

REPORT

from the **Capital**

U.S. Supreme Court to hear legislative prayer case

Court will weigh in on topic for first time in 30 years

WASHINGTON — The practice of opening government meetings with Christian prayer will be examined by the U.S. Supreme Court in its upcoming term.

The Court announced May 20 that it will hear arguments in *Town of Greece v. Galloway*, which will bring the issue of legislative prayer before the High Court for the first time in three decades.

The case arises out of the prayer practice of the Town Board of Greece, N.Y., which was found unconstitutional. Before 1999, the board's public meetings began with a moment of silence; that year, they initiated the practice of inviting local clergy to offer an opening prayer. The prayer was listed in the meeting's official minutes, but there was no formal policy regarding who was invited to give the prayer, the content of the prayer or any other aspect of the practice. The town supervisor typically thanked the prayer-giver and presented the individual with a plaque for being the town's "chaplain of the month."

Two residents sued the town, claiming the practice aligned the town with Christianity, thereby violating the First Amendment's prohibition on government establishment of religion. After they first complained in 2007, the board added a few non-Christian clergy to the "Town Board Chaplain" list used to find individuals to deliver the prayer. But, according to the 2nd U.S. Circuit Court of Appeals, a substantial majority of the prayers between 1999 and 2010 "contained uniquely Christian language," and the court found the prayer practice to be an unconstitutional establishment of religion.

This case brings the issue of legislative prayer before the Supreme Court for the first time since its 1983 *Marsh v. Chambers* decision. In that case, the Supreme Court upheld the Nebraska legislature's practice of opening with a prayer offered by a state-employed chaplain. Rejecting an



Establishment Clause challenge, the Court based its decision on historical accounts that showed legislative prayer was "deeply embedded in the history and tradition of this country." In *Marsh*, the Court noted that the chaplain's prayers at issue were characterized as "nonsectarian," "Judeo-Christian," and with "elements of the American civil religion." In the words of the *Marsh* decision, such prayers are "simply a tolerable acknowledgement of beliefs widely held among the people of this country."

Baptist Joint Committee General Counsel K. Hollyn Hollman said, despite *Marsh*, the practice of official prayers at governmental meetings remains awkward at best, illustrating the point that just because something is constitutional does not make it right.

"A moment of silence before a board meeting is preferable," Hollman said. "While the legislative prayer practice was upheld in *Marsh*, there has been a tendency to stretch that ruling's boundaries in ways that undermine the expectation of government neutrality toward religion. The Court's decision to hear this case provides an opportunity to clarify an aspect of religious liberty law that has become the subject of a great deal of litigation in recent years."

Town of Greece v. Galloway will be heard during the Court's 2013-2014 term, which begins in October.

—BJC staff reports

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Anti-Sharia movement changes tactics and gains success



When Oklahoma voters overwhelmingly approved a 2010 ballot measure that prohibits state courts from considering Islamic law, or Sharia, the Council on American-Islamic Relations filed a lawsuit within two days challenging the constitutionality of the measure and won.

But when Oklahoma Gov. Mary Fallin signed a similar measure in April of this year, one that its sponsor said would forbid Sharia, no legal challenges were mounted.

Why the change?

The biggest difference is that the older bill — and others like it — singled out Islam and Sharia, but also raised concerns that they could affect Catholic canon law or Jewish law. Many early anti-Sharia bills also made references to international or foreign law, which worried businesses that the new bills would undermine contracts and trade with foreign companies.

The new bills, however, are more vague and mention only foreign laws, with no references to Sharia or Islam. They also make specific exceptions for international trade. All of that makes them harder to challenge as a violation of religious freedom.

“These bills don’t have any real-world effect. Their only purpose is to allow people to vilify Islam,” said Corey Saylor, CAIR’s legislative affairs director, of the more recent bills.

The change in language seems to have helped such bills advance in several states. And while these bills no longer single out Sharia, it is often understood that Sharia is the target.

