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REPORT from the Capital

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◆ Development Update ◆

Religious Liberty Day report

Metro Baptist Church in New York City recently conducted a Sunday service devoted to religious liberty. Taking advantage of a guest sermon by J. Brent Walker, they added elements to their service focusing on religious liberty. Some were adapted from resources on the BJC's Web site — including the Call to Worship and opening hymn — and others were created by Metro members.

Metro's members were encouraged to think about religious freedom in a personal way. Two members who came to New York City as adults (David Massengill and Paula Nance) performed a dialogue about their experiences with school prayer growing up as Baptists and how different those issues looked in the religiously diverse New York City public schools. The dialogue — just a few minutes long — was in the early part of the service, giving the congregation a chance to think about and reflect on the issues during the rest of the service.

Metro Baptist Church is just one example of the many different congregations celebrating religious liberty and educating others about it. If you have a religious liberty day story you would like to share, we'd love to hear from you!

And it's never too late to plan an entire religious liberty service — or just a moment of emphasis — at *your* church.

The BJC maintains online resources with

materials and ideas to help you create the right concept for your congregation. The script from Metro Baptist Church's dialogue is available on our Web site, as well as a brand-new bulletin insert that gives the Biblical basis for church-state separation. Just visit www.BJOnline.org,

go to the "Resources" tab, then click on "Documents." You'll find a category that is your one-stop shop for Religious Liberty Day materials.

If you plan or organize a religious liberty day — or if you have any questions — please let us know! Contact Kristin Clifton at kclifton@BJOnline.org or (202) 544-4226.

Receive e-mail from the Baptist Joint Committee

If you want to keep up with the latest BJC news, make sure we have your e-mail address! You will receive our electronic updates, and you'll be among the first to know about our education efforts (like our analysis of Judge Sonia Sotomayor's record) and have access to them online.

Just send your e-mail address to kclifton@BJOnline.org or sign up for our e-mail updates by visiting our Web site at www.BJOnline.org.

Religious liberty is a gift from God.

Religious liberty is a gift from God, not the result of any act of legislative or executive discretion on the part of the state. It has no dole, what we Baptists call "social freedom" — the liberty of conscience that we all receive simply by virtue of being God's creatures and those to whom He has made all of us free. For to suppose, free to say no, and free to make up our own minds about our spiritual duties, Religious Freedom goes to the heart of who God is and who we are. So, the right to religious liberty for all is to ensure



REPORT from the Capital

Senate Judiciary Committee votes to confirm Sonia Sotomayor

Full Senate expected to approve her nomination

WASHINGTON — After questioning U.S. Supreme Court nominee Sonia Sotomayor and other witnesses, the Senate Judiciary Committee gave her nomination its blessing on July 28.

By a 13-6 vote, the committee recommended the full Senate approve her as the next member of the nation's highest court. The tally was along party lines with one Republican senator (Lindsey Graham, S.C.) joining the Democrats in voting to confirm her nomination.

Sotomayor, 55, is President Barack Obama's choice to replace retiring Supreme Court Associate Justice David Souter. Obama announced Sotomayor's nomination on May 26, and her hearing before the Senate Judiciary Committee began on July 13.

During the four days of the hearing, committee members asked Sotomayor questions about her record, previous statements and judicial philosophy.

Senators questioned Sotomayor about her opinions on several issues, including abortion, same-sex marriage, gun control and the commerce clause. But, Sotomayor often did not shed much light on her thoughts or positions on particular issues, citing the American Bar Association's rules of professional conduct that prohibit a judge from commenting on the merits of a case that is pending or possibly impending before her possible court. Whether it was in an exchange with Sen. Al Franken, D-Min., about the power of Congress or an exchange with Sen. Chuck Grassley, R-Iowa, about a marriage issue, Sotomayor often did not share her personal views on the issues and cases raised by the senators.

Several groups committed to monitoring the relationship between church and

state poured over Sotomayor's extensive judicial record to find clues about how she interprets the two religion clauses of the First Amendment.

The Baptist Joint Committee found evidence of her sensitivity to religious minorities in rulings that protected the free exercise of religion for prisoners. In the hearing, she mentioned the importance of not second-guessing a claimant's sincerely held religious belief or practice. The BJC said it is difficult, however, to predict how Sotomayor will rule in Establishment Clause claims because she dealt with few cases interpreting that clause, and it was not discussed during the hearing.

The Senate Judiciary Committee's vote is only a recommendation to the full Senate. The Senate has the sole power to confirm or deny a nominee to the High Court with a simple majority vote. At press time for *Report from the Capital*, the full Senate had not brought her nomination to the floor, but it was expected to confirm her.

She would be the first Latina to serve as an associate justice. And, if she does replace David Souter, she would be one of six Catholics on the court.

For more on the hearing, see pages 4 and 5 of this edition of *Report from the Capital*.



Sotomayor

Photo provided by the White House

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On the Web

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—BJC Staff Reports

Faith-based advisory council discusses possible reforms at July meeting

Current and former BJC staff members play key roles in shaping the office

Members of the President's Advisory Council for Faith-based and Neighborhood Partnerships gathered for a two day face-to-face meeting on July 8-9. During the summit, members mapped out plans to link government and religious groups, and they evaluated and discussed the priorities of the group's six task forces: reform of the office, economic recovery and poverty, responsible fatherhood, interfaith dialogue, climate change and global poverty

The group charged with reforming the office is chaired by Melissa Rogers, former BJC General Counsel and the current director of Wake Forest University's Center for Religion and Public Affairs. BJC Executive Director Brent Walker is a member of the same task force.

At the July meeting, Rogers said the reform task force will ensure church-state restrictions are clear when religious organizations partner with the government. It also will examine issues with 501(c)(3) organizations and religious groups, and it plans to find methods to ensure people of different faiths (or of no faith) benefit equally from

the government's partnership with religious groups.

