



REPORT

from the Capital

ANALYSIS OF THE TOP CHURCH-STATE STORIES OF 2011

America's religious freedom robust, but tough challenges remain

By DON BYRD
BJC Blogger

Religious liberty is alive and well in the United States. A review of the news from 2011 confirms that America's commitment to the freedom of religion, rooted in the institutional separation of church and state, remains the most robust in the world. Across the country, more people, from more diverse faith traditions, are exercising their religion with confidence, without fear of reprisal or persecution, and without government interference or competition.

The claim (advanced by many these days) that somehow a growing campaign of oppression by American courts or legislators threatens religious exercise generally, or Christianity in particular, is sorely mistaken! There is no better place on Earth to be a free person of faith than right here in America.

That being said, many policies and practices in our federal, state and local governments continue to create unnecessary barriers, demonstrate harmful bias, and just plain undermine important safeguards of religious liberty contained in our laws.

While the past year brought incredible upheaval along religious fault lines in many parts of the world, the most troubling developments in the United States were more subtle, as the Supreme Court chipped away at important constitutional protections, Congress demonstrated why it remains difficult to be Muslim in this country, and — like every year — some local governments and public school officials across the country continue to have a tough time letting go of their Christianity-promoting traditions. More than anything, 2011 showed that education and vigilance regarding our first freedom remains vital.

Here then are the top religious liberty stories of 2011 and a preview of what I'll be watching for in 2012!



❖ Prayers at Forsyth County (N.C.) board meetings ruled unconstitutional

In July, the 4th U.S. Circuit Court of Appeals struck down a county commission's invocation practice. Even though the policy allowed for clergy of any faith to deliver the opening prayer, the majority found that in practice the prayers were promoting Christianity. As the Baptist Joint Committee argued in a brief filed with the court, the only legal way to open government meetings with prayer is to insist they remain inclusive and non-sectarian. More recently, the Forsyth County Board of Commissioners voted to file a petition with the U.S. Supreme Court. A decision from the Court on whether to take the case should be coming soon.

❖ U.S. Supreme Court disallows taxpayer challenge to Arizona tax credit

A closely divided court ruled in April that Arizona taxpayers do not have standing to sue over a state program which allows any individual to direct up to \$500 of his or her state income tax bill to a state tuition organization, which then provides scholarships to private schools, including religious schools. In a dissenting opinion, Justice Elena Kagan said the ruling breaks with more than 50 years of court precedent.

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INSIDE:

- ❑ House hearing 2
- ❑ Bullying laws 4
- ❑ FBI training issue . . 5
- ❑ Jeffress flap 8

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House panel holds hearing on religious liberty in America

A panel of the U.S. House of Representatives deliberated on the state of religious liberty in America, hearing from three witnesses on Oct. 26 and receiving written testimony from representatives of other interested organizations, including the Baptist Joint Committee for Religious Liberty.

The House Judiciary Committee's Subcommittee on the Constitution conducted the hearing. Those involved in the proceedings said religious freedom is important but expressed differing views on the threats it faces.

In his opening remarks, Rep. Trent Franks, R-Ariz., said religious liberty in America "has come under attack in recent years as never before." "[L]eftist secularism," he said, is replacing religion in the public square and some "wish to use the Establishment Clause to eradicate free religious expression."

But one witness offered a much different take on the state of religious freedom in America.

"There is no war against Christianity being waged by elected officials or by the courts," said Barry Lynn of Americans United for Separation of Church and State. "In truth the real threats to religious freedom come from those who seek special government blessings for those in favored faiths, and conversely, the treatment of members of other faiths as second class citizens."

The other two witnesses were Bishop William Lori of the United States Conference on Catholic Bishops and Colby May of the American Center for Law and Justice. Both gave examples of laws and court decisions they claimed restrict the free exercise of religion.

May, senior counsel and director of the ACLJ's Washington office, said some of the most controversial examples are going on in public schools and universities "where the effects of recent decisions on the young minds of our nation may adversely impact religious liberties in the future."

May said university speech codes, intended to permit free exchange of ideas free from intimidation and harassment, have in fact been used to prevent religious students from sharing beliefs with other students out of fear of being charged with harassment. Other policies, he said, deter students from espousing beliefs on issues of public concern such as the definition of marriage in ways that "significantly burden religious expression in venues that should be open to the expres-



sion of the widest variety of ideas."

