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REPORT from the Capital

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♦ Capital Campaign Update ♦



Joe and Terri Phelps: We support the BJC financially because ...

“ Our church’s recent study of Dietrich Bonhoeffer, one of a minority of ministers who resisted the Nazi movement in Germany in the 1930s, was a reminder to us of the dangers of confusing our patriotism with our faith in God. We thank God for the BJC’s

efforts to maintain the boundaries that keep church and state separate, cooperative and constructive. BJC makes us proud to be historic Baptists. ”

Joe, pastor of Highland Baptist Church, and Terri Phelps, an attorney, are long-time BJC supporters.

James M. Dunn to deliver second annual Shurden lectures



James M. Dunn, professor of Christianity and public policy at the Wake Forest University Divinity School and president of the BJC endowment, will deliver the second annual Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State, Feb. 26-27 on the campus of Carson-Newman College.

Dunn will present three lectures: 3 p.m. Mon., Feb. 26 “Challenging Religion: Ours Is ... We Are ...”; 7:30 p.m. Mon., Feb. 26 “Response Able and Free”; 9:30 a.m. Tues., Feb. 27 “The Prophethood of All Believers.”

In 2004, Dr. Walter B. Shurden and Dr. Kay W. Shurden of Macon, Ga., made a gift to the BJC to establish an annual lectureship on the issues of religious liberty and the separation of church and state. The inaugural lecture was held in 2006 on the campus of Mercer University.

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REPORT from the Capital

Neon Bible display does religion no favors, BJC argues in friend-of-the-court brief

On Jan. 23, the entire 5th U.S. Circuit Court of Appeals heard arguments in a case involving a Bible display at the entrance to the Harris County Civil Courts Building in Houston.

The display was erected in 1956 by Carlos Morris, then-president of the Star of Hope Mission, in part to honor a prominent Houston businessman and mission supporter. The Bible was displayed inside the glass top of a podium outside the main entrance.

In the years after its dedication, the monument was stolen and replaced several times, including a nearly seven-year period when the top of the monument remained open and empty. In 1995, a state district judge successfully sought to have the monument refurbished as part of a campaign platform to “put Christianity into government.”

In 1995, a ceremony was held to dedicate a refurbished monument that included a copy of the King James Bible and neon lighting installed to illuminate it.

In 2003, Kay Staley, a local real estate agent and lawyer, challenged the display, and in 2004, U.S. District Judge Sim Lake ruled that the display violated the First Amendment’s Establishment Clause. In August 2006, a 3-member panel of the 5th U.S. Circuit Court of Appeals affirmed that decision in a 2-1 ruling. But, at the request of the County, the full court agreed to hear oral arguments in the case.

The Baptist Joint Committee filed a friend-of-the-court brief in the case, joined by the American Jewish Committee, asking the court en banc to affirm the district court’s ruling.

According to the BJC brief, “the influence neither of religion nor of government is enhanced when the two are mingled.”

“We strongly believe that religion and religious values are not furthered, but are affirmatively degraded and diminished, when government itself takes the pulpit,” the brief states. “When government officials decide which particular religious message is most worthy of dissemination to the

community, and how that message should be delivered, religious liberty is denied and religion itself is diminished.”

The brief continues, “The expression of religious faith should be the business of religious people and religious institutions, not the business of government.”

BJC General Counsel K. Hollyn Hollman said the display of the Bible on government grounds is in direct conflict to the government’s position of religious neutrality.

“The government should protect the religious freedom of all its citizens, not promote a particular religion by putting a chosen religious text on a pedestal,” Hollman said. “Here, the county is acting as a sort of high priest, making judgments about religion that are outside its competency.”

Hollman said the government has no business speaking for the people in matters of religion.

Last month, Harris County officials removed the monument, citing its removal as part of the renovation of the Civil Courts Building. County officials argue that the move was not related to the hearing.



