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**REPORT**  
from the Capital

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◆ Development Update ◆  
**Giving at the end of the year**

It's that time again — time to make charitable contributions to your favorite organizations before the new year. In November, you should have received the Baptist Joint Committee's annual fall appeal for contributions. Thank you to those who have responded already. For those of you still considering what to give, remember how important your financial support is to the ongoing work of the Baptist Joint Committee.

Because of your faithful and generous giving, we are able to produce *Report from the Capital* and send it to more than 13,000 households. Your financial support allows us to travel around the country educating students, pastors and other community members about the importance of religious liberty. You allow us to research and write legal briefs dealing with current challenges in church-state law. Thanks to your gifts, we are able to make Religious Liberty Day resources and other educational materials available to churches

and community groups who, like you, play a significant role in educating the public about our first freedom.

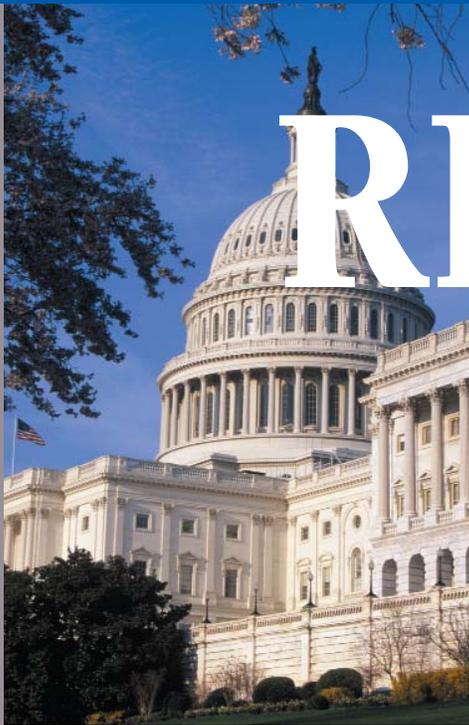
Because you believe in the importance of defending religious freedom for everyone, you know it's important to contribute to the work of the Baptist Joint Committee.

Making a contribution is easier than ever. You can donate online by visiting [www.BJCOnline.org](http://www.BJCOnline.org) and clicking on "Donate" at the top of the page. Please contact Kristin Clifton by calling (202) 544-4226 or e-mail her at [klifton@BJCOnline.org](mailto:klifton@BJCOnline.org) if you have any questions. Thank you for your support.

\* \* \* \* \*

Good news! The Emergency Economic Stabilization Act of 2008 has been extended through 2009. If you are 70.5 years of age or older, you have the opportunity to rollover up to \$100,000 from your IRA to a qualified charitable organization like the Baptist Joint Committee without penalty. (As always, **check with your financial adviser** to ensure you meet eligibility requirements.)





# REPORT

from the Capital

## Court says "I Believe" plate violates Establishment Clause

A federal district court ruled that South Carolina's official Christian license plate was unconstitutional, overturning a state law. The license plate showed a cross, stained glass window and the words "I Believe."

The Nov. 10 ruling overturned the "I Believe" Act, which gave the South Carolina Department of Motor Vehicles (DMV) authority to issue the license plate.

The South Carolina DMV offers more than 100 specialty plates, including one that says "In God We Trust," but the "I Believe" plate was different, according to the court. These plates were the product of a special initiative of the South Carolina legislature and did not go through the normal DMV approval process based on a private application by a private organization. U.S. District Judge Cameron McGowan Currie said the act is unconstitutional because it "authorizes a single plate with a uniquely Christian message" and was approved through government action, suggesting the government endorses religion.

Baptist Joint Committee General Counsel K. Hollyn Hollman applauded the decision.

"Religion never benefits when government starts picking certain groups to receive special treatment," Hollman said. "That's precisely what was going on in South Carolina."

Judge Currie's decision said that "such a law amounts to state endorsement not only of religion in general, but of a specific sect in particular." Her ruling also stated that "this case presents a textbook example of the need for and continued vitality of the Establishment Clause of the First Amendment to the United States Constitution .... The United States



Supreme Court has repeatedly warned that 'government may not promote or affiliate itself with any religious doctrine or organization.'"

"Government must never be allowed to play favorites when it comes to religion," said Ayesha N. Khan, legal director at Americans United for Separation of Church and State, which brought the legal challenge on behalf of four local clergy, as well as the Hindu American Foundation and the American-Arab Anti-Discrimination Committee. "That's a fundamental constitutional rule, and I am delighted that the judge has reminded South Carolina officials of that fact."

After the ruling, South Carolina media reported that the Palmetto Family Council planned to go through the normal process to get a new specialty license plate identical to the one that was found to be unconstitutional. One of the plaintiffs in the case, the Rev. Dr. Neal Jones, told South Carolina television station WSPA that the group's plan is perfectly fine because it is being done by a private group.

In a similar case earlier this year, legislation in Florida to create two license plates with Christian themes did not pass before the end of the legislative session. One license plate had an image of Jesus with a crown of thorns and the other was similar to the South Carolina plate with a cross, stained glass window and the words "I Believe."