Several council members told administration officials they want to make sure that government partnerships extend to the city and county level — in part to ensure that economic recovery funds reach struggling grassroots nonprofits.

Joshua DuBois, the executive director of the office, said he expects intergovernmental outreach to increase, but he is seeking recommendations from the advisers on best approaches for that cooperation. He also reiterated that the council will not be dealing with the question of religious hiring. That will be dealt with on a case-by-case basis by other entities, including the White House Counsel and the Department of Justice.

Many of the advisers' proposals will be developed into a report to the White House next year. Some of the panel's work will be evident before then, such as regional town hall meetings on fatherhood scheduled for later this year.

—Religion News Service and BJC Staff Reports



State updates

Many state legislatures go into recess at the beginning of summer, but several stories affecting the relationship between church and state continued to make headlines in different parts of the country.

Louisiana: Religious Freedom Amendment

The Louisiana House and Senate could not reconcile their different versions of a bill that would call for a vote on a state constitutional amendment expanding religious freedom protections. The session ended without passing it, but the senate did pass a resolution directing the Louisiana State Law Institute to study constitutional language on the freedom of religion in the state and report to the legislature before February 2010.

Texas: Religious Freedom Restoration Act

In June, the Texas Supreme Court unanimously upheld the constitutionality of the state's Religious Freedom Restoration Act. The law says state and local governments cannot limit the practice of religion without proving a "compelling" interest. News reports said the dispute in question was a key test for the Texas RFRA law and others like it across the country.

Texas: Social Studies Curriculum

As Texas social studies teachers meet to write new curriculum, several reviewers appointed by the Texas Board of Education are recommending an emphasis on the role of the Bible and Christianity in American history.

Virginia: Jail Censorship

An inmate's mother said officials removed entire sections of letters sent to her son that contained Bible verses and other religious language, violating his rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act. The ACLU of Virginia is seeking a revision of the institution's mail policy and a written guarantee that inmates can receive letters containing religious material.

Washington State: Plan B Pill

In July, the 9th Circuit Court of Appeals ruled that pharmacists in Washington must stock and dispense a pill even if they have religious objections to its use. The ruling was in reference to the "Plan B" pill (also called the "morning after pill"). News reports speculate the case could affect policy across the western United States.

If you have a question about the potential religious liberty implications of something happening in your state, the BJC is a resource for you.

—Cherilyn Crowe

REFLECTIONS

Citizens of two kingdoms, serving one master

We had a wonderful annual meeting of the Religious Liberty Council at the Cooperative Baptist Fellowship General Assembly in Houston. Good food, fellowship and fun. Rep. Chet Edwards' remarks about religious liberty were on target, and his nice words about the work of the Baptist Joint Committee were much appreciated. You can read more about the event on pages 6 and 7 of this newsletter.

A guest at the luncheon apparently was prompted by Rep. Edwards' remarks and the Baptist Joint Committee's reputation to post an essay on the official CBF blog criticizing the Baptist Joint Committee's public advocacy for religious liberty. The writer thought it hypocritical at worst and schizophrenic at best for the Baptist Joint Committee to fight for the separation of church and state but challenge the government with that message.

Purporting to heed Jesus' admonition that we cannot serve "two masters," the writer urges the Baptist Joint Committee and the Christian church generally to abjure public engagement, adopt something of a Christ-against-culture mentality and alter the world by our "witness to the radical alternative Kingdom of the Church."

Although I always welcome constructive criticism of the Baptist Joint Committee's ministry, I beg to differ here. Yes, Jesus warned against serving two masters, but he also acknowledged the two kingdoms of which we are citizens — Caesar's and God's — with duties and allegiances to both. Of course, of the two masters, God comes first.

Historically, for most Baptists, the separation of church and state has never meant a divorce of religion from politics or the stripping of religious discourse from the public square. The antipathy to political involvement historically has been more the hallmark of our Anabaptist cousins than our Baptist grandparents. Baptists, from the very beginning, have been far more willing to be engaged in public life. We see this from Thomas Helwys' rebuke of King James I in the inscription in his treatise on religious liberty, *A Short Declaration on the Mystery of Iniquity*. We see it in the colonial lobbying engaged in by Isaac Backus and John Leland in favor of separation of church and

state. We must not overlook Walter Rauschenbusch's leadership in the social gospel movement advocating for progressive reforms or the work of Martin Luther King Jr. and the leaders of the civil rights movement for passage of the Civil Rights Act of 1964. Both Rauschenbusch and King were impelled to act by their understanding of the kingdom of God on earth. This is not the only way to practice our Christianity, but it is certainly the historically Baptist way.

Several other respondents jumped in and rallied to the Baptist Joint Committee's defense on the CBF site. For example, one wrote that "transforming a culture by detachment doesn't seem plausible to me. Relationships are required for credibility. The BJC is the only voice many of us have. Imagining hypocrisy is an easy pursuit and costs nothing. Articulating philosophical differences requires no sweat. Try working hard for solutions."

Moreover, another acknowledged that "soul freedom is a gift from God, and not a granting of the state. But the state can and does take steps that can make that more difficult for some...I believe engaging with the political power structures in an appropriate way is an enactment of Christ's call to minister to those in need, not an abandonment of that call. Maintaining constitutional freedoms, to be sure, is just one part, but an important one. I appreciate the Baptist Joint Committee for its vigilance toward that end."

Yes, we must be careful not to be co-opted and compromised by a political party or government official. But we must speak out in the public square and work with public officials who articulate our message in the courtroom, the halls of Congress and the White House. Yes, the Baptist Joint Committee works in the tension created by separation over against engagement, the prophetic over against the pastoral, the no establishment principle over against free exercise in the First Amendment. But, tensions and risks are a part of life and certainly an aspect of public life, and they do not amount to either schizophrenia or hypocrisy.



J. Brent Walker
Executive Director

"We must be careful not to be co-opted and compromised by a political party or government official. But we must speak out in the public square and work with public officials."