The driving force behind these new versions of anti-Sharia laws is “anti-Muslim bigotry plain and simple,” said Daniel Mach of the American Civil Liberties Union, speaking on a panel in Washington on May 16. To those agitating for such measures, “Islam is the face of the enemy,” he said.

To date, Oklahoma is the sixth state — joining Arizona, Kansas, Louisiana, South Dakota, and Tennessee — to adopt a law prohibiting courts from

using foreign or international law, with some exceptions, in their decisions.

This year, at least 36 anti-foreign law bills have been proposed in 15 states, down from 51 bills in 23 states in 2011. While most of this year’s anti-foreign law bills have failed, several others, have advanced:

—A North Carolina legislative committee sent a bill to the House May 15 that would prohibit consideration of foreign laws in custody and other family law cases.

—The Missouri legislature passed an anti-foreign law bill in May, which was vetoed by Gov. Jay Nixon June 3. According to a news release, Nixon said it “seeks to solve a problem that does not exist” and expressed concern that it could negatively impact the ability to adopt children from other countries.

—In Alabama, Indiana and Texas, anti-foreign law bills have made it through the state senates, and at press time they were either in house committees or awaiting full floor votes.

—An anti-foreign law bill in Florida that needed a two-thirds majority to pass fell one vote short, 25-14. Besides Florida, anti-foreign law bills have been introduced but were defeated, died, or are languishing in Arkansas, Iowa, Kentucky, Mississippi, South Carolina, Virginia, Washington, West Virginia, and Wyoming.

Despite the losses, David Yerushalmi, the Washington-based lawyer who drafted template legislation used for the anti-Sharia and anti-foreign law bills, said the anti-Sharia movement “is growing every day” and expects more states to adopt such bills in the future.

“People see the threat and also know that a bill that simply protects U.S. citizens and residents from constitutionally offensive foreign laws and judgments can only be a good thing,” Yerushalmi said.

But CAIR’s Saylor said that victory may prove elusive for the anti-Sharia forces. By stripping all references to Islamic law, the anti-Sharia movement

has failed to restrict Muslim religious rights. “In terms of substance, it’s already been beaten,” he said.

Nevertheless, some observers worry that even these watered-down bills could still be interpreted in ways that impinge on Muslims’ religious freedom.

For example, according to the *Gavel to Gavel* website that covers state legislatures, many of the new anti-foreign law bills specify that the prohibition on courts using foreign laws applies only to certain case types, such as family law or domestic relations. Sharia, as well as Jewish law, is widely used in these types of cases.

“While the foreign law bans are certainly less of a frontal assault on religious freedom than the anti-Sharia bills, they continue to raise concerns about bias towards minority faiths,” said Faiza Patel, co-director of the Liberty and National Security Program at the Brennan Center for Justice at New York University School of Law.

“The bans cast a cloud of uncertainty over a myriad of arrangements, including family and business-related matters, simply because they have foreign or religious origins.”

She added that some bans on foreign law seem to require judges to reject any foreign law or judgment that comes from a country that does not protect rights in the same way the United States does, even if the case being considered does not raise any rights concerns.

“This could deprive many Jewish and Muslim couples of a wide range of benefits — lower tax rates, immigration benefits for foreign partners and the ability to make life-and-death decisions on behalf of each other in medical emergencies,” Patel said.

Even CAIR will not rule out the possibility of future legal challenges.

“If someone tries to use these laws to undermine a person’s religious rights, we’re keeping all of our legal options on the table,” Saylor said.

