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REPORT from the Capital

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Executive Director

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◆ Mark It Down ◆

◆ APRIL 14-15, 2009

WALTER B. AND KAY W. SHURDEN
LECTURES ON RELIGIOUS LIBERTY AND
SEPARATION OF CHURCH AND STATE
MERCER UNIVERSITY IN MACON, GA.

The Rev. Dr. Randall Balmer will present the Baptist Joint Committee's annual Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State.



Balmer is a professor of American religious history at Barnard College, Columbia University and rector at St. John's Episcopal Church in Washington, Conn.

His most recent book is a history of religion and the presidency, titled *God in the White House: How Faith Shaped the Presidency from John F. Kennedy to George W. Bush*.

Balmer will give three presentations, including, "So Help Me God: Religion and the Presidency since John F. Kennedy," "Where Have All the Baptists Gone: The Betrayal of an American Institution" and "Keep the Faith: Reclaiming Christianity from the Religious Right."

Designed to enhance the ministry and programs of the Baptist Joint Committee, the lectures are held at Mercer University every three years and at another seminary, college or university the other years.

For more information on the lectures or to attend, please call or e-mail the BJC at 202-544-4226 or bjc@BJCOnline.org.

◆ JULY 3, 2009 AT 11:30 A.M.

RELIGIOUS LIBERTY COUNCIL LUNCHEON
GEORGE R. BROWN CONVENTION CENTER
IN HOUSTON, TEXAS

This annual event, held in conjunction with the general assembly of the Cooperative Baptist Fellowship, is the luncheon meeting of the Religious Liberty Council of the Baptist Joint Committee.



The RLC is an association of individuals that works to provide education about and advocacy for religious freedom and the separation of church and state and to ensure adequate funding for the BJC.

For more information or to make a reservation, please call or e-mail the BJC at 202-544-4226 or bjc@BJCOnline.org.



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REPORT from the Capital

Legal questions remain as Obama overhauls faith-based effort

WASHINGTON — President Obama unveiled a revamped White House Office of Faith-based and Neighborhood Partnerships on Feb. 5, but postponed a decision on whether religious groups can discriminate in hiring, an issue that has bedeviled similar government projects.

“The goal of this office will not be to favor one religious group over another — or even religious groups over secular groups,” Obama said at the National Prayer Breakfast, where he announced the new office.

“It will simply be to work on behalf of those organizations that want to work on behalf of our communities, and to do so without blurring the line that our founders wisely drew between church and state.”

Obama has said his project will be a new and improved version of former President George W. Bush’s Office of Faith-based and Community Initiatives, which was created in 2001. Like Bush, Obama created his faith-based office by executive order.

But Obama’s office will be supplemented by new a 25-person advisory council. Leading the White House office will be Joshua DuBois, a 26-year-old Pentecostal pastor who headed religious outreach for Obama’s presidential campaign.

“Joshua understands the issues at stake,” Obama said in a statement, “knows the people involved, and will be able to bring everyone together — from both the secular and faith-based communities, from academia and politics — around our common goals.”

Obama said the office’s top priority will be “making community groups an integral part of our economic recovery” and relieving poverty. The office will also address teenage pregnancy, abortion

OFFICE OF
FAITH-BASED
&
NEIGHBORHOOD
PARTNERSHIPS

reduction, and “support fathers who stand by their families,” especially young men.

“There is a force for good greater than government,” Obama said in the statement. “It is an expression of faith, this yearning to give back, this hungering for a purpose greater than our own, that reveals itself not just in places of worship but in senior centers and shelters, schools and hospitals”

In a shift from the Bush administration, the office will play a role in foreign policy, the White House said, working with the National Security Council to encourage interfaith dialogue.

The announcement fulfills a campaign pledge Obama made in July to expand and upgrade Bush’s faith-based office, which Obama had criticized as an underfunded “photo-op.”

For the most part, religious leaders across the theological spectrum praised the announcement. But the new president has already backed away from one campaign promise, according to some scholars and activists.

In July, Obama said that religious groups will not be able to use federal grants to proselytize or to hire only

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Advisory panel includes friends of BJC

President Barack Obama announced Feb. 5 a panel of religious and secular leaders with experience in social services to help his administration develop and implement policy related to the provision of social services by faith-based and neighborhood organizations.

Of the 15 leaders named, three have direct ties to the Baptist Joint Committee, including its former general counsel, a fellow co-chair of religious liberty coalitions, and a current board member.

Melissa Rogers is a former Baptist Joint Committee general counsel and is now the director of the Wake Forest School of Divinity Center for Religion and Public Affairs.

Rabbi David Saperstein is a fellow co-chair of religious liberty coalitions and is director and counsel of the Religious Action Center of Reform Judaism. Saperstein presented the BJC's 2006 Walter B. and Kay W. Shurden Lectures on Religious Liberty and Separation of Church and State.

