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REPORT from the Capital

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REPORT

from the Capital

BJC supports free exercise of religion in prison case

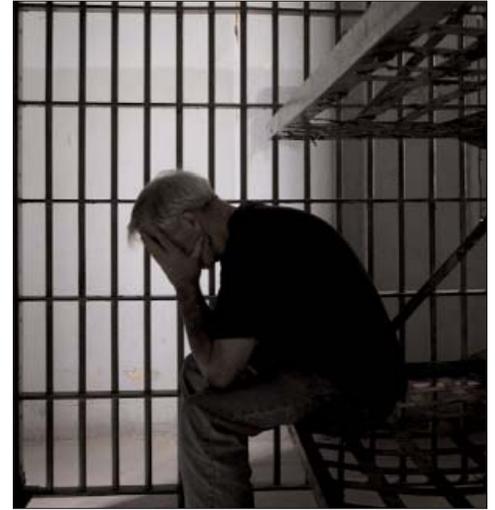
WASHINGTON — Prisoners have a right to the free exercise of religion and may seek damages against the state under federal law when their rights are violated, according to a brief filed Aug. 10 in the U.S. Supreme Court and joined by the Baptist Joint Committee for Religious Liberty.

The friend-of-the-court brief filed in *Sossamon v. Texas* involves the claim of a prisoner, Harvey Leroy Sossamon, who was denied participation in worship services and access to a room with symbols and furnishings that have a special significance to his Christian religion. Sossamon challenged the prison's restrictions under the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000. That federal law was designed to protect the religious freedom of prisoners and other persons in government custody, as well as protect religious freedom in the context of zoning and landmark laws. The Baptist Joint Committee championed RLUIPA, leading a coalition that worked for its passage. (see pages 4-5 for more on RLUIPA)

The 5th U.S. Circuit Court of Appeals rejected Sossamon's claim, holding that RLUIPA did not allow monetary compensation from the state. The U.S. Supreme Court granted review on that issue.

According to the brief, "The availability of monetary relief was and remains a critical component of [RLUIPA]." While RLUIPA allows prisoners to seek other forms of relief, such as a court order to correct the prison policy, "non-monetary remedies are woefully inadequate on their own to safeguard prisoners' rights."

The brief says Sossamon's experience is "hardly unique," and it lists cases in which prisoners were denied relief because the state moved the prisoner to another facility or otherwise avoided cor-



recting the policy that burdens religion. According to the brief, the lack of compensation for the violation reduces the religious freedom of prisoners "to an indulgence, not a right."

BJC General Counsel K. Hollyn Hollman says that awarding of monetary damages is a way to make sure RLUIPA protects the free exercise of religion.

"RLUIPA was designed to protect institutionalized individuals' right to worship," Hollman said. "The state should provide religious accommodation to prisoners if there is no contrary compelling governmental interest at stake. Without the ability to award damages, the statute's effectiveness is diminished."

Eight organizations signed the brief, including the American Civil Liberties Union, Americans United for Separation of Church and State, American Jewish Committee and The Interfaith Alliance Foundation.

The U.S. Supreme Court will hear oral arguments in *Sossamon v. Texas* during its 2010-2011 term. The BJC's brief is available online at www.BJConline.org.

—Staff Reports

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On the Web

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State updates

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

Illinois: project violates religious belief

A Hindu family is refusing to pay an assessment tax for a paving project because it violated their religious beliefs. According to media reports, the project involved the removal of a tree, and the family said that action violated the Hindu prohibition on the needless killing of any living thing.

North Carolina: excused absences for religion

A new state law requires all school systems, community colleges and public universities to allow each student at least two excused absences per school year for religious observances required by the student's faith. The law lets each institution formulate its own policy.

South Carolina: new "I Believe" license plates

Nine months after a judge ruled the state's proposed "I Believe" license plate — which was the product of a special initiative of the legislature — violated the Establishment Clause, South Carolina's attorney general said a similar plate with the same phrase, designed by a nonprofit group to feature three crosses, is legal.

