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- National Missionary Baptist Convention
- North American Baptist Conference
- Progressive National Baptist Convention Inc.
- Religious Liberty Council
- Seventh Day Baptist General Conference

## REPORT from the Capital

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## ◆ Capital Campaign Update ◆

### We've only just begun; you can still join the effort

The Baptist Joint Committee for Religious Liberty continues to move ahead after the success of its recent capital campaign matching challenge. We raised nearly \$1.7 million in a little over two weeks. And because of the generous support of donors like you, we're halfway to our goal of \$5 million to establish the Center for Religious Liberty on Capitol Hill.

If you were unable to give during the challenge, you can still be a part of the effort.

Let's use the momentum of the challenge issued by Babs Baugh to push the BJC forward in our capital campaign and in our everyday efforts to secure religious liberty.

As we look forward to the Center, we know there is much church-state work left to do. And we ask that you remem-

ber the BJC this fall as we seek to meet our present budget needs.

Spread the word about the BJC to your friends, Baptists and non-Baptists alike. Religious liberty is a right that should be enjoyed by all.



### Partners in Giving

We invite you to become a **Partner in Giving** by establishing an automatic monthly gift to the BJC on your credit card. Partners provide income that the BJC can count on for ongoing budget needs and are given the opportunity to

help sustain the BJC as we work to secure religious liberty. Simply call or e-mail us or go online to

**www.BJConline.org** to make a credit card gift. If you wish to set up an automatic monthly credit card gift, simply tell us so on the online form.

## Our Challenge—Their Future

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# REPORT from the Capital

## Seventh Day Baptists vote to remain part of the Baptist Joint Committee

NEWBERG, Ore. — The Seventh Day Baptist General Conference voted to remain part of the Baptist Joint Committee for Religious Liberty despite disagreements over church-state relations.

In a rare vote-by-church, delegates to the Seventh Day Baptist General Conference, meeting July 29–August 4 at George Fox University, decided, 279-234, to remain part of BJC.

According to a news release on the group’s Web site, “topping the business agenda was the vote on the question, ‘Shall the SDB General Conference withdraw its membership from the Baptist Joint Committee for Religious Liberty?’” Churches were sent informational packets about the issue in January. Many churches, however, waited until this summer to cast their votes at the local level.

“We are delighted at the outcome of the vote,” said Brent Walker, the BJC’s executive director, noting that the denomination has belonged, for nearly 60 years, to the coalition of national and regional Baptist bodies that support the BJC. “I am very pleased that the BJC family remains distinctively Baptist — and definitely joint.”

In a later vote, the group approved a recommendation instructing Seventh Day Baptist leaders to send BJC representatives a letter conveying the “significant concerns among some Seventh Day Baptists about our continued involvement in the Baptist Joint Committee.”

Seventh Day Baptists believe the Sabbath should be observed on Saturdays. A small but established group, its history in Europe and North America dates back to the earli-

est days of the Baptist movement on both continents.

Kevin Butler, editor of the denomination’s *Sabbath Recorder* newsmagazine and Seventh Day Baptists’ representative on the BJC board of directors, said the dispute over supporting the organization centered on differing understandings of church-state separation.

“I would say it’s the whole issue of representation and guilt by association — that they don’t feel that the Joint Committee or any real body could represent Seventh Day Baptists on political or social issues,” said Butler, who opposed attempts to withdraw from the BJC. “They just don’t feel that anyone could really speak for a group of independent thinkers.”



Kevin Butler photo

Parliamentarian John Pethtel (l) and President Ruth Burdick await final tally of votes regarding the BJC decision.

Some Seventh Day Baptists critical of BJC involvement have cited its support for rigorous church-state separation, saying many Seventh Day Baptists would not agree with such a view.

“The BJC has pursued a doctrinaire ‘wall of separation’ position with respect to the [First Amendment’s] establishment clause,” wrote James Skaggs, a retired Wisconsin teacher, in a June 5 entry on his blog. Skaggs has been an outspoken opponent of continued Seventh Day Baptist affiliation with BJC.