Recapping the Sotomayor confirmation hearings

BJC Blogger Don Byrd shares his search for church-state discussions

As I wrote on the BJC blog, a Supreme Court confirmation hearing is essential day-long viewing for a news junkie like me. It's the C-SPAN equivalent of the Olympics — an exciting and important display of American government focusing the nation's attention on the role of its high court.

At least, it should be like that, right?

So, with laptop and vat of coffee at the ready, I watched Judge Sotomayor's appearance before the Senate Judiciary Committee closely, waiting especially to document exchanges about church-state separation.

The stage was set for such questions. Analysis like the BJC's demonstrated that, despite many years on the bench, Sotomayor's record in religious freedom law is fairly thin. On Establishment Clause claims (challenges arguing the state improperly promoted religion), it is almost non-existent. *The New York Times'* editorial board echoed advocates as divergent as Jay Sekulow (ACLJ) and Barry Lynn (Americans United for the Separation of Church and State) in urging senators to explore her stance on church-state separation. The Pew Forum even published ready-made questions from former BJC General Counsel Melissa Rogers on the subject.

Still, I waited...and waited, as senators explored other areas of the law and judicial philosophy. (If only, I thought, Judge Sotomayor had given a speech about a "wise Catholic woman...")

Minor references to religion arose here and there: Sen. Orrin Hatch, R-Utah, asked if First Amendment freedoms — including the freedom of religion — were "fundamental" in the legal sense (answer: yes). Sen. Lindsey Graham, R-S.C., lectured her on the Court's rule that "you can't voluntarily pray in school" (no, that's not the rule), but didn't ask a question on that topic.

Finally! Thanks to the last question of the third day, religious freedom was front and center! Referring to her decision in a prisoner case

(*Ford v. McGinnis*), Sen. Ben Cardin, D-Md., asked for Judge Sotomayor's "philosophy as to the importance of [freedom of religion] in our Constitution."

Affirming it to be a "central part of our democratic society," she briefly discussed the "important Supreme Court precedent" that led her to decide in support of the plaintiff's free exercise claim: the sincerity of an individual's religious belief is what matters, she said, not its comportment with religious tradition.

A fine, if not very probing, question garnered a confident answer highlighting a key constitutional principle.

But, no other questions on religious liberty were asked, meaning there were none at all regarding the establishment of religion in four days of hearings.

This apathy toward such an essential pillar of American religious freedom reminded me of another memorable C-SPAN moment (yes, I have a problem): a conversation in late 2006 between sitting Supreme Court associate justices Stephen Breyer and Antonin Scalia.

They don't see eye-to-eye on many constitutional questions that come their way, but the two men readily agreed that the most difficult issue they face is the separation of church and state. Breyer discussed votes on Ten Commandment displays and school vouchers, and expressed anguish over the task of understanding "the meaning of the Establishment Clause." Scalia chimed in, unprompted, "I agree. It's the toughest."

If it's one of the toughest questions the judge will face, and an issue she agrees is central to our democracy, it would have been nice for a senator to ask her about it. They had a setting that, for just a few days, brings the country's attention to constitutional concerns.

Don Byrd writes and continually updates the Baptist Joint Committee's Web log. Read his latest work at www.BJConline.org/blog.



Senators hold confirmation hearings on Vatican ambassador

WASHINGTON — President Obama's nominee for ambassador to the Vatican, Miguel Diaz, told senators in July that his socially conscious scholarship gives him common ground with fellow theologian Pope Benedict XVI, which could further U.S. policies and interests in Rome.

"My commitment to creating dialogue related to cultural diversity, immigration, poverty and the role of religion and society prepares me well for this endeavor," Diaz told the Senate Foreign Relations Committee.

A relative unknown before being tapped by the Obama administration on May 27, Diaz has taught theology at the College of Saint Benedict and St. John's University in Collegeville, Minn., since 2004.

If confirmed, he will be the first theologian to serve as ambassador to the Holy See since the U.S. established formal diplomatic ties with the Vatican 25 years ago. Former appointees have included political figures and businessmen. Diaz was quick to tell the panel that his experience "is not limited to the realm of books, articles and the classroom."

The 45-year-old scholar, a first-generation college graduate who immigrated to the U.S. from Cuba as a child, also lifted up his civic activism and Latino heritage.

"As a Cuban American, my identity has been shaped by two cultures," said the nominee. "I strongly believe this has made me more open to others."

Sen. Bob Casey, D-Pa., a Catholic himself, presided over the hearing and asked Diaz how the recent meeting between president and pontiff would affect his work. Diaz said, "President Obama set a great foundation for our work in years to come."

Diaz said he would continue to address the challenges discussed in that session, including the Middle East peace process, outreach to Muslims worldwide, bioethics and abortion.

Diaz was mum about his own views on abortion during the proceedings. Anti-abortion Catholics criticized his support for Secretary of Health and Human Services Kathleen Sebelius, a Catholic who supports abortion rights. Diaz also campaigned for Obama, as a member of his Catholic advisory board.

His confirmation is expected to be approved.

— RNS



K. Hollyn Hollman
General Counsel

Labeling a judicial philosophy

The confirmation hearings for U.S. Supreme Court nominee Sonia Sotomayor shed little light on her thinking about religious liberty. In fact, beyond a handful of topics, there was little substantive discussion on constitutional matters. Like other recent confirmation hearings, it was mostly political theater with partisan efforts to attach a politically useful label to Judge Sotomayor's judicial philosophy.

There is nothing wrong with attempting to label someone's legal philosophy, but labels are often misleading and are no substitute for substance. I recall an effort to present me as an "absolute separationist" on a panel designed to illustrate perspectives on church-state relations. I declined the label but was quite willing to describe exactly the kind of separation the BJC supports.

The common script of judicial confirmation hearings calls for the party opposed to the nominee to label him or her as outside the mainstream of American law and society — a "judicial activist" for preferred political causes. The Sotomayor hearings were no different. Sen. Lindsey Graham asked whether Sotomayor considered herself an adherent of various schools of thought — whether she was an "originalist" or one who views the Constitution as a "living" document.

