



REPORT from the Capital

BJC, coalition ask candidates to avoid religious discord

WASHINGTON — A diverse coalition of major national religious organizations on Feb. 21 issued an “Interfaith Statement of Principles,” calling on the presidential candidates and all candidates for public office this election year to help ensure decency, honesty and fair play in elections by conducting campaigns that honor our nation’s traditions of religious liberty and avoid sowing religious discord.

The statement — organized and drafted by the Anti-Defamation League, the Baptist Joint Committee for Religious Liberty and the Interfaith Alliance — says candidates should feel comfortable explaining their religious convictions to voters. But the statement warns against placing an overt emphasis on religion, as “there is a point when an emphasis on religion becomes inappropriate and even unsettling in a religiously diverse society such as ours.”

“Religion in Political Campaigns — An Interfaith Statement of Principles” has been endorsed by 14 national religious organizations, representing a diverse tapestry of America’s majority and minority faiths.

“This statement of principles reaffirms our commitment to freedom of religion as enshrined in the Constitution, and our message to all candidates for public office is to set a proper tone where faith may be openly discussed, but avoid overt appeals for support on the basis of religion, or the denigration of another person’s views on the basis of religion,” said Abraham H. Foxman, ADL National Director.

“Candidates do not have to check their religion at the door of the offices they seek. But they need to understand that they serve people of other faiths and of no faith. Resorting to religious language that sets people of faith against each other harms political discourse and sows religious discord,” said J. Brent Walker, executive director of the Baptist Joint Committee for Religious Liberty.



“Candidates are free to speak about their faith — if it’s important to them — as a way of giving voters insight on who they are, but a line is crossed when a candidate implies that they should receive your vote because of their faith. Religion is not a political football to be used by candidates for tactical advantage, instead it should be a force that brings diverse people together with mutual respect and understanding,” said the Rev. Dr. C. Welton Gaddy, president of the Interfaith Alliance.

Because political candidates bear the primary responsibility for setting the proper tone for elections, the statement calls on all candidates for public office to:

- Serve and be responsive to the full range of constituents, irrespective of their religion;
- Conduct their campaigns without appeals for support based upon religion;
- Reject appeals or messages to voters that reflect religious prejudice, bias or stereotyping;
- Avoid statements, actions or conduct that are intended primarily to encourage division in the electorate along religious lines.

Other endorsing organizations include the American Islamic Congress, American Jewish Committee, Islamic Society of North America (ISNA), Hindu American Foundation, Muslim Advocates, National Council of Churches USA, Sikh Coalition, The United Methodist Church — General Board of Church and Society, and United Church of Christ, Justice and Witness Ministries.

The full statement is published on page 2 of this edition of *Report from the Capital*.

— Staff Reports

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New rule addresses religious freedom, contraception concerns

WASHINGTON – Responding Feb. 10 to opponents of the administration’s rule requiring most health insurance plans to cover contraceptive services, President Barack Obama announced a new policy that expands the religious accommodation and requires insurance companies to offer contraceptive services free of charge directly to employees at religious institutions that object to providing them.

Under the previous rule, churches were exempt, but other religious nonprofits, including hospitals and universities were not. The administration had set Aug. 1, 2013, as the date to work out compliance with such entities. Some Catholics and others, including the Baptist Joint Committee for Religious Liberty, said the rule needed to be broadened.

On the announcement of the new rule, Baptist Joint Committee Executive Director J. Brent Walker reiterated a statement he made earlier in the week that religious liberty concerns extend beyond churches and houses of worship.

“This is a positive step in protecting the right of religious institutions to define themselves and accommodate religious conscience,” Walker said. “Leaving room for the health care needs of women — Catholic and non-Catholic alike — to get the coverage they deserve is also important.

“Religious freedom is the first freedom and must be protected. At the same time we must be mindful of the health care needs of all employees. This is a win-win solution,” Walker said.

—Staff Reports

This statement was released Feb. 21 by the BJC and other organizations. Read more in this month’s cover story.