“In alliance with a wide array of liberal religious and non-religious groups, it has filed briefs encouraging the courts to adopt that view,” Skaggs noted.

“The cumulative effect of such court decisions is to reduce the ability of religion

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# Kennedy Townsend calls on America's churches to return to social justice

WASHINGTON — “Ask not what your country can do for you; ask what you can do for your country.” Decades after President John F. Kennedy spoke these immortal words, his niece, Kathleen Kennedy Townsend, has responded with a similar call to action — this time directed at America's churches, as she calls on them to redirect their attention back to social justice.

Townsend, former lieutenant governor of Maryland, participated in a July 30 forum at the National Press Club with Bill Kovach, chairman of the Committee of Concerned Journalists and a former Washington bureau chief for *The New York Times*. The two discussed Townsend's recent work *Failing America's Faithful: How Today's Churches Are Mixing God with Politics and Losing Their Way*.

In it, Townsend contends that the increased entanglement of religion with politics has resulted in America's churches straying from their mission of social welfare. Townsend's book is as much a “spiritual call-to-arms” as it is a call to act.

She shared how British journalist David Frost once asked of both Townsend's father, Robert F. Kennedy, and Ronald Reagan “What do you think we are here on earth for?” Townsend, loosely paraphrasing, said that Reagan, then governor of California, responded “personal salvation.” And her father responded “to care for the worse off than us.”

Her concern for social welfare was instilled in her as a young child. She writes in *Failing America's Faithful*, “My uncle's [John F. Kennedy] death had made me wonder why we should work for justice if justice was not able to be given in return. But in thinking of the model of Jesus' life, I also was forced to embrace the model of Jesus' death. And, in that, the tragedy of my uncle's death became more bearable.”

The author laments that religion has become “privatized.” Townsend said, “Our sense of morality comes from churches. Now churches are focused on individual salvation. We've gone from common humanity to demonizing others. [The] sense of reconciliation has been lost for the most part.”

In the book, she elaborates, “Yes, everyone of faith should strive for a connection to the divine. But too often we forget that this personal relationship can occur only through our connection to each person we meet for it is they who carry the divinity within them.”

Townsend reflected on the impact of the First and Second Great Awakenings and how Protestants were leaders of the social justice movement. Although much time has passed since both Awakenings, Townsend asserts that America's churches would do well to go back to the days when they were concerned more about the greater good than politics.

—Phallan Davis



John Metelsky photo

Kathleen Kennedy Townsend talks with Bill Kovach at a July 30 National Press Club event.

## SDB VOTE continued from page 1

to influence government policy and to prevent government from using religious institutions for social good. It has also been a vehicle used by anti-religious groups in America to increasingly remove religion from the public square.”

Skaggs' arguments echoed those used by BJC detractors in the Southern Baptist Convention. In the 1980s, they began an effort — ultimately successful — to withdraw from the BJC.

But BJC leaders have actively attempted to keep the denomination from withdrawing, passing a resolution affirming the group's heritage, which stretches back to the

## SDB vote-by-church to stay in BJC

late 1600s in the New World. Seventh Day Baptist supporters of the BJC have noted that the organization is principally focused on extending religious freedom and believes supporting a strong interpretation of the Establishment Clause is essential to protecting religious liberty.

“I think an appropriate level of church-state separation is necessary,” said Butler. “And for us especially as sabbatarians, we have a lot at stake if the government wants to intrude or cause us employment situations because of our Sabbath beliefs.”

— ABP and staff



# REFLECTIONS

## In Huckabee endorsement, Drake commits legal, political and theological wrongs



J. Brent Walker  
Executive Director

Wiley Drake thinks Mike Huckabee should be president of the United States.

Rev. Drake is pastor of the First Southern Baptist Church of Buena Park, Calif., and host of the church-related radio program, "The Wiley Drake Show." Rev. Drake, who in 2006 served as the Southern Baptist Convention's second vice president, recently endorsed Baptist preacher and former Arkansas governor, Mike Huckabee, for president. Although declaring that he was speaking only for himself, Rev. Drake made the endorsement on church letterhead and during his radio program.

