

THE CHRISTIAN LAWYER®

A PUBLICATION OF THE CHRISTIAN LEGAL SOCIETY

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Fall 2011



Where is God Leading you...

PAGE 8

The Case for Our Lives...

PAGE 10

The 1% Challenge...

PAGE 14

Neighboring Strangers...

PAGE 22

"Then what becomes of our boasting? It is excluded. By what kind of law? By a law of works? No, but by the law of faith. For we hold that one is justified by faith apart from works of the law."

Romans 3:27-28



Christian Legal Society 50th Anniversary Conference

Oak Brook, Illinois (Chicagoland) | October 20-23, 2011

Register online @ www.clsnet.org



Keynote Speakers:

Rev. Samuel Rodriguez

Sean Carter

Anne Graham Lotz

Ken Sande

great is thy faithfulness

Strength for Today and Hope for Tomorrow: Serving in the Law in Christ's Name

THE FIRST BOOK OF MOSES,
CALLED

GENESIS.

CHAP. I.

1 The creation of heaven and earth, 3 of the light, 6 of the firmament, 9 of the earth separated from the waters, 11 and made fruitful, 14 of the sun, moon, and stars, 20 of fish and fowl, 24 of beasts and cattle, 26 of man in the image of God. 29 Also the appointment of food.

In the beginning God created the heaven and the earth.
2 And the earth was without form, and void; and darkness was upon the face of the deep; and the Spirit of God moved upon the face of the waters.
3 And God said, Let there be light: and

17 And God set them in the firmament of the heaven to give light upon the earth,
18 And to rule over the day, and over the night, and to divide the light from the darkness: and God saw that it was good.
19 And the evening and the morning were the fourth day.
20 And God said, Let the waters bring forth abundantly the living creature that hath life, and fowls that may fly above the earth in the open heaven.
21 And God created great whales, and every living creature that creepeth, and every beast that hath life, which the waters brought forth abundantly, after their kind, and every



IN THIS ISSUE

CLS 50TH ANNIVERSARY

2

Letters to the Editor

3

50 Years of His-Story at CLS: Part II
by CLS Staff

7

From the Executive Director

8

Where is God Leading You?
by Sally Wagenmaker

10

The Case for Our Lives
by Samuel Casey

14

Building the Community,
Building the Kingdom:
The 1% Challenge
by Calvin Beresh

16

A Wrong View: Government
Should Compel Religion
by Wayne Grudem

19

Applying Christian Principles to
the Daily Practice of Family Law
by Roy M. Bowes

20

Christian Lawyers or Lawyers who
call themselves Christian?
by Bruce M. DiCicco

22

Christian Legal Aid
Neighboring Strangers,
or Is "Neighbor" A Verb?

24

The Subtle Trap of
Following at a Distance
by Michael L. Tinney

26

Law Student Ministries
Finding Rest

27

The Benefits of
Working for CLS Lawyers
by Cynthia Cunningham

28

Attorney Ministries
Gospel Partnership

31

Advocates International
Arab Spring and Religious Liberty

33

Center for Law and
Religious Freedom
Supreme Court to Decide

35

Christian Lawyers, What is our
Real Purpose?
by Joseph S. Agnello

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FROM THE PRESIDENT



CELEBRATING GOD’S NEVER-ENDING FAITHFULNESS

You’re invited to a celebration. This fall, members and friends of Christian Legal Society will gather to celebrate 50 years of “life together.” I hope you will join us at our annual conference in Oak Brook, Illinois, October 20-23, to share in the celebration.

Why celebrate? Consider our conference theme: **Great Is Thy Faithfulness – Strength for Today and Hope for Tomorrow: Serving in the Law in Christ’s Name.** The Lord’s faithfulness to CLS over 50 years has generated many memories worth celebrating, some of which you will read about in this issue of *The Christian Lawyer*, others you will learn in October. God’s faithfulness has, indeed, been great. We have much to celebrate.

God’s faithfulness is not only in the past. We also celebrate His provision of strength for today. We need that strength more than ever. Religious liberty remains in jeopardy, as we saw recently in *Christian Legal Society v. Martinez*. Legal services for the poor are needed more and available less, and Christian lawyers need the Lord’s strength to respond to these needs. We celebrate the continuing wisdom and strength that God provides to enable us to defend the rights of people of faith, and the poor and needy.

Most of all, we celebrate hope for tomorrow. Hope is not an obvious response to the current trajectory of human events. All around us we see an increasingly secularized culture, disdaining moral absolutes, idolizing sexual identity and material comfort while disparaging our spiritual essence. It is an increasingly dark world. As Christians in the legal profession, we continue to fight the legal battles God calls us to, but we recognize that law alone can never bring light to darkness. In my last column, I suggested that the marks of a “Christian” legal society are to be “unashamedly identified with Christ, undividedly loyal to His sovereignty, and faithfully advocating for the most vulnerable and neglected.” This life, this gospel life – not the law – is the ground of our hope for tomorrow. Living this life together, we can bring light to the law, by God’s grace.

How, then, should CLS live into this hope? I believe two daily disciplines are essential: taking up our cross (Luke 9:23) and renewing our minds (Romans 12:1-2). In this column, I’ll focus on the latter. As CLS celebrates 50 years of life together in Christ, we must avoid growing old in our thinking. Just as many people become caricatures of themselves as they age, so likewise do many institutions. They cling to the familiar, resist the new, fearful of change. Wisdom often leads us to reject unhealthy change, to avoid distracting fads. At the same time, wisdom calls us to renew our minds, to resist the siren call of the world, whether labeled liberal, conservative, progressive, libertarian, traditional. Our call as part of the body of Christ is to increasingly reflect the image of Christ to a world that does not know him.

This calls for profound wisdom. We cannot live into this future hope by merely fighting to preserve what we fear losing. We must consider how, in the world where we practice, we can “become all things to all people so that by all possible means [we] might save some” (1 Cor. 9:22). To do this, we must be a learning society, adapting yet remaining biblically grounded, striving to understand more than to be understood, celebrating diversity within biblical unity. We do this best by doing it together, iron sharpening iron. This is where local CLS fellowships play an essential role. I encourage everyone to recommit to meeting together as Christian lawyers, encouraging one another in this daily discipline of renewing our minds. If we do this, we can be a light, a city on a hill within our profession, regardless of what direction the profession goes with respect to the issues of the day. This is our bright hope for tomorrow. Celebrate it!

I invite your feedback. Call me at (212) 408-1291 or email me at prathbun@americanbible.org.

Pete Rathbun is General Counsel of the American Bible Society in New York City. A CLS member since 1987, Pete and his wife Peggy believe that God has called CLS to serve and influence in the legal profession “for such a time as this.”

LETTERS TO THE EDITOR

THE
CHRISTIAN LAWYER®

Fall 2011, Vol. 7, No. 2

Dear Readers,

I just wanted to let you know that I made a couple of poor editorial decisions in my edits of Craig Stern's article in the last print edition of *The Christian Lawyer*. The digital edition did not contain the errors. If you would like to see the correct version of his article, it can be found here
<http://viewer.zmags.com/publication/952ee878#/952ee878/1>.

Jesus is Lord!
Brady Tarr, Editor

Dear Editor:

I write in response to "Due Process & The Privatization of Virtue", (Eric Bruggink, Spring 2011), hearing in it the Lord's clarion call to me and Christian lawyers across America to take on the sacred mantle of "the church's rediscovery of its prophetic role", in the interest of preserving our nation as a Constitutional democracy. For: "A democracy without values easily turns into open or thinly disguised totalitarianism". Pope John Paul II. (p. 18)

Judgment begins in the house of the Lord, where the full counsel of the Lord's Word teaches us that we reap what we sow, that we should expect the whirlwind when we have sown to the flesh. (Hosea 8: 7, Gal 6:8) I have been a lawyer for going on 40 years, and have spent the last 20 years weeping over the things I stood for in the name of my people's rights under the US Constitution during the first twenty years of my legal career which began in 1975.

You see I am a black, female lawyer from the south, and I can tell anyone, without a shadow of doubt or fear of contradiction, that this nation's earnest endeavor, through the 1960's civil rights awakening, to acknowledge and rectify the debt owed to my people, was wittingly or unwittingly allowed to merge over time with the "new morality", the other social revolution of the 1960s. For example look no further than the unanimity of condemnation from those speaking in behalf of black civil-rights, received by Daniel Patrick Moynihan during the inception of LBJ's war on poverty, for daring to voice skepticism for the future of black family life headed by unmarried females.

Time and time again, the record of the last forty years of American jurisprudence is replete with these Moynihan moments, where the generation of lawyers I represent in particular, have come to forks in the road, where instead of asking for the ancient paths, (Jer 6:25-16) the Balm of Gilead, we've foolishly chosen with the world, the ways of death (Deut 30:19), "treating the wounds of my people as though it were not serious", (Jer:11).

I have not practiced law since the early 1990's when I worked in my home state of Arkansas at a federally funded legal services program in an area rated among the highest in the nation's rates of poverty and teen-pregnancy. In the name of compassion, and social justice, I watched and practiced "family-law" in such a way as to neuter, contradict, and bring confusion to the traditions of family as defined by notions of good and evil-- be it honor thy mother and father, to my mother & father's ways of sexual-morality in obedience to the Eternal. The ongoing collapse of the black family under the superstructure of what is essentially feminist-secularist ideology, (a worldview that promotes zero-tolerance in our culture and legal system for sacred Judeo-Christian standards of family). The social, and spiritual desolation afflicting the black family, represents the out-workings of sin as instituted within our legal system at the misguided hands of my generation. Whether by the willfulness of some, or the acquiescence of others, family is but one of many areas in our legal system pockmarked to confusion & moral anarchy, where "all we like sheep have gone astray", and where the remedy lies in our humility before a Holy God, Author of Liberty, to Thy Cross we cling.

AMEN.
Vashti Varnado

Member Service: E-Devotionals

CLS sends out bi-weekly devotional emails to our members. Written by various CLS members, these E-Devotionals have been well received. If you haven't been getting the devotionals and would like to receive them by email, please make sure that CLS has your most current email address by updating your member profile at www.clsnet.org or by emailing us at memmin@clsnet.org.

