



# REPORT

from the Capital

## Federal panel again names U.S. allies as violators of religious freedom

Several of the United States' allies remain among the world's most egregious violators of human rights, according to a non-partisan federal panel's report.

In addition, the U.S. Commission on International Religious Freedom said, two nations whose oppressive governments U.S. forces have helped overthrow since 2001—Iraq and Afghanistan—are in danger of joining that infamous list.

Commission members made public their 2006 annual report and recommendations during a May 3 press conference in Washington. The 1998 law that created the panel requires it to report annually on the status of religious liberty worldwide and recommend that the State Department name nations that commit or tolerate "severe and egregious" violations of religious freedom as "Countries of Particular Concern," or CPCs. Administration officials retain ultimate authority to make those designations and impose appropriate sanctions.

Commissioners recommended the same 11 nations for CPC status that they did last year—Burma, China, Eritrea, Iran, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan and Vietnam.

Although the commission has long recommended most of those nations for CPC status, the State Department has failed to follow that recommendation for Pakistan, Turkmenistan and Uzbekistan and has been slow to take action against Saudi Arabia.

In September—a year after the State Department declared Saudi Arabia a CPC—Secretary of State Condoleezza Rice placed a 180-day waiver on implementing any sanctions against the Saudi government.

"This waiver expired in late March 2006," said Nina Shea, the commission's vice chair and director of Freedom House's Center for Religious Freedom. "As of today, no action with regard to Saudi Arabia has been announced by the U.S. government. ... Since religious freedom conditions in Saudi Arabia have not substantially improved in the last year, the U.S. government should not hesitate in taking significant action."

Shea said Saudi Arabia has not shown significant improvement on religious freedom since the State Department's 2004 CPC designation.

"It's really one of the dozen countries in the world that are among the worst persecutors, most egregious persecutors of religions of all kinds, including Muslims," she said.

The Saudi government bans public worship by religious groups of any sort other than those following the state-sanctioned version of Sunni Islam. Shea said government officials occasionally raid even private Christian worship services, which are supposed to be legal.

The panel's 250-page report said in Pakistan, "Sectarian and religiously motivated violence persists ... and the government's response to this problem, though improved, continues to be insufficient and not fully effective."

The commission also called special attention to the situations in Iraq and Afghanistan.

"In these two countries, where the United States is directly engaged in political

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reconstruction, the universal right to religious freedom is imperiled," wrote Michael Cromartie, the commission's chairman, in a letter to Rice accompanying the report.

He noted several recent incidents in which Afghan citizens were charged with crimes—some carrying the penalty of death—for contradicting Islam. Cromartie also pointed out that lawless conditions in Iraq have led to regular sectarian violence between Sunni and Shiite Muslims, as well as an atmosphere of fear that is causing many Christians and other religious minorities to flee the country in "an exodus that may mean the end of the presence in Iraq of ancient Christian and other communities that have lived on those same lands for 2,000 years," he said.

Commissioner Preeta Bansal, a human rights attorney, told reporters that the new Afghan Constitution, the make-up of the nation's judiciary, and the government's inability to impose order in large parts of the country outside Kabul have combined to worsen the situation there.

"Although conditions from freedom of religion or belief have certainly improved since the fall of the Taliban, they have become increasingly problematic over this past year," she said.

Bansal said the nation's charter does not contain adequate safeguards for religious freedom—which endangers both minorities and the nation's religious majority.

"The constitution contains no specific guarantee for the individual right of freedom of religion or belief," she said. "The 99 percent of [Afghans who are] Muslims do not have a right to dissent from state-imposed orthodoxy."

Southern Baptist Commissioner Richard Land noted the United States has to take special care to avoid similar problems in Iraq. "The commission has concluded that, because the United States has been so directly involved in Iraq's political reconstruction, it has a special obligation to act vigorously ... to identify and promptly remedy the systemic flaws that continue to undermine the protection of fundamental human rights in Iraq," he said, noting the regularity of attacks there against religious minorities.

The commission again recommended, as in the past, that a high-level foreign service official be assigned to the U.S. Embassy in Baghdad to focus specifically on religious freedom and other human rights concerns.

