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**REPORT** from the Capital

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◆ Capital Campaign Update ◆

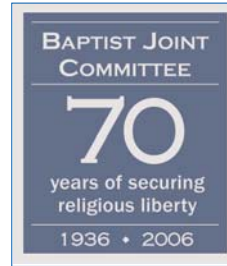


**Bill Harris:**  
I support the BJC financially  
because ...



The principle of separation of church and state has been important

to me as a Baptist every since my youth when I learned about the life and beliefs of Roger Williams. It became more important when I was privileged to count Dr. Emanuel Carlson as a personal friend, who in the 1960's was Executive Director of the BJC. It has become even more important to me in recent years as I see more and more



attempts by both politicians and religious leaders to break down the wall separating church and state. I support BJC financially because I believe

the freedom we enjoy to worship God as we please depends on the continued separation, and because I believe BJC is our best hope for its preservation.



*Bill and his wife, Virginia, are longtime BJC supporters and live in Alexandria, Va.*

**Our Challenge—Their Future**

**Securing religious liberty for our children and grandchildren**



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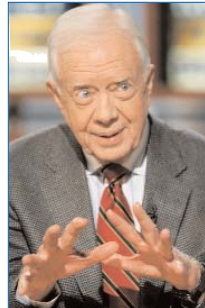
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# REPORT from the Capital

## Carter endorses BJC effort to establish Center for Religious Liberty in D.C.

Former U.S. President and 2002 Nobel Prize laureate Jimmy Carter has announced his support for the Baptist Joint Committee's effort to secure funding for its Center for Religious Liberty. Since leaving office, Carter has worked with Habitat for Humanity and has tirelessly promoted national and international humanitarian causes. Carter's endorsement and influence brings the BJC an important ally in its effort to create the Center that will serve as a visible monument to the principle of religious liberty for generations to come.



Carter

Carter said, "The Baptist Joint Committee does important work under trying conditions. A Center for Religious Liberty, and a capital campaign to make it possible, is essential to allow the BJC to do its work effectively."

For seven decades, the BJC has worked to quell attacks on religious liberty and to maintain the separation of church and state. According to Reggie McDonough, capital campaign chair, Carter's personal identity extols the value of religious liberty and recognizes the importance of the BJC in maintaining such an essential cause.

McDonough said "President Carter is a champion of religious liberty in the United States and around the world. He understands first hand the current struggle to maintain religious liberty. He also understands the crucial role of the Baptist Joint Committee in this struggle. His endorsement of the Capital Campaign to expand and enhance our facilities and capacity is a very significant expression of support."

The Center for Religious Liberty will be a state-of-the-art education and training center and the nerve center for the BJC's activities in Washington.

BJC Executive Director J. Brent Walker said, "We are delighted and honored to have President Carter endorse the BJC's capital campaign. He cares passionately about human rights and religious liberty. He understands the importance of a continuing presence of free and faithful Baptists in the nation's capital. He also appreciates the value of a full-blown center dedicated to these purposes."

Mark Wiggs, BJC board chair, points to Carter's work, *Our Endangered Values: America's Moral Crisis*, which echoes the mission of the BJC. In the book, Carter asserts that not upholding church and state separation puts Americans' civil liberties in peril. According to Wiggs, "In his recent book, President Carter, writing with prophetic urgency about reckless movements to entwine church and state, identifies religious liberty as one of 'our endangered values' in this country.

Wiggs continues, "His timely warning, coupled with his words of affirmation and encouragement for BJC's work of protecting this fragile freedom, should inspire religious liberty supporters to give generously to BJC's Capital Campaign."

A champion of Baptist distinctives, Carter has taken an active role in another cause important to the BJC. Carter hosted former President Bill Clinton, Walker and others at the Carter Center in Atlanta Jan. 9 to announce plans for a Celebration of a New Baptist Covenant, tentatively scheduled for Jan. 30 – Feb. 1, 2008, at the Georgia World Congress Center. The goal of the covenant is to create an authentic and cooperative prophetic Baptist voice in North America. – Phallan Davis, BJC

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# High court to hear case related to Faith-based Initiative

WASHINGTON — Case to determine 'standing' to challenge Office of Faith-based and Community Initiatives relate to the First Amendment's Establishment Clause.