The threats to religious liberty cited by Bishop Lori in his testimony included federal conditions — mostly regarding contraception — placed on religious providers of human services and the Department of Justice's "attack on the Defense of Marriage Act."

Lynn, however, said in his day-to-day work the most serious threats to religious liberty he sees involve adherents of less-popular faiths and non-believers, such as Muslims wanting to build a mosque in Murfreesboro, Tenn., who were sued in a case arguing Islam is not a "true religion."

The Baptist Joint Committee and several other organizations — including the American Civil Liberties Union and and The Interfaith Alliance — submitted written testimony to the panel.

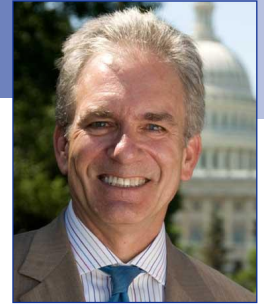
The BJC's testimony expressed concern over a "growing misunderstanding — and sometimes willful distortion — of the Free Exercise Clause." The BJC asked Congress to keep in mind the "proper legal framework" when analyzing free exercise claims. "Some fail to recognize that a law does not violate free exercise rights merely because it does not comport with one's religious beliefs, just as a law does not establish religion merely because it is consistent with one's religious beliefs," the BJC wrote.

The BJC said Congress should provide accommodations when they are needed and constitutionally permissible to protect rights of conscience. It also took issue with Chairman Franks' opening comments that religion is being eradicated from the public square, declaring, "This kind of rhetoric belies the reality that there is widespread agreement ... concerning the legality of many public expressions of religion."

—Associated Baptist Press and BJC Staff Reports

REFLECTIONS

Partner with the Baptist Joint Committee



J. Brent Walker
Executive Director

At the conclusion of the Baptist Joint Committee's 75th year, I want to express a word of great appreciation for your support over the years and an appeal for your continued assistance. You, the readers of this publication, are our core supporters; we simply could not do our work without your faithful support and partnership.

Here are several ways we can work together to defend and extend religious liberty for all and make sure that effort lasts for another 75 years and beyond.

First, you can be our voice where you live. Advocate for the BJC and for religious liberty in your denominational body, your church and your local community. Reading *Report from the Capital* every month will keep you abreast of current events. Visiting the BJC's website and blog will do the same. We stand ready to answer any questions or provide you with any additional resources you need to speak authoritatively to your elected leaders, policy shapers in your community, the editorial board of your local newspaper and even your Sunday school class. You are not only our voice, you are our eyes and ears. Make sure you give us a heads up about church-state matters developing in your area. All church-state issues that end up in the U.S. Supreme Court begin on Main Street.

That said, we would love to pay you a visit personally – to speak and lead a forum in your church, talk about our ministry at your denominational gatherings and lecture at your local college or seminary. Of course, time, energy and funding limitations mean that we cannot be every where we would like to be. But, we'll try as best we can to come see you.

Next, work to maintain and expand the BJC's funding in your church and your denominational body. Twenty-two years ago, when I first came to the BJC, nearly all of our funding came from our then-11 supporting denominational bodies as well as a few churches that contributed directly to the BJC. The financial landscape now is much different. In 2010, for example, we got less than one-third of our budget from our 15 denominational bodies, including state Baptist organizations. About 12 percent came from churches directly. And, the giving line over the past decade from denominations and churches is steadily going down, in

absolute amount and percentage of the budget.

I hope you will help us stanch this decline and reverse the trend. If we are not in your church's budget, we ought to be; if we do not participate in your church's endowment fund, we would love to. If we are already included, please help us hold the line and, if possible, expand it each year. The BJC's mission and methods are at bottom spiritual; we must maintain our close ties – financial and otherwise – with religious bodies and churches.

Finally, we need for you to make a personal financial commitment to our ministry and the future of religious liberty. Our work does not just inure to the benefit of churches and institutions, but it also ensures your "soul freedom" on an individual level. Well over half of our annual financial needs come from individual gifts and family-controlled foundations. Thankfully, the timeline for these sources shows an increase. Here are several ways in which you can steepen the slope of that curve:

- Give to our annual budget this year. By now you should have received a letter inviting you to do so and an envelope to send your gift back. It is important you do so every year. If you skip a year, we feel it right away.
- Remember the BJC in your will and other testamentary dispositions. To ensure the future for religious liberty, include at least an amount which, when invested prudently in the BJC's endowment, will create a five percent annual income stream that equals your average annual gift. Then the BJC's annual budget will continue to benefit from your benevolence long after you and I are gone.
- For those of you who are 70 ½ or older, you may have a special opportunity to give up to \$100,000 now from your retirement fund, without any taxes at the federal level. As discussed on page 12 of this magazine, you should check with your professional tax adviser.