—Religion News Service and Staff Reports

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### On the Web

[www.BJConline.org](http://www.BJConline.org)  
[www.BJConline.org/blog](http://www.BJConline.org/blog)



@BJContheHill

# Federal judge says N.C. county council's sectarian prayers are unconstitutional

WINSTON-SALEM, N.C. — A federal judge is recommending that a North Carolina county be ordered to stop allowing sectarian prayers at meetings of its board of commissioners.

Trevor Sharpe, a magistrate judge for the U.S. District Court for the Middle District of North Carolina, recommended Nov. 9 that the court issue an injunction to prevent prayers that the court found overwhelmingly sectarian at meetings of the Forsyth County Board of Commissioners.

A policy adopted in 2007 after the suit was filed allows the board to invite a minister to offer an invocation or prayer to solemnize proceedings. The policy invites local ministers who respond to an invitation to offer prayer on a first-come, first-served basis. It advises the religious leader to offer an invitation "according to the dictates of [the leader's] own conscience," but requests the prayer opportunity "not be exploited as an effort" to convert others and asks participants to "maintain a spirit of respect and ecumenism."

In practice, the judge found, the prayers overwhelmingly mentioned Jesus Christ, having the effect of favoring Christianity over other religions.

The county had argued that the prayers offered by visit-

ing ministers were their private speech, but Judge Sharpe said the prayers in Forsyth County were government speech subject to the First Amendment's ban on establishment of religion.

"As Christians we know that we can pray to God at any time and in any place, so there is no real threat to prayer when the Establishment Clause is interpreted to prohibit prayers in these contexts," said J. Brent Walker, executive director of the Baptist Joint Committee. "The best policy is a moment of silence — one that honors our religious pluralism and non-believers, permitting those present to pray or not as their conscience dictates."

Stephen Corts, pastor of Center Grove Baptist Church in Clemmons, N.C., is chairman of North Carolina Partnership for Religious Liberty, a citizens group formed in response to the 2-year-old controversy. He told the *Winston-Salem Journal* that Sharpe's recommendation "is not hopeful," but the group is prepared to pursue the case all the way to the Supreme Court.

— Associated Baptist Press and Staff Reports

✂ Share this with students!

## Win money for college in the 2010 Religious Liberty Essay Contest

High school juniors and seniors have until March 1 to enter

Grand prize: \$1,000 scholarship and a trip to Washington, D.C.

Second prize: \$500 scholarship

Third prize: \$100 scholarship

Students are asked to write an essay on the following topic:

The year 2010 marks the 50th anniversary of presidential nominee John F. Kennedy's speech to the Greater Houston Ministerial Association about the relationship between his religion and his politics. On September 12, 1960, the Roman Catholic politician spoke to the group of Protestant ministers about his religion and the way it would — and would not — affect his decisions as president.

In an essay, discuss whether you think Kennedy was correct in advocating an absolute separation of church and state. Also, discuss the implications of his speech and how the principles he laid out are — or are not — followed by politicians and other leaders 50 years later.

Entries will be judged on the depth of their content, the mastery of the topic, and the skill with which they are written. Students should develop a point of view on the issue and demonstrate critical thinking, using appropriate examples and reasoning to support their position. The contest is open to all high school students graduating in 2010 and 2011.



More on the topic and links to the complete text and video of the speech are available online at [www.BJConline.org/contest](http://www.BJConline.org/contest).

Contact Cherilyn Crowe at (202) 544-4226 or [ccrowe@BJConline.org](mailto:ccrowe@BJConline.org) for more information.

# REFLECTIONS

## The advent of Christmas craziness

Holiday festivities began this year long before Thanksgiving. Christmas trees were cut and ready to be sold, pre-Christmas sales were already being advertised, and I listened to piped-in Christmas music as I stood in line for a sandwich at the Subway on Capitol Hill. Yes, Halloween is the new Thanksgiving when it comes to launching the holiday season.

But, Christmas craziness began early, too. You know what I mean— the perennial cry that someone or some group (usually one's ideological opponent whose perfidy is a perfect foil for fundraising) is conspiring like the Grinch to steal Christmas. How sad to pick a fight over a holiday (and a holy day) that commemorates the advent of the Prince of Peace and during a season in which about a dozen different religious groups observe significant holy days.

I got one of those anonymous and widely distributed e-mails the other day telling us that the ACLU is "working so very hard to get rid of...Christmas" and urging readers to "brighten up their dark, sad, little world." How do they suggest it be done? By sending the ACLU Christmas cards — millions of them — that would "freeze their operations because they wouldn't know if any were regular mailing containing contributions." The e-mail concluded that the ACLU is "suing the U.S. government to take God, Christmas or anything Christian away from us. They represent the atheists and others in this war." Guerrilla warfare through the U.S. mail!

There is an all-important distinction between government-sponsored and funded religious speech (including sectarian symbols and displays) and privately sponsored and funded expressions of religion in public places (or sometimes even public property).

We are a religiously diverse nation. It's not the job of our government to promote any one religion's holiday symbols or even all of their symbols. But, in our country where we enjoy free speech and free exercise of religion, there is nothing to prevent followers of those religious traditions to do so in public places.

