



REPORT

from the Capital

BJC brief supports protections for religious entities' right to hire ministerial personnel

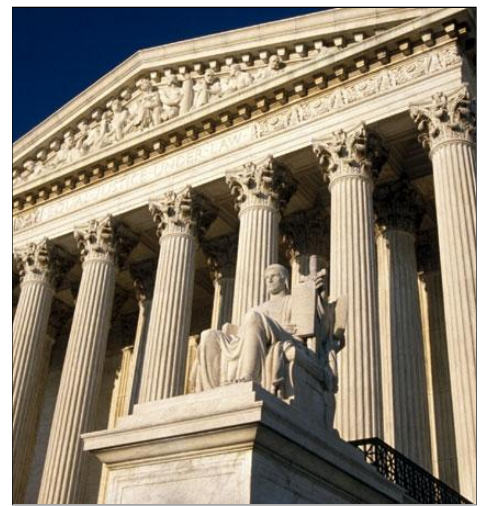
Ministerial exception is crucial implication of religious liberty

WASHINGTON — A legal doctrine that bars most lawsuits between ministerial personnel and their employers is a “clear and crucial implication of religious liberty, church autonomy and the separation of church and state,” says the Baptist Joint Committee for Religious Liberty in a friend-of-the-court brief filed June 20.

The BJC filed the brief in a case to be heard this fall by the U.S. Supreme Court involving an employment dispute between a church-run school for children in grades K-8 and the Equal Employment Opportunity Commission on behalf of a former teacher commissioned by the church. The case is *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, et al.*

The brief, which was also joined by the Christian Legal Society, the National Council of the Churches of Christ in the USA and the National Association of Evangelicals, said this First Amendment legal doctrine, called the ministerial exception, protects the fundamental freedom of religious communities to select their leaders.

“It should be remembered that at any point in time any given religious community is a mere generation away from extinction, and that teachers in religious schools are commonly on the front line of conveying the faith to children and forming them morally,” the brief states. “Given our nation’s deeply rooted commitments to religious freedom and church-state separation, an employment-related lawsuit



in a civil court is not a permissible vehicle for second-guessing a religious community’s decision about who should be responsible for keeping the next generation.”

While widely accepted by lower courts as necessary under the First Amendment’s Religion Clauses, the ministerial exception has not been explicitly recognized by the U.S. Supreme Court. Lower courts have varied in their interpretation of the doctrine.

“In defining the ministerial exception, an approach that is too simplistic will undermine religious liberty,” said BJC General Counsel K. Hollyn Hollman. “The Court should put a premium on both the religious organization’s designation of ministry personnel as its religious representatives and the employees’ responsibility for performing important religious functions.”

—Staff Reports

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Appeals court rules against N.C. county's prayer policy

On July 29, the 4th U.S. Circuit Court of Appeals upheld a ruling that Forsyth County's policy of allowing invited ministers to voice sectarian prayers at county board meetings amounted to an unconstitutional establishment of religion by the local government. The three-judge panel voted 2-1 to uphold the January 2010 ruling of a federal district court.

In a 28-page decision written by Judge J. Harvie Wilkinson III, the appeals court said, "Sectarian prayers must not serve as the gateway to citizen participation in the affairs of local government."

The Baptist Joint Committee for Religious Liberty filed a friend-of-the-court brief arguing that the prayers improperly promoted Christianity over other religions and were unconstitutional under the U.S. Supreme Court's 1983 ruling in *Marsh v. Chambers*. According to the brief, that ruling "carved out a narrow exception from general Establishment Clause principles for non-sectarian legislative prayer." The BJC urged the court to uphold the district court opinion and to strictly apply *Marsh* in this case, only authorizing non-sectari-



an prayer rather than expanding *Marsh* "far beyond its limited holding."

The court agreed, holding that the Constitution allows use of legislative prayer to "solemnize" public occasions, but due to the risk of invocations in governmental settings being used to establish religion they should be non-sectarian. The opinion pointed out that, during an extended time period, "most of the prayers closed by mentioning Jesus." The court noted the preponderance of prayers delivered in Jesus' name "led to exactly the kind of divisiveness the Establishment Clause seeks rightly to avoid."