In response to reporters' questions about why President Bush's administration has seemed reluctant to take the panel's advice on nations like Saudi Arabia and Pakistan, commissioners said there may be diplomatic reasons.

The full report is available on the commission's Web site at [www.uscirf.gov](http://www.uscirf.gov).

—Robert Marus, ABP

## Teaching world religions increases respect for freedoms, study suggests

A new study suggests mandatory teaching about world religions in public schools can increase teenagers' respect for religious freedom and other constitutional rights.

The research, released May 8, studied 400 ninth graders who took the course in the Modesto, Calif., public schools. The district has offered the class since 2000. It is the only required course of its type in the United States, according to Charles Haynes, senior scholar at the Freedom Forum's First Amendment Center, which sponsored the study.

Modesto's program offered a unique opportunity to ask, "What does it mean to take religion very seriously in the curriculum?" Haynes said, in a press briefing marking the study's release. "In many places, people are very afraid to touch it; many teachers and administrators are afraid that if you touch it, you're going to get into trouble."

But the study "shows the ingenuity and initiative of Modesto paid off," said Emile Lester, the study's co-author and a professor of government at Virginia's College of William and Mary.

"Modesto handled the inevitable tensions brought about by diversity in a productive way, by crafting a course on world religions and the American tradition of

religious liberty," said Patrick Roberts, a political scientist at Stanford University, who was the study's other co-author.

Students, whom researchers interviewed in-depth before and after the students took the course, emerged more likely to have respect for those of other religions and for religious freedom and other First Amendment ideals.

For instance, there was a five percent increase in the number of students saying it was acceptable for students of all faiths to wear religious symbols on their clothing while in school. There were similar increases in the percentage of students saying that a candidate's religious views should not exclude him or her from public office, and that those of all faiths had an equal right to erect religious displays on

private property.

Although the increases were modest, the researchers said, they were nonetheless statistically significant.

The study also suggested that students had a marked increase in the respect they held for First Amendment ideals and respect for the similarities between world religions after taking the course.

The full report is available on the First Amendment Center's Web site at [www.firstamendmentcenter.org](http://www.firstamendmentcenter.org).

—ABP



# REFLECTIONS

## My address to the ACLU on religious liberty issues

I was happy to be asked to address the plenary session of the 2006 Nationwide Staff Conference of the ACLU in Park City, Utah, earlier this month. The Baptist Joint Committee and the ACLU have worked closely with each other over the years. Of course, we partner only on church-state issues, not on the many other First Amendment and civic rights issues that the ACLU addresses. And even with that more limited cooperation, we do not always see eye-to-eye.

I was asked to give the assembled ACLU staffers—national offices and state affiliates—my thoughts on how the ACLU could more effectively address religion and religious liberty issues. The following is a summary of my remarks. Readers of this publication may benefit from them, too.

Let me outline briefly four ideas that suggest how we should speak about religion and religious liberty in a way that honors our religious heritage, is faithful to our constitutional tradition and communicates effectively to policy makers, the media and the public. Mission and message must go together.

First, do not stereotype those whom you consider to be your enemies (or those who consider YOU to be THEIR enemies). We make a mistake if we lump everybody together as the “religious right” or as “fundamentalist.” These are not monolithic categories; those who fall within those general descriptions are not all the same. They differ on policy issues, views about church and state and in temperament. Some who are conservative theologically may be liberal politically, such as Ron Sider and Jim Wallis. And don’t lump all Baptists together either. There’s a world of difference, theologically and politically, between Tony Campolo, Jimmy Carter and Bill Moyers, on the one hand, and Jerry Falwell, Roy Moore and Pat Robertson, on the other. Finally, some political conservatives, because of their distrust of government and belief in the doctrine of original sin, are strong advocates for church-state separation.