The Rev. Dr. William Shaw is a BJC board member, president of the National Baptist Convention, U.S.A.,

Inc., and pastor of White Rock Baptist Church in Philadelphia.



Rogers

Saperstein

Shaw

BJC Executive Director J. Brent Walker was pleased with the announcement.

"This group represents a good example of the president's desire to hear many points of view," Walker said. "I am especially glad Melissa Rogers and others will be at the table to offer a strong defense of religious liberty and church-state separation."

According to the executive order creating a revamped White House Office of Faith-based and Neighborhood Partnerships, the panel will work to identify best practices and successful modes of delivering social services; evaluate the need for improvements in the implementation and coordination of public policies; and make recommendations to the president for changes in policies, programs, and practices that affect the delivery of services by such organizations.

Members of the council serve one-year terms and may continue to serve after the expiration of their terms until the president appoints a successor. Also, members are eligible for reappointment.

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members of their own faith. The issue presents a unique challenge for the president, who boasts a background in community organizing and constitutional law. Religious groups say hiring co-religionists is essential to their identity and mission; others argue that federal funds should not be used to discriminate.

The executive order Obama signed Feb. 5 avoids a clear statement on hiring practices, instead saying that the office may "seek the opinion of the Attorney General on any constitutional and statutory questions."

Rabbi David Saperstein, a member of the new advisory council and director of the Religious Action Center of Reform Judaism, said "the hiring issue is going to be dealt with by Josh (DuBois), the White House counsel and the attorney general's office."

"I think it's wise to kick it over to the lawyers," said Mark Silk, an expert on religion and politics at Trinity College in Hartford, Conn. "It's very complicated, but there's no question it's a walking back on his campaign position."

Church-state watchdogs are already howling over the lack of clear hiring guidelines and the new faith-tinged advisory panel.

"President Obama launched his faith-based initiative today by heading into uncharted and dangerous waters," said Caroline Fredrickson, director of the Washington legislative office of the American Civil Liberties Union. "There is no historical precedent for presidential meddling in religion — or religious leaders meddling in federal policy — through a formal government advisory committee made up mostly of the president's chosen religious leaders."

Of the 15 people named to the advisory council so far, several are evangelicals, including the Rev. Jim Wallis, executive director of Sojourners; Frank Page, the former president of the Southern Baptist Convention; and megachurch Pastor Joel C. Hunter of Longwood, Fla.

The panel also includes the Rev. Larry Snyder, president of Catholic Charities USA; Bishop Vashti McKenzie of the African Methodist Episcopal Church; and Richard Stearns, president of World Vision, a Christian humanitarian organization. Council members are appointed for one-year terms.

—RNS



Douglas Laycock

Be careful of slipping into the 'Puritan mistake'

It is a pleasure and an honor to be recognized tonight. And it is very special to be recognized with Cole Durham and Sam Ericsson. They have done great work for many years, and I have had fruitful collaborations with each of them.

If I am remembered for anything after my career is over, I hope it will be that I avoided the Puritan mistake, and that I warned others against it. The Puritans came to Massachusetts for religious liberty, but they meant religious liberty only for themselves. Everyone else had the liberty to go anywhere in the world outside Massachusetts, and in the Puritan view, that was quite enough liberty for the likes of them.

We are not so transparent today about protecting liberty only for ourselves. We do not criminalize belief or expel dissenters from the jurisdiction. But most Americans still care far more about liberty for themselves than about liberty for those they disagree with. And this unfortunate bias is especially pronounced with respect to religious liberty.

For too many Americans, their view of religious liberty is driven by their view of religion. For some Americans, religion is a good thing, the most important and transcendent of all things, so religious liberty should be protected and religious observance should be promoted. For other Americans, religion is a bad thing, a source of repression and social conflict and even violence, so religion should be carefully contained and the rights of nonbelievers should be vigorously protected. Whether or not they put it so bluntly, many Americans resolve all debatable religious liberty questions either in favor of promoting religion or in favor of constraining religion. And some questions that really aren't debatable – they resolve some of those in the same biased way.

For other Americans, religious liberty should be protected with exceptions. John Locke had an exception for Catholics and atheists; many Americans today would have an exception for atheists and Muslims. And neo-pagans. And Santerians. And any religion that discriminates. And anybody else whose religion is too threatening to a favored secular interest.

Some of these errors come from unsophisticated people in the pews. Too often, they come from people who should know better – from activists and politicians and even religious liberty organizations.

I have devoted much of my career to defending

the rights of religious believers to exercise their various religions free of all but essential government regulation. I have supported equal government funding for religious providers of education and social services, but I have opposed government funding for religion as such. I have supported freedom of religious speech, including in governmental buildings and in the public schools. But I have opposed government-sponsored prayers and government-sponsored religious displays, and I have opposed government asking school children to affirm that the nation is "under God."

