REPORT from the Capital

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Supreme Court upholds official prayer at local government meetings

BJC disappointed in ruling; dissent cites BJC brief

WASHINGTON — A divided U.S. Supreme Court ruled that official prayers opening local government meetings may be constitutional, finding them consistent with the historic tradition of chaplain-led prayers before Congress and state legislatures.

The 5-4 decision in *Town of Greece v. Galloway* reverses the 2nd U.S. Circuit Court of Appeals and upholds the prayer practice of the Town of Greece, N.Y., despite marked differences between the town's practice and the one upheld by the Court in *Marsh v. Chambers* (1983) and practiced in Congress.

The Baptist Joint Committee for Religious Liberty filed a friend-of-the-court brief in the case, opposing the town's practice of opening municipal meetings with prayer, saying the practice violates the conscience of those who have to be in attendance to participate in the meeting. The Court, however, found the "ceremonial" prayers at the beginning of a legislative session offered by invited clergy compatible with the Establishment Clause based upon historical precedent.

While the 2nd Circuit held the town's practice unconstitutional because a substantial majority of the prayers contained "uniquely Christian language," the Supreme Court noted the lack of intentional discrimination against non-Christians and rejected the challengers' argument that the *Marsh* decision contains an implicit ban on sectarian references in official prayers, stating that the prayers are not likely to create a constitutional violation "[a]bsent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose."

Writing for the majority, Justice Anthony Kennedy stated, "These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. … Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith." The decision also states that religious themes, such as a prayer "given in the name of Jesus, Allah, or Jehovah," simply provide "particular means to universal ends."

The BJC was disappointed in the decision. "While the Court ruled for the town under the historic tradition of ceremonial prayer for lawmakers, local governments can – and should – take steps to ensure that citizens are not forced into religious acts at a government meeting," BJC General Counsel K. Hollyn Hollman said. "It is hard to square a government-led religious practice in a local municipal meeting with the Constitution's guarantee of equal rights of citizenship without regard to religion."

As cited in the dissent written by Justice Elena Kagan, the BJC brief says the practice infringes the liberty of conscience of those in attendance. Kagan wrote that the prayer-givers in Greece "appear almost always to assume that everyone in the room is Christian (and of a kind who has no objection to government-sponsored worship)." Her footnote points out that the BJC brief says "many Christians believe … that their freedom of conscience is violated when they are pressured to participate in government prayer, because such acts of worship should only be

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USCIRF pushes for expanding State Dept.'s list of religious freedom violators

Secretary of State John Kerry should cite 16 countries for severe violations of religious freedom, the U.S. Commission on International Religious Freedom recommended April 30 in its 15th annual report.

The State Department's "Countries of Particular Concern" list has remained static since 2006, when eight countries — Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan — were designated as CPCs.

USCIRF, an independent watchdog panel created by Congress to review international religious freedom conditions, criticized the government's unchanged list of CPCs and sanctions against them, claiming such measures have "provided little incentive for CPC-designated governments to reduce or halt egregious violations of religious freedom."

"The past 10 years have seen a worsening of the already-poor religious freedom environment in Pakistan, a continued dearth of religious freedom in Turkmenistan, backsliding in Vietnam, rising violations in Egypt before and after the Arab Spring, and Syria's descent into a sectarian civil war with all sides perpetrating egregious religious freedom violations. Yet no new countries have been added to the State Department's CPC list," the report states.

USCIRF recommended that the CPC list be expanded to include these countries along with Iraq, Nigeria and Tajikistan. USCIRF's 2013 report made similar recommendations, with the noteworthy addition this year of Syria.

"Syria was added for the abuses against religious freedom being committed not just by the Assad regime but by all sides in the terrible civil war those people are suffering through," USCIRF chair Robert P. George said.

"The Syrian crisis has devolved largely into a sectarian conflict," the report states, citing as evidence the regime's targeting of Syria's majority Sunni Muslim population and extremist opposition groups targeting Christians and Alawites because of their faith. "The existing humanitarian disaster and egregious human rights and religious freedom violations pose a serious danger to Syria's religious diversity post-conflict."

