

REPORT from the Capital

Court decisions, accommodations dominate 2014 religious liberty news

BY DON BYRD, BJC BLOGGER

This year's religious liberty news was dominated by U.S. Supreme Court intervention in church-state disputes. Some issues tackled by the High Court were familiar, like the problems posed by opening a government meeting with an invocation. Others were new, like whether for-profit corporations can claim religious freedom rights.

At its heart, the year in religious liberty mostly centered on the concept of religious accommodation. When does the law require the state, military or an employer to refrain from enforcing some regulation – or otherwise bend – in response to someone's claim to the free exercise of religion? When is it OK to ask a person to choose between the demands of their business, job or military service on one hand, and living out their sincere religious beliefs on the other?

Religious accommodation takes many forms and comes up in a variety of circumstances, as evident in 2014's top stories:

The U.S. Supreme Court Sides with Hobby Lobby: In June, a sharply divided Supreme Court ruled in favor of a religious liberty challenge to the contraceptive mandate.

In *Burwell v. Hobby Lobby Stores, Inc.*, owners of closely held, for-profit corporations argued that the requirement to provide certain contraception coverage in their health care plans violated their rights to run their businesses according to their faith. The government, they argued, could have provided the health coverage without placing such a burden on the companies' religious exercise.

By a 5-4 vote, the Court agreed. In the process, they resolved a key controversy by rejecting the argument put forward by Justice Ruth Bader Ginsburg in the dissent and at least one appeals court: that for-profit corporations cannot exercise religion. In at least the case of a closely held corporation, religious freedom claims are available.

The *Hobby Lobby* ruling has had an enormous impact on the conversation surrounding corporate rights to religious accommoda-

tion. Primarily, it has sent advocates on both sides scrambling to define the scope of the decision and to claim a stake in its meaning going forward.

Many argue *Hobby Lobby* opens the floodgates to allow businesses broad rights of conscience to avoid government regulations on religious grounds. There are a few reasons to believe the ruling may not have that broad of an effect.

As the BJC's Brent Walker recently pointed out, just because some for-profit corporations may be able to raise religious liberty claims thanks to *Hobby Lobby*, that doesn't mean they will prevail. Courts still must balance those claims against the interests of government and the interests of third parties.

In addition, the majority opinion emphasizes the decision relates only to closely held corporations. The Court did not address the issue of larger or more-diversely held companies. That may be the next legal battleground in this dispute over whether, and to what extent, corporations can claim an exemption from a government regulation.

Supreme Court Upholds Christian Prayers at Local Government Meetings: This year, the Supreme Court also handed down its decision in *Town of Greece v. Galloway*, ruling in a legislative prayer dispute for the first time in 30 years.

The Court, by a 5-4 vote, held that the town's policy allowing clergy to offer sectarian prayer does not violate the separation of church and state. The BJC had filed a brief urging the Court to prohibit such prayer policies in local government meetings in which citizens must be present to make their voices heard.

The Court, by a 5-4 vote, held that the town's policy allowing clergy to offer sectarian prayer does not violate the separation of church and state. The BJC had filed a brief urging the Court to prohibit such prayer policies in local government meetings in which citizens must be present to make their voices heard.

The majority emphasized the historical tradition of opening legislative sessions with prayer, including Christian invocations. Because of that tradition, the Court rejected arguments that such prayers must be non-sectarian and inclusive to be lawful, and it declined to draw any distinction between a

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After outcry, Houston withdraws pastors' subpoenas

After hearing from Christians across a theological spectrum, the mayor of Houston withdrew the city's subpoenas of sermons from five pastors who opposed an ordinance banning discrimination against LGBT people.

The subpoenas outraged many Christians as an affront to religious freedom. The Baptist Joint Committee for Religious Liberty joined a diverse group of Baptists in sending a letter to Houston Mayor Annise Parker on October 16, reiterating the critical importance of protecting religious liberty and the separation of church and state.

