

Magazine of the **Baptist Joint Committee** for Religious Liberty

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Judge OKs tax break for Noah's Ark-themed attraction

A federal judge has ruled that Kentucky officials were wrong to deny tax incentives worth \$18 million to a

Christian ministry that is building a theme park featuring a life-sized replica of Noah's Ark.

U.S. District Judge Gregory Van Tatenhove ruled Jan. 25 that state officials could not deny sales tax rebates for tourist attractions - in the past granted for

projects like Kentucky Kingdom theme park in Louisville and visitors centers at bourbon distilleries – to Answers in Genesis simply because of its religious affiliation.

State officials were initially enthusiastic about approving the Ark Encounter, a \$90 million attraction due to open in July, for tax incentives granted to private businesses that create jobs that would not otherwise exist.

After groups including Americans United for Separation of Church and State raised concerns, Kentucky's tourism cabinet reversed course, saying the park's purpose had appeared to evolve from a tourist attraction "to an extension of AiG's ministry," and participation in the Kentucky Tourism Development Act would amount to impermissible state funding of religious indoctrination.

Van Tatenhove disagreed, reasoning that while the project's character "is undoubtedly religious in nature," it is "also a for-profit business and entertainment facility with an undeniable effect of generating revenue for the Commonwealth."

Denying a project that has a secular purpose but is excluded solely because of its religion, the judge said, implies the law is "not being applied neutrally" and

pressures Answers in Genesis "to give up its religious beliefs, purpose, or practice in order to receive a government benefit."

> Answers in Genesis hailed the decision as "a victory for religious freedom in America."

"The law is crystal clear that the state cannot discriminate against a Christian group simply because of its viewpoint, but that is precisely what happened here," said

Answers in Genesis President Ken Ham. "The decision today is a victory for the free exercise of religion in this country, including in hiring."

Rob Boston of Americans United for Separation of Church and State said the judge's ruling misses the point.

"The incentive program may be neutral, but the Ark Park is not," Boston said in an AU blog post. "Its purpose is to convince people that AiG's interpretation of the Bible is correct and that they should adopt it."

"Americans United has said repeatedly that Ham and AiG have every right to promote their religious views, and that includes the right to buy land and build a copy of what Ham believes is Noah's Ark," Boston said. "But they must pay for this themselves."

BJC Executive Director Brent Walker echoed those church-state concerns. "As a religious organization with a religious mission, Answers in Genesis intends to discriminate on the basis of religion in hiring for the Ark Encounter," Walker said. "While the law may permit this, their evangelistic enterprise must not be subsidized by Kentucky tax dollars."

> *—Bob Allen, Baptist News Global* with BJC Staff Reports



Construction of the Ark Encounter theme park, slated to open in July, is underway in Kentucky. (photo courtesy of Answers in Genesis)

An update from the BJC search committee chair



As a friend of the Baptist Joint Committee for Religious Liberty, you are surely aware that our executive director, Brent Walker, has announced his retirement effective December 2016.

As difficult as his departure will be, we look to the

future with excitement and hope. Our board of directors has put together a search committee composed of board members, long-time supporters and former staff members. Be assured that we are committed to finding and recruiting the very best executive director to lead the BJC into the future as we live out our God-given mission of defending and extending religious liberty for all people.

The position description is now available, and we are accepting applications. For details, please visit **BJConline.org/ExecutiveSearch**. That page has additional information and a link to a separate website with instructions on how to apply. I want to ask something from each of you. If you know of someone who might be an excellent fit for this position, please encourage her or him to visit the website to learn more and to apply.

Also, I ask for your prayers. Please pray for me and our search committee during this time of discernment – that we might be given a clear sense of God's direction and leadership. Please pray for and encourage our BJC staff, for they work tirelessly day in and day out on our behalf. And pray for Brent and his family as they prepare for his well-deserved retirement.

In the meantime, if you have any questions or feedback about this process, please do not hesitate to contact me at **SearchChair@BJConline.org**.

With Kindest Regards,

Daniel E. Glaze

Daniel E. Glaze Chair, BJC Search and Succession Committee

Supreme Court to hear faith-based funding case

Does a church have a constitutional right to use state funds to improve its playground? What if the state has a program in which it provides funds for resurfacing playgrounds, but the state's constitution explicitly states that "no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religion"?