USCIRF was created with the 1998 International Religious Freedom Act, which sought to prioritize religious freedom in U.S. foreign policy. IRFA requires the State Department, on behalf of the president, to identify and take action when countries engage in systematic, ongoing, egregious violations of religious freedom.

"A tragedy on many levels, Syria also represents one of the worst situations in the world for religious freedom, yet the IRFA tools are almost irrelevant to address the actions of terrorist organizations fighting a brutal, dictatorial regime or when the longstanding government is no longer seen as the legitimate representative of the Syrian people," the report states, recommending that IRFA's tools be updated to better address nonstate violators.

In addition to CPC designations, USCIRF's annual report documents political, economic, social and civic effects of religious freedom restrictions and abuses around the world and recommends ways to promote religious freedom more effectively at the U.S. foreign policy level.

This year's report recommends that the vacant post of ambassador-at-large for international religious freedom be filled quickly. Suzan Johnson Cook left that role in October. In February, President Obama said he looked forward to nominating the next ambassador-at-large. Reports suggest that the administration is vetting candidates, but the position has remained vacant for more than six months.

The report also recommends that the ambassador-at-large have greater access to the secretary of state and that the Office of International Religious Freedom be better-resourced and better-staffed.

"Our government's focus on religious freedom has to some extent been lost. That's why we're putting so much emphasis on the need for the nation to refocus on this human right, and we need our leaders to keep that focus constant," George said.

In addition to its 16 recommended CPCs, USCIRF lists 10 "Tier 2" countries where religious freedom violations are serious but do not fully meet the CPC standard. These countries are Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia and Turkey.

—Brian Pellot, Religion News Service

The U.S. State Department's 'Countries of Particular Concern'

Burma	North Korea
China	Saudi Arabia
Eritrea	Sudan
Iran	Uzbekistan

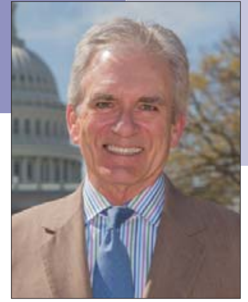
Countries USCIRF recommends adding to list

Egypt	Syria
Iraq	Tajikistan
Nigeria	Turkmenistan
Pakistan	Vietnam

USCIRF's 'Tier 2' violators of religious freedom

Afghanistan	Kazakhstan
Azerbaijan	Laos
Cuba	Malaysia
India	Russia
Indonesia	Turkey

On liberty and justice for all



J. Brent Walker
Executive Director

Religious liberty goes hand-in-hand with the cause of social justice. From colonial days to the present, Baptists, at their best, have fought for both principles.

Harvard College and early Baptists had an inauspicious beginning: They didn't get along at all. Founded in 1636, Harvard was the first institution of higher learning in America. It's hard to believe that some of its founders were not involved in the General Court of Massachusetts' edict to banish proto-Baptist Roger Williams in 1635; but if not, surely they agreed with the decision to send him packing. Moreover, after Harvard's first president — Henry Dunster — developed Baptist sentiments and openly opposed infant baptism, the General Court forced him to resign in 1654.

I got a much more hospitable welcome when I participated in the inaugural symposium of the Ambassador John L. Loeb Jr. Initiative on Religious Freedom and Its Implications at Harvard. My two days on campus were absolutely delightful. Along with Sheikh Yasir Qadhi and Rabbi Angela Buchdahl, we discussed a wide range of religious liberty issues, including how to facilitate the fulsome tapestry of American religious pluralism. The panel discussion was moderated by Professor Henry Louis Gates Jr., a gracious, winsome and insightful host. (For more, see page 5.)

For my part, I offered the three Rs of civic engagement — rights, responsibility and respect — as a helpful way to think about promoting mutual toleration and a civil public square. We should cherish the **rights** with which we are blessed by the hand of God. We also must take seriously the **responsibility** to exercise our rights wisely and promote the common good. And, it is crucial that we **respect** others by according them the same rights we want for ourselves.

