

REPORT

from the Capital

Baptist historians celebrate lives of public figures at D.C. meeting

The lives of prominent Baptist public figures took center stage at the annual meeting of the Baptist History & Heritage Society, co-hosted by the Baptist Joint Committee for Religious Liberty, June 1-3 in Washington.

The society—for professional Baptist historians and amateur Baptist history buffs—met in the nation’s capital to highlight Baptists who played prominent roles in shaping American civic and religious life. The meeting was held at Washington’s First Baptist Church, spiritual home to two presidents. It featured society members presenting papers on prominent preachers like Billy Graham and Walter Rauschenbusch who had an effect beyond the Baptist world, but also Baptist elected officials like President Jimmy Carter, who taught Sunday school at First Baptist, and late Rep. Brooks Hays, D-Ark., who was active at Calvary Baptist Church in Washington.

Hays was that rarity of rarities in the civil rights movement-era South: a white believer in integration and racial equality. Participants heard a paper by Fred Williams, a historian at the University of Arkansas at Little Rock, on Hays’ fall from political grace even while he served as president of the Southern Baptist Convention.

Hays, born in 1898, watched as his native Southland descended from the relative racial progress of the Reconstruction era into ever-stricter patterns of racial segregation as Jim Crow laws took hold. However, Williams said, Hays’ understanding of the Bible’s teachings about justice and his education and early career working with poor black farmers for the Department of Agriculture planted the seeds for his later stances during the height of the 1957-58 integration crisis at Little Rock Central High School.

Hays, who had served eight terms as a popular congressman representing the Little Rock area, also served as one of the Southern Baptist Convention’s last lay presidents during the period of the crisis. Hays, an active member of Little Rock’s Second Baptist Church, opposed Gov. Orval Faubus’ decision to close the city’s public schools rather than integrate them.

That year, Hays survived a challenge from a segregationist candidate in the Democratic primary—which, during that era in Central Arkansas, was tantamount to the general election. But, just a week before the November election, a segregationist member of the Little Rock School Board announced that he would be a write-in candidate in opposition to Hays, and Hays ended up losing by less than 2,000 votes.

While the legitimacy of the election remains in doubt—a House inquest found Hays’ opponent had committed election fraud, but did not remove him from office—Hays “gave up his political life over a matter of principle,” said Terry Carter, who delivered the paper in Williams’ absence.

A possible factor in his loss was a widely circulated newspaper photo of Hays that was taken at the 1958 National Baptist Convention meeting in Chicago. Hays, who was attending the meeting of the historically African-American denomination



Dr. Pamela Durso, associate director of the Baptist History & Heritage Society and BJC board member, presents the Distinguished Service Award during the society’s annual meeting in Washington.

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in his capacity as SBC president, was photographed with his arms around two black ministers.

"He lost while doing his duty as president of the SBC," Carter, a Christian history professor at Arkansas' Ouachita Baptist University, said.

Hays "radiated ... an almost kind of religious dedication and devotion that was very unusual" in Washington said Warren Cikins, a longtime aide to Hays who was present for the meeting. Cikins also forcefully argued that the 1958 election was stolen from Hays.

Historians heard about a slightly less-noble Baptist politician as well. Samuel Creed, pastor of First Baptist Church in Ashland City, Tenn., detailed the career of Warren Harding, the first Baptist to serve as president of the United States.

He was not exactly the model Baptist, though. "Perhaps he is the least effective of the four Baptist presidents," Creed said. "Jimmy Carter likely ranks first in applying his faith to national and global policies."

Harding's brief administration—from 1921 until his untimely death in 1923—was scandal-plagued, mainly thanks to several cronies from his early years in Ohio whom the Republican appointed to cabinet positions.

His father described Harding as an "atheist" in his early days, and he was known throughout his life for gambling, drinking and marital infidelity. Creed said one of his biographers noted that Harding would often steal glances at his longtime mistress while both were seated for worship at Washington's Calvary Baptist Church—she in the balcony, he on the floor.

