



REPORT

from the Capital

Supreme Court affirms prisoner's right to religious grooming practice

BJC lauds High Court's protection of religious exercise, confirmation of the importance of RLUIPA in *Holt v. Hobbs*

WASHINGTON — A unanimous Supreme Court declared Jan. 20 that a Muslim prisoner can exercise his religion by adhering to certain grooming standards, affirming a landmark 2000 law and agreeing with principles outlined in a brief signed by the Baptist Joint Committee.

In the decision for the Court in *Holt v. Hobbs*, Justice Samuel Alito wrote that the Arkansas Department of Correction (ADC) violated the Religious Land Use and Institutionalized Persons Act (RLUIPA) by denying a prisoner's request to grow a one-half-inch beard in accordance with his religious beliefs.

RLUIPA provides enhanced protections in two areas where free exercise of religion can be a persistent problem: regulations of land use and institutions where individuals are confined in government custody. The BJC led a diverse coalition of religious and civil liberties groups in supporting RLUIPA, which Congress enacted in 2000.

"Everyone's religious liberty is precious, but that of incarcerated persons is particularly fragile," said BJC Executive Director J. Brent Walker. "Both RLUIPA and the Court's opinion appropriately balance that right with the need of penal institutions to preserve prison safety and security."

The BJC joined the American Jewish Committee and three other organizations in a friend-of-the-court brief in the case, defending the religious rights of Gregory H. Holt (also known as Abdul Maalik Muhammad), a practicing Muslim serving a life sentence in Arkansas. Holt said he has a religious obligation to maintain a beard, but the ADC has a grooming policy prohibiting facial hair other than neatly trimmed mustaches. It does allow one-quarter-inch beards for inmates with a diagnosed dermatological medical condition.

The Court's decision said Holt met all of the requirements of RLUIPA, showing that



his desire to grow a beard was "grounded in a sincerely held religious belief" and that "the Department's grooming policy substantially burdened that exercise of religion."

"Part of RLUIPA's purpose is to elevate religious needs to a similar level as other considerations," according to the brief signed by the BJC. "In light of the high degree of protection that RLUIPA gives to inmates' religious rights, it is illogical for the same institution to provide an almost identical accommodation for medical reasons, while denying that same accommodation for religious purposes."

The Court emphasized that "although RLUIPA provides substantial protection for the religious exercise of institutionalized persons, it also affords prison officials ample ability to maintain security."

While the Court recognized the interest in having a no-beards policy to prevent prisoners from hiding contraband, the decision said that "the argument that this interest would be seriously compromised by allowing an inmate to grow a 1/2-inch beard is hard to take seriously," especially since prisoners are not required to have shaved heads or crew cuts. The Court noted that the ADC's policy is "underinclusive" because it does not pursue the same objectives for "analogous nonreligious conduct," allowing one-quarter-inch beards for dermatological conditions and permitting inmates to grow more than one-half-inch of hair on their heads.

More information on the case and the brief signed by the BJC is available online at BJCOnline.org/HoltvHobbs.

—BJC Staff Reports

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INSIDE:

- ☐ IRS rules 2
- ☐ State RFRAs 3
- ☐ Shurden Lectures . . . 5
- ☐ Giving churches 8

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Religious and secular advocates urge IRS to clarify rules on political endorsements from the pulpit

WASHINGTON — Religious and secular advocacy groups jointly called Jan. 29 for greater clarity by the Internal Revenue Service regarding nonprofits and political activity.

In a rare combined front, leaders of the Evangelical Council for Financial Accountability, Alliance Defending Freedom, Public Citizen and the Center for American Progress met at the National Press Club to discuss ways the tax agency could better help nonprofits know what they can and cannot do under the law.

“Something needs to change,” said Dan Busby, president of the Evangelical Council for Financial Accountability. “We agree that clear and brighter lines must be adopted.”

In 2013, a commission appointed by the ECFA issued a 91-page report recommending that clergy should be able to say “whatever they believe is appropriate” from the pulpit without fear of IRS reprisal.