—Omar Sacirbey, *Religion News Service*, with Lauren Markoe & BJC staff reports

REFLECTIONS

The framework of American religious liberty

A new and wonderful book has come out that responsibly engages the contentious debate about how the framers understood religion and religious liberty in the formation of our national government. Titled *Endowed by Our Creator: The Birth of Religious Freedom in America* (Yale University Press, 2012) and penned by Michael I. Meyerson — a constitutional law and American legal history professor at the University of Baltimore School of Law — the book is a comprehensive, thoroughly researched presentation of the development of our framers' understanding of religious freedom from pre-revolutionary colonial days through the presidency of James Madison. In the book's introduction, Meyerson writes that he aims to "tell the story of those who participated in the creation and implementation of the Constitution and First Amendment, and to derive from that history as accurate a picture as possible of the American vision for freedom of religion during the framing period"

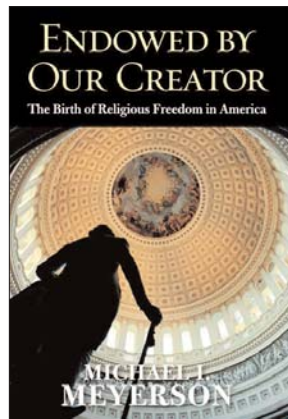
In my judgment, Meyerson succeeds in achieving his goal, telling the story with attention to nuance and in a fair and interesting way. I welcome his contribution to the literature.

Understanding that a search for the Founders' "original intent" is always illusive and mostly unhelpful, Meyerson speaks instead of the "original wisdom" of the founding generation. Generally speaking, our wise Founders wanted to disestablish religion and separate the institutions of church and state, while appreciating the value and virtue of religious speech, publically expressed. In the main, their religiously formed "civil vocabulary," however, was broad, inclusive and nonsectarian and intended to unify rather than to divide the citizenry. Meyerson writes:

[G]enuine, devout governmental religious speech was to be permitted. But unlike the unrestricted religious speech of the citizenry, the religious speech of the government was to be strictly limited. The critically important aspect of the framing generation's compromise was that only the most general, nonsectarian reference to God was deemed appropriate.

Certainly this was the practice of the likes of

George Washington, Thomas Jefferson and James Madison, particularly while serving in office and when writing public proclamations and letters to religious groups.



Without diminishing the contributions of Jefferson and Madison, Meyerson focuses more than many historians do on Washington. Washington often does not get enough credit for his mostly orthodox religiosity and his commitment to pluralism and religious liberty. Holding up Washington as an exemplar of toleration, Meyerson observes that, "while much of Washington's public speech during the [Revolutionary] war was religious in nature, he usually avoided sectarian or Christian language."

Moreover, after becoming president, "when he used religious discourse in his public communication, he carefully, and without exception, chose inclusive, nonsectarian language."

Although Jefferson and Madison clearly stand in this same tradition, the practice was not uniform. The outspoken John Adams was not bashful about using explicit Christian language.

In a way uncommon among most non-Baptist legal historians, Meyerson acknowledges the profound impact of John Leland on the Founders and the revolutionary ethos. (In fact, references to Leland in the index rival in length that of Benjamin Franklin, Patrick Henry and John Adams.) Meyerson tells the familiar story of John Leland's historic meeting with Madison, convincing Madison of the need for spelled-out religious liberty protections in the Bill of Rights in exchange for Leland's political support. Meyerson also lauds Leland's tireless work to oppose, in Leland's words, "an ecclesiastico-political power," as well as state establishments as violations of religious liberty.

Meyerson posits three streams whose confluence formed institutions and constructs that protect religious liberty in the new federal system: religious, philosophical and practical. While he credits Jefferson and Madison for supplying the philosophical argument and Washington for taking care of practical political consequences, he holds up Leland as one who offered a compelling biblical argument in favor of religious liberty and church-state separation.

Yes, it gladdens the heart of Baptists proud of our contributions in history to see John Leland get



J. Brent Walker
Executive Director

Does religious freedom report need more 'teeth'?

The Obama administration is not afraid to call out Wall Street for runaway profits or insurance companies for health care woes.

But why, when it comes to protecting religious freedom abroad, is the State Department so hesitant to name names?

Watchdogs say the State Department missed a key opportunity to put teeth into its annual assessment of global religious freedom, which was released May 20 by Secretary of State John Kerry.