Second, continue to fight hard to defend the Establishment Clause, but be equally assiduous about promoting free exercise values. The religion clauses must be given equal dignity. We need a robust enforcement of *both* of these clauses. If one camps too hard on one to the neglect of the other, the protections for religious liberty immediately tilt like a pinball machine. The ACLU has been at the forefront of some far-reaching religious liberty legislation in the past several decades, including the Religious Freedom Restoration Act. I urge you to continue that effort with

regard to state religious freedom acts and the Workplace Religious Freedom Act, for example, currently pending in Congress. I know you have countervailing civil rights concerns, but I hope these can be mediated to allow you to endorse this much needed free exercise legislation.

Third, as you continue to defend the First Amendment, understand that not every brush with publicly expressed religion or civil religion amounts to a full-blown Establishment Clause violation. It does not serve the ACLU’s cause well to make a constitutional mountain out of a civil religion molehill.

In a country with religious roots as deeply planted as ours, it should surprise no one that references to the deity will be reflected in our public rituals and civic ceremonies, our patriotic songs, slogans and mottos. Why would we expect to have a public square shorn of religious conversation and debate? As Justice William O. Douglas reminded us, Americans are a very “religious people.” It seems to me these relatively benign expressions of religion do little harm but serve to remind us of our religious heritage and tradition. These are examples of what James Madison, the father of our Constitution, considered *de minimis* concerns and what he called the “unessentials.” Some arguable violations are simply not worth fighting over.

So, while some of us may have theological concerns about excessive civil religion—where it can turn into an idolatry of nationalism and serve actually to trivialize religion—most expressions of civil religion do not amount to constitutional violations.

Finally, find ways to work with folks on the other side of the religion/culture divide. Again, there’s good precedent here. In addition to RFRA and other efforts to pass free exercise legislation, I would point to the variety of consensus statements on religion in the public schools that have been so helpful in the past decade or two. Much good will and trust was built up and developed among folks on diametrically opposed sides of issues and the culture debate generally. I fear that we are using up more of that capital nowadays than we are replacing. We should look for areas of common ground and work together on that sacred soil of civic cooperation for the public good.

I hope the BJC and the ACLU will continue to be partners in the all-important task of ensuring religious liberty for all—as we have for many decades—and model how religious and secular groups can cooperate in common enterprises for the commonweal.

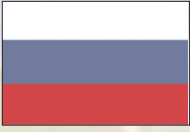


J. Brent Walker  
Executive Director

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*It does not serve the ACLU’s cause well to make a constitutional mountain out of a civil religion molehill.*

# Religious Freedom



## House passes resolution condemning Russian religious freedom violations

The House of Representatives voted overwhelmingly March 15 to call on Russian officials to work more diligently to protect religious freedom across their nation.

The resolution, passed 411-1, expressed the sense of the House that “the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered [or] unregistered, as stipulated by the Russian Constitution and international standards.”

Recent years have seen several reports of minority religious groups and houses of worship being attacked and destroyed, often by mobs influenced by leaders from the majority Russian Orthodox Church.

According to the United States Commission

on Security and Cooperation in Europe, “Conditions have deteriorated for minority religions at the regional and local level in some areas of Russia, and the restrictive law on freedom of conscience and religion continues to disadvantage many minority religious groups considered ‘non-traditional.’ Reports of violent acts against minority religious communities sometimes committed by the police and rarely investigated, continue to sporadically but consistently arise.”

The resolution asserts that “over the past 2 years there have been an estimated 10 arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice.” It also calls on the Bush administration to “continue to raise concerns” with Russian officials over violations of religious freedom, “especially indigenous denominations not well known in the United States.”

—ABP



## U.S. Commission on International Religious Freedom urges intervention in Sudan

The United States Commission on International Religious Freedom, created by Congress in 1998, issued a report March 29 painting Sudan as a nation in crisis that needs U.S. intervention.

“Sustained close engagement by the United States government is necessary to ensure compliance ... with human rights provisions,” chairman Michael Cromartie told reporters in releasing the study, based on a fact-finding visit in January.

The bipartisan commission’s Sudan study found displaced refugees, a prohibition on new churches and even genocide of non-Muslims—all in a country supposedly at peace.

In January 2005, Sudan officially ended two decades of civil war with a peace agreement signed by the National Congress Party in the north and the Sudan People’s Liberation Movement in the predominantly non-Arab south.