Current IRS rules, dating back to 1954, note that nonprofits that receive special tax treatment under IRS code section 501(c)(3) — allowing donors to deduct contributions — are restricted from intervening in political campaigns. Most churches choose to be 501(c)(3) organizations and therefore are permitted to address issues but prohibited from endorsing or opposing candidates for office.

Michael Batts, who chaired the ECFA’s Commission on Accountability and Policy for Religious Organizations, said the IRS should hesitate to enforce some of its current rules, which could cause constitutional and public relations problems.

“The IRS itself needs an exit strategy, and churches and charities need freedom of speech and the freedom to exercise religion,” he said.

Erik Stanley, a lawyer for Alliance Defending Freedom, said IRS laws about “indirect” campaigning are too vague and the IRS is not enforcing its rules about direct campaign-

ing. He said some 4,000 “Pulpit Freedom Sunday” pastors have self-reported to the IRS that they have talked about candidates, often supporting or opposing particular ones, during a worship service.

“There’s been no prosecutions to date,” he said, saying legislative fixes are needed for IRS policy.

The IRS did not immediately respond to a request for comment.

“The Baptist Joint Committee supports churches’ prophetic public witness, but discourages any efforts to endorse or oppose candidates,” said BJC Executive Director J. Brent Walker. “While greater clarity is a laudable goal, some recommendations actually change the rules to allow some electioneering activities. That would be bad news for our religion and our government. It would politicize churches far more than it would Christianize politics.”

Although all the groups at the Press Club event agreed on the need for more clarity from the IRS, they differ in the specifics of how its rules should be changed.

Ezra Reese, a member of the drafting committee of Public Citizen’s Bright Lines Project, worried that some nonprofits might take advantage of rules supported by the ECFA to fund more issue-oriented ads.

“You will have a much larger amount of tax-deductible dollars influencing elections,” he said.

But differences aside, the lack of clarity is creating confusion for a range of nonprofits, said Alex DeMots, vice president and deputy general counsel for the Center for American Progress.

“It’s just bad public policy for a small charity or church or community organization to have to hire a lawyer to figure out what it can and can’t do,” he said.

— Adelle M. Banks, Religion News Service and BJC Staff Reports

Obama praises church-state separation at National Prayer Breakfast

Religion flourishes in the United States because of the constitutionally mandated separation of church and state, President Barack Obama said in a 25-minute address to the National Prayer Breakfast on Feb. 5.

“The United States is one of the most religious countries in the world, far more religious than most western developed countries,” Obama told the prayer gathering at the Washington Hilton Hotel. “One of the reasons is that our founders wisely embraced the separation of church and state.

“Our government does not sponsor a religion nor does it pressure anyone to practice a particular faith or any faith at all,” Obama said. “The result is a culture where people of all backgrounds and beliefs can freely and proudly worship, without fear or coercion.”

“That’s not the case in theocracies that restrict people’s choice of faith,” he continued. “It’s not the case in author-

itarian governments that elevate an individual leader or a political party above the people or, in some cases, above the concept of God Himself.

“So the freedom of religion is a value we will continue to protect here at home and stand up for around the world, and is one that we guard vigilantly here in the United States,” Obama said.

The president described religion as a force which accomplishes great good in the world but too often is “twisted and misused in the name of evil.”

“No God condones terror,” he said. “No grievance justifies the taking of innocent lives or the oppression of those who are weaker or fewer in number.”

One remedy for that, he said, is for persons who profess any faith to do so with humility and respect for others.

BREAKFAST CONTINUED ON PAGE 7

REFLECTIONS

Do states need religious freedom legislation?

Recently, state legislatures across the country have been making headlines for considering variously-named religious freedom bills. The proposed legislation currently attracting the most attention — particularly in Baptist life — is the so-called “Preventing Government Overreach on Religious Expression Act” in Georgia.

Before judging whether these state religious freedom bills are meritorious or even necessary, it is important to understand a little history.

In 1997, the U.S. Supreme Court struck down the 1993 federal Religious Freedom Restoration Act (RFRA) as applied to the states (*City of Boerne v. Flores*). That is, while RFRA continued to provide increased religious liberty protection against action by the federal government, the Court decided that Congress did not have the power to require the states to follow suit. In the aftermath of that decision, many states passed their own religious freedom restoration acts or amended their constitutions to require greater protection for the exercise of religion.