The court stated: "The case law thus sets out clear boundaries. As amicus

Baptist Joint Committee for Religious Liberty puts it, 'this [c]ourt's legislative prayer decisions have recognized that the exception created by *Marsh* is limited to the sort of nonsectarian legislative prayer that solemnizes the proceedings of legislative bodies without advancing or disparaging a particular faith.' Put differently, legislative prayer must strive to be nondenominational so long as that is reasonably possible — it should send a signal of welcome rather than exclusion. It should not reject the tenets of other faiths in favor of just one."

Circuit Judge Paul Niemeyer wrote a dissenting opinion that the county's policy did not show favoritism because it applied to non-Christian clergy as well, and that officials had no obligation to censor the prayers of invited ministers.

The Forsyth County Board of Commissioners voted 6-1 on Aug. 8 to appeal the case to the U.S. Supreme Court. According to The Associated Press, the commissioners agreed to appeal if private foundations continue to pay the county's legal fees.

—Associated Baptist Press
and Staff Reports

House bill would create special envoy for religious minorities

WASHINGTON — The House has passed a bill that would create a special State Department envoy for religious minorities in the Near East and South Central Asia, where Christians have come under attack in recent years, particularly in Muslim majority nations.

Rep. Frank Wolf, R-Va., introduced the bill in January after a spate of violence against Christians in Iraq and Egypt, and in response to persistent concerns for religious minorities in Pakistan and Afghanistan, among other nations. The bill passed July 27 by a 402-20 tally.

"The U.S. government needs an individual who can respond and focus on the critical situation of religious minorities in these countries whose basic human rights are increasingly under assault," Wolf said.

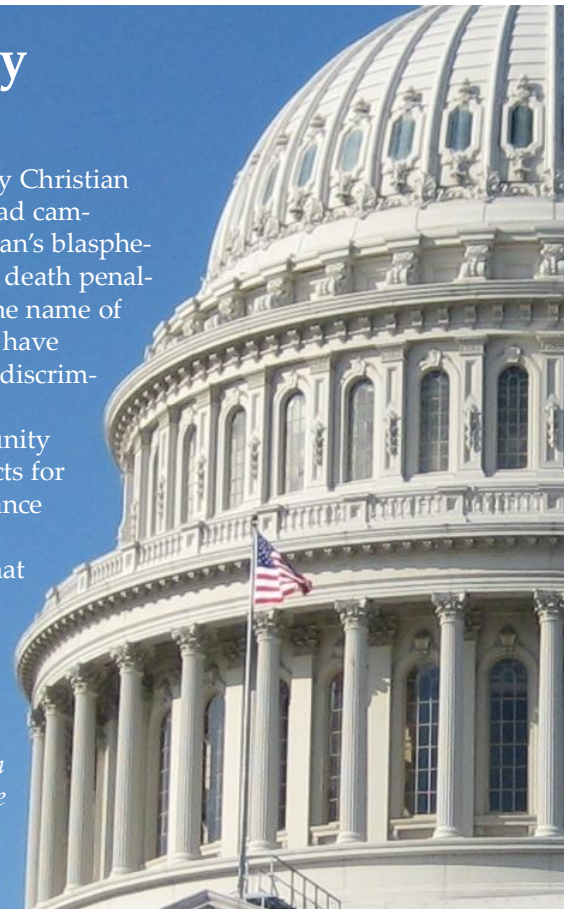
In March, for example, gunmen assassi-

nated Shahbaz Bhatti, the only Christian in Pakistan's cabinet. Bhatti had campaigned for changes in Pakistan's blasphemy laws, which prescribe the death penalty for anyone who defames the name of the Prophet Muhammad and have been used to justify religious discrimination.

"If the international community fails to speak out, the prospects for religious pluralism and tolerance in the region are bleak," said Wolf, who has long argued that the State Department must make persecuted religious minorities a higher priority.

The bill now goes to the Senate.

—Lauren Markoe, Religion
News Service



Justices rely on 'standing' in church-state disputes

WASHINGTON — As the U.S. Supreme Court ended its 2010-2011 term in June, legal scholars said a decision issued in one case is likely to resonate within church-state debates for years to come.