The U.S. Supreme Court decided Dec. 1 to take its first case related to church-state separation since it gained two new justices. The high court will consider whether three staffers of the Wisconsin-based Freedom from Religion Foundation have standing as individual taxpayers to challenge aspects of the White House Office of Faith-based and Community Initiatives.

The Bush administration appealed the case to the Supreme Court after the Chicago-based 7th U.S. Circuit Court of Appeals ruled 2-1 that the plaintiffs did have standing in the case.

"We're challenging the creation of the White House and Cabinet-level faith-based offices and their conferences that they are holding with taxpayer money," said Annie Laurie Gaylor, co-president of the foundation and one of the three plaintiffs, in an interview.

"If we don't have standing, nobody has standing and Bush doesn't have to answer anyone."

The government, in its petition to the Supreme Court, argued that the appeals court's decision has "far-reaching implications" that might give individual citizens "a roving license" to challenge actions of the executive branch that

Establishment Clause.

Groups concerned about church-state separation say this case could help their cause.

"We believe that no tax money should be spent to advance religion," said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State. "It's essential that the justices uphold the principle that taxpayers can go to court when their money is being used to advance religion."

Lynn and Gaylor both said they were hopeful that Chief Justice John Roberts and Associate Justice Samuel Alito might show further evidence of

general support they expressed for church-state separation during confirmation hearings.

"We welcome this opportunity to make our case and hope that they will uphold the separation of church and state," Gaylor said.

Arguments are scheduled for Feb. 28. If the high court sided with the Foundation, the case would return to a lower court for arguments and a decision about its merits.

— RNS

*See related column in HOLLMAN REPORT on page 6.*



## Appeals court affirms law protecting inmate's religious rights

RICHMOND — Inmate filed suit after being denied kosher meals Congress, but the appellate panel disagrees in its unanimous Dec. 29 decision.

An appeals court has affirmed a federal law protecting the religious rights of inmates, denying the state of Virginia's second request that it be declared unconstitutional.

The Richmond, Va.-based 4th U.S. Circuit Court of Appeals ruled in favor of Ira Madison, a Virginia inmate who sued the state after officials denied his request for kosher meals.

Madison claims he is a member of the Church of God and Saints of Christ and a Hebrew Israelite who is required to eat a kosher diet. Madison argued that the denial of the kosher meals violated a provision of the Religious Land Use and Institutionalized Persons Act of 2000.

Virginia officials argued that the law is unconstitutional because it exceeds the spending power of

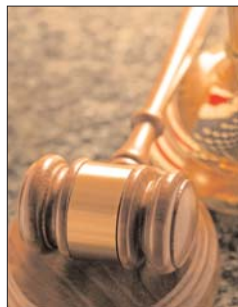
"We hold that RLUIPA is a valid exercise of Congress' spending power and that, because Virginia voluntarily accepted federal correctional funds, it cannot avoid the substantive requirements of RLUIPA," wrote Circuit Judge J. Harvie Wilkinson III.

He noted that their decision marks the fifth time a federal appeals court has ruled that RLUIPA falls within Congress' spending power.

Virginia officials have doubted the sincerity of Madison's beliefs and cited a history of disciplinary problems.

They earlier had argued that RLUIPA was unconstitutional because it violated the First Amendment's Establishment Clause. A district court agreed, saying it impermissibly advanced religion. But the 4th Circuit appeals court overturned that decision in 2003.

— RNS



# REFLECTIONS

## We Baptists gotta stick together

On a wall in the Baptist Joint Committee offices hangs a framed blue line draft of a cartoon. Doug Marlette, the Baptist creator of *Kudzu*, sent it to us 15 years ago soon after the Southern Baptist Convention pulled away from the BJC. The cartoon shows Marlette's main character, Reverend Will B. Dunn, holding forth behind the pulpit and exclaiming: "We Baptists gotta stick together – after all nobody else will have us!"

We have always tried to follow that advice. The BJC (for 70 years) along with the Baptist World Alliance (for 100 years) are the only bodies in Baptist life that have succeeded in bringing together a variety of diverse Baptist denominations to formally cooperate in work and ministry.

Baptists now are seeking to carry that tradition forward. In early January, 40 Baptist groups, including the BJC, assembled in Atlanta to talk about embracing a new Baptist covenant of cooperation. The meeting was hosted by President Jimmy Carter, along with two other Baptist presidents: President Bill Clinton and Bill Underwood, president of Mercer University.

