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REPORT from the Capital

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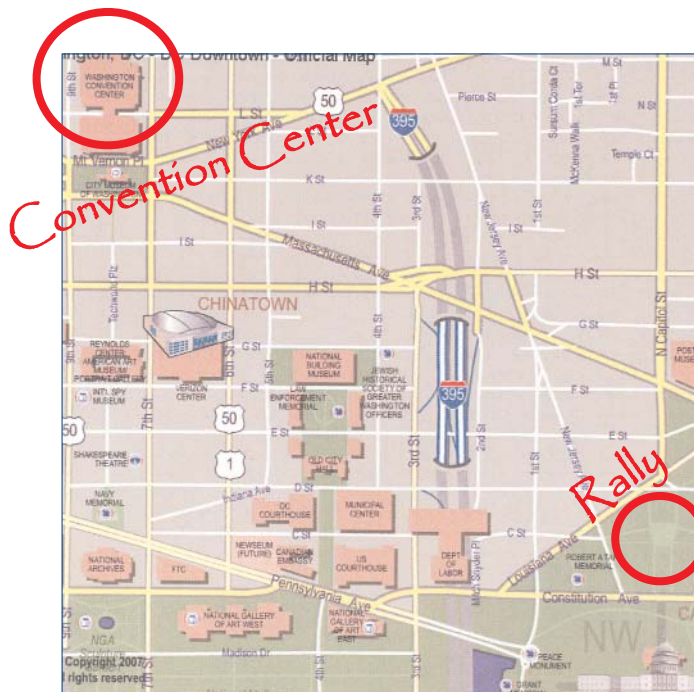
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Baptist Unity Rally for religious liberty at the Capitol

Join the Baptist Joint Committee for a celebration of religious liberty at 8 a.m. sharp on Friday, June 29. The rally is at Fountain Plaza of Upper Senate Park, adjacent to the U.S. Capitol and the Russell Senate Office Building.

In May 1920, George W. Truett, climbed the east steps of the U.S. Capitol to rally support for religious liberty and church-state separation. On June 29, Rep. Chet Edwards of Texas, Rep. Bobby Scott of Virginia, William Underwood, Daniel Vestal and many others will lead a celebration of religious liberty.

For those attending the overlapping meetings of the Cooperative Baptist Fellowship and American Baptist Churches USA, below is a map to the rally location.



Getting there

Metro

From Grand Hyatt

There is an entrance to the Metro Center stop in the Grand Hyatt Washington. At Metro Center, go down one level and take the red line in the direction of Glenmont and get off at the Union Station stop.

From Renaissance

Walk to block north (going with traffic) of 9th Street to the Gallery Place stop. Take the train in the direction Glenmont. Get off at the Union Station stop.

Union Station to rally site

When leaving subway, head toward Union Station shops entrance. Walk outside and head toward Columbus Circle, which is in front of the train station. Walk past Christopher Columbus statue. At crosswalk, you're at Columbus and Delaware intersection. Take path to your slight right. And this leads you to D Street. Stay on D Street until you see a large fountain. This is Fountain Plaza at Senate Park.

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REPORT from the Capital

House lawmakers reject religious hiring discrimination in Head Start

The U.S. House of Representatives handed President George W. Bush another defeat in his administration's repeated efforts to codify religious hiring as part of the federal Faith-based and Community Initiative.

The House, approving the reauthorization of the 42-year-old Head Start early education program, rejected an attempt to change a 1972 Head Start law so that religious groups participating in the program could consider religion when hiring and firing staff.

The House bill, which passed 365-48, reauthorizes the program for the first time since 1998. The program provides comprehensive child development services, including education, health and nutrition, to low-income children.

Religious organizations are generally exempted from the bar against religious employment discrimination laws under Title VII of the Civil Rights Act of 1964. Congress, however, over the years has enacted a number of laws that prohibit discrimination in certain contexts. Statutes governing the Head Start program — like those governing Community Development Block Grants and the Workforce Investment Act — expressly forbid employment and other discrimination under any federally funded activity and make no distinction for religious employers.

A handful of laws have been passed since 1996, including welfare reform legislation, allowing religious organizations to employ staff based on their religious beliefs. However, legislation to enact such changes in the Head Start program and in the Workforce Investment Act have been seen as weakening existing protections against discrimination and have met with stiffer resistance.