The letter was signed by a wide range of Baptists, including BJC Executive Director Brent Walker, Russell Moore of the Southern Baptist Convention's Ethics and Religious Liberty Commission, Suzii Paynter of the Cooperative Baptist Fellowship, Frank Page of the Southern Baptist Convention, and Baptist General Convention of Texas leaders David Hardage, Jeff Johnson and Gus Reyes.

The letter noted that, while the signatories do not agree on everything, the principles of religious liberty are integral parts of Baptist heritage. "Our forebears — some of whom were imprisoned — petitioned for a First Amendment guarantee of religious liberty, for everyone, because we believe as Baptists that God alone is Lord of the conscience," according to the letter.

"The U.S. Constitution protects religious freedom," Reyes,

Director of the Christian Life Commission of the Baptist General Convention of Texas, said in an official statement, "and that includes the right of pastors and church members to speak on social and community issues without fear of intimidation by the government."

On Oct. 29, Parker said that as important as it is to protect the Houston Equal Rights Ordinance (HERO), the subpoenas became a distraction. They were aimed at pastors active in the movement to overturn HERO through a citywide vote.

The pastors whose sermons were subpoenaed are part of a movement that collected signatures to place HERO on the ballot, in hopes city voters would reject it. Anti-HERO efforts had at first focused on HERO's guarantee — later dropped from

a draft of the ordinance — that transgender people can use a men's or women's bathroom, depending on the gender with which they identify.

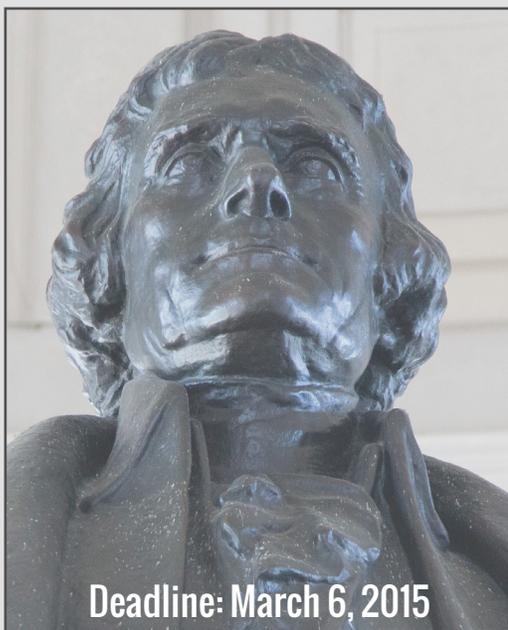
The five pastors — four men and one woman — are not among the activists who sued the city after it rejected thousands of signatures needed to place HERO on the ballot. They were, however, involved in the effort to secure signatures for the measure's repeal. The subpoenas would have allowed the city's legal team to peruse sermons from the pastors that dealt with HERO.

—Religion News Service and BJC Staff Reports



2015 Religious Liberty Essay Scholarship Contest

Sponsored by the Religious Liberty Council of the Baptist Joint Committee



Deadline: March 6, 2015

Open to all high school juniors and seniors

Grand Prize: \$2,000 and a trip to Washington, D.C.

Second Prize: \$1,000 • Third Prize: \$250

TOPIC: Under federal law, employers cannot discriminate on the basis of religion — and other protected categories — when hiring if they have 15 or more employees. A conflict can arise when an employer refuses to allow an employee to wear religious clothing at work or refuses to hire someone because of such attire. For example, clothing retailer Abercrombie & Fitch claimed its "look policy" allowed it to not hire a Muslim woman who wanted to wear a hijab — or head scarf — on the sales floor. **In an essay, discuss whether and to what extent an employer should be able to dictate an employee's attire — such as denying an employee's request to wear religious garb.**

Should the image or brand the employer portrays with a dress code trump the employee's religious expression?

What are the broader implications for religious liberty?