Originalism rose to prominence in the 1980s, championed by Justice Antonin Scalia, among others. Generally speaking, an originalist claims to look only at the text of the Constitution and the framers' intent in applying its provisions, emphasizing the original meaning of its terms. By contrast, proponents of the "living Constitution," such as the late Justice William Brennan, presume that the meaning of the Constitution will naturally change over time. As Justice Robert Jackson once put it, "the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs."

Between these two opposing views of constitutional interpretation — and even within both camps — there are various alternative approaches. Justice Stephen Breyer, for example, has stated that in evaluating alternative readings of the Constitution he asks himself "all things being equal, what interpretation will make American democracy function most effectively."

In her opening statement, Sotomayor tried to foreclose attempts to label her in a politically damaging way, describing her judicial philosophy as "fidelity to the law." She explained: "The task of a judge is not to make the law — it is to apply the law." She referred to her record as one that demonstrated "hewing faithfully to precedents." When pressed by Sen. Graham, Sotomayor continued to defy efforts to pigeon-hole her, recognizing that the discussion about what various labels mean and don't mean shows their limitation and stating, "I don't use labels to describe what I do."

Even if Sotomayor had allowed herself to be labeled, we would have been able to glean only so much. More instructive is the substance of Sotomayor's record. But even that lengthy track record is of limited value as a predictor of future decisions because the Supreme Court need not "hew to precedent" in the same way as lower courts.

In the BJC's analysis of her rulings on church-state cases, we concluded that Sotomayor's approach to free exercise reveals careful attention to protecting religious rights, in that she appropriately emphasizes the individual's specific religious claim. There is little information on her overarching view of the Establishment Clause because her few religious display decisions are specific to the facts of each case. We concluded that Judge Sotomayor's written record raises no red flags, but also does not provide complete assurance to those who are concerned about our fragile religious liberty. Unfortunately, except for a cursory question, the Senate Judiciary Committee missed an opportunity to improve our understanding of her positions on church-state matters.

Whatever her current views, Sotomayor's service on the Court itself will shape and likely change her judicial philosophy over time. Such evolution by justices is commonplace. Two books about the inner workings of the Supreme Court — *The Nine* by Jeffrey Toobin and *The Brethren* by Bob Woodward and Scott Armstrong — demonstrate that individual justices' philosophies change just by virtue of being on the Court, and the Court likewise changes with each new justice. Watching both Sotomayor and the Court evolve in coming years will be far more interesting than the confirmation hearings could ever predict.

"There is nothing wrong with attempting to label someone's legal philosophy, but labels are often misleading and are no substitute for substance."

Congressman says religious liberty demands

Rep. Chet Edwards thanks Baptists for defending church-state separation at 2009 Religious Liberty Council luncheon

HOUSTON — One of Congress' strongest advocates for church-state separation thanked Baptists for their contributions to religious liberty and reminded them of the need to continue defending the wall between church and state.

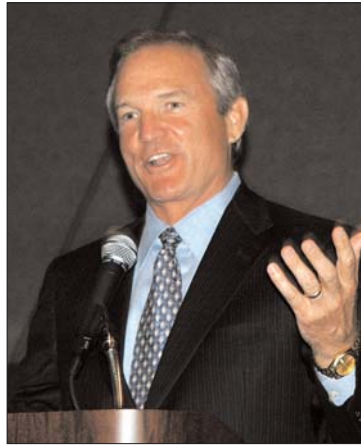
"I have seen too often the political temptations to chisel away at church-state separation. These temptations will continue, regardless of who sits in the Oval Office or which party controls Congress," said Rep. Chet Edwards, D-Texas, addressing a Religious Liberty Council luncheon sponsored by the Baptist Joint Committee for Religious Liberty. The event was held in conjunction with the Cooperative Baptist Fellowship General Assembly in Houston.

Edwards — a lifelong Methodist who attends both Calvary Baptist Church in Waco, Texas, and McLean Baptist Church in McLean, Va. — acknowledged his personal debt to Baptists in shaping his views on church-state separation.

"I have been a blessed beneficiary of your being missionaries for religious liberty," he said. "And, for that, I am profoundly grateful. Thanks to you, I could think of no greater cause I could ever have in public service than to play even a small role in protecting God's divine gift of religious liberty."

He described how the late Herbert Reynolds, then president of Baylor University, gave him a copy of the 1920 speech on religious liberty Baptist statesman George W. Truett delivered from the Capitol steps in Washington.

"Upon reading the speech, I was hooked," Edwards said. "Why hadn't I seen it before — that an omnipotent



Edwards

God, who could have made us all puppets in his hands, chose instead to give us a gift — a divine gift — to believe in him or not?"

"The logic was so clear to me," he said. "Given that human freedom is a divine gift, no government has the right to steal it, change it or inhibit it."

Edwards credited congressional victories won in defending separation of church and state — defeating a proposed school-prayer amendment to the Constitution, beating a resolution on prayer and turning back proposals to post the Ten

Commandments on public schoolhouse and courthouse walls — to the work of the Baptist Joint Committee and the mentoring offered to him by Reynolds and other Baptist leaders.

"Whatever impact, large or small, I might have had in standing up for church-state separation as a rural Southerner in Congress, it was because of the influence of Baptists on my life and your deep commitment — evidenced in your faith, your churches and your public service — to the cause of religious liberty," he said.

Edwards reminded the assembled Baptists of their role in "creating and protecting America's greatest gift to the world — the stewardship of religious freedom built on the foundation of church-state separation."

However, he warned against becoming too comfortable and complacent.

"The fact is that the battle to defend church-state separation is a never-ending one," he said. "We simply cannot rest on past battles won."