A good example of this occurred in late November within two blocks of our offices. There was a live nativity scene on the sidewalk in front of the U.S. Supreme Court building. Sponsored by Faith and Action and the Christian Defense Coalition, Mary, Joseph, the wise men, shepherds and the baby Jesus plopped down for about an hour on a public sidewalk not 50 yards from the highest court in the land and across the street from the U.S. Capitol.

Now, the so-called "Operation Nativity and Nativity Project" was not conducted to promote Christmas cheer as much as, in the sponsors' words,

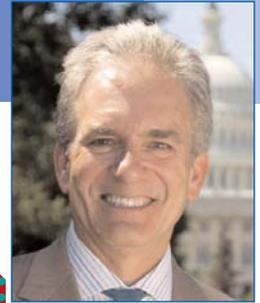
### Legal Guidelines for the Holiday Season

- \* Thoroughly religious symbols, like free-standing nativity scenes, cannot be put up or sponsored by government, but Christmas trees and menorahs are allowed. (*Allegheny County v. ACLU*, 1989)
- \* Private parties, subject to reasonable time, place and manner restrictions, can usually display religious symbols on public property where expressive activity is commonly allowed. (*Capitol Square Review v. Pinette*, 1995)
- \* Private parties cannot display a nativity scene on government property if it appears that government is speaking the message or embracing the symbol as its own. (*Allegheny County v. ACLU*, 1989)
- \* Government may sponsor a nativity scene in a public park if secular symbols, such as a Christmas tree, Santa Claus and reindeer, are included in the display. (*Lynch v. Donnelly*, 1984)

"to confront the erosion and hostility toward public expressions of faith especially during the Christmas season." That was an unfortunate motive. Still, and somewhat ironically, it was a perfect example of how to do it right! Private persons and groups communicating a religious message on public property! And, to their credit, the sponsors did not ask the federal government, states or even municipalities to follow suit. Rather they called upon fellow citizens to display the Christmas message on "front lawns and in front of public buildings all across America."

One word of warning, however. Exhibiting a nativity scene on public property will likely open the forum for competing messages. Recently the Borough Council of Chambersburg, Pa., voted not to allow the garden club to place a nativity scene on the town's memorial square fountain war memorial. Why? Because the city did not want to give an atheist group permission to put a sign on the square showing a rising sun over the words "Celebrating Solstice. Honoring Atheist War Veterans." After all, the public square is open to all or none, and those who enjoy a religious message may have to weather a non-religious one.

This year, let's not lie about the season or make the ACLU a whipping boy. Let's not ask government and, even less, American capitalism to celebrate our holidays for us. Let's do it ourselves. For all of our readers, Christian or not, I wish you the love, joy, peace and hope of the Advent season.



J. Brent Walker  
Executive Director



**K. Hollyn Hollman**  
General Counsel

## The details of defending liberty

When I practiced law in a private firm, I was required to complete daily timesheets, accounting for my time in detail, down to the tenth of an hour. It was the firm's basis for billing clients and evaluating attorneys. Fortunately the BJC's work is not motivated by financial targets or competition among staff, but I still keep notes. Looking back at my 2009 calendar, I realize these notes aren't simply a lawyer's habit, but a rough record of battles fought, questions answered, and friendships forged in a cooperative effort to protect religious freedom.

Early this year, my calendar was dominated by activities related to preparation for and response to the Obama administration's approach to the Faith-based Initiative. In meetings with administration officials and members of Congress, we pushed for policy reform that would reduce risks of government-sponsored religious activity and discrimination. Those efforts continue as this administration puts its own stamp on the federal bureaucracy it inherited and will soon include official recommendations for reform coming from a task force on which our executive director, Brent Walker, serves.

Reviewing court decisions and lawsuits filed from across the country is routine work that rarely deserves mention. Yet this work is crucial not only to inform our intervention in cases (filing *amicus* briefs to aid the court) and preparation of publications, such as issue guides and judicial nominee evaluations, but also to understand the concrete and often complex relationship between religion and government. Cases discussed among the staff and Board of Directors, as well as with constitutional law scholars and lawyers who bring the cases, help us identify trends and explore possible solutions to some of the trickiest scenarios, coming soon to your community. As trends develop and cases warrant our direct involvement, we are better able to provide analysis in this publication and in our e-mail updates. (If you are not getting our e-mails, please send your e-mail address to Kristin Clifton at [kclifton@BJCOnline.org](mailto:kclifton@BJCOnline.org))

In the current Congress, fewer church-state measures have been filed, yet we have been in regular contact with congressional staff, making sure that religious liberty is protected in the legislative process. We have responded to provisions relating to the relationship between the institutions of religion and government buried in comprehensive legislation related to the stimulus package, energy policies and health care. Working with a variety of

coalition partners, these efforts sometimes result in the removal of a problematic provision before it becomes public, much less law.

Sometimes our research efforts respond to the "red alert" rumors circulated by e-mail about attacks on religious freedom. It takes time to sift fact from fantasy and make sure that we keep our eyes on the real battles, instead of exaggerating the claims of those who misunderstand our freedom. This is actually some of our most important, if least-publicized, work as the viral nature of such e-mails tends to have a significant, negative impact on the public.