However, Creed added, Harding was shaped by his Baptist history by promising Americans a "return to normalcy" for a public that "longed for the old days" during a period of rapid cultural change in the nation.

Also at the three-day meeting, Brent Walker, executive director of the Baptist Joint Committee for Religious Liberty, delivered the keynote address where he detailed the public contributions of two of his predecessors—J.M. Dawson and James Dunn.

"The often cited credo, 'Bible in one hand, newspaper in the other,' may have been a tad over used, but it aptly describes Dawson's and Dunn's biblically grounded social ethic and policy activism," Walker said. "As churchmen thoroughly steeped in Baptist heritage, they understood, as Dunn often has said, 'You don't speak *for* Baptists. You speak *to* Baptists.' Well, they spoke for many Baptists and to an entire culture in need of a prophetic witness as to the centrality of religious liberty and the indispensability of church-state separation."

The 100-plus participants at the meeting also gave several awards for contributions to Baptist history, adopted a revised budget for 2006 reflecting increased contributions and approved a 2007 budget of \$302,835—an increase of 24 percent over the initial 2006 budget of \$244,000.

Participants also re-elected Carol Crawford Holcomb, a religion professor at the University of Mary Hardin-Baylor in Belton, Texas, as president of the society.

—Robert Marus, ABP

Court says prison program violates First Amendment

In what could be a major setback for government's ability to fund religious charities, a federal judge has ruled against an Iowa program designed to rehabilitate prisoners through Christianity.

U.S. District Judge Robert Pratt of Des Moines ruled June 2 that the InnerChange Freedom Initiative as it has been run at Iowa's Newton Correctional Facility violates the First Amendment's ban on government establishment of religion.

"For all practical purposes, the state has literally established an Evangelical Christian congregation within the walls of one its penal institutions, giving the leaders of that congregation, i.e., InnerChange employees, authority to control the spiritual, emotional, and physical lives of hundreds of Iowa inmates," Pratt wrote.

Much of Pratt's 140-page decision dealt with recounting the details of Iowa's InnerChange program. He found that participants were coerced with living-arrangement advantages unavailable to those who did not participate in the program, that the program and the prison had no sufficient way to monitor whether government funds given to it were spent on secular or sectarian purposes, and that the program was focused on Bible study and conversion.

"While such spiritual and emotional 'rewiring' may

be possible in the life of an individual and lower the risk of committing other crimes, it cannot be permissible to force taxpayers to fund such an enterprise under the Establishment Clause," he wrote.

Pratt also said the amount "of religious indoctrination supported by state funds and other state support in this case in comparison" to other church-state cases "is extraordinary."

In a move unusual in such cases, Pratt ordered InnerChange to reimburse the government for more than \$1.5 million paid to the organization since it began operating at the Newton facility. It also ordered the organization to halt all activities at the Newton facility. Pratt eventually suspended enforcement of his orders pending an appeal.

InnerChange is run by Prison Fellowship, the Virginia-based charity founded by popular Christian author and former Watergate figure Chuck Colson. The organization released a statement attacking the ruling and promising to appeal it to the 8th U.S. Circuit Court of Appeals.

The case is *Americans United v. Prison Fellowship Ministries*.

—ABP



J. Brent Walker
Executive Director

The legacy of Dawson and Dunn, then and now

Earlier this month, the Baptist Joint Committee co-hosted the annual meeting of the Baptist History & Heritage Society at the First Baptist Church of the City of Washington, D.C. The meeting's theme was "The Contributions of Baptist Public Figures in America." I had the privilege of delivering the keynote address, titled: "BJC=JMD²: The Contributions of Joseph M. Dawson and James M. Dunn to the Baptist Joint Committee."

In that speech I outlined the general approach of the BJC's first and fourth executive directors to church-state issues. I then discussed what I thought were their top 10 contributions (five each) to the preservation of religious liberty generally and to the BJC in particular. (You can read the full text of my speech at www.BJConline.org.)

These are summaries of my top 10:

1. Early in Dawson's seven-year tenure, the BJC filed briefs in two seminal Supreme Court cases dealing with public funding of religion (*Everson*) and religion in the public schools (*McCollum*), thus initiating the practice of filing friend-of-the-court briefs, which the BJC has done more than 100 times since then.