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Appeals court upholds ruling against faith-based group

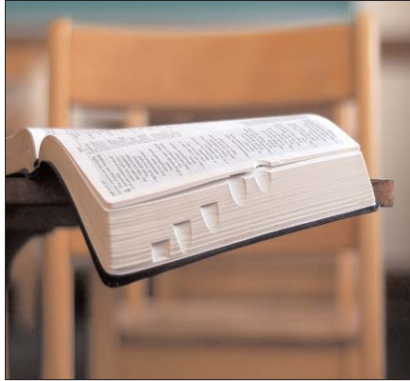
CINCINNATI – Judge: Students must have “true private choice” young people and families through life-changing relationships and experiences from a Christian perspective.’ This mission, and our interpretation of this mission, will not change, be sacrificed, nor will it be compromised ... incorporating religious teachings into on-going daily activities of youth and their treatment plans touches at the core of why we were founded, why we are here today, and why we will continue to include such programming for children in our care.”

A federal appeals court said Jan. 17 that the Michigan government was right to discontinue funding a Christian ministry for abused, neglected and delinquent children. A three-judge panel of the 6th U.S. Circuit Court of Appeals unanimously upheld a lower federal court’s ruling against Teen Ranch because the organization regularly incorporates overtly religious instruction and activity into its treatment regimen.

The ministry had been receiving funds from the Michigan Family Independence Agency for housing and rehabilitating youths since the 1960s. However, after a routine 2003 review, agency officials instituted a moratorium on placing any more at-risk youths at Teen Ranch. They cited state and federal laws that prohibit proselytization with government funds.

After negotiations with the agency, Teen Ranch presented a plan for rectifying other church-state concerns FIA officials had, but pointedly refused to address Michigan’s concerns about incorporating religious teaching into the youths’ day-to-day activities.

Following the final round of negotiations with the state, Teen Ranch issued a statement that said, in part, “The mission statement of Teen Ranch states, ‘providing hope to



Teen Ranch appealed the lower court’s decision. But Judge Damon Keith of the appeals court noted the Michigan children had no choice about which programs they were placed in.

The ruling is one of several recent decisions against religious groups receiving federal or state funding to conduct social services. In many, courts found the organizations receiving government funds had failed to include adequate safeguards to assure that government funds were not spent on overtly religious teaching or worship activities. – ABP

The Michigan program provided funding on a per-child basis. The appeals court held that beneficiaries lacked “true private choice” in selecting the religious programs over secular alternatives.

Conservative, libertarian groups force amendment to lobby bill

WASHINGTON – Excised provision required expenditure disclosure churches and other non-profit groups.

After an uproar from an odd coalition of conservative religious, libertarian and business groups, the Senate voted Jan. 18 to scuttle part of its sweeping lobbying-reform bill.

The Senate amended S. 1, known as the “Legislative Transparency and Accountability Act of 2007,” on a near-party-line vote of 55-43. The amendment removed a provision of the original bill that groups as diverse as the National Right to Life Committee, Family Research Council, National Association of Manufacturers and American Civil Liberties Union had protested.

The excised provision would have required groups that engage in grassroots lobbying on issues currently before Congress to disclose their expenditures any time they communicate with their constituents about those issues. The conservative, libertarian and business groups said that could require burdensome disclosure requirements from



One Christian ethicist who runs a Texas Baptist group that sometimes engages in grassroots advocacy said Christians should not fear increased transparency about their public-policy efforts. Suzii Paynter, director of the Baptist General Convention of Texas Christian Life Commission, said, “it’s all just, in a sense, a continuation of a trend for disclosure in government.”

But, she continued, lawmakers should be vigilant that such measures do not unconstitutionally target religious groups. “There’s always a trade-off in situations like that. I think the question we have to ask, [is] is there an undue burden on a nonprofit and a religious organization?”

The overall bill, as amended, passed 96-2. The House has passed similar ethics-reform legislation, but without the controversial grassroots-lobbying provision. – ABP

REFLECTIONS

Father Drinan: A priest, prophet and friend

A giant among us recently passed away. The lead sentence in the effusive obituary in the *Washington Post* summarized his life this way:

"The Rev. Robert Drinan, 86, the Roman Catholic priest who played a unique and historic role in American public life as a lawyer, law school teacher, opponent of war and advocate for human rights and as a Congressman who recommended the impeachment of President Richard M. Nixon, died Jan. 28."

Father Drinan had long been a friend of the Baptist Joint Committee and to me personally.