On April 4, the justices rejected a challenge to an Arizona school tuition credit program that largely benefits religious schools, saying taxpayers did not have legal grounds to challenge a tax credit as government spending. The case was *Arizona Christian School Tuition Organization v. Winn et al.*

At the heart of the decision was an arcane yet essential legal term — “standing,” or a plaintiff’s right to sue. Critics say the court increasingly relies on standing to dismiss church-state challenges without addressing the merits of the complaints.

Whatever the court’s reasoning, the *Winn* ruling already is influencing other cases that touch on the First Amendment’s prohibition on a government “establishment” of religion:

— A Wiccan chaplain lost a religious discrimination case in a federal appeals court on June 1, which cited the *Winn* decision in its ruling.

— Two weeks later, the Freedom From Religion Foundation voluntarily dropped its case challenging tax exemptions for clergy housing in light of the *Winn* decision.

— That same atheist group is now carefully mulling whether to seek an appeal in a case it lost trying to declare the National Day of Prayer proclamation by President Obama unconstitutional.

Annie Laurie Gaylor, co-president of the Freedom From Religion Foundation, said by focusing on the standing issue, the court’s conservative majority has reduced its ability to hear cases on their merits.

“They are slamming the door shut and they do not want any examination of the constitutionality of governmental support for religion,” she said. “It’s just rendering our Establishment Clause meaningless because we cannot enforce it.”

Church-state watchdog groups had already taken a hit when the high court ruled in 2007 that taxpayers associated with the atheist group did not have standing to challenge the White House initiative that channels federal funds to religious groups providing social services.

But with *Winn*, conditions have grown worse, Gaylor said.

“It’s such a chilling effect,” she said. “Taxpayers, we’re just sitting out there in the cold.”

Writing for the 5-4 majority in the *Winn* case, Justice Anthony Kennedy defended the reliance on standing: “In an era of frequent litigation, ... courts must be more careful to insist on the formal rules of standing, not less so.”

Legal groups like the American Center for Law and

Justice hope the decision will help them in future cases.

Citing the *Winn* decision, ACLJ lawyers hope to convince the high court to reject the idea of “offended observer” standing with a case about an Ohio county court judge who has posted the Ten Commandments on his courtroom wall.

“The people who sued him — they don’t like to look at the poster,” said Jay Sekulow, the ACLJ’s senior counsel, of the American Civil Liberties Union. “So what?”

Melissa Rogers, a church-state expert at Wake Forest University Divinity School, said standing is not just a dry legal concept.

“It can make the difference between whether the Establishment Clause is a vibrant source of values that protect us and protect the religious liberty that we enjoy,” she said, “or whether it’s a paper promise that theoretically bars certain things but not in practice.”

The church-state arguments over taxpayer standing often refer to a 1968 case, *Flast v. Cohen*, in which the Supreme Court ruled that taxpayers could sue when Congress provided financial aid to public and private schools, including parochial schools. Some justices think the *Flast* decision should be overturned or narrowly interpreted; others, like first-term Justice Elena Kagan, think it paves the way for taxpayer cases to be considered.

Kagan, in a strong dissent in the *Winn* case, said the majority’s decision “devastates taxpayer standing” in cases involving the Establishment Clause.

“However blatantly the government may violate the Establishment Clause, taxpayers cannot gain access to the federal courts,” she wrote.

With losses in federal court, church-state separationists say they’re hoping for better success in state courts.

Barry Lynn, executive director of Americans United for Separation of Church and State, estimates that three dozen states have constitutions that prohibit “even more clearly the expenditure of government funds for religious purposes.” So he hopes plaintiffs may have a greater ability to sue at the state level.

“So far we haven’t seen the same trend ... where people are just being kicked out right and left because of alleged lack of standing,” he said.

David Cortman, senior counsel of the Alliance Defense Fund, which argued for both the National Day of Prayer and for the Arizona tuition credit program, is not surprised about strategies to move to the state courts.

“If they can’t challenge them in federal courts, they’ll certainly challenge them in states,” he said, “but we’ll also be there to defend those programs.”