Continuing a pattern begun under President George W. Bush, the report does not include a list of "countries of particular concern," or "CPCs" — the diplomatic term for countries that either actively suppress religious freedom or don't do enough to protect it.

The list varies little from year to year — North Korea, Iran, China and a handful of others are routinely cited as the worst offenders. But the new report contains no worst-of-the-worst list that would single out offenders for sanctions or other punishment.

The lack of new CPC designations in the report is a big flaw, according to Rep. Frank Wolf, R-Va., the dean of religious liberty watchdogs on Capitol Hill.

"As religious freedom conditions continue to deteriorate globally, it is more important than ever that the State Department use this vital tool to press governments to end abuses, protect their citizens and respect this fundamental human right," said Wolf and two other congressmen who fired off a letter to Kerry on May 20.

Their concern was echoed by others who monitor religious liberty abroad, including the U.S. Commission on International Religious Freedom, the independent body created by Congress that each year puts out its own list of worst violators.

Knox Thames, USCIRF's director of policy and research, said the commission believes that the 1998 law that mandates the State Department report also requires new designations of CPCs annually. The current CPC list dates from 2011.

For years, the annual report and the CPC designations were simultaneous; that changed late in the Bush administration and has been continued under Obama, Thames said. But the list of CPCs "is what gave all of this teeth," he said.

The list prompts "countries to do things they don't normally want to do."

But Aaron Jensen, a spokesman for the State Department's Bureau of Democracy, Human Rights and Labor, said the CPC designations can be made on a different schedule than the report's release and "at any time as conditions warrant."

He said he has no information as to when the State Department may release a new CPC list.

Thames said he is hopeful that the new designations will come out this summer.

They work, he continued, offering Vietnam as an example of



a country that bristled at its inclusion on the CPC list. But actual reforms, pressed by U.S. diplomats, resulted in a delisting in 2006.

USCIRF — which generally pushes the State Department to be more aggressive in insisting on religious freedom reforms in its diplomacy — in April recommended that all eight countries on the State Department's current CPC list be redesignated: Myanmar, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.

USCIRF also wants an additional seven countries added to the CPC list: Egypt, Iraq, Nigeria, Pakistan, Tajikistan, Turkmenistan and Vietnam.

It's true, said Paul Marshall, a senior fellow with the Washington-based Hudson Institute who specializes in religious freedom, that the State Department's CPC list has been "very stable for a long time."

And there are certainly some entrenched, authoritarian governments, such as North Korea's, that do not care if they make the list or not. But that does not mean the CPC list and the report in general are not valuable, Marshall said.

Take CPC-designated Saudi Arabia, he said, where non-Muslim religious practice is still officially forbidden. The U.S. has pressed Saudi officials on the topic, and in recent years, the Saudis have said that they are not going out of their way to root out non-Muslim observances, though they still prosecute them when they see them.

And in Myanmar, a long-standing member of the CPC club, the religious freedom situation has been fluid and is something we want our government to keep track of, Marshall said. So "the list is a good thing."

Jamsheed K. Choksy, a professor of Central Eurasian Studies at Indiana University and an incoming USCIRF fellow, said the problem is actually larger than the report or whether the CPCs are included.

"What needs to happen is that the government of the United States needs to take these reports and make them central aspects of American policy and foreign relations," he said.

Retired Ambassador Randolph Bell, who runs the First Freedom Center, a Virginia-based religious freedom watchdog group, took a similar view. The lack of inclusion of new CPCs is not as crucial as whether U.S. foreign policy is going to act on the information gathered by its own staff and make religious freedom an organizing principle for U.S. bilateral and multilateral relations.

But in any case, Bell said, the U.S. needs to keep churning these reports out to keep attention focused on the cause of the repressed faithful.

"If they're not there," Bell said of the reports, "then wouldn't people who are focused entirely on U.S. trade and economics, or people focused on some other aspect of global affairs, say climate change, just go about their business?"