When the propriety of electioneering on church letterhead was called into question by Americans United for Separation of Church and State, Rev. Drake called Americans United staffers "enemies of God" and asked his flock to pray "imprecatory prayers," calling on God to curse — indeed, strike down — the heathen at Americans United.

Wiley Drake could not possibly be more off base — legally, politically and theologically.

As readers of this publication are well aware, nonprofit organizations, including churches, that are exempt from taxation under section 501(c)(3) of the tax code, may not support or oppose candidates for office without endangering their tax-exempt status.

Although Rev. Drake may endorse to his heart's content when speaking personally, individually and for himself only, he cannot do so when acting on behalf of the church. Speaking through a letter written on formal church letterhead creates, at the very least, a strong inference that he is speaking for the church. For Rev. Drake to say — probably with a wink and a nod — that he was really only giving a personal opinion smacks of violating the spirit, if not the letter, of the prohibition on electioneering. Churches, including Rev. Drake's, should live by the law if they want to enjoy the generous benefits of tax exemption. If they want to endorse candidates for office, they should give up their tax-exempt status.

Rev. Drake also misses the mark politically. There may be a lot of good reasons to vote for or against Gov. Huckabee. The fact that he is a "born-again Christian," standing alone, seems to me insufficient. To be sure, the Constitution's no religious test clause in Article VI only bans legal dis-

abilities based on religion. Citizens can vote for whomever they wish and take religion into account in making that decision. However, the question should always be who is the best man or woman to lead the country and all of its citizens, not who is the most devout Christian. The most qualified person to serve the common good may turn out to be a Christian, or it may be someone of some other faith, or someone of no faith at all. I think it was Martin Luther who said, "I'd rather be ruled by a smart Turk than a dumb Christian." Rev. Drake endorsed Gov. Huckabee also because "he'd fear God more than his constituents and more than the Constitution," according to press reports. That sounds to me like theocracy! Religious values may inform our leaders' leadership style and public policy positions, but at the end of the day, our governmental leaders must agree to be accountable to the voters and to the Constitution.

Finally, Rev. Drake is wrong theologically. To pray for (and urge others to do the same) the demise of those with whom you disagree is outrageous. First of all, the identified staffers at Americans United are not "enemies of God;" they are friends of American democracy. Even if they were "enemies of God," it seems to me Jesus' Sermon on the Mount takes precedence over the imprecatory psalms, like Psalm 109, that call upon God to wipe out Israel's enemies. Jesus clearly instructed his followers to "love your enemies and pray for those who persecute you..." (Matt. 5:44). I'll go with Jesus, over the psalmist, any day. And apparently, so would Gov. Huckabee. He reportedly responded to news about Rev. Drake's mean-spirited call for the demise of his detractors by saying, "the saving of souls rather than the damning of them would tend to be more my hope." He got that right, although I wish Gov. Huckabee had spoken out more forcefully.

As we enter election season, I hope we'll have a vigorous debate about who will lead us for the next four years. But, I pray we'll shirk Wiley Drake's example and proceed with civility and common courtesy, and in line with the Constitution.

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**"Religious values may inform our leaders' leadership style and public policy positions, but at the end of the day, our governmental leaders must agree to be accountable to the voters and to the Constitution."**

# Report says Pentagon erred in allowing brass to participate in Christian video

By JENNIFER KOONS

WASHINGTON — High-ranking Army and Air Force personnel violated military regulations when they participated in a promotional video for a private evangelical organization, according to a report by the Pentagon's Office of Inspector General.

A Pentagon spokesman said Aug. 6 it would be up to the Army and Air Force whether to discipline the military brass involved, but said no action is expected against top civilian employees.

The 47-page report, which was released on July 27, found that Air Force Maj. Gen. Jack Catton, Maj. Gen. Peter Sutton and a colonel whose name was not disclosed, and three Army officers — Brig. Gen. Bob Caslen, Brig. Gen. Vincent Brooks and a lieutenant colonel, also not identified — were wrong to take part in a fundraising video for the Arlington, Va.-based Christian Embassy.