Visit BJCOnline.org/contest for entry forms & details

REFLECTIONS

Invest in the BJC's vision and mission

One of the many things I love about serving at the Baptist Joint Committee is working with our amazing donors. These loyal partners have taught me and the entire staff so much about what it means to be joyful stewards of the resources that God has given us. Learning from them about responsible Christian stewardship has been a great gift. When they regularly give away their resources to support churches and ministries like ours, they do it joyfully.

Paul writes about finding joy in giving in 2 Corinthians 8-9.

He uses the Macedonians' astonishing generosity, even in the face of poverty and persecution, as an example to the Corinthians for how they ought to give. The Macedonians gave willingly, sacrificially and joyfully to the collection for the Jerusalem church, and Paul encourages the Corinthians — and us — to respond in the same way.

In the midst of holiday planning and bombardments by television ads and emails encouraging us to buy more and more, it can be hard to respond with joy to requests to give. It is precisely during this time that we need to be drawn back to our call to put our resources at the disposal of God's Kingdom.

The BJC's ministry on Capitol Hill would not be possible without your support. The magazine you are reading could not be published 10 times per year. The BJC staff could not travel to colleges, seminaries, churches, and denominational meetings. We could not host student and church groups in the Center for Religious Liberty. We could not interpret church-state relations and religious liberty issues for the national and local media. We could not file friend-of-the-court briefs in the U.S. Supreme Court or advocate for religious liberty in the legislative or executive branches.

This year, we also took great strides to better communicate our message. The all-new BJConline.org launched May 28, improving our website design and functionality while increasing our ability to connect with others. It has a host of helpful resources and information, including Spanish-language handouts. The mobile-friendly site tells our story and explains our mission to new and return-

ing visitors, connecting them not just with our work but to the importance of religious liberty itself. Additionally, we began producing professional-grade videos, including an introduction to our work (both in English and with Spanish subtitles) and a primer on the Baptist heritage of religious liberty.

As exciting and productive as 2014 has been, 2015 will usher in even greater opportunities to carry out our mission.

In 2015:

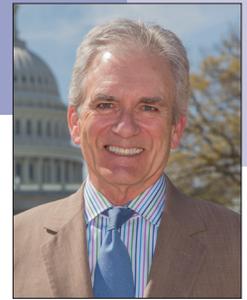
- We will launch the inaugural BJC Fellows Program, offering young professionals the opportunity to deepen their understanding of religious liberty issues and develop skills to become lifelong advocates. Ten BJC Fellows will be selected to attend a four-day intensive seminar at Colonial Williamsburg in Virginia. Applications will be available January 5, 2015, and the seminar will be held July 29-August 2. Read more about the program on page seven or visit our website at BJConline.org/Fellows.
- The BJC will begin a new lectureship modeled after our popular Shurden Lectures. This event will help increase BJC's geographic and demographic reach, allowing us to engage new populations of students, including those in communities with greater racial, religious, socio-economic and geographic diversity. It is slated to begin in fall 2015.

These are just two examples of the new and exciting directions the BJC is headed.

We can't do any of this without your partnership and support. I invite you to invest yourself in the BJC's vision and mission through your energy, your prayers and your money.

Enclosed in this issue of *Report from the Capital* is a contribution envelope. Pull it out now, make a generous gift to the BJC and join with us as we seek to educate future generations about religious liberty and church-state separation.

Whether you can give a lot or little, give with joy!



J. Brent Walker
Executive Director

"It is precisely during this time that we need to be drawn back to our call to put our resources at the disposal of God's Kingdom."

state legislative assembly and a town commission meeting.

In the absence of discrimination against a faith tradition in the community, a practice and pattern of exclusively Christian prayers, they said, is not unlawful. The town is not required to seek out representatives of minority faiths beyond its borders to avoid the appearance of endorsing a particular religion.

The *Greece* ruling led a number of local governments to update their policies to allow prayer and remove requirements that the invocation be nonsectarian in nature. It has also led many minority religious adherents, as well as some atheists, to demand a turn in the invocation process.