Supporters of the hiring provisions say that religious organizations should have the autonomy to employ staff with similar reli-

gious leanings, even when using public funds. Opponents say religious organizations can employ whomever they wish with private but not taxpayer money.

"This motion should be called the 'Religious Job Discrimination Act,'" said Rep. Chet Edwards, D-Texas, referring to a motion to send the bill back to the Rules Committee to reinstate the hiring rights provision. "As a person of faith who believes strongly in the good work of faith-based groups, I rise to passionately oppose this ill-advised motion, a motion also opposed by



Rep. Edwards

the Baptist Joint Committee, the American Jewish Committee, the Episcopal Church and the NAACP. Our principle is simple, but deeply profound: no American, not one, should ever have to pass another American's private religious test to qualify for a tax-funded federal job — not one American." His sentiments were bolstered by the National Head Start Association, a nonprofit organization that represents 1 million children in 2,600 Head Start programs.

But others, such as Rep. Dave Weldon, R-Fla., said the refusal to amend the bill in favor of the hiring provision "stifles religious freedom" and inhibits faith-based organizations from best serving children in need." Rep. Vernon Ehlers, R-Mich., said opposition to the hiring provision was "anti-religious."

Instead of adopting the religious hiring provision, Democrats pushed through another amendment, introduced by Rep. Heath Shuler, D-N.C., and several others intended to reinforce the rights of religious groups to participate in Head Start on the same basis as secular organizations.

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

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Nonpartisan federal panel decries Iraq's religious freedom record in annual report

WASHINGTON — For the first time since the United States overthrew Saddam Hussein four years ago, a non-partisan federal panel said May 2 that religious freedom in Iraq is gravely endangered.

The United States Commission on International Religious Freedom, in its annual report to Congress and President Bush's administration, said the conditions for religious freedom in Iraq are "alarming and deteriorating." The panel, also for the first time since the late dictator's government fell, has placed Iraq on a list one tier below the world's worst violators of religious freedom.

And without significant improvement in Iraq's human rights conditions over the next year, the report added, the commission will bump Iraq up to its most infamous list of human rights violators. Such a move would place Iraq alongside nations like North Korea and Saudi Arabia, where the State Department says religious freedom is nonexistent.

"Despite ongoing efforts to stabilize the country, successive Iraqi governments have not adequately curbed the growing scope and severity of human rights abuses," the USCIRF report said, noting the explosion of sectarian violence between Iraq's Sunni and Shiite Muslims in the past year. "Although non-state actors, particularly the Sunni-dominated insurgency, are responsible for a substantial proportion of the sectarian violence and associated human rights violations, the Iraqi government also bears responsibility."

The commission also noted that other religious minorities in Iraq — including Christians — "continue to suffer pervasive and severe violence and discrimination at the hands of both government and non-government actors."

The 1998 law that created USCIRF requires the commission to report annually on the status of religious liberty worldwide and recommend that the State Department name nations that commit or tolerate "severe and egregious" violations of religious freedom as "Countries of Particular Concern," or CPCs. Administration officials retain ultimate authority to make those designations and impose sanctions they deem appropriate.

In addition, the commission has made a practice of producing a "watch list" of nations in danger of earning CPC status. This year, it added Iraq to the watch list. Last year, the panel added Afghanistan to the watch list and has recommended keeping the country on the watch list.

A footnote in the report noted that three members of the nine-member commission considered the Iraqi situation so dire that they voted to recommend that Iraq be added to the CPC list this year. The three — including the panel's current chair, Felice Gaer — were appointed to the bipartisan panel by Democrats.

Asked if there was an ideological division over the Iraq war that precipitated the panel's split vote on CPC designation, Gaer told Associated Baptist Press, "The commissioners

and the commission as a whole consider religious freedom conditions in Iraq as truly alarming." Gaer is the director of the American Jewish Committee's Blaustein Institute for the Advancement of Human Rights.

Commissioner Richard Land said the division simply reflects disagreement over the extent to which Iraq's current government can be held accountable for the deteriorating conditions there. Land is the president of the Southern Baptist Convention's Ethics and Religious Liberty Commission.

Land also took exception to the characterization that religious freedom in Iraq has become a "disaster" since the U.S. invasion. "Iraq was a CPC under Saddam Hussein," he said.

