do all that needs to be done to make certain our children and yours grow up in an world where freedom of religion is valued for all people and faith flourishes without the intrusion of government."

Keith, pastor of First Baptist Church, Hamilton, Texas and Sharon Felton, are long-time BJC supporters.

Randall Balmer to address Religious Liberty Council luncheon at CBF General Assembly

Randall Balmer, is professor of American Religion at Barnard College, Columbia University, a visiting professor at Yale Divinity School and the author of *Thy Kingdom Come: An Evangelical's Lament* (Basic Books).

E-mail Phallan Davis at pdavis@bjconline.org or call her at 202-544-4226 if you'd like to register for the luncheon. Also, please check the BJC Web site in the coming weeks to register online.

June 29 — Grand Hyatt, Washington, D.C. — 12:15 to 1:45 p.m.

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REPORT from the Capital

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INSIDE:

Supreme Court hears case related to administration's Faith-based Initiative

WASHINGTON — The Supreme Court heard oral arguments Feb. 28 in a case that, on the surface, is about technical issues — but could end up having significant ramifications for the way courts handle some church-state cases.

An inquisitive and at times combative court listened to both sides in *Hein v. Freedom From Religion Foundation* (No. 06-157). The case concerns the legal doctrine of standing, or the ability to file lawsuits under the Constitution, in cases dealing with the First Amendment's Establishment Clause.

BJC General Counsel K. Hollyn Hollman addresses the media on the steps of the Supreme Court.

The case marks the first time the justices have dealt with President Bush's Faith-based Initiative — his attempt to expand the government's ability to fund social services through churches and religious charities.

The Wisconsin-based foundation sued the White House Office of Faith-Based and Community Initiatives, headed by director Jay Hein. The suit claimed the office and its actions violate the Constitution's ban on government establishment of religion.

A federal district court dismissed the suit, saying the plaintiffs did not have proper standing as taxpayers. But the 7th U.S. Circuit Court of Appeals reversed that ruling, saying the foundation and three of its members, as taxpayers, had the right to challenge White House allocations used to fund conferences that promoted the faith-based initiative.

The court said the foundation had taxpayer standing to challenge the practice because government money was being used to promote religion, even though Congress did not specifically appropriate the money to any religious groups.

The Supreme Court has long held that taxpayers do not generally have standing to sue the government over how it disburses funds because the connection between individual taxpayer contributions and expenditures is too remote. Individuals who sue the government must prove specific injury from the governmental act.

In 1968, the Court made an exception to the rule. In *Flast v. Cohen*, justices said the exception was reasonable because of the special history of the Establishment Clause, which bars government support for religion. The *Hein* case turns on the scope of that exception.

The Baptist Joint Committee filed an *amicus* brief with other organizations supportive of church-state separation. BJC General Counsel K. Hollyn Hollman said the government's position threatens to insulate government spending in support of religion.

"This case is important to America's tradition of religious liberty because it addresses rules that allow lawsuits to protect our first freedom," Hollman said.

Hollman continued,"As soon as government starts to meddle in religion, for or against, or take sides in matters of religion, favoring one over another, someone's religious liberty is denied and everyone's is threatened."

The taxpayer-standing exemption created by the precedent is important, Justice Stephen Breyer said, because "*Flast* stands for the proposition that, when the government spends money in violation of the Establishment Clause, a taxpayer — after all, the money comes from the taxpayer — can bring a lawsuit. And the reason that they do that is because the Establishment Clause is an important joint part of the religion clauses, and there'd be no other way to bring such a challenge."

The case likely will be decided before the Supreme Court ends its 2006-2007 term in June.

— ABP and staff reports

Appeals court probes Iowa prison program's legality

On Feb. 13, in a case with potentially far-reaching implications for a growing number of religious prison programs, a federal appeals court panel in St. Louis that included former U.S. Supreme Court Judge Sandra Day O'Connor heard arguments over whether a religiously based Iowa prison program violated the First Amendment and should repay the government money it received under contract.

Attorneys representing the prison program contended the program is constitutional. And even if the court disagrees, they argued, operators should be able to revise the program to make it legally palatable rather than repay the money spent to aid prisoners.