— Adelle M. Banks, *Religion News Service*

Dunn uplifts 'soul freedom' at Religious Liberty

TAMPA, Fla. — Accepting this year's J.M. Dawson Religious Liberty Award from the Baptist Joint Committee for Religious Liberty June 24, former BJC leader James Dunn identified "soul freedom" as the driving force behind the church-state watchdog organization now in its 75th year.

Dunn wrote his doctoral dissertation on Dawson, the first executive director of the BJC. Dunn went on to become a successor to Dawson, serving as executive director of the BJC from 1980 until his retirement in 1999. He now works as president of the Baptist Joint Committee Endowment and is the Resident Professor of Christianity and Public Policy at Wake Forest University's Divinity School.

Dunn accepted the award at the annual Religious Liberty Council Luncheon held in conjunction with the Cooperative Baptist Fellowship General Assembly in Tampa, Fla.

In his address to the crowd of 500 people, Dunn described Dawson's legacy. He said it was not a "rugged individualist, cowboy Christianity" criticized by some academicians that moved Dawson, but instead the "biblical priesthood of the believer." It is the same notion, he said, described by Roger Williams as "freedom of conscience" and by E.Y. Mullins as "the competence of the individual before God."

Dunn described Dawson's "incarnational" theology — that "God was in Christ reconciling



Dunn

Watch the speech online at <http://vimeo.com/bjcvideos>

or scan this QR code with your smartphone:



the world unto himself" — as "utterly unlike the Southern Baptist creed ... that even omitted Jesus Christ as the criterion of Baptist beliefs."

"They took that out of an earlier Baptist Faith and Message," Dunn said of the confession of faith that the Southern Baptist

Convention revised in 2000.

Dunn said Dawson applied the challenge of creedalism."

"I almost deleted part of this it is pretty strong," Dunn said, a line written by Dawson that, transcend the interpretation of the unfettered conscience of the

He said Dawson also embraced "essential religion" that is not "capable in creeds." He quoted from Rauschenbusch's classic defense of *Baptist* that "Baptists tolerate no

"It condemns a grownup still talk like a child," Rauschenbusch's creed tells you what you must have not bound the religious in

"Or as Bill Moyers puts it," is a grown-up religion."

"Soul freedom allows authentic to happen," he said. "It does not community. It allows authentic completion."

Dunn said *koinonia*, a word from the New Testament translated as "fellowship" referring to the church, "is precisely freedom."

Dunn said Dawson also preached faith that "responds directly to a formula or filter." He quoted theologian George W. Truett, Dawson's

PHOTOS BY J.V. MCKINNEY



The crowd of 500 people at the luncheon erupted into a standing ovation at the conclusion of James Dunn's keynote address in Tampa, Fla. The event brings together religious liberty supporters from across the country, including seminary students and others who may be learning about the BJC for the first time.



After James Dunn's address, Smyth & Helwys Publishers presented Dunn with a framed cover of the book "James M. Dunn and Soul Freedom." This new book explains how "soul freedom" (faith) is the basis of Dunn's understanding of church-state relations and the historic Baptist basis of religious liberty.

Religious Liberty Council Luncheon

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“The right of private judgment is the crown jewel of humanity,” Truett opined, “and for any person or institution to come between the soul and God is a blasphemous impertinence and a defamation of the Crown Rights of the Son of God.”

Brent Walker, the current BJC executive director elected to succeed Dunn in 1999, made the presentation of what he describes as the organization’s “flagship award.”

Named for Dawson, who headed the BJC between 1946 and 1953, it recognizes the contributions of individuals in the areas of the free exercise of religion and church-state separation.

The Dawson Award was established on the BJC’s 50th anniversary in 1986 and has been presented 11 times since. Previous winners include broadcaster Bill Moyers and former President Jimmy Carter. Dunn is the 16th recipient.

The Religious Liberty Council is the only BJC member body open to individuals, said Mark Wiggs of Jackson, Miss., the council’s co-chair. He said 13 of the 45 members of the BJC board are from the Religious Liberty Council.

The 2012 Religious Liberty Council Luncheon will be held in June during the Cooperative Baptist Fellowship General Assembly in Fort Worth, Texas.