A year later, USCIRF has found that while religious freedom has improved in the south and other areas, development and security remain problems.

Meanwhile in the Arabic north, non-Muslims continue to be subjected to the Muslim law of sharia, which carries a possible death sentence for religious conversion.

The report said that permits for new churches have been denied, churches built without permission often are destroyed, and the government-controlled Muslim religious institutions enforce a militant interpretation of Islam.

—RNS

# Around the World



## Panel lists Afghanistan on religious freedom watch list

Afghanistan, already sharply criticized for considering a death sentence for a Christian man who converted from Islam, is under renewed attack by an influential group that accused the country of religious intolerance.

In its annual report released May 3, the U.S. Commission on International Religious Freedom said the new Afghan constitution “does not contain clear protections for the right to freedom of religion or belief for individual Afghan citizens.”

The commission said other cases of religious persecution have occurred time and again, due in large part to Chief Justice Fazl Hadi Shinwari’s intolerance toward freedom of reli-

gion, speech and gender equality.

“The attitude in Afghanistan affects Muslims and non-Muslims alike,” said Preeta D. Bansal, a constitutional lawyer who serves on the commission. “These developments indicate that religious extremism is a threat.”

The Afghan government this spring abandoned plans to execute Abdul Rahman for converting to Christianity after an international uproar. But Rahman, fearing for his safety, left Afghanistan for Italy.

The commission placed Afghanistan on its new “watch list,” along with repeat appearances from Bangladesh, Belarus, Cuba, Egypt, Indonesia and Nigeria. The commission suggests the U.S. government closely monitor conditions in those countries.

—RNS



## U.S. commission finds ‘serious problem’ with anti-Semitism on campuses

The U.S. Commission on Civil Rights reports that many college campuses have a “serious problem” with anti-Semitism and urges universities and government agencies to take corrective steps.

The independent, bipartisan agency reached these conclusions and voted on recommendations April 3 in a teleconference meeting open to the public. The commission cited a report that came after the commission examined, at a November hearing, specific instances of alleged anti-Semitism.

The commission heard reports of derogatory comments and use of hate symbols, such as swastikas. Stereotypes are also prevalent, the report said, inspired by anti-Israel and anti-Zionist literature that paints Jews as “greedy, aggressive, overly powerful, or conspiratorial.”

The commission also concluded there is substantial evidence that many university departments of Middle Eastern studies are one-sided

and may repress debate that defends Israel.

The commission does not set policy or have enforcement power but recommended that the U.S. Department of Health and Human Services’ Office of Civil Rights protect harassed students by vigorously enforcing the Civil Rights Act. The commission also urged the office to conduct a public education campaign informing students of their rights and protections under federal civil rights laws.

The commission asked Congress to direct the U.S. Department of Education to collect and report data concerning anti-Semitism and other hate crimes at colleges. The Civil Rights Act should be amended, the commission said, to clarify that discrimination against Jewish persons is prohibited.

The report suggested that university leaders ensure their students’ safety, denounce anti-Semitic speech and insist that Middle Eastern studies programs respect diversity of ideas. The report issued from the teleconference did not quantify problems or cite specific examples, but an upcoming report is expected to offer more details.

—RNS



**Stephen K. Reeves**  
Staff Attorney

## A decades-old fight: Public tax dollars for private religious education

Many things have changed in the 70 years of the BJC's existence. One thing that has not changed, however, is the BJC's opposition to school vouchers that use tax dollars to fund religious education. Among the reasons for our opposition: government aid jeopardizes the autonomy of parochial schools, bringing regulations that threaten their essential religious characteristics; and such programs tend to violate the freedom of conscience of taxpayers that oppose government funded religion. While we affirm the right of parents to choose a private religious education for their children, we oppose using public funds to support private religious goals.

The decades-old controversy over vouchers is as intense now as ever, as illustrated by recent events. The intensity increased following the June 2002 Supreme Court decision in *Zelman v. Simmons-Harris*, which narrowly upheld a federal constitutional challenge to a voucher program. The BJC filed a brief in that case asking the court to rule the scheme unconstitutional. The program was created as a specific response to an asserted crisis in the Cleveland public school system and contained conditions that will not be met in every case. Of course, that ruling was not the last word on vouchers. Voucher schemes are impermissible under some state constitutions, many of which contain religious liberty protections stronger than in the federal Constitution. Since *Zelman*, these "no-aid" provisions have been the basis of litigation.