The USCIRF had recommended CPC status for Iraq every year since 1999, when the panel began its work. The designation arose mainly from Hussein's suppression of Shiite Muslims while favoring those of his own Sunni faith. However, according to many Middle East experts, some religious minorities in Iraq enjoyed far more governmental tolerance in Hussein's Iraq than in many other Middle Eastern locales.

As for its CPC recommendations for 2007, the panel nominated the same 11 nations as last year: Burma, China, Eritrea, Iran, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan and Vietnam.

Although the commission has long recommended most of those nations for CPC status, the State Department has not followed that recommendation for Pakistan and Turkmenistan, has been slow to take action against Saudi Arabia and, last year, removed Vietnam from its CPC list.

The commission's report criticized those decisions, noting that religious freedom violations are widespread in Pakistan and Turkmenistan. The commission also contended that Vietnam has not improved conditions enough to warrant its removal from the CPC list, which happened on the eve of a November 2006 trip that Bush took there.

The panel also specifically faulted the State Department for continuing a waiver for sanctions against Saudi Arabia while U.S. officials monitor implementation of reforms promised by the kingdom.

Joining Iraq and Afghanistan on this year's USCIRF watch list were Bangladesh, Belarus, Cuba, Egypt, Indonesia and Nigeria.

The report also turned the panel's attention to Turkey, which received its first official visit from USCIRF commissioners last year and is in the midst of political upheaval over the proper role of religion. The country also has experienced a series of violent attacks by religious radicals against Christians, Jews and other religious minorities in recent years.

The complete report is available at: www.uscirf.gov.

— ABP



National prayer day not an occasion for government to push piety

Earlier this month, we observed the 55th annual National Day of Prayer. In 1952, the Congress passed a joint resolution, signed by President Harry Truman, setting aside one day a year for prayer. Presidents since then have entered proclamations urging prayer, as had many going back to George Washington.

This year's day of prayer was marked by public events in our nation's capital. On the west steps of the Capitol, where presidents since Ronald Reagan have been inaugurated, a Bible reading marathon was held — 90 hours long! According to media reports, 350 gathered in the Cannon Caucus Room to hear James Smith, Chief Justice of Mississippi, lament the total domination of secularism over our culture. Dana Milbank, of the *Washington Post*, observed the irony of this assertion — given three hours of prayer in a government building, complete “with a military band, a color guard, the House chaplain, a senior military commander, several congressmen and a member of the president's Cabinet.” At the other end of Pennsylvania Avenue, worshippers prayed and listened to remarks by the president that sounded more like a preacher's sermon than a president's speech.

What's wrong, if anything, about these activities and a National Day of Prayer?

Well, there's nothing wrong with people getting together to pray on a designated day, even public officials. Indeed, every day should be a day of national prayer. The rub comes when the government declares it to be such and exhorts its citizens to engage in a religious exercise, then leads the way by example. In 2002, the then-chaplain of the Senate, Lloyd Ogilvie, even composed a prayer for us to use! (How many times did Roger Williams and John Leland roll over in their graves?)

Not all presidents have issued prayer proclamations. Thomas Jefferson, author of Virginia's Bill for Establishing Religious Freedom, refused to issue a thanksgiving proclamation because he believed that it was both unconstitutional and unwise. In a 1808 letter, Jefferson voiced his concerns:

“I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercise. ... Certainly, no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. ... Fasting and prayer are religious exercises; the enjoining them an act of discipline. Every religious society has a

right to determine for itself the times for these exercises, and the objects proper for them, according to their own particular tenets; and this right can never be safer than in their own hands, where the Constitution has deposited it.” (Stokes and Pfeffer, *Church and State in the United States*, p. 88)

James Madison, Jefferson's successor and cohort in liberty, was no less opposed to such proclamations. Madison did issue several prayer proclamations during his tenure as president, apparently bowing to political pressures. Years later, however, he recanted. Madison gave five reasons why a religious pronouncement should not be handed down from civil magistrates — even presidents. First, a declaration of a religious holiday can never be enforced by the sword of civil government. “An advisory Gov't is a contradiction in terms,” Madison wrote. Second, the government is not in any sense entitled to act as an ecclesiastical council of synod with the moral authority to “speak to the faith or the Consciences of the people.” Third, such proclamations tended “to imply and certainly nourish the erroneous idea of a national religion,” an idea Madison condemned as anathema. Fourth, such declarations inevitably use the terminology and theology of the dominant religious groups and are, to that extent, majoritarian in their flavor. And, fifth, such proclamations carry the grave risk of using religion to serve the political ambitions of the moment. (Edwin S. Gaustad, *Faith of Our Fathers*, pp. 55-56.)