Supreme Court Hears Argument Over Religious Freedom Rights of Prisoners: In the case of *Holt v. Hobbs*, the Supreme Court questioned Arkansas Department of Correction officials over their refusal to allow an inmate to grow a beard as required by his faith.

A brief signed by the BJC urged the Court to side with the plaintiff, Gregory Holt, a practicing Muslim serving a life sentence. While the state has a strong interest in ensuring safety and security in its prisons, here they offered only hypothetical security concerns. Justice Samuel Alito joked that perhaps combing through such a beard would helpfully reveal guns or other contraband hidden there.

A decision in the case is expected in 2015. Stay tuned to the BJC blog and follow me on Twitter (@BJCblog) for updates and coverage when the ruling is released.

Religious Nonprofits Continue to Challenge Contraception Coverage Rules: While the *Hobby Lobby* decision settled questions regarding the contraceptive mandate for closely held for-profit corporations, other challenges are still making their way through the courts.

The Affordable Care Act exempts houses of worship from the requirement altogether, and it provides a mechanism of accommodation from the mandate for religiously affiliated nonprofit organizations. The Obama administration issued rules requiring such organizations to certify their objection on religious grounds by submitting a form.

Many organizations, however, contend that the accommodation is insufficient because their filing will trigger another provision in the law that provides employees with access to contraception through other means. The Supreme Court surprised many on New Year's Eve last year by halting enforcement of this rule in one case while litigation is pending.

To date, appeals courts considering the issue have largely ruled in favor of the administration, finding that any burden placed on the religious exercise of such organizations by having to file the form is not substantial enough to invalidate the provision. The Supreme Court has not yet taken up this issue, but that could quickly change.

Obama Non-Discrimination Order Declines Religious Exemption: The White House issued an executive order in July barring federal contractors from discrimination in hiring based on sexual orientation and gender identity. Many religious leaders pressed the administration to include an exemption for contractors that are religious organizations, but the president's order rejected that request. He did, however, leave intact an order that allows religious organizations that contract with the government to discriminate in hiring based on religion.

Many advocates, including the Baptist Joint Committee, argued against the exemption, saying that when a religious group agrees to take federal funds, it should be bound by the same hiring rules as other federal contractors.

Religious Accommodation Policies in the Military Questioned: In January, the Defense Department announced changes to its policy of religious accommodation. The changes evinced a new willingness to make exceptions to grooming standards when they conflict with a service member's religious beliefs. Previously, such accommodations were extremely rare.

Many religious liberty advocates, however, argued the changes did not go far enough in assuring adherents of minority faiths the right to serve in the armed forces. In April, a letter to the Pentagon signed by the BJC expressed concerns that service members under the new policy would be required to comply with grooming standards while they await the outcome of their request, and they would have to resubmit the accommodation request upon transfer.

Conscience Rights Dominate Religious Freedom Discussion: Lastly, a growing trend in 2014 was the focus on the right of business owners to refuse to provide marriage-related services to same-sex couples. In states and cities where non-discrimination laws prohibit such refusal generally, this year's increase in same-sex marriage legalization has brought with it understandable conflict for those who object on religious grounds.

While it is clear that churches and houses of worship will not have to participate in same-sex marriages, the rights of other individuals and businesses to refuse is still the subject of very contentious debate. The issue is one worth watching in the next few years as courts consider where the proper lines should be drawn to balance the religious freedom rights of service providers with the rights of individuals to be free from discrimination.