The Christian Lawyer welcomes letters, comments and suggestions from our readers. We'd like to hear how God is moving in your life, law practice, CLS chapter or law school. Letters may be edited to suit the format of the magazine. Mail to: Editor, Christian Legal Society, P.O. Box 98000, Washington, DC 20090-8000 or e-mail your submissions to memmin@clsnet.org.

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GREAT IS HIS FAITHFULNESS:

50 YEARS OF “HIS-STORY” AT CLS: PART II



Compiled by CLS Staff, past and present with much help from CLS' members and friends

Because of the LORD'S great love we are not consumed, for his compassions never fail. They are new every morning; Great is His faithfulness.

LAMENTATIONS 3:22-23

The 1980s: continued

1985 was a year of many changes for CLS. In April, CLS' first and longest-serving executive director Lynn Buzzard accepted an appointment as professor of law at Campbell University Law School and CLRf Director Sam Ericsson was appointed to be CLS' new executive director. Six months later, CLS moved its national offices from Oak Park, Illinois, to the suburbs outside Washington, D.C.

Also that year, Michael Woodruff, now the General Counsel of the Western Territory of the Salvation Army USA, became CLRf Director and led CLRf through some of its most pivotal years and important cases. It's hard to believe now with dozens of religious liberty groups across the country, but in the 1980s, the Center was one of only two or three Christian religious liberty organizations covering religious liberty for the entire country.

From 1985 through 1990, the Center was active in securing the right of Christian students to meet on public school campus for prayer, Bible study, and religious discussion. In 1985, Center staff Sam Ericsson, Lynn Buzzard, Michael Woodruff, and Kim Colby with CLS members Jim Smart and Gerry Seevers, took the first high school equal access case to the Supreme Court in *Bender v. Williamsport Area School District*. While the Supreme Court gave the students a narrow procedural win, it would take several more years of litigation to secure the right of high schools students to meet under the federal Equal Access Act.

The Center led the fight. In 1985, Center staff Kim Colby and Sam Ericsson informally assisted CLS member Harvey Brown (now a judge in Houston, Texas) as he successfully defended the Equal Access Act (EAA) against the first challenge to its constitutionality in a school district outside Houston, Texas.

During these years, Center staff attorneys Mike Paulsen and Kim Colby were co-counsel with Steve McFarland, Michael

McConnell, Ed Larson, Skeeter Ellis, and Ed Gaffney in one of the first two EAA cases to go to the United States Supreme Court, *Garnett v. Renton School District*. In eight years of litigation, the case went to the Ninth Circuit twice and the Supreme Court once before the Christian student group was allowed to meet for prayer and Bible study at a public high school in Washington State. The Center also filed *amici* briefs in the Eighth Circuit and the Supreme Court in the case *Board of Education v. Mergens* that established the constitutionality of the EAA and its protection of religious students' right to meet for prayer and Bible study at public secondary schools. Center staff Michael Paulsen also represented students in a successful EAA challenge in upstate New York in *Burr v. Buffalo Board of Education*. He represented a university religious group against the University of Arizona College of Law. The Center filed an *amicus* brief in one of the leading equal access cases in the Third Circuit, *Gregoire v. Centennial School District*.

Center staff Mike Paulsen and Michael Woodruff represented intervenors in the Supreme Court in cases defending the constitutionality of a silent prayer statute (*Karcher v. May*) and the constitutionality of a religious hospital's participation in a federally funded teen abstinence program (*Bowen v. Kendrick*). Center staff Mike Paulsen represented pro-life demonstrators in free speech cases, including in the Ninth Circuit in *Portland Feminist Women's Health Center v. Advocates for Life*.

Center Director Sam Ericsson was lead counsel for John MacArthur's Grace Community Church of the Valley in defending it against a claim of "clergy malpractice" brought by parents who claimed the church's ministers were negligent in counseling their son. The suit ended in vindication for the church.

During this time, the Center continued to file *amici* briefs in the Supreme Court's religious liberty cases. These cases included whether: 1) the federal law protecting a church's right

Continued on page 4



In 1994, Steve McFarland (left), Center Director, Kenneth Corey-Edstrom (center), Minneapolis attorney, and Professor Doug Laycock, University of Virginia School of Law, (right), discuss an oral argument successfully defending a church's religious liberty.

to hire only members of its own faith (Title VII) was constitutional (*Corporation of Presiding Bishop v. Amos*); 2) a military officer had a free exercise right to wear his yarmulke while on duty (*Goldman v. Weinberger*); 3) a religious school could be investigated by the government for dismissing a teacher who violated its religious standards (*Dayton Christian Schools v. Ohio Civil Rights Commission*); 4) a sabbatarian could be denied employment benefits (*Hobbie v. Unemployment Appeals Commission, Frazee v. Illinois Department of Employment Security*); 5) an airport could prohibit all First Amendment activity (*Jews for Jesus v. Los Angeles Airport*); 6) a school board could require equal treatment of theories about the origins of the universe (*Edwards v. Aguillard*); 7) a teacher could observe his religious holidays (*Philbrook v. Ansonia School Board*); and 8) a pro-abortion group could challenge the tax exempt status of the Catholic Church because of its pro-life stance. In lower courts, the Center filed *amici* briefs in support of parental rights in public schools and the freedom of churches to determine how to use their buildings without governmental interference.

The 1990s

Sam Ericsson left CLS in 1990 to build a CLS-style international outreach to lawyers and law students in the name of Jesus Christ called Advocates International (AI). From 1990 through 1993, when Brad Jacob served as Executive Director, CLS developed the mission statement and strategic vision that would guide it through the balance of that decade. Thanks to Brad's leadership, CLS also restructured and began expanding its grassroots membership network.

In 1990, Steve McFarland became CLRF director. During his nine years in that position, CLS' influence as a legislative advocate for religious freedom greatly increased in both competence and effectiveness. CLS had a leading role in drafting and co-sponsoring the following federal laws: *Religious Freedom Restoration Act* (1993) (protecting every American's free exercise of religion), the "charitable choice" provisions of *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (protecting religious organizations' ability to participate in government programs to assist the underprivileged), *Charitable Donation Protection Act of 1998* (protecting churches from having to pay to the government the tithes of members who subsequently declared bankruptcy), and the *International Religious Freedom Act of 1998* (establishing the United States Commission on International Religious Liberty to provide accountability for international policy regarding religious liberty). In 1999, Carl Esbeck succeeded McFarland as Center director, playing a significant role in leading the coalition that saw the successful passage of the *Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)* (protecting free exercise of religion for churches in zoning disputes with governments and prisoners) (see article in Fall 2010 TCL).

The Center also was a principal drafter of the *Joint Statement on Religion in the Public Schools* that became the basis of the U.S. Department of Education's guidance letters to all superintendents of public schools in the country sent by both the Clinton and Bush Administrations. The Center also continued to file *amicus* briefs in dozens of religious liberty cases in the Supreme Court, state supreme courts, and federal appellate courts on issues of equal access, free exercise of religion, church autonomy, and establishment clause interpretation.

In 1994, Samuel B. Casey (a/k/a "2nd Samuel"), was appointed as executive director to implement the strategic plan adopted at that time by CLS' Board of Directors to grow and enhance CLS mission into the 21st Century. Under Casey's leadership, CLS continued to expand its outreach to attorneys and law students and restructured into four ministry divisions with a full-time director heading each ministry divisions: Attorney Ministries, Legal Aid Ministries, Law Student Ministries and the Center.

The 2000s

In 2000, McFarland became the recipient of CLRF's highest honor: THE WILLIAM BENTLEY BALL AWARD. Named in honor of his generation's most able legal advocate for religious liberty and the sanctity of human life, the BALL AWARD is given by CLS, as appropriate, to acknowledge extraordinary service and contributions to the protection and advancement of the inalienable rights of life and liberty.¹

In 2001, Greg Baylor took over as CLRF Director when Esbeck departed to take over the Department of Justice's faith-based task force. Baylor guided the Center through 2009, assisted

1 Other recipients of this award include Professor Michael McConnell (currently the Richard and Frances Mallery Professor of Law At Stanford Law School), Professor Tom Berg (currently the James L. Oberstar Professor of Law and Public Policy at the University of St. Thomas School of Law), Steffen Johnson (partner at Winston Strawn, LLP), and Professor Ed Gaffney (currently teaching at Valparaiso University School of Law).

“LOOKING BACK OVER OUR FIRST FIVE DECADES OF SERVICE MUCH HAS BEEN ACCOMPLISHED, BUT MUCH MORE CAN STILL BE DONE.”

at various times by Nate Adams, Stu Lark, Tim Tracey, Casey Mattox, Steve Aden, Isaac Fong, and Kim Colby

2005 was a year of significant change at CLS. After 18 years in Annandale, Virginia, CLS moved to much improved quarters with wonderful meeting space in Springfield, Virginia. CLS also changed the logo design of its “cross for the workplace.” In October 2005, for the first time in its history, CLS was forced to cancel its national conference due to hotel and beachfront damage caused when Hurricane Wilma hit the Registry Hotel in Naples, Florida.

It was also a very important year for the Center which not only filed “friend of the court” briefs in four religious freedom cases and one sanctity of human life case before the United States Supreme Court but also expended 15,000 hours working on 23 trial court matters in defense of life and liberty.

Throughout the decade, the Center was largely victorious in the matters it undertook. For example, the Center represented Child Evangelism Fellowship in two critical cases in the Fourth and Third Circuits that established the right of religious

community groups to not be discriminated against by public school officials.

The Center also worked to secure the freedom of religious student groups to maintain their religious character as acknowledged university groups by requiring that their leaders agree with their religious beliefs and successfully completed litigation against Arizona State University, the University of Toledo, Washburn University and Penn State University, as well as other universities. The Center successfully obtained a Seventh Circuit Court of Appeals decision against Southern Illinois University to protect a religious student group’s freedom to maintain its religious character.

The Center also prevented the states of Wisconsin and Florida from excluding religious charities from state employee charitable campaigns and prevailed in both the Ninth Circuit and in the DC Circuit Court of Appeals in healthcare rights of conscience cases. Its *amici* work in the Supreme Court also continued unabated.