On Jan. 15, the U.S. Supreme Court announced it will hear a case that will examine the limits of government funding of houses of worship.

This case began when the director of the Missouri Department of Natural Resources denied the request of Trinity Lutheran Church for funds to participate in the playground resurfacing program, citing the state constitutional provision barring government funding of religion. The church filed suit, claiming that the decision violates its religious freedom rights under the First Amendment to the U.S. Constitution.

In June of 2015, the 8th U.S. Circuit Court of Appeals upheld the "no aid to religion" provision in the Missouri Constitution and affirmed that the church's case should be dismissed. The church appealed, and the Supreme Court decided it will weigh in on the case later this year.

Several state constitutions contain a provision specifying that no public funds are to be used to



aid a church or religious denomination. Such language maintains a solid wall of separation between church and state when it comes to government funding, stronger even than that provided by the First Amendment to the U.S. Constitution. In this case, the 8th Circuit determined that Supreme Court precedent clearly affirms the right of states to provide that level of protection. In other words, the court ruled that even if the First Amendment allows some funding to religious institutions, it does not require states to fund church repairs.

At press time, the Court had not set an argument date for *Trinity Lutheran Church of Columbia, Inc. v. Pauley.*

REFLECTIONS

The dangers of government-funded religion

Last month in this column, I began a series addressing indispensable principles that have continued to inform my understanding of the proper relationship between church and state during my time at the Baptist Joint Committee.

In that space, I addressed the importance of governmental neutrality — neither advancing nor inhibiting religion. Few issues have tested that principle more than religious institutions seeking government funds — often taking the form of vouchers for parochial education or grants to fund religious ministries.

Indeed, in recent days, advocates of school vouchers have observed a so-called "School Choice Week," the Tennessee Legislature is moving a robust voucher bill, and the U.S. Supreme Court has agreed to review a case in which a Missouri church is arguing not only that state support for secular aspects of its ministry is constitutionally *permitted*, but that the church is actually *entitled* to that funding. (See page 2)

Yes, it is critical that we understand the church-state fundament that government must not subsidize religion. Here's why.

There are **theological** reasons why many have opposed government funding of religion, and the Baptist Joint Committee has fought tirelessly for eight decades to prevent it. Jesus told us to render unto the Emperor what is the Emperor's, but nowhere do we see a call for the Emperor rendering unto religion a discrete and palatable benefit. Never in Jesus' ministry does he seek help from Herod or a shekel from Caesar. The hallmark passages on soul freedom and religious liberty (e.g., Galatians 5:1, 2 Corinthians 3:17, 1 Peter 2:16-17) suggest the importance of government leaving religion alone or, in some cases, protecting religion; but nowhere do we find any warrant for government coughing up coins from its coffers to support religion.

Based in large part on understanding of Scripture, our **denominational** tradition as Baptists says "no" to attempts to subsidize religion with public funds. Baptists have always fought against efforts to snuggle up to government for that kind of support. Article XVII of the *Baptist Faith and Message*, drafted in 1925 and amended in 1963, says, "The church should not resort to the civil power to carry on its work. … The state has no right to impose taxes for the support of any form of religion." When the Southern Baptist Convention modified the *Baptist Faith and Message* in 2000, this section remained untouched.

Historical experience confirms the notion that government must not funnel funds to religion. What has been called the "Original Faith-based Initiative" — Patrick Henry's attempt to pass in Virginia a bill to provide tax money to pay for the teaching of religion — was thwarted and defeated by James Madison and many Baptists, leading to the passage of Thomas Jefferson's Virginia Statute for Religious Freedom in 1786. In that precursor to the First Amendment, Jefferson observed that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

As a matter of **constitutional** precept, government must not subsidize religion. Under the "no establishment" clause, the U.S. Supreme Court has held that government must not fund in any fashion houses of worship and other pervasively religious organizations, such as denominations or seminaries. The Court has also ruled, however, that religiously affiliated organizations social service agencies, hospitals and colleges, for example - may sometimes receive government funds, but those funds must be cabined off and not used for religious purposes. Even though the High Court has loosened the reins somewhat on indirect aid to religious institutions (e.g., educational equipment and school vouchers), it makes clear that *direct* monetary contributions of taxpayer dollars create "special Establishment Clause dangers" (Mitchell v. Helms, 2000). And, most states have provisions in their own constitutions that give even more protection than the Court has interpreted the federal Establishment Clause to provide.