I first remember him when, as a young law student, I noticed his clerical collar as the TV camera reconnoitered the House Judiciary Committee during the Nixon impeachment proceedings. I thought it strange, and it was strange, for a Catholic priest to be serving in the Congress. (Technically, Father Drinan was not the first because, when Michigan was a territory in 1823, it was represented by a priest as a non-voting delegate.) Drinan served in the House for 10 years (1971-81). His career ended only after Pope John Paul II forbade him from serving in public office. Although often the renegade, Drinan was also a dutiful Jesuit and he graciously acceded to the Pope's demand.

After leaving the Congress, Father Drinan took up a teaching post at the Georgetown University Law Center. That's where I next encountered him. He was a further curiosity in my mind because, unlike many Jesuits, Father Drinan understood that the separation of church and state was essential to ensuring religious liberty and human rights. During the decade that I taught a seminar at the law school, I would periodically drop by his fourth floor office to talk. No matter how busy, he would always find a few minutes to talk to his "Baptist friend." He was also a faithful ally in advocating for religious liberty. He was instrumental, for example, in convincing the American Bar Association to endorse the Religious Freedom Restoration Act, which Congress passed and President Clinton signed in 1993. Father Drinan continued his teaching assignment until shortly before he died.

My other contact with Father Drinan occurred when we shared a lectern at the annual conference of the Christus Institute on Christianity and

American Culture co-sponsored by Spring Hill College (Catholic) and Mobile College (Baptist) in Mobile, Ala., in 1992. We each delivered two lectures and enjoyed each other's company for two days. I recently went back and reviewed my notes of Father Drinan's second lecture titled "Religion in America after the year 2000."

Eight years away from the turn of the millennium, Father Drinan proposed what he called "Ten Commandments for Churches." These are what he came up with.

1) **Justice and faith are inseparable.** The gospel requires us to be prophetic and to do good.

2) **Avoid all forms of coercion.** Neither government nor ecclesiastical bodies should compel conscience or force faith.

3) **Religious groups need to act in solidarity.** He mentioned gun control, affirmative action and the abolition of the death penalty.

4) **Love of children unites all churches.** Poverty, especially among children, must be eliminated.

5) **Homosexuality is a front burner issue.** Ten percent of our population cannot be ignored.

6) **Women's rights are critical.** Can Christians develop a consensus? He lamented the failure of the Equal Rights Amendment to pass.

7) **How do we relate to and dialogue with Muslims?** We must get to know and learn more about the followers of Islam who comprise one-fifth of humanity.

8) **All religions must unite and mobilize to eliminate world hunger.** Nearly a billion persons are malnourished.

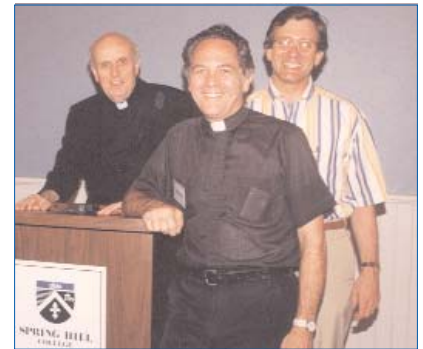
9) **Human rights are primary.** Of the 21 covenants proposed by the United Nations on human rights, the U.S. had ratified only seven.

10) **Prayer!** At bottom, mission and ministry must be bathed in prayer.

Looking back on these prescient remarks 15 years later, we see that Father Drinan was not just a priest. He was, too, a prophet. We shall miss him.



J. Brent Walker
Executive Director



The Rev. Robert Drinan, left, with Chris Viscardi and Brent Walker, right, at Spring Hill College, in Mobile, Ala., 1992.

Shifting

White House outreach targets local, private support of faith-based groups

The White House launched Jan. 16 a series of outreach events that some see as a mark of its new emphasis on encouraging local governments and corporations to back faith-based groups that serve the poor and needy.

"The White House is using the bully pulpit of this administration to highlight what is working in the social marketplace and invite individuals who have money and influence to hear firsthand and to meet some of our providers," said Robert L. Woodson, Sr., founder and president of the National Center for Neighborhood Enterprise (NCNE) and the meeting's keynote speaker. "This is the first of several meetings ... to bring attention to successful strategies in low-income communities to address very perplexing problems."