Public opinion would say that some of these positions are pro-religion and some are anti-religion. In my view, public opinion would be mistaken. These positions are consistent; they are united by a commitment to minimizing government influence on the religious choices and commitments of the American people. No government pressure to believe, no government pressure to disbelieve, no government pressure *what* to believe – liberty for all in matters of religion.

Religious liberty is for everyone – for believers and nonbelievers of every stripe. If my career stands for anything, I hope it stands for that. The value of religious liberty is not religion, and the value of religious liberty is not secularism. The value of religious liberty is liberty – liberty with respect to choices and commitments that are of profound importance to many humans, and usually of much less importance to the state.

I hope that is why I have been honored tonight, and I hope that the many organizations active on religious liberty issues will think more carefully about the Puritan mistake, and whether they are maybe, just possibly, on some occasions, slipping into it.

Douglas Laycock is the Yale Kamisar Collegiate Professor of Law at the University of Michigan Law School. He is one of the nation's leading authorities on religious liberty law. He made these remarks on January 15 in accepting the National First Freedom Award from the Richmond, Va.-based First Freedom Center.

"Religious liberty is for everyone – for believers and nonbelievers of every stripe. If my career stands for anything, I hope it stands for that."

RELIGION & THE INAUGURATION

Obama refashions America's old-time religion

Seeking to revive a dispirited nation, President Obama on Jan. 20 told Americans to get religion — civil religion.

"We remain a young nation, but in the words of Scripture, the time has come to set aside childish things," Obama said, quoting St. Paul's first letter to the Corinthians, in one of the few explicitly Christian references in his address.

Although at times Obama adopted the cadences of the black church that he called home for 20 years, he borrowed little of its content.

Instead, Obama's inaugural address, like that of previous presidents, drew heavily on what scholars deem America's civil religion: the transcendent ideals laid out in the Declaration of Independence and other foundational documents.

Those ideals are often assumed — but not always said — to be divinely inspired or granted. Obama seemed to channel the spirit of President John F. Kennedy, who reminded a nation in 1961 that "the rights of man come not from the generosity of the state but from the hand of God."

"The time has come to reaffirm our enduring spirit,"

Obama said, "to choose our better history; to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness."

America's civil religion has been a fixture at inaugural ceremonies since George Washington's, when the peaceful transfer of power at the high altar of American politics takes on an almost sacred air. Obama drew on Washington and other American icons as exemplars of banding together for the common good, a key tenet of civil religion.

See RELIGION, page 9

Judge rejects atheist challenge to inaugural prayer

WASHINGTON — A U.S. District judge on Jan. 15 denied a California atheist's request to halt references to God at Barack Obama's swearing-in on Jan. 20.

"I think it's highly questionable that I have such authority," said Judge Reggie B. Walton of the U.S. District Court for the District of Columbia after a two-hour hearing Jan. 15.

Walton did not dismiss the case, but denied Michael Newdow's request for a preliminary injunction, saying the "ceremonial speech" at the presidential inauguration is "in substance" no different from legislative prayers that the Supreme Court has permitted.

Newdow, an emergency room physician, made his third attempt to have religious references at presidential inaugurations declared unconstitutional. This time, he was joined by 11 atheist and humanist organizations who felt the words

"so help me God" in the oath, and references to God in the invocation and benediction, discriminated against them as nonbelievers.

"This is a practice subversive to the principle of equality," argued Newdow. "The harm is it turns people into second-class citizens and you're not allowed to do that."

Walton said he had difficulty understanding how Newdow and other plaintiffs could say they were harmed by Supreme Court Chief Justice John Roberts administering the oath with the words "so help me God" while supporting Obama's personal free exercise to say the same phrase.

"I can tell the chief justice what he can do?" Walton asked Newdow. "The chief justice is not above the law," responded Newdow, who represented himself and the other plaintiffs.

Newdow also argued that the plaintiffs, including a minor, would feel forced to hear prayers they didn't condone if they watched the inauguration.

— RNS





With Warren and Lowery, Obama sends signals about religious outreach

When President Obama rose to speak between the prayers offered by evangelical megachurch pastor Rick Warren and civil rights veteran Joseph Lowery, he indicated — without ever saying a word — the breadth of the religious outreach ahead in his administration.

Though Warren's prayer contained touches of inclusivity, it was nonetheless explicitly and solidly Christian, ending with the Lord's Prayer. Meanwhile, when Lowery, a United Methodist, closed the swearing-in ceremony, he remarked on the rainbow of races and religions Obama will represent as president.

"Keep in mind Rick Warren prayed while George Bush was still president," noted the Rev. Cheryl Townsend Gilkes, professor of African-American studies at Colby College in Maine. "It's an interesting ushering out of one era and ushering in of a new era."