Religion in political campaigns — An interfaith statement of principles

Freedom of religion is one of our nation’s most cherished liberties. It is at the very foundation of America. Our nation’s Constitution protects religious freedom for all, prohibits religious tests for public office, and mandates separation of church and state. These are essential American ideals and values, which candidates for public office should respect.

Candidates for public office are, of course, free to worship as they choose. And they should feel comfortable explaining their religious convictions to voters, commenting about their own religious beliefs, explaining, if they wish to do so, how those beliefs shape their policy perspectives, and how they would balance the principles of their faith with their obligation to defend the Constitution if the two ever came into conflict.

There is a point, however, where an emphasis on religion in a political campaign becomes inappropriate and even unsettling in a religiously diverse society such as ours. Appealing to voters along religious lines is divisive. It is contrary to the American ideal of including all Americans in the political process, regardless of whether they are members of large and powerful religious groups, religious minorities, or subscribe to no faith tradition.

Voters should be encouraged to make their decisions based upon their assessment of the qualifications, integrity, and political positions of candidates. A candidate’s religious beliefs — or lack thereof — should never be used by voters, nor suggested by political candidates, as a test for public office or as a shorthand summary of a candidate’s qualifications.

Candidates for office bear the primary responsibility for setting the proper tone for elections. Anyone who legitimately aspires to public office must be prepared to set an example

and to be a leader for all Americans, of all faiths or of no faith.

What is ethical is every bit as important as what is legal. Therefore candidates for public office should:

- Attempt to fulfill the promise of America by seeking to serve and be responsive to the full range of constituents, irrespective of their religion.
- Conduct their campaigns without appeals, overt or implicit, for support based upon religion.
- Reject appeals or messages to voters that reflect religious prejudice, bias, or stereotyping.
- Engage in vigorous debate on important and disputed issues, without deliberately encouraging division in the electorate along religious lines, or between voters who characterize themselves as religious and voters who do not.

Abiding by these principles, candidates for public office help ensure decency, honesty, and fair play in political campaigns, and they honor America’s oldest and most fundamental values. Likewise, voters who insist on adherence to these principles contribute to the protection of our religious freedom.

Signed: American Islamic Congress • American Jewish Committee • Anti-Defamation League • Baptist Joint Committee for Religious Liberty • Interfaith Alliance • Islamic Society of North America (ISNA) • Hindu American Foundation • Muslim Advocates • National Council of Churches USA • Sikh American Legal Defense and Education Fund (SALDEF) • Sikh Coalition • Union for Reform Judaism • The United Methodist Church — General Board of Church and Society • United Church of Christ, Justice and Witness Ministries

REFLECTIONS

Principles in political posturing

We planned to release the Interfaith Statement of Principles on Religion in Political Campaigns (see p. 2) the morning after the Presidents Day holiday. We hoped to hitch our star to the increased interest in presidents past and the election or re-election of presidents future.

And what interesting timing it was. The previous weekend and the following week brought a torrent of examples of the very abuses of religion in politics that we talked about in the statement.

First, there was Sen. Rick Santorum's gratuitous slap at President Barack Obama's religion during an address to more than 300 supporters while discussing climate change — claiming that the president believes in “phony theology, not a theology based on the Bible, a different theology.” What better example can there be, in the words of the Statement, of candidates conducting their campaigns with “overt” appeals for support based upon religion? Yes, our theological presuppositions inform our ideas about public policy. Clearly we can have a debate about environmental policy. And, in communities of faith, in Bible study groups and in theological seminaries we can discuss how biblical principles inform our understanding of earth-care and ecology. But Sen. Santorum's brazen, unprovoked and red meat attack on the president's religion was way out of line.