And finally, **enlightened self-interest** tells us that it's a bad idea for government to try to fund religion. Government always regulates what it funds. As my friend Bill Wilson explained it years ago, a fiscal "pat on the back from Uncle Sam" will someday turn into a "hostile shove by Big Brother." Moreover, relying on the public till for support creates an unhealthful dependency on government and tends to sap religion of its vitality. Churches and other religious bodies must not give up their autonomy, their unique witness, or their prophetic critique by trading that freedom for governmental largeness.



J. Brent Walker Executive Director

A fiscal "pat on the back from Uncle Sam" will someday turn into a "hostile shove by Big Brother."

President Obama pleads for tolerance in first visit to a U.S. mosque



President Barack Obama delivers remarks at the Islamic Society of Baltimore mosque in Catonsville, Maryland, on Feb. 3, 2016. Photo courtesy of REUTERS/Jonathan Ernst

CATONSVILLE, Md. — In times of rising Islamophobia, President Obama made a plea for religious tolerance during his first presidential visit to an American mosque.

In keeping with local Muslim tradition, Obama removed his shoes and began by noting that a lot of Americans have never been to a mosque.

"Think of your own synagogue or church or temple, and a mosque like this will be very familiar," he said. "This is where families come to worship and express their love for God and each other."

Speaking to 500 members of the suburban Islamic Society of Baltimore on Feb. 3, Obama said he knows that Muslim-Americans bear an outsized burden of religious bigotry in the U.S., and they are called upon to condemn crimes committed by a few Muslims when the vast majority abhors violence.

Nobody asked white people to speak out against the white supremacist who targeted an African-American church last spring, he said, adding: "I recognize that sometimes that doesn't feel fair."

But the president asked American Muslims to speak out despite prejudice against them and to proudly showcase their successes in the U.S. and the depths of their patriotism.

"This mosque like so many in our country is an all-American story," Obama said, praising the hard work of the immigrants who make up many of the 3,000 who typically attend Friday prayers here.

Obama said he wanted to say two words to the Muslim-Americans that they don't hear very often: Thank you.

"Thank you for serving your community," he said, reeling off the achievements of Muslim-Americans in medicine, architecture, sports and other fields.

The president also spoke of the Founding Fathers' commitment to religious tolerance — and the fact that both Thomas Jefferson and Benjamin Franklin owned Qurans.

He also spoke of Islamic extremists as a threat.

We must acknowledge that, even though an overwhelming majority of Muslims are peaceful people, "a small ration of Muslims propagate a perverted interpretation of Islam," used to justify terror.

"It's real, it's there," said Obama. "The question is: 'how do we move forward together?' It can't be the work of any one faith alone."

After the speech, Sarah Khan of Baltimore, who attends the mosque, said she was particularly taken with Obama's interfaith message.

"I like how he tied all the religions together. He said it's not just Christianity, or Judaism or Islam in the United States. It's all of us together as a family."

Before his speech, Obama held a private roundtable with a cross-section of the local and national Muslim community, where they talked about combating stereotypes of Muslim-Americans. Among the participants: Yale University student Emtithal "Emi" Mahmoud, winner of the 2015 Individual World Poetry Slam Championship, and Rami Nashashibi, executive director of the Inner-City Muslim Action Network.

Before Obama's speech, an honor guard of children bearing the U.S. flag and the Maryland State flag recited the Pledge of Allegiance. A recitation of a verse from the Quran followed, as well as words from the president of the Islamic Society of Baltimore, Muhammad Jamil.

"This community is part of the fabric of American society," said Jamil, explaining the founding of the now expansive mosque in 1969 in a room at a local university.

Obama has received criticism from the right and the left for his visit to the mosque. Conservative critics took the White House to task for choosing a mosque where a former imam, Mohamad Adam el-Sheikh, was accused of ties to terrorist groups.