A few key religious liberty stories seem sure to emerge next year:

- **Workplace Discrimination.** The Supreme Court agreed to take up a case of religious discrimination in employment involving Abercrombie & Fitch, a clothing retailer that refused to hire a female applicant because of her head covering. The company argues they were unaware the head scarf was a religious requirement.
- **School Vouchers.** The Colorado Supreme Court will decide the fate of a school voucher program. The BJC joined a brief arguing the program violates the state's constitution because it sends taxpayer funds to support religious education. Meanwhile, in North Carolina, the Supreme Court has intervened to hear the appeal of a ruling that vouchers in that state are unconstitutional. Next year should bring decisions in both cases.
- **Contraceptive Mandate (Part 2).** Next year could see the Supreme Court take on the question of whether the Obama administration's accommodation process for religiously affiliated nonprofit organizations violate their religious freedom rights. A handful of appeals courts have ruled on the question, with others expected soon.
- **RFRA debates.** This year's religious accommodation battles changed the way state Religious Freedom Restoration Acts are viewed. Instead of focusing on their helpful religious liberty protections, the legislation is often seen as a way to refuse service to others based on religious grounds. Will this continue?

Don Byrd writes the Baptist Joint Committee's Blog from the Capital, available online at BJCOnline.org/blog.

The Court after *Hobby Lobby*

As the dust continues to settle from the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, the *Christian Century* asked Brent Walker to discuss its impact. This is an abbreviated version of the Q&A that ran in its Nov. 26, 2014, issue, available online.

Christian Century: ... Do you expect to see a variety of cases making their way to the Supreme Court in which a for-profit employer claims an exemption on religious freedom grounds to an otherwise neutral law? ...

Brent Walker: By holding that corporations are within the statute's coverage of "person," the *Hobby Lobby* decision does open the door for additional claims to be brought by for-profit employers. However, in no way does that mean that the claims will be successful.

The Court's opinion purports to be, and was, specific to the claim of *Hobby Lobby*, a "closely held" corporation, and its objection to the contraceptive mandate under the Affordable Care Act. Of course, religious freedom claims involving blood transfusions and vaccinations have been brought in the past, but by individuals and religious organizations. The Court's opinion applies only to a "closely held corporation," a term which will have to be further defined in the future.

Justice Anthony Kennedy's concurring opinion is critical here. His was the vote that turned a potential plurality of four into a majority of five. He took the time to write separately, emphasizing the narrow nature of the Court's opinion. The need for Justice Kennedy's fifth vote for any viable court majority in the future would likely temper extensions of the *Hobby Lobby* holding beyond the context of its own limited terms.

CC: How does this legal discussion of religious exemptions affect cases involving LGBT people? Will religious liberty be invoked in order to accommodate religious objections to gay marriage, for example?

BW: First, it is clear that churches and houses of worship, and perhaps other pervasively religious organizations, will not have to condone or participate in same-sex marriages to the extent they violate their sincerely held religious beliefs.

However, there have been and will continue to be religious liberty claims made by individuals in businesses, sometimes incorporated, who are involved in the periphery of the marriage ceremony. These would include, for example, the baker who makes the wedding cake, florists who supply flowers, photographers who take pictures of the ceremony and the reception, and clothiers

who rent tuxedos.

Some argue that these folks, already engaged in the stream of commerce, should not be able to decline to provide these goods and services based on religious objections. Others say that, particularly after *Hobby Lobby*, there can be a burden on the exercise of religion even in businesses operating in the corporate form in the marketplace. Others have suggested a more moderated approach in which these businesses should be afforded religious liberty protection to the extent they are arguably being required to somehow participate in the ceremony (e.g., photographer, musicians), but those that are primarily selling or renting goods in the marketplace (e.g., baker, clothier) should not be able to make such a claim.

So yes, religious liberty claims will continue to be asserted in connection with same-sex marriages. It's important to note that religious liberty claims are being asserted on behalf of churches and religious organizations that desire to solemnize same-sex marriages and have them be sanctioned by the state. ...

CC: The contraception cases are striking in that third parties—those receiving insurance—are so closely involved. These cases seem to pit one person's religious freedom against another's freedom from religion. ...

BW: Yes, the effect on third parties must be part of the religious liberty calculus. Many religious liberty exemptions and accommodations will benefit the religious practitioner but have absolutely no effect at all on the rights or well-being of third parties. Those are easier cases. Where the rights and well-being of third parties are involved, the Court must balance those rights in the equation. ...