Then the day after Presidents Day, the Rev. Franklin Graham — not a candidate, but a public figure — was asked on MSNBC's “Morning Joe” to comment on President Obama's faith commitment and that of other candidates. Unwilling to flatly take the president at his word that he is a believing Christian (and in the face of the incontrovertible fact that he is a member of the United Church of Christ), Rev. Graham would only say that he “assumes” that the president is a Christian. But then he went on to fail to repudiate the lie that the president is a Muslim (as almost one in five Americans still thinks he is). Of course, Rev. Graham was quick to acknowledge the bonafides of Speaker Newt Gingrich's and Sen. Santorum's Christian commitment while easily discounting Gov. Mitt Romney's Mormonism as not Christian.

As Baptist historian Bill Leonard has rightly observed, we should all — and famous preachers no less — “resist sound bite salvation.” It is “unbecoming to a church that takes conversion seriously...[and it promotes]... a salvific superficiality that trivializes the Gospel to the world.” All

of this public speculation about other people's religious commitment and, consequently, their suitability for public service flies directly in the teeth of the “no religious test for public office” principle imbedded in our Constitution and at the heart of the Interfaith Statement of Principles. Plainly put: “A candidate's religious beliefs — or lack thereof — should never be used by voters [including preachers!], nor suggested by political candidates, as a test for public office or as a shorthand summary of a candidate's qualifications.”

Finally, the following Sunday, Sen. Santorum reiterated his oft-voiced attack on the separation of church and state and on John F. Kennedy's famous 1960 speech to the Houston preachers, saying he “almost threw up” when he read the speech. Sen. Santorum has said over and over that Kennedy was trying to banish faith from the public square when he talked about his belief that his religion “should be important only to me” and that it was his “own private affair.” A fair reading of these words in the context of the speech, however, shows that this was not an attempt by Kennedy to privatize religion or banish it from the public square. Rather, he was giving full-throated affirmation of the “no religious test” principle embodied in the Constitution. Kennedy was saying his religion is no one else's business; he was not saying that his religion could not inform his policy stands.

I think that Sen. Santorum knows better. Although he has backed off a little in the face of withering criticism (from even one of his fellow Republican candidates), Sen. Santorum continues to use rhetoric about the separation of church and state as a wedge issue for political advantage. One would think that Sen. Santorum, himself a Catholic, would applaud Kennedy's classic speech and the door to political opportunity it helped open for Kennedy and future Catholics, including Sen. Santorum.

Is religion important? Absolutely. Can candidates for office explain their religious convictions to voters and how they would balance their faith with their obligation to defend the Constitution? Positively. But conducting campaigns with overt appeals based on religion and messages to voters that reflect religious prejudice, bias and stereotyping — while deliberately encouraging division in the electorate along religious lines — violates this country's most fundamental values and ultimately threatens the protection of everyone's religious freedom.



J. Brent Walker
Executive Director

There Is No 'War on Religion'

It's true that Christianity is losing some of its appeal among Americans, but that is a religious, not political, matter

As ever, Newt Gingrich minced no words. "I understand that there's a war against religion," Gingrich told the Christian Broadcasting Network's David Brody in January, "and I am prepared to actually fight back." In the same conversation, Gingrich claimed that most journalists simply could not understand people of faith given the media's purported secularism. And so Gingrich's "war" goes on.

Playing on one of the most ancient traditions within Christianity — the fear of persecution — Gingrich has chosen to cast contemporary American life as a duel between light and dark, between believers and secularists, between ordinary Americans and pagan, condescending "elites." His most common target (and the subject of a long white paper on his website): judges who he claims favor secularists over believers. "The revolutionary idea contained in the Declaration of Independence is that certain fundamental human rights, including the right to life, are gifts from God and cannot be given nor taken away by government," says newt.org. "Yet, secular radicals are trying to remove 'our Creator' — the source of our rights — from public life."

Ah, those "secular radicals." No doubt there are secular extremists with radical ideas about religion in public life. But here's what we know for sure: President Obama is not one of them, nor are at least five of the Justices of the Supreme Court, including the Chief Justice, a practicing Roman Catholic. Though Gingrich's hyperbole may be good primary politics, the problem is that politicizing religion in this way trivializes the honorable tradition of real martyrdom in the service of creating an exaggerated sense of grievance and self-pity among believers.