But White House spokesman Josh Earnest brushed off that criticism, calling attention to the mosque as a bulwark against extremism and an enthusiastic participant in community service projects. He also rejected criticism that Obama — who has visited mosques abroad — had waited too long to visit an American one.

Said Earnest: He's here at the right time.

-Lauren Markoe, Religion News Service

An interview with Molly T. Marshall 2016 Shurden Lecturer

On April 4-5, Dr. Molly T. Marshall will deliver the 2016 Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State on the campus of Bethel University in St. Paul, Minnesota. The president of Central Baptist Theological Seminary in Shawnee, Kansas, Dr. Marshall has dedicated three decades to theological education. She has written monographs, numerous book chapters, journal articles and Bible study curricula.

In anticipation of the event, Marshall took time to answer a few questions for *Report from the Capital* about her lectures and her career as an educator.

Why did you accept the invitation to speak at the Shurden Lectures?

Not only do I respect the Shurdens greatly, I wanted to be in the good company of other lecturers such as Alan Brownstein, Melissa Rogers and Rabbi David Saperstein! Religious liberty is a critical concern for

me, especially in Myanmar, which will be focal in my lectures. My regular pilgrimages there have opened my eyes to the challenges of being a religious minority as a Christian.

Why is discussing religious liberty so important at this time? There are many threats to religious liberty, and many Baptists — as well as other faith traditions — have their

freedom constricted in varied ways. In a religiously plural world, it is more important than ever that we preserve this fundamental human right. Humans are ineluctably religious, and freedom of inquiry and practice is of great consequence.

Which of your lectures do you think students will find the most surprising?

I think students will find it surprising that a Baptist has such strong convictions about respect for the lived religion of others. Too often Christians have functioned as if we held ultimate religious truth and other ways of faith were benighted expressions of idolatry, perduring in darkness. The competing religious liberties in Myanmar will serve as a case study for my lectures; my experience there will summon critical questions about the limits of religious liberty.

What do you enjoy about engaging with young people?

Young people bring fresh questions and creative insight to the existential realities of what it means to be human. I enjoy engaging their pursuit of their own distinctive voices and moral reasoning in a world of competing ideologies. The authentic questions of young adults evoke new awareness for me, and I am moved by their earnest pursuit of living fully. You began your career at a time when it was difficult for Baptist women to lead. How has that changed over the years?

Thankfully, these past few decades have witnessed a greater openness to women's leadership in Baptist congregations, although ministry compensation for

> women still lags. Baptists are becoming much richer theologically because of the entrance of women into key positions of pastoral and institutional leadership. Women bring new insights into biblical texts, creative competencies for institutional flourishing, and constructive and imaginative capacities for transformation of old systems.

You've spent more than 30 years dedicated to theological education. Why did you choose this path rather than a full-time career in ministry and preaching?

Actually, I believe I have chosen the path of full-time ministry! Theological education is a ministry for the church, and preparing ministry leaders serves its mission in an essential way. I love pastoral work and preaching, yet I believe the unique call of God for me has been to the formation of theologically wise and faithful ministers of the Gospel. I cannot imagine a vocation that would bring me more joy! (Besides, I got to teach Brent Walker!) And, yes, I still preach a lot.

What do you want people to take away from your lectures?

I want people to consider more fully the contextual realities of religious pluralism and the ways religious liberty has implications for competing traditions. I want Christians to perceive the ways in which aspects of personal zeal for the Gospel must interface with the strong convictional faith of others.

The 2016 Shurden Lectures are free and open to the public. For more information, including lecture titles, visit BJConline.org/ShurdenLectures.





Report from the Capita

February 2016

At Morocco summit, Muslim leaders stand up for religious freedom

By Charles C. Haynes Director of the Religious Freedom Center of the Newseum Institute

At an historic gathering in Marrakesh, Morocco on Jan. 27, more than 300 Muslim leaders – including many of the world's most eminent Islamic scholars and clerics – declared that the religious freedom of minority faiths must be protected in Muslim-majority nations.

The Marrakesh Declaration comes at a time of unprecedented persecution of Christians and other minority groups by extremists

acting in the name of Islam in the Middle East, Africa and South Asia.