The meeting was the first "Compassion in Action Roundtable" hosted by the White House Office of Faith-Based and Community Initiatives. Titled "Grassroots Solutions for Reducing Youth Violence," it highlighted the work of NCNE in Atlanta, Baltimore, Dallas, Milwaukee, Washington, D.C. and Prince George's County, Maryland. The discussion also focused on encouraging partnerships between the public and private sectors, with speeches by a U.S. Department of Justice administrator, president of a corporate philanthropy and the administrator of a local school district.

"All of this will act on the central premise of the President's vision for the Office of Faith-Based and Community Initiatives, and that is to expand the supply of effective compassion in every community across our nation," said Jay Hein, director of the White House Office of Faith-Based and Community Initiatives.

Panelists and audience members were comprised of leaders from various sectors within the youth violence prevention field, including government and law enforcement officials, policymakers, philanthropists

and faith-based and community leaders, according to the White House.

NCNE is a private nonprofit research and demonstration organization founded 25 years ago to support neighborhood-based initiatives to reduce crime and violence in low-income communities. It has established Violence-Free Zones in 21 schools in six school districts. At least seven youth advisors, ranging from ages 20 to 35, are placed in schools to

work as hall monitors, suspension advisors, after-school tutors and bus

patrols.
NCNE

Violence-Free Zone program administrators from the demonstration cities told the audience about

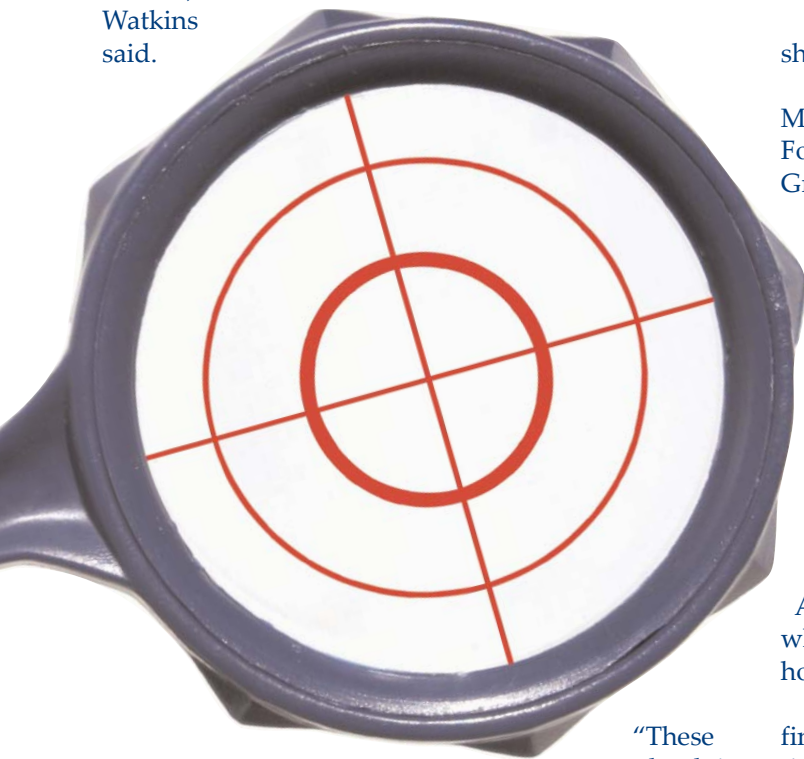
the impact of the program. Ramon Candelaria, executive director of the Latino Center in Milwaukee, Wis., and Gwendolyn Poles Sands, chief executive officer and executive director of Visions Unlimited in Atlanta,

g focus?

both reported a 48 percent-50 percent reduction in school violence in their cities. Candelaria also reported a 43 percent increase in academic performance, and a decrease in the dropout rate.

Curtis Watkins, founder and president of the East Capitol Center for Change in Washington, D.C., credited a higher power for the program's reported effectiveness.

"God is in control, because what we're doing is not normal," Watkins said.



sors have something in their hearts that allows them to work with these kids."

From the perspective of the government, Deputy U.S. Attorney General Paul McNulty also praised the program's intangible features.