The more the Republican field talks in such apocalyptic terms, the more likely it seems that the GOP could alienate the independent voters who might be otherwise inclined to turn President Obama out of office in November. A holy war might play well to the Republican base, but the base isn't exactly a swing bloc.

The "war on religion" tactic is an old one. To use an analogy Gingrich likes — one from World War II — the Pearl Harbor of the culture wars he is trying to perpetuate is the 1962 Supreme Court decision declaring mandatory prayer in public schools to be unconstitutional. Eleven years later, *Roe v. Wade* created (to belat-

bor the metaphor) a permanent conservative war machine that survives even now.

Yet it is very hard to see how a fair-minded person could agree that there is a war on religion in America. There are, of course,

policy questions with

important religious elements. There always have been and always will be. What's remarkable is how well America has tended — and, importantly, still tends — to handle such difficult matters. The power of the American system of republicanism lies in its capacity to allow religious belief to be a competing, not a controlling, factor in American life.

The nonbelieving, not the believing, are the ones who should feel outnumbered. According to Gallup, 78% of American adults identify with some form of Christian religion. Jews make up less than 2%; Muslims form 1%; and 15% say their "religious preference" is "none/atheist/agnostic." Ninety-five percent of Americans who say they are religious are thus Christians. The President of the United States routinely invokes God's blessing on the nation. Washington and state and county and city buildings throughout the country use religious imagery. We open our congressional sessions and our inaugurations with prayers; chaplains receive publicly funded salaries. The pagans, therefore, are not exactly at the gates.

Still, in his hyperbolic way, Gingrich is onto something. According to a 2010 Gallup survey, 7 in 10 Americans say religion is losing its influence on American life, which the polling organization says is "one of the highest such responses in Gallup's 53-year history of asking this question, and significantly higher than



Photo: Damien Donck

By JON MEACHAM

On the proper relationship between citizens' religious convictions and their political choices:

[M]any citizens want to elect people who share their values. That's understandable. But we make a real mistake when we equate a political party or a candidate with our religious affiliation, or when we equate our governmental leaders with our religious leaders or with our God, with our commitment to Christ. It is important to recognize that we [Christians] are citizens of two kingdoms. We are citizens of our political

community, and — in that citizenship — we have a responsibility to all in our political community. Those people who we elect, we elect to serve all. We do not elect our officials to lead our churches. We are also, of course, citizens of the Kingdom of God. It's important to recognize the dual citizenship that we have. I always encourage people to not get those confused, [but] to educate yourself as a citizen and to know that government officials are responsible to all citizens without regard to religion, and that's as it should be. At the same





K. Hollyn Hollman
General Counsel

Separating issues from political rhetoric

Exaggerated claims are perhaps to be expected when religious liberty collides with other significant governmental interests. In the ongoing debate about religious institutions' objections to the contraception coverage mandate in the Affordable Care Act, much of the rhetoric has been harsh and misleading.

Defining exemptions to laws that burden religion can be complex, especially when such exemptions affect the rights of others, and the new health care law presents some difficult issues. But as a recent case from Texas demonstrates, church-state matters often inflame passions even in relatively easy cases.

Last May, Americans United for Separation of Church and State brought a lawsuit to prevent a public high school in Texas from sponsoring religious exercises at graduation ceremonies and during the school day. Despite longstanding legal precedents distinguishing between constitutionally protected student speech and unconstitutional school-sponsored religious exercises, litigation was required to bring these troubling practices to an end. The suit was initiated on behalf of a brave student and his family who simply wanted the school to provide an educational environment that is neutral toward religion as required by the First Amendment.

In the context of that lawsuit, incredibly harsh statements denigrating the separation of church and state were made. In what was a typical case of enforcing the First Amendment in public schools, partisans found an opportunity for political gain during this presidential primary season. On the BJC's *Blog from the Capital* (www.BJConline.org/blog), Don Byrd put it this way:

You may remember recent reference to Fred Biery, a U.S. District Court Judge in Texas who has been vilified by presidential candidate Newt Gingrich over his rulings in a graduation prayer dispute. His method of enforcing church-state separation so offended Gingrich that he used Biery as Exhibit A in his plan to have judges arrested and brought before Congress to explain themselves for such rulings.