The "patient and persistent revolutionaries" who would "chisel away at the wall of church-state separa-



Pictured left to right: BJC General Counsel Holly Hollman, BJC Endowment President James M. Dunn, Rep. Chet Edwards, and BJC Executive Director J. Brent Walker.



Brent Walker recognizes Joel Avery and Mark Wiggs for their service to the Baptist Joint Committee Board.

nds eternal vigilance

gious Liberty Council Luncheon

tion” present a continuing threat in part because many Americans don’t understand what separation of church and state means, and politicians find it too easy to try to use legal power to influence or regulate religion, he said.

“Politicians cannot withstand the temptation to use religion as a means to further their own political ends. And the siren song of seeking favor from the religious majority will lead politicians to step on the rights of religious minorities,” Edwards said.

Another powerful challenge to religious liberty, he added, is the “powerful network of cable television and radio talk shows that fuel the constant drumbeat that church-state separation is a liberal secular plot.”

Edwards challenged people of faith to “become the public face of debates in defense of church-state separation” rather than allowing atheists to claim that role.

“In the halls of Congress and on the main streets of America, you can be effective missionaries for religious liberty,” he said.

Also at the luncheon, the Religious Liberty Council posthumously honored Phil Strickland, longtime director of the Christian Life Commission of the Baptist General Convention of Texas.

James M. Dunn, retired executive director of the Baptist Joint Committee and president of the BJC Endowment, presented the J.M. Dawson Religious Liberty Award to Strickland’s widow, Carolyn, and his mother, Sybil.

BJC Executive Director Brent Walker reported the capital campaign for relocation of the group’s Washington offices has secured \$3.2 million in pledges with \$2.2 million cash in hand. The agency received an additional \$600,000 this year thanks to a matching-gift challenge by Austin, Texas, philanthropist Pat Ayres, he noted.

— Ken Camp, *Managing Editor of the Texas Baptist Standard*

Phil Strickland honored with J.M. Dawson Religious Liberty Award



Strickland

At the 2009 Religious Liberty Council Luncheon, the Baptist Joint Committee honored Phil Strickland posthumously with its prestigious J.M. Dawson Religious Liberty Award. Strickland focused his life and ministry on Christian citizenship and public policy. He joined the staff of the Texas Baptist Christian Life Commission in 1967 and served as its director from 1980 until his death in 2006. The Abilene, Texas, native was a long-time supporter of religious freedom for all people and a member of the Baptist Joint Committee Board.

BJC Endowment President James M. Dunn presented the award to Strickland’s widow, Carolyn, and his mother, Sybil. Carolyn Strickland took a moment to tell the luncheon crowd how much the award means to her family.

The J.M. Dawson Religious Liberty Award is the BJC’s highest honor, recognizing individuals for their contributions to the free exercise of religion and church-state separation.

Pictured from left to right: Carolyn Strickland, BJC Executive Director J. Brent Walker, Sybil Strickland, BJC Endowment President James M. Dunn.



Brent Walker presents Cynthia Holmes and Hal Bass with the Jefferson Cup to thank them for their service as co-chairs of the Religious Liberty Council of the Baptist Joint Committee.



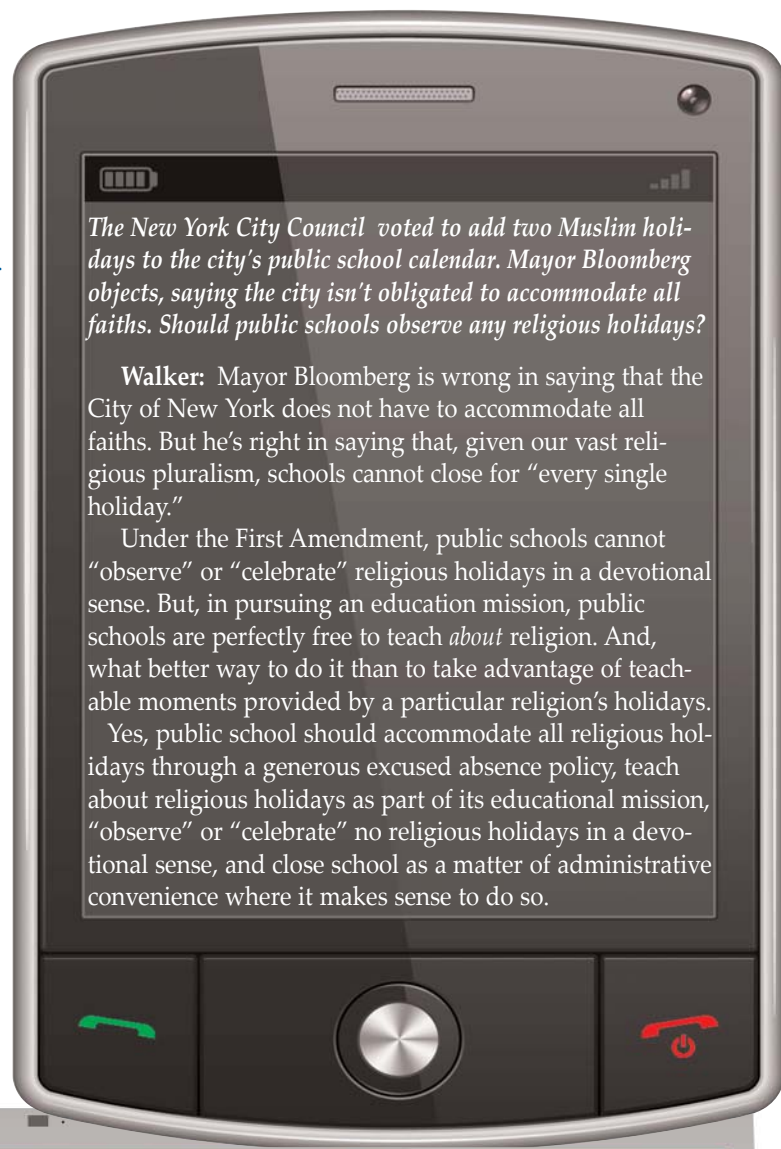
Babs Baugh welcomes Rep. Chet Edwards to the stage before he delivers the keynote address.