Far beyond Baptist life, we often speak to audiences convened by our counterparts from other religious traditions or advocacy groups. Sharing a platform and our unique perspective with other leaders — whether in a room of congressional staff, sympathetic lawyers or students — is a significant part of maintaining interest in and adherence to church-state separation. In addition to public outreach efforts, we often work behind the scenes to put our allies in the larger religious liberty community in touch with BJC supporters in the states where they can make a significant and immediate impact.

And, if you haven't seen yourself in this column yet, you should know that not a week goes by without a phone call from an individual supporter of the BJC who is eager to put their commitment to religious liberty to action. It is a fun part of our work to accompany a friend to meet with a member of Congress, to provide additional resources for a pastor preparing a religious liberty sermon, or to be a sounding board for one who is speaking at community forum on religion in the public schools. It is an honor to field calls from friends and referrals interested in understanding our work, getting the facts straight about current legislation, or promoting a fair and clear understanding of what the law requires and the purposes it serves.

As we begin a new decade and look toward the challenges ahead, the BJC will continue to play a significant role in major battles and debates on religious liberty — the cases, the legislation and the public debates. With your help, we'll also keep finding ways to expand and extend our passion for religious freedom in communities throughout the country. I'm glad I no longer have to "turn in my time," but I like knowing that our time spent together promotes religious freedom in ways that can't be counted, but can be multiplied.

# The role of religion in the military

By J. Brent Walker

*BJC Executive Director J. Brent Walker and other panelists for The Washington Post / Newsweek "On Faith" conversation responded to the Nov. 5 tragedy at Fort Hood by discussing the proper role personal religious belief should play in the U.S. armed forces.*

Religion should only disqualify someone from active military service if the religious beliefs and practices would substantially impair the performance of one's duties in the military.

Most Christians would say that Christ always comes before Caesar, even in the military; other religious traditions often call for the same church-state priority. That said, people of faith have for centuries been able to figure out how to serve Caesar in the military without compromising their allegiance to God. To love God unconditionally while serving country conscientiously is the goal.

When one cannot do this — where religious affiliation would compromise one's allegiance to the government or impair one's ability to perform military duties — then, and only then, should one be disqualified from serving. This goes for Christians, Muslims, Jews, or adherents to any other religion as well.

The government should take reasonable steps not just to pro-



**One deranged soldier should not overshadow the thousands of faithful Muslims admirably serving in the U.S. military.**

tect a soldier's religious exercise but sometimes to affirmatively accommodate religion, including the supplying of chaplains. The military is one of the few contexts — along with prisons and state hospitals — where it is desirable, or even constitutionally permissible, for a state-sponsored, publicly financed chaplain to be provided. Ordinarily, such expenditures of tax dollars to support religion so directly would violate the First Amendment's ban on an establishment of religion. However, where one's mobility is limited and access to religious ministrations restricted by service in the military, the courts have said that chaplains are certainly permissible, if not mandatory.

Chaplains may be made available to lead worship, perform sacerdotal functions, provide religious counseling and render pastoral care. However, they should not engage in proselytizing or attempt to convert one to a particular religious point of view — except in voluntarily attended meetings and worship services. Accommodate religion: yes; promote religion by coercion: no.

Recent events at Ft. Hood should not cause us to look askance at the accommodation of religion in the military or to condemn Islam in particular. One deranged soldier should not overshadow the thousands of faithful Muslims admirably serving in the U.S. military.

## State updates

As many state legislatures gear up for their new sessions in 2010, a variety of church-state cases continued to make headlines in different parts of the country.

### **Iowa:** Wheel ordinance conflicts with religion

A proposed road protection ordinance in Howard County banning steel-wheel vehicles conflicts with a church regulation for a Mennonite group that only accepts the use of tractors with steel wheels. In late November, the ordinance was tabled and county supervisors met with members of a Mennonite Community to craft a compromise agreement.

### **North Carolina:** Offender's right to worship

A convicted sex offender is challenging a state law that prohibits him from coming within 300 feet of a facility devoted to the "use, care or supervision of minors." This is preventing him from attending a church that offers day care. Media reports say there is a similar lawsuit pending in federal court in Georgia.

### **Ohio:** Ten Commandments in the courtroom

A judge in Richland County has been ordered to remove a Ten Commandments display from his courtroom for the second time. After a federal court forced him to take down his first display a few years ago, he put up a new framed poster that had the Ten Commandments alongside "humanist precepts" with a statement saying the judge believes in "moral absolutes."

### **Texas:** "Religious Literature" courses

October's State Updates mistakenly referred to a requirement that Texas public schools offer "Bible-as-literature" courses in 2009. According to the Texas Education Agency, schools can satisfy the legal requirement by including information about religious literature in their existing literature or history courses.

— Cherilyn Crowe



# Top 10 religious liberty stories of 2009

By Don Byrd, BJC Blogger

As the year draws to a close, the Baptist Joint Committee asked me to take a look back at 2009 and list the church-state stories that attracted the most attention. I've had the good fortune to survey religious liberty Web sites and news items daily as I write the BJC's *Blog From the Capital*, and here's my countdown of the top 10 stories of the year. Visit the blog ([bjconline.org/blog](http://bjconline.org/blog)) for the stories earning an honorable mention and send me an e-mail at [don.byrd@comcast.net](mailto:don.byrd@comcast.net) to tell me what I missed!