While the rest of us were distracted by contraception talk, Judge Biery was approving a settlement in the case that caused Gingrich such consternation. The Judge's order in *Schultz v. Medina* [Valley Independent School District] authorizes an agreement between the parties that will allow a student speaker at graduation to speak their mind without school officials' interference, so long as a disclaimer distances the views expressed by the student

from those of the school, and so long as school officials on stage do not participate in any prayer the student may decide to lead.

In a court order accompanying the settlement agreement between the plaintiffs and the School District, the judge made clear that the case was not about "the right to pray," which the judge noted is available to all. Instead, he explained, it was about whether a governmental entity could use its power to promote the majority's views on religion over those of a minority. He observed that the settlement achieved a reasonable balance between competing First Amendment rights for student speakers and freedom from government endorsement of a particular religious belief.

Judge Biery—known for his colorful language and heavily footnoted references to history, literature and religion—attached to his order an Appendix captioned "An Ironic Venue for Separation of Church and State Litigation," which is worth reading, and a "Personal Statement" that should not be missed. The Personal Statement reads:

During the course of this litigation, many have played a part:

To the United States Marshal Service and local police who have provided heightened security: Thank you.

To those Christians who have venomously and vomitously cursed the Court family and threatened bodily harm and assassination: In His name, I forgive you.

To those who have prayed for my death: Your prayers will someday be answered, as inevitably trumps probability.

To those in the executive and legislative branches of government who have demagogued this case for their own political goals: You should be ashamed of yourselves.

To the lawyers who have advocated professionally and respectfully for their clients' respective positions: Bless you.

A friend who directs another denominational organization recently sent me an email that began: "I pray all is well with you in these lively times." I loved that. These are indeed lively times, and religious liberty has always been a spirited topic in our country. Judge Biery's comments remind us that along with our obligation to defend religious liberty for all, we should all work to temper any rhetoric that obscures the real issues.

Legal battle continues in New York regarding Bronx Household of Faith

In recent weeks, the legal battle between a New York City evangelical church and the city's Department of Education over the use of school facilities for church services has experienced a revival of sorts.

Amid growing tension between a federal district court judge and the 2nd U.S. Circuit Court of Appeals that ruled against the church last June, the Bronx Household of Faith on February 16 won an order barring enforcement of a policy that prohibits outside groups from conducting religious worship services on school property. The following day, the 2nd Circuit issued an order clarifying that the lower court order only prohibited enforcement of the policy against Bronx Household — not other city churches. Then, on February 24, the district court judge issued a 51-page written opinion explaining why the church was entitled to the preliminary injunction and refuting the 2nd Circuit's narrow application to Bronx Household only.

After the church lost its case in the 2nd Circuit, it sought review by the U.S. Supreme Court, a request denied in December 2011. Undaunted, the church returned to court asserting new claims — this time, alleging that the school's ban on religious worship services violated the church's rights under the free exercise and establishment clauses of the First Amendment. Last year, the 2nd Circuit decided the case based on the church's argument that excluding worship services violated its free speech rights. According to the district court, this left the door open for Bronx Household to challenge the policy on other grounds.

The legal analysis to determine whether the government has violated free speech principles differs from that applied under the religion clauses. In examining Bronx Household's free speech claim, the 2nd Circuit concluded the policy did not amount to viewpoint discrimination and was reasonable in light of the school's interest in not violating the Establishment Clause.

In the context of a free exercise claim, a neutral, generally applicable rule is not unconstitutional merely because it incidentally burdens free exercise rights, but the government cannot single out and regulate conduct solely because it is religiously motivated. This is the basis on which the district court judge concluded that Bronx Household now possesses a viable free exercise claim: in her view, the regulation is neither neutral nor generally applicable, and the government has no compelling interest in enforcing it. The judge also found that the school's policy violates the Establishment Clause by giving school officials discretion to determine what activities amount to "religious worship services."