2. He established this publication, *Report from the Capital*, built the BJC coalition of Baptist bodies and helped found Protestants and Other Americans United for Separation of Church and State (now Americans United for Separation of Church and State).

3. Dawson spoke prolifically and prophetically and wrote three important books on church and state and Baptist distinctives.

4. He fought attempts to appoint an ambassador to the Vatican, and in the process, sacrificed an otherwise cordial relationship with a Baptist president and fellow worshiper, Harry Truman.

5. Dawson was instrumental in causing a guarantee for religious liberty to be included in the Universal Declaration of Human Rights adopted by the United Nations General Assembly.

1. Early in his 19-year tenure, Dunn spoke out against the Reagan school prayer amendment; he also led the fight to convince Congress to pass the Equal Access Act of 1984. These efforts said "no" to state-sponsored religion and "yes" to constitutionally permissible accommodations of student religious exercise.

2. He worked to restore protections for free exercise of religion through the passage of the Religious

Freedom Restoration Act in 1993, and his lawyers defended its constitutionality in the Supreme Court.

3. The BJC led various religious organizations in consulting with the IRS in an effort to maintain churches' tax-exempt status and otherwise to guard their autonomy against intrusive governmental regulation.

4. Dunn fought for human rights internationally on many fronts. Amendments were sought and obtained to the International Religious Freedom Act (1997) to ensure the rights of conscience for all, not just for Christians.

5. In what was perhaps Dunn's most significant legacy, he successfully guided the BJC through the Southern Baptist controversy and caused it to emerge a healthy agency.

James was in the audience. At the end of the speech, he was asked to critique my selection of accomplishments. Although he did not disagree with my picks, he waxed eloquently about another aspect of his leadership of which he was particularly proud—the BJC internship program. He said that his personal relationships with and the encouragement of young people through the internship program was arguably his most significant and enduring contribution.

I cannot disagree. Over the past 25 years, we have hosted more than 150 interns. Most have gone on to achieve success in law, ministry, teaching and other leadership roles in Baptist and American life. One notable example is Bill Underwood, a 1981 BJC intern, who has been tapped as the next president of Mercer University.

The internship program continues full force. This year we will enjoy nine interns. (See page 7 for a story about our three summer interns.)

Our internship program increases the effectiveness of our ministry, gives young people an experience of working and living in Washington, and develops an "alumni association" for the BJC that only colleges and seminaries usually enjoy. Simply put, former interns make wonderful ambassadors for the BJC and the most effective advocates for religious liberty throughout the country and around the world.

Thank you, James and Joe, for showing us the way.

Simply put, former interns make wonderful ambassadors for the BJC and the most effective advocates for religious liberty throughout the country and around the world.

Jesus Offers Congratulations

Matthew 5:1-16

Religious Liberty Day Sermon
by Dr. William D. Shiell

Each year, the Academy Awards rolls out red carpet for the best actors in Hollywood. No one wins “Best Custodian of the Year” or “Best Dining Room Server.” The winners are usually those who have produced revenue for the studios and have helped them build a profit.

The opening of the Sermon on the Mount reads like words of congratulations bestowed on award recipients. These “Kingdom of God” awards do not fit the profile of modern success. Jesus says, however, they are just as great as the rich and famous. He even challenges his disciples to live among these people to learn from them.

Congratulating Those in Crisis (verses 3-12)

Each person congratulated has experienced a crisis. As a result, they are now living near the bottom wrung of society. Yet they are blessed because they fit two categories: those in right standing with God and people in right relationship with others.

1. People in Right Relationship With God.

The poor in spirit (v. 3): These are people who know that they need God. Their lives are in such bad shape that they are dependent on the Lord to deliver them.

The mourners (v. 4): They grieve because God is not pleased with the world. They understand that the world is falling apart, and God must intervene.

The meek (v. 5): They are simply powerless to do anything. Not only are they poor in spirit, but they have no power to get out of the condition. They are the doormats of life; they clean offices and sack groceries.