**10 Christian-themed license plates in South Carolina declared unconstitutional**  
As highlighted in this issue of *Report From the Capital*, a court in South Carolina ruled that state-initiated license plates featuring a cross, stained glass windows and the phrase "I Believe" are a violation of the separation of church and state. It may still be that residents of the Palmetto State can drive around sporting their faith on their tags, but they will have to do so through the same specialty plate process that every other organization and interest group follows. An effort is already under way to do just that.

**9 Ten Commandments displays in Oklahoma**  
While the state legislature was voting to place a Ten Commandments monument on the grounds of the state capitol, the 10th U.S. Circuit Court of Appeals ruled that a Decalogue monument in Haskell County was unconstitutional. That ruling has been appealed to the U.S. Supreme Court. Meanwhile, Oklahoma Gov. Brad Henry signed legislation that paves the way for a Ten Commandments monument to be placed on the state capitol grounds, despite the urging of the BJC and other religious liberty groups to veto it.



The Oklahoma state capitol will soon have a Ten Commandments monument on its grounds.

**8 Sikh community makes gains**  
The breakthrough religious minority voice of the year? 2009 saw a string of stories that had advocates for the Sikh faith strongly speaking out and winning victories against religious discrimination. The Department of Homeland Security changed a policy to accommodate the religious requirements of Sikh employees, and the Pentagon received strong urging from Congress to update military codes to allow Americans of the Sikh faith to serve in the armed forces, to name a few.

**7 Muslim headscarves make headlines**  
If there was a Religious Garb of the Year award, it surely would go to the niqab, a head covering worn by many Muslim women that was the subject of intense controversy all over the world. France made headlines by banning women from wearing it in public, and in the United States, conflict arose when judges required witnesses to remove head coverings in court. In Michigan, the issue rose to the state's high court which eventually enacted a rule change that gave judges broad discretion to require the removal of headscarves.

**6 Supreme Court's *Sumnum* decision avoids direct church-state question**  
In a case involving a permanent religious display in a public park (*Pleasant Grove City v. Sumnum*), the U.S. Supreme Court ruled unanimously that the freedom of speech protected by the First Amendment did not require a Utah town to allow members of the Sumnum faith to construct a religious monument next to a Ten Commandments monument, because, they argued, the permanent displays in the park are government speech and not private speech. Left unresolved is the way this determination relates to the separation of church and state. Justice Antonin Scalia assured local governments that this ruling does not "propel (them) from the Free Speech Clause frying pan into the Establishment Clause fire."



This illustration from *Sumnum* shows its proposed "Seven Aphorisms" monument (right) next to a Ten Commandments monument.

## 5 Local governments under fire for prayers at meetings

What do Lodi, Calif., Chesapeake, Va., Cleveland, Ohio, Memphis, Tenn., Independence, Mo., North Richland Hills, Texas, Tehapachi, Calif., Turlock, Calif., Philadelphia, Pa., Toledo, Ohio, and the Wisconsin State Assembly all have in common? They have all been the subject of complaints regarding the practice of opening government meetings with Christian prayer. This growing scuffle is not between conflicting judicial opinions so much as between fairly clear law and the local governments who prefer not to acknowledge or adapt to jurisprudence in this area.

## 4 U.S. foreign affairs and the role of religion

The misperception, among some in the United States and around the world, that ongoing wars in Iraq and Afghanistan reflect a conflict between *religious* viewpoints continued to be an issue for American foreign policy. It was revealed that, in the past, Pentagon war reports had been adorned with biblical imagery and Scripture references on cover pages. Reports of Bible distribution and proselytizing by some military personnel undermined clear statements that the mission is not a religious one. Meanwhile, in his first year as president, Barack Obama delivered a historic speech in Cairo, Egypt, reaching out to the Muslim community and assuring others that our conflict is not with Islam.

## 3 Supreme Court hears Mojave cross case

In yet another dispute involving religious monuments on government-owned property, the Supreme Court heard arguments in *Salazar v. Buono*. Once again, the High Court seems poised to rule on legal questions that do not get to the heart of the church-state conflict. The BJC urged the court to reject the government's contention that the plaintiff does not have standing to challenge the memorial cross in question because he is a Christian. This theory would radically alter Establishment Clause law, and it offensively suggests that Christianity is not injured by the government's promotion of it. So, too, is the argument put forward by Justice Scalia and others that the cross has, over time, effectively become a generic symbol as opposed to a uniquely Christian symbol. Some time next year, we will see which of these levels of engagement the current court is willing to tackle.



After the oral arguments in *Salazar v. Buono*, ACLU attorney Peter Eliasberg answered questions from the media on the steps of the U.S. Supreme Court.

## 2 Justice Souter replaced by Justice Sotomayor

A champion of religious liberty and the separation of church and state, Supreme Court Associate Justice David Souter announced his retirement and was replaced by Sonia Sotomayor. As has become customary, confirmation hearings revealed little to nothing about her views on church-state law. The full extent to which she may change the court's views on the religious freedoms enshrined in the Constitution remains unknown. One thing seems certain: it would be hard to improve on the determined balance that marked the career of her predecessor.