This idea of exercising our rights responsibly with respect for others acts as a bridge to connect religious liberty to social justice. Justice is promoted when we treat each other with respect and when the government treats each citizen fairly. Indeed, this Harvard conversation was something of a prelude to the theme of the Alliance of Baptists Annual Gathering that I attended the following weekend at the Williston-Immanuel United Church in Portland, Maine. Its theme was to promote "One New Humanity" through cultivating justice in a multicultural world.

In my workshop, we focused on the relationship between religious liberty and justice. When it comes to the rights we want government to ensure for ourselves, we must be willing to fight to extend those same rights to others. Stated differently, the religious liberty that we enjoy personally and individually must issue in an ethical mandate of liberty and justice for all — institutionally and universally.

We discussed the religious liberty cases pending in the U.S. Supreme Court. *Town of Greece v. Galloway* (see page 1) involved legislative prayer — mostly Christian prayers — at municipal meetings where citizens had gathered not just to observe, but to participate in the official town business. We discussed how government-sponsored religious exercises in that context not only violate the Establishment Clause, but they treat religious minorities and non-religious citizens unfairly. Many in the group thought a moment of silence was an appropriate way to have a win/win solution. A narrow majority of the Court, of course, disagreed.

> "Justice is promoted when we treat each other with respect and when the government treats each citizen fairly."

We explored how requests for governmental accommodation of the exercise of religion must be tempered with concern for any prejudice such accommodation might visit upon other citizens. Should the religious choices of the owners of a for-profit corporation trump an employee's access to a generally available government benefit? This is the difficult balance that the Supreme Court is presently seeking to perform as it deliberates a decision in the case of *Sebelius v. Hobby Lobby Stores, Inc.*

The High Court has agreed to review, but has not yet received briefs or heard arguments in, a case involving a claim of a Muslim prisoner in Arkansas who wants to be allowed to grow and keep a beard for religious reasons (*Holt v. Hobbs*). Incarcerated persons are some of the most vulnerable people among us, and special care must be taken to ensure their religious needs are met, within the bounds of the need for discipline and order in our prison system.

These cases dealing with religious liberty cannot be divorced from the larger societal context and the Kingdom of God. No one in our generation has tried harder to connect these dots between the rights of conscience and social justice than the late Glen Stassen, my ethics professor at Southern Seminary and — for the past 18 years — professor at Fuller Theological Seminary in Pasadena, Calif. Dr. Stassen inspired me, and many others, in the classroom and through his books, to take seriously the Sermon on the Mount and to fully appreciate the radical mandates of the gospel.

We are all terribly saddened by Dr. Stassen's untimely death on April 26. But we can carry forward his life work and legacy by fighting for freedom and using that freedom to make the world a more just planet on which to live.

Army approves 'humanist' as religious preference

More than two years after first making his request, Army Maj. Ray Bradley can now be known as exactly what he is: a humanist in the U.S. military.

"I'm able to self-identity the belief system that governs my life, and I've never been able to do that before," said Bradley, who is stationed at Fort Bragg in North Carolina and works on supporting readiness of the Army Reserve's medical staff.

Lt. Col. Sunset R. Belinsky, an Army spokeswoman, said April 22 that the "preference code for humanist" became effective April 12 for all members of the Army.

In practical terms, the change means that humanists could face fewer hurdles in trying to organize within the ranks; military brass would have better information to aid in planning a deceased soldier's funeral; and it could lay the groundwork for eventually adding humanist chaplains.

The change comes against a backdrop of persistent claims from atheists and other nonbelievers that the military is dominated by a Christian culture that is often hostile to unbelief.

Jason Torpy, president of the Military Association of Atheists and Freethinkers, has been pushing for greater recognition of humanists in the armed services; in February, the American Civil Liberties Union sent a letter to the Pentagon on Bradley's behalf.