Pushing back against false and dangerous narratives about Islam, the Muslim leaders called on the entire Muslim world to reaffirm the principles of the Charter of Medina, a constitutional contract between the Prophet Muhammad and the people of Medina, "which guaranteed the religious liberty of all, regardless of faith" 1,400 years ago.

To counter extremism and promote freedom, the declaration calls for a "broad movement for the just treatment of religious minorities in Muslim countries and to raise awareness as to their rights."

Morocco, the host country for the conference, is often cited as an example of an Islamic state that protects the rights of Christians, Jews and other religious minorities. Some of the other Muslim-majority nations, however, are badly in need of the reforms called for in the declaration: Citizenship that is "inclusive of diverse groups" and initiatives, including education, that promote understanding across religions.

By sending a message to government leaders who ignore the true teachings of Islam as well as to terrorist groups that pervert the meaning of the faith, the Marrakesh Declaration stakes out an authentically Muslim position in support of religious freedom.

"Enough bloodshed," said Shaykh Abdallah bin Bayyah, a key organizer of the conference and president of the Forum for Promoting Peace in Muslim Societies. "There is a sickness right now in the world but we have treatments for it within Islam."

In other words, Islam is not the cause of ex-

tremism; Islam offers an answer to it. Now the challenge facing Muslim scholars and religious leaders will be to translate the declaration into societal reforms and peace efforts that effectively counter extremist movements, especially among the young.

The Marrakesh Declaration has received scant media attention in the United States. Positive

news about Islam – including the many earlier statements and actions of Islamic leaders to fight extremism – rarely makes headlines. But Americans should take heed of the message coming out of Morocco.

At a time when Islam is coopted by terrorists and demonized by anti-Muslim groups, Americans need to hear the true voice of Islam. To understand why this matters, consider that hate crimes against Muslim-Americans and mosques

across the U.S. have tripled since the terrorist attacks in Paris and San Bernardino, California, last fall, according to a study conducted by researchers at California State University.

Ignorance and fear of Islam breed anger, hate and violence. In recent months, a young girl wearing a hijab was attacked by classmates, a Muslim cab driver was shot by a passenger who was angry about ISIS, a Muslim woman at a car wash was threatened by a man at knifepoint – and the list goes on.

Just as the KKK and White Supremacist groups – which claim to be based on "Christian principles" – are not labeled "Christian extremists" by most Americans, so ISIS and other terrorist groups who act in the name of Islam should not be given the label "Islamic."

If we can tell the difference between authentic Christianity and perverted versions of the Gospel, so we should learn to tell the difference when it comes to Islam. Our ability to work with one another, defeat our common enemy, and uphold religious freedom hangs in the balance.

The Hollman Report will return in the March edition of Report from the Capital.



Report from the Capital February 2016

Walker to speak at Religious Liberty Council Luncheon



Join us for a very special Religious Liberty Council Luncheon in Greensboro, North Carolina, on June 24 as we celebrate the Rev. J. Brent Walker's 27 years of service with the BJC. Walker, who will retire as executive director at the end of 2016, will be the keynote speaker.

After serving as BJC associate

general counsel and general counsel, Walker succeeded James M. Dunn as executive director in 1999. He helped lead legislative efforts such as the passing of the Religious Freedom Restoration Act in 1993 and Religious Land Use and Institutionalized Persons Act in 2000. Following the September 11 terrorist attacks, he became a leading voice against anti-Muslim sentiment. His tenure also includes an emphasis on education as well as advocacy in the courts and Congress, the change in the agency's name from "Baptist Joint Committee on Public Affairs" to "Baptist Joint Committee for Religious Liberty" in 2005, and the opening of the Center for Religious Liberty on Capitol Hill in 2012.

In addition to hearing Walker speak, the luncheon is an opportunity to meet members of the BJC staff and connect with other supporters of religious liberty.

The event is being held in conjunction with the Cooperative Baptist Fellowship General Assembly. The luncheon is open to the public, but you must have a ticket to attend.

Tickets will be available to purchase beginning April 1 at **BJConline.org/luncheon**.