Thank you for your faithful partnership. Advocate for religious liberty in your community; invite us to come for a visit; be sure to give regularly and generously, both individually and through your churches and other denominational bodies.

"The BJC's mission and methods are at bottom spiritual; we must maintain our close ties – financial and otherwise – with religious bodies and churches."



K. Hollyn Hollman
General Counsel

Hollman REPORT

Anti-bullying efforts and the role of religion

As media reports on the severe effects of bullying have increased, so have demands for anti-bullying protections. Forty-seven states have laws against bullying, many of which were passed or strengthened in the past few years. While it has long been a social problem, bullying is now becoming a major legal issue.

Bullying typically is defined as aggressive behavior (physical, verbal or social) that is intentionally harmful and repeated. That said, there is no uniform definition, and legitimate concerns arise when the word is applied too broadly. As

legislatures and schools step up their response to the threat of bullying, several lessons that involve religion are worth noting.

First, religious freedom does not excuse bullying. While the freedom of religion should protect the rights of students to express ideas, including ideas that others find offensive, it doesn't include a right to cause intentional and repeated harm to another person.

Recently the Michigan legislature was criticized when it considered anti-bullying legislation with an amendment that provided that the law "does not prohibit a statement of a sincerely held religious belief or moral conviction." As Comedy Central's Stephen Colbert described it, the amendment would allow bullying "if you get a permission slip from God." (The amendment's sponsor later withdrew his support for the amendment.) While a lot of religious expression by students in school is protected, the First Amendment does not protect the kinds of intentional, repetitive acts that typically qualify as bullying.

Second, a statement of belief by a student in the classroom should be protected. The report of a Texas student who was disciplined by his teacher for making a statement that he believed homosexuality was wrong demonstrates the potential for overreaching. While the school later reversed the in-school suspension, the incident demonstrates that schools must protect student expression that does not disrupt or interfere with the learning of other students. As the U.S. Supreme Court famously stated in the *Tinker* case, which upheld the right of students to wear black armbands to protest the Vietnam War, students do not "shed their constitutional rights to freedom of speech or expression at the school-

house gate." Public schools should be a place where students learn about the rights and responsibilities of speech that are so important to our democracy. A student's expression of a controversial idea or religious belief may justify a counter-message but should not warrant discipline.

Third, school districts that avoid discussion of difficult topics may not avoid legal problems. The Anoka-Hennepin School District in Minnesota has been caught in the middle of what *The New York Times* described as a longstanding "harsh conflict between advocates for gay students and Christian conservatives." A Department of Justice civil rights investigation is underway, and students have filed suit against school officials because of a policy that requires teachers to remain neutral on issues of sexual orientation. The lawsuit alleges that the policy of neutrality has produced an environment that protects anti-gay bullying.

With increased awareness of bullying and its most severe consequences, including suicide, we all have responsibilities. As the superintendent in the Minnesota district observed, "Keeping kids safe is common ground." Carefully crafted policies, teacher training, and community leadership are needed to protect children from aggressive behavior. Students need a safe learning environment in schools — one that protects them from harassing behavior and prepares them to listen and respond appropriately to ideas with which they disagree. Drawing lines between what is merely offensive and what causes harm is hard work for parents, schools and churches, but that work is imperative.

The National School Boards Association (www.nsba.org) has called on all schools to develop and implement an effective response to bullying. While there is no single best program, the NSBA has noted that "having an anti-bullying program in place helps ensure that students and staff understand what is prohibited, as well as how to report and address prohibited conduct."

Such programs are not just good policy. They serve a vital interest while maintaining constitutional protections, and they are in keeping with the teachings of Jesus. In Christianity, as in many religions, there a strong tradition of serving the outcast and providing ministry to those who are on the margins of society, where victims of bullying are perhaps most likely to be found.

"While a lot of religious expression by students in school is protected, the First Amendment does not protect the kinds of intentional, repetitive acts that typically qualify as bullying."

Religious leaders urge probe into FBI training procedures

WASHINGTON — BJC Executive Director J. Brent Walker and other religious leaders from Christian, Jewish and interfaith organizations called on the White House to convene an interagency task force to investigate, address and resolve concerns over recent allegations that the federal government has used biased and misleading materials about Islam to train personnel for homeland security.