The thirsty (v. 6): These people have an insatiable desire to live rightly; they are perfectionists. They want their homes and society to live with justice, and they take action accordingly. They pray constantly about these matters.

Just as the first four kinds of people are in right relationship with God, the second group is in right standing with others. They love their neighbors as themselves.

2. People in Right Relationship With Others.

The merciful (v. 7): These people will forgive anyone for anything. As Eugene Peterson says, “At the moment of being ‘care-full’ they are cared for.” They do not keep score and can forgive and forget.

The pure in heart (v. 8): With childlike simplicity, they believe whatever people tell them and they see the best in everyone.

The peacemakers (v. 9): Not only do these people have the ability to forgive, but they risk their reputations to reunite others.

The persecuted (v. 10): They are not just the persecuted who will die as a result of Jesus’ death in his time period; they are the martyrs of subsequent generations.

Although these are lofty qualities, Jesus is not distributing a spiritual checklist. He does not say, “Blessed are you when you become” In this section, he simply describes the people standing around him who receive no accolades from society but are equally blessed by God.

As Dallas Willard has said, “Blessed are the physically repulsive, Blessed are those who smell bad, the twisted, misshapen, deformed, the too big, too little, too loud, the bald, the fat, and the old—for they are all riotously celebrated on the part of Jesus.”

If we were part of the crowd early in Jesus’ ministry, who do you think he would choose for this mission? The wealthy, the loud mouths, the well-respected in society, the upstanding, the cute, the popular—the kind of people we want to have in our churches, right? The kind of people we want to associate with. He opens up his first major speech to thank the important ones; and he says, “Congratulations to the outcasts.” He confronts his disciples with an incredible message of God’s grace: “I’m going to bring my kingdom not with your kind of people but with my kind of people.”

If we were to try to start a church in Jesus’ day we would need some prominent people, some wealthy people, some good looking people. Jesus dares to open his first sermon with a whole new perspective. He says, “I’m going to change the list of donors and thank-you note recipients. I’m going to send congratulations to people who have never received a plaque or a certificate.”

These are the people that you find today in our nation’s public schools. The students, teachers, and administrators who are in public education are the modern list of the mourners, peacemakers, and merciful.

For instance, Lisa Light is the principal at Lonsdale Elementary School in Knoxville, Tenn. She’s a faithful believer who serves the community. In the last year, the Latino population at Lonsdale has increased dramatically. Thirty percent of all 1st graders are natives of Guatemala and speak a Mayan dialect. Each semester, Lisa Light goes door-to-door telling kids about the school, encouraging them to get an education, and explaining the benefits to the parents. She’s on Jesus’ congratulations list because she willingly serves the poor and needy.

Learning From Those in Crisis (verses 13-16)

Those who are in crisis provide excellent role models for believers today, and Jesus calls his followers to

live among them in verses 13-16. After hearing the accolades, the disciples listen to a challenge to live holy lives among them in two ways, as salt and light. This lifestyle requires that they accept, bless, and serve those in crisis just as they are. It means living like salt, different from the other sandy lives around them. The concept also means to shine as lights in dark places. Believers cannot withdraw into isolated communities. Instead we must come out of hiding.

The crisis times for the lowly are laboratory experiences for disciples. We learn from those who have walked through difficulties. A meek person is only meek because he has been walked on; a person is persecuted when someone has ostracized them; a person poor in spirit is only so after being beaten down. When we walk beside these individuals, they teach us how to minister in these situations because they are living in these circumstances. Jesus indicates that people in crisis become teachers for salt and light living. As we walk with them, we learn to live in a holy way.

Unfortunately some believers choose to express their faith by withdrawing from society, remaining isolated from those who are in crisis. Preachers who have not met women like Lisa Light beat the drum that "God has been taken out of the public schools." They ignore Jesus' commission to live among all of God's people. They encourage withdrawal rather than immersion as salt and light believers.

Others want to encourage public educators to impose their version of belief on the public. By forcing nonbelievers to pray nebulous prayers to unknown "gods," they cross the boundaries of religious liberty to appear pseudo-Christian. Neither choice is effective, says Jesus.