As church-state controversies go, a congressional resolution and a presidential proclamation establishing a National Day of Prayer is not a cataclysmic breach. After all, there is little (if any) actual coercion of anyone's conscience. But actual coercion has never been the standard for judging whether government has overstepped its bounds in endorsing religion. And it is helpful to understand that two of our most influential Founders — Jefferson and Madison — either opposed religious pronouncements in principle or refused to issue them in practice.

Exhorting our country to repentance and prayer on designated days is altogether proper. Who would argue we don't need it? But it's more appropriately called for by the preachers, priests, and prophets among us — not civil magistrates, the Congress, or even an American president.



J. Brent Walker
Executive Director

“Exhorting our country to repentance and prayer on designated days is altogether proper. ... But it's more appropriately called for by the preachers, priests, and prophets among us — not civil magistrates, the Congress, or even an American president.”

A reflection on Boris Yeltsin, Bill Clinton & religious liberty

BY THE REV. CAROLYN STALEY

I have just read the news about the death today of Boris Yeltsin. It brought to mind a conversation that Bill Clinton related to me about a meeting he had with Yeltsin in 1994 — a meeting during which he shared his faith with Yeltsin.

I was in Russia in January 1994 when President Clinton's mother, Virginia Clinton Kelley, died. Sarah Caldwell, director of the Boston Opera, and guest conductor the Sverdlovsk Symphony in Yeltsin's hometown of Ekaterinberg, Russia, invited me to join her for a trip to Russia where I was soprano soloist for the Verdi "Requiem Mass." It was in Ekaterinberg that I received a faxed letter from President and Mrs. Clinton telling me of Virginia's death just after CNN had carried the story. I called the president from Russia the minute I heard the news, and we planned the music for the funeral together.

About a week later, the president traveled to Russia, keeping his long-standing commitment to President Yeltsin.

Sarah Caldwell took a chamber orchestra to Moscow to perform for Clinton at Spaso House, the home of the American attaché (then Thomas Pickerington), and I sang a group of American hymns with them to honor Clinton's visit and his mother's memory.

After the concert, Clinton asked me to please come by the hotel where his staff was staying in Moscow, so that we might visit for a while about his mother's funeral after an official trip to Yeltsin's dacha for dinner earlier that evening.

Clinton's trip to Russia came after the beginnings of efforts at democracy in Russia. Yeltsin had embraced the idea of helping the Russian people live in a free and democratic society and wanted to learn all he could from Clinton about how democracy works. Clinton had traveled to Russia to continue the important gains in this new relationship of freedom.

Clinton told me that Yeltsin asked him many questions about how a democratic society worked. Clinton even offered to have Yeltsin come to the United States and visit him for several days in the White House, so that Clinton could serve as a mentor to Yeltsin as he learned how to govern in a democratic way.

When I met with Clinton, he shared with me an account from dinner that evening as he and Yeltsin continued to explore democracy and what it meant to live in freedom. Clinton told me the amazing story of sharing his faith with Yeltsin that night. He said that during dinner, Yeltsin leaned over to him and asked, "You're a Christian, aren't you?"

"Yes," President Clinton answered. "My faith is the most

important thing in my life."

"Well, I have to do something about all these Christians coming to Russia. They are ruining our country. Everyone is becoming a new Christian, a born-again Christian, and they are being rebaptized and putting crosses around their necks. It is ruining our country's culture."



Boris Yeltsin, the first popularly elected leader of Russia, died in April.

President Clinton told me he looked at Yeltsin and said, "Democracy doesn't work that way. Either you're free or you're not. You can't have it both ways. You need to allow Christians the freedom to come into your country and preach and teach, and you have to allow the Russian people the freedom to choose their faith."

I thought to myself, "what a remarkable exchange. In sharing his faith and his encouragement with Yeltsin that Christian workers be allowed to come into Russia as missionaries,

Clinton may very well have helped keep the doors to Russia open for Christians and the spread of Christianity beyond Russian Orthodoxy. President and also advocate for religious liberty."

Just months before this exchange, Yeltsin had come very close to closing the country to Christian missionaries. The ban was not implemented, as it turned out.