"Unlike virtually any case of 25 years where the courts found illegality, the courts have suggested states come up with a plan," Gordon Allen, an attorney representing Iowa in the case, told the three-judge panel of the 8th U.S. Circuit Court of Appeals. "This remedy denies prison administrators some way to make this constitutional."

The opposing side contended the program — partly funded with government money — is so infused with Christianity, provides no non-Christian option, and punishes participants who do not complete it, that it should be discontinued and operators should repay the state.

The hearing centered on a lawsuit Americans United for the Separation of Church and State (AU) filed in 2003 against a religiously based prison program called the InnerChange Freedom Initiative (IFI), its operating company Prison Fellowship Ministries (PFM), and the Iowa officials responsible for the program's implementation. The suit charged that the pre-release program — paid for in part with taxpayer funds — stepped over the constitutional boundary separating church and state.

According to court records, the 8-year-old program consumes an entire wing of the Newton Correctional Facility in Iowa, is infused with "intensive, evangelical, biblically based instruction from a Christian fundamentalist viewpoint," and provides participants with privileges not afforded to non-participating inmates.

In June 2006, U.S. District Court Judge Robert W. Pratt found the IFI program in Iowa to be "pervasively sectarian" and ruled that the state had committed "severe violations" of the First Amendment's Establishment Clause.

Pratt also detailed how officials at the Iowa Department of Corrections designed the contracting process to ensure that only PFM would get the contract, and found that although the program is open to participants of all faiths, the substance of the programs made it impossible to proceed without a full indoctrination into evangelical Christianity. He also found that inmates did not exercise "true private choice" to participate because no comparable programs, either secular or faith-based, were offered.

Because of these circumstances, Pratt — in a controversial and seemingly unprecedented decision — ordered PFM to repay $1.5 million it had received and spent on the program to the state of Iowa. The repayment order may be the first of its kind, according to legal experts, and it figured prominently in the hearing, especially in questions asked by O'Connor.

While such restitution orders are fairly common in government contract law, those orders are highly unusual in cases involving the First Amendment's Establishment Clause, according to Ira Lupu, a law professor at George Washington University School of Law and co-director of legal research for the Roundtable on Religion & Social Welfare Policy.

Anthony Picarello, an attorney for the Becket Fund for Religious Liberty who represented PFM, said after the hearing, "The repayment remedy would have a chilling effect on other faith-based organizations in partnering with the government in any social service programs."

O'Connor also asked questions about the workings of the program, such as whether the prisoners had other choices of programs and whether InnerChange provided day-only programs rather than full-time residential help.

Allen said there was no way to make the program a completely pure voucher system, where prisoners receive coupons representing government money and choose among services.

"There are ways to make this close to a voucher system, however, because the program is a totally voluntary program," Allen said. "They get a benefit. There are alternatives. This is an indirect funding program within the context of a prison."

— Anne Farris, Washington correspondent for the Roundtable on Religion & Social Welfare Policy

Supporters honor, memorialize others with donations to BJC

In memory of James Alexander
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In memory of Roy Gene Edge
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In memory of Lewis Morgan
National Baptist Memorial Church

In honor of Buddy Shurden
Ashley Shurden

REFLECTIONS

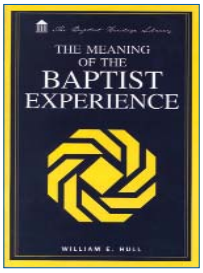
J. Brent Walker
Executive Director

'Experience' a journey of self-exploration

When Buddy Shurden says it, I believe it and that settles it.

Referring to William E. Hull's new book titled, "The Meaning of the Baptist Experience," Buddy observed, "It's the best statement of the Baptist vision of Christianity that I have ever read."

Wow! Ever? What a claim — particularly since I think Buddy's own works qualify for that generous accolade (e.g., his classic *The Baptist Identity: Four Fragile Freedoms* and the wildly popular *How We Got That Way: Baptists and Religious Liberty and the Separation of Church and State*). Dr. Hull is research professor at Samford University and former dean of the school of theology and provost at Southern Seminary.