Virginia: holiday displays allowed

In August, Virginia's attorney general issued an opinion stating holiday and religious displays are legal on public land "as long as overtly Christian symbols are balanced with other religious and secular ones." It said a local government "is never categorically compelled to prohibit holiday displays."

Court upholds World Vision's right to hire, fire based on religion

World Vision, the Christian humanitarian organization, can fire employees who disagree with its theological tenets, a federal appeals court ruled on Aug. 23.

In a 2-1 decision, the 9th U.S. Circuit Court of Appeals said that World Vision is a "religious corporation" as defined by an exemption to a federal employment law that bars religious discrimination.

"I am satisfied that World Vision has met its burden of showing that the 'general picture' of the organization is 'primarily religious,'" wrote Judge Diarmuid O'Scannlain. "World Vision is a nonprofit organization whose humanitarian relief efforts flow from a profound sense of religious mission."

Three employees, two of whom had worked at World Vision for 10 years, were fired in 2006 because they did not believe in the divinity of Jesus or the doctrine of the Trinity. The Civil Rights Act of 1964 bars religious discrimination, but carves out an exemption for companies engaged in a religious purpose, the court ruled.

Judge Marsha S. Berzon dissented from the majority opinion, saying Congress did not intend to allow all religiously motivated nonprofits to be exempt from the law.

"That interpretation would severely tip the balance away from the pluralistic vision Congress incorporated ... toward a society in which employers could self-declare as religious enclaves from which dissenters can

be excluded despite their ability to do the assigned secular work as well as religiously acceptable employees," Berzon wrote.

While not addressed in this case, advocates continue to debate whether and how the exemption should apply in the context of government-funded entities. The Obama administration has said it is weighing the issue and will make decisions on case-by-case basis until a final decision is rendered.

On Aug. 25, a coalition of mostly conservative religious organizations sent a letter to every member of Congress about a proposed bill that would bar them from making personnel decisions based on religion if they receive government funds for certain treatments.

The bill, HR 5466, would reauthorize federal funding to treat substance abuse and mental illness, and it would outlaw any government funds or contracts with religious organizations that do not agree to "refrain from considering religion or any profession of faith" when making employment decisions.

The U.S. Catholic Bishops, Union of Orthodox Jewish Congregations of America, evangelical charities and World Vision were among the signers. Most Jewish and mainline Protestant groups did not sign the letter. Many of the 100 signatories are presidents of small Christian colleges.

—Religion News Service and Staff Reports



K. Hollyn Hollman
General Counsel

Generic symbol or specifically Christian?

When the U.S. Supreme Court issued its splintered opinion about the stand-alone cross in California's Mojave National Preserve, the case did not end. The Court found that a federal judge was wrong to bar Congress' transfer of a parcel of government-owned land where a large cross stood to a private owner who would maintain it. The case, *Salazar v. Buono*, was remanded to the lower court for further proceedings.

Analyzing the Court's decision, I noted a particularly troublesome aspect of the case: how some defended this religious display on government land by denying the religious significance of the cross. While that issue was only tangential to the Court's ruling in *Buono*, the meaning of the cross is central to the latest federal ruling about religious displays on government property.

In *American Atheists v. Duncan*, the 10th U.S. Circuit Court of Appeals struck an effort to memorialize individual fallen Utah Highway Patrol (UHP) troopers with 12-foot crosses emblazoned with Utah highway patrol symbols. The crosses, most of which were on state property along highways to mark the place where each trooper died, were found to have the impermissible effect of endorsing religion.