"This is a big victory," Torpy said, who noted the decision was by the Army and not the other military services. "This is one part, and the easiest part, of a very long list of other reforms that have to happen before we have equality, not just belief or no belief but theistic belief and nontheistic belief like ours."

According to a survey by the Defense Equal Opportunity Management Institute, humanists make up 3.6 percent of the U.S. military.

Bradley, 47, said the ability to officially state "humanist" as a religious preference is technically an additional code in the military's database.

"The real importance of this change is that our official military records can reflect humanists now," said Bradley, who initially was listed under the broad category of "no religious preference."

Torpy's organization and groups such as the Secular Coalition for America continue to seek humanist chaplains in the military. But Bradley said he sees a more gradual process: first the designation, then a layperson designated as a "distinctive faith group leader" and eventually a chaplain.

"The military doesn't usually turn on a dime like that," he said. "I would see it more as a progression of steps."

—Adelle M. Banks, Religion News Service

Muslims, others welcome end to NYPD spying unit

Muslim and civil rights groups welcomed the news that the New York City Police Department's Demographics Unit will disband but said they still fear they may be targets of warrantless surveillance.

Muslim Advocates filed a lawsuit in 2012 to stop the program, and the group was later joined by the Center for Constitutional Rights.

"We need to hear from the mayor and NYPD officials that the policy itself has been ended and that the department will no longer apply mass surveillance or other forms of biased and predatory policing to any faith-based community," said Ryan Mahoney, president of another Muslim civil rights group, the New York chapter of the Council on American-Islamic Relations.

The controversial unit was established in 2003 and uncovered by The Associated Press in 2011. Lawyers contend that since the unit's inception, the NYPD has spied on at least 20 mosques, 14 restaurants, 11 retail stores, two Muslim elementary schools and two Muslim Student Association chapters on college campuses in New Jersey. Forms of monitoring include video surveillance, photographing and community mapping.

"We need to hear from the mayor and NYPD officials that the policy itself has been ended and that the department will no longer apply mass surveillance ... to any faith-based community."
—Ryan Mahoney,
New York chapter of the Council on American-Islamic Relations

Lawyers said internal NYPD documents included a list of 28 "ancestries of interest" and policies showing that officers based their spying on the ethnic and religious background of their targets.

Former NYPD Police Chief Ray Kelly defended the spying as a critical tool in the battle against terrorism, but critics charged the NYPD violated the constitutional rights of Muslims by profiling them based on their religion and said the program never produced a single lead. In October 2013, the Baptist Joint Committee joined more than 100 religious, political and human rights organizations in sending a letter to the Department of Justice to ask them to investigate the program.

Muslims in New York, New Jersey and Connecticut, where the spying took place, said the program intimidated Muslims from attending mosques, speaking in public and making contributions to Muslim charities.

In February, a federal judge in New Jersey dismissed a lawsuit over the department's surveillance, saying Muslims could not prove they were harmed by the tactics. But Muslim Advocates and the Center for Constitutional Rights appealed the judge's ruling.

A Muslim Advocates spokeswoman said the NYPD decision does not affect the lawsuit and that it will move forward. The lawsuit demands that the NYPD stop the program and that the department expunge all records of the plaintiffs collected through the program.

—Omar Sacirbey, Religion News Service with BJC Staff Reports

Harvard symposium addresses religious freedom, interfaith issues

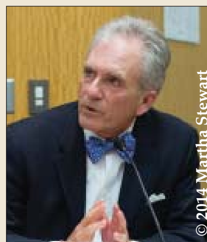
Rights, responsibility and respect provide the infrastructure for bridges of understanding between faith groups, Baptist religious liberty advocate Brent Walker stressed in a symposium at Harvard University May 1.

Walker, executive director of the Baptist Joint Committee for Religious Liberty, joined a Jewish rabbi and a Muslim academic in the inaugural symposium of the Ambassador John L. Loeb Jr. Initiative On Religious Freedom and Its Implications.