—Lauren Markoe, Religion News Service

Federal appeals court hears Hobby Lobby case against contraceptive mandate

A federal appeals court heard oral arguments May 23 in retailer Hobby Lobby's case challenging the health care law's contraceptive mandate on religious freedom grounds.

A federal judge ruled in November 2012 that the company was not exempt from the provision of the Patient Protection and Affordable Care Act requiring employer-provided health care plans to cover contraceptives.

Hobby Lobby CEO Steve Green, a Southern Baptist, and other members of the Green family filed one of approximately 40 lawsuits arguing that objecting businesses should be granted exemptions from certain provisions of the health care law just as religious nonprofits are granted exemptions.

Hobby Lobby and other critics of the law say it is wrong to force employers to help finance contraceptive services — including sterilization and the morning-after pill, among other services — when those products and services run counter to their principles of faith.

"They ought to be able — just like a church, just like

a charity — to have the right to opt out of a provision that infringes on their religious beliefs," Kyle Duncan, the Green family attorney who argued before the 10th U.S. Circuit Court of Appeals, told The Associated Press.

Americans United for the Separation of Church and State filed a friend-of-the-court brief supporting the government's position. The brief said it is unfair for Hobby Lobby's owners to impose their own religious views on the company's employees.

"[The] Plaintiffs have every right to refrain from using certain types of contraception and to attempt to persuade others from doing so," the brief said. "But once they enter the secular market for labor to staff their secular, for-profit corporations, they may not force their religious choices on their employees."

Hobby Lobby operates more than 500 arts-and-crafts stores in 41 states with around 13,200 employees.

—Jeff Brumley, *Associated Baptist Press*,
with Bob Allen & BJC staff reports

German home-schooling family loses U.S. asylum bid

A German family seeking asylum in the U.S. so they can home-school their children lost their appeal in federal court May 14, but their lawyers say they are prepared to petition the U.S. Supreme Court to take the case.

The German government persecuted the Romeike family for their faith, said Mike Donnelly, a lawyer with the Home School Legal Defense Association, a religious organization that is representing the Romeike family.

"It is treating people who home-school for religious or philosophical reasons differently," he added.

The Cincinnati-based 6th U.S. Circuit Court of Appeals disagrees. The U.S. grants safe haven to people who have a well-founded fear of persecution, but not necessarily to those under governments with laws that simply differ from those in the U.S., Judge Jeffrey Sutton wrote in the court's decision.

"The German authorities have not singled out the Romeikes in particular or homeschoolers in general for persecution," he wrote for the three-judge panel in the case, *Uwe Romeike v. Eric*

Holder, Jr.

Uwe Romeike said in an email that his family began home schooling to protect their children from bullying and teachings they did not agree with.

"As we were confronted with opposition to our choice we began to feel more and more that our faith required us to homeschool our children," he said.

Uwe and Hannelore Romeike moved their five children to Tennessee (a sixth child has since been born) in 2008 to escape thousands of dollars in fines and increasing pressure from local police and education officials to enroll their children in school. All German parents are required by law to send their children to a state-recognized school, whether public or private.

The Romeikes are evangelical Christians and say they should be allowed to keep their children home to teach them Christian values. Before they left Germany, the police forcibly escorted the older Romeike children to school one day. Other German families have lost custody of their chil-

dren because they persist in home schooling.

An immigration judge in Tennessee granted the Romeikes' bid in 2010, but the Board of Immigration Appeals tossed that ruling in 2012, arguing that religious home-schoolers do not face any special consequences not applied to other families whose children do not attend school.

The 2012 decision sparked an outpouring of support for the Romeike family among conservative U.S. Christians. More than 120,000 people signed an online petition urging President Barack Obama to let the family stay. Conservative talk show host Glenn Beck described the case as evidence of crumbling religious freedom.

The Romeikes' legal team plans to request an *en banc* hearing, which would present the case before the 6th Circuit's entire 15-judge panel. Approval for such a hearing is unlikely, Donnelly said, adding that the Romeikes are already preparing to fight for asylum in the U.S. Supreme Court.