Whether or not Buddy has engaged in a smidgen of hyperbole, Hull's 24-page book published by the Baptist History & Heritage Society is fabulous and should be read and studied by every Baptist in the land — particularly those Baptists who exaggerate the communitarian aspect of our Baptist tradition and who disparage the importance of soul freedom, ignore the dangers of coerced conscience and are threatened by a vital, voluntary religion.

As the book's title suggests, Hull properly claims that at the core of Baptist life is experience, grounded squarely in history. More than a denominational structure or a dogmatic system, being Baptist has to do with an experience with God through faith in Christ within the nurture and guidance of family, friends and the church. By its very nature, experience is personal and, if personal, must be freely embraced by each of us.

Hull traces the roots of Baptist freedom to "an effort to reform the reformation." The movement was started a century and a half before the American Revolution was waged and the U.S. Constitution was adopted. The Baptist yearning for freedom developed theologically and was shaped in a crucible of historical adversity, long preceding the Enlightenment ideas that emphasized freedom of conscience for reasons having little to do with religious conviction. In other words, years before the Enlightenment thinkers got involved, Baptists were insisting on what even the Reformation had not — the complete freedom of the individual soul.

But the children of God — Baptists like John Leland — partnered with the sons of the Enlightenment to protect the freedom of religion and the rights of conscience by forbidding government from promoting or taking sides in matters of religion. Stated differently, they sought and got an institutional, and functional separation of church and state.

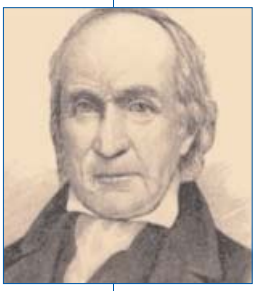
In his effort to connect our Baptist tradition to contemporary life, Hull mulls a church-state issue that I have been preaching on for the past five years. That is, how should we respond to acts of religiously inspired terror — 9/11 itself, militant theocracies around the world and sectarian civil wars, most notably in Iraq? These empirical renderings of what happens when religious zeal meets up with coercive power should cause us to value our tradition of church-state separation all the more. But, in my view (and Hull's too) the opposite is happening. The fear of terror and Islamist extremism seems to be fueling Christian theocratic tendencies.

Hull is quick to rebuke this thinking:

> One of the dangers … is that we become like our enemies. Already the lure of theocracy is all about us as various religious groups seek governmental favors in exchange for political support. But what if efforts are made in the name of a militant patriotism to co-opt Christianity as an American or a Western religion so that it no longer functions as a global religion without allegiance to any one country or culture? ... Baptists know from experience that when the interests of the church are no broader than the interests of the state, the church loses its leverage to reconcile those divisions that condemn the world to perpetual strife. The distinctive Baptist understanding of religious liberty is not some denominational oddity, a mere hiccup on the side of history. Rather it offers an essential contribution to the development of a post-9/11 geopolitic by enshrining the insight that the awesome spiritual power of religion may not be linked to the equally awesome temporal power of the state if any semblance of freedom is to survive. (*Baptist Experience*, p. 21)

Our history as Baptists shows us the danger associating religion too closely with nationalism. When those two powers are linked, not only does a conflict-ridden world lose a voice of hope, the individual's right to experience that message of hope is stolen away.

So, yes, I guess Buddy was right after all. In just 24 pages, Hull takes Baptists on a journey of self-exploration: highlighting how our belief in a personal experience with Christ has shaped our history, and how it needs to shape our future as well. Pick a copy up and read it. (www.baptisthistory.org for $2.50, plus postage.) It will do you — and Baptists generally — a lot of good.



On guard for religious liberty

By Joseph L. Conn

John Leland, Baptist and religious liberty proponent

The Reverend John Leland was not a man to mince words when it comes to religion and politics. Candidates who advertise their personal faith, he insisted, should be avoided by the voters.

"Guard against those men who make a great noise about religion in choosing representatives," observed Leland. "It is electioneering intrigue. If they knew the nature and worth of religion, they would not debauch it to such shameful purposes.

"If pure religion is the criterion to denominate candidates," he continued, "those who make a noise about it must be rejected; for their wrangle about it proves that they are void of it. Let honesty, talents and quick dispatch characterize the men of your choice."