Continued on page 6

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“CLS’ INFLUENCE AS A LEGISLATIVE ADVOCATE FOR RELIGIOUS FREEDOM GREATLY INCREASED IN BOTH COMPETENCE AND EFFECTIVENESS.”

GREAT IS HIS FAITHFULNESS *from page 5*

In addition to the work of the Center, CLS’ Christian Legal Aid Ministries grew to serve the poor and the needy through 62 CLA projects in 52 cities in 26 states and 4 countries. Initially under the leadership of volunteer John Robb, and then Brent McBurney, expanded its training of volunteers all over America who are willing to provide “*pro Deo*” Christian legal services—legal aid, biblical conflict reconciliation and the Gospel—to the truly needy.

Law Student Ministries, first under the leadership of David Nammo, and now Michael Schutt, is reaching the next generation of Christian lawyers, as it not only leads more than 600 law students from more than 150 law schools through LSM’s “three-fold ministry model”, but it has also established the Institute for Christian Legal Studies, in partnership with Regent Law School,

Past Presidents

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James L. Davids (2006–2008)
Craig Shultz (2008–2010)
Pete Rathbun (2010–Present)

to minister to the Christian scholarship needs of pre-law advisors, law students and law professors through campus visits, regional and national conferences.

In October 2008 CLS and AI co-hosted the 5th Christian Lawyer Global Convocation in Washington, DC, the largest ever such conference of Christian lawyers. Over 500 CLS members from around the U.S. were joined by 524 attorneys from 106 different countries, representing the more than 100 national and regional Christian lawyer groups, as well as the more than 40 NGO groups with whom these lawyers work. The Convocation also marked the last official event for Sam Casey who left CLS after 14 years of service.

In 2009, Fred Potter was appointed as Executive Director and continues to serve in that role today. Potter took

the helm of CLS at a critical time and has done an excellent job of steering CLS through the current recession. Late in 2009, the Supreme Court granted cert in *CLS v. Martinez*, CLS’ second direct litigation case to reach the high court. The case was argued in April of 2010 by Professor Michael McConnell (see *Spring 2010 TCL*) and decided against CLS on extremely narrow grounds in a 5–4 decision in June. Despite this setback, this is a battle in which CLS remains engaged.

Looking Back

Looking back over our first five decades of service much has been accomplished, but much more can still be done. CLS is a unique ministry dedicated to addressing the problems of integrating Christian faith with the legal profession, providing fellowship for Christian attorneys, and defending religious freedom and the sanctity of human life. As commanded by our Lord, CLS remains concerned for the needs of the poor and alleviating the causes of poverty and seeks to present Jesus Christ and the basis for a Christ-centered jurisprudence to the more than 120,000 law students who study law each year in our nation’s 188 law schools. CLS encourages biblical reconciliation as an alternative dispute resolution model, and encourages people to go to church, not the courtroom, to learn how to recognize and resolve their conflicts. Rather than seeing the lawyer as a “shark” or a “gunslinger,” CLS offers Jesus’ model of the lawyer as a friend: “Greater love has no man than this that a man give up his life for a friend.” *John 15:13*. In these ways, CLS seeks to do its part and take its place in the Holy Spirit’s work of bringing the Whole Gospel, through the Whole Church, to the Whole World, particularly in those places where lawyers and law students are found in the study and practice of law.

As CLS continues to maintain its servant role in the years ahead, please pray and ask that our Lord will use CLS’ small band of committed friends for His great purposes: *Justice, Mercy and Faithfulness to God and Neighbor*. May it also be said of us that we were known by our love one for another....

Great is Thy Faithfulness...



Brent McBurney is President & CEO of Advocates International and can be reached at bmcburney@advocatesinternational.org. He is a graduate of George Mason University School of Law and Baylor University.

Executive Director Musings

By Fred L. Potter



On Boxes, Trees, Nazi Germany, and the Way of Grace.

“It’s sad that we’re not sad.” With that phrase, one of our adult children summarized well the “non feelings” many of us experienced when learning of my Dad’s death. We had been numbed over the decades which followed our formal excommunication by him.

When asked “how are you doing” by a close colleague at CLS, I let him know that I expected to have my time of grieving, just not then. Dad had disinherited me many years earlier, as a financial and legal matter, due to my being an unfit son in his eyes. He advised me that I was unfit because I refused to lie in his criminal trial. Dad said he needed a character witness for him, purportedly to protect my mother. I alerted him that his lawyer might not want me in the courtroom because, for years



My understanding is that whatever assets of value my Dad had at the time of his death will fund scholarships at a nearby university. I’m grateful for the kindness of his executor who boxed up financially worthless items and shipped them, at my expense, to me rather than to the incinerator. I found this (The Box) to be a treasure. There are wonderful parts of our family history never known by me until these old photos and family memorabilia arrived. Opening The Box, also opened the emotional containment wall I had built around this family pain and commenced the time of grieving I had earlier expected,

course, seems dwarfed by the horrors Dr. Frankl faced as a Jew in the Nazi prison camps. Interestingly, Dr. Frankl’s analysis appears to be very similar to views implicit in the movie *The Tree of Life* I had just seen on a cross-country flight. That is a strange movie, but one highly recommended to me by another CLS friend.

It is full of spiritual content & themes – most surrounding a line near the beginning of the movie which went something like this:

There are two ways to go through life, the way of nature, and the way of grace. You have to choose which one to follow.

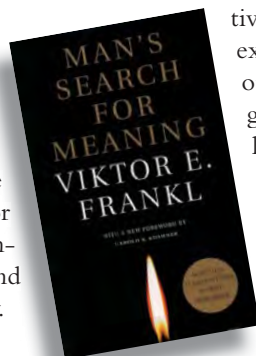
I concur that how we respond to hard



“I CONCUR THAT HOW WE RESPOND TO HARD CIRCUMSTANCES IS A DEEPLY SPIRITUAL MATTER AND A CRITICAL FACTOR SHAPING OUR FUTURE.”

before then, we had expressed concern both to him and to Mom about his seemingly improper contact with young girls. I told him I would testify, but only honestly and to the best of my recollection. I was not asked to be a witness in his trial.

Dad did not speak of that when I later visited him in prison, but after his release and our refusal to help him circumvent parole restrictions, he would turn me away at the door whenever I came to visit him or Mom. Thankfully, he did receive me twice within the last year (following my mother’s death, likely at his hand). By that time, his energy and clarity were diminished to the point that my long-longed-for effort to facilitate family reconciliation appeared to be beyond his mental and physical capacity.



but since forgotten. The missing sadness then surrounded me and brought me to the floor in a pool of tears. Beginning with his mother’s death while Dad was still a boy, a root of bitterness was planted in his life and been cultivated by his behaviors and the abuse he had felt at the hands of other family members.

Of course, one can never be disinherited as an actual fact. So my family now is working through the negative effects of my father’s expressions of his anger to others and his abuse of young girls. Of help to me shortly before opening The Box, I had read Viktor E. Frankl’s *Man’s Search for Meaning*, a gift from one of my other adult children. My father’s wrongful behavior, of

circumstances is a deeply spiritual matter and a critical factor shaping our future. This realization heightens my deep love for Jesus Christ who not only extended the Father’s grace to us by His unique and remarkable self-sacrifice, but also empowers us, through His Spirit, similarly to choose the way of grace. Sadly, my Dad had not found that way.

I long for each of you to find the way of grace through Jesus Christ. May we at CLS, by our attitudes, our speech and our behaviors both find that way and open it more widely for others.



Where is God Leading You? Listening, Learning, and Following God in the Legal Profession

By Sally Wagenmaker

“**W**hy did you go to law school?” That’s a fair question, and one that deserves a thoughtful answer, especially in these days of high tuition and scarce attorney jobs. For me, I essentially began my legal path in the dark. And yet, as God promises, “*the Holy One of Israel is [my] Redeemer*” (Is. 54:5). How He has redeemed my life for His glorious purposes! Through several life seasons, I have been privileged to help others as an attorney, to engage mentally in the law’s rigors, to nurture my family while out of the work force, to later support my family as an attorney, and to enjoy rich fellowship and ministry with other Christian legal professionals. Here’s my story; perhaps parts of it are your story too.

A. Starting to Listen

I applied to law school after interviewing exactly one person – a law student in my college dorm. I did no research and had no legal knowledge, but I loved reading and I had heard that lawyers do plenty of that. After moving several times in my childhood, I liked the idea that the state bar examination meant I would stay put in one place. I also didn’t mind the perceived financial comfort of a law profession. My father’s reaction was generally affirming: “That makes sense; you like to argue.” Although God had definitely provided many “seeds” along the way, I had not yet accepted Christ as my savior. I had not listened well, and I had much to learn.

Like many others with good grades and a strong work ethic, I was driven to succeed. Operating largely from a lack of self-worth, I sought to prove to myself and others that I could excel in law school and take care of myself. In the midst of this self-centered drive, God gave me a clear vision: as an attorney, I would work in a storefront building somewhere, dispensing legal “remedies” like a small-town doctor. I did not know God very well at all, but He sure knew me. I obviously had no idea what a law practice looked like either.

My law school had an extremely competitive environment but also, thankfully, several Christian professors. Of course, I earned good grades – I was driven by guilt for past wrongs and my own ambition, but I also greatly enjoyed stretching my mental faculties to the fullest.

In the midst of my coursework, God led me to a law student chapter of the Christian Legal Society. The CLS group was an oasis: an off-campus refuge where I studied Scripture for the first

time with new friends and experienced Christian community. Our group was small and, frankly, not that impressive to outsiders, but God was working His mighty redemptive love through it all. I became increasingly *hungry* – to know God, to be in regular fellowship with other Christians, and to have more than worldly success. I was taking baby steps listening, learning, and following God.

B. Time to Surrender

“Then you will call and the Lord will answer; you will cry for help, and he will say, ‘Here am I.’” Isaiah 58:9

In my worldly vision, I told God that I next needed to be married, so that I could have a husband’s financial support and use my law degree for legal aid work. Good plan, huh? I had it all figured out; I just needed God’s cooperation. Of course, God provided infinitely better in His divine wisdom and love.