In the weeks leading up to the moment

when all three men stepped to the august Capitol podium, Obama's selection of Warren, particularly, had been the subject of debate. Yet in the end, the symbolism of the prayer givers may endure longer than the particular prayers either of them said.

Randall Balmer, professor of American religious history at Barnard College, Columbia University, said the new president's choices for who offered the invocation and benediction at his swearing-in might give a glimpse of his plans.

"If the inauguration is any indication ... he's going to keep one foot planted firmly within the African-American church and perhaps venture, at least make some feints, in the direction of the evangelicals," Balmer said.

Despite the pre-inaugural brouhaha over the Warren pick, the megachurch

See **OUTREACH**, page 9

Obama's prayer service reflects new push toward diversity

President Obama opened his first full day in office at the Washington National Cathedral on Jan. 21 with a diverse array of religious leaders, including the ceremony's first-ever woman preacher, who urged him to hold onto his "ethical center" as he leads the nation.

"There are crises banging on the door right now, pawing at us, trying to draw us off our ethical center — crises that tempt us to feed the wolf of vengeance and fear," said the Rev. Sharon E. Watkins, general minister and president of the Christian Church (Disciples of Christ), in her sermon. "We need you, Mr. President, to hold your ground."

Watkins was the first woman to preach at the interfaith prayer service that's traditionally held at the cathedral on the day after the inauguration. Her sermon encouraged Obama to "listen to the better angels of your nature."

Watkins' presence in the pulpit reflected a new emphasis on diversity in the service, which observers said also mirrored the aims of the administration that now occupies the White House.

"I think the choice of the people that participated was a choice that represents the diversity of America ... the religious, racial/ethnic and gender diversity of America," said Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism in Washington, after the service.

"It was really quite remarkable. But I think, even more, over the last couple of weeks, (it reflected) the effort in the

transition team to reach out to the faith community to really hear what they had to say to get their views and to talk about ways of working together. That is really encouraging."

Gathered beneath the Gothic cathedral's soaring arches and stained glass, the speakers reflected recent shifts among American religious groups — the first-ever female presiding bishop of the Episcopal Church was there, as were female representatives of Islam and Hinduism.

There were other changes, as well: no member of Billy Graham's family, for example, spoke. Two evangelicals — Jim Wallis, president of Sojourners, and Andy Stanley, pastor of North Point Community Church in suburban Atlanta — led prayers for political leaders.

"Very often at these kinds of official services, there's a sort of fallback to the traditional leadership from the older generation," said Ingrid Mattson, president of the Islamic Society of North America, who led a prayer. "I think what happened today was a reflection of the reality of religious leadership in our time, which is that it is diverse. ... Women are involved in great numbers in all the traditions."

More than 1,900 invited guests joined Obama for the 90-minute service. He was joined in the front row by first lady Michelle Obama, Vice President Joe Biden and his wife, Jill, former President Bill Clinton and Secretary of State Hillary Rodham Clinton. — RNS

Workplace discrimination claims on the rise

Complaints of religious discrimination in the workplace are on the rise, but civil rights advocates say that may not be such a bad thing.

That's because a likely reason for a steady rise in reported incidents has nothing to do with intolerant corporate cultures but rather religious minorities who are more aware of their rights and more willing to exercise them.

"Before, somebody might have prayed kind of quietly at work and hoped nobody would stop them and didn't really want to ask permission," says Ibrahim Hooper, spokesman for the Washington-based Council on American-Islamic Relations (CAIR). "Now they state openly: 'Yes, I'd like permission. Is there an open room where I could pray?'"

Between 1992 and 2007, claims of religious discrimination filed with the Equal Employment Opportunity Commission more than doubled, from 1,388 to 2,880. Among the contributing factors: a growing U.S. population and tensions precipitated by an increasingly diverse workforce.

But recent years have also ushered in a new era of assertiveness, especially among members of minority faiths that require specific codes of dress, diet or behavior, according to David Miller, director of Princeton University's Faith & Work Initiative.

"They're not the kind of complaints you would have seen 10 or 15 years ago," Miller says.

In analyzing EEOC claims, Miller finds relatively few incidents of religious bullying, such as proselytizing managers who insist all employees attend Bible study sessions. More commonly, he sees cases in which employees demand a right to religious expression on the job. Muslims petition for breaks to pray at appointed times of day, for instance, or Seventh-day Adventists seek Saturdays off to honor their Sabbath.

And when their bosses say no, workers increasingly file formal complaints.

Proving religious discrimination on the job can be an uphill battle. Under the amended Civil Rights Act of 1964, employers must practice "reasonable accommodation" of an employee's religion unless doing so would pose "undue hardship" for the organization.