As America comes out of another round of elections, in which the line between faith and electioneering is being aggressively blurred, Leland's words seem extraordinarily current. In fact, however, his comments come from an Independence Day oration he gave in Cheshire, Mass., more than two centuries ago.

On July 5, 1802, Leland, a Baptist preacher and staunch religious liberty advocate, held forth on the importance of choosing public officials who will defend the Constitution and its separation of church and state. "Be always jealous of your liberty, your rights," he thundered. "Nip the first bud of intrusion on your Constitution… Never promote men who seek after a state-established religion; it is spiritual tyranny – the worst of despotism."

"It is turnpiking the way to heaven by human law in order to establish ministerial gates to collect toll," he continued. "It converts religion into a principle of state policy, and the gospel into merchandise. Heaven forbids the bans of marriage between churches and state; their embraces, therefore, must be unlawful."

Today, when some prominent Baptist preachers denounce such church-state separation and urge evangelicals to "vote Christian," Leland's words may sound strange. But Baptists in Revolutionary-era America were in no position to try to take over the government. Persecuted minorities in many states, they fought against official preference in matters of religion.

Leland, like many of his coreligionists, believed government interference in matters of faith violated the will of God and individual freedom of conscience. According to scholar Edwin Gaustad, Leland declared that persecution, inquisition, and martyrdom all derived from one single "rotten nest-egg, which is always hatching vipers: I mean the principle of intruding the laws of men into the Kingdom of Christ." Leland is little known to most Americans today. But he and other evangelical Christians played a critical role in establishing religious liberty and its constitutional corollary, church-state separation.

Born in Grafton, Mass., on May 14, 1754, Leland said he spent his teenage years in "frolicking and foolish wickedness." But at 18 he converted to Christianity and became an itinerant Baptist preacher. After visiting Virginia in 1775, he and his wife, Sally, moved to that state, and he soon became a prominent figure in both religious and political life.

Leland served as a member of the Baptists' "General Committee," a group formed in 1784 to agitate for religious liberty. He and other dissenting clergy fought alongside James Madison and Thomas Jefferson in the battle to overturn Virginia's state-established Anglican (Episcopal) Church and ensure equal rights for all.

The Baptist preacher insisted that religion is hurt more by government favor than by government oppression. Experience has informed us, he wrote, that "the fondness of magistrates to foster Christianity has done it more harm than persecutions ever did."

Observed Leland, "Persecution, like a lion, tears the saints to death, but leaves Christianity pure; state establishment of religion, like a bear, hugs the saints but corrupts Christianity."

Thanks to the leadership of Enlightenment thinkers such as Madison and Jefferson and the grassroots organizing of devout Christian believers such as Leland, the Virginia legislature in 1786 adopted Jefferson's Statute for Religious Freedom. That groundbreaking law served as a model for other states as they moved toward religious liberty guarantees, and it paved the way for the church-state separation safeguards in the U.S. Constitution.

According to historian Anson Phelps Stokes, "The Baptists played a large part in securing religious freedom and the abolition of the State-Church in Virginia, and Leland was their most effective advocate."

Leland also played an important role in securing the Bill of Rights. When the Constitution was first submitted to the states in 1787, many in Virginia and other states

were alarmed because it lacked a Bill of Rights. Leland and other Baptists were particularly worried that the Constitution included no guarantee of religious freedom, and they joined the rising chorus of opposition.

In an August 8, 1789, letter to President George Washington, written by Leland, the Baptists' General Committee said its members feared that "liberty of conscience, dearer to us than property or life, was not sufficiently secured."

Recognizing that the states might not ratify the Constitution unless these concerns were met, Madison assured Leland and the other Baptists that he would work to add a Bill of Rights if they would support ratification. The deal was accepted. Virginia ratified the Constitution, and Madison kept his promise. The First Amendment he helped craft forbids the government to make any law "respecting an establishment of religion or prohibiting the free exercise thereof."

In 1791, Leland moved back to his home state of Massachusetts, where he continued his religious and political work. In a pamphlet titled "The Rights of Conscience Inalienable," he advocated a free market of religious ideas.