In a letter to Deputy National Security Adviser John Brennan, the religious leaders cited examples of a consultant addressing the Washington FBI field office calling Islamic Sharia a threat to United States law, and an FBI report asserting that wearing traditional Muslim attire or frequently attending a mosque are signs an individual might be a “homegrown Islamic extremist.”

Such training “casts suspicion on an entire religious community whose adherents are merely exercising their First Amendment right to freely exercise their faith,” the leaders said.

“From the histories of each of our faith traditions, we know all too well the kind of discrimination and hatred our friends in the Muslim-American community face today,” they continued. “We also know that any attack on

the ability of the members of one religious group to freely exercise their faith is a threat to all Americans, to the religious freedoms we all hold dear.”

“Muslim Americans are no less entitled to the religious protections afforded under our Constitution than any other religious community,” the letter continued. “We are blessed to live in a country where the free exercise of religion, in and of itself, does not render an individual suspect under the law. Muslim Americans are entitled to practice their faith and speak freely — even if it is to raise concerns about troubling government policy.

“Protecting religious liberty is most critical in times of crisis and controversy, and our government should make every effort to ensure this integral part of our democracy is not eroded.”

Other signers of the letter included Welton Gaddy, president of The Interfaith Alliance; Jennifer Butler, executive director of Faith in Public Life; Steven Martin, executive director of the New Evangelical Partnership for the Common Good, as well as leaders of several Jewish and mainline Protestant groups.

—Bob Allen, *Associated Baptist Press & BJC Staff Reports*



Religious Liberty Essay Scholarship Contest

Open to all high school students in the classes of 2012 & 2013

TOPIC:

The religious beliefs and affiliations of presidential candidates often become campaign issues. Is that fair? Should presidential candidates talk about their religious beliefs? Are there certain religion-related questions each candidate should or should not have to answer?

In an essay, examine the role religion should play during a presidential campaign.

In your essay, you must use and cite sources, such as the U.S. Constitution and news articles.

For entry forms and more information, visit
www.BJConline.org/contest

Grand Prize: \$1,000 scholarship & trip to Washington, D.C.

Second Prize: \$500 **Third Prize:** \$100

Deadline: March 15, 2012

Year in Review

YEAR CONTINUED FROM PAGE 1

❖ Egypt erupts

The defiant Arab Spring protests leading to the end of the Mubarak regime were marked by a unified Egyptian voice, with reports of Christians and Muslims literally hand-in-hand demanding freedom and democracy. But in recent months, that solidarity has cracked. Violence against the Coptic Christians and concerns over potentially weak religious liberty protections in a new constitution have turned this uplifting story into one of high anxiety for many religious minorities. The



U.S. Commission on International Religious Freedom even named Egypt to its list of worst violators of religious liberty this year. In many ways, Egypt's struggle with religious strife paints the clearest picture yet of the power of church-state separation and the courage it takes to recognize that faith is better served without government's support than with it. Hopefully, in the days to come, decision-makers in Egypt will choose the side of protection for the religious freedoms of all its people.

❖ White House kicks the can on government-funded religious discrimination policy

Ever since President Obama was inaugurated, his administration has fallen short of promises to undo Bush administration regulations that allowed religious discrimination in hiring by faith-based organizations using federal money. This year, as last year, church-state advocates — including the BJC — have urged President Obama to clarify his position and implement effective safeguards. This year, as last year, the administration has mostly dodged the issue. There's always next year!

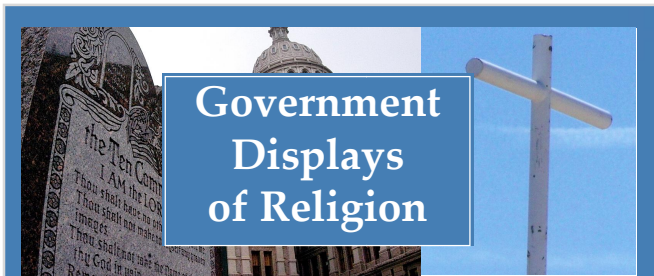
❖ Congressional committee puts Islam on trial

Rep. Peter King, R-N.Y., dragged the nation through a highly publicized, painful committee hearing in March about the apparent dangers of Islamic extremism in America. Chairman King resisted the call from many, including the BJC's Brent Walker, to broaden the topic and not focus solely on one faith. A powerful statement from Walker and other religious leaders said it well: "To assert that Muslims as a broad group are not deeply devoted to America's safety and the peaceful interaction of its entire citizenry — that is false witness."