This get-together at the Carter Center was held in conjunction with a meeting of the North American Baptist Fellowship, one of the several regional bodies of the Baptist World Alliance. Baptists from across the spectrum, from the United States and Canada, black and white, and ethnic congregations representing Hispanics, Japanese, Laotians and Ukrainians – all attended the historic meeting seeking a new vision for cooperation to advance the Kingdom of God.

The meeting also was arranged to announce an exciting "Celebration of the New Baptist Covenant," a convocation tentatively set for January 30 – February 1, 2008, in Atlanta. Organizers have established a theme titled "Unity in Christ," and it will be organized around Jesus' first sermon in Luke 4: "The spirit of the Lord is upon me, because he has anointed me to preach good news to the poor...release to the captives...recovering of sight to the blind, to set at liberty those who are oppressed and to proclaim the acceptable year of the Lord." The celebration will hold up our diversity in the unity of a biblical, experiential and practical faith. It will feature plenary sessions, including major addresses by President Carter, Marian Wright-Edelman, Bill Moyers, and perhaps President Clinton. It will also highlight numerous special emphasis workshops including one on reli-

gious liberty and church-state separation and another on faith in public policy. Several predominately African-American Baptist denominations are planning to hold their national meetings in conjunction with this one. All told, the celebration is expected to attract 10,000, maybe 20,000 people.

Yes, we Baptists gotta stick together. But, Marlette's *Kudzu* humor is only half right. It's also true that even *some Baptists* will not have us either. Several leaders of the Southern Baptist Convention have already attacked this effort at cooperation and unity. One leader has rebuked the initiative by attacking President Clinton himself. Attempting to impugn Clinton's Christian commitment, he digs up an obscure passage in Clinton's autobiography, *My Life*, in which he expresses an intellectual interest in various world religions, including Voodoo. Meanwhile, another SBC leader lamented not having been invited to the meeting. Although President Carter was clear that the project does not set out to exclude anyone who is willing to cooperate and disagree

agreeably, the convocation will suffer if it becomes an occasion for re-litigating the Southern Baptist controversy in microcosm. However, since the Carter Center gathering was a part of the BWA's North American Baptist Fellowship meeting – a group roundly repudiated by the Southern Baptist Convention – why would SBC leaders want to be there in the first place? It has become painfully clear over the years that the SBC will not participate in a venture it cannot control or dominate.

With or without the SBC, I believe this initiative represents an unprecedented hope for a pan-Baptist effort at cooperation in ministry. I agree with my friend Marv Knox, editor of the *Texas Baptist Standard*, who has written that "[the New Baptist Covenant] presents a broad and encompassing agenda – big enough for Republicans as well as Democrats; for Canada, Mexico and the United States; for every race and tongue; even for Southern Baptists, who will be welcome if they decide a compassionate cause is more compelling than a creed."

This is an exciting opportunity. I hope to see you in Atlanta next year.



J. Brent Walker  
Executive Director



# 110TH Congress br

**T**he new Congress, for the first time, includes a Muslim, two Buddhists, more Jews than Episcopalians, and the highest-ranking Mormon in congressional history.

Roman Catholics remain the largest single faith group in Congress, accounting for 29 percent of all members of the House and Senate, followed by Baptists, Methodists, Presbyterians, Jews and Episcopalians.

While Catholics in Congress are nearly 2-to-1 Democrats, the most lopsidedly Democratic groups are Jews and those not affiliated with any religion. Of the 43 Jewish members of Congress, there is only one Jewish Republican in the House and two in the Senate. The six religiously unaffiliated members of the House are all Democrats.