When we live like salt, we bless others. We respect and affirm them without imposing our view of the world on them. By living beside them, we develop relationships of trust and friendship. We shine lights in dark places while protecting the liberties of others as they choose. Ironically, religious liberty can be a means through which God can bring peace to the world.

Giving Freedom to Those in Crisis

One area of the world that has seen peace is in Ireland. Tony Campolo was instrumental in many of the movements of spiritual awakening among young people in Northern Ireland where tensions among Protestants and Catholics ran at a fevered pitch. He challenged Protestant students to take Catholic students to pizza, get to know them, build relationships with them, and reach out. The Protestant students flooded the aisles at the invitation time, desiring to reach out to them. Despairingly, they cried and said, "We don't know any Catholic students."

Campolo told me that none of the students attended schools together; the government gave vouchers to attend a school of their choice. Students chose schools based on religious preferences. When he said, "Go out and take someone to pizza," they did not know any-

one to take. The students were in tears, worried that they would never be able to bring peace.

The barriers imposed by the government did not prevent the movement of the spirit. Protestant and Catholic students crossed religious and neighborhood boundaries, and a slow awakening of God's spirit began to emerge to bring not only political peace but also a spiritual renewal of God's peace. They became salt and light.

By advocating religious liberty, we become God's agents of salt and light in the world. We allow people to worship as they choose and prevent the kind of division that can be so dangerous.

By ministering among those in crisis, we share a vision of the kingdom of God. We learn from those Jesus has blessed and develop relationships with his people.

One way I have found to express my faith positively is through school mentoring. My church participates in a mentoring project through KidsHope USA at South Knoxville Elementary School. This school is on the "No Child Left Behind" list. South Knoxville is a school that is in danger of being closed if it does not meet the government's standards. Our church has chosen to equip and empower mentors who will love children, assist them with their educations, and develop friendships. We respect the boundaries of church and state. We know our role. We're not there to proselytize. We're there to be Christians.

Through the experience, we're learning to minister more effectively. (My "little brother's" father is in prison.) Sunday school classes are discussing the needs in public education. The principal and teachers are seeing the presence of Christ every day on their campus, and lives are being touched. We are saying congratulations to those that Jesus blesses.

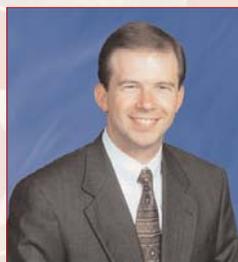
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K. Hollyn Hollman
General Counsel

Federal district court puts a heavy price on taxpayer-funded religious social services

The facts of this case demonstrate ... that merging the functions of the government with the ministries of pervasively religious entities simply does not pay.

Avoiding lawsuits has always been a good reason for religious social service ministries to steer clear of government funding. The Constitution protects freedom of conscience by prohibiting government from advancing religion. Yet in recent years some politicians have pushed to expand public funding of pervasively religious groups. Such efforts go beyond the traditional religious affiliate model (a separate corporate entity from any church body, non-proselytizing, nondiscrimination in employment, etc.) that has long provided a lawful and ethical way for government and religion to cooperate in the provision of social services.

These proposals that offer financial “help” to religious groups come with a heavy price. As a recent court decision vividly illustrates, religious organizations that receive public funding not only risk the hassle and expense of being sued, but they may also be compelled to reimburse the government for funds already spent. In *Americans United for Separation of Church and State v. Prison Fellowship Ministries, et al*, a federal district court in Iowa found that the state and religious social service providers acted together in violation of the Establishment Clause in the operation of a prisoner pre-release program. Exercising the court’s inherent discretion to fashion an appropriate remedy, the judge ordered the service provider to repay more than \$1.5 million to the state.

At dispute was an arrangement beginning in 1999 between Iowa and Prison Fellowship Ministries (PFM), a prison ministry program founded in 1976 by Chuck Colson, former counsel to President Richard Nixon. The InnerChange program in the Iowa Newton Correctional Facility is one of PFM’s many activities related to prison reform and criminal justice (see story, p. 2).