BJC Executive Director Brent Walker reads from a joint statement regarding the congressional hearing on the "radicalization" of the American Muslim community on March 10.

❖ Supreme Court says states that violate



In the neverending battle over state-sponsored religious displays, 2011 was a moderately active year.

- The U.S. Supreme Court let stand a decision striking down roadside crosses on government property commemorating fallen state troopers, put up by the Utah Highway Patrol Association.
- In Virginia's Giles County, school officials put up, then took down, then put up, then took down again, and finally put up once more a Ten Commandments display that is the subject of a lawsuit.
- Other displays that made news: Johnson County Tennessee's courthouse religious display which now has church-state separation documents next to it, an Ohio teacher's classroom banners with phrases such as "God Sheds His Grace on Thee" that were taken down, and — a personal favorite — Ohio Judge James DeWeese's religious posters (which included the Ten Commandments) hanging in his courtroom that were declared unconstitutional ... for the second time.

inmates' religious freedom rights are not subject to monetary damages

In what sounds at first like a pretty technical decision, the U.S. Supreme Court significantly undermined the religious freedom rights of prisoners. In a 6-2 vote back in April, the Court said the Religious Land Use and Institutionalized Persons Act (RLUIPA), which protects inmates from unjustified religious restrictions, does not allow victims to seek damages from the state. The BJC expressed disappointment that the Court had failed to allow a "robust remedy" for such religious freedom violations.

❖ New York church's use of public school for Sunday services ruled unconstitutional

In a controversial ruling that may ulti-

mately be taken up by the Supreme Court, a federal appeals court struck down the Bronx Household of Faith's arrangement with a New York grade school for use of the facilities for Sunday church services. The 2nd U.S. Circuit Court of Appeals said if the church was meeting there merely to discuss religion, then access to the school facilities would be appropriate; however, since they insisted upon "worshipping" there, use of the school gives an improper impression of endorsement of the church. The BJC has generally supported the equal access principle that if the school chooses to open its doors to outside groups, it may not treat religion differently than any other group. This decision has been appealed to the Supreme Court.

❖ Presidential politics mixes poorly with religion

The Republican presidential primary has been in full swing for much of 2011, and there have already been plenty of examples of improper appeals to religious preference, religious bias and religious ignorance. Herman Cain said he would put Muslim-Americans through a special screening process before considering them for a government appointment; Newt Gingrich said if you don't pray you can't be trusted with power; Rick Santorum said President John F. Kennedy's famous

embrace of church-state separation was a "radical" statement that did "great damage"; Rick Perry asserted approvingly, and wrongly, that Texas schools teach creationism alongside evolution; and Mitt Romney has been on the defensive about his Mormonism.

If there is any trend I would pull out from this year's stories, it's the growing gap between religious liberty reality and the religious liberty rhetoric of many of our elected officials. When they are not actively trying to frighten us into believing that church-state separation places Christianity in jeopardy, many government representatives are simply flaunting current law to implement policies with short-range popular appeal and the long-range prospect of costly litigation and likely defeat. Looking forward, I hope we can stay focused on the true barriers to religious freedom. If last year is any indication, misdirection may be the biggest enemy to our efforts at education and advocacy on behalf of religious liberty for all Americans.

Don Byrd writes the BJC blog, Blog from the Capital, continually updating it with the latest church-state news from across the country. Read it at www.BJConline.org/blog.



Looking forward

The upcoming year will be an incredibly important, potentially turbulent one for the cause of religious liberty, not just here at home but around the world. Here are just a few of the stories and decisions I'll be watching:

- Will a judge strike down a ballot referendum threatening to reverse Florida's "No aid to religion" provision? If not, will Floridians vote it down?
- How will the Supreme Court rule in *Hosanna-Tabor*, a case they heard this year asking them to define the scope of the ministerial exception to employment discrimination laws? Some advocates are referring to that case as one of the most important church-state cases to come along in many years.
- Will the Supreme Court take up the Bronx Household or Forsyth County cases?

My crystal ball says yes on the former, no on the latter, but we will know soon.

- Will the 10th U.S. Circuit Court of Appeals rule Oklahoma's anti-Sharia amendment unconstitutional like the trial court judge did? The BJC brief in this case argues the amendment violates the Establishment Clause.
- Will this be the year the Workplace Religious Freedom Amendment becomes law? (Hint: I ask this every year.)
- It's a presidential election year. Will candidates show good judgment and refrain from religious exploitation, religion-based fearmongering, pulpit endorsements ... oh, nevermind. I think we know the answer to that.