Other panelists were Angela Buchdahl, senior rabbi at Central Synagogue in New York, and Sheikh Yasir Qadhi, dean of academic affairs at the Al-Maghrib Institute, a worldwide Islamic education organization.

Moderator Henry Louis Gates Jr., a Harvard professor, asked panelists to describe the role of faith institutions in building bridges of understanding.

Faith bridges rely upon "the three Rs of civic engagement — rights, responsibility and respect," Walker explained. "All three of these are important and must go together."



Walker

Christians, Jews and Muslims "all believe we got our right of religious liberty from God," Walker said, noting other faiths tend to agree, and even many nonreligious people see personal faith or nonfaith as an individual right.

"We must take care to exercise responsibility" for faith and its exercise, he added.

A key for Christian understanding of faith responsibility is found in the fifth chapter of the New Testament book of Galatians, he said: "St. Paul affirms our freedom in Christ, but we must not use it for self-indulgence, but to serve one another. The rights we want for ourselves, we must afford to others."

Exercising respect then enables people of faith to relate positively toward people who embrace another faith or no faith, Walker said.

The practice of respect can be characterized in an adage: "We must have a hard core and soft edges," he explained. "We need not give up our core beliefs. … But insofar as we bump up against others, [we must] maintain a soft edge."

In terms of practical application, the BJC regularly participates in coalitions and civic advocacy groups on Capitol Hill, Walker noted. Those groups set aside their differences to work on behalf of a principle they share — religious liberty for all.

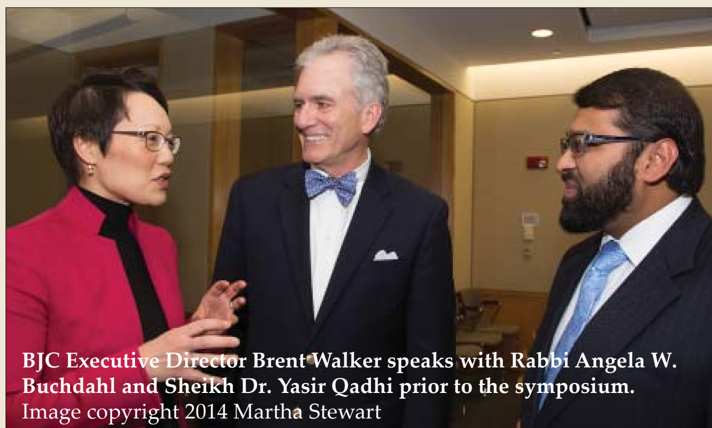
"We can go slowly. Take one step at a time," he said. "We don't have to agree on everything for us to work together on one thing."

Unfortunately, "the groups that most need interfaith dialogue are typically the least involved in such efforts," Qadhi reported. Like-minded groups get together and marvel at the similarity of their views, but the anti-toleration groups are "loudly absent."

Civic leaders can serve as conduits for communication by calling representatives from various faiths together to focus on common needs, he urged.

For example, the mosques in Memphis, Tenn., where he lives have reached out for dialogue with the large Christian churches, which have not responded. "But what if the mayor had called us together?" he asked.

But when groups get together, they shouldn't pretend they're the same, Qadhi added.


BJC Executive Director Brent Walker speaks with Rabbi Angela W. Buchdahl and Sheikh Dr. Yasir Qadhi prior to the symposium. Image copyright 2014 Martha Stewart

"At some point, we need to move beyond the positive platitudes and concentrate on the very real differences" between faith groups, he stressed. "At some point, each of us believes in the exceptionalism of our faith tradition or else we would not be an adherent of that tradition."

He told about a pastor who concluded his part in an interfaith gathering by saying he loves all the participants, and therefore must present the Christian gospel to them. The next morning, a rabbi called the imam to apologize for the pastor.

"I was not offended," Qadhi recalled. "After he [the pastor] has told me he thinks I'm going to hell, he actually can have a conversation with me on another topic."

Buchdahl observed faith communities possess the staying power for building relationship bridges and maintaining communication.