The Christian Embassy is part of the conservative Campus Crusade for Christ International, and sponsors prayer breakfasts and other religious activities for high-ranking federal employees and elected officials.

The dispute over the video surfaced last December against a backdrop of complaints that military officials frequently turn a blind eye to improper proselytizing and show preferential treatment toward evangelicals.

"The officers were filmed during the duty day, in uniform with rank clearly displayed, in official and often identifiable Pentagon locations," the report said. "Their remarks conferred approval of and support to Christian Embassy, and the remarks of some officers implied they spoke for a group of senior military leaders rather than just for themselves."

At one point during the 10-minute video, which was filmed inside the Pentagon in 2005, Caslen refers to the Christian Embassy's special efforts for high-ranking officers through Flag Fellowship groups. He notes that whenever he runs into another fellowship member, "I immediately feel like I am being held accountable because we are the aroma of Jesus Christ."

Catton, from the Air Force, explains in the video that the Christian Embassy helped him become a "director on the joint staff."

"As I meet the people that come into my directorate I tell them right up front who Jack Catton is, and I start with the fact that I'm an old-fashioned American, and my first priority is my faith in God, then my family and then country," Catton says on the video. "I share my faith because it describes who I am."

Catton later told the inspector general's office that he believed the Christian Embassy, which hosts a weekly prayer breakfast at the Pentagon, had become a "quasi-federal entity."

The report also singled out retired Army Col. Ralph G. Benson, a former Pentagon chaplain, for providing special access to the organization and "mischaracterizing" the purpose of the video by implying it was "being produced to document the Pentagon chaplain's ministry rather than to promote a non-federal entity."

The report cleared Army Secretary Pete Geren and a civilian employee in the Army

Budget Office of wrongdoing for appearing in the same video, concluding that their personal endorsements were given "without verbal or visual references to position, title or the Department of Defense."

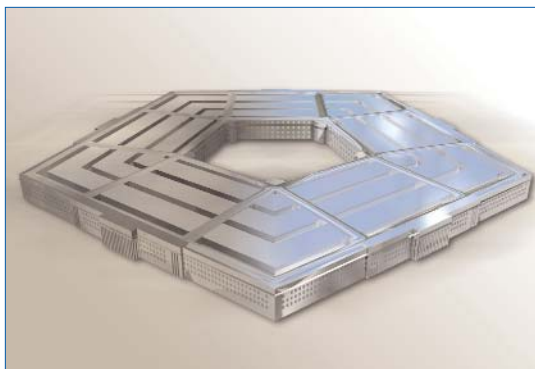
The report recommended the "secretary of the Air Force and the chief of staff of the Army take appropriate corrective action." Pentagon spokesman Lt. Col. Jonathan Withington said because the report cleared the civilian employees, any further action to address the conduct by the officers will fall to their respective services.

The Military Religious Freedom Foundation, an Albuquerque, N.M.-based watchdog group founded by retired Air Force attorney Mikey Weinstein, asked the Department of Defense to investigate the video last December.

Weinstein expressed disappointment with the report's findings, which he said did not go far enough to reprimand those involved.

"They suggested corrective action, and we wanted to see courts martial," he said, adding that his organization planned to file a lawsuit against the Department of Defense.

*Jennifer Koons is a writer with the Religion News Service.*



# Church-State Separation: Ripped from the headlines

When I accepted an internship with the Baptist Joint Committee for Religious Liberty, I already knew that I was a proponent of the separation of church and state. I understood, for the most part, the constitutional and legal arguments. I had taken classes in Baptist history as a student at Emory University's Candler School of Theology, so I was aware of the Baptist heritage of defending religious freedom for all people.

There was, however, one aspect of the BJC's work I didn't grasp; specifically, understanding church-state separation beyond the theoretical. Does it really hurt anyone to see a Ten Commandments monument? What difference does it make if someone prays before a high school football game? Why would anyone object to a cross over a Veterans' memorial such as the one at the Mt. Soledad Memorial in San Diego?