First, God provided a wonderful clerkship free of any “corporate ladder” competitive environment to feed my worldly ambition, and a Christian judge to mentor me. Second, a dear friend from CLS encouraged me to attend her church, and she stuck by me as I became immersed there. Third, God opened my mind and heart to sound Bible teaching and warm fellowship. Fourth, mostly through church, God provided me with a small cadre of true friends -- unlike any I had had before – for mutual support, growth, and healthy fun.

I thought I had all I needed, but I had not truly surrendered my heart to Jesus. I still believed, some days in the back of my mind and some days in the forefront, that I was in control of my life. I was listening and learning, but I was not truly a follower of Christ. By this time, I had moved on to a prestigious law firm job. It did not fit the vision God had given me, but the paychecks were great and the work wasn’t bad.

Since God was my “co-pilot” (right?), I told him again that I really needed to be married. After all, that was *my* plan. Thankfully, God knew far better, and specifically that I still had much growing up to do.

Soon after, God “got” me. The details are not important, but suffice it to say that He showed me unmistakably what a fool I was, trusting in my own self, following my own ideas of what I needed to accomplish in order to be a success in life, and making some very bad decisions in my own judgment. In His mercy, God saved me from even greater sufferings, and He showed me

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anew how blessed I was to be completely provided for, with dear friends, a great church, material provision, and above all His loving salvation.

With my arms outstretched on one very important day, I surrendered to God completely. Psalm 37:4 says, *“Delight in the Lord, and he will fulfill the desires of your heart.”* Until that day, I had been too busy telling God what *my* desires were, and He had gently been leading me along anyway. That day, He showed me that when I delighted in *Him*, He would change my heart’s desires, and only then would I truly delight in Him – that is, in following His will for my life. God’s pull is amazing; He doesn’t let go!

C. Following God’s Plan with Open(ing) Eyes

“Give ear and come to me; hear me, that your soul may live.”
Isaiah 55:3

My heart had changed. I was still a lawyer, but I wondered if I had made a big mistake in going to law school. After all, I had had no real clue when I started, and I didn’t really follow God’s will in a conscious way. Perhaps I should have been a school teacher, I thought; now that’s a noble profession! But God of course – who knit me together and knows me full well – was fully able to redeem my law career as much as any other aspect of my life. Miraculously, I soon began dating my future husband, whom I had met in that small church to which my CLS friend had brought me.

Listening, learning, and following God – we moved to Chicago. My husband Dan had a God-given desire to live and work in an inner city neighborhood; I just had the desire to follow the Lord. God brought us to Chicago’s west side neighborhood of North Lawndale, a mostly African American area with deep poverty and many folks who had intentionally moved there for transformational ministry.

After a private law firm stint, God unmistakably pulled me into legal aid work. “Can you help me to get visitation with my son?” asked a newly recovered heroin addict, whom God had rescued. “Can you defend me against a domestic violence charge?” asked a struggling young man. “Would you write a will for us?” asked an elderly couple trying to provide an orderly transition for their family. “Can you help get me out of a legal mess?” was a common refrain.

This was the fulfillment of God’s vision for me as an attorney! Though I had experienced many second thoughts about my

career “choice,” God put me squarely where He wanted me to be, dispensing legal “remedies” to help people in my community – mostly the working poor – who would not otherwise have had access to legal assistance. All in His timing, God even provided a loving and supporting husband. God is really good!

D. Onward in the Journey

“The Lord will guide you always, he will satisfy your needs in a sun-scorched land and will strengthen your frame. You will be like a well-watered garden, like a stream whose waters never fail.”
Isaiah 58:10

Since that time, God has guided me through new seasons of motherhood, different ways to serve, and countless opportunities to grow in humility and submission to His will. Now I work full-time, serving mostly nonprofit clients in a small law firm. I love CLS, and I love serving in local CLS leadership as well as on CLS’s national board.

This past year of new challenges has especially helped me appreciate much more deeply the ministry of CLS. Through CLS-generated friendships, its national conferences and local chapter meetings, I have greatly benefited from wise counsel and teaching from others, been covered with prayers desperately needed, and been confronted with areas needing growth and attention. (False idols, anyone?) My prayer for others interested in CLS is that they too would enjoy these tremendous spiritual and practical blessings throughout their lives.

God calls us and is always ready to answer our cries for help – through Himself directly, Jesus as our Savior, His Holy Spirit working in us, and His many Kingdom workers. Will you join with me in listening, learning, and following Him? To God be the glory!



Sally Wagenmaker is a partner in the firm of Mosher & Wagenmaker, LLC in Chicago. Her practice focuses on providing legal services to churches, other faith-based organizations, and public charities generally. Both professionally and personally, Sally has worked with numerous Christian and community organizations including current service with the Christian Legal Society as a local chapter president and national board member and as a volunteer mediator with the Center for Conflict Resolution. She is a graduate of Emory Law School and the University of Mississippi.



THE CASE FOR OUR LIVES: CHAMPIONING HUMAN DIGNITY AROUND THE WORLD

By Samuel B. Casey, *Managing Director & General Counsel,*
*Jubilee Campaign's Law of Life Project*¹

*"I have come home at last! This is my real country! I belong here.
This is the land I have been looking for all my life, though I never knew it till now...
Come further up, come further in!"
— C.S. Lewis (The Last Battle).*

It has been almost seventeen years since I wrote my first "pro-life" editorial for the *Christian Lawyer, Is Something Inside Us Dying?* I wrote then to prophetically critique the American Bar Association's 1992 decision to become a pro-abortion advocacy organization.¹ I also wrote to congratulate CLS' Board of Directors for its opposing decision authorizing CLS' Center to advocate not only for religious freedom, but also for the inalienable right to life from conception to natural death. While we certainly have not yet arrived at our "last battle" for life, some progress has been made since 1994. Better yet, we have moved spiritually, bioethically and prudentially "further up and further in" towards the "reality" of what this "every generational," eternal battle for a "culture of life" means and what it costs us all to wage it, personally and as a community.

Personally, in the first year of my work at the LAW OF LIFE PROJECT, I have focused my professional commitment exclusively on the legal defense of human life. In spirit of the Narnian King Peter's words (quoted above), "though I never knew it till now," I am learning more deeply at a greater expense than I ever imagined two life lessons that our Lord reveals in His Word. *First*, as promised, He prepares me "in advance for the love and the good work I am to do" *Eph.2:10-11.* *Second*, He invites me moment to moment to prayerfully, lovingly and obediently focus on His commanding Call. *John 14:15.* So rather than describe the legal elements of our Project's work which you can look up on the internet anyway, may I share with you my Calling in the hope that you may be hearing a similar Call in your life.

The Call

However daunting, I now believe that the LORD has long been calling me, along with many others who have gone before and will soon follow, to work towards and be dedicated to finding a global cure for a pernicious and enduring disease on earth, let's call it H-DADS – **Human Dignity Attention Deficit Syndrome** – a well-known malady -- much studied but not yet cured -- that seems to cause the sufferer to hear the words "human dignity" but not know what they actually mean or how in practice to live them out in life-giving ways.

As we may surmise with our common sense (or what St. Paul called in his letter to the Romans "the law written on our heart") or learn from the outstanding essays recently commissioned and published by the PRESIDENT'S COUNCIL ON BIOETHICS in *Human Dignity and Bioethics* (March 2008), "human dignity", carefully defined and properly understood as our "essential and inviolable humanity", is a useful, globally recognized concept in human rights, bioethics and international law, one that sheds decisive light on a number of human rights, including the whole range of bioethical issues, from medical or surgical abortions to

¹ For further biographical information about Mr. Casey or to find out more about becoming involved in the Jubilee Campaign's LAW OF LIFE PROJECT go to its web site: www.lawoflifeproject.org. The JUBILEE CAMPAIGN, originally founded by Danny Smith and Lord David Alton in 1984 in the Jubilee Room of the British Parliament, exists to campaign for justice and human dignity for the 'least of these' our brothers and sisters who are poor, persecuted or unjustly treated, particularly women and children and the persecuted Church.

“INDEED, AS WE REFLECT MORE DEEPLY, WE MUST ACKNOWLEDGE THAT THOSE TO BE PROTECTED BY THIS GOD-GIVEN IDEA OF HUMAN DIGNITY IN FACT ARE EVERY CHILD, BORN AND UNBORN, ALL OF GOD’S CHILDREN AT ANY AGE OR STAGE IN EVERY GENERATION, THE CHAMPION AND CHAMPIONED, LEADING EACH OTHER IN GRACIOUSLY EQUALED STATIONS IN THE TRUE PATH OF HUMAN DIGNITY.”

human embryo research and assisted reproduction, to biomedical enhancement, to the health care right of conscience, to care of the disabled and the dying?

As Adam Schulman so prophetically wrote, quoting C.S. Lewis, we ignore or demean human dignity, properly understood, to our social deficit or death every time:

“The march of scientific progress that now promises to give us manipulative power over human nature itself – a coercive power mostly exercised, as C.S. Lewis presciently noted in the Abolition of Man, by some men over other men, and especially by one generation over future generations – will eventually compel us to take a stand on the meaning of human dignity, understood as the essential and inviolable core of our humanity.”²

But our deeper challenge is what difference would the mere intellectual knowledge and emotional appreciation of the phrase “human dignity” make, unless we also *champion* that dignity as we advocate against the various violations against human dignity that daily occur around the world? Fishermen don’t just talk fishing, they fish. Builders don’t just plan, they build. Advocates don’t just talk advocacy, they advocate by taking definitive legal, social and/or political action. Likewise, we, ‘dignitarians’ best make our case for human dignity by offering ourselves as living exhibitions or “champions” in this cause, effectively and substantively defining the meaning of “human dignity” by the actions we support or oppose in actual cases.

So what does it mean to “champion” human dignity? According to the dictionary, a champion, among other definitions, is “a person who fights for or defends any person or cause: a champion of the oppressed.” And what sort of person, project (or organization of persons) should a champion of “human dignity” be and how does such a “champion” defend the cause?