"Faith communities take the long view," she said. "We have timeless traditions, ancient wisdom. We will stay the course beyond the election cycle or one particular leader's role."

People of faith can build upon an innate human desire to make progress together, she added, noting she has "a fundamentally optimistic view of human nature."

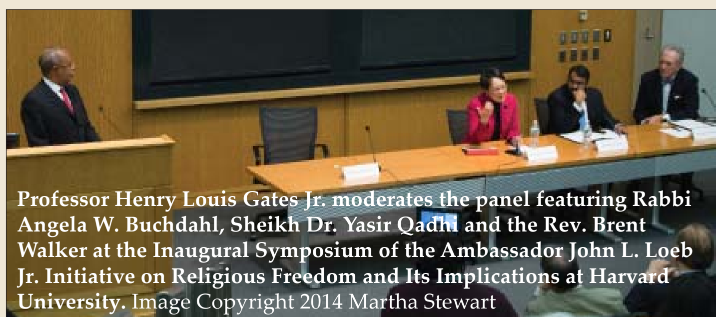
"Most people really want to do good in the world," she said. "Sometimes, we lose sight of that, and we need the reminders that rituals and holidays offer us."

Also, faith communities need to remember "organized people equals power," she added.

Many community organizations do "wonderful work," but membership merely implies paying dues, attending meetings and receiving a newsletter, Buchdahl said. She contrasted that with membership in a church, synagogue or mosque.

"Faith communities are centers of relationship," and when relationships are organized, things happen.

—Marv Knox, The Baptist Standard


Professor Henry Louis Gates Jr. moderates the panel featuring Rabbi Angela W. Buchdahl, Sheikh Dr. Yasir Qadhi and the Rev. Brent Walker at the Inaugural Symposium of the Ambassador John L. Loeb Jr. Initiative on Religious Freedom and Its Implications at Harvard University. Image Copyright 2014 Martha Stewart

K. Hollyn Hollman
General Counsel

Legal and practical implications of Town of Greece v. Galloway

"The decision does not signal the demise of religious freedom. It is, however, a disappointing departure, albeit in one specific context, from an important First Amendment promise."

The U.S. Supreme Court's decision in *Town of Greece v. Galloway*, upholding a prayer practice in local government meetings, illustrates deep divisions in our country over how to protect religious liberty for all. Though the 5-to-4 decision upholding "legislative prayer" was not totally unexpected, the majority's lack of concern about the effects of the Town's repeated and distinctly Christian prayers in a forum for citizen participation is troubling. The decision does not signal the demise of religious freedom. It is, however, a disappointing departure, albeit in one specific context, from an important First Amendment promise. That promise, as Justice Elena Kagan said in the dissent, is "that every citizen, irrespective of her religion, owns an equal share in her government."

From a legal perspective, and as BJC Blogger Don Byrd expertly noted in an annotated post, the decision has several noteworthy aspects. I highlight three of them here.

First, while all the justices agreed that legislative prayer is constitutional, even in a local government meeting where citizens participate, limits remain. Writing for the majority, Justice Anthony Kennedy said such opening prayers are "meant to lend gravity to the occasion and reflect values long part of the Nation's heritage. Prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function." He stated, however, that if the practice over time tends to denigrate religious minorities or focus on conversion, it would present a different case.

Second, the majority rejected the idea that governments must require or encourage prayer-givers to offer nonsectarian invocations. From the majority's perspective, a nonsectarian standard is too hard to define and seems inappropriate to enforce. Moreover, the tradition of legislative prayers before Congress has sometimes included prayers in distinct religious traditions. While the Court found no duty to reflect the entire religious community, nor a prohibition on prayers exclusively from one religion, it suggested there should be a policy of nondiscrimination, at least where the government relies on volunteers.