In *Hobby Lobby*, the Court's majority, instead of balancing the interest of workers in having contraception coverage, assumed there was a compelling governmental interest in the government providing coverage but ruled that it could be done a less restrictive way. The Court held that the accommodation the federal government had already provided for religiously affiliated nonprofits could be provided here to both protect the conscience of the for-profit owners and extend the protection of the Affordable Care

Act to third-party employees.

Moreover, Justice Kennedy in his concurring opinion was more attentive than the majority opinion to the need to protect the rights of third parties. After noting the importance of the accommodation of religion in our religiously plural culture, he stated firmly that the accommodation may not "unduly restrict other persons, such as employees, in protecting their own interests, interests the law deems compelling." ...

CC: Precedent says that laws can be challenged if they impose a "substantial burden" on religious practice. What constitutes "substantial" according to precedent? ... Is a burden judged substantial simply because the plaintiff says it is?

BW: There is no precise definition of substantial. That word was inserted into the Religious Freedom Restoration Act to intensify the burden requirement. A burden might be regarded as the government somehow pressuring religious choices one way or another. The degree of pressure and consequent substantiality depends upon the facts and circumstances of the case as interpreted by the court on a case-by-case basis.

Courts will usually defer to the claimant and take the claimant's word for the question of whether there is a burden. Certainly we don't want courts making hard and fast decisions about theology and dogma. However, courts must draw lines when it comes to gauging substantiality.

Here, even assuming that the Affordable Care Act's contraceptive mandate burdened the *Hobby Lobby* owners' religious beliefs and practices, the argument is that there are so many intervening acts that the employee's ultimate decision about whether to use contraception services is too far removed from the religious objection to make the burden substantial. In other words, a corporation's payment of premiums (which is not a payment by the religious shareholders themselves) to an insurance company that will then cover a full range of medical services while the employee makes her own independent determination about whether to use contraception has too attenuated a connection to religious belief and practice to "substantially burden" an owner's exercise of religion. ...



K. Hollyn Hollman
General Counsel

HollmanREPORT

Changes in marriage laws renew questions about role of the church

“[C]hurches should decide and make clear whether they are performing marriages by the authority of the state or a greater power.”

Even for astute observers, it is difficult to keep up with the rapidly changing legal developments concerning same-sex marriage. Legally, marriage is primarily a state law matter, but federal constitutional decisions and statutes also affect marriage rights. In a relatively short period of time, and by way of a variety of state and federal legislative and court efforts, more than 30 states now allow same-sex marriages. News on this front changes almost daily.

Religious liberty arguments have not been a major factor in cases upholding or striking same-sex marriage laws. The cases have generally been decided under “equal protection” principles. Religious voices, however, have contributed significantly to the public discussions and debates about marriage — its religious meaning and its legal definition. As the laws regarding marriage continue to change and various conflicts arise, it is a good time to invest in a deeper understanding of our country’s religious liberty and the principle of church-state separation that is one of its important hallmarks. Unfortunately, the context of marriage is one area where the relationship between church and state has been far out of step with that principle.

“Marriage” as a religious institution long predates current marriage laws. Ostensibly, that fact is recognized in the way states have engaged ministers as their agents. States have long used religious entities to perform marriages, literally marrying the concepts of religious and civil marriage. As Fuller Theological Seminary Professor J.R. Daniel Kirk put it: “We have lived so long with pastors saying, ‘... and through the power vested in me by the State of ____ ...’ that we don’t even realize how weird that is.”

Through the years, and long before same-sex marriage became a common topic of political debates, I’ve heard Baptist pastors who served on the BJC Board or worked closely with us in some capacity question the role of pastors as agents of the state in marriage ceremonies. Many find ways to avoid or minimize that connection as they perform weddings; some routinely explain the different meanings of marriage during ceremonies. Strong advocates for church-state separation who stand against

government efforts to usurp religion through government funding or sponsorship of religious exercises are right to be skeptical about letting the state use them. Many have admirably educated their congregations about the complex, but importantly distinct, roles of the church and the government.