"The Courts have defined 'undue hardship' to mean anything above a de minimis cost or inconvenience," said Barry Bussey, associate director of the Seventh-day Adventists' office of Public Affairs & Religious Liberty. "So any inconvenience of accommodation of religious practice is thereby enough to allow employers off the hook."

The proposed Workplace Religious Freedom Act would provide greater protections but has languished



Discrimination on the rise

in Congress for more than a decade, despite broad bipartisan support and support from an unusually diverse range of religious groups.

Even so, America also has some of the world's most robust religious freedom laws. Wearing an Islamic headscarf, or hijab, might be prohibited in French schools or Turkish government buildings, but they are permitted in U.S. public institutions. Now religious minorities are exploring which other aspects of their faiths they're entitled to bring to work with them under the protection of the First Amendment.

Legal teams have coalesced in recent years to help alleged victims of religious discrimination. Sikhs, for example, coalesced after the 9/11 terrorist attacks when many Sikh men were mistaken for Muslims. Sikhs now have access to a group of about a dozen Sikh lawyers who work to defend Sikhs' rights to wear religiously mandated beards and turbans in the workplace, at airports and elsewhere.

Twenty some years ago, "Sikhs didn't know how to respond to workplace discrimination, but now they do," says Narinder Singh Kapany, chairman of the Sikh Foundation, an educational organization.

Muslims have also mobilized support networks. CAIR, which operates offices in more than 30 cities across 19 states, has made workplace rights a top priority. That means resources are available for people like Maryam Abdi, a 17-year-old Somali immigrant who always wears a hijab in public.

Abdi, who lives in Eden Prairie, Minn., figured she was out of luck last summer when she applied for a cashier's job at an Old Country Buffet. A manager told her that a hijab violated the restaurant's dress code.

Then another Somali teen encouraged Abdi to contact a local CAIR chapter, which promptly intervened on her behalf. Within a few weeks, she was working the Old Country Buffet register in her hijab.

"Now a lot of Muslim girls out there know they can take a stand for their religion and their headscarves," said Abdi.

Despite rising numbers of claims, only a fraction — 7 percent in 2007 — conclude with an EEOC judgment. More than half of claims filed that year were deemed to be without merit. The rest resulted in a settlement.

Despite relatively few judgments and a rising tide of employee assertiveness, advocates say they need to press on. Seventh-day Adventists have had a civil rights division since 1901, but the church estimates that an average of three Adventists lose their jobs every day in the U.S. on account of their Sabbath convictions, according to the denomination's 2006-07 report on religious liberty.

— RNS

Pentecostal woman wins fight to not wear pants in uniform

A Pentecostal woman who refused to wear pants as part of her bus driver uniform has prompted the region's transit system to implement new policies to accommodate employees' religious practices.

The woman, Gloria Jones, filed a complaint last September, claiming that she was not hired as a Metro bus operator due to religious discrimination, according to Steven Taubenkibel, spokesman for the Washington Metropolitan Area Transit Authority.

Jones met the qualifications for the position; however, she declined to wear the pants required for the uniform because of her Apostolic Pentecostal faith. She made a verbal request to be allowed to wear a skirt, and Metro terminated her application.

Recently, the U.S. Department of Justice announced a settlement between Jones and the transit agency, which agreed to pay her more than \$47,000, according to the Associated Press. The agency also agreed to pay \$2,500 to two others who said Metro did not accommodate their beliefs.

The agency will also be implementing new procedures to better accommodate employee's religious practices, including the creation of a request form and training for supervisors on the issue.

"The agency is going to work within reasonable efforts to accommodate employees," said Taubenkibel, explaining that each request will be taken on a case-by-case basis.

Jones can now reapply for the position, and if hired, would need to request an exemption to the uniform policy, a Metro spokeswoman said.

The Orthodox Union, the nation's largest Orthodox Jewish umbrella organization, said the proposed Workplace Religious Freedom Act, which has been stalled in Congress, would help provide a "single, balanced national standard for the protection of religious freedom."

"Sadly, today too many people are still forced to choose between faith and livelihood, and without the Justice Department's intervention, this case could have been yet another example," said Nathan Diament, director of public policy for the Orthodox Union, in a statement.

Holly Hollman, general counsel for the Baptist Joint Committee, said the settlement shows how important it is for employers to acknowledge and accommodate their employees' differences.

"It reminds us that in religion 'one-size-fit-all' rules don't necessarily work," Hollman said.

— RNS

Senate rejects aid for religious buildings

The U.S. Senate defeated an amendment to the economic stimulus bill Feb. 5 that would have allowed federal funding for renovations at college buildings that are used for religious activity.

Sen. Jim DeMint, R-S.C., proposed the amendment after voicing criticism of a stimulus provision that says funds for colleges and universities could not be used for modernization or renovation of buildings where “sectarian instruction” or “religious worship” occur.