Most of us would imagine a very formidable looking knight – a pugilistic kind of ‘Mel Gibson’ on steroids, not just ‘ordinary persons’ like you or I. But then again, wasn’t C.S. Lewis, himself a dignitarian, who told us in The Weight of Glory that there are no “ordinary people?” Indeed, after thinking with C. S. Lewis, many of us may confess with the prophet Isaiah that our ultimate “champion” is the child, who Isaiah prophesied (*Isa. 11:6, 8-9*) would lead us into his prophetic vision of ultimate justice. Indeed,

as we reflect more deeply, we must acknowledge that those to be protected by this God-given idea of human dignity in fact are every child, born and unborn, all of God’s children at any age or stage in every generation, the champion and championed, leading each other in graciously *equaled* stations in the true path of human dignity.

For the Christian, Jesus, our greatest champion, picks up this theme, saying that the kingdom of God is like a little child (*Mark 10:15*) that those who wish to enter the kingdom must do so as children (*Matt. 18:1 ff.*), that the child is symbol of Christ-like humility, and that a father is not likely to give his child a stone when asked for bread, a snake when asked for fish, or a scorpion when asked for an egg (*Luke 11:11 ff.*). This theme defines the battle between what in his defining encyclical, *EVANGELIUM VITAE: ON THE VALUE AND INVIOABILITY OF HUMAN LIFE* (1995), POPE JOHN PAUL II denominated the ‘culture of life’ vs. the ‘culture of death.’ Id. at ¶ 21. Surely a father or mother, son or daughter, brother or sister, offers (or ought to offer) their preborn or disabled loved one “life”, not “death.” While we can understand and even empathize with their temptations, particularly in the short-term, abortion or physician-assisted suicide cannot properly be deemed “health care” or seen as an appropriate solution to poverty, pain, shame or social acceptance.

The above biblical references depict a society still in touch with its roots, its Creator-gifted or endowed human dignity, old men and old women renewed in the shade of Jesse’s ancient stock, their old frames, matured by godly fear and faith, now become the polished horn for the spirit’s eloquence: “The people who have walked in the dark have seen a wonderful light. . . for unto us a child is born.” How different is this vision which sacrifices for and waits upon the next generation from the alternative vision of the ‘culture of death’ that kills and mortgages the next generation for its own selfish and short-sighted ends.

Yet the inescapable reality is that the Christ-child’s coming provoked Herod to massacre the innocents, to put to death all children under the age of two -- potential challengers to his throne. This tragedy flavors the entire Gospel; the innocent blood shed to safeguard the political kingdom anticipates Calvary where the wolf struck down the lamb and yet the dying forsaken Jesus nonetheless offers a life-giving redemption (“forgive them, Father, they know not what they are doing,” *Luke 23:34*). And so the battlefield for human dignity was set and remains, and only the tyrant within us or over us seems to change his or her appearance, but never his or her intentions, as we walk through our not so dignified lives and history from Herod’s hatred through the illicit human subject experimentations of Dachau and Tuskegee to the more modern forms of eugenics

Continued on page 12

² Adam Schulman, “Bioethics and the Question of Human Dignity”, in *BIOETHICS & HUMAN DIGNITY* (President’s Council on Bioethics, March 2008) at 17. C.S Lewis in his quoted work above further said: “From this point of view, what we call Man’s power over Nature turns out to be a power exercised by some men over other men with Nature as its instrument. . . . There neither is nor can be any simple increase of power on Man’s side. Each new power won by man is a power over man as well. Each advance leaves him weaker as well as stronger. In every victory, besides being the general who triumphs, he is also the prisoner who follows the triumphal car.”

**“(T)HE JUBILEE CAMPAIGN... IS DEDICATED TO THE MISSION OF LEGALLY DEFENDING
WORLDWIDE IN ALL LEGAL FORA THE RIGHT TO LIFE AND DIGNITY OF
THE HUMAN BEING FROM BIOLOGICAL CONCEPTION UNTIL NATURAL DEATH
IN ALL MATTERS WHERE SUCH A DEFENSE IS REQUIRED.”**

THE CASE FOR OUR LIVES... *from page 11*

that we euphemistically or ironically call “reproductive health,” or “embryonic stem cell research,” or “therapeutic cloning,” or “death with dignity.”

At JC’s Law of Life Project we are inspired by the commitment and the conviction that Jesus re-wrote the “champions” training manual when he said that going forward he would place his spirit (the “Advocate”) in us and we would be sent by that spirit to champion or advocate “all that he had commanded” (*Matt. 28:16-20*), including the command to not take innocent human life, starting where we live (our “Jerusalem”), moving out to our state (our “Judea), out beyond our state to our country or region (our “Samaria”), to ultimately internationally to the “uttermost parts of the earth.” *Acts 1:8*. Such is the inside outward movement of the quest for human dignity as it begins with the graceful image of God (*‘Imago Dei,’ Gen. 9:6*) in us and proceeds to the peace of a new heaven and new earth where all life is redeemed in the light of and for the sake of God’s glory.

So it turns out that it is *we* who are to define and be the champions of human dignity, and there is no other plan. Now for the good news! We are not alone. There are ‘dignitarians,’ everywhere. Many of us are standing up and making a difference. Each of us can inspire the other in some way — the absolute inviolability of God finding a good, true and beautiful expression in the inviolability and dignity of human life. Above all, the common outcry, which is justly made on behalf of human rights — for example, the right to health, to home, to work, to family, to culture, to liberty — is false and illusory if the inviolable right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination. As we do so, we stand upon an ancient moral tradition.

Long before the codification of law against the taking of innocent human life is given to Moses on Mt. Sinai (*Ex.20:13*), Scripture teaches that God renewed his creation mandate to Adam and Eve (*Gen.1:28*) and covenanted with Noah instructing him and his progeny to be “fruitful and multiply and fill the earth,” and precisely because of humanity’s created dignity “in the image of God” to restrain violence against innocent human life by communally requiring the punishment of such homicide: “whoever sheds the blood of man, by man shall his blood be shed for God made man in his own image.” *Gen. 9:1-7*.³ At the end of his life, Moses summed it up for the people of God in this way: *This day I call heaven and earth as witnesses against you that I have set before you life and death, blessings and curses. Now choose life, so that you and your children may live.* *DT. 30:19*

Likewise, America begins its political order in it a Declaration of Independence by acknowledging that the inalienable ‘right to life’ has its source, not in government, but in our “Creator God” who as a matter of “self-evident truth” frees and obligates all men to establish their government in such a way as to permit

all people to abide by and dutifully obey “the laws of nature and nature’s God” written on the heart of every person.

So too, the entire international political community in The UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) adopted on December 10, 1948 by the United Nations General Assembly acknowledges in Article 1 that “all human beings are born free and equal in dignity and rights” and “everyone...without distinction of any kind, such as birth...has the right to life.”

In 1976, in furtherance of the UDHR, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, begins with the foundational “recognition” that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” and then more broadly provides for the “right to life” in its Preamble and Article 6 (“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”)

In October 2005, the General Conference of UNESCO adopted by acclamation the Universal Declaration on Bioethics and Human Rights. For the first time in the history of bioethics, Member States committed themselves and the international community to respect and apply the fundamental principles of bioethics set forth within a single text. In dealing with ethical issues raised by medicine, life sciences and associated technologies as applied to human beings, the Declaration, as reflected in its title, anchors the principles it endorses in the rules that govern respect for human dignity, human rights and fundamental freedoms. By enshrining bioethics in international human rights and by ensuring respect for the life of human beings, the Declaration recognizes the interrelation between ethics and human rights in the specific field of bioethics. With respect to the paramount importance of protecting “human dignity”, Article 3 of the Declaration states: 1. “Human dignity, human rights and fundamental freedoms are to be fully respected; 2. The interests and welfare of the individual should have priority over the sole interest of science or society.”

Law of Life Project Principles

The Jubilee Campaign acknowledges that there are competing visions of justice in our society, and that our normative “dignitarian” conception of human dignity is based upon the vision that justice is served when people are acting as they ought to, in accord with morality and virtue.⁴ The competing visions of

3 For a useful overview of the biblical ethics addressed to the beginning of life, bioethics and the end of life see the online English Standard Version Study Bible (2008). For recent public policy statements that rest on a proper conception of human dignity, see The Manhattan Declaration and Human Embryos in the Age of Obama (*The First Annual Neuhaus Colloquium calls for a permanent reversal of the Obama Administration’s misguided embryonic stem cell research policy*).

4 See generally Timothy Keller, *GENEROUS JUSTICE* (New York: Dutton 2010) at 153-158, citing Alasdair MacIntyre, *WHOSE JUSTICE, WHICH RATIONALITY?* (Notre Dame, Ind.: Notre Dame University Press, 1998); Michael Sandel, *JUSTICE, WHAT’S THE RIGHT THING TO DO* (New York: Farrar, Strauss and Giroux, 2009).

justice that either seek the greatest good for the greatest number (utilitarianism), or the maximization of the freedom and rights of each individual to live as he or she chooses (libertarianism) may lead dignitarians, utilitarians or libertarians to sharply different conclusions about what is just in any particular case. Moreover, as we are reminded by Law Professor Steven D. Smith in his important book, *THE DISENCHANTMENT OF SECULAR DISCOURSE*, our conception of human dignity has its formidable opponents, particularly in the academy:

Historian Carl L. Becker famously said that, from a strictly scientific viewpoint, human beings must be viewed as 'little more than a chance deposit on the surface of the world, carelessly thrown up between two ice ages by the same forces that rust iron and ripen corn.' Scientist Stephen Hawking agrees that 'the human race is just a chemical scum on a moderate size planet' and most recently Stephen Pinker wrote an essay entitled 'the Stupidity of Dignity.' The prominent philosopher John Gray, writes in his book, Straw Dogs: Thoughts on Humans and Other Animals of the self-deception of those who embrace science and still hold to tenets of liberal humanism, such as a belief in human dignity and rights."⁵

Nonetheless, the Jubilee Campaign (JC), working through its affiliated organizations in the United States, United Kingdom and the Netherlands and collaborating with organizations of "dignitarians" who share our global vision for a growing culture of life, is dedicated to the mission of "legally defending worldwide in all legal fora the right to life and dignity of the human being from biological conception until natural death in all matters where such a defense is required."⁶ In furtherance of this mission, JC has established an on-going, multi-year legal advocacy project, called the Law of Life Project. As the Law of Project endeavors to advance each element of this cause by providing *pro bono* legal services in public interest to the pro-life community around the world, please join us and pray for the defense of life and human dignity. In some way, consider how you might start or continue championing this life-affirming cause as the LORD calls you to do so.