So, attempts to further ensure religious liberty at the state level is not novel. What is new, however, is that the political energy fueling the recently proposed laws — in, for example, Arizona, Kansas, Mississippi and Oklahoma — seems to be an attempt to protect against various involvements with LGBT rights and same-sex marriage.

The Baptist Joint Committee, having led the coalition urging Congress to pass RFRA in 1993, believed then — and does today — that the federal RFRA embodies a delicately balanced formula by which courts can adjudicate religious liberty claims while seeking to protect important interests of society generally or the well-being of third parties adversely affected by the requested accommodation. As a general principle, the BJC has encouraged — and certainly has not discouraged — state RFRA that parallel the careful language of federal RFRA.

The problem comes when proponents of state legislation want to change the language of their bills to promote their own policy agendas or to disadvantage that of their political opponents.

For example, federal RFRA requires a religious claimant to show that government has imposed a “substantial burden” on the exercise of religion. Some proposed state laws omit “substantial,” tilting the delicate balance in favor of the claimant. Other proposals would require the state to demonstrate a compelling interest to justify the burden by bringing forth “clear and convincing evidence” — a much stiffer burden than the usual “preponderance of evidence” in most civil cases, making it more difficult for the state to override religious claims in favor of other interests.

Finally, although the federal RFRA contains a provision saying that the free exercise protection does not disturb Establishment Clause jurisprudence, some state proposals neglect to include that important counterpart to Free Exercise Clause accommodation. Other proposed laws tend to buttress the government’s side by excluding disfavored categories of citizens — prisoners for example — from the laws’ benefits. These carve-outs are wrong too.

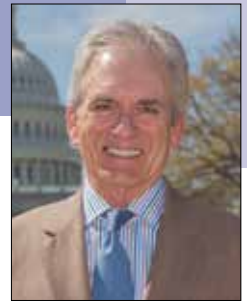
In our view, it is perfectly permissible for states to pass religious freedom laws if they mirror the delicate balance achieved by the federal act; we say “no” to attempts on the part of some to tilt that balance in their favor.

The formula embodied in the federal RFRA — denying substantial burdens on the exercise of religion unless the government pursues a compelling state interest in a narrowly tailored way — provides a mechanism for negotiating deep-seeded conflict and heartfelt disagreement. The religious claimants will sometimes win — certainly where the rights of third parties are not affected or where the government does not narrowly tailor its regulation pursuant to a compelling interest. But sometimes claimants will lose when the way they want to exercise their religion interferes with the well-being of society or third parties. The courts are uniquely suited to balance these equities — case by case — providing each side a fair hearing but guaranteeing neither victory in every case.

This is a proven mechanism for allowing our nation to negotiate religious liberty claims while respecting the rights and well-being of fellow citizens and society generally without legislatures playing favorites or tilting the playing field one way or another.

DoFFing my lawyer’s hat and donning my pastor’s hat, I want to preach a little and suggest another way short of litigation. To our LGBT friends: with the astonishingly rapid-dawning first opportunity to marry in our country’s 225 year history, try extending some grace to others who have religiously informed objections to same-sex marriage; and if the baker or florist does not want to provide you a cake or flowers, move down the street and give your business to ones who will. To our conservative Christian friends: with religious liberty protected in this country like no other place in the world, try loving your LGBT neighbors (not even talking about your enemies) unconditionally, and understand that providing them goods and services in the marketplace is an act of hospitality, but it does not indicate approval of their nuptial decisions or their sexual orientation.

It seems to me this is a better way for good citizens and good Christians to resolve conflict in the public square.



J. Brent Walker
Executive Director

“The problem comes when proponents of state legislation want to change the language of their bills to promote their own policy agendas or to disadvantage that of their political opponents.”

Freedom of the press trumps respect for religion in a new survey

Most Americans who know about the deadly attack on the Paris headquarters of the satirical *Charlie Hebdo* magazine say it's OK that the weekly featured cartoons of the Prophet Muhammad.

A new survey from the Pew Research Center shows 76 percent of Americans know of the Jan. 7 attack; among this group, 60 percent of Americans support the magazine's right to publish these controversial images while 28 percent disapprove.