“This is a direct attack on students of faith, and I’m outraged Democrats are using an economic stimulus bill to promote discrimination,” DeMint said after the 54-43 vote defeating the amendment.



Church-state groups, however, welcomed the vote.

“The Senate has voted to reaffirm an important American principle — that religious groups should pay their own way and not expect funding from the taxpayer,” said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State.

Conservative Christian groups, meanwhile, agreed with DeMint. Jay Sekulow of the American Center for Law and Justice said the provision “has nothing to do with economic stimulus and everything to do with religious discrimination.”

— RNS

Inmates sue for access to religious rites

Two maximum security inmates — one Catholic, the other a member of the Nation of Islam — filed separate lawsuits Feb. 5 to allow them to practice their faiths and obtain religious materials.

The Louisiana chapter of the American Civil Liberties Union filed the suits on behalf of Donald Lee Leger Jr., a death row inmate who says he is forced to watch televised Baptist church services on Sundays and cannot tune into a televised Mass or attend Mass at the Louisiana State Penitentiary at Angola.

The other suit, filed on behalf of inmate Shawn Anderson, says he cannot receive religious publications from the Nation of Islam, participate in worship services for the Nation of Islam at Angola or form a Nation of Islam study group.

Both inmates filed suit against the head of the Department of Public Safety and Corrections; Burl Cain, the warden at Angola, and various prison officials. Officials at the prison and the state department said they had not seen the suit and declined to comment.

Marjorie Esmen, executive director of the Louisiana ACLU, said “Cain can tell prisoners to do a lot of things, but he can’t compel them to practice a certain religion or block reasonable requests to practice their religion.”

Barry Gerharz and Katie Schwartzmann, attorneys for the two inmates, said in Leger’s lawsuit that since April 2007, Angola officials tune televisions on death row to Baptist church services on Sundays, sometimes having the inmates watch two services from the same church.

Leger’s lawsuit said he has not had access to a Catholic Mass since those services were suspended in 2007, although Baptist services are held in the death row prison yard. It also alleges that Leger’s plastic rosary was “seized and destroyed” by prison officials.

Gerharz said Leger has filed several complaints with Angola officials about the situation and each time has been encouraged to drop them. He has been disciplined when he did not, he said.

Gerharz said that Angola officials “have repeatedly denied Mr. Anderson his rights to have access to any religious materials or publications from the Nation of Islam and assemble, counsel or worship with other members of the Nation of Islam.” The suit claims prison officials feel that the nation of Islam is “a threat to order and security” at Angola.

Both lawsuits ask the courts to issue orders allowing the inmates to practice their religions without interference from prison officials. Leger’s lawsuit also asks for unspecified monetary damages.

— RNS



Obama refashions America's old-time religion

"Throughout his speech he is challenging us to be 'We the people,'" said the Rev. Cheryl Townsend Gilkes, professor of African-American studies at Colby College in Maine.

But Obama's unique personal history and the perils of the present moment added new elements to America's old-time religion, said Martin E. Marty, the religion scholar and former professor at the University of Chicago Divinity School.

"In talking about civil religion, you make a great deal of the power of the nation to do things," Marty said. On inauguration day, "there was a twist; it wasn't that the nation is perfect ... but that we have failed to live up to our ideals."

Author and religion scholar Diana Butler Bass said the speech's strain of modesty was a break from the past.

"This is very different from what you would have heard in the civil religion of the 1950s, which was a more jubilant exultation of American rightness, that we're a chosen people," Bass said. "This speech had much more of a 'We're an

almost-chosen people.' This is the kind of civil religion that Lincoln is famous for."

The speech was also, she said, a classic example of the liberal Protestant tradition that Obama embraced through the United Church of Christ, a view of "an American future that is based on humility and inclusion rather than triumph and elitism."

Though Obama said American ideals "still light the world," he suggested they've been hidden under a bushel as the government tried to keep its citizens safe from terrorist attacks. American beliefs — particularly tolerance and diversity — are more effective than American bullets in fighting terrorists, Obama said.

"For we know that our patchwork heritage is a strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus — and non-believers," he said.

Despite a handful of overt religious references, Obama's nod to "non-believers" reflected the journey of a man whose parents were religious doubters, who didn't find faith until he was an adult, and whose extended family practices diverse religions.

— RNS

OUTREACH continued from page 5

With Warren and Lowery, Obama sends signals about religious outreach

pastor and best-selling author simultaneously reflected his evangelical beliefs — praying in the name of Jesus, in multiple languages — and the compassionate voice of Obama.

"Warren comes in as this divisive figure ... but at the same time, I think he emphasized things like compassion, mercy, love to everyone," said John Fea, a historian of American religious culture at Messiah College in Grantham, Pa. "Those sort of general ... compassion themes are the kinds of things that Obama has been pushing."