- 5 Id., citing Steven D. Smith, *THE DISENCHANTMENT OF SECULAR DISCOURSE* (Boston: Harvard University Press, 2010), at 179. See also Mary Ann Glendon, *The Bearable Lightness of Dignity* in *FIRST THINGS* (May 2011).
- 6 For an example of the pro-life ideology behind the growing "new abolitionism" movement in the United Kingdom, see an article by Lord Nicholas Windsor of the British royal family in which Lord Nicholas outlines the case for defending the unborn through a "new abolitionism" as most recently published in the *CONGRESSIONAL RECORD* by the head of the Pro-Life Caucus in the United States House of Representatives, Rep. Chris Smith (R-NJ). 156 *CONG. REC.* E2228 *et seq.* (December 21, 2010).



Sam Casey was CLS' Executive Director from 1994 through 2008

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Building the Community, Building the Kingdom: The 1% Challenge

By Calvin Beresh

The 1% Challenge is a program, developed by a Canadian lawyer, designed to enable Christian lawyers to assist in building their community and in building the Kingdom of God. The 1% Challenge presents the opportunity to actively equip your local church for decades to come, while providing the occasion to give freely of ourselves and bless those who charitably bless others.

This program began as a simple desire to help build the Church and the community. It is based on the truth that you cannot out give God. In July 2008, a lawyer considered ways to effectively bless local churches, ministries and charitable organizations while benefiting his clients. This lawyer challenged himself to sacrificially serve those who gave freely to others. As a result, the 1% Challenge was developed.

The 1% Challenge has become a call to those Christians who desire to give back some of what has been entrusted to them. Luke 12:48 states that “to whom much is given, much will be required.” The 1% Challenge takes this scripture to heart, challenging us to plan to utilize a portion of our wealth to actively further the Kingdom of God.

What exactly is the 1% Challenge? How does it work? Who does it challenge?

It is a challenge to lawyers is to simply offer to prepare a will for free to those clients who choose to bequeath at least one percent of their estate to a church, ministry or charitable organization. When a client provides instructions for a will, which leaves at least one percent of that client’s estate to their own church, the lawyer offers to prepare that client’s will for free. In a sense, it is also a challenge to the individuals to choose to donate a small portion of their estate to a charitable cause.

As a Christian lawyer involved with this program, you can benefit local churches, ministries and charitable organizations through your practice in the same way. Your gift of time is directly multiplied to financially benefit the Kingdom of God, and by offering this program to your clients, you become a witness to them and a positive inspiration to others. As a Christian client, the Challenge dares you to become a witness to your loved ones, even after death, by giving a final gift to the church, which, in turn, helps build your church for decades to come.

Since July 1, 2008, with only one lawyer participant, wills completed through this program have allocated over \$13 million to local churches, ministries and charitable organizations in immediate testamentary gifts. These are all gifts that are to be paid out upon the passing of the client(s). That number increases to almost \$24 million allocated (when including gifts contingent upon the passing of a third party).

To illustrate the above distinction, a client left an immediate testamentary gift of over \$50,000 to the local church, and another \$50,000 immediate testamentary gift to a Christian charitable organization. However, in the event that the client’s parent predeceased that client (there is a reasonable likelihood that the parent would pass away before the client), the proceeds of a large insurance policy payable to the parent would revert to the client’s estate, and the resulting contingent gifts would exceed \$900,000 to the client’s church and another \$900,000 to the Christian charity.

So how does this work, from a practical perspective?

First, the client has a desire to give. The amount may vary, and that desire may be encouraged with our offer to provide a

“SINCE JULY 1, 2008, WITH ONLY ONE LAWYER PARTICIPANT, WILLS COMPLETED THROUGH THIS PROGRAM HAVE ALLOCATED OVER \$13 MILLION TO LOCAL CHURCHES, MINISTRIES AND CHARITABLE ORGANIZATIONS IN IMMEDIATE TESTAMENTARY GIFTS.”

free service to those who give at least one percent of their estate, but the process starts when the client shares their desire to give in collaboration with the 1% Challenge by bequeathing at least one percent of their estate to a church or charitable organization. Second, a thorough client interview is necessary. There are key aspects to the client interview, components that are important to every will intake interview, but are particularly important for the client's appreciation of their decision, as well as their ability, to charitably give after death.

For example, a preliminary review of the client's asset structure is important to determine the nature and liquidity of assets. Are there any potential tax problems for the estate? What types of relief can giving provide? What assets will pass outside of the estate, and thus not be available for charitable giving via testamentary bequest? It is also important to gather a detailed family history that may provide crucial information regarding family structure and dependents. What is the best way to properly and fairly care for dependents and family members after death? Has the client considered any standing obligations that need to be met and provided for even after death? Additionally, sufficient information regarding their charitable organization of choice is crucial to ensure that the correct organization(s) is/are identified.

This analysis may determine that the client requires more than a simple testamentary will; a revocable trust may be more prudent for estate planning purposes. Regardless of what type of document is required, the nature of the service remains the same: a charitable bequest payable at death of at least one percent of total assets results in a free will, whether that will is testamentary in nature or a pour-over companion to a revocable trust.

So often, walking through these details with clients provides them with an appreciation for what they have and for what they may desire to give. Many clients, after this analysis, often choose to give more than one percent of their estate. Whatever the percentage that the client chooses to charitably bequeath, the 1% Challenge takes the client's desire to give and directly blesses the client for acting on that desire. Day by day, Christians across North America are discovering the movement that is the 1% Challenge and are compelled to join in. Strength is found in numbers, and as more and more commit to this paradigm shift of giving, our communities and our world will be changed.

Official enrollment into the 1% Challenge requires the following from all American participating attorneys:

- Free registration through 1percentchallenge.com or by calling 905-651-5555
- Become a member of Christian Legal Society
- An annual gift of \$100 to the Christian Legal Society
- A commitment to present the 1% Challenge will offer to 3 churches annually
- Regular reporting of bequest amounts to 1% Challenge

Be amazed at the difference one percent can make. Be amazed at the blessings that come from the blessings you give. If we all work together we can achieve our goal of \$100 million charitably given through this program, and substantially give back to our local churches, ministries and charitable organizations in furtherance of the Kingdom of God.

If you have questions regarding this program, or desire further information, please see our website (www.1percentchallenge.com) or contact me (Cal Beresh) directly, either by phone at 905-651-5555 or by email at info@1percentchallenge.com.



Calvin Beresh lives and practices in Niagara Falls, Canada. While obtaining his undergraduate degree at Oral Roberts University, Cal was encouraged to enter law "as a Ministry". While a law student at the University of Western Ontario in 1978, Cal helped host a student conference where he co-founded Christian Legal Fellowship. Since 2003, Cal has volunteered as Director of Law Student Ministry with Christian Legal Fellowship, encouraging Canadian law students to follow Christ while pursuing their chosen profession. The concept of the 1% Challenge springs from his work with these students.

Cal and his wife, Janet, have just celebrated 430 months of marriage. They have five grandchildren. Their children (and their three children-in-law) all graduated from Oral Roberts University. Cal's daughter, Melanie, practices with her father; Melanie's husband (and Cal's son-in-law), Peter Smith, is the financial controller for Christian Legal Society.

In my book *Politics -- According to the Bible* (Zondervan, 2010), I examine five wrong views on the proper role of Christians in politics. In this article I address the first of these—the idea that civil government should compel people to support or follow one particular religion. (I also mention the other four wrong views at the end.)¹

Tragically, this “compel religion” view was held by many Christians in previous centuries. For instance, this view played a large role in the Thirty Years’ War (1618–48) as Protestant and Roman Catholic armies actually fought for control of various territories. And in the sixteenth century, the Reformed and Lutheran Protestants persecuted and killed thousands from the Anabaptist groups in Switzerland and Germany over differing views on baptism and church membership.

Over time, more and more Christians realized that this “compel religion” view is inconsistent with the teachings of Jesus and inconsistent with the nature of faith itself. Today I am not aware of any major Christian group that still holds to the view that government should try to compel people to follow the Christian faith.

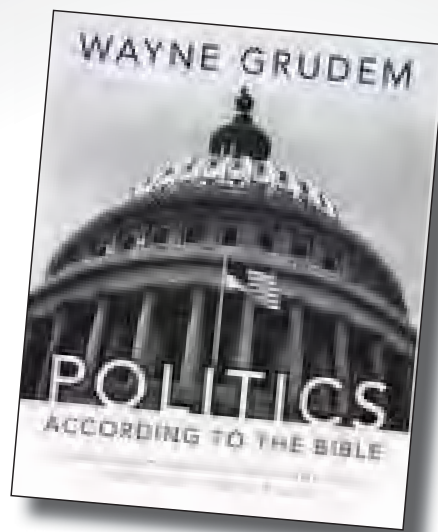
In the early years of the United States, support for freedom of religion in the American colonies increased both because of a need to form a united country with people from various religious backgrounds and because many of the colonists had fled from religious persecution in their home countries. For example, the New England Pilgrims had fled from England where they had faced fines and imprisonment for conducting their own church services.

Then in 1779, Thomas Jefferson drafted the Virginia Act for Establishing Religious Freedom, in which he wrote:

Be it therefore enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in nowise diminish, enlarge, or affect their civil capacities.²

1 I wish to thank Dan Julian for condensing this article from chapter 1 of this book.

2 “The Virginia Act for Establishing Religious Freedom,” drafted by Thomas Jefferson in 1779, passed by the Virginia General Assembly in 1786.



A Wrong View: Government Should Compel Religion

By Wayne Grudem

Several teachings of the Bible show that “government should compel religion” is an incorrect view, one that is contrary to the teachings of the Bible itself.