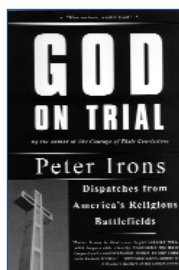
After reading Peter Irons' new book, *God on Trial*, published by Viking Press, I have a more complete understanding of why the BJC and other church-state separation advocacy groups continue to fight for church-state separation.

*God on Trial* is Irons' summary of several high profile church-state separation cases over the past 20 years. Irons covers six specific cases — The Mt. Soledad cross, a school prayer case, two Ten Commandments disputes, a Pledge of Allegiance case, and an evolution versus creation controversy — recounting, in each, the intricate legal maneuverings that pushed the disputes back and forth between local courts and as high as the U.S. Supreme Court.

Irons chronicles each legal saga, including brief biographies of those involved. Then he gives way to the key charac-

ters in these real-life legal dramas — plaintiffs, attorneys, politicians — who provide their own insight into the case. For example, Mike Newdow, a father who objected to the 'under God' portion of the Pledge being spoken in his daughter's elementary school class, explains his objection:

"People have a very mistaken idea; they think this is against God. And it's not; it's not a case of those who believe in God versus those who don't. It's those who believe in equality versus those who don't ... . Go out in the public square, get on your knees, worship Jesus, have your revivals — no one stops you. That's an absolute right you have. You just don't have the right to have government join you ... ." (p. 271)



## Book Review

Irons covers fairly each side, and although he clearly supports the separation of church and state, he rarely involves his own views in the commentary. Instead, for instance, in the chapter covering the Mt. Soledad case, he affords Barry Lynn of Americans United for Separation of Church and State and Jay Sekulow of the American Center for Law Justice equal space to explain their respective positions.

Irons' *God on Trial* is a must-read for those seeking a more in-depth understanding of these cases, as well as anyone who has an interest in the legal intersection of church and state. Hearing the voices of those involved who have witnessed the real-world consequences of government's intrusion in matters of faith should trigger a renewed commitment to the cause of the separation of church and state.

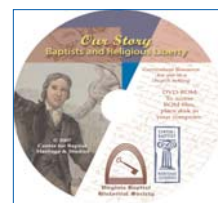
— Brad Jackson, BJC intern

# 'Our Story:' unlocks Virginia's religious liberty history

The Center for Baptist History & Heritage in Richmond, Va., recently released "Our Story," a 20-minute DVD narrated by Fred Anderson, executive director of the organization, which chronicles the storied history of the Culpepper jail in Virginia and the struggle of Baptists during the 18th century in that state to secure religious liberty. The DVD was designed as a resource for churches to teach about religious liberty.

In the new release, Fred Anderson holds a lock and key in his hand from the Culpepper jail that housed 14 Baptists imprisoned for fighting for religious liberty.

In a piece included on the DVD, Anderson writes of the key, "In England, the shrine for religious liberty is in Bedford, where on view is the jail door which imprisoned John Bunyan. The Culpepper lock and key is America's trophy." Famed religious liberty advocate James Ireland was warned that if preached in Culpepper he would be imprisoned. Anderson notes Ireland's diary entry in which he writes, "I sat down and counted the cost. Freedom or prison? It admitted of no dispute. Having ventured all upon Christ, I determine to suffer all for him."



## DVD Review

The DVD also includes several other resources to assist churches in teaching about religious liberty. It includes lesson plans for adult study groups, a sermon by William Powell Tuck, a paper on James Ireland to help understand his contribution to the movement, several articles by Anderson on the topic of religious liberty, and a lesson for teaching the principle of religious liberty to children.

Although historical in content, the DVD is quite relevant today as it provides church leaders with the opportunity to discuss current religious liberty issues with members of their congregations. And though focused on the contributions of Virginia Baptists, this DVD serves well as an educational tool to be used by churches across the country to teach about the work of Baptists in one state to secure religious liberty for all.

The entire collection of materials is offered for \$15 plus shipping and handling. "Our Story" can be obtained by writing the Center for Baptist Heritage & Studies at P.O. Box 34, University of Richmond, Richmond, Va., 23173 or calling 804-289-8434.