—Krista Kapralos, *Religion News Service*



K. Hollyn Hollman
General Counsel

HollmanREPORT

Tornado coverage highlights voluntary religion and diversity

“While conflicts over the role of religion in society will persist, we are fortunate. Our country protects religious freedom and preserves the religious peace by keeping the government out of the religion business, protecting the rights of the religious and non-religious alike.”

There are many reasons the government should not be in the prayer business. “Congress shall make no law respecting an establishment of religion,” as the First Amendment begins, immediately comes to mind. Legal issues aside, media stories about the recent tornadoes in Oklahoma vividly demonstrate two practical reasons.

First, we are a religiously diverse country, not united in our religious beliefs or practices. Attempts to fit us all in one religious tent always fail. Second, religious belief is not hampered by the constitutional prohibition on government-sponsored prayer. Many religious people understand and support the religious freedom that protects individual religious expression but does not use government authority to impose those beliefs on others.

Our diversity was on display in the CNN interview of Rebecca Vitsmun, a survivor of the tornado that ripped through her hometown of Moore, Okla. As Vitsmun stood among the rubble, holding a small child, anchor Wolf Blitzer commented on her decision to leave her house right before the tornado hit and asked, “You’ve gotta thank the Lord, right?” As if trying to get the proverbial “amen” for his assumption about how one responds to surviving a natural disaster, Blitzer repeated, “Do you thank the Lord for that split-second decision?” Vitsmun hesitated for a second, then smiled warmly and responded by saying, “I — I am actually an atheist.” Joining Blitzer’s sort of half-laugh as if to politely excuse his *faux pas*, she added, “And you know, I don’t — I don’t blame anybody for thanking the Lord.” Vitsmun provided a welcome face for the statistics that say about 20 percent of the general U.S. population are unaffiliated with a particular belief, with around 5 percent characterizing themselves as either atheist or agnostic.

Next, there was the report reminding us that religion is not harmed by the prohibition on school-sponsored prayer in public schools. Like many of the heroic public servants who regularly protect our children, school employees in the two schools that were in the path of the tornadoes responded quickly and with great courage. In recounting her experience, elementary school teacher Rhonda Crosswhite

showed that protecting and calming the children in her care were her priorities. When describing the tornado that tore through her school, she explained on “NBC Nightly News” how she gathered the students together in the safest place. She then told the reporter, “And I did the teacher thing that we’re probably not supposed to do — I prayed. And I prayed out loud. I said, ‘God, please don’t take these kids today.’” Her prayer was clearly a spontaneous, heartfelt response to the situation. It stands in stark contrast to the kind of unconstitutional teacher-led prayer in public schools that would damage public trust and violate the religious liberty of students. Neither teachers, nor students, nor religion itself is harmed by the religious liberty principles that apply to public schools.

Just under the surface of these honest — and in some ways ordinary — expressions of our country’s religious landscape, however, was evidence that people are quick to pick fights over religion. While atheist groups celebrated Vitsmun’s interview and used it to raise money toward the rebuilding of her home, talk show host Glenn Beck suggested the interview was manufactured to promote atheism and harm religion. Soon after the tornado hit two schools, a rumor spread that a teacher was fired for praying with her students. The school had to issue a statement, which called the accusation “offensive and insulting” and revealed that people who believed the rumor had sent “angry and threatening messages” to the school.

While conflicts over the role of religion in society will persist, we are fortunate. Our country protects religious freedom and preserves the religious peace by keeping the government out of the religion business, protecting the rights of the religious and non-religious alike. As we witnessed in Oklahoma, our religious diversity and devotion can be protected and are not threatened by limits on government advancement of religion. Voluntary expressions of faith, unprompted by reporters or coerced by public officials, demonstrate the vitality of religion.

Shouldn’t prayer be left to the voluntary impulses of individuals and faith communities?

BJC welcomes summer interns

The Baptist Joint Committee is pleased to have three summer interns working with our staff in Washington, D.C.