1. Jesus distinguished the realms of God and of Caesar

In Matthew 22, Jesus’ opponents were trying to trap him with the question, “Is it lawful to pay taxes to Caesar, or not?” (Matt. 22:18). To say “yes” to Roman taxes risked appearing to support the hated Roman government. To say “no” to Roman taxes would make Jesus sound like a dangerous revolutionary against Rome’s power. Taking his opponents by surprise, Jesus said, “Show me the coin for the tax,” and “they brought him a denarius” (v. 19). After that:

Jesus said to them, “Whose likeness and inscription is this?” They said, “Caesar’s.” Then he said to them, “Therefore render to Caesar the things that are Caesar’s, and to God the things that are God’s” (Matt. 22:20–21).

This is remarkable. Jesus shows that there are to be *two different spheres of influence*, one for the government and one for the religious life of the people of God. Some things, such as taxes, belong to the civil government, and this implies that the church should not try to control these things. On the other hand, some things belong to people’s religious life, and this implies that the civil government should not try to control those things.

Jesus did not specify any list of things that belong to each category, but the mere distinction of these two categories had monumental significance. It signaled the endorsement of a different system from the laws of Israel in the Old Testament (which included both realms together). In his statement, Jesus established the broad outlines of a new order in which “the things that are God’s” are *not* to be under the control of the civil government. Such a system is far different from the Old Testament theocracy used for the people of Israel. Jesus’ new teaching implies that all civil governments—even today—should give people freedom regarding the religious faith they follow or choose not to follow and regarding the religious doctrines they hold and how they worship God. “Caesar” should not control “the things that are God’s.”

**“TRUE FAITH IN GOD MUST BE VOLUNTARY. IF FAITH IS TO BE GENUINE,
IT CAN NEVER BE COMPELLED BY FORCE.”**

2. Jesus refused to try to compel people to believe in him

Another incident in Jesus' life also shows how he opposed the “compel religion” view:

And he sent messengers ahead of him, who went and entered a village of the Samaritans, to make preparations for him. But the people did not receive him, because his face was set toward Jerusalem. And when his disciples James and John saw it, they said, “Lord, do you want us to tell fire to come down from heaven and consume them?” (Luke 9:52–54).

The disciples apparently thought they had an excellent way to convince people to come to hear Jesus in the next village. If fire came down from heaven and wiped out the Samaritan village that had rejected Jesus, then word would get around and Jesus and the disciples would have 100% attendance in the next village. What a persuasive method to “compel religion”! But Jesus would have nothing to do with this idea. The next verse says, “But he turned and rebuked them” (Luke 9:55). Jesus directly refused any attempt to try to force people to believe in him or follow him.

3. Genuine faith cannot be forced

True faith in God must be voluntary. If faith is to be genuine, it can never be compelled by force. Any parents who have raised children know this. You can bring your children to church and you can teach them the Bible, but they individually and personally must decide whether to follow Christ or not.

A clear respect for people's individual, voluntary decisions is seen throughout the ministry of Jesus and the apostles. They always *taught* people and *reasoned* with them and then *appealed* to them to make a personal decision to follow Jesus as the true Messiah (see Matt. 11:28–30; Acts 28:23; Rom. 10:9–10; Rev. 22:17).

Genuine religious belief cannot be compelled by force, whether by fire from heaven or by the force of civil government, and Christians should have no part in any attempt to use government power to *compel* people to support or follow Christianity or any other religion.

But what about the laws God gave to Israel in the Old Testament, which required tithes and sacrifices? These laws even ordered severe punishments for anyone who tried to teach another religion (see Deut. 13:6–11). But these laws *were only for the nation of Israel for that particular time*. They were never imposed on any of the surrounding nations, and they came to an end when Jesus established a “new covenant” for God's people in the New Testament. Such a system was ended by Jesus' teaching that some areas of life were “things that belong to Caesar” and some areas of life were “things that belong to God.” Such laws enforcing religion were never intended for people after Jesus established his “new covenant,” and they certainly are not intended for today.

In summary, the “compel religion” view is contrary to the Bible, and it is simply wrong.

4. Practical implications of rejecting the “compel religion” view

a) *Governments should never attempt to force people to follow or believe in one specific religion, but should guarantee freedom of religion for followers of all religions within the nation.*

b) *Christians in every nation should support freedom of religion and oppose any attempt by government to compel any single religion.* In fact, *complete freedom of religion* should be the first principle advocated and defended by Christians who seek to influence government.

Sometimes non-Christians express a fear that if Christians get too much power in government, they will try to force Christianity on everyone. This is a common argument made by groups such as Americans United for Separation of Church and State, the Center for American Progress, and the Freedom from Religion Foundation. Some critics even suggest that right-wing Christians are trying to establish a theocracy in the United States by incremental means.³ To counter this kind of false accusation, Christians involved in politics must affirm again and again their commitment to complete religious freedom. In fact, throughout history the nations that have protected true freedom of religion for all religious beliefs have primarily been nations strongly influenced by genuine Christianity, which always seeks to persuade, never to compel belief.

5. What about giving some tax benefits to churches?

If the government gives some tax benefits to religious organizations, is that another example of the “compel religion” view? For example, in the United States, churches do not pay property taxes on the land and buildings they own, and individuals do not have to pay income taxes on the amount of their income that they donate to churches or other charities.

I do not think these policies compel religion in any meaningful sense. No specific denomination or religion is given preferential treatment. Baptist churches receive these benefits, but so do Buddhist temples, Jewish synagogues, Roman Catholic churches, and Muslim mosques. Society has decided that, in general, charitable organizations such as churches do much good for the society as a whole. In the words of the Constitution, they “promote the general welfare.” Therefore it is entirely reasonable for a society to decide to give churches some tax benefits that are open to all religions equally. This is not compelling support of any one religion; it is not giving any government funds directly to any religious group; and it is certainly not contrary to the original meaning and intention of the First Amendment. Giving such tax benefits is not compelling religion.

³ See Michelle Goldberg, *Kingdom Coming: The Rise of Christian Nationalism* (New York: Norton, 2007), or Kevin Phillips, *American Theocracy* (New York: Viking Adult, 2006).

Continued on page 18

“HOWEVER, GENUINE, LONG-TERM CHANGE IN A NATION WILL ONLY HAPPEN IF PEOPLE’S HEARTS AND MINDS CHANGE AS WELL AS THE NATION’S LAWS. THESE CHANGES COME THROUGH EVANGELISM, CONVERSATION AND DEBATE, AND CHRISTIAN POLITICAL INVOLVEMENT.”

A WRONG VIEW... from page 17

6. The spiritual influence behind the “compel religion” view

There is an invisible spiritual power with a hidden goal behind this “compel religion” viewpoint, and it can be seen in its results. By compelling religious belief, this viewpoint tends to destroy true Christian faith. If it compels people to follow a non-Christian religion, then it often leads to violently suppressing Christians and aims at driving Christianity out of a nation. On the other hand, if it attempts to compel people to become Christians, then it also tends to drive out true Christianity because the opportunity to choose freely to become a Christian is removed from peoples’ lives. A few people will have genuine faith, but most will not. The result is that the entire society will be “Christian,” but in name only. In addition, such a church will then be governed by “Christians” who are not really Christians at all because they do not have genuine faith. And a church governed primarily by non-Christians will quickly become a spiritually dead and ineffective church.

Therefore it should not be difficult for Christians, who believe the teachings of the Bible, to discern the real spiritual influence behind the “compel religion” view. It is completely opposed to the teachings of the Bible and to genuine Christian faith. It seeks to destroy true Christianity.

Other Wrong Views

I want to briefly mention four other wrong views in addition to wrong view (1), the “compel religion” view.

(2) “Exclude religion”: The opposite error from the “compel religion” view is the view that says we should completely exclude religion from government and politics. This view is popular today, but it wrongly restricts our valuable First Amendment rights of freedom of religion and freedom of speech, and it increasingly attempts to exclude religious speech from the public square. This view wrongly changes our freedom of religion into freedom from religion, which is something completely different. Government freedom from religion was never intended by our Constitution or our Founding Fathers.

This view is also wrong because it fails to distinguish the reasons for laws from the content of those laws. Oftentimes individual voters will have religious reasons to support laws, for example, against murder or abortion or stealing or racial discrimination (most religions oppose these things). But the contents of the laws that religious people favor in these areas do not force people to support any religion such as Judaism or Buddhism or Christianity – the laws themselves just prohibit murder or abortion or stealing or racial discrimination. The reasons behind the laws may in part be religious reasons, but the contents of the laws are simply prohibitions of secular actions.

In a similar way, laws that limit marriage to one man and one woman may be favored by some because of religious reasons, but the content of the law is a secular content: the definition of marriage. A law defining marriage as between one man and one woman is not imposing religion on anyone because marriage

is not a religion: becoming married does not make someone a Buddhist or a Jew or a Baptist or a Roman Catholic or a member of any other religion. It just means that you are married. (A failure to recognize that marriage is not a religion is behind the current legal challenge of Theodore Olson and David Boies to California’s Proposition 8.)

(3) “All government is demonic”: A third wrong view is the view that all government is evil and demonic—a viewpoint promoted by Greg Boyd in *The Myth of a Christian Nation*. According to this view, government power is deeply infected by evil, demonic forces, and the realm of government power is the realm of Satan. This view is also clearly wrong. For instance, Boyd depends on a statement made by Satan (Luke 4:6), but Jesus says Satan is “a liar and the father of lies” (John 8:44)! Moreover, Boyd disregards verses in the Bible that portray civil government as a gift from God, subject to God’s rule and used by God for his purposes (Dan 4:17; Rom 13:1-6; 1 Pet 2:13-14).

(4) “Do evangelism, not politics”: A fourth wrong view holds that Christians should do evangelism, not politics, yet this view has too narrow an understanding of “the Gospel” and the kingdom of God. “The Gospel” in the New Testament is not just “trust Jesus and be forgiven and go to heaven.” It is God’s good news about all of life! In fact, the whole Gospel includes a transformation of society, and Christians who recognize this have influenced governments positively throughout history.

(5) “Do politics, not evangelism”: A fifth wrong view says that the church should just try to change the laws and the culture and should not emphasize evangelism—in other words, Christians should just “do politics, not evangelism.” However, genuine, long-term change in a nation will only happen if people’s hearts and minds change as well as the nation’s laws. These changes come through evangelism, conversation and debate, and Christian political involvement.