However, one in four Americans overall offered no opinion because, they said, they had not heard about the violent attack where 10 artists and writers and two policemen were murdered.

The survey of 1,003 U.S. adults was conducted Jan. 22-25, two weeks after the attack. It has a margin of error of plus or minus 4.7 percentage points in the portion of the report that deals only with those who said they had heard about the incident.

The survey looked more closely to see how members of this group explained their views.

Of those who supported the right to publish, despite traditional Islamic prohibitions on showing images of the Prophet Muhammad:

- 70 percent cited freedom of speech and the press to explain their view, according to Pew.

- Several noted that *Charlie Hebdo* mocked all religions. Said one survey respondent: "They're equal opportunity insulters."

- Most were white (70 percent), male (67 percent) and Republican or leaning to the GOP (70 percent). And they represented majorities of all major religious groups, as well as the religiously unaffiliated.

Those who disapproved of the French magazine's actions:

- This group is divided among people who said publishers "should respect religious beliefs" (35 percent) and those who said they should avoid offensive, politically incorrect or inappropriate speech (31 percent). "It's a matter of respect — things you just don't do," said one respondent.

- Only 7 percent would squelch publication to avoid violence, threats or anger.

- This group includes women (33 percent), racial and ethnic minorities (48 percent) and people who favor the Democratic Party

(55 percent).

But Americans' attitudes toward the *Charlie Hebdo* cartoons did not affect their views on whether U.S. media will publish content that may offend some people's religious beliefs:

- 48 percent expect there will be no impact on U.S. news media.

- 24 percent said American publishers will hesitate to publish such material.

- 16 percent thought publishers would be more willing to do so.

- 12 percent offered no opinion.

—Cathy Lynn Grossman,
Religion News Service

Pew Research Center results

Survey conducted Jan. 22-25, 2015, results from respondents who heard at least "a little" about the attack on *Charlie Hebdo* magazine.

Was publishing the cartoons depicting the prophet Muhammad "Okay" or "Not okay"?

	Okay	Not okay	Don't know/ refused answer
All survey respondents	60%	28%	12%
Protestants	59%	29%	13%
Catholics	60%	31%	9%
Unaffiliated	62%	25%	13%

Tension between religious sensitivity and press freedom in judging *Charlie Hebdo* cartoons

Among those who say it was "Okay" to publish, the reason is:		Among those who say it was "Not okay" to publish, the reason is:	
Freedom of the press/speech	70%	Should respect religious beliefs	35%
All religions get criticized/lampooned	8%	Offensive/politically incorrect/not appropriate	31%
The cartoons are harmless	6%	Provoked anger/violence/terrorism	7%

A conversation with 2015 Shurden Lecturer Alan Brownstein



Brownstein

On April 7-8, Alan Brownstein, professor emeritus at the University of California, Davis, School of Law, will deliver the 2015 Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State at McAfee School of Theology in Atlanta and Mercer University in Macon, Georgia.

A nationally recognized constitutional law scholar who primarily focuses on church-state issues, Professor Brownstein has been published in numerous academic

journals and is the co-author of dozens of op-ed articles and columns discussing a range of legal issues. His assistance is often sought by advocacy groups on matters relating to religious liberty and equality.

What led you to the study of First Amendment issues?

First Amendment values relating to freedom of speech and religious liberty and equality have always been both interesting and important to me. I remember being directed to recite the Regent's Prayer — the prayer that was ultimately struck down as unconstitutional in *Engel v. Vitale* — each day in public school and thinking even then that there was something wrong with the government and my teachers telling what I should be saying when I prayed to G-d. I was in high school and college in the 1960s when the Civil Rights Movement and anti-Vietnam War protests challenged government policies. Freedom of speech and association issues seemed to be part of daily life. My interest in constitutional law continued through my studies at law school. I consider myself very fortunate to have been given the opportunity to pursue these interests as a scholar and teacher.

You practiced law early in your career. What do you enjoy about teaching as opposed to litigating cases?