"It's not enough to bring services. It's not enough to address physical needs," McNulty said. "It's important that when grants are awarded, they can be awarded to programs that are there to provide services and solutions that go to the core of the people and address issues of character. Because as we see in this subject, character is the key to make a change."

Woodson, who has criticized the White House Office of Faith-Based and Community Initiatives in

"These youth advi-

the past for focusing on government funding to faith-based and community organizations, said the meeting represented a welcome move toward a new focus on more private support.

"What the administration is doing at this conference should have been their signature strategy, which is to invite corporate and philanthropic leaders to hear the presentation and to meet those who are providing service," Woodson said in an interview before the meeting.

At the meeting, he called on corporate sponsors to show NCNE how to expand nationally.

One corporate sponsor of the NCNE program in Milwaukee is The Lynde and Harry Bradley Foundation. The Foundation's president, Michael Grebe, spoke at the meeting, and said that the NCNE programs, which he described as "non-ideological," appeal to many donors. Philanthropic organizations that he termed "leftist" were critical of the NCNE approach, he said, but there were only a few of them.

The meeting's topic and tone were consistent with an invigorated effort by the White House Office of Faith-Based and Community Initiatives to transfer its momentum to state and local government and to include more private support. Since Hein became the new director of the White House Office of Faith-Based and Community Initiatives in August, he has promoted a shift to the local level where he said grassroots organizations know best how to serve needy Americans.

Hein has also said he would like to see more non-financial partnerships between government and charities, and that he will focus more attention on small secular nonprofits that are part of the Initiative's targets.

Future Compassion in Action Roundtables will focus on efforts to prevent malaria in Africa (this month) programs that help prepare ex-offenders for work (March), and research on faith-based programming (April). Other topics could include school achievement and monitoring, strengthening families, and corporate investment, according to the White House.

– Anne Farris is Washington correspondent for *The Roundtable on Religion & Social Welfare Policy*.



K. Hollyn Hollman
General Counsel

Historic 'Everson' case marks 60th anniversary

This month, I'll participate in a symposium at Princeton Theological Seminary titled "Church and State: 60 Years after *Everson v. Board of Education*." I will join other legal and theological leaders to discuss the impact and legacy of that seminal case, particularly in the context of current church-state issues such as "faith-based initiatives" and school vouchers.

In *Everson*, the Court addressed a challenge to a New Jersey Board of Education resolution that authorized reimbursement to parents for money they spent on bus transportation, including transportation to private, religious schools. Few recall the facts or ultimate outcome. The case is much more well-known for its strong "separation" language and the fact that the Court explicitly held that the Establishment Clause applied to the states through application of the 14th Amendment.

All nine members of the Court joined the part of the opinion that referenced the Establishment Clause metaphor of a "wall of separation." In the most famous passage of the case, Justice Hugo Black wrote:

The 'establishment of religion' clause of the First Amendment means at least this: neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.'

Critics of current religious freedom standards place a great deal of blame for various woes on the

"wall of separation" language adopted by the *Everson* Court. Some allege that it creates a "strictly secular polity" in conflict with the belief of the founders that religion is important to the idea of self-government. Others blame the overuse of the metaphor for a perceived stripping of God from the public square.

In honor of *Everson's* 60th year, a few of the responses to such challenges are worth recalling. First, it is important to note that the phrase, often associated with Jefferson or modern-day secularists, was first used by Baptist preacher Roger Williams in the 17th century. Establishing Rhode Island as a haven for religious freedom, Williams spoke of the need for a "hedge or wall of separation between the garden of the church and the wilderness of the world."

Second, and regardless of its origins, the phrase is simply a shorthand reference for First Amendment protections. It cannot fully capture the legal relationship between the institutions of religion and government or fully capture the thinking of the Founders on this subject. It provides a useful reminder that religious liberty requires some separation between the institutions of church and state.

Third, a more nuanced understanding of the metaphor and its place in Supreme Court jurisprudence is obvious from *Everson's* outcome. While the full Court embraced the "wall of separation" passage, a five-justice majority upheld the challenged policy, finding it constitutionally permissible for public funds to reimburse travel expenses for education, including for those who attended religious schools.