Brent Walker tackles timely topics as faith panelist for Washington Post/Newsweek

Since 2007, BJC Executive Director J. Brent Walker has been a contributing panelist to a joint project of *The Washington Post* and *Newsweek* called "On Faith." The online dialogue creates conversation about the role of religion in our world as panelists respond to questions related to current events. Walker's voice appears next to Charles Colson, Desmond Tutu, Elie Wiesel, Jim Wallis, T.D. Jakes and others.

Topics this summer ranged from whether religious exemptions for clergy and churches will solve the same-sex marriage controversy (Walker said exemptions are good, but the "devil is in the details") to the concept of a theocracy in Iran (Walker said a theocracy is "incompatible" with religious liberty). In a post about how a judge's life experiences — including faith and gender — should inform his or her rulings, Walker gave examples of how the same life experiences do not always matter in the same way. He wrote, "Justices Brennan and Scalia are both Catholics; Justices Ginsburg and O'Connor are both women. . . . But they often came to vastly different conclusions."

If you have not been keeping up with Walker's posts, here are portions of two other recent responses to hot-button questions. You can read his entire responses, and check out the latest discussion by typing newsweek.washingtonpost.com into your web browser.



The New York City Council voted to add two Muslim holidays to the city's public school calendar. Mayor Bloomberg objects, saying the city isn't obligated to accommodate all faiths. Should public schools observe any religious holidays?

Walker: Mayor Bloomberg is wrong in saying that the City of New York does not have to accommodate all faiths. But he's right in saying that, given our vast religious pluralism, schools cannot close for "every single holiday."

Under the First Amendment, public schools cannot "observe" or "celebrate" religious holidays in a devotional sense. But, in pursuing an education mission, public schools are perfectly free to teach *about* religion. And, what better way to do it than to take advantage of teachable moments provided by a particular religion's holidays.

Yes, public school should accommodate all religious holidays through a generous excused absence policy, teach about religious holidays as part of its educational mission, "observe" or "celebrate" no religious holidays in a devotional sense, and close school as a matter of administrative convenience where it makes sense to do so.

President Obama and French President Sarkozy differ over a French law that prohibits Muslim girls and women from wearing body- and face-covering garments in public schools. Is this a private religious matter or a public/government one?

Walker: The concept of church-state separation can take several forms, but two basic models are common. First is what may be referred to as a **friendly separation**. This involves the institutional and, to some extent, the functional separation between church and state where government assumes a posture of "benevolent neutrality" toward religion, to use a phrase coined by the U.S. Supreme Court. A secular government does not necessarily mean a secular culture. In fact, it often results in greater religiosity and religious pluralism. This is the one we enjoy the United States.

Church-state separation can also result in a separation that is **more antagonistic to religion**. Although the institutions of church and state are separate, the state is not neutral toward religion but, in many cases, hostile to it. The justification is the interest in encouraging not only a secular government but also a secular culture. I think this is more the model that is practiced in France and in other western European democracies.

This difference in the understanding of the proper relationship between church and state is highlighted by the remarks of our countries' two leaders. President Obama (rightly in my view) says that the government should not be able to dictate what people of faith wear, whether it is a burqa, a yarmulke or other religious garb. President Sarkozy, on the other hand, has sought to influence, indeed dictate, religious expression of some his country's Muslim citizens. And even if he is correct that Muslim women wear a burqa under duress or coercion, that dispute is a religious one that needs to be worked out within the confines of Islam, not a political issue to be decided by the French government.

Robust religious liberty accords every person to right to believe as he or she chooses and to exercise or express those beliefs in visible ways, including through religious garb and displaying religious symbols. To the degree government interferes with that practice, absent a compelling interest for doing it and a failure to do so in a narrowly tailored way, religious liberty is diminished and human rights impaired.

On all things religious, Obama turns to DuBois

From a sparsely adorned office building a stone's throw from the White House, Joshua DuBois carefully navigates the delicate line between church and state.

Each morning, he sends a devotional message to President Obama's BlackBerry. He appears before religious and community groups to explain his role as director of the White House Office of Faith-based and Neighborhood Partnerships and, in turn, relays their concerns to administration officials. In the course of any given day, he'll receive as many as 750 e-mails from religious leaders, reporters and government officials.

But in the midst of all the political juggling, the 26-year-old preacher's kid remains a person of faith who quotes from favorite hymns — "Come, Thou Fount of Every Blessing" is one. The Bible, too, serves as inspiration.

"I'm often inspired by the grass-roots nature of Acts and the early church," he said in a recent interview, "and what they were able to build from virtually nothing."

To some extent, DuBois is doing just that with the faith-based office, which Obama inherited from former President George W. Bush, but revamped in a bid to expand its focus, depoliticize the grant-making process and tamp down church-state concerns.

DuBois, a veteran of Obama's Senate office who oversaw religious outreach for his presidential campaign, is a distinct contrast from the Republican appointees who preceded him, including the policy wonk John DiIulio, who opened the office in 2001, or Jim Towey, a former lawyer for Mother Teresa, or the cerebral Jay Hein.

Raised in the African Methodist Episcopal Church by his mother and stepfather, a minister in Nashville, Tenn., DuBois became an associate pastor of the Calvary Praise and Worship Center, a small, African-American Pentecostal church in Cambridge, Mass., while still an undergraduate at Boston University.

"I am very clear about the fact that I am a committed Christian and my faith is important to me; it's a central part of my life," he said. "At the same time, I am now in a role in this office where I'm called to reach out to Americans of all different religious backgrounds and folks who don't adhere to a particular religion."

In Washington, DuBois attends a nondenominational church that worships in a rented movie theater. He still maintains ties to the Cambridge church and to Boston, where he worked with the National TenPoint Leadership Foundation, which encouraged black churches to aid at-risk, inner-city youth.