Either way, I will be following it all. Bookmark the BJC blog (www.BJConline.org/blog) and follow me on Twitter (@BJCblog) to keep up! You can always send me tips, questions or comments at don.byrd@comcast.net.

Jeffress flap illustrates wisdom of 'no religious test'

Wone would think we Americans would have learned our lesson by now about supporting or opposing candidates for office on the basis of their religious beliefs. In October, Texas pastor Robert Jeffress' endorsement of Gov. Rick Perry and criticism of Gov. Mitt Romney based largely on their respective faith commitments reminds us we still have a lot of work to do.

We have been instructed over and over again of this folly:

- In 1789, when in Article VI of the U.S. Constitution our nation's Founders declared: "no religious Test shall ever be required as a qualification to any Office or public Trust..."
- In 1793, when President George Washington wrote to members of the New Church in Baltimore: "In this enlightened age ... it is our boast that a man's religious tenets will not forfeit the protection of the Laws, nor deprive him of the right of attaining and holding the highest Offices that are known in the United States."
- In 1960, when the soon-to-be first Catholic elected president, John F. Kennedy, told assembled Protestant ministers in Houston that he would follow the Constitution, not papal pronouncements, and wholeheartedly embraced the separation of church and state.
- And by Billy Graham, who when reflecting on the 1976 presidential campaign in his autobiography opined: "Religious conviction alone was not the most reliable guide as to who would be the best or most effective leader."

By J. Brent Walker
BJC Executive Director

It is true that the Constitution's no-religious-test clause applies only to religious qualifications imposed by law. Our nation's commitment to full religious freedom, toleration of plush plu-

ralism and fostering of fundamental fairness, however, all suggest that we would do well to embrace the spirit of the principle in our politics, public discourse and personal behavior.

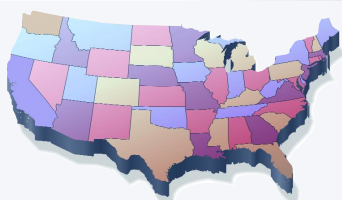
Unless a candidate's religious beliefs might directly dictate a leadership style, policy position or something relevant to official duties as public office holder, they should be off limits in determining which lever to pull in the voting booth.

When religion is discussed in political discourse, it should be done gingerly and respectfully. We should avoid words like "cult" that lack precise definition but communicate an unmistakable pejorative connotation.

Whatever you think of Mormonism, it is a recognized religious tradition entitled to full-fledged constitutional protection under the First Amendment. Members of the Church of Jesus Christ of Latter-day Saints who choose to run for public office must not be prejudiced by that affiliation.

Let's take to heart the wisdom of our Constitution, the father of our country, our first elected Catholic president and the premier evangelist of the 20th century and talk about things that matter.

This column first appeared in Associated Baptist Press.



State updates

If you have a question about a religious liberty issue in your state, the Baptist Joint Committee is a resource for you.

Kentucky: state can credit God for homeland security

The Kentucky Court of Appeals ruled the state can keep references to a dependence on "Almighty God" in a law forming the commonwealth's department of Homeland Security and a "legislative finding" that security cannot be achieved apart from God. The ruling — which overturned a lower court decision — said the legislation "merely pays lip service to a commonly held belief" in the power of God and does not advance religion.

North Carolina: campus police at religious schools

The N.C. Supreme Court ruled that campus police officers at religiously-affiliated schools have the authority to enforce state law. The decision said "secular, neutral and

non-ideological police protection" is not contrary to the Establishment Clause. The case involved an arrest on the campus of Davidson College, which has ties to the Presbyterian Church (USA).

Tennessee: church-state separation display

In a legal settlement, Johnson County has agreed to display church-state separation documents alongside a courthouse Ten Commandments plaque. According to The Associated Press, the new display includes a poster titled "The Ten Commandments are Not the Foundation of American Law," which contains the statement, "The primary source of American law is the common and statutory law of England, NOT the Bible and NOT Christianity."

— Cherylyn Crowe

Honorary and memorial gifts to the Baptist Joint Committee

In honor of James Dunn:

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Allan and Valerie Burton
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In honor of Russ Frank:

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In honor of Holly Hollman:

First Baptist Church of Raleigh, N.C.