— Phallan Davis





**K. Hollyn Hollman**  
General Counsel

## BJC hosts international visitors for dialogue

The request was quite ordinary. We received an e-mail asking for a speaker on the role of religion in the United States, the relationship between church and state and the BJC's perspective on "faith-based initiatives." I checked my calendar and replied "yes" without scrutinizing who had made the request.

The actual experience was far from ordinary. The request came from a contracting agency that works with the U.S. State Department's International Visitor Leadership Program (IVLP) to design programs for foreign visitors. This particular group consisted of educational and religious leaders from Bangladesh, all of whom were associated with mosques or madrassas.

**"While Christianity is the majority religion, religious freedom is a fundamental right of all according to American tradition and constitutional law."**

The IVLP falls under the State Department's Bureau of Educational and Cultural Affairs and, according to its Web site, operates "to increase mutual understanding through communication at the personal and professional levels" by hosting current or potential leaders from around the world, giving them an opportunity "to confer with their professional counterparts and to experience the U.S. firsthand." The program reports that hundreds of current and former heads of state, cabinet-level ministers and other distinguished world leaders in government and the private sector have participated.

During their week in D.C., the group focused on learning about religion in American society and the relationship between church and state. While I had participated in IVLP programs before, I had never spoken to a group of religious leaders from a majority Muslim country, nor had I ever had to rely so much on interpreters. We met across a conference table with two State Department interpreters facilitating the presentation, which, by the end, had turned into a lively discussion.

At the outset, the interpreters asked that I speak slowly, stopping often so they could translate. I was beginning to see that this was going to be more challenging than the typical church-state introduction lesson. I broke it down to the simplest terms.

I am a Baptist — one of the numerous Christian denominations in America. While Christianity is the majority religion, religious freedom is a fundamental right of all according to American tradition and constitutional law.

I explained that I served a Baptist organization dedicated to promoting religious freedom for all. I explained how the separation of church and state guards that freedom. I outlined basic First Amendment principles, providing examples of their application, and

carefully articulated the reasons Baptists support them. I spoke briefly of the voluntary nature of religion, the theological conviction that individuals should not be coerced in matters of faith, the historical contributions of Baptists to religious freedom in America and how our country's experience has proven beneficial to religion and religious freedom.

The question and answer period was lively, perhaps more so because we were looking at each other but not able to understand until our translators did their job. They wanted to know about the differences between Christian denominations, which religious groups promoted "family values," whether public schools could meet the religious needs of Muslim students and if there were enough houses of worship to provide religious education in the absence of religious education in public schools. They wanted me to know that religious minorities had full political rights in their country. They seemed to approve of much of what I said, particularly about the importance of religious freedom for individuals and faith communities, but they questioned whether our system would work in a majority Muslim country. They did not seem to share my concern with the corrupting influence of government on religion, and they explained their disagreement respectfully.

At one point, I asserted that political leaders who frame policies in religious terms (such as Christianity or Islam) risk reducing religion to just a source of worldly power that tends to harm religion and deny rights to dissenters. I casually asserted that we have all seen the use of bad religion in politics. It was then that all the visitors became visibly and audibly excited. The interpreter explained that they all wanted to know what bad examples I had seen of Islam. My face must have appeared incredulous as I made sure I understood the interpreter. He nodded, straight-faced, as if to say, "Yes, you have to tell them." As I proceeded delicately, they listened and defended their religion as one that promotes peace.

At the end of our time together, the men took turns posing in their brightly colored religious garb beside me in my beige suit and took pictures of us standing in front of an American flag. At a time when a lead article by Mark Lilla titled "The Politics of God" in *The New York Times* magazine stresses the unique historical circumstances that led the United States to embrace separationist principles that serve church and state, it is encouraging to remember that one result is a government that promotes international dialogue on religion, politics and freedom. For that, and for the BJC's commitment to promoting religious freedom, I am thankful.