When it comes to permanent religious displays on government property, context is key for determining constitutionality. As stated in *Religious Expression in American Public Life: A Joint Statement of Current Law*, "The law permits some governmental displays and monuments that contain religious elements. To determine whether a governmental display or monument that includes religious elements is constitutionally permissible, courts examine its purpose and primary effect." This pragmatic, fact-specific inquiry makes sense. There is an appreciable difference between a small individual grave marker with a cross in Arlington National Cemetery and a large, solitary stand-alone cross like the one in California's Mojave National Preserve in *Salazar v. Buono*. The religious symbols on grave markers in cemeteries express each individual's life and faith. A solitary religious symbol on government property, however, is likely to communicate an unconstitutional message — that the government is promoting religion, or endorsing a particular religious message.

So what about 12-foot, stand-alone crosses erected along the highway and in front of the Highway Patrol office to mark where individual troopers

died?

The 10th Circuit easily accepted the asserted secular purpose of the cross memorials: to honor fallen troopers. It rejected, however, the claim that the context rendered secular the overall effect of using a large Latin cross, which the court noted was "unequivocally a symbol of the Christian faith." Instead, it found that memorializing fallen UHP troopers with a Christian symbol conveys the message that there is some connection between the UHP and Christianity. Because the crosses are stamped with the same seal as UHP patrol vehicles, a reasonable observer would draw that conclusion.

The defendants claimed the cross memorials were sufficiently secular to pass constitutional muster because they were intended as memorials and were located in areas where memorials have been displayed. They also noted that many of the designers and sponsors of the memorials, as well as the majority of Utah residents, are Mormons who typically do not regard the cross as a symbol of their faith.

The court rejected these arguments. It agreed that a reasonable observer could recognize the crosses as memorials for the dead, but it rejected the claim that there was no appearance of state endorsement of religion. As the court explained, the cross "is not a *generic* symbol of death; it is a *Christian* symbol of death that signifies or memorializes the death of a *Christian*." The court accordingly rejected the defendants' assertion that this traditional Christian symbol has been universally embraced as a grave marker or memorial for non-Christians.

The 10th Circuit did not rely on or even cite the Supreme Court's recent decision in *Salazar v. Buono*, where there was a pointed contrast between Justice Anthony Kennedy's description of a single cross evoking the death of thousands of veterans and Justice John Paul Stevens' statement that the cross was not a universal symbol of death but a specific Christian symbol. Instead, the 10th Circuit relied on its own precedents regarding the meaning of the cross, as well as the Ninth Circuit's finding that the Mojave cross was unconstitutional. The defendants plan to appeal to the U.S. Supreme Court, which may eventually choose to resolve whether the cross has become a generic symbol of death or remains a singular expression of Christianity.

"When it comes to permanent religious displays on government property, context is key for determining constitutionality."



Melissa Rogers
Guest Columnist

How to respond when religious freedom is under attack

No doubt you've heard about the bitter battle over plans for an Islamic community center in lower Manhattan. But this isn't the only place where there have been struggles over Islamic institutions this summer. Hundreds of protesters marched against plans for a mosque in Murfreesboro, Tenn. In Temecula, Calif., members of a local Tea Party group picketed the Friday prayer session of a mosque that is seeking to build a new worship center nearby. In rural Wisconsin, some Christian clergy vigorously protested when a group sought permission to open the county's first mosque. The Wisconsin town board unanimously approved the project, but the mosque was later vandalized.

In a report describing some of these incidents, *The New York Times* noted: "At one time, neighbors who did not want mosques in their backyards said their concerns were over traffic, parking and noise — the same reasons they might object to a church or a synagogue. But now the gloves are off." Many opponents of these projects now freely admit that their opposition to mosques is precisely because they are Islamic institutions. Indeed, a recent poll found that 34 percent of Americans said "there are some places in the United States where it is not appropriate to build mosques, though it would be appropriate for other religions to build houses of worship," and 14 percent said "mosques should not be permitted anywhere in the United States."

These trends present a critical test for religious freedom. In response, I propose that we do two things.