Teaching and writing scholarship and litigating are as different as night and day. Litigation is organized conflict within the parameters of accepted law. Writing articles as a scholar allows you to challenge existing orthodoxy and to try to develop solutions to problems without regard to a client's interests. ... A teacher doesn't experience the kind of immediate, real world results that an attorney does. It is really a profession of faith. We hope that what we do in the classroom makes a difference in our students' education, but the impact we have isn't clear like winning a case.

How has the church-state landscape shifted?

The church-state landscape has changed dramatically in recent years. For the most part, the current Supreme Court has taken the position that, except in extreme cases, church-state controversies should be resolved through political deliberation rather than through constitutional adjudication. Accordingly, the Court has increasingly interpreted both the Free Exercise Clause and the Establishment Clause to mean as little as possible. I strongly disagree with the Court's direction. Certainly, the basic distrust of government which underlies our constitutional system applies as strongly to government decisions relating to religion as it does to any other category of decisions. Democracy is a great system of government, but that doesn't mean we should be deciding what

constitutes religious truth at the ballot box or in the halls of state legislatures or the chambers of local school boards.

Why are you focusing one of your lectures specifically on "respectful discourse" regarding religion and equality?

Unfortunately, I think respectful discourse is often missing in public debate in our polarized society. We focus too much on speech that rallies people who already agree with our point of view and often demonizes the opposition to accomplish this goal. Persuasive speech that seeks to identify ways to settle disputes requires identifying the common ground that people share and building from that foundation.

What do you hope attendees will take away from the lectures?

I would hope that my lectures would help audience members understand and appreciate the several important values that come into play in church-state disputes. Taking all of the relevant values and concerns that are implicated in a church-state controversy into account may mean that we have to work harder to develop a fair and just solution to a problem. But liberty, equality and speech values are so important that we need to be careful to avoid solutions that only achieve simplicity and clarity by sacrificing values which demand our respect. I would also hope that my remarks might help people to engage in respectful discussions of difficult issues — particularly with regard to interactions with people who for one reason or another we see as "strangers" to our community.

What drew you to the Shurden Lectures?

I have tremendous respect for the work of the Baptist Joint Committee, Brent Walker and Holly Hollman. Accordingly, I was predisposed to be receptive to any invitation from the BJC when Brent called me and invited me to participate in the Shurden Lectures. Also, the past speakers in this lecture series include some of the most prominent and effective advocates for religious liberty and equality in the U.S. I consider it to be a great honor and privilege to be included in such a distinguished group of speakers.

2015 Shurden Lectures

All events are free and open to the public

April 7 at McAfee School of Theology in Atlanta
4 p.m.: **"Engaging in Respectful Discourse
about Religion and Equality"**

Atlanta Administration and Conference Center

April 8 at Mercer University in Macon
10 a.m.: **"The Multi-Dimensional Nature of
Church-State Controversies"**

Mercer Medical School Auditorium

3:30 p.m.: **"Liberty and Equality Values in the
Hobby Lobby and Town of Greece Decisions"**
Mercer Law School Building, First Floor Courtroom

For more information, visit BJCOnline.org/lectures



K. Hollyn Hollman
General Counsel

HollmanREPORT

Religious freedom doesn't require risking public health

"[T]he measles outbreak provides a straightforward context for the continuing debate about how best to protect the free exercise of religion without harming others."

The recent measles outbreak and ensuing conversation about immunizations is *not* primarily a story about religion or religious exemptions. We are learning, again, that measles is a serious, and sometimes fatal, but preventable disease. The growing number of children not being vaccinated and the increase in the number of reported cases is alarming. In fact, the current outbreak is the worst in decades, raising fears about a disease that had largely been eradicated through widespread and effective immunizations.

News reports about the outbreak have led to examinations of state immunization laws. That's where religion comes in. Typically, immunization requirements are tied to eligibility for school attendance, and exemptions are rarely claimed. Immunization rates are high and cases of measles remain rare. According to the Centers for Disease Control and Prevention, 23 states had a 95 percent or above vaccination rate for incoming kindergarteners in 2013-2014, with Mississippi leading the way at 99.7 percent.