## Civil liberties group sues to stop church donations

NEW ORLEANS — The American Civil Liberties Union filed suit in federal court in New Orleans Aug. 13 to stop Louisiana from making taxpayer-financed donations to two churches.

The gifts targeted in the case — \$100,000 to the Stonewall Baptist Church in Bossier City and \$20,000 to Shreveport Christian Church — are among 14 appropriations that individual state lawmakers requested for churches in the new state budget signed into law by Gov. Kathleen Blanco.

Charging that earmarking church-related grants in the state budget is unconstitutional and that the purposes of the grants are only vaguely described, the ACLU in late June asked Blanco to veto them all, warning the dispute could end up in court otherwise.

According to the ACLU, the state in certain circumstances can give money to religious organizations for some programs that provide nonreligious social services, but the First Amendment to the U.S. Constitution bars the government from making direct, unrestricted cash payments to churches.

“The state is doling out gifts to its preferred houses of worship with taxpayer money,” said ACLU attorney Daniel Mach, director of the New York-based organization’s Program on Freedom of Religion and Belief.

Mach added that in vetoing a \$75,000 appropriation for the Southern University marching band, the governor had said there are many college marching bands. “How can that possibly be the rule for marching bands but not churches?” Mach asked.

Joined in the lawsuit by its Louisiana affiliate, the national ACLU also complains that the state budget calls for no oversight of the money the Legislature set aside for the two churches. Mach said the ACLU tried unsuccessfully to get the legislature to turn over documents explaining the church grants in detail.

Under a policy adopted earlier this year, House members must fill out a detailed form when asking for money on behalf of nonprofit groups, explaining how the money will be used and who will benefit. But the forms have been declared privileged “work product” and cannot be publicly released unless the lawmaker sponsoring the amendment agrees in writing.

— RNS

## On balance, religious conservatives fared well under Roberts, Alito

WASHINGTON — Conservative religious advocacy organizations roundly praised the most recent Supreme Court term, saying they are pleased with the way the court resolved several high-profile church-state disputes.

The court left high school students with considerable

leeway to voice religious opinions, cleared the way for interest group-funded campaign ads and shielded the White House’s faith-based initiative from challenge in the courts. The justices also upheld the constitutionality of a federal ban on so-called “partial-birth” abortions.

In the student speech case, *Morse v. Frederick*, the court held that public school officials do not violate a student’s free speech rights when they prohibit displays that promote illegal drug use. In the ruling, however, the court majority suggested that schools could not similarly suppress speech that voiced real political or religious points of view.

The case left wiggle room for future litigation about religious expression in public schools, said Ira C. Lupu, a law professor at George Washington University and co-director of legal research for the Roundtable on Religion and Social Welfare Policy. “The kid in this case had a goofball message,” Lupu said, referring to student Joseph Frederick’s 14-foot banner that said “Bong Hits 4 Jesus.”

“But when a kid shows up with a serious political or religious message, that’s no longer the kid being the goofball. And you can see how the argument will go,” he said. “The school will say that this undermines its ability to enforce its tolerance policy and the other side will say that this is religious or political speech.”

Lupu pointed to a recent appeals court case in which a California teenager said his First Amendment rights were violated when high school officials forbade him from wearing a T-shirt that read “Homosexuality Is Shameful.”

“The family is still maneuvering to litigate this,” he said. “People really want to get this case up before the high court.”

Meanwhile, in *Hein v. Freedom From Religion Foundation*, the court barred taxpayer challenges to executive branch funding of arguably religious activities, such as faith-based social services. Taxpayers are still free to use federal courts to challenge congressional funding decisions.

But Congress could get around that distinction, said Douglas Laycock of the University of Michigan Law School. “In effect, the court is saying that Congress may appropriate big lump sums to the executive and not say anything specifically besides a wink and nod, and there will be no taxpayer standing,” he said.

— RNS

## Supporters honor, memorialize with donations to BJC

**In honor of Kay Shurden  
on her 70th birthday**  
Carolyn and Bill Blevins

**In memory of Jerry W. Earney**  
Janet and John Wilborn