In addition, Obama's reaching out to Warren — and the minister's acceptance of the invitation — might indicate a potential warming of relations between the White House and conservative Christians.

"In so many evangelical circles, the word 'liberal' is a dirty word and here was a conservative Protestant blessing a liberal," said Alan Wolfe, director of the Boisi Center for Religion and American Public Life at Boston College.

When you add the fact that Obama invited openly gay Episcopal Bishop V. Gene Robinson to the mix by having him pray at the inaugural kick-off concert, that only expands the expectations for the new president's religious outreach.

"With just the triad of Gene Robinson and Lowery and Rick Warren, that's a very powerful signal to American Protestants — still more than half of the population — that Obama does not want religious division to get in the way of

'being' America," said Diana Butler Bass, an American religion expert and author of "Christianity for the Rest of Us."

"He put together liberal Protestants, evangelical Protestants and African-American Protestants. It's a clear signal of no more religious division. This is not a place where we're going to put up with theological disputes messing up the vision of extending the hand of compassion to our brothers and sisters here in the United States and around the world."

Martin Marty, professor emeritus at University of Chicago Divinity School, said Lowery — and almost anyone — could have easily filled the gap between Warren on the right and Robinson on the left.

"Once you've had those two in there, you can smuggle almost anyone else in between them," Marty said. "Once you've done that, you've got a lot more room to breathe."

But the Lowery pick was quite intentional — symbolically harkening back to the civil rights era that helped Obama become the first African-American president, and pointing the nation ahead to a new era of inclusion and justice, observers say.

"Clearly (Obama) doesn't talk the same narrative as the old guard of the civil rights movement, but at the same time, he deeply appreciates that generation of leaders," said William Turner Jr., an associate professor of Duke University Divinity School and a civil rights veteran.

— RNS



K. Hollyn Hollman
General Counsel

Executive order an important start, but the 'how' is missing

Among confirmation hearings, stimulus package negotiations, and other demands of his first weeks in office, President Barack Obama took the first steps to implement his vision for government partnerships with faith-based organizations. The president embraced a prominent role for partnerships between government and religious and other non-governmental entities to meet social needs. Unfortunately, he also postponed resolving some important problems of the previous administration in this delicate area of policy-making.

The president's high regard for the work of faith-based and neighborhood groups is no surprise. During his campaign, he affirmed the vital role such groups play in serving those in need and expressed his interest in government cooperation with them, including the continuation of the offices established by his predecessor. He also promised reform, citing a firm commitment to the separation of church and state and explicitly stating that the initiative should not be used to proselytize, discrimi-

nate, or promote religious service providers over secular ones. The BJC lauded these comments and urged necessary policy changes in support of them during meetings with the president's transition team.

In his first official act to make a mark on those offices, President Obama appears to be taking an incremental approach. He amended Executive Order #13199, which originally established the White House Office of Faith-Based and Community Initiatives in January 2001. As revised, the order recognizes the vital role of faith-based and neighborhood organizations in meeting needs of low-income and other under-served communities. It states the purpose of the office as strengthening the ability of such organizations to deliver services effectively "while preserving our fundamental constitutional commitments." That constitutional commitment and ensuring accountability for taxpayers' dollars are noted as principal functions of the office, but no operative policy language yet describes how these goals will be performed.

Instead, one source of pragmatic policy development under the re-named "Office of Faith-Based and Neighborhood Partnerships" is a newly created 25 member advisory council of experts in fields related to the work of faith-based and neighborhood organizations. The council is charged with identifying best practices, evaluating needs for improvement on implementation of policies and making recommendations.

Composed of individuals representing diverse religious and policy perspectives, the members will serve for a one-year term and report to the president through Joshua DuBois, the executive director of the office.

In the meantime, the administration seems content to ensure that its programs and practices are "consistent with law." While the order cannot impair other authority granted to the agencies, it states: "the Executive Director, acting through the Counsel to the President, may seek the opinion of the Attorney General on any constitutional and statutory questions involving existing or prospective programs and practices." When it comes to promoting partnerships between religious entities and the government that involve taxpayer dollars while protecting religious freedom and civil rights, perhaps getting it "legal" is more ambitious than it sounds. Although an important start, true reform will require more guidance.

The BJC, along with its allies, will continue to push, as it has in prior administrations, for greater protections against funding religion, more transparency and accountability, and a reversal of policies that allow religious entities to deny jobs based upon religion in government-funded positions. While the employment issue has been in sharp focus in the media and policy discussions about possible reforms, it was notably absent from the new order, which for now leaves a major source of controversy to plague the office. While the new administration moves forward under the order to strengthen partnerships while preserving fundamental constitutional commitments, receiving advice from its advisory council and legal counsel, we expect its policy will be more fully developed.