In its decision, the court describes the transformational program, detailing the inextricable relationship between the religious content and its goals. PFM’s argument that government money was allocated to the nonsectarian aspects of the contractor’s services were not supported by the evidence. The 14-day trial revealed that the state had delegated some of its traditional functions to an entity whose purpose was religious conversion that could not be separated from the services that may properly be funded with tax support.

In light of its potential impact on the faith-based initiatives, the case certainly deserves careful analysis as a potential landmark case.

The remedy is one of the most striking aspects of the decision. Recoupment has not been a major argument in

the legal debates. The typical remedy for an Establishment Clause violation is a judgment against the governmental entity simply declaring the practice unconstitutional and an injunction ordering the unconstitutional practice to cease. Nominal damages and attorneys’ fees may also be awarded. The court in this case, however, found that more was needed to provide a fair remedy and ordered repayment.

In the usual First Amendment case, plaintiffs simply sue the government, which has a duty to avoid promoting religion. The government has no business being involved in religion. Private religious organizations, such as PFM and other pervasively religious nonprofits, as well as houses of worship, are in the business of advancing religion and can do so with few restrictions. It is the unholy marriage of the government and religion that causes problems. The court in this case found that InnerChange and Prison Fellowship “acted under color of state law,” meaning they acted jointly with state officials in carrying out an unconstitutional policy. The court found the facts demonstrated that from the perspective of the inmates, “the differences between private and state actions of InnerChange and Prison Fellowship are nonexistent.”

It is that relationship that led to the extraordinary relief. In addition to its anticlimactic decision to declare the contract invalid and to enjoin InnerChange’s operation in the Iowa Department of Corrections (so long as supported by government funds), the court ordered that Iowa cease payment to PFM and InnerChange, including for services provided in the past quarter. Then, weighing numerous equitable considerations—the substantial nature of the violation, knowledge of the risks associated with the program, and the financial impact on the state—it ordered PFM and InnerChange to repay the Department of Corrections the full amount of state funds received since 1999, not less than \$1.5 million.

The BJC fights for religious freedom protections of prisoners. Our support of prison chaplains and legislation that accommodates religious needs of prisoners, such as the Religious Land Use and Institutionalized Persons Act of 2000, is a tangible way we work to promote the free exercise of religion. Beyond what government must do to accommodate the religious needs of prisoners within the walls, we applaud efforts of private religious groups to minister to those in prison in ways that they feel led by religious convictions.

The facts of this case demonstrate, however, that merging the functions of the government with the ministries of pervasively religious entities simply does not pay.

New students arrive for summer internships

Mike Harper of Houston, Texas; Timothy Clingenpeel of Richmond, Va.; and Coley Phillips of Robbinsville, N.C., are serving summer internships at the Baptist Joint Committee.

Harper is currently studying law at the University of Houston Law Center. He previously earned a Master of Theology from Princeton Theological Seminary, a Master of Divinity from Duke University, and a B.A. in history and religion from Baylor University. His wife, Callie Carruth-Harper, is a social worker in Houston.

Clingenpeel graduated in May 2005 from Wake Forest University with a B.A. in English and a minor in physics. He plans to attend George Mason University School of Law in the fall. Clingenpeel is the son of Michael and Vivian Clingenpeel; Michael is pastor of River Road Church, Baptist in Richmond, Va.

Phillips is a rising junior at Western Carolina University in Cullowee, N.C. She is studying political science and communications with a concentration in public relations. She is the daughter of Michael and Karen Phillips of Robbinsville, N.C.

House allows military chaplains to pray according to their 'conscience'

The House approved language on May 11 that allows military chaplains to pray "according to the dictates of the chaplain's own conscience" as part of a defense spending bill.

The vote comes as religious groups, church-state separationists and military officials have debated the appropriateness of sectarian prayers in settings outside worship services.

"Each chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible," reads a short section within the massive legislation.

Jay Sekulow, chief counsel for the American Center for Law and Justice, a conservative advocacy group, said on his radio program that he was "very encouraged" and expects "major movement" on the bill later this summer.