— *Associated Baptist Press and Staff Reports*



BJC Executive Director Brent Walker presented James M. Dunn with the 2011 J.M. Dawson Religious Liberty Award. The award is named for the BJC’s first executive director, and it recognizes individuals who have made outstanding contributions in defense of religious liberty for all people.



Lex Horton presented Dunn and Soul (voluntary uncoerced state separation and the

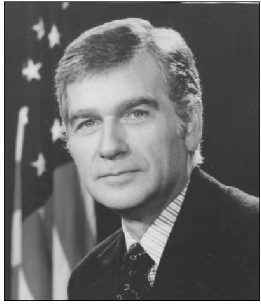


Aaron Weaver, author of “James M. Dunn and Soul Freedom,” introduced Dunn at the luncheon. Weaver said, “Throughout his entire ministry, Dunn’s advocacy has been grounded in a commitment to soul freedom. He has taught many genera-

tions of Baptists that separation of church and state is the logical, theological and political consequence of a genuine, uncoerced faith that springs from soul freedom and extends religious liberty to all.”



The crowd heard from individuals with varying connections to the BJC. Clockwise from top left: BJC Board Chair Pam Durso opened the luncheon, Religious Liberty Council Co-Chair Mark Wiggs presided over the election of RLC officers and Board Members, former BJC staff member Karen McGuire gave the benediction, and BJC General Counsel Holly Hollman gave an update on the work of the BJC.



Remembering Mark Hatfield

By James M. Dunn

Former U.S. Senator Mark Hatfield passed away on August 7. An Oregon Republican whose Baptist faith helped shape his political views, Hatfield worked closely with the BJC and is one of the namesakes of the BJC's "Barbara Jordan/Mark Hatfield Political Courage Award." Former BJC Executive Director James Dunn reflects on Hatfield's work, faith and career.

Religious liberty has had no better friend in the past 50 years than Mark O. Hatfield.

He cared about both clauses of the First Amendment. He knew that without "no law respecting an establishment of religion" there could be no free exercise thereof.

He was one of the six United States senators to vote against sending an ambassador to the Vatican, a prima-facie violation, to exchange ambassadors with a church.

Sen. Hatfield became a primary advocate/interpreter of the true spirit of separation, not mere political correctness. He dared expose the annual orgy of patriotic piety: the Presidential Prayer Breakfast. He said, "The God of our civil religion is a small and very exclusive deity."

Mark Hatfield also championed free

exercise. He said that some actually believed the high court had made it impossible for students to pray within the confines of a public school. It got worse. Playing politics with prayer, "God has been banned from the schools" became a motto in error.

Rep. Don Bonker, D-Wash., and Sen. Hatfield co-sponsored the Equal Access Act which allowed religious groups to have "equal access" to school fora and facilities.

When the Supreme Court upheld the constitutionality of the act, Hatfield said it was "a major milestone for both religious freedom and freedom of speech in public schools."

Mark Hatfield was a fighter for religious freedom for all, but not just to accommodate political reality or constitu-

tional requirement. Liberty of Conscience, for him rooted in love for all humankind made in God's image, was at the core of his being, his moral and ethical framework.

It has been my great joy and good pleasure to count Mark and Antoinette bona fide, swap-visit friends for half of our lives.



Sen. Hatfield and Dunn confer during an editor's briefing in the senator's office in 1986.

Proposed Florida constitutional amendment challenged

A proposed Florida constitutional amendment that would repeal religious liberty protections is being challenged in court.

On July 20, a group of Florida educators and religious leaders filed a lawsuit in a Florida state court challenging Amendment 7, a proposed ballot measure which is slated to appear on the state's November 2012 ballot.

As proposed, Amendment 7 would repeal a vital religious liberty provision of the Florida Constitution that unequivocally prohibits taxpayer-funded aid to religious institutions. This "no-aid" clause became part of the state constitution in 1885 and was re-ratified with only slight revisions in 1968, 1977 and 1997. The clause, which provides that "[n]o revenue of the state ... shall ever be taken from the public treasury directly or indirectly in aid of any ... sectarian institution," ensures that no Floridian is required to support houses of worship or religious education with his or her tax dollars.