The concern had been that the Russian Orthodox faith, the national church of the country, was being threatened with demise, as born-again converts began to affiliate with smaller Protestant churches spawning across Russia. Instead of being born into their cultural and historical/political Russian Orthodox church faith, people were now choosing to follow Christ in a personal faith.

I have often wondered what might have been if Clinton and Yeltsin hadn't formed a warm friendship that allowed Yeltsin to ask such questions of Clinton as he did about his faith.

Now, on learning of his death, I can't help but wonder how Clinton's sharing of his personal faith and encouraging Yeltsin to allow the Christian faith to grow unhindered in Russia, may have impacted the country. I am thankful that my friend took that opportunity to share his faith with Yeltsin. Somehow I think and hope it made a personal difference for him as well.

The Rev. Carolyn Staley is an advocate of religious liberty, a long-time Baptist Joint Committee supporter and the minister of education at Pulaski Heights Baptist Church in Little Rock, Ark. This piece was written shortly after Staley learned of Yeltsin's death on April 23.

Witte's 'Justice': More than 2,000 years in 500 pages

Weighing in at just under 500 pages, John Witte Jr.'s *God's Joust, God's Justice: Law and Religion in the Western Tradition* published by Wm. B. Eerdmans Publishing Company is no slouch. Even so, the topic Witte covers is vast, sweeping over 2,000 years of Western legal history, touching especially on those points where religion and law have collided. Certainly there are few subjects more relevant in today's atmosphere. Religion and politics have rarely been more vibrant in American history, and their intersection is as often played out in the nation's courts as it is in the voting booths. Understanding how religion has historically influenced Western law (and vice versa) is vital for anyone who deals with either.

Witte, the Jonas Robitscher Professor of Law and Ethics and the director of the Center for the Study of Law and Religion at Emory University, begins his book by challenging the popular idea that the concept of freedom of conscience was conjured out of thin air by Enlightenment era thinkers. He makes the case that religion has historically been in the front of the debate for human rights, and describes how the idea of freedom of conscience originated among the faithful, not the secular.

Taking this historical background, he then launches into a conversation on modern human rights. Many religion scholars today, he says, believe that religion has no place in developing rights doctrine: essentially arguing that "Religion is, by its nature, too expansionistic ... too patriarchal ... too antithetical to the very ideals of pluralism, toleration, and equality inherent in a human rights regime." Witte ably counters this argument, pointing out how religion has been a voice of great peace as well as belligerence, and that it is "an ineradicable condition of human lives, and human communities." As part

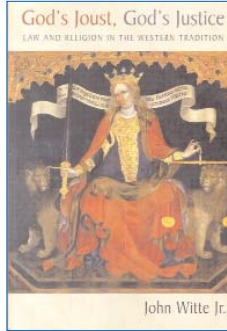
of the human experience, religion should be brought further into the public discussion of human rights, and it is from the immeasurably strong voices of 21st century faith communities that the rights of conscience must be advanced.

The author also writes on the distinctly American contribution to religious freedom — the religion clauses of the First Amendment. His argument is that there have been two interpretations of the "separation of church and state" doctrine, based on the ideology of two of the country's founders — Thomas Jefferson and John Adams. Jefferson believed that "to establish one public religion was to ... jeopardize religious sincerity," and "impugn the state's integrity," while Adams, though believing in toleration, was convinced that "too much religious freedom ... was an invitation to depravity and license." Witte argues that both views are too

extreme and therefore incorrect. The author missteps, however, in his assumption that Jefferson's model of complete separation forces religion into the private sphere. His own previous arguments of the ineradicable nature of religion contradict this idea. As part of human nature, faith will always be in the public discourse. Witte seems to think Jefferson's separation is wholly a secular one, but with all voices freed, the secular voice is only one in a cacophony of public religious thoughts.

By broadly addressing such a large subject as "law and religion in the Western tradition," *God's Joust, God's Justice* loses some of its effectiveness at times. The work is, however, a well-reasoned plea for further scholarship, and it will be interesting to see how he and other writers engage its questions in the future.

— Benjamin Wilkins, BJC intern



Book Review

2007 RLC Luncheon with keynote address by Randall Balmer June 29 — Grand Hyatt, Washington, D.C. — 12:15 to 1:45 p.m.

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).