A Navy policy issued in February urges chaplains to use inclusive prayers outside worship settings. Beyond chapel services, "religious elements for a command function, absent extraordinary circumstances, should be nonsectarian in nature," the naval rules read.

Guidelines from the U.S. Air Force, released that same month, said chaplains "will not be required to participate in religious activities, including public prayer, inconsistent with their faiths" but also state that "nondenominational, inclusive prayer or a moment of silence may be appropriate for military ceremonies ... when its primary purpose is not the advancement of religious beliefs."

Critics have said the policies prevent chaplains from praying "in Jesus' name" wherever they wish, while

supporters say nonsectarian prayers are appropriate in a pluralistic setting.

Mikey Weinstein, president of the newly founded Military Religious Freedom Foundation, harshly criticized the House action.

"There is an inescapable irony here, that this bill, which purports to be a 'defense authorization,' not only flagrantly disregards military rules, but also strikes a serious blow to the constitutional oath that every soldier, airman, sailor and marine has sworn to uphold with their lives," said Weinstein, an Air Force veteran based in Albuquerque, N.M.

—RNS

Appeals Court says N.Y. church can allow homeless to sleep on steps

A federal appeals court has ruled in favor of a prominent New York church that sued to allow homeless people to sleep on its steps and sidewalk.

The April 27 decision by the 2nd U.S. Circuit Court of Appeals upholds a lower court ruling that allows Fifth Avenue Presbyterian Church to continue offering shelter on its steps to New York's homeless population.

In November 2001, the City of New York told the church it could no longer allow homeless people to sleep on its property as it had for the past two years. City officials said the outdoor site constituted an illegal shelter and argued city shelters were better equipped to aid the homeless.

The following month, police began clearing people from the site at night. The church co-filed a suit with the American Civil

Liberties Union, stating the raids constituted trespassing, violated the right to free association and hindered the exercise of the church's religious mission as outlined in the Religious Land Use and Institutionalized Persons Act of 2000.

In March 2002, the Becket Fund for Religious Liberty filed a court brief on behalf of the church and several religious organizations, including the General Assembly of the Presbyterian Church (USA) and the Council of Churches of the City of New York.

A federal judge temporarily barred police from raiding the site during the proceedings, and later ruled that police could not forcibly remove the homeless from the church's steps. The judge, however, upheld the city's right to remove them from church-owned sidewalk.

The church called the judge's initial ruling "a strong defense of religious freedom" that reflects "an important part of the ancient Christian tradition of offering hospitality to the poor and to strangers."

—RNS

The church called the judge's initial ruling a "strong defense of religious freedom" that reflects "an important part of the ancient Christian tradition of offering hospitality to the poor and to strangers."

— Response by Fifth Avenue Presbyterian Church to a recent appeals court decision

Baptist Joint Committee
Supporting Bodies

- Alliance of Baptists
- American Baptist Churches USA
- Baptist General Association of Virginia
- Baptist General Conference
- Baptist General Convention of Texas
- Baptist State Convention of North Carolina
- Cooperative Baptist Fellowship
- National Baptist Convention of America
- National Baptist Convention U.S.A. Inc.
- National Missionary Baptist Convention
- North American Baptist Conference
- Progressive National Baptist Convention Inc.
- Religious Liberty Council
- Seventh Day Baptist General Conference

REPORT from the Capital

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How to recognize a “real” Baptist if you see one:

By James M. Dunn

1. If soul liberty is important.
2. If the priesthood of all believers is more than a slogan.
3. If one insists on interpreting the Scriptures for themselves.
4. If one defends the right of each person to come to the Bible and, led by the spirit, seek its truth.
5. If one believes that one must accept Jesus Christ personally.
6. If the church functions as a democracy.
7. If in the fellowship of churches each one is autonomous.
8. If there is no pope or presbyter, president or pastor who rules over you.
9. If religious liberty is the password to public witness and the separation of church and state is its essential corollary.
10. If no mortal has the power to suppress, curtail, rule out, or reign over the will of the local congregation.



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