Souter



Sotomayor

White House Photo

## 1 New President brings change, delays some tough decisions

The year 2009 saw the inauguration of a new administration, but the continuation of an office devoted to faith-based partnerships. Re-named the White House Office of Faith-based and Neighborhood Partnerships, President Obama's version sees itself less as a conduit for government grants and more as a broad partnership on a handful of policy issues of shared concern. To that end, President Obama created an unprecedented Faith Advisory Council, made up of religious leaders of many faiths and political perspectives, to advise the White House on ways to improve government interaction with faith-based communities. One important task force worth watching is charged with reviewing the policies of the faith-based office itself to ensure stronger constitutional safeguards.

Despite nods in the right direction, several issues remain unresolved. As a candidate, Obama assured that taxpayer money would not be used for faith-specific employment. As president, however, he has not explicitly addressed the issue, leaving questions about hiring discrimination to be determined on a case-by-case basis by the Justice Department and the Office of the White House Counsel. He also kept this controversial issue out of the hands of the Faith Advisory Council.

Whether the Obama administration delivers on its pledge to shore up the separation of church and state with safeguards protecting religious liberty remains a key question going forward. Either way, if 2009 tells us anything about the state of relations between church and state, it is that funding and official partnerships are a political reality, embraced to some degree by both parties. We will have to work that much harder to keep the wall intact.

White House / Chuck Kennedy



# Faith-based advisers urge caution on religious-federal partnerships

WASHINGTON — White House advisers recommended Oct. 13 that federal officials do more to ensure that government partnerships with faith-based groups are constitutional, transparent and support religious liberty.

"We want to make sure that (religious providers of social services) understand all these ideas ... so that they're not confused, they're not hamstrung and they're not sued," said Melissa Rogers, a member of the President's Advisory Council on Faith-based and Neighborhood Partnerships.



But Rogers, director of the Wake Forest School of Divinity Center for Religion and Public Life, said advisers who are tasked with reforming the White House faith-based office differ on whether faith-based groups that receive federal grants should remove religious symbols or form separate corporations for taxpayer-funded charitable work.

Rogers, who is also the former general counsel of the Baptist Joint Committee, chairs the task force charged with the reform of the office. BJC Executive Director Brent Walker is a member of that task force.

The Rev. Barry Lynn, another member of the task force who attended the council meeting, said he thinks such symbols should be avoided whenever possible.

"I do think that religious symbols, icons and scriptures should, except in extraordinary circumstances, not be present in a space providing a government-funded service," said Lynn, executive director of Americans United for Separation of Church and State.

Richard Stearns, president of the Christian relief agency World Vision and a member of the council, said that it "lacks common sense" for such disputes to focus more on the symbols than the effectiveness of the programs.

"Because of a cross or a Star of David in the room, do we require that organization to change its identity in order to deliver that social service?" he asked as almost two dozen council members deliberated around a table in a Department of Commerce meeting room.

"I think the goal here should be ... not to hamper or hinder these organizations from doing the good

that they can do, but to enable and empower them while protecting the rights of both parties, the beneficiary and the service delivery organization."

Advisers agreed that a Bush administration executive order on faith-based and community organizations should be amended to ensure that grant-making decisions are made "free from political interference or even the appearance of political interference," Rogers said.

The October meeting allowed members of the Advisory Council to present the draft recommendations from the six different task forces that are focusing on the office's key areas and to give each other feedback.

The six task forces are: reform of the office, economic recovery and domestic poverty, fatherhood and healthy families, interreligious cooperation, environment and climate change, and global poverty and development.

Each task force is working to incorporate October's feedback as they work toward producing a final report of recommendations to the White House in February 2010.

Other recommendations from the daylong meeting in October included:

- ◆ The fatherhood task force recommended increased federal funding of programs to assist fathers, including military and incarcerated dads.
- ◆ The task force on economic recovery and domestic poverty called for efforts to permanently reduce U.S. poverty rates.
- ◆ The interreligious cooperation task force recommended creating a working group of multi-religious and community groups to advise the Obama administration on a just resolution to the Israeli-Palestinian conflict.
- ◆ The environment and climate change task force urged the creation of an Office of Faith-based and Neighborhood Partnerships at the Environmental Protection Agency.
- ◆ The global poverty and development task force called for the launch of a public campaign to involve the American public in ending global poverty.

— Religion News Service and Staff Reports

## Faith-based office goes online

In November, the White House Office of Faith-based and Neighborhood Partnerships unveiled its Web site. Now you can go online to learn more about the office. The Web site is: [whitehouse.gov/administration/eop/ofbnp](http://whitehouse.gov/administration/eop/ofbnp)

# Step 1

## Decide what kind of celebration is right for your congregation

Your “Religious Liberty Day” can be extensive or simple. Some ideas include:

- a full worship service with each element devoted to the topic
- a simple prayer in a service thanking God for our freedom
- a morning Bible study devoted to the subject
- a song or litany in a worship service
- a dramatic monologue
- a sermon or testimony
- a Wednesday night prayer meeting discussion



# Step 2

## Find resources at [www.BJConline.org](http://www.BJConline.org)

The BJC provides sermons, Bible studies, hymns, responsive readings, bulletin inserts, monologues and a host of helpful resources to make your plan come together.