In January the Supreme Court of Florida ruled against one of its state voucher programs. Florida's strict no-aid provision was one basis for the challenge. The court's decision, however, relied on a provision requiring "a uniform, efficient, safe, secure and high-quality system of free public schools," finding the program improperly diverted public dollars into a separate private system that competed with the constitutionally required public schools.

Opponents of parochial school vouchers scored another recent victory when the Maine Supreme Court upheld a voucher program that specifically excluded religious schools from participation. The court held that while *Zelman* permits authorization of some form of tuition payments to religious schools, more recent decisions including *Locke v. Davey* hold that a state is not compelled to do so. The court held the Maine program falls within the "play in the joints" in the two religion clauses—neither improperly infringing on the Free Exercise Clause nor violating the Establishment Clause.

Voucher advocates in Georgia have instituted a differ-

ent strategy. Rather than creating a voucher program that might be ruled unconstitutional under the state's no-aid provision, they advocate a change to the Georgia Constitution. The proposal, which so far has failed, would remove the no-aid provision and allow increased government funding of religious ministries and religious schools.

My home state of Texas continues to struggle to properly reform its public education funding. Through two regular sessions and three special sessions the legislature has failed to reach a consensus. Last fall a bill proposing a pilot voucher program was brought to the House floor with the support of much of the state leadership and major campaign donors. The proposal was dramatically defeated by representatives of rural districts. The defeat led a single determined voucher proponent, Dr. James Leininger, to contribute over \$2.4 million in the Republican primary alone in an attempt to defeat those that rejected the plan.

The voucher push continues at the federal level as well. Last fall, in response to Hurricane Katrina, Congress passed an educational aid package that included payments from public school districts to private schools in areas directly impacted by the storm or areas that accepted displaced students. The BJC opposed the effort. This first-ever national voucher measure passed in part due to promises that it would be a one-time-only emergency measure. As many voucher opponents feared, in April it appeared the program would be used as a means to establish a more lasting voucher system. A last minute compromise funneled the much needed additional assistance to public school districts.

Despite continuing voucher efforts, it has not yet been determined that voucher programs actually contribute to a better educational system. Effectiveness studies are often difficult since private schools are rarely held to the same accountability standards increasingly demanded of public schools. While statistics often offer conflicting evidence, not one study has conclusively determined that vouchers produce better results than public schools, and in some cases they fair worse.

Few political issues produce as much passion as public schools and religion. Vouchers will undoubtedly continue to be debated as each state considers the best way to provide public education in an environment increasingly hostile to public schools. While a voucher system may be designed to pass constitutional muster, what is constitutional and what makes for good public policy supportive of religious liberty are not always the same. We encourage you to monitor voucher legislation in your state, get involved and contact the BJC for support.

*While we affirm the right of parents to choose a private religious education for their children, we oppose using public funds to support private religious goals.*

## Book Review

### *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground*

By Barbara A. McGraw and Jo Renee Formicola, Editors; Baylor University Press; 2005; 344 pp.

Doesn't it feel good to get something off your chest? Some opinions are just too important not to be shared and even challenged. This seems particularly so when talking about religion. Presenting essays penned by scholars of diverse religious backgrounds from Judaism to Islam and Buddhism to Eco-spirituality, Barbara A. McGraw and Jo Renee Formicola provide a model of a neutral platform where voices from various religious backgrounds can be heard. This platform, which the editors call "America's sacred ground," is explored in *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground*.

The authors flesh out the Founding Fathers' vision for a robust public forum. The concept of "America's sacred ground" stems from a political theology that all people have an "inalienable right" to express freely any belief for the benefit of society, especially those of religious nature. This sacred place is not an exclusive outlet for the extreme views of the secular left or the religious right but provides a forum that is "free for all" to practice religious expression without encouraging a "free-for-all." In the words of Harvard's Diana Eck, who wrote the book's foreword, "*Taking Religious Pluralism Seriously* shows us a way to reach across boundaries of differences, while remaining rooted in fundamental and common principles."