First, let's visit our local policymakers and remind them of applicable constitutional principles and the Religious Land Use and Institutionalized Persons Act (RLUIPA). The First Amendment bars the state from discriminating against certain faiths, including discrimination that "is masked as well as overt." Thus, whether it is plain to see or whether it lurks behind objections about things like traffic, aesthetics and noise, faith-based discrimination by the government violates the Constitution.

RLUIPA is a federal law that reflects the conviction that gathering as a religious community is a quintessential and fundamental act of free exercise, and thus deserves heightened protection against governmental interference. Ten years ago, the Baptist

Joint Committee led an extremely diverse coalition of religious and civil liberties groups in supporting RLUIPA, and a unanimous Congress enacted the

measure (see the timeline on the next page). The Act shields religious assemblies of every faith from land use regulations that are unnecessarily burdensome or discriminatory.

The most typical RLUIPA case involves an evaluation of whether the government has implemented a land use regulation in a way that places a substantial burden on religious exercise, and, if so, whether there is a narrowly tailored compelling interest to justify such a burden. Those provisions are fully applicable in cases involving mosques, of course. But in recent cases that involve opposition to planned institutions precisely because of their Islamic affiliation, another provision of RLUIPA is even more on point. That provision plainly states: "No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination."

Resources on RLUIPA are posted on the BJC's website at www.BJConline.org/RLUIPA. Please consider sharing them with local policymakers.

Local officials may also need to be reminded that the fact that some have committed terrorist acts in the name of a faith is not a justification for denying others who claim that faith their free exercise rights. If it were otherwise, the government would not only have to shut down all mosques, but it would also have to shut down all churches and synagogues. Of course, the government can and should act on specific and credible threats of terrorism, wherever those threats arise. And the United States can and does punish terrorist facilitators, weapons of mass destruction proliferators and money launderers. Where there is evidence of this kind of criminality, claims of religious exercise will provide no shield. But the government's target must be terrorism, not a religion.

Second, let's preach and teach on the Christian commitment to religious liberty and loving our neighbors. This season provides an excellent opportunity to preach and teach about the Christian case for defending the religious liberty rights of all people. Part of loving our neighbors as ourselves is protecting our

neighbors' ability to practice their faith. And we know God's design is for each person to have freedom in matters of faith.

There is no contradiction between calling on the government to protect the free exercise rights of all people and sharing the gospel. Indeed, defending free exercise rights for everyone sends a powerful message of

For more on RLUIPA, visit
www.BJConline.org/RLUIPA



Religious freedom for all: in word & deed

By J. Brent Walker

On Aug. 3, a New York City commission cleared the way for the construction of a proposed Islamic community center two blocks from Ground Zero. President Barack Obama said it fits our "commitment to religious freedom," but later said he wasn't commenting on the "wisdom" of building it in that location. The Washington Post/Newsweek "On Faith" project asked panelists if one can support religious freedom but not believe the project is appropriate. Here is Brent Walker's response.

Belief in religious freedom — in both the American historical and legal traditions — should mean protecting religious freedom for all, in word and in deed.

President Barack Obama's statements affirming our country's commitment to religious freedom as central to "who we are as Americans" was a positive exercise of leadership. He rightly placed the recent debate over the Cordoba House project in context of our founding principles in a way that many hoped would quell the most uninformed and incendiary comments. At the local level, New York Mayor Michael Bloomberg offered a strong and thoughtful response to those who tried unsuccessfully to use landmark laws to prevent the project. I admire the clarity of his statement and the sensitivity he showed to the dissenters following the vote of the Landmark Preservation Commission.

It is often overlooked that the constitutional commitment to the no establishment and free exercise protections embodied in the First Amendment are the result of struggles for religious freedom of religious minorities against the majority.

SEE CENTER ON PAGE 6

LANDMARK RELIGIOUS FREEDOM LAW TURNS 10

Ten years ago this month, President Bill Clinton signed the Religious Land Use and Institutionalized Persons Act (RLUIPA) into law. To mark the anniversary, the BJC takes a look back at what created the need for RLUIPA and how it has been interpreted by the U.S. Supreme Court.