"Josh was very serious and very smart and was very concerned ... as an undergraduate in trying to connect faith to issues of public policy," said the Rev. Eugene Rivers, a co-founder of the foundation.

In a May interview with radio host Krista Tippett in St. Paul, Minn., DuBois talked about his awakening in 1999 when New York police officers were acquitted in the shooting death of unarmed African immigrant Amadou Diallo.



DuBois

"It shook in me a sense that I needed to connect to something larger, to understand all the nuances in the world, both in terms of politics and also in terms of religion," he told Tippett's "Speaking of Faith" program.

"So that's when I found my church and my faith and also started my political path as well."

That political path is taking shape as his office helps craft Obama's key speeches on religion (examples include Catholicism at the University of Notre Dame and Islam at Cairo University). His office also works with various

federal agencies on issues ranging from disaster preparation to the upcoming 2010 census.

Though he doesn't dwell on his relative youth, he said he realizes the weighty responsibilities given to someone who hasn't even reached 30 yet. "I think one of the most important things is to know what you don't know," he said.

In his talks to various religious groups, DuBois outlines the office's four-point focus on economic recovery, abortion reduction, responsible fatherhood and interfaith relations. He's met with evangelicals, Jews, Hindus and Sikhs, as well as secularists who think his office shouldn't exist.

Religious leaders, including members of the office's advisory council, say DuBois, like the president, is a good listener who seeks to find common ground among disparate voices and views.

Leah Daughtry, a Pentecostal minister who until recently was the chief of staff at the Democratic National Committee, sees DuBois' Pentecostal background informing his work.

"I feel that the kind of work that he's doing in reaching out to people across political spectrums, across ideological perspectives, across theological perspectives, really can only be done if you're Spirit-led," she said. "Because it's the same spirit of Christ that sought to reach beyond the confines of his own people."

While DuBois' day job is heading up the faith-based office, he also carries another title: special assistant to the president, which includes the daily presidential meditations as well as helping the first family find a church home in Washington.

Some people who have known DuBois say his workload can cause him to be disorganized and unresponsive, although they declined to have their names attached publicly to their criticisms. For his part, DuBois says he's doing the best he can.

"We're a federal entity that's coordinating 11 offices with pretty key priorities. . . . I try to be as responsive as I can, along with my staff and others here at the White House. But there are always going to be some challenges in that regard."

Daughtry joked that DuBois — who also finds time to be a Big Brother to a Boston teenager and keep up a five-year relationship with his girlfriend — has made a bargain of sorts with God to manage his busy schedule.

"He's attached to that cell phone like it's another appendage," she said. "I'm convinced he's got some deal with God to give him a couple of extra hours a day."

— Adelle M. Banks, *Religion News Service*

Walker Q&A on modern-day Baptists and separation

Baptists have, since their earliest days, been advocates of religious liberty and its corollary, the separation of church and state. But different groups of modern-day Baptists in the United States interpret church-state separation — and the Constitution's provisions for it — in different ways.

J. Brent Walker, executive director of the Baptist Joint Committee for Religious Liberty, explains the differences between Baptist groups on the issue in this interview with Rob Marus of the Associated Baptist Press.

Q: What are the main schools of thought on church-state separation in the United States, and how do different Baptist groups fall on those lines?

A: Seventy years ago, the original partners in the Baptist Joint Committee — Southern Baptists, Northern (now American) Baptists and National (historically African-American) Baptists — adopted “The American Baptist Bill of Rights.” In it, they outlined four different conceptions of the relationship between church and state:

o **Church above the state** — a theocracy in which religion controls the government.

o **State above the church** — a secular government that is hostile to religion.

o **Church alongside of the state** — where one particular religion is privileged, with toleration for others.

o **Church separate from the state** — [which the document said has been] “championed by Baptists everywhere and held by those governments that have written religious liberty into their fundamental law.”

Clearly, these three Baptist groups — and I would hazard a guess 99 percent of Baptists in the pews — thought that the fourth conception was the right one, the Baptist one and the American one.

This is the understanding of the church-state separation that finds its roots in Roger Williams, expression in the writing and life witness of [early Baptist champions of religious freedom] John Leland and Isaac Backus, fruition in [Texas Baptist pastor] George W. Truett's Capitol Hill speech in 1920, and life today in the work of the Baptist Joint Committee.

This view sees the separation of church and state as an insurance policy protecting our God-given religious freedom. It is not an end in itself. This view of separation, on the constitutional level, takes seriously both protections in the First Amendment for religious liberty: no establishment and free exercise. That is, the government should not try to help religion (no establishment) and it should not try to hurt religion (free exercise), but should be neutral towards religion. Just leave it alone.

Today, there is less agreement on church-state separation among Baptists than there was in 1939. Some Baptists embrace the third model expressed in the American Baptist Bill of Rights. They are all for government staying out of the churches' business and protecting individuals' free-exercise rights, but are quite willing to accept government's help in the form of posting the Ten Commandments or funding religious ministries.

Not many Baptists, however, would embrace the other theories. I see very few who really would like to have a theocracy — even a Christian theocracy — and I know of

very few who would want a highly secular government in which religion would be completely banished from public life.

Q: While many conservative, historically white Baptist groups have gotten involved in secular politics in the last couple of decades, African-American Baptists have long been politically active. Does this stem from a historical difference in the way white Baptists have viewed church-state separation?

A: For most Baptists, the separation of church and state has never meant the divorce of religion from politics or the stripping of the public square from religious discourse. The antipathy to political engagement historically has been more the hallmark of our Anabaptist cousins than our Baptist forebears. Baptists, from the very beginning, have been willing to be engaged in public life. This has been reflected over the past half century or more in African-American Baptist life. Fundamentalists' aversion to engaging in the political arena before the 1970s was more an exception to the historical practice of Baptists than an expression of it.

Q: Do you envision increasing immigration — and increasing numbers of foreign-born Baptists in our ranks — to further change the way Baptists in the United States interpret their heritage of church-state separation and the First Amendment?