Plan your own

# Religious Liberty Day

## in 2010

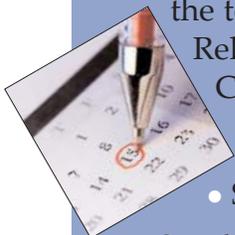
You’ve read about churches celebrating religious liberty in a variety of ways in the past three editions of *Report from the Capital*. Think about how you can celebrate religious liberty in your church in 2010, opening doors for dialogue among members of your congregation.

# Step 3

## Set a date on your church calendar

You can select any date for a Religious Liberty Day, or you can plan your celebration around one of these dates:

- A day in January to engage students with the topic, preparing them for our Religious Liberty Essay Scholarship Contest
- Monday, May 31 (Memorial Day)
- Sunday, July 4 (Independence Day)
- Sunday, Sept. 12 (50th anniversary of JFK’s speech on religion and politics)
- Friday, Sept. 17 (Constitution Day)
- Tuesday, Nov. 2 (election day)
- Thursday, Nov. 11 (Veterans Day)



# Step 4

## Celebrate liberty & tell us about it!

Let us know about your celebration! The BJC can pass on your ideas and experiences to encourage others who want to partner in the fight for religious liberty.

- Use our sign-up sheets to let those who are learning about religious liberty join our mailing list. You can print a sheet from our Web site and then mail it to us.
- Contact Kristin Clifton at (202) 544-4226 or [kclifton@BJConline.org](mailto:kclifton@BJConline.org) to tell her about your event. Tell us how we can help, and let us know if you need additional resources for next time!



# Celebrating 400 years of Baptist heritage

## Remembering our roots and our rights as we continue the fight for freedom

By K. Hollyn Hollman

The year 2009 marked the Baptist movement's 400th anniversary. From our beginning, Baptists have been relentless in the battle to protect religious liberty. As we commemorate four centuries of Baptist life, the Baptist Joint Committee for Religious Liberty continues to honor our heritage by promoting the right to be free from government interference in matters of faith. Baptists have always understood that religious freedom for all and the principle of church-state separation must go together, and we continue the campaign that began 400 years ago.

A group of English Christians living in Holland to escape persecution became the first "baptizers" in their search for freedom. These passionate believers studied the New Testament and felt church membership should be based on the confession of belief in Jesus Christ followed by baptism. When they organized the first believer's baptism service in 1609, it was a direct challenge to the state churches in England that demanded infant baptism.

On returning to England and establishing the first Baptist church, the group suffered as a persecuted religious minority. Baptist leader Thomas Helwys called for individual religious freedom, declaring that the King of England was powerless to control religious belief. The monarch in question was King James I, the same person who had the Bible translated into the "King James" version during this time of religious discord and persecution. Helwys also asserted that individuals had the right to read and interpret Scripture. These radical ideas landed Helwys in prison, but the concept of "soul freedom" remained a hallmark of Baptists as they set their sights to the New World.

Baptists in America also faced persecution for their beliefs at the hands of the colonial theocratic governments. As the American colonies began to work for their freedom from England, they continued to banish Baptists and other religious minorities to jails for their dissenting religious views and practices.

When the United States began drafting its constitution, Baptists led by John Leland pressed for a declaration of religious freedom. In 1791, the ratification of the First Amendment embodied the Baptist vision of a nation founded on religious liberty for all and the institutional

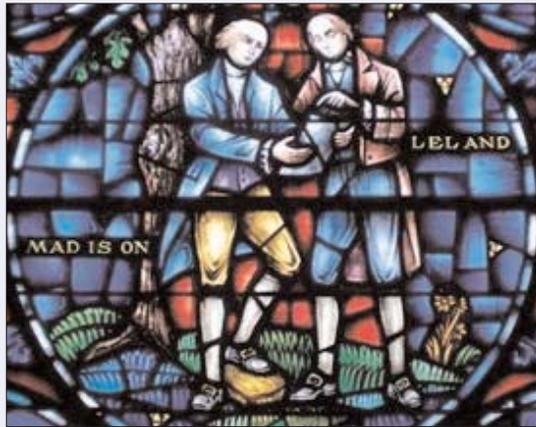
separation of church and state. The ideas that the government will not do anything to establish religion or obstruct an individual's religious practice were new and radical, and they continue to face challenges today.

For 73 years, the Baptist Joint Committee has worked to protect these dual pillars supporting robust religious freedom. Our singular mission is "to defend and extend God-given religious liberty for all, furthering the Baptist heritage that champions the principle that religion must be freely exercised, neither advanced nor inhibited by government." We remember how our forbears were persecuted for their faith, and we believe in that "liberty of conscience" that allows us — and other religious groups — to freely worship in the manner we see fit.