Please send ____ tickets (\$40 each) for the 2007 Religious Liberty Council luncheon. Please make checks payable to the **Baptist Joint Committee** with RLC Luncheon in the memo line.

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For additional information, including details on sponsoring a table, contact Phallan Davis at (202) 544-4226 or pdavis@BJCOnline.org.





Elizabeth Poole
BJC legal intern

Insights from a BJC legal intern

Nine months ago, I was just a Baptist. Today, I am a Baptist who has spent two semesters working for the Baptist Joint Committee while attending law school. During this time, my views on religious freedom, and particularly my understanding of the Establishment Clause, have been tested and challenged. When I began last September, I considered the separation of church and state of utmost importance, but I questioned the significance of some church-state issues. In a society faced with so many challenges, I wondered if it was appropriate for courts to spend time determining the constitutionality of a Christmas display. But, of course, it is not that simple. The cases

reflect the difficult reality of upholding religious freedom in the American constitutional tradition — allowing religion to flourish and protecting against government sponsorship of religion. Each case requires line-drawing.

As it interprets the Establishment Clause, the Supreme Court draws lines using concepts such as “endorsement,” “coercion,” “accommodation,” “neutrality,” “secular purpose,” “no primary effect of advancing religion” and “no excessive entanglement between church and state.” Legal scholars, likewise, work to articulate a clear interpretation of what the Establishment Clause means.

As a George Washington University (GWU) law student, I had the opportunity to interview a GWU law professor who is deeply involved in one of the most significant religious freedom issues of our time — charitable choice.

Ira “Chip” Lupu, is a GWU law professor and co-director of legal research for the Roundtable on Religion & Social Welfare Policy. The Roundtable’s mission is “To engage and inform government, religious and civic leaders about the role of faith-based organizations in our social welfare system by means of nonpartisan, evidence-based discussions on the potential and pitfalls of such involvement.” Professor Lupu and his co-director, Bob Tuttle, analyze legal developments related to “charitable choice” and the “faith-based initiative” — policies that challenge traditional notions about government funding of religious and religiously affiliated organizations. His is an important vantage point for understanding the significance of line-drawing.

For Professor Lupu, the Establishment Clause means the government should not finance religious indoctrination. As he put it, the government should not be in the “business of saving souls.” This means

more than that the government should avoid funding “inherently religious activities,” a standard offered by the Bush administration that Lupu and the BJC have criticized. It means government cannot fund religious content or a religious transformation as a means to a secular end. He believes our government is not totalitarian precisely because we do not entrust it to achieve all ends. Thus, the government must be limited to secular means to achieve secular and temporal ends.

Professor Lupu affirms the participation of religious entities in government-funded programs and rejects the idea that when the government funds religious organizations, it will necessarily fund religious indoctrination. He notes that many religious organizations provide services to the public in a substantially secular manner and considers the idea that money tempts religious organizations to “sell-out” their religious missions for more secular positions “paternalistic.” He notes, however, that government funding of religious organizations requires a system in place to ensure that the money is not being used for religious indoctrination. Though the Court has not approved direct funding of pervasively religious organizations, he thinks that it may do so in the near future.

As is the case with religious displays, government funding of religious organizations presents a line-drawing challenge. From my experience as a student and an intern, my understanding of the difficulty and importance of this delicate task has grown. The benefits religious organizations provide to society through their social services are undeniable. But a financial connection between church and state presents many risks, too. Government funding of religious organizations increases competition between religious groups, altering their relation to each other and to the government. Accepting funds may lessen the willingness of some religious leaders to criticize the government, a traditional role for religion in America that is threatened by dependence on government funding.

To me, it has become increasingly clear that we must scrutinize relationships between government and religion carefully to protect religious liberty. We need thoughtful legal advocacy to support careful line-drawing. We also must challenge attempts to compromise protections for religious liberty. Baptists have long refused to conform without questioning, and my recent experience has only increased my wariness of government’s use of religion for its own purposes. From my personal experience, I can say the BJC serves the Baptist tradition of religious freedom well.

“To me, it has become increasingly clear that we must scrutinize relationships between government and religion carefully to protect religious liberty.”

McClendon, Wilkins serve as spring 2007 interns

This spring the Baptist Joint Committee for Religious Liberty welcomed Benjamin Wilkins and Madison McClendon as interns.

Greer, S.C.,-native Madison McClendon is a junior at Furman University. The son of Ron and Michelle McClendon, a BJC board member, he is majoring in religion and political science.