Essay scholarship contest entries due March 4

Time is running out for high school juniors and seniors to win money for college through the 2016 Religious Liberty Essay Scholarship Contest. Entries must be postmarked by March 4 to be considered for the grand prize of \$2,000 and a trip to Washington, D.C.

This year's topic asks students to discuss whether or not an elected or appointed government official should be able to bow out of certain work duties that conflict with one's religious belief. Examples include a county clerk who has an objection to processing a same-sex marriage license or a pacifist who objects to issuing a gun license.

Each essay should be between 800-1,200 words long and present an argument using evidence and thoughtful analysis.

In addition to the grand prize, there is a second place prize of \$1,000 and a third place prize of \$250. The contest is open to anyone graduating high school in the classes of 2016 and 2017, regardless of religious belief or grade point average. Winners will be announced late this summer.

For more information, including the complete rules, topic and videos featuring past winners reading their essays, visit **BJConline.org/contest**.

Suit against Ten Commandments monument advances

A lawsuit brought by American Atheists seeking the erection of an "atheist monument" near a Ten Commandments display at a Florida county courthouse has gotten the go-ahead from a federal court judge.

American Atheists, a national advocacy organization based in Cranford, N.J., has tried to put a granite, benchlike monument engraved with quotes from famous atheists at the Levy County Courthouse in Bronson, Florida, since 2014. The bench, which features quotes by Benjamin Franklin, Thomas Jefferson and Madalyn Murray O'Hair, was rejected by Levy County officials on the grounds that none of the quotes were "complete texts."

American Atheists filed a lawsuit to win placement of the monument on the grounds that the Ten Commandments monument is also not a "complete" text because it does not bear the entire Bible, just the verses from Exodus that contain the Ten Commandments.

The group has successfully challenged Ten Commandment monuments, plaques and markers on public land, such as courthouse lawns, arguing that they violate the Constitution's protection against the establishment of a religion. Not allowing the organization to place its monument nearby denies them equal protection under the law, the group says.

Judge Mark E. Walker agreed on Jan. 27, denying the county's attempt to have the lawsuit dismissed. —*Kimberly Winston, Religion News Service*

Obama at prayer breakfast: 'Jesus is a good cure for fear'

In his last National Prayer Breakfast speech while in office, President Barack Obama gave an introspective talk about how his faith overcomes his fears.

"For me, and I know for so many of you, faith is the great cure for fear," Obama said at the Washington Hilton event Feb. 4. "Jesus is a good cure for fear."

The National Prayer Breakfast, held for the 64th time, is chaired each year by members of Congress who meet weekly for prayer when Congress is in session. It draws politicians, diplomats and evangelical Christian leaders.

Speaking slowly at times as he talked about how he is comforted by Scripture and the faith of others, Obama said he has lately focused on a Bible verse from 2 Timothy: "For God has not given us a spirit of fear, but of power and of love and of a sound mind."

"What better time in these changing and tumultuous times to have Jesus standing beside us, steadying our minds, cleansing our hearts, pointing us towards what matters."

Obama said he joins the continuing prayers for Christians and other people of faith around the world who are persecuted for their beliefs, and he expressed gratitude for the safe return of Iranian-American pastor Saeed Abedini, who was released in January from Iran after being imprisoned since 2012.

-Religion News Service



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REPORT from the Capital

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THANK YOU TO OUR SUPPORTING CHURCHES

The Baptist Joint Committee is grateful for the 235 churches who partnered with us in 2015 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. We appreciate the close connections we have to the communities of Christians that worship and serve in the historic Baptist tradition.

These churches contributed \$1,000 or more to the BJC Annual Fund in 2015:

Agape Baptist Church, Fort Worth, Texas **Bayshore Baptist Church**, Tampa, Florida Broadway Baptist Church, Fort Worth, Texas Broadway Baptist Church, Louisville, Kentucky Calvary Baptist Church, Washington, D.C. Central Baptist Church, Wayne, Pennsylvania **Commonwealth Baptist** Church, Alexandria, Virginia First Baptist Church, Ashland, Kentucky First Baptist Church, Big Lake, Texas First Baptist Church, Frankfort, Kentucky

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If your church is interested in joining these congregations in supporting the BJC, please contact Taryn Deaton, director of development, at 202-544-4226 or tdeaton@BJConline.org.

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