April 17, 1990: U.S. Supreme Court hands down a decision in *Employment Div. v. Smith* declaring that the Free Exercise Clause of the First Amendment does not prohibit neutral laws of general applicability that burden religious practice. This ruling contradicts decades of court precedent, creating a need for other laws explicitly protecting religious exercise.

1993: Congress passes the Religious Freedom Restoration Act, restoring the Free Exercise protections in the United States to the pre-*Smith* state. The House vote (May 11) was by voice, and there were only 3 votes against the measure in the Senate (October 27).

November 16, 1993: President Bill Clinton signs the Religious Freedom Restoration Act (RFRA) into law.

June 25, 1997: The U.S. Supreme Court decides *City of Boerne v. Flores*, holding that RFRA is unconstitutional as applied to state and local laws and that Congress had exceeded its authority.

July 27, 2000: On a voice vote, Congress passes the Religious Land Use and Institutionalized Persons Act, providing enhanced free exercise protections in two discrete areas of need: land use laws and persons in government custody (for example, prisoners).

September 22, 2000: President Bill Clinton signs the Religious Land Use and Institutionalized Persons Act (RLUIPA) into law.

May 31, 2005: The U.S. Supreme Court's ruling in *Cutter v. Wilkinson* declares that Section 3 of RLUIPA — the provision protecting prisoners' rights — is a permissible accommodation of religion that does not violate the Establishment Clause.

love and confidence in one's faith. Likewise, calling for equality in religious liberty certainly is not the same as saying that all religions are equally true. Instead, it's a call for government to leave theological judgments and other religious matters in the hands of people of faith and their communities.

Speaking out against acts like the "Burn a Koran" day sponsored by a Florida church is also critically important at this time. We certainly would not feel loved if our neighbors started burning Bibles. Just as we ask others to publicly condemn actions that are at odds with their faith, we need to do

likewise.

When we look back on this chapter in our nation's history, wouldn't we rejoice if it could be said that we asserted a bold Christian witness, including a vigorous defense of the God-given right of religious freedom for all? Let's get to work.

Melissa Rogers, a former BJC General Counsel, is the director of Wake Forest University Divinity School's Center for Religion and Public Affairs and is a nonresident senior fellow at the Brookings Institution.

Polls say many Americans think Obama is Muslim

WASHINGTON — Two new polls say as many as one in four Americans mistakenly believe President Barack Obama is Muslim, presenting the White House with the unique challenge of defining a central element of the president's life story. In response, a group of Christian leaders has asked that "no further support or airtime" be given to those who misrepresent or call into question the president's faith.

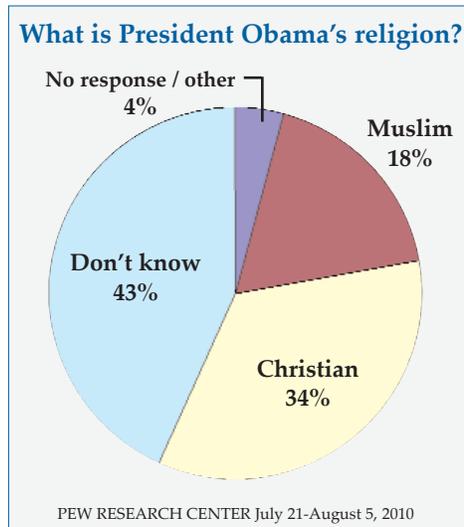
Asked in a *Time* magazine poll whether the president is Muslim or Christian, 24 percent of respondents said Muslim, and 47 percent said Christian.

A separate Pew Research Center poll released Aug. 19 (but taken before Obama's comments on the proposed Islamic center near Ground Zero) found that 18 percent of Americans think President Obama is Muslim. A full 43 percent of Americans — across lines of race, political party and religion — do not know what faith he follows.