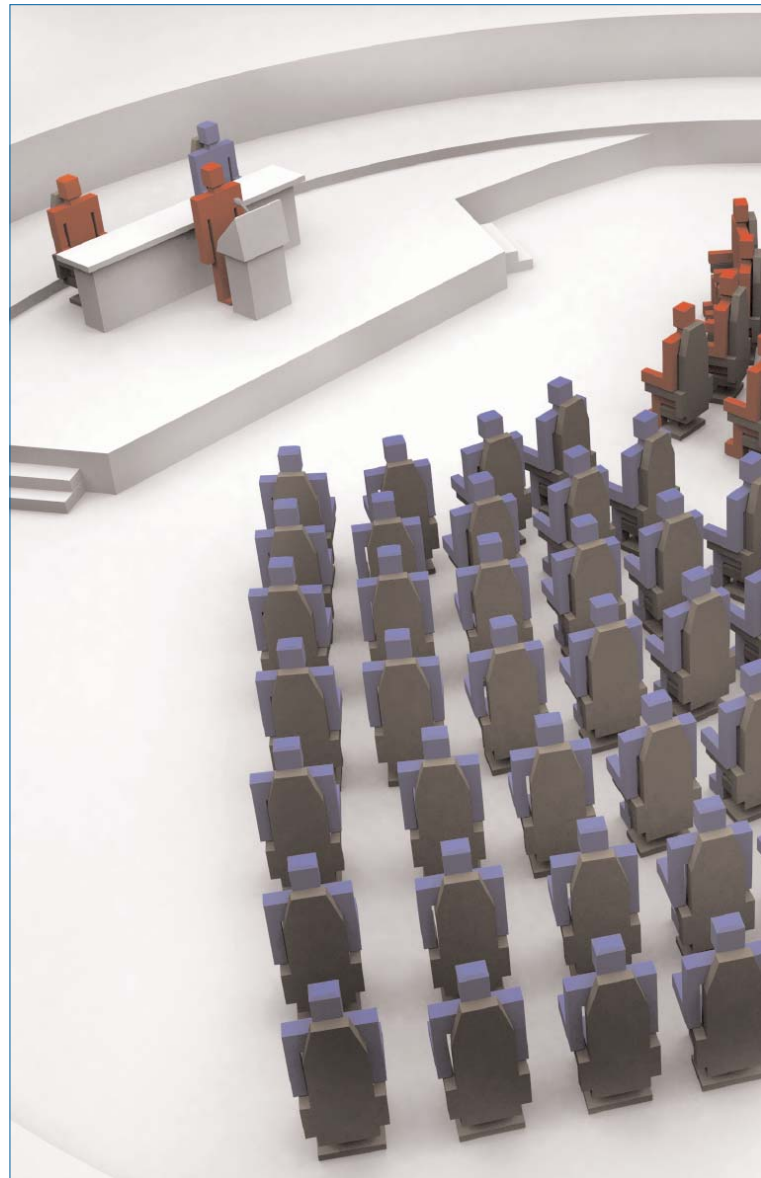
The most Republican groups are the small band of Christian Scientists in the House (all five are Republican), and members of the Church of Jesus Christ of Latter-day Saints (12 Republicans and three Democrats) — though the top-ranking Mormon in the history of Congress will be Nevada Sen. Harry Reid, the Democratic majority leader.

Baptists divide along partisan lines defined by race. Black Baptists, like all black members of Congress, are Democrats, while most white Baptists are Republicans. Notable exceptions include House Majority Leader Steny Hoyer, D-Md., and Sen. Robert Byrd, D-W.Va., who will serve as president pro tem in the new Senate, making him third in succession to the presidency after the vice president and House Speaker Nancy Pelosi, D-Calif.

Because 2006 was such a good year for Democrats, they have regained their commanding advantage among Catholics, which had slipped during an era of GOP dominance. In Pennsylvania alone, five new Democrats, all Catholics, were elected to Congress in November, including Bob Casey, who defeated Sen. Rick Santorum, a far more conservative Catholic.

In the new Congress, two-thirds of all Catholic members will be Democrats. By contrast, after big Republican gains in 1994, 44 percent of Catholic members of Congress were Republican, according to Albert Menendez, a writer and researcher who has been counting the religious affiliation of members of Congress since 1972.

"It's a thankless task, but somebody's got to do it," said Menendez, 64, who lives in nearby North Potomac, Md., and has published his counts and analyses first with Americans United for Separation of Church and State and more recently in *Voice of Reason*, the newsletter of Americans for Religious Liberty. He is also the author of several books, including "Religion at the Polls" (1977), "John F. Kennedy: Catholic and Humanist" (1979) and