During his time in the White House, President Bush issued a half dozen orders related to the faith-based initiatives, opened faith-based offices throughout the executive branch, established review processes for grant applications for faith-based groups, supported legislative changes, printed reports to defend his policy and claim progress, conducted conferences to promote its work, and issued creative legal interpretations of the Religious Freedom Restoration Act that would override civil rights laws, and promoted an aggressive publicity campaign that turned the term "discrimination" on its head. The legal, practical and political issues that challenge faith-based initiatives did not develop in a day. We welcome a fresh opportunity to seek reforms that create and maintain meaningful boundaries that protect church and state.

"In his first official act to make a mark on those offices, President Obama appears to be taking an incremental approach."

Judge in Toronto orders witness to remove face veil

TORONTO — In a case that pits religious freedom against the right of a defendant to face an accuser in court, a judge has ordered a Toronto woman to testify without her face-covering niqab at a sexual assault trial.

The Toronto Star reports the case could be precedent-setting because it does not appear there is any Canadian case law on the question of veiled women testifying in court.

In Canada, home to at least 600,000 Muslims, the case will be closely watched, amid fears that veiled Muslim women will be forced to bare their faces.

The matter goes back to a preliminary hearing last fall, when the woman, who has not been identified, said she wanted to wear a veil that conceals everything but the eyes while testifying.

She said she would feel “a lot more comfortable” if she did not have to reveal her face.

Defense counsel countered that assessing her demeanor was of “critical importance” when tailoring questioning.

In a decision made public only recently, Ontario judge Norris Weisman reached an “admittedly difficult decision” to force the complainant to testify with her face uncovered after finding that her religious belief “is not that strong ... and that it is, as she says, a matter of comfort.”

The judge also found that the woman had a driver’s license “with her unveiled facial impression upon it.” The woman explained that the picture on the license had been taken by a female and there was a screen between her and potential male onlookers.

But Weisman wrote the license “can be required to be produced by all sorts of males,” such as police officers and border guards.

The woman’s lawyer said he will appeal the ruling. — RNS

Religious freedom panel seeks stepped-up U.S. role in Sudan

A federal religious freedom watchdog panel is urging President Obama to step up efforts to maintain the fragile peace between northern and southern Sudan.

The U.S. Commission on International Religious Freedom on Feb. 11 asked the White House to appoint a Special Envoy to Sudan and to confront China over the flow of weapons into the war-torn country.

Sudan’s largely Christian south and Muslim north reached a tentative peace deal in 2005 after 21 years of brutal civil war. Commission members say the U.S. needs to take an aggressive role in ensuring compliance with Sudan’s Comprehensive Peace Agreement.

Specifically, the Commission urged special attention on infrastructure and economic needs in southern Sudan, and greater religious freedom protection for non-Muslims in northern Sudan, which is governed by Islamic law.

The International Criminal Court is expected to issue a warrant for Sudan’s president, Omar al-Bashir, on war crimes and the deaths of 300,000 people in the country’s western Darfur region.

In a related move, 12 members of Congress appealed to Secretary of State Hillary Clinton to confront China over the import of arms to Sudan, where China has substantial oil interests. Commission members agreed with the appeal to Clinton.

“Quiet diplomacy is not enough. China should be forcefully reminded ... of its obligations to refrain from any action, particularly the provision of weapons and military training, that contributes to the violence, and to pursue all economic and diplomatic means toward obtaining peace,” the letter said.

The commission hopes policy changes are implemented by the 2011 referendum in Southern Sudan.

— RNS

Atheist’s protest ends recitation of Lord’s Prayer in New Jersey

NEWTON, N.J. — For nearly 60 years, the town council here started its meetings by reciting the Lord’s Prayer. Council members felt the passage gave them guidance and inspiration.

That tradition ended recently after the council’s attorney advised members they should heed a request by a resident, an avowed atheist, to stop the practice.

Doug Radigan told the council at its Dec. 22 meeting the prayer was too Christian and was offensive to him. He asked for a secular replacement.

Council members said they were saddened — but not really surprised — they had to end a tradition begun in 1952.

“It’s not a surprise, but I’m disappointed that we had to cave into this or we would’ve been open to a lawsuit,” said longtime Councilwoman Thea Unhoch. “You can’t even say ‘Merry Christmas’ anymore.”

Radigan did not return calls for comment.

The Rev. Barry Lynn, executive director of the Washington-based Americans United for the Separation of Church and State, said the number of U.S. communities that use Christian prayers, especially the “highly Christian” Lord’s Prayer, at government functions is slowly diminishing.

In a series of decisions, the U.S. Supreme Court has ruled the religious prayers recited at government functions are in violation of the First Amendment of the U.S. Constitution.

While the Lord’s Prayer tradition has officially ended in Newton, the council has informally agreed to start reciting secular invocations prior to its meetings, said Unhoch, who was pleased that the tradition of a prayer of some sort will continue. — RNS