Perhaps most strikingly, the number of Americans who believe Obama is Muslim has increased over the past 18 months, while fewer believe that he's Christian. The percentage of Americans who could identify Obama as Christian has dropped from 48 percent to 34 percent, according to the Pew poll.

Experts pointed to a number of possible explanations, but one quickly rose to the top: Obama has rarely been seen leaving the White House for Sunday services.

"Possibly this reflects the degree to



which this president is less public about his religion, especially than his predecessor was," said Alan Cooperman, associate director for research at the Pew Forum on Religion and Public Life.

On Aug. 25, more than 70 Christian leaders — including several prominent Baptists — signed a letter calling on "public officials, faith leaders, and the media to offer no further support or airtime to those who misrepresent and call into question" whether or not President Obama is Christian.

The letter was written by Brian McLaren and Donald Miller. Baptist signers included Jim Wallis of Sojourners, Mercer University professor David Gushee, National Baptist Convention USA

president William Shaw and former Progressive National Baptist Convention president DeWitt Smith.

The signers said they represent a variety of political views, but: "As Christian pastors and leaders, we believe that fellow Christians need to be an encouragement to those who call Christ their savior, not question the veracity of their faith."

As president, Obama has addressed his faith occasionally, telling how he and other Christians "glory in the promise of redemption in the resurrection" at an Easter prayer breakfast last April, or telling the National Prayer Breakfast in February, "I assure you I'm praying a lot these days."

Observers said the findings may have less to do with Obama and more to do with opponents who skillfully used the media — especially the Internet — to spread misinformation about the president.

BJC Executive Director Brent Walker said that even if Obama were Muslim, it should not matter. "If the ban on religious tests for public office in Article VI of the Constitution means anything — in letter and spirit — it is that there be no faith litmus test for our national leaders. But, Americans are very religious. It is no surprise, then, that the religious faith of the person sitting at the desk in the Oval Office is constantly under scrutiny."

—*Religion News Service, Associated Baptist Press and BJC staff contributed to this report*

CENTER CONTINUED FROM PAGE 5

The Christian majority — composed of numerous different denominations, including many that struggled for their freedom to worship as they see fit — has the responsibility to ensure that freedom exists for all. That responsibility means more than supporting good laws. It also means making sure the rights exist in practice.

That is why the Baptist Joint Committee worked with a broad coalition of other religious and civil liberties groups to pass laws that ensure that the free exercise rights for all were treated without discrimination. Federal statutes, such as the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act, were passed in recognition of the need to ensure that all religious groups be treated the same — including how they use private property — despite religious differences with their neighbors.

Despite the lack of solid legal arguments against the project, the debate is continuing. Now the focus has shifted to the "wisdom" instead of the "right" to build. Sure,

not everything that is legal is also the right thing to do. The leaders of this project, like all property owners, have duties as good neighbors and good citizens to make a well-reasoned judgment as to how to use their property.

It is true, as Mayor Bloomberg recalled in his Aug. 3 speech, that religious minorities often have had to fight hard to enjoy the rights that those in the majority often take for granted. We have not always lived up to our highest principles, and indeed, some misunderstandings are to be expected. But a lack of public consensus is not a sufficient reason to justify stopping a religious gathering site. In legal battles across the country, citizens may oppose the size, appearance and location of buildings built for religious communities, but each should be judged by the same standards.

Many of the recent statements that affirm religious freedom, while questioning the "wisdom" and "appropriateness" of this project, ring hollow. The burden of ensuring that all enjoy religious freedom equally falls to all of us.

BJC, Muslim Advocates, others meet with Justice Department

The Baptist Joint Committee joined a coalition of faith groups and advocacy organizations in an Aug. 30 meeting with top Justice Department officials. The groups asked that specific measures be taken to protect the right to religious freedom of all Americans, including American Muslims.