Our work in Washington, D.C., and around the country takes us to churches, Congress, and even the Supreme Court. Our staff often leads educational programs in churches, including preaching sermons and teaching Sunday school. We monitor legislation related to church-state matters, joining efforts for or against a bill and leading congressional staff briefings. We file briefs in the U.S. Supreme Court and other courts in cases dealing with religious liberty. The Baptist Joint Committee is working to educate others about

our historical Baptist beliefs while informing individuals and groups about the latest changes and challenges in the law. We also are here to equip individuals and congregations to be ardent promoters and defenders of religious liberty in their own communities.

The historic Baptist commitment to religious liberty is centered on our freedom to worship God and to follow Christ without efforts by the government to advance or restrain religion. We believe it is a gift from God and not the result of any act of toleration or concession on the part of the state. God has made us all free — free to say yes, free to say no, and free to make up our own minds about our spiritual destiny. The fight for religious liberty is an effort to prevent the government from doing what even God will not do: coerce faith. The expression of this Baptist ideal began 400 years ago, and we all have a role and responsibility to make sure others enjoy religious freedom through the next 400 years and beyond.



This stained glass window at First Baptist Church in Richmond, Va., depicts Baptist leader John Leland discussing religious liberty with James Madison, the author of the First Amendment.

## Mark these important dates on your new calendar



**February 2010:** The release of task force recommendations on reforming the White House Office of Faith-Based and Neighborhood Partnerships

**March 1, 2010:** Deadline for Religious Liberty Essay Scholarship Contest

**April 27-28, 2010:** The BJC's annual Shurden Lectures will be at Samford University in Birmingham, Ala.

**June 25, 2010 :** Religious Liberty Council luncheon in Charlotte, N.C.

## Oregon lawmakers seek to repeal ban on teachers' religious garb

PORTLAND, Ore. — Teachers are likely to win the right to wear religious clothing such as turbans, yarmulkes, crosses and headscarves in public schools when state lawmakers convene in February, elected officials say.

House Speaker Dave Hunt plans to introduce a bill to repeal a 1923 law banning teachers' religious garb, and said he is optimistic it will pass, given the broad spectrum of Christians, Jews, Hindus, Muslims and Sikhs who support the change.

Few Oregonians were aware the state had such a ban until lawmakers passed a law earlier this year allowing all workers except teachers to wear religious dress at work in most instances.

The 1923 law on teacher dress was passed when Kaspar K. Kubli, an open supporter of the Ku Klux Klan, presided as speaker of the Oregon House. It was included in the Alien Property Act of 1923, which prohibited Japanese Americans from owning property in Oregon, and was designed to prevent nuns and priests from wearing their habits or vestments in classrooms.

Hunt said some Muslim and Sikh Oregonians have been told that they cannot apply for teaching jobs or can teach only if they remove their head coverings.

He said he will push to "allow teachers to have the same religious free exercise rights" as other Oregonians.

—*Religion News Service*

## Faith leaders divided over passage of hate crimes bill

Progressive religious leaders hailed the passage of a federal hate crimes bill they say will better protect gay victims and other minority groups from violent acts.

By a vote of 68-29, the Senate passed the provision, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, as part of a larger 2010 defense authorization bill. President Barack Obama signed the bill into law

on Oct. 28.

The provision was named for Shepard, a gay Wyoming man slain in 1998 and Byrd, an African-American Texas man who was dragged to his death the same year. It amends current hate crimes law by adding sexual orientation to a list of federally protected classes. President Obama hailed it as a step toward change to "help protect our citizens from violence based on what they look like, who they love, how they pray."

"In an America increasingly rife with uncivil and narrow-minded bickering, this new law can serve as a ringing pronouncement of our democracy's common values," said the Rev. Welton Gaddy, president of the Interfaith Alliance. "Namely, that we utterly reject hate violence and embrace an America in which diverse people are safe as well as free."

Conservative Christian leaders criticized the bill, saying that it might limit the rights of clergy to speak against homosexuality.

"This hate crimes provision is part of a radical social agenda that could ultimately silence Christians and use the force of government to marginalize anyone whose faith is at odds with homosexuality," said Tony Perkins, president of the Family Research Council.

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, said the law will hold people accountable for their actions, not their thoughts.

"This carefully crafted law will not infringe on any individual's First Amendment rights," he said. "It addresses violent acts and no person, whether a faith leader or otherwise, will be prosecuted for their thoughts, words or beliefs."

— *Religion News Service and Staff Reports*

## Department of Homeland Security amends uniform policy for Sikhs

The Department of Homeland Security has amended its uniform and grooming policies after a Sikh man lost his job for wearing a turban and refusing to shave.

Federal standards had required security guards to be clean-shaven and to wear a specified uniform and hat, two things that conflict with Sikh requirements to wear a turban and leave their hair uncut.

Raghubir Singh was fired in 2005 from his job as a contracted federal security guard. The Federal Protective Service denied Singh's request for permission to keep his beard, turban and job.

The U.S. Immigration and Customs Enforcement, the component of the Department of Homeland Security that handled the case, said it is "committed to accommodating the religious practices of FPS security guards, provided these accommodations are consistent with current legal and constitutional standards and meet FPS' essential mission requirements — particularly those affecting employee and public safety."

Besides the policy exemption, the settlement also included monetary damages for Singh's wrongful termination. The Sikh Coalition called the settlement a "major civil rights victory for the Sikh community."

— *Religion News Service*