America's sacred ground is a two-tiered public forum. First, the "civic public forum" exhibits the need for "legitimate governmental action" that provides a public forum where the need for this governmental action can be discussed. To achieve this "civic public forum," principles were identified to secure the legitimacy of governmental action. These principles included (1) not harming another's life, liberty or property and (2) not denying another that which one would not deny oneself.

The second tier exists to promote the public duties that do not depend on governmental action, a forum to discuss the "scope of those duties." This tier, called the "conscientious public forum," also is founded in principles such that (1) discerning one's conscience is an individual duty and (2) individuals will choose to participate in the public forum according to their own consciences. Together, these two tiers allow "America's sacred ground" to function properly as a public forum where many voices can be heard.

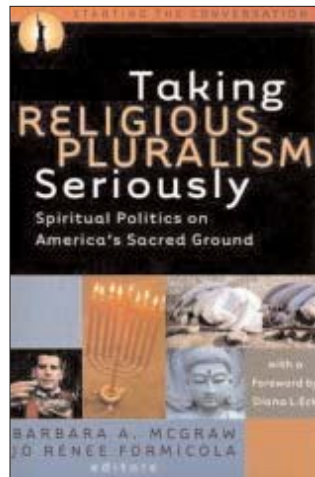
Many mistakenly believe "America's sacred ground" is the venue for a fight between "religion vs. secularity;" the true battle is not that at all, but rather a tug of war between what the editors dub "dominion" and "liberty." Will we allow a majority group to dominate, losing our religious freedom, or will we choose to protect everyone, including the minority, to preserve everyone's liberty?

Derek Davis, the author of the chapter titled "Staking Out America's Sacred Ground: The Baptist Tradition of Religious Liberty," asserts that no group has correctly identified this true battlefield better than Baptists. In fact, Davis affirms that Baptists have made the greatest contribution toward preserving religious liberty in America. This opinion is based on the Baptist heritage dating back to the seventeenth century that includes strong Baptist leaders such as Roger Williams, John Clarke, John Leland, Isaac Backus and George W. Truett. This legacy, Davis notes, continues to be written today by the solid Baptist commitment to religious liberty by organizations such as the Baptist World Alliance and the Baptist Joint Committee. Davis highlights our deep Baptist heritage that "fits

squarely within the framework of America's Sacred Ground." He explains that "many Baptists mistakenly think that separation of church and state equates to no religion in the public square ... to the contrary, they [the Founding Fathers] sought to structure the nation in such a way that harnesses religion and religious people as the very bond that would ensure the long-term success of the nation."

Baptists have long understood the value of separation of church and state to preserving religious liberty, and the Baptist Joint Committee is vigorously committed to defending and extending that value for the future generations. Our success depends on participation in the sacred public square. For one who wants to engage in the public conversation about religion and its role in society and gain greater understanding of the history of the many efforts to take pluralism seriously, this book is a great read. One will surely walk away with gratitude for continuing efforts to protect the right to "get things off your chest."

—By Andrea Reyes, BJC Intern



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## REPORT from the Capital

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### Walter B. Shurden to address annual Religious Liberty Council luncheon at CBF General Assembly

Noon to 1:45 p.m.  
Friday, June 23, 2006  
Omni Hotel at CNN Center, Grand Ballroom E (North Tower)  
Atlanta, Ga.

Tickets: \$25 by mail or at the BJC exhibit in the Cooperative Baptist Fellowship Resource Fair

Dr. Walter B. Shurden will be the featured speaker. He is the Callaway Professor of Christianity in the College of Liberal Arts at Mercer University. A nationally noted church historian, Dr. Shurden is also the executive director of The Center for Baptist Studies at Mercer University. He is the author or editor of 15 books.

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Please send \_\_\_\_ tickets (\$25 each) for the 2006 Religious Liberty Council luncheon.  
Please make checks payable to the Baptist Joint Committee.

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