"Government," he said, "has no more to do with the religious opinions of men than it has with the principles of mathematics. Let every man speak freely without fear, maintain the principles that he believes, worship according to his own faith, either one God, three Gods, no God or twenty Gods; and let government protect him in so doing, i.e., see that he meets with no personal abuse, or loss of property, for his religious opinions…[I]f his doctrine is false, it will be confuted, and if it is true, (though ever so novel,) let others credit it."

Leland added, "Truth disdains the aid of law for its defense-it will stand upon its own merit. It is error, and error alone, that needs human support; and whenever men fly to the law or sword to protect their system of religion, and force it upon others, it is evident that they have something in their system that will not bear the light, and stand upon the basis of truth."

Leland did not hesitate to bring his principles into politics on behalf of religious freedom. He supported Jefferson's candidacy for president in 1800, and after his longtime ally was elected, the Baptist minister came up with a unique way to celebrate.

On New Year's Day, 1802, Leland showed up at the White House with a 1,325-pound wheel of cheese. A placard that accompanied the tribute on its way to Washington proclaimed it: "The Greatest Cheese in America for the Greatest Man in America!"

Jefferson, who was often brutally abused by establishment-minded clergy, was deeply gratified by Leland's dramatic gesture, and fragments of the cheese were reportedly still being served to Jefferson's guests two years later (although one diner found them "very far from good").

The U.S. Constitution and the broad-minded policies of Jefferson and Madison protected religious freedom at the national level, but in Leland's time (before the adoption of the Fourteenth Amendment), states remained free to promote favored faiths and oppress religious minorities. Leland never accepted that discriminatory policy as just, and he relentlessly fought government-backed religious establishments in his own state as well as neighboring Connecticut.

In 1820, in his Short Essays on Government, Leland argued for religious liberty on the broadest possible basis. "Government should protect every man in thinking and speaking freely, and see that one does not abuse another," he wrote. "The liberty I contend for is more than toleration. The very idea of toleration is despicable; it supposes that some have a pre-eminence above the rest to grant indulgence; whereas all should be equally free, Jews, Turks, Pagans and Christians."

Leland's views finally triumphed. In 1831, the Massachusetts legislature separated church and state, and two years later the action was overwhelmingly ratified by popular vote.

In 1788, Leland introduced a resolution at the Baptists' General Committee meeting in Virginia denouncing slavery as "a violent deprivation of the rights of nature and inconsistent with a republican government" and urging the use of "every legal measure to extirpate this horrid evil from the land."

Leland died on January 14, 1841. His tombstone reflects the passions of his life: "Here lies the body of John Leland, who labored 67 years to promote piety, and vindicate the civil and religious rights of all men."

Historians find the epitaph, which Leland himself composed, to be very revelatory. In *Revolution Within the Revolution*, William R. Estep says, "The order of these phrases is significant, indicating that Leland considered himself first and foremost a minister of the gospel and only secondarily a political activist."

Leland certainly did not let his civic work get in the way of his Christian evangelism. According to *The Baptist Encyclopedia*, his 15 years of preaching in Virginia involved more than 3,000 sermons, 700 baptisms, and the creation of two churches. By 1820 he estimated that he had given nearly 8,000 sermons over the course of his preaching career and had baptized 1,278.

Leland even gave sermons along the way as he hauled his mammoth cheese to Jefferson's White House. "Notwithstanding my trust, I preached all the way there and on my return," he recalled, "had large congregations; led in part by curiosity to hear the Mammoth Priest, as I was called."

Basing his views on both his theology and his political philosophy, Leland was a church-state separation purist who never veered from support of freedom. He opposed Sunday laws, all special privileges for the clergy, state-paid chaplains, and any government aid to religion. He said Baptists did not want the "mischievous dagger" of government help.

Leland gave his last sermon on January 3, 1841, just six days before his death at age 88. "Next to the salvation of the soul," he once observed, "the civil and religious rights of men have summoned my attention, more than the acquisition of wealth or seats of honor."

– Joseph L. Conn is communications director for Americans United. This article originally appeared in Liberty magazine.

K. Hollyn Hollman
General Counsel

Stakes high in upcoming 'Hein' decision

"Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath."

John G. Roberts at his Supreme Court confirmation hearing on September 12, 2005.