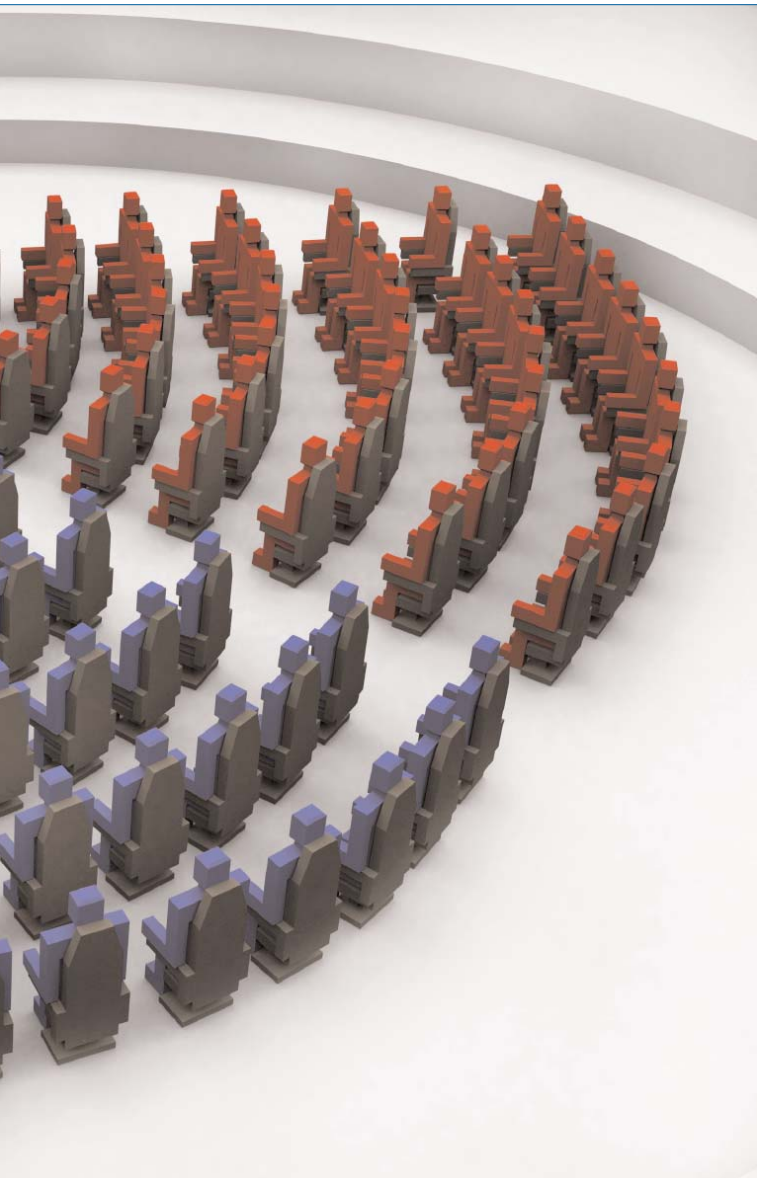


"Evangelicals at the Ballot Box" (1996).

Menendez bases his count on how members of Congress identify themselves. When he did his first tally after the 1972 election, Congress was still much in the sway of a few mainline Christian faiths. At the time, just three mainline Protestant denominations — Methodists, Presbyterians and Episcopalians — accounted for 43 percent of all members of Congress, including 51 senators. Come January, those three will account for just a fifth of Congress, including 32 senators. Still, all three — especially Episcopalians and Presbyterians — continue to be better represented on Capitol Hill than among the general population.

Other historically important Christian denominations have suffered steep declines in Congress. Menendez said

# ings religious firsts



the Lyndon Johnson landslide of 1964 brought 14 Unitarians to Washington. In the 110th Congress there are two — Rep. Pete Stark, D-Calif., and Sen. Kent Conrad, D-N.D. In the late 1960s there were 29 members of the United Church of Christ in Congress. In the new Congress, there are only six, including Sen. Barack Obama, D-Ill., who joined the church as an adult. (Obama's Kenyan father was from a Muslim background and his American mother's parents were non-practicing Baptist and Methodist.)

Through it all, Lutherans have maintained. Menendez said they were underrepresented relative to their population in 1972, with 16 members of Congress, and remain underrepresented today with 17. (While their total numbers have held steady, their political allegiance has

flipped from 2-to-1 Republican to 2-to-1 Democrat.)

Evangelical Christians — a category that cuts across denominational lines — are even more underrepresented, according to Furman University political scientist James Guth, all the more so after this year's defeat of Republican incumbents like Reps. John Hostettler of Indiana and Jim Ryun of Kansas.

But perhaps the most underrepresented group in Congress is the 14 percent of all American adults who, according to the 2001 American Religious Identification Survey, conducted by scholars at the Graduate Center at the City University of New York, claim no religion at all. Only six members of Congress, all Democrats, identify themselves as religiously unaffiliated: Reps. John Tierney and John Olver of Massachusetts, Earl Blumenauer of Oregon, Neil Abercrombie of Hawaii, Tammy Baldwin of Wisconsin and Mark Udall of Colorado.