Third, the decision hinges on a view of legislative prayer as ceremonial. The Court described such prayer as simply a recognition that "many Americans deem that their own existence must be understood by precepts far beyond the authority of government to alter or define and that willing participation in civic affairs can be consistent with a brief acknowledgment of their belief in a higher power, always with due respect for those who adhere to other beliefs." That's what Justice Kennedy said, though it is not surprising that his definition of prayer in a governmental context is different from how many experts on religion would define prayer. As Professor (and Baptist historian) Bill Leonard wrote in an excellent Associated Baptist Press column, "At its depth, prayer is anything but ceremonial."

From a practical perspective, the impact of the Court's decision will vary according to the diversity and political climate of local jurisdictions. Based on a broad reading of *Marsh v. Chambers*, the 1983 decision upholding chaplain-led prayer before the Nebraska Legislature, the Court clarified what the Establishment Clause allows. It did not, however, recommend the Town of Greece as a model. While asserting that anyone could participate, Greece had no written policy identifying the purpose of the prayers or selection process for prayer-givers and took no steps to prevent pressuring citizens into an act of worship. Citizens faced the Town Board and were asked to rise and join in prayer — in meetings where they petitioned elected officials for action that may affect their economic and other interests.

The plaintiffs endured years of local government meetings opened by Christian clergy praying in exclusively Christian terms. They sued seeking to uphold the promise of the First Amendment that their political rights were equal to others, regardless of religion. Their quest was for a more inclusive, less coercive practice. The BJC was glad to stand with the plaintiffs and for our contribution to be noted, despite the outcome.

As is typical of our involvement in any major dispute, our filing an *amicus* brief, after consulting with the litigants, other lawyers, local government experts, clergy and scholars, is a way of advancing our mission of defending religious liberty for all in the courts and in the larger public conversation. Our efforts may not always win, but we steadfastly serve the principles that stem from the historic Baptist tradition of separation of church and state that we believe is good for both.

Atheists lose fight over 'under God' at Mass. Supreme Judicial Court

The highest court in Massachusetts upheld the legality of the phrase "under God" in the Pledge of Allegiance on May 9, dealing a blow to atheist groups who challenged the pledge on anti-discrimination grounds.

The Massachusetts Supreme Judicial Court said the daily, teacher-led recitation of the pledge in state public schools does not violate the state's equal rights amendment and is not discriminatory against the children of atheists, humanists and other nontheists.

"Participation is entirely voluntary," the court wrote as a whole in the decision of *Doe v. Acton-Boxborough Regional School District*, brought by an anonymous humanist family. "(A)ll students are presented with the same options; and one student's choice not to participate because of a religiously held belief is, as both a practical and a legal matter, indistinguishable from another's choice to abstain for a wholly different, more mundane, and constitutionally insignificant reason."

The loss is a setback for a new legal strategy that secular groups employed after a string of challenges to the "under God" phrase. Here, they argued that "under God" violated the state constitution's guarantee against discrimination rather than the U.S. Constitution's promise of separation of church and state.

Since the addition of the phrase "under God" in 1954, the pledge has faced repeated challenges. In 2004, one case reached the Supreme Court, but ultimately failed, as have all previous challenges.

The American Humanist Association has a similar case pending in New Jersey. In a statement issued after the ruling, officials there said they would continue to wage discrimination cases under other state constitutions.

—Kimberly Winston, Religion News Service

Site of proposed 'Ground Zero mosque' may become a museum

The developer who sparked a firestorm in 2010 when he proposed to build a community center with an Islamic prayer room two blocks from Ground Zero announced that he plans to turn the property at 45-51 Park Place into a museum of Islamic culture.

A spokesman for the developer, Sharif El-Gamal, told *The New York Times* that the proposed museum would be three stories high and 5,000 square feet, much smaller than the proposed community center, which was slated to be 15 stories tall and include a swimming pool, basketball court, auditorium, classrooms and cafe, as well as other attractions.

El-Gamal ran into difficulties finding financing for the community center project, even though the project won the support of former Mayor Michael Bloomberg, several 9/11 families, and many Muslim, Christian and Jewish leaders. It languished after becoming the target of criticism from right-wing groups, anti-Muslim activists and several other 9/11 families.