In its February 17 order, the 2nd Circuit promised that it, too, would follow with a further order and

written explanation. As onlookers await that next development, one thing seems clear: this struggle is far from over.

—Nan Futrell, BJC Staff Counsel

Lawmaker angry over loss of 'God' in Air Force logo

Dozens of members of Congress are upset that the Air Force has removed the Latin word for "God" from the logo of an Air Force acquisitions office.

Led by Rep. J. Randy Forbes, R-Va., co-chairman of the Congressional Prayer Caucus, 36 lawmakers sent a letter Feb. 6 to Air Force Secretary Michael Donley and Air Force Chief of Staff General Norton Schwartz objecting to the removal of "God" from the logo of the Air Force Rapid Capabilities Office (RCO).

The logo was recently removed, according to Forbes, after objections by the Military Association of Atheists and Freethinkers.

Jason Torpy, president of the association, said the word "God" had no place in the logo because not all members of the military are religious. "We just hope (the Air Force) can provide more equal opportunities for atheists and humanists in the military."

"The action taken by the RCO suggests that all references to God, regardless of their context, must be removed from the military," the congressional letter states. "We ask that you reverse this perplexing decision."

According to the lawmakers, all members of the bipartisan prayer caucus, the RCO patch logo previously included the motto "Opus Dei Cum Pecunia Alienum Efficemus" (Doing God's Work with Other People's Money), an inside joke among RCO members. Caucus members say it was changed to "Miraculi Cum Pecunia Alienum Efficemus" (Doing Miracles with Other People's Money).

The letter argues that "courts consistently have upheld the constitutionality of our national motto, 'In God We Trust,' despite the obvious mention of God."

"Obviously the Constitution doesn't treat God like a dirty word," said Luke Goodrich, deputy general counsel of the Becket Fund for Religious Liberty. "Religion is a part of this history."

A representative for the Air Force could not be reached for comment.

—Annalisa Musarra, Religion News Service



This patch shows the previous logo of the Air Force Rapid Capabilities Office (courtesy: website of Congressman Randy Forbes)



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- 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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The Shurden Lectures are next month

Make your plans today to join students, community members, religious liberty supporters and the BJC staff at the 2012 Walter B. and Kay W.



Lambert

Shurden Lectures on Religious Liberty and Separation of Church and State. The event is April 17-18 on the campus of Mercer University in Macon, Ga.

This year's lecturer is **Franklin T. Lambert**, a professor of history at Purdue University. He will deliver three lectures.

All lectures are free and open to the public. Visit www.BJCOnline.org/lectures for more information.

attempts to establish Christian states in colonial New England.

A Secular/Sacred Alliance in the Fight for Religious Liberty

5 p.m. in Mercer Medical School Auditorium
While some wish to create a gulf between all things sacred and all things secular, this lecture agrees with George Marsden's notion that the U.S. was from its beginning profoundly sacred and profoundly secular. It explores the many points of intersection between Great Awakening and Enlightenment ideas and influences. It concludes with a close examination of the cooperation between the Baptist John Leland and the Deist Thomas Jefferson in the fight for religious liberty.

Wednesday, April 18: Constituting the Separation of Church and State

10 a.m. in Newton Chapel
This lecture centers on the Federal Convention of 1787 and the state ratifying conventions that debated the draft Constitution. It explores the question of religion at those conventions within the context of trying to create a "more perfect Union." It concludes that the delegates at the Philadelphia Convention separated matters of church and state both to solidify the union and to safeguard religion from government encroachment.

Tuesday, April 17: America Conceived as a Christian Nation?: The Separation of Good and Bad History

10:50 a.m. in Mercer Medical School Auditorium

This lecture begins with a critique of the radical right's assertion that America was conceived of as a Christian state. It examines these revisionist "historians'" selection and use of evidence to support their presuppositions. It ends by examining within historical context the failed