All 50 states, however, have an exemption for children with medical conditions that warrant special treatment. Forty-eight states — all except Mississippi and West Virginia — have additional exemptions based on personal, religious or philosophical beliefs. In some states, those exemptions have created a substantial at-risk population. For the 2013-2014 school year, Colorado had the highest rate of non-vaccinated incoming kindergarteners at 18.3 percent; California, the site of the current outbreak, had 7.7 percent unvaccinated.

While religion is a common basis for exemptions to state laws regarding children, it does not appear to be the main culprit for the increase in reported measles cases. Few religions believe that children should not be immunized, and the recent trend in avoiding vaccines has been tied to fears of health harms, not religion. The measles outbreak and the prevalence of statutory exemptions based on religion, however, have inspired many to think deeply about religious exemptions to general laws.

The conversation follows on the heels of last year's most important religious liberty development — the U.S. Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.* It is a general principle of religious liberty law that the right to exercise religion sometimes involves providing exceptions to general rules. That principle received new attention, and a fair amount of criticism, when

the Court applied the Religious Freedom Restoration Act (RFRA) to a large for-profit retailer's religious objection to providing certain contraceptive coverage in its employee health plans. Although the Court held that the contraceptive mandate as applied to Hobby Lobby violated RFRA since a less restrictive option for employee coverage existed, it did not hold that the claim for religious exemption will always win.

In the meantime, the measles outbreak provides a straightforward context for the continuing debate about how best to protect the free exercise of religion without harming others. The quintessential compelling governmental interest is protecting health, welfare and safety. In cases involving the health of children, the government's interest is one of the highest order, not easily susceptible to challenge.

In fact, the majority opinion in *Hobby Lobby* addressed it directly. Justice Samuel Alito wrote: "Other coverage requirements, such as immunizations, may be supported by different interests (for example, the need to combat the spread of infectious diseases) and may involve different arguments about the least restrictive means of providing them." This statement demonstrates an understanding that religious liberty — even as protected by RFRA's high standard — does not require granting religious exemptions to immunization laws or similar interests that are required for public health and safety.

The current spotlight on exemptions in state laws may lead to the repeal of some religious exemptions. Court challenges to create such exemptions are unlikely to win. When the Mississippi Supreme Court rejected religious exemptions for children's vaccinations in *Brown v. Stone* (1979), it held that "requiring immunization against certain crippling and deadly diseases particularly dangerous to children ... serves an overriding and compelling public interest ... not only as a protection of that child but as a protection of the large number of other children comprising the school community."

While religious views and claims for exemptions are infamously diverse, religious freedom does not require — and in fact should not claim — to support exemptions that harm the state's most important interests. Protecting children and public health is an interest of the highest order and a clear boundary for understanding the limits of claims for religious exemptions.

BJC welcomes spring semester intern

Emily Howard of Davison, Michigan, is one of the spring interns at the Baptist Joint Committee, working alongside the staff in Washington, D.C. She is a junior at Grand Valley State University in Grand Rapids, Michigan, pursuing a Bachelor of Science degree in political science. The daughter of Mark and Elizabeth Howard, she plans to pursue a career in politics after graduation.



Howard

BREAKFAST CONTINUED FROM PAGE 2

"I believe that the starting point of faith is some doubt," Obama said, "not being so full of yourself and so confident that you are right and that God speaks only to us, and doesn't speak to others, that God only cares about us and doesn't care about others, that somehow we alone are in possession of the truth.

"Our job is not to ask that God respond to our notion of truth," he continued, "our job is to be true to Him, His word and His commandments. And we should assume humbly that we're confused and don't always know what we're doing and we're staggering and stumbling towards Him, and have some humility in that process."

Obama said one law that binds people of all faiths together is the Golden Rule "that we should treat one another as we wish to be treated."

"The Torah says 'Love thy neighbor as yourself,'" he said. "In Islam, there's a Hadith that states: 'None of you truly believes until he loves for his brother what he loves for himself.' The Holy Bible tells us to 'put on love, which binds everything together in perfect harmony.'"

"Whatever our beliefs, whatever our traditions, we must seek to be instruments of peace, and bringing light where there is darkness, and sowing love where there is hatred," Obama said.