In recent years, some pastors who support civil marriage recognition for same-sex couples protested bans on same-sex marriage by refusing to sign any marriage certificates; they did continue to perform church weddings. Others are now refusing to sign marriage certificates to protest changes in the laws that permit same-sex marriage. In addition to the practical implications for the couple, each decision of a minister in this context affects the church’s witness to the couple being married, those gathered in attendance, and the culture of their community.

Though it would be extremely difficult to fully unravel the tangled relationship between religious and civil marriages that state laws reflect, the BJC welcomes the thoughtful discussion. The good news for religious liberty is that churches remain free to make the autonomous decision about whom to marry — without state interference. Likewise, there are always options for civil marriage that do not include a minister’s signature or religious ceremony. The separation is up to us.

Remarkably, the U.S. Supreme Court has not yet weighed in. At the beginning of this term, the Court surprised advocates on both sides by refusing to take up any of the marriage cases on appeal from the circuits. Then, about a month later, the U.S. Court of Appeals for the 6th Circuit issued a decision upholding a ban on same-sex marriage, creating a split among the circuits that makes a Supreme Court decision more likely. Though it seems inevitable that the Court will eventually have to rule on the issue, it will be a while before we have a decision on the constitutional right to marry. It will be longer still for religious liberty claims related to the recognition of same-sex marriage to settle. In the meantime, churches should decide and make clear whether they are performing marriages by the authority of the state or a greater power.

Appeals court strikes down ruling against clergy housing allowance

A federal court of appeals rejected a case brought by an atheist organization that would have declared tax-exempt clergy housing allowances — often a large chunk of a pastor's compensation — unconstitutional.

The Nov. 13 ruling overturns a 2013 decision by U.S. District Court Judge Barbara Crabb, who had ruled that the exemption "provides a benefit to religious persons and no one else, even though doing so is not necessary to alleviate a special burden on religious exercise."

But the Freedom from Religion Foundation, a Madison, Wisconsin-based group that has pursued the case since 2011, vowed to fight on.

"We are disappointed but we are not giving up," said Annie Laurie Gaylor, FFRF's co-president. "We are so clearly right and the law is so clearly unconstitutional."

The Chicago-based 7th U.S. Circuit Court of Appeals overturned Crabb's ruling in favor of the atheists because it found Gaylor and FFRF lacked "standing" — meaning they had no right to sue because the law did not affect them.

Gaylor and Dan Barker, her co-president and an ordained minister, did not seek a housing allowance for themselves under the law.

"Dan took the allowance when he was a minister, but now that he is head of the largest atheist and agnostic organization in the country, he cannot take it," Gaylor said. "That clearly shows preference for religion."

Churches routinely designate a portion of a pastor's salary as a housing allowance. So, for example, a minister who earns an average of \$50,000 may receive another third of income, or \$16,000, as a tax-free housing allowance, essentially earning \$66,000. Having to pay taxes on the additional \$16,000 (\$4,000 in this case), would mean a 6 percent cut in salary.

The exemption is worth about \$700 million per year, according to the Joint Committee on Taxation's Estimate of Federal Tax Expenditure.

Supporters of the tax break say it helps alleviate government costs for social services by routing that assistance through houses of worship.

BJC Executive Director Brent Walker has said the allowance "does not violate the First Amendment's Establishment Clause." When Crabb first struck down the ordinance, he noted that the Free Exercise Clause does not require such accommodation, but the Establishment Clause does not forbid it. Other segments of society — such as members of the military and taxpayers living abroad — also receive similar relief in other sections of the tax code.

Gaylor said FFRF was reconsidering its legal options and would not drop the case. The only venue left to hear the case would be the U.S. Supreme Court.

"We are regrouping," she said.