The proposed constitutional amendment aims to replace Florida's current no-aid provision with language that would give religious organizations an affirmative right to receive government money by mandating that "[e]xcept to the extent required by the First Amendment to the United States Constitution, neither the government nor any agent of the government may deny to any other individual or entity the benefits of any program, funding, or other support on the basis of religious identity or belief." Supporters of the so-called "Religious Freedom" amendment contend that the change is

necessary to place religious institutions on an equal footing with secular organizations in terms of eligibility for state aid.

If adopted, Amendment 7 would represent a drastic shift in state constitutional law that could encourage legal challenges to no-aid provisions in other states.

Most state constitutions have provisions that differ in certain ways from the federal constitution. Many states have strong religious liberty provisions (protecting free exercise and no establishment values) that provide more explicit protections than the First Amendment affords. Many state constitutions, like Florida's, have no-aid provisions restricting the "direct or indirect" expenditure of public funds in aid of religious schools and other religious bodies. Repeal of no-aid provisions could open the door to programs such as taxpayer-funded school vouchers.

Critics of Amendment 7 argue that the proposal's language is misleading and falsely implies that the repeal is necessary in order to align the Florida and U.S. Constitutions. Opponents also worry the amendment would open the door to taxpayer-funded proselytizing and could exempt religious institutions from state anti-discrimination laws.

Rabbi Merrill Shapiro, the lead plaintiff in the lawsuit, said, "Religious schools should be supported by donations, not taxpayer dollars. I don't want to pay for religious instruction that I don't believe in, and I don't think other Floridians do either."

—Nan Futrell

BJC hires new staff member

Nan Futrell, a native of Washington, N.C., has joined the Baptist Joint Committee for Religious Liberty as staff counsel.

Futrell comes to the BJC after working as a legal fellow in the litigation department of Americans United for Separation of Church and State and as a contract attorney for a Washington, D.C.-area law firm. She is a graduate of the University of North Carolina School of Law, where she served on the *First Amendment Law Review*.



Futrell

Futrell holds an undergraduate degree from Duke University with majors in history and religion and a Certificate in Policy Journalism and Media Studies. She grew up attending First United Methodist Church in Washington, N.C. Futrell's fiancé, Matthew Liles, is a member of Zebulon Baptist Church in Zebulon, N.C. They will be married in 2012.

Critics push Obama to change faith-based hiring rules

WASHINGTON — A group of clergy and lawmakers is trying to overturn a nearly decade-old policy that allows faith-based organizations that receive federal funds to hire and fire employees on the basis of religion.

Critics say President Barack Obama has reneged on a campaign promise to repeal the policy, which was put into place by President George W. Bush in 2002.

"It is shocking that we would even be having a debate about whether basic civil rights practices should apply to programs run with federal dollars," said Rep. Bobby Scott, D-Va.

"There is just no justification for sponsors of government-funded programs to tell job applicants, 'We don't hire your kind.'"

Scott has sponsored legislation to repeal the policy. But advocates for the change say the most effective route would be for Obama to issue a new executive order to overturn Bush's, Scott told reporters on June 21.

Bush introduced the policy to advance what he deemed a more faith-friendly federal approach toward charitable organizations that receive federal contracts for social services.

Some hailed the overall initiative and continue to support it.

"We will do whatever we can to make sure this stays," said Michele Combs, spokeswoman for the Christian Coalition, saying charitable organizations should have the right to employ those who share their groups' values.

"That's our freedom," she said, "to hire and fire people of our faith."

Others said the lingering Bush order undermines a

century of progress in civil rights.

"Tax dollars should not be used to discriminate," said Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism.

Scott and others referred to a speech Obama gave on the campaign trail four months before his 2008 election in which he promised to reform Bush's faith-based program. Obama said a group receiving federal money should not be able to "use that grant money to proselytize to the people you help and you can't discriminate against them — or against the people you hire — on the basis of their religion."

Asked for comment, a White House spokesman said "the Justice Department continues to examine this issue on a case-by-case basis."