Meanwhile, Jews have continued to gain representation in Congress (8 percent in the new Congress) even as their share of the national population has waned (1.3 percent in 2001). But Jewish numbers in Congress also tend to fluctuate with Democratic fortunes. In a year in which Democrats did well in unexpected places, new Jewish members of Congress were elected last fall from Tennessee, Kentucky, Arizona and New Hampshire, as well as more familiar terrain like Florida and Wisconsin.

For Buddhists and Muslims, the 110th Congress represents their first congressional representation.

The two Buddhist Democrats — Reps. Mazie Hirono of Hawaii and Hank Johnson of Georgia — both have avoided talking about their religion, saying it is an entirely private matter.

A spokesman for Hirono, who came to Hawaii with her mother from Japan when she was eight, would only confirm that Hirono was raised in the tradition of her mother's Jodo Shu Buddhism.

A spokesman for Johnson would only confirm that he became a Buddhist some 30 years ago and is affiliated with Soka Gakkai International, an American Buddhist association.

Like Johnson, Keith Ellison of Minnesota, the first Muslim elected to Congress, is a convert and African-American. Raised Catholic, he converted to Islam at age 19 while attending Wayne State University.

"The election of this first Muslim is quite important symbolically," said John Green, director of the Bliss Institute of Applied Politics at the University of Akron. "It may very well be the harbinger of greater acceptance of Muslims in the future."

— Jonathan Tilove, RNS



K. Hollyn Hollman  
General Counsel

## 'Standing' at issue in Supreme Court case

You know those commercials that ask, "Do you feel depressed? Do you have trouble sleeping? Have friends noticed changes in your behavior?" They are designed to get you to a doctor who will continue the line of questions and determine if you might need a certain medicine.

Lawyers go through a similar line of questions (and, yes, some have commercials) to determine whether to file a lawsuit for a client. Factors to consider include the type of injury suffered, the cause of the injury, and what relief is available. While these questions are fairly easy to answer in most auto accidents or business disputes, they can be more complicated in the federal courts.

The Constitution limits the power of federal courts to certain kinds of cases involving certain kinds of parties. One of the limiting factors for bringing suit is that the plaintiff must have "standing to sue." Standing is a doctrine related to the constitutional requirement of Article III that federal courts will decide "cases" and "controversies," not simply dispense advice. These terms imply a dispute that arises in an adversarial context and is the kind historically viewed as capable of resolution through the judicial process.

Generally, standing focuses on the person seeking to be heard in federal court, not the issues to be adjudicated. The crux is whether the party has enough of a personal stake in the outcome to warrant adjudication of a case. A plaintiff must allege a personal "injury in fact" that is particularized and palpable, not abstract or hypothetical. The injury must also be traceable to the allegedly illegal conduct and likely to be redressed by the requested relief.

In rare cases, federal courts have recognized plaintiffs as having "taxpayer standing" — standing to sue based on the payment of federal taxes and the connection between that payment and the governmental expenditure challenged. Taxpayer standing was first recognized in the 1968 case *Flast v. Cohen*, a case involving a religious liberty objection to federal expenditures to private religious schools. The Court had previ-

ously rejected attempts to challenge some governmental spending based solely on taxpayer status, finding that the plaintiff's interest in the money of the treasury was so small and widely shared and the effect of the payment on the government's action so remote and uncertain that the taxpayer could not establish the kind of injury necessary to assert standing.

In *Flast*, however, the Court noted that the particular history of the Establishment Clause warranted a different result. The Establishment Clause, the Court recognized, was drafted to protect religious liberty against the threat that "the taxing and spending power would be used to favor one religion over another or to support religion in general." The Court recalled James Madison's words in his famous *Memorial and Remonstrance Against Religious Assessments* that "the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever." This history allowed the taxpayer plaintiff's case challenging government funding of religious schools to proceed.

The precise parameters of "taxpayer standing" are at issue in *Hein v. Freedom From Religion Foundation*, which will be heard by the Supreme Court in February. The case was brought by a group of taxpayers to challenge aspects of the Faith-based Initiative, particularly executive actions to establish faith-based offices in government agencies and to hold conferences across the country to promote involvement of faith-based groups in federal funding programs.