The oral arguments in *Hein v. Freedom From Religion Foundation* reminded me why I found the comparison of Supreme Court justices to umpires so lacking during the confirmation hearings of Chief Justice John G. Roberts. *Hein*, like many other cases that the Supreme Court hears, is not just about reviewing facts and applying a statute or constitutional provision. The Court is not being asked whether the pitch is a ball or a strike. It is being asked to define a strike. The Supreme Court, unlike an umpire, can change the rules of the game.

"While there are other theories of standing that allow plaintiffs to sue in Establishment Clause cases, a decision in *Hein* that limits taxpayer standing would have a significant impact."

The Court has rarely addressed the issue of taxpayer standing. (See my January column for more background). Since the 1968 *Flast v. Cohen* decision when the Court first recognized taxpayer standing in an Establishment Clause case, the Court has dealt with the matter only twice — rejecting standing in *Valley Forge Christian College v. Americans United for Separation of Church & State* (1982), a case challenging an executive branch transfer of property; and allowing it in *Bowen v. Kendrick* (1989), a case challenging social service grants to religious organizations. The Court has heard many Establishment Clause cases, however, that give little attention to standing.

From the beginning of the oral argument hour until the end, the advocates and the justices made clear the stakes were high. As Linda Greenhouse put it in *The New York Times*, "[A]ny notion that this jurisdictional question was the sort of arcane, technical issue that only a law professor could love was quickly dispelled by the intensity of the argument, one of the liveliest of the term."

The government argues that there is no taxpayer standing without an Establishment Clause challenge to 1) a specific congressional expenditure for a grant program; and 2) disbursement of the grant to some third party. Discretionary spending by the executive branch to promote religion would be immune from taxpayer standing, a point made plain by the various hypotheticals offered from the bench to Solicitor General Paul Clement.

Briefs filed by amici in support of the federal government, such as the American Center for Law and Justice and some state attorneys general, went farther, arguing that the Court should overrule *Flast*. Former Alabama Chief Justice Roy Moore submitted a brief, arguing that the Establishment Clause confers no rights on individuals that courts can redress.

Respondents, Freedom From Religion Foundation and its individual taxpayer members, represented by attorney Andy Pincus, defended *Flast* and the cases that followed as providing a different two-part test. They argued that taxpayer standing requires 1) a discrete and identifiable expenditure of federal funds tied to the challenged activity; and 2) that the expenditure not be incidental to the alleged violation.

Organizations filing briefs in support of the Respondents, including the American Jewish Congress and American Jewish Committee, argued that neither *Flast*, nor the history of the Establishment Clause that underlies it, support the government's claim that the Founders were only concerned with legislative appropriations. A brief by legal and religious historians and scholars provided additional evidence against the government's position. The BJC joined a group of prominent civil liberties organizations in a brief arguing that *Flast* is consistent with and vital to the standing doctrine.

The Court vigorously and convincingly challenged both theories of the parties, leaving the gathering of court-watchers to speculate about the outcome. The Court could adopt either position, making the meaning of *Flast* more plain; it could draw some other line of its own; or it could eliminate taxpayer standing, fundamentally changing the rules for the Establishment Clause cases.

While there are other theories of standing that allow plaintiffs to sue in Establishment Clause cases, a decision in *Hein* that limits taxpayer standing would have a significant impact. Not only would it make it harder to bring some typical cases that are important to upholding Establishment Clause values, but it would threaten to insulate a whole new range of violations that are foreseeable in the era of "faith-based initiatives" at the federal and state levels.

On the other hand, the case offers an opportunity for the Court to act, as Chief Justice Roberts once noted it should, with humility within a system of precedent, shaped by other judges equally striving to live up to the judicial oath.

Dunn delivers lectures as part of Shurden series

Carson-Newman College hosted the second annual Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State February 26-27. The Shurdens, former Jefferson City residents when Walter served on C-N's religion faculty three decades ago, were joined by a host of family and friends for the two-day event sponsored by the Baptist Joint Committee for Religious Liberty.

The three-lecture series was delivered by James Dunn, professor of Christianity and Public Policy at Wake Forest Divinity School and president of the Baptist Joint Committee Endowment. His remarks considered the history of church and state separation, explored the traditional Baptist confession of faith, and defined, in a student chapel, what separation is and is not.