—Lauren Markoe, Religion News Service with BJC Staff Reports

New BJC Fellows Program to educate, prepare future leaders for advocacy

The Baptist Joint Committee will launch the BJC Fellows Program in 2015, offering young professionals the opportunity to deepen their historical, theological and legal understanding of religious liberty and develop skills to advocate for the cause throughout their careers.

Ten BJC Fellows will be selected from diverse educational, professional and religious backgrounds. They must commit to being advocates for religious liberty in their communities after they attend the inaugural BJC Fellows Seminar — a four-day education program at Colonial Williamsburg in Virginia. The seminar will equip the BJC Fellows for activism, utilizing Colonial Williamsburg's educational resources in conjunction with preeminent scholars and BJC staff members.

"Central to our mission is the critical need to develop the next generation of religious liberty advocates," said BJC Executive Director J. Brent Walker. "While we continue to have great success connecting with groups through educational sessions in our Center for Religious Liberty and visiting campuses and churches across the country, we want to develop supporters who can educate others about these issues."

The application process will require a cover letter, CV or resume, responses to a short questionnaire and two letters of recommendation. There are no religious requirements, and applicants must have less than six years of experience in their current profession.

The invitation for applications for the BJC Fellows Program will be released Jan. 5, 2015, and are due Feb. 15. The inaugural BJC Fellows Seminar will be held July 29-Aug. 2, 2015, and the program covers most travel costs, as well as lodging and meals for the BJC Fellows.

For more details on the program and application process, visit BJCOnline.org/Fellows.

Mark your 2015 calendar

Here are some dates to note in the first half of 2015. Visit BJCOnline.org/calendar for more events throughout the year.

- **Feb. 15:** BJC Fellows Program application deadline
- **March 1:** Summer internship application deadline
- **March 6:** Postmark deadline for essay contest
- **April 7-8:** Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State at Mercer University and McAfee School of Theology in Macon and Atlanta, Georgia
- **June 19:** Religious Liberty Council Luncheon in Dallas, Texas
- **June 30:** Fall internship application deadline



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REPORT

from the Capital

J. Brent Walker
Executive Director

Cherilyn Crowe
Editor

Jordan Edwards
Associate Editor

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WHY WE GIVE

By Kevin James
Norcross, Georgia

I have known about the work of the Baptist Joint Committee for over ten years now, mostly through the work that I do as associate director of the Southern Union Conference of Seventh-day Adventists. I first started to monetarily support the Baptist Joint Committee three or four years ago.

For me, the BJC represents the finest of equilibrium in an often confusing and difficult world of religious rights. It isn't easy to uphold both non-establishment and free exercise without tending to over balance to one side or the other which — in effect — endangers or outright ruins both. I appreciate the BJC's efforts of instruction to churches and others interested in religious liberty that I have heard, and I have found them helpful to me and my understanding and awareness of the issues.

Choosing to become a monthly donor seemed the most practical thing to do. I was giving once a year and — at times — I would forget and the BJC would kindly remind me. I felt I shouldn't have the BJC waste time and resources on nudging a supporter who gives but can't seem to get his act together and be on time. In becoming a monthly donor, one participates on a consistent basis in forwarding

the mission of promoting and protecting religious liberty for all. I am supporting a much needed and vital ministry to the ever-changing challenges facing our religious freedoms today.

Baptists have had a very long tradition and influence upon the country's understanding of the proper role of church and state that came to a separation of church and state. They have championed that cause ever since, and it is exemplified in the BJC's work and purpose. I deeply respect and appreciate that lineage and want to see it continue.

Seventh-day Adventists and the BJC have often linked together in their shared interest to preserve and protect our faith freedoms we have in this great country. Our mutual respect and appreciation of each other's contributions to this cause has bound us in friendship, making the work of both better for it.

Make a lasting investment in religious liberty by becoming a monthly donor today. Visit BJCOnline.org/Give-Monthly to set up your gift or contact Development Director Taryn Deaton by email at tdeaton@BJCOnline.org or by phone at 202-544-4226 for assistance.