Joey Fuson of Greenville, S.C., is a 2013 graduate of Furman University, where he earned a Bachelor of Arts with a double major in Political Science and Religion. He is the son of Jim and Jill Fuson and is a member of First Baptist Church of Greenville. He plans to attend seminary in the future.



Fuson



Hovis

Lauren Hovis of Winston-Salem, N.C., is a 2013 graduate of the University of North Carolina at Chapel Hill where she earned a Bachelor of Arts with a double major in Political Science and Global Studies. She is the daughter of Larry and Kim Hovis and a member of Ardmore Baptist Church in Winston-Salem. After her internship, she plans to pursue work related to policy, advocacy and international development.

Ashley Sims of Arnoldsville, Ga., is a 2007 graduate of the Georgia Institute of Technology, where she earned a Bachelor of Science in Management. The daughter of Charlie Escoe and Joyce and Danny Sniff, she is a Moyers Scholar at the Wake Forest University School of Divinity. She is married to Jamie Sims, and they are members of Via Faith Community in Winston-Salem. This fall, she will begin law school at Wake Forest University to complete the dual J.D./Master of Divinity program.



Sims

Virginia county supervisors vote to hang copy of Ten Commandments in government building

The board of supervisors in Washington County, Va., voted unanimously May 14 to hang a copy of the Ten Commandments on the wall of the county government building.

The board's vote was in response to a motion by a local pastor, the *Bristol Herald Courier* reported. Jerry Eggers of Greendale Chapel in Abingdon said his motion was prompted by a recently installed painting of the Hindu god Shiva at the Barter Theatre, a popular stage venue in the Southwest Virginia town.

"Christianity is our heritage. I think the least we can do is stand for it and I plan to," Eggers told the *Herald Courier*. He offered to purchase the display himself.

At their meeting, supervisors also voted to form a committee to study the vote's legal implications.

"I support the idea of what you want to do to but I want this done ... right," supervisor Wayne Stevens told the newspaper. "When I hang that up there with

you, I don't want it to come down."

Last year in Narrows, Va., a challenge to a display of the Ten Commandments in a high school was resolved when the Giles County School Board agreed to remove it.

In its place, the board put a copy of a page from a history textbook that mentions the Ten Commandments in conjunction with American government and morality. The commandments themselves do not appear on the page; they are represented by a drawing of two tablets.

—Robert Dilday, *The Religious Herald*

REFLECTIONS CONTINUED FROM PAGE 3

his due.

Throughout the book, Meyerson chronicles the unfolding of early church-state issues within this interpretive context — always striving for scrupulous accuracy. It is not insignificant that he includes 53 pages of small-type footnotes in a book with 275 pages of text. Indeed, Meyerson even credits Leland in his search for accuracy in evaluating the founding record. In the frontispiece of the book, Meyerson quotes John Leland: "Truth is as essential to history as the soul is to the body."

Meyerson sets about to explore and explode myths and inaccuracies that are often peddled in contemporary conversation and debate. He marshals persuasive evidence about why the Founders did not intend to establish a Christian nation, legally and constitutionally; why they did not endorse even non-preferential support for religion, particularly in funding religion with taxes; and why the Establishment Clause was intended to ensure religious liberty, not simply to serve as a federalism cleaver to prevent the new national government from interfering with existing state religious establishments as some, including Justice Clarence Thomas, have wrongly contended.

Meyerson concludes his book with a sense of hopeful expectation and a call for both/and thinking:

The nation's dialogue would substantially improve if we understood the limitations of our false dichotomies. We must recognize that one may be deeply religious, like John Leland, and still believe that a close tie between church and state degrades all religion and threatens the freedom of those not belonging to the majority denominations. We must understand that one may care deeply about religious liberty, like George Washington, and still believe that public acknowledgment of religion does not threaten the rights of others.

Here, and throughout the book, Meyerson is right on target. This is one of those books that would benefit all of us to read.



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REPORT from the Capital

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