A: Baptists from around the world have varying opinions on church-state separation. Many who emigrate from countries fleeing persecution, either at the hands of a theocracy or anti-religious totalitarian government, are much more willing to embrace the traditional Baptist understanding of the need for church-state separation. They know existentially what it's like for a religious minority to suffer under the tyranny of the majority — something many Baptists in this country have forgotten.

Baptists from other parts of the world — such as the British Commonwealth, where Christianity has been privileged by government — will bring that understanding in, as well, and are more open to accepting government support for religious activities even if they remain adamant that government should not interfere with the free exercise of religion.

In sum, Baptists continue to be nearly unanimous in their insistence that government not interfere with the autonomy of Baptist churches or burden the free exercise of religion. They tend to disagree when it comes to how much, if at all, government should support religion in general or their religion in particular.

The challenge of the Baptist Joint Committee is to make sure all Baptists understand that the First Amendment goes both ways. Just as our grandparents understood in 1939 — and before — religious liberty is as much threatened when government tries to give religion a helping hand as when it tries to hurt religion.

As soon as government meddles in religion, for or against, or takes sides in religious disputes — favoring one over another — someone's religious liberty is denied, and everyone's is threatened. We Baptists should be as concerned about the religious liberty of others as we are for our own.

Atheists sue to stop “In God We Trust” engraving in Capitol Visitor Center

The nation’s largest group of atheists and agnostics filed a federal lawsuit on July 14 to stop the engraving of “In God We Trust” and the “one nation under God” from the Pledge of Allegiance in the new Capitol Visitor Center.

The Freedom From Religion Foundation, a Wisconsin-based church-state watchdog group, claimed the engravings are unconstitutional and would exclude the 15 percent of Americans who identify themselves as non-religious.

“We are effectively being told that we are political outsiders ... because we don’t trust in God,” said Annie Laurie Gaylor, co-president of the Freedom From Religion Foundation.

The House and Senate passed resolutions in July approving the inscription of the mottos in prominent areas of Capitol Visitor Center, which serves as the entrance and security screening for tourists.

Sen. Jim DeMint, R-S.C., who sponsored the bill in the Senate, said historical references to God should not be censored for political correctness.

“The Founders based the Constitution and our laws on religious faith and principles that clear the way for individual freedom,” he said in a statement. “Our true motto, ‘In God We Trust,’ expresses this fact, and we cannot allow a whitewash of America’s religious heritage.”

However, Gaylor said the mottos are inaccurate since “In God We Trust” and the insertion of “under God” into the Pledge of Allegiance were adopted in the 1950s as anti-communist measures.

“They wanted this up there because they think God is the foundation of our government,” Gaylor said. “Boy, are they misinformed.”

Rep. Louie Gohmert, R-Texas, reminded colleagues that the Washington Monument displays the words “Praise be to God” in Latin on the side that faces the Capitol.

Rep. Steve King, R-Iowa, added in a statement, “Our Judeo-Christian heritage is an essential foundation stone of our great nation.”

In a separate suit, Gaylor’s foundation is also suing defendants President Obama, White House Press Secretary Robert Gibbs and Shirley Dobson of the National Day of Prayer Taskforce for proclaiming the National Day of Prayer in May. Gaylor said the proclamations violate the separation of church and state. U.S. District Judge Barbara Crabb of Wisconsin has denied motions by the Obama administration to dismiss the case.



Tourists line up to enter the popular Capitol Visitor Center, located underneath the Capitol.

— Religion News Service

BJC announces scholarship winners

The Baptist Joint Committee for Religious Liberty is pleased to announce the scholarship winners in the 2009 Religious Liberty Essay Contest, sponsored by the Religious Liberty Council of the BJC.

More than 70 high school juniors and seniors from 13 different states entered this year’s contest. In their essays, the students evaluated a statement about the dangers of governmental interference in religion from colonial Baptist John Leland, a key figure in the fight for religious liberty protections in the U.S. Constitution.

This year’s grand prize winner is Amy Blankenship from Erlanger, Ky. Her essay used examples from the life of Constantine and the apostle Paul to showcase how religion flourishes best without government endorsement. Blankenship will receive a \$1,000 scholarship and a trip to Washington, D.C., in conjunction with the Baptist Joint Committee board meeting in October. A 2009 graduate of Lloyd Memorial High School, Blankenship will attend the University of Kentucky this fall, majoring in both music performance and pre-law. She is the daughter of Randy and Kathy Blankenship and attends Erlanger Baptist Church. Her winning essay will appear in an upcoming edition of *Report from the Capital*.

Mikelle Humble received the second place prize. She evaluated Leland’s claim and wrote, “Just as persecution at the hands of government brings to light all that is noble and true in Christianity, affiliation with government brings nothing but harm to both groups.” A 2009 graduate of Parkview Baptist School in Baton Rouge, La., Humble will receive a \$500 scholarship.

The third place winner also hails from Parkview Baptist School in Baton Rouge, La. Ben Albright is a 2009 graduate, and he will receive a \$100 scholarship. Albright’s essay examined how Leland’s contemporaries supported his claim that government should stay out of religious matters and how modern day Supreme Court rulings continue to reflect that constitutional ideal.

BJC Internship Program Continues

If you are interested in working alongside the BJC staff in Washington, D.C., then take a moment to check out our internship program. The BJC offers fall, spring and summer positions to undergraduate and graduate students, as well as those who have completed their degrees.

BJC interns do work similar to that of other Washington interns. Most of it is administrative and involves constituent services, but interns also work hand-in-hand with all members of the BJC staff on a variety of different projects. There is also ample opportunity to exercise skills and indulge interests, such as writing, research or contributing to coalition work.

Interns are provided housing on Capitol Hill and monthly compensation. To apply for the program, e-mail your resume and a letter of interest to executive director Brent Walker at bwalker@BJCOnline.org.