McClendon



Wilkins

Wilkins, a native of Lexington, Va., graduated from the University of Virginia in 2006 with a major in history. In the fall, he will be pursuing a masters degree in communications from George Mason University. His parents are Mike and Lucy Wilkins.

Veterans Affairs agrees to allow Wiccan symbols as grave markers

WASHINGTON — After a 10-year struggle, the federal Department of Veterans Affairs has approved placing a symbol of the Wicca faith on the grave markers of Wiccan soldiers buried in government cemeteries.

The decision is the result of a settlement — announced April 23 between VA officials and attorneys for an array of Wiccan veterans and their relatives.

While the Department of Defense estimates that there are hundreds of Wiccans serving in the armed forces and accommodates them with Wiccan chaplains, VA officials had not yet approved the Wiccan pentacle, also known as a pentagram, for use on headstones in military burial grounds. The symbol is a five-pointed star within a circle.

Wicca is an Earth-focused religion that incorporates aspects of various pre-Christian faiths. While many conservative Christians equate it with witchcraft or Satan worship, Wiccans say their faith more closely resembles a kind of neo-paganism.

Barry Lynn, director of Americans United for the Separation of Church and State, called the settlement in *Circle Sanctuary v. Nicholson* “a proud day for religious freedom in the United States.” However, he noted that VA documents the plaintiffs’ attorneys reviewed made it appear that government officials had intentionally dragged their feet on approving the symbol for fear that it would upset religious conservatives.

While other religious headstone symbols have received VA approval within a few months of initial requests, the Wiccan symbol languished for a decade without approval. Lynn said a comment about Wicca — made by George W. Bush when he was still campaigning for president — might have influenced the thinking of VA officials.

In a 1999 appearance on ABC’s “Good Morning America” news show, then-Texas Gov. Bush responded to questions about a controversy — active at the time — over Wiccan sol-

diers being allowed to hold services at the Fort Hood army installation in Texas. “I don’t think witchcraft is a religion,” Bush reportedly said. “I would hope the military officials would take a second look at the decision they made.”

Americans United officials said they found references to Bush’s opinion on Wicca in internal VA communications on whether to approve the pentacle.

The lawsuit was spurred chiefly by the widow of an American soldier killed in Afghanistan. Roberta Stewart, the widow of Sgt. Patrick Stewart, petitioned the VA for a Wiccan symbol on her husband’s gravestone. The department refused, and she filed a lawsuit along with several other Wiccan families and a Wisconsin Wiccan congregation, the Circle Sanctuary.

However, she saw the symbol placed on her husband’s headstone in December, after Nevada state officials arranged for a new stone on Patrick Stewart’s grave at the Northern Nevada Veterans Memorial Cemetery in Fernley. The Nevada agency asserted jurisdiction in the dispute because it, and not the federal agency, maintains the cemetery. — ABP

Pennsylvania county settles lawsuit over faith-based prison program

WASHINGTON — A Pennsylvania county has settled a lawsuit over funding a prisoner rehabilitation program that allegedly was filled with religious content in federal court April 3.

Americans United for Separation of Church and State announced the settlement, noting the county has “agreed to bar any public funding of religious activities” in future county contracts and plans to monitor future county-funded programs for compliance. The county also agreed not to fund programs that discriminate in hiring on the basis of religion.

Moeller v. Bradford County focused on claims that the Firm Foundation program at the Bradford County Correctional Center in Towanda, Pa., violated the First Amendment’s ban on government funding of religious practice. It also said the program engaged in religious employment discrimination.

The county discontinued the funding after the lawsuit was filed, reportedly for a lack of funds. But, prior to discontinuation, more than 90 percent of Firm Foundation’s budget for the Bradford County program came from federal, state and local government sources. It claimed to teach life and vocational skills to inmates, who were sent out to local construction sites under the supervision of program staff. “A significant proportion of inmates’ time in the program is spent not on the learning of job skills, but on religious discussions, religious lectures and prayer,” the suit said. The program was the only job-training option offered to Bradford County inmates.

The suit also noted that requirements for program staff include religious qualifications. Quoting from a job description for a site-manager’s position for the group, it said that the manager “will be a [sic] example of a believer in Jesus Christ and Christian life today, sharing these ideals when the opportunity arises.” — ABP