

A consensus on religious liberties: A joint statement

by [John Dart](#) in the [February 9, 2010](#) issue

Despite public school controversies that generate sparks every December, church-state columnist Charles Haynes of the Freedom Forum recently wrote, “The First Amendment solution is stunningly simple: Schools should plan holiday programs that are educational in purpose and balanced in content [but] to pretend Christmas doesn’t exist . . . is just plain silly.”

A diverse group of U.S. experts on religious rights and limits on religious expression in public settings issued a consensus statement on what the current laws say on 35 recurring issues—often in matters where religious activity and government roles may appear to be intertwined.

“This should put aside some of the red herrings in the public debate,” said Holly Hollman, general counsel for the Baptist Joint Committee on Religious Liberty. “There is more clarity in the law than many would assume from the heated debates in the media and elsewhere.”

Among those contributing to the document were Colby May, general counsel for the conservative American Center for Law & Justice, and Richard Land, the principal spokesman for the Southern Baptist Convention on church-state matters.

The joint statement was released January 12 at a panel discussion moderated by senior fellow E. J. Dionne at the nonpartisan Brookings Institution in Washington. (The complete statement is available at divinity.wfu.edu/rpa.)

The project evolved from a 2005 meeting of experts discussing earlier joint statements that helped clarify rules on religious expression in public schools.

The new and wider effort to discuss religion and politics, chaplaincies in government institutions and religion in the workplace, among other topics, was led by Melissa Rogers, who directs Wake Forest School of Divinity Center for Religion and Public Affairs.

Rogers, according to the *Washington Post's* online "On Faith" column, was chosen by peers January 11 on the President's Advisory Council on Faith-Based and Neighborhood Partnerships to chair the council's work on its final report. A council teleconference that day struggled over whether religious groups receiving federal funds should have to cover up religious icons in buildings where they are serving those in need. Agreement was not reached at that point.

Haynes, a senior fellow at the Freedom Forum who helped to draft the consensus statement released January 12—a project entirely separate from White House faith-based deliberations—has shared with Rogers a frustration over what she called "so many false claims" about the law. "There has been an incredibly brain-dead discussion about religious expression in American public life in so many contexts," she said in the panel discussion at Brookings.

Does the joint statement "Religious Expression in American Public Life" end all controversies? No, says a caveat in the second paragraph: "The drafters of this document often disagree about how the law *should* address issues regarding the intersection of religion and government." Put another way, the statement continues: "However much we differ about what the law *should* be, we agree in many cases on what the law *is* today."