Staff members from the Baptist Joint Committee for Religious Liberty, The Interfaith Alliance and Religious Action Center of Reform Judaism joined representatives from Muslim Advocates in the meeting with U.S. Assistant Attorney General Tom Perez and senior advisors to the Attorney General and Deputy Attorney General.

The requests included a public statement from the Attorney General underscoring the federal government's commitment to religious freedom, a federal response to the current backlash against the Muslim faith, utilization of the federal hate crimes law in crimes targeting Muslims and the creation of a hotline to report hate crimes.

After the meeting, leaders of the participating organizations spoke to the media.

BJC Executive Director J. Brent Walker said, "We stand in solidarity with our Muslim brothers and sisters against attempts by some to thwart their constitutionally protected freedom of religion. History and experience have taught us that when anyone's religious liberty is denied, everyone's is in jeopardy."

Muslim Advocates Executive Director Farhana Khera expressed concern about the alarming trend of anti-Muslim hate and violence. "These hate activities threaten public safety, as well as undermine the very fabric of our democracy. Muslim Advocates is hopeful that the Attorney General will send a strong message to those who would use violence and intimidation against Muslims, or any other group, that they will be prosecuted to the full extent of the law."

Rabbi David Saperstein from the Religious Action Center of Reform Judaism said, "Securing the right of religious freedom and ensuring that we, and our neighbors, are able to follow the dictates of our conscience, free of fear, is an issue of urgent importance in America."

The Rev. Dr. Welton Gaddy from The Interfaith Alliance said, "This is a time for good religion and good government to call on all Americans to act on behalf of the common good."



BJC Executive Director Brent Walker speaks to media outside the Justice Department with Farhana Khera of Muslim Advocates, Rabbi David Saperstein of the Religious Action Center of Reform Judaism and the Rev. Dr. Welton Gaddy from The Interfaith Alliance.

—Staff Reports

BJC calls for academically sound textbook standards

The Baptist Joint Committee joined 22 organizations to voice its support for academically sound curriculum standards in the wake of the recent controversy surrounding social studies standards adopted in Texas.

The BJC signed a letter to U.S. Rep. Eddie Bernice Johnson, D-Texas, to thank her for introducing House Resolution 1593, which calls for curriculum standards developed by experts and not subject to political biases. The letter laments "the politicization of the process by which curriculum standards are adopted in Texas," and says it sets a dangerous precedent that could be repeated in other states. For example, the letter points out that the recent changes in the standards set by the elected members of the Texas State Board of Education "undermine basic concepts of the constitutionally mandated boundaries between institutions of religion and government."

According to the letter, "Emphasizing that academic experts, rather than politicians, should develop curriculum standards that are clear, informed, and inclusive will help ensure that our students learn accurate history and acquire the analytical skills needed for success in college and the workforce."

Other signers of the letter include the American Federation of Teachers, Americans for Religious Liberty, Americans United for Separation of Church and State, NAACP, National Council of Jewish Women, Texas Faith Network, Texas Freedom Network, and United Church of Christ Justice & Witness Ministries.

—Staff Reports

Court rules religious college cannot have police force

A religiously-affiliated school's police force is in violation of the Establishment Clause according to the North Carolina Court of Appeals.

On Aug. 17, the court ruled Davidson College cannot commission its police force to be law enforcement officers because that created "an excessive government entanglement with religion." Davidson is affiliated with the Presbyterian Church (U.S.A.).

The court said it was bound by precedent that declared Pfeiffer University (1994) and Campbell University (2002) to be religious institutions. Those decisions prevented the state from delegating police power to those two schools, and they now rely on sheriff's deputies or police to enforce the law on campus.

According to *The Herald-Sun* in Durham, N.C., this case arose from a 2006 incident in which a Davidson police officer stopped a driver on a road near campus. The defendant pleaded guilty to impaired and reckless driving, but she later filed an appeal arguing that the campus police did not have the authority to arrest.

The North Carolina Attorney General's office says it will appeal the ruling.

—Cherilyn Crowe