The museum project has already come under fire by anti-Muslim bloggers Pamela Geller and Robert Spencer, who vigorously fought the community center.

"Clearly this is more nonsense and denial at a time when millions across the world are suffering under the boot of sharia," wrote Geller on her Atlas Shrugs blog.

El-Gamal, whose projects include the redevelopment of the Garment Center Congregation, a synagogue in Times Square, filed plans this month to demolish the Park Place properties and has hired French architect Jean Nouvel, winner of the 2008 Pritzker Prize.

—Omar Sacirbey, Religion News Service

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performed voluntarily."

The BJC brief says the First Amendment's Establishment Clause protects the rights of individuals and faith communities to engage in religious worship as a voluntary expression of individual conscience and prohibits the government from appropriating those rights. The Founders and our Baptist forebears understood "that prayer is an expression of voluntary religious devotion, not the business of the government," according to the brief.

The dissent noted that the practice of the Town of Greece differs from the one in *Marsh* "because Greece's town meetings involve participation by ordinary citizens," a point also made by the BJC brief.

The dissent added that the content of the prayers given in Greece matter: they "express beliefs that are fundamental to some, foreign to others—and because that is so they carry the ever-present potential to both exclude and divide." It points out that "Greece's Board did nothing to recognize religious diversity: In arranging for clergy members to open each meeting, the Town never sought (except briefly when this suit was filed) to involve, accommodate, or in any way reach out to adherents of non-Christian religions."

"When the citizens of this country approach their government, they do so only as Americans, not as members of one faith or another," according to the dissent. "And that means that even in a partly legislative body, they should not confront government-sponsored worship that divides them along religious lines."

While the justices were divided on the significance of particular facts, the decision does not create a new constitutional test for evaluating a prayer practice in a government forum. "A test that would sweep away what has so long been settled would create new controversy and begin anew the very divisions along religious lines that the Establishment Clause seeks to prevent," according to the decision. It also noted that, in rejecting the idea that the prayer must be nonsectarian, "the Court does not imply that no constraints remain on its content."

The BJC brief was joined by the General Synod of the United Church of Christ and the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.).

—BJC Staff Reports

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REPORT from the Capital

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Limited number of tickets still available for RLC Luncheon in Atlanta

Reserve your space today

The 2014 Religious Liberty Council Luncheon is fast approaching, and tickets are selling quickly. This year's event will be Friday, June 27, in Atlanta, Georgia, in conjunction with the Cooperative Baptist Fellowship General Assembly.

Tickets are available for $40 per person, and a table of 10 is $400. Last year's luncheon sold out in advance, so make sure to purchase your ticket ahead of time. Only a limited number of seats will be available.

The keynote speaker is Melissa Rogers, special assistant to the president and the executive director of the White House Office of Faith-based and Neighborhood Partnerships. Rogers served as the BJC's associate general counsel from 1994-1999 and general counsel from 1999-2000. She also served as director of the Center for Religion and Public Affairs at the School of Divinity at Wake Forest University and as a nonresident senior fellow at The Brookings Institution.

Rogers

The luncheon offers not only a great chance to hear from Rogers, but it is also an opportunity to connect with other Baptists and fellow supporters of religious liberty from all walks of life. It is open to the public, but you must have a ticket to attend.

Visit **BJConline.org/luncheon** to purchase your tickets today, or call our office at 202-544-4226.

The Cooperative Baptist Fellowship General Assembly, which will be taking place surrounding the time of the luncheon, is free and open to the public. For more information on the assembly and to register for it, visit **TheFellowship.info/assembly**.

For questions about the luncheon, contact Development Director Taryn Deaton at tdeaton@BJConline.org or 202-544-4226.

2014 Religious Liberty Council Luncheon
Friday, June 27 at 11:30 a.m.
Regency Ballroom at the Hyatt Regency in Atlanta, Ga.
Tickets: $40 each/$400 for a table of 10
BJConline.org/luncheon