In honor of Brent Walker and Holly Hollman:

Michael Lieberman

In honor of Walter and Kay Shurden:

Jody and Judy Long

In honor of Rebecca Wiggs:

Doug Boone

In honor of James E. Wood Jr.:

Ann Sullivan

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In memory of Edwin Scott Gaustad:

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Clifford J. York

In memory of Sara Rutherford:

Charlotte L. Beltz

In memory of Lola Y. Steelman:

Jack Steelman

75 Years of religious liberty for all

By Andrew Gardner, FORMER BJC INTERN

Throughout this year, the Baptist Joint Committee celebrated its 75th anniversary as a religious organization devoted solely to the protection of our first freedom. With offices located across the street from the U.S. Capitol, the BJC works tirelessly throughout the year to promote religious liberty for all people.

America's freedom of religion takes its cue from the first 16 words of the Bill of Rights. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; ..."

These two clauses, along with the prohibition of religious tests as qualification for holding public office in Article VI, form the framework for the entire task of the BJC.

This principle of religious freedom rings true to the Baptists of early America who fought passionately to secure their right to worship. Virginia in particular was a major battleground for early Baptists such as Jeremiah Moore, who was imprisoned for preaching the gospel without a license in the Anglican-established state.

Many Baptists in Virginia wrote to leaders such as Thomas Jefferson pleading their case for the right to worship freely. It is also rumored that Baptist leader John Leland was going to contest James Madison for a seat at the Constitutional Convention, but he withdrew after Madison promised to pursue the principle of religious freedom in the new system of government.

This rich history of Baptist involvement in issues of religious liberty provides a steady backbone for the BJC today. This backbone is further strengthened by the 15 Baptist bodies that support the office's efforts in Washington, which take the form of legislation, litigation and education.

The BJC's sole emphasis on religious liberty allows these very diverse groups in Baptist life to come together to protect their right to have those varied differences.

There are numerous organizations that often end up defending the rights of Christians. What makes the BJC

unique is the Christian witness they show through an unrelenting defense of religious liberty for all — not just Christians.

It is easy to fight for our own rights, but it is our moral obligation to fight for the rights of the other. We may believe they are completely wrong in their faith, but would we rather smother them with indifference and self-centeredness or love and compassion?

One may contest the BJC on a particular stance or policy issue, but not their emphasis on treating every individual of faith or no faith with dignity and respect. In Acts 10, as well as Romans 2, Scripture says, referring to Jew and Gentile, "God does not show favoritism." If we believe this to be true, why should Christians encourage America to pick favorites? Should we not also seek the benefit of those who believe differently from us?

Looking at the past in celebration of these 75 years, it is all too necessary to offer a hope and prayer of encouragement for the BJC for the future. In a setting like the nation's capital, getting sucked into the politics of achievement and effectiveness for certain legislation or litigation can become the primary focus.

I hope and pray for the BJC to remain above the politics of Washington, recognizing that Jesus Christ has achieved everything through his life, death and resurrection; that the achievement of religious liberty remains a natural outgrowth of the BJC's witness to God's mercy and grace he showed us on the cross.

I am thankful that my government does not interfere with my religion and that organizations fight for that right. I am, however, truly proud of the BJC for fighting for the least of these and the marginalized groups in today's society, showing God's love in a selfish world.



Andrew Gardner is a senior at the College of William and Mary majoring in Religious Studies and History, and he was an intern at the BJC during the summer of 2011. This column first appeared in Associated Baptist Press.

Interested in becoming an intern at the Baptist Joint Committee?

The BJC accepts interns for the spring, summer and fall semesters.

Interns receive a monthly stipend, housing on Capitol Hill, and opportunities to attend D.C. events and congressional hearings while working with the BJC staff. Undergraduates, graduate students and college graduates are all welcome!

For more information, visit www.BJCOnline.org/internships.



Lambert to deliver 2012 Shurden Lectures

Frank Lambert, a professor of history at Purdue University, will deliver the 2012 Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State. The three lectures are April 17-18 on the campus of Mercer University in Macon, Ga.



Lambert

Lambert is the author of several books, including *The Founding Fathers and the Place of Religion in America*, *Religion in American Politics: A Short History*, *Inventing the 'Great Awakening'* and *'Pedlar in Divinity': George Whitefield and the Transatlantic Revivals*. He has special interests in American Colonial and Revolutionary Era history and was featured in the PBS series "God in America," which aired last year.