The breakfast, in its 63rd year, is chaired each year by members of Congress who meet weekly for prayer when Congress is in session. It draws politicians, diplomats and prominent evangelical Christian leaders but often includes an interfaith roster of speakers.

Audience members included the Dalai Lama, whom Obama called "a powerful example of what it means to practice compassion" and act on behalf of the "freedom and dignity of all human beings."

Former NASCAR champion turned broadcaster Darrell Waltrip gave the keynote address, and Dr. Kent Brantly of Samaritan's Purse, who contracted Ebola in Liberia but has been cured, offered a prayer.

The president commended Pope Francis for his focus on the poor and said he looks forward to welcoming him when he visits the U.S. later this year.

Jordan's King Abdullah II was scheduled to read a scripture but had returned to his country after ISIL executed a Jordanian pilot.

—Bob Allen, *Baptist News Global*
with Religion News Service and White House pool reports

Breakaway South Carolina Episcopalians win major court case

The Episcopal Church lost a major court battle Feb. 3 when a South Carolina judge ruled that the Diocese of South Carolina legally seceded from the denomination, and can retain control of \$500 million in church property and assets.

The Charleston-based Diocese of South Carolina voted to secede in 2012 after the national church accused its bishop, the Rt. Rev. Mark Lawrence, of abandoning the church and taking his diocese with him. The diocese said it helped form the national church in 1789, and was not legally bound to stay.

Lawrence insisted he and the 38 parishes that followed him out of the national church comprised the Episcopal Diocese of South Carolina. The 30 parishes that remained part of the national church sued, asking a judge to determine who could legally claim the name "Episcopal" and who controlled the property.

Circuit Judge Diane Goodstein ruled that the national church has "no provisions which state that a member diocese cannot voluntarily withdraw its membership." The diocese was chartered in 1785, four years before the national church.

"With the freedom to associate goes its corollary, the freedom to disassociate," Goodstein ruled.

Goodstein's decision affects the fates of some of Charleston's most iconic churches, whose towering steeples and colonial charm helped earn Charleston the nickname "the Holy City."

The ruling follows similar decisions in Fort Worth, Texas, and Quincy, Ill., in which judges have ruled in favor of breakaway dioceses, even as most courts have said the property of individual breakaway parishes belongs to the denomination.

The national church allows same-sex blessings and gay bishops, but Lawrence said the decades-long battles over sexuality were just a "distraction" in the South Carolina fight.

"This has never been about exclusion," he said in a statement. "Our churches, our diocese, are open to all. It's about the freedom to practice and proclaim faith in Jesus Christ as it has been handed down to us."

The parishes that remain loyal to the national denomination, known as The Episcopal Church in South Carolina, plan to appeal Goodstein's ruling, with its chief lawyer, Thomas S. Tisdale, calling the ruling "not unexpected."

"We have understood from the beginning that this lawsuit was mounted after years of planning by individuals who were intent upon taking the diocese and its property out of The Episcopal Church," spokeswoman Holly Behre said. "We have also understood that defending ourselves will be a long legal process."

A separate suit in federal court accuses Lawrence of "false advertising" by "continuing to represent himself as bishop of the diocese."

A spokeswoman for the national denomination, based in New York, declined to comment on either case.

—Kevin Eckstrom, *Religion News Service*



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- Seventh Day Baptist General Conference

REPORT

from the Capital

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Thank you to our supporting churches!

The Baptist Joint Committee is grateful for the 233 churches who partnered with us in 2014 to advance our mission. Churches not only provide nearly \$100,000 in annual support to the BJC, but they are also the key avenue for educating people about religious liberty and the separation of church and state.

These churches contributed \$1,000 or more to the BJC Annual Fund in 2014:

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River Road Church, Baptist
Richmond, Va.

Second Baptist Church
Little Rock, Ark.

South Main Baptist Church
Houston, Texas

University Avenue Baptist Church
Honolulu, Hawaii

Watts Street Baptist Church
Durham, N.C.

Wilshire Baptist Church
Dallas, Texas

Woodland Baptist Church
San Antonio, Texas

If your church is interested in joining these churches in supporting the BJC, please contact Taryn Deaton at tdeaton@BJCOnline.org or 202-544-4226.