In his opening address, titled "Challenging Religion: Ours is ... We are ... ," Dunn cited four Americans without whom religious liberty would not exist. "Chopping the continuum of contributions by Roger Williams, Thomas Jefferson, James Madison and John Leland into arbitrary divisions is but one design for getting back to the Bill of Rights' beginning," he said.

"Congress shall make no law respecting an establishment of religion," he quoted. Then he recalled being part of a group that made a 1964 visit to the chambers of Supreme Court Justice Hugo Black.

"No law, what does that mean?" Dunn said, recalling a question a fellow visitor asked of Justice Black.

"Well, it means two things," Dunn reported Black as saying. "First, it means NO, and second it means LAW! No law, favorable or unfavorable."

That Americans are blessed to have a constitutionally guaranteed freedom to worship, or not to worship, said Dunn, can be attributed to the passion and diligence of the four men.

Of Williams, Dunn said, "Roger Williams fathered philosophically the American experiment in freedom of religion … He shaped his colony of Rhode Island into the home of the otherwise-minded."

Although his principles and contrarian ideals cost him both societal and creature comforts, Dunn championed Williams' willingness to pay the toll of contending that freedom is more important than toleration. "He despised toleration as the measure of the majority religion's relationship with dissenters," said Dunn. "Toleration is a human concession. Liberty is a gift of God." By refusing to concede the government's claim to a standardized religion, including taxation to support ministers, Williams was the incarnation of, "the freedom of religion guaranteed in the First Amendment."

"Williams," claimed Dunn, "is disproportionately important because he first challenged the old world patterns of toleration, theocracy, church-states and state-churches. He was banished, ostracized, ridiculed and thought to have windmills in his head. He died poor and rejected, with not much to show for his labors … except the experiment of religious liberty and the most vital churches in the world."

While Williams lit the candle of religious liberty in the fledgling nation, Dunn credits Thomas Jefferson with using the flame to build a fire. In keeping with his stated wishes,

James Dunn (left) and Walter Shurden converse during the second annual lectures endowed by the Shurdens.

Jefferson's tombstone notes only three things: his composition of the Declaration of Independence, his establishment of the University of Virginia, and his responsibility for Virginia's Statute of Religious Freedom. Although there is not a word about his inventions, his service abroad or even his presidency, he made sure that he is remembered for helping to keep religion and government from intermingling, said Dunn.

Calling James Madison the single most significant figure in the establishment of the First Amendment, and therefore separation, Dunn said, "For all of Roger Williams' philosophical and practical precedents, and all of Thomas Jefferson's brilliant accomplishments, it was little Mr. Madison who institutionalized religious liberty."

"Many people today fail to appreciate Madison's role as author of the Bill of Rights," he said, noting that history has neglected him because he was reluctant to the idea. Once he saw that states might not ratify the Constitution without guaranteed freedoms, he put aside his objections and wrote the document.

After crediting Williams, Jefferson and Madison for their efforts Dunn said all of their work would have been for naught save John Leland. "No one more than Leland captures the color and people power of those who demanded guarantees for religious liberty and civil rights," praised the Wake Forest Divinity professor. "It was Leland and hundreds like him who turned the tide for religious freedom and even for the adoption of the Bill of Rights."

In his second lecture, titled: "Response Able and Free," Dunn outlined the difference between a creed and a confession. He argued that Baptists historically have not had theological, ethical or political creeds, but they have had an ecumenical and biblical confession of faith, "Jesus Christ is Lord." This "vital and lively" confessional, according to Dunn, issues in a coherent set of beliefs that have as "a common core, the freedom of conscience."

Dunn told C-N's Tuesday morning chapel audience, "If we know anything at all of history, law, scripture, human nature, and the spirit of Jesus, then we must get off our apathies and speak up for freedom of conscience. When anyone's religious freedom is denied, everyone's religious freedom is endangered. When government requires religion, it makes a monster of it. When government meddles in faith, it always leaves a touch of mud. If religion is not voluntary, it cannot be vital."

– J. Mark Brown, C-N News & Publications and staff reports