In 2004, Walter and Kay Shurden made a gift to the BJC to establish an annual lectureship on the issues of religious liberty and separation of church and state. Past lecturers include Rabbi David Saperstein, James M. Dunn, Charles G. Adams, Martin E. Marty, Melissa Rogers and Randall Balmer.

Visit www.BJConline.org/lectures for more information.

Under pressure, D.C. shelter ends church-service requirement

Prompted by civil liberties groups, a taxpayer-supported homeless shelter in the nation's capital will no longer require its clients to attend religious services.

"We're pleased that the D.C. government will no longer be supporting such religious coercion," said Arthur Spitzer, legal director of the Washington, D.C., branch of the American Civil Liberties Union.

The ACLU filed suit after officials struck a \$12 million deal to support programs at Central Union Mission, which at that time required the homeless to attend Christian services as a condition of getting food and shelter.

The ACLU and Americans United for Separation of Church and State sued on behalf of several D.C. taxpayers, clergy and homeless men.

The deal was abandoned, and now the mission will lease a school building from the district for \$1 a year.

The lease prohibits Central Union Mission from requiring any individual seeking its services to "participate in religious services or religious studies as a condition to receiving any service."

Because of these changes, the ACLU and AU dropped the lawsuit Oct. 13.

Daniel Mach, the ACLU's program director for religious freedom, said the new agreement is "much better," but "the long-term lease continues to present constitutional concerns."

Alex J. Luchenitser, senior litigation counsel for AU, warned that the mission must not provide "favorable

treatment" to homeless persons who volunteer for religious programming.

"If the mission does so," he said, "we could end up back in court in short order."

— Josef Kuhn, *Religion News Service*

World Vision wins employee faith case

The U.S. Supreme Court will not hear a case involving three employees who were fired by the Christian humanitarian agency World Vision, allowing the relief group to maintain its mandatory statement of faith for its workers.

World Vision has spent four years defending itself against three former employees who were fired because they did not believe in the deity of Jesus Christ or the Trinity.

On Oct. 3, the High Court refused to review the case, leaving intact a ruling from the 9th U.S. Circuit Court of Appeals that sided with World Vision. The 9th Circuit ruling found that World Vision qualified for an exemption from a ban on religious discrimination in Title VII of the 1964 Civil Rights Act. The court rejected the employees' argument that World Vision is a humanitarian organization but not sufficiently religious in nature.

The decision "represents a major victory for the freedom of all religious organizations to hire employees who share the same faith — whether Muslim, Buddhist, Jewish, Christian or any other religion," said Richard Stearns, the U.S. president of World Vision.

World Vision has received about \$650 million in federal funding over the past decade for its anti-poverty work. While campaigning for president in 2008, Barack Obama said groups that get a federal grant should not be allowed to discriminate. As president, he recently said religious organizations have "more leeway" to hire somebody of a particular faith. Fifty-six groups, including the Baptist Joint Committee for Religious Liberty, signed a letter asking the president whether he has changed his position on "government-funded religious discrimination."

— *Religion News Service and Associated Baptist Press*

Mark these important dates on your 2012 calendar

March 15: Deadline for Religious Liberty Essay Scholarship Contest



April 17-18: 2012 Shurden Lectures at Mercer University in Macon, Ga.

For more events, visit BJConline.org/calendar

June 22: Religious Liberty Council Luncheon in Fort Worth, Texas



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REPORT from the Capital

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Law allows tax-free gift to BJC from IRA funds

For persons older than 70 ½ who desire to support the vital work of the Baptist Joint Committee,

Congress allows IRA tax-free rollovers of up to \$100,000 to public charities free of income taxes.

Many persons do not need or use all of their IRA funds for current or anticipated expenses. Yet they are faced with

mandatory annual distributions that add to their adjusted gross income (AGI) and taxes.

A qualified charitable rollover to the BJC could fulfill part or all of this minimum distribution. This provision could help some who already contribute the 50 percent limit of their AGI, or persons who do not itemize. For a few, a reduced AGI might lower the amount of

Social Security dollars that are taxed. Unless Congress extends this provision, it will not be available

after 2011. One caution — state and local income taxes differ on the treatment of IRA distributions, so please consult your tax adviser.

One friend of the BJC wrote with his gift, "This allowed me to make a substantial

gift. This gift to the endowment is now producing annual income. Without the IRA rollover, these funds would have remained a part of my estate for years to come. I would rather see it work for the BJC in my lifetime."

Call the BJC at 202-544-4226, and we will connect you with persons who can answer any questions you may have.

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