The BJC has vigorously opposed harmful aspects of the Faith-based Initiative and raised flags about some of its inherent dangers. We recognize that litigation sometimes is required to protect religious liberty, and in this instance, we will be defending a rule that permits such cases.

The Court will not get to the merits of the case. Nevertheless, *Hein* promises to be significant to the future of religious liberty. The Court will decide not only if these particular plaintiffs can sue, but whether the doctrine of taxpayer standing will be restricted, making it more difficult for Establishment Clause challenges to proceed. Stay tuned.

"The Establishment Clause ... was drafted to protect religious liberty against the threat that 'the taxing and spending power would be used to favor one religion over another or to support religion in general.'"

## Phallan Davis joins BJC communications staff

A native of Houston, Texas, Phallan Davis recently joined the BJC staff as Associate Director of Communications.

Davis graduated as a student in Baylor University's Honor College with a Bachelor of Arts in public relations and a minor in political science. At Baylor, Davis was inducted into the Alpha Lambda Delta honor society. As a student, she served as news editor of *Focus*, Baylor's student magazine. She also served in several capacities, including the role of president, as a member of the university's chapter of the Society of Professional Journalists. The recipient of a Carmege Wells journalism scholarship, Davis won several awards for her feature contributions to the Baylor *Round Up* yearbook.



Davis

Davis's professional history includes internships with the Baylor Office of Public Relations, the Houston Astros Baseball Club and the *Baylor Line* alumni magazine. Selected as a Congressional Black Caucus Foundation intern, Davis also completed an internship in Congresswoman Sheila Jackson Lee's Washington D.C. office. Before joining the BJC, Davis worked in public relations and marketing in Houston.

## Church of Norway ends status as State church

In a radical revision of its relationship with the Norwegian government, the (Lutheran) Church of Norway has voted to abolish the nation's current system under which it was the nation's official church.

The mid-November vote at the church's General Synod meeting in Oyer, Norway, aims to bring to an end the state-church system that has been in place since 1537, when the then-united Denmark-Norway endorsed the Lutheran Reformation. The proposal still must be affirmed and implemented by the government, and likely will not take effect until 2013.

Olaf Haraldson, a Viking warrior king, brought Christianity to central Norway in the 11th century after converting during a raiding tour of England and imposed it on his local followers.

At the Oyer meeting, delegates voted 63-19 that the Church of Norway should no longer be referred to as a state church in the country's 1814 constitution. Rather, they said, the church should be founded on a separate act of parliament.

The Norwegian constitution also says the nation's values are based on those of the Lutheran Church, and stipulates that half of government ministers must be Church of Norway members.

In addition, the church meeting said the General Synod — not the king of Norway and the government — should exercise authority over church matters.

The vote by the synod follows a report issued this

month by a government-appointed commission that recommended the changes to reflect Norway's evolution to a modern, multi-faith society.

"This would mean the biggest changes in the church for 400 years," Trond Giske, the government's church minister, told Reuters in January when the commission report was released.

Jens Petter Johnsen, director of the Church of Norway's national council, called the synod's mid-November vote "historic."

"What matters is the relation between church and people, not between church and state," he said. "We will do our utmost to strengthen the service of the church in and with our people."

The Church of Norway has about 3.9 million members, representing some 85 percent of the Norwegian population. If the changes are implemented, Norway will follow neighboring Sweden, which separated church and state in 2000.

— RNS

## Supporters honor, memorialize others with donations to BJC

The BJC appreciates the following gifts. Thank you!

**In honor of Larry and Nancy Chesser**  
Todd Heifner and Kevin Heifner

**In memory of Jerry W. Earney**  
Janet and John Wilborn

**In memory of Johnny Heflin**  
Larry Chesser

**In honor of Madison McClendon on his 20th birthday**  
Michelle, Rod, and Bryce McClendon

**In memory of Rev. Lewis C. and Frances McKinney**  
Margie and Carroll Wheedleton

**In memory of Sidney Reber**  
Ted and Whitney Hillestad

**In honor of Dr. and Mrs. Herbert H. Reynolds**  
Jan and Tom Purdy

**In honor of Buddy and Kay Shurden**  
Walter and Ashley Shurden  
Sherry Shurden Brewer  
Jerry and Pattye Wilson  
George and Edna Langley  
Greg, Paula, Audrey and Sam Batts  
Dr. Robert M. Shurden

**In memory of Phil Strickland**  
Gayle and Dale Taylor