The Supreme Court continues to cite *Everson* for the principle of government neutrality toward religion. It did so in *McCreary County v. ACLU* in 2005, a case that held that a Ten Commandments display on government property violated the Establishment Clause.

Yet, 60 years after the Court's decision in *Everson*, the "wall of separation" language still triggers contentious debates. It is a useful exercise to look back to important cases and examine the effect they have had. While some may fault the metaphor for its lack of precision or susceptibility for misuse, it is hard to deny that the constitutional arrangement the metaphor was meant to describe has provided more religious freedom than any other arrangement.

Depts. of Justice, Homeland Security receive religion training

The departments of Justice and Homeland Security have begun training employees to better understand and protect the civil liberties of American Muslims, Sikhs and other minority ethnic and religious groups in the wake of Sept. 11.

In 2003, Daniel Sutherland was appointed as the first officer for civil rights and civil liberties at the Department of Homeland Security. Sutherland said the Department of Homeland Security tries to ensure all its employees "understand how to work with American Arabs and American Muslims, as well as travelers from the Arab and Muslim world."

Since the events of Sept. 11, both Muslim and Sikh Americans have dealt with increased prejudice, according to studies and crime reports, though Sikhs adhere to a monotheistic religion founded in India that is not associated with Islam.

Sutherland said the Department of Homeland Security tries to ensure all its employees "understand how to work with American Arabs and American Muslims, as well as travelers from the Arab and Muslim world."

"We've produced a couple of training products on that [topic], which you might call cultural competence training," he added. "We emphasize to our work force that we are not asking them to engage in something that is politically correct or what some people call sensitivity training; we're just trying to give them the skills they need to do their jobs most effectively."

The department recently released a DVD called "Introduction to Arab American and Muslim American Cultures Course for DHS Personnel."

The Justice Department has also used videos to train its staff. In January, the department released "On Common Ground," a film for law enforcement officials that educates them about Sikhs and other South Asian Americans.

Sutherland said both the Justice Department and the Department of Homeland Security need "to draw the communities into the homeland security effort and ask about recommendations on how we can do better. Our goal is to develop strategic partnerships with key parts of the American Arab and Muslim communities."

— RNS

Judge: Veterans Affairs' spiritual assessments constitutional

A federal judge has upheld aspects of the Department of Veterans Affairs' chaplaincy program, saying its use of "spiritual assessments" of patients is constitutional.

The Freedom From Religion Foundation sued VA officials last April, charging that they violated the First

Amendment with an expansion of spiritual care services to outpatient veterans and a requirement that veterans be assessed to determine if a spiritual dimension of their health care is needed. Assessments can include questions about how often patients attend a house of worship and whether they would like to speak with a chaplain.

"All aspects of VA's chaplaincy program being challenged by plaintiffs are constitutionally permissible under the First Amendment because they do not have the principal or primary effect of advancing religion," wrote U.S. District Judge John C. Shabaz of the U.S. District Court in Madison, Wis., in a Jan. 8 ruling.

Shabaz said the spiritual assessments are voluntary because administrators will halt them if patients state they are not interested in being assessed in that way.

— RNS

U.S. 'satisfied' with religion's public role, but more want less

For the third consecutive year, the number of Americans calling for less religious influence in public life exceeded the number of Americans who want more, according to a new Gallup poll. Most Americans, however, remain "generally satisfied" with organized religion's role in the U.S., the survey found.

Nearly 40 percent of Americans say religion's level of influence "in the nation" should not change, 32 percent would like it to have less influence and 27 percent would like it to have more," according to the survey.

Opinions also tended to shift depending on political affiliation. Some 41 percent of Democrats believed religion should have less impact, while 43 percent of Republicans felt it should have more.

During President Bush's first term, 2001 to 2004, more Americans believed the role of religion should increase than wanted its influence to fade. But by 2003, the numbers began to shift, and by 2005 a greater number of Americans believed religion should have less influence on public life.

The Gallup Poll of 1,018 adults was conducted between Jan. 15 and Jan. 18, with a margin of error of plus or minus 3 percentage points.

— RNS

Supporters honor Shurden with donations to BJC

In honor of Walter B. Shurden on his 70th birthday

Carolyn and Bill Blevins

Dr. Robert M. and Irene Shurden