—*Religion News Service and Staff Reports*

Army agrees to host concert for atheists on N.C. base

A group of military atheists have won the backing of U.S. Army officials to hold a "Rock Beyond Belief" concert for nonbelievers at North Carolina's Fort Bragg next year.

The victory came after several church-state separation watchdog groups complained last month to the Secretary of the Army that a Christian-themed concert held at the fort last September gave "selective benefits" to religious groups.

That concert, staged by the Billy Graham Evangelistic Association, received more than \$50,000 in financial support from the base, according to records obtained by local atheists through the Freedom of Information Act. The nonreligious concert will receive the same funds and will be held at a similar venue at the base.

Military atheists are hailing the decisions as a major victory, and say they are on the "cusp of a major breakthrough."

"This just might be the turning point in the foxhole atheist community's struggle for acceptance, tolerance and respect," Sgt. Justin Griffith, a member of Military Atheists and Secular Humanists (MASH), a Fort Bragg-based group that complained about the Christian concert, wrote Aug. 2 on the "Rock Beyond Belief" website.

"Rock Beyond Belief" was originally slated to be held last April after Fort Bragg officials agreed to MASH's original appeal for an alternative concert. But it was canceled in April when the garrison commander refused to sign off on it.

The American Civil Liberties Union, Americans United for the Separation of Church and State and several atheist groups complained to Army officials.

The "Rock Beyond Belief" concert will be held March 31, 2012, and will be free to all members of the military, their families and the public. It is slated to feature musical groups and speakers, including Richard Dawkins, a best-selling author and prominent atheist.

—*Kimberly Winston, Religion News Service*



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REPORT from the Capital

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Scholarship Essay Contest winners announced

An essay examining the conflict between religiously mandated dress requirements and public safety policies is the winner of the 2011 Religious Liberty Essay Scholarship Contest, sponsored by the Religious Liberty Council of the Baptist Joint Committee.

This year's essay topic asked students to examine what happens when religious rights clash with other rights or laws in the U.S. and to explain how they would determine an appropriate outcome. More than 370 high school juniors and seniors from 43 states submitted entries.

The grand prize winner is Kira Alia Cozzolino from Lomita, Calif. Her essay explored the conflict that arises between the religious requirements of Sikhs to wear a small knife (called a "kirpan") and laws prohibiting weapons in some public places. Cozzolino wrote, "In the cases of kirpans at school, banning kirpans forces children to choose between breaking a fundamental tenet of their religion and risking expulsion. On the other hand, one of the main duties of schools is to ensure the safety of their students." She made the case for a solution that takes the specific circumstances into account, restricting kirpans to the types that are risk-free in school environments and advocating for discreetly-worn kirpans in work environments.

Cozzolino received a \$1,000 scholarship and a trip to Washington, D.C., in conjunction with the BJC board meeting in October. The daughter of Michael and Karin Cozzolino, she is a 2011 graduate of the California Academy of Mathematics and Science and will attend Northwestern

University this fall.

Morgan Green of Greenville, N.C., earned the second place prize of a \$500 scholarship. A 2011 graduate of J.H. Rose High School, she is the daughter of Mark and Kathy Green and a member of Jarvis Memorial United Methodist Church. Drawing on her own experience as a public high school student, Green's essay looked at tension between the religion clauses of the First Amendment. She wrote that a group of students meets at the flagpole to pray before school begins, and sometimes she chooses to join them.

"It is this choice that truly represents freedom of religion, the way I believe the founding fathers meant it to be implemented."

The third place winner is Ashby Jong Henningsen of Parkville, Md., who received a \$100 scholarship. A rising senior at Baltimore Lutheran School, he is the son of Alan and Nanci Henningsen and a member of

Aisquith Presbyterian Church. Henningsen's essay examined the struggle over religious freedom in public schools. He concluded, "In order for the decrees of the Constitution to be honored, religion must remain a separate entity in the public educational environment, upheld as an individual's personal choice while being both protected and untouched by government."

The Religious Liberty Essay Scholarship Contest was established in 2006. A panel of judges issued scores based on the content of each essay and the author's writing skills.

Details for the 2012 contest are scheduled to be released in late October.