In *Politics According to the Bible*, I examine these views in more depth and propose what I think is a better, more balanced solution: significant Christian influence on government that does not compel, remain silent, drop out of the process, or think that government can save people. [To see my article on this topic in the last edition, follow this link.]

The views and theology that are expressed in this article are those of Wayne Grudem and should not necessarily be understood to be the views and theology of the Christian Legal Society.



Wayne Grudem is Research Professor of Theology and Biblical Studies at Phoenix Seminary in Phoenix, Arizona. He is a graduate of Harvard (B.A.), Westminster Seminary-Philadelphia (M.Div.), and the University of Cambridge (Ph.D.). This material is adapted from his recent book *Politics – According to the Bible: A Comprehensive Resource for Understanding Modern Political Issues in Light of Scripture* (Zondervan, 2010).

Applying Christian Principles to the Daily Practice of Family Law

By Roy M. Bowes

The challenge of all Christian Lawyers is to apply Christian principles, with the Bible as their primary reference tool, to the daily practice of law. This is often difficult for all legal practitioners, but especially for the family law practitioner. I personally had a spiritual experience in 1984 when I believed that God truly spoke to my heart telling me that I took the time to study man's law but did not truly understand His law. After that experience, I struggled with discovering the new Roy and how God wanted to demonstrate himself through me. In February of 2002, I read a local newspaper that was syndicated throughout the United States concerning an Italian publication of Pope John Paul II concerning his challenge to lawyers to boycott divorce.

divorce and the indissolubility of marriage can be found in Mark 10:2-11, Mt 5:31-32 and 19:3-12, Eph 5:21-33 and Rom 7:2.

Lastly, the characteristics of a biblical marriage can be considered by examining the following passages: Isa. 54:5, 62:5; Gen. 2:18-25; Rom. 7:2; I Tim. 3:12; Mark 10:7-9; Mt. 22:2 and 25:10.

I realized that I needed to develop an interview form that would include an explanation to the client as to why our firm could not represent them if they answered our questions in the affirmative—with both spouses being baptized and their wedding consummated by an ordained Christian minister. For those attorneys who read this article, I ask that they prayerfully consider

“THE CHALLENGE OF ALL CHRISTIAN LAWYERS IS TO APPLY CHRISTIAN PRINCIPLES, WITH THE BIBLE AS THEIR PRIMARY REFERENCE TOOL, TO THE DAILY PRACTICE OF LAW.”

The next day I received a telephone call from a journalist of the daily newspaper who questioned me about my opinion of the article. My comment was that I believed that I should follow my shepherd. Thereafter, the Archbishop of New Orleans invited me to participate in a weekly television program to discuss the issue of when and if a divorce is considered indissoluble. It became obvious that God wanted to place me under the spotlight and require me to take a stand as to my beliefs.

Thereafter I read every verse in the Bible on marriage and divorce and prayerfully considered, with the guidance of my wife, how I should thereafter determine under what circumstances I should represent a client who seeks to use my services to obtain a divorce. This caused me to consider what constitutes a biblical marriage. A careful review of scripture led me to conclude that if a man and a woman were both baptized as Christians and, thereafter, were married by an ordained Christian minister, the marriage is indissoluble before God unless, as I understand the Bible's teaching, there is adultery or homosexual activity by either spouse. The key points that I consulted in arriving at this conclusion are the following: Marriage is a profound mystery that points to the relationship between Christ and the Church (Eph 5:32). In other words, the essential properties of marriage, unity and indissolubility, are signs of Christ's permanent love for us. God joins a man and a woman together in a marital bond, and that union takes place with the free consent of both parties. The human consent concerns a plan that is divine. The good of indissolubility is a good of marriage itself, and a lack of understanding of its indissoluble character constitutes a lack of understanding of the essence of marriage. Indissolubility is truly a fact of marriage. Cultural disregard of this fact does not change the truth of it (Mark 10:1-12).

The exceptions to the indissolubility of a Christian marriage are found in Mt. 19:3-9. Further, the teachings of Jesus on

the foregoing and please email me at RMB@rboweslaw.com, and I will send you the Initial Telephone Call Interview Form that I believe has made my family law practice one that is truly ordained by Jesus Christ. I cannot emphasize the importance of using this form so please take the time to request it from me. The responses that I have received from prospective clients confirm to me that I am following God's path for family law practice. The replies run the gamut of a fast hang up, to the client actually crying, and acknowledging that he/she needed to hear this. I have been successful, on occasion, in directing prospective clients to marriage counseling or to the use of separation of property agreements, rather than the destruction of their marriage.

Frankly, it takes an ongoing prayer for boldness to implement this method of practice. Your daily reward is His peace and joy. Our responsibility as Christian lawyers, particularly in the family law arena, is to be vessels of healing and hope for the clients that God sends to us.

This article is reflective of the thoughts and convictions of Roy Bowes on the controversial issue of divorce. The thoughts and convictions of Roy Bowes that this article contains should not be understood to be those of the Christian Legal Society.



Roy has a law firm consisting of himself and two associates in the New Orleans metropolitan area. He has had a general civil practice, with concentration in family law, for over thirty two years. Roy was the President of the New Orleans Chapter for approximately twenty four years. He and his wife, Linda, are devoted Catholic Charismatics. Together they have four boys, one of which is an ordained Pastor, ministering with his wife and four children, in Shanghai, China.

Christian Lawyers or Lawyers who call themselves Christian?

By Bruce M. DiCicco

The Christian Legal Society was founded mostly “To provide a means of society among Christian lawyers, to promote the concept of the Christian lawyer and to provide a forum for the discussion of problems relating to Christianity and the law”.¹ My experience with CLS is that so straight forward a purpose is not easily realized and indeed, I believe, even lost on many of us in the daily grind of private practice. I wonder at times, what does being a believer have to do with my work today? Sure we may do some volunteer work when it fits into our schedules and try our best to practice ethically and civilly but is that really any different from being like most of the other lawyers out there who strive to do good work within the rules? Is there a difference between a lawyer who calls him or herself Christian and a Christian Lawyer? I find there have been three characteristics of the latter that elucidate the difference and they are: being called to your vocation, involving prayer in your vocation and giving to others. It is further my testimony that when these three elements are the moving force of one’s work as a lawyer, God’s grace comes in marvelous ways.

CALL

First, Christians believe that we can be called to live our lives in a particular way and even in a particular endeavor (Mark 10:49).² While I have no quarrel with those who sense no such call and therefore do whatever it is that appeals to them for no particular purpose other than to make as lucrative a living as possible, it is those who pray and feel called to some particular vocation (including that of the law) that should, at all costs, follow their call (Prov. 16:3). For myself, that call was to private practice at a time when it seemed highly unlikely that there was any way to leave a world wide tax firm and develop a practice in New York City. For starters, I had no idea how to practice without a staff of librarians at my beck and call. Some of the difficulties that I faced in starting my own practice were: I had not gone to a college or law school in this area of the country; I knew very few people; I had very little money; and I was lacking every one of the things that professional practice consultant types say one *requires* in order to “start a successful practice”. And yet, at only one or two other times in my life did I know with certainty that God called me to do just that. Space does not permit me to describe the multitude of God inspired events that followed.

So today, 24 years later and 31 years following admittance to my first Bar, I am thankful that I can say that I have maintained a trusts and estates practice never having missed a payroll or a rent payment. I felt called to the work that I do which gives me

a sense of fulfillment that resonates deeply within. I have a clear view that I am where I am supposed to be and that my life has purpose. Therefore, my first point for the Christian lawyer is that it is wise to purposely seek God’s direction for our life’s work. I find that many lawyers don’t follow their call for a number of reasons that boil down to fear. But God will give you courage in the face of the fear (Matthew 14:27). I know, I went down a highly uncertain path filled with some tense moments, but have successfully persevered thanks be to God (Psalm 1).

PRAYER

A second characteristic of Christian lawyers is that we bring prayer into our work lives. It is good to include your work, your clients, your adversaries, the judges, the briefs, the research, etc. in your prayers. Even though none of us should take on matters for which we are not well qualified, we need to be faithful to pray for the Lord to use us as effective legal advocates according to God’s purpose (Matt. 26:36). When you are a young attorney and even sometimes as an older attorney, some clients are older, more intelligent or intimidating for one reason or another. Clients and others can often be panicked in times of stress or loss. A steady hand is needed to bring order to a situation. I find that my dependence on God evidenced through prayer is essential as I seek to be faithful in my practice of law. I have found that praying for the Lord’s help in finding the case I need, doing well in a particular case, and saying the right words at a trial or hearing is an essential part of my practice of law.

Many years ago rather than being asked for a meeting in the office, I was invited to lunch by a wealthy gentleman at a local Ivy League club. Over lunch the client laid out an enormously complex estate plan using no notes and demonstrating his mastery of relevant tax principles involved in the matter. I marveled at his intelligence, educational pedigree and graceful manner. I went back to the office to implement his request, and it seemed useless to take the time to tediously go through the documents that he had already described in great detail. I remembered though that God must have brought him into my life for a reason and wouldn’t you know that there in the documents was an overlooked point that changed the entire project. I again realized that Christians can and should pray to God and ask for his guidance in our work lives which in this case was for patience to serve. It was a moment of prayer that lead me to be calm and do my thing in spite of the assuredness with which the issue and assignment was presented over an expensive lunch. I am confident that you will find many other times when prayer is key to what you are doing.

¹ The Christian Lawyer Vol. 7 No. 1 Spring 2011

² Redeeming Law, Christian Calling in the Legal Profession, Michael P. Schutt, Chp. 3 pp 61-62.

“THEREFORE, MY FIRST POINT FOR THE CHRISTIAN LAWYER IS THAT IT IS WISE TO PURPOSELY SEEK GOD’S DIRECTION FOR OUR LIFE’S WORK.”

GIVING

Even if you are a relatively new lawyer there will likely be junior members of the bar and law students who seek you out for advice and guidance. As we gain experience these opportunities abound. If you don’t see any at the moment and you are an experienced lawyer, offer to have lunch with some younger lawyer or a law student and see if they don’t say yes right away. I think it is crucially important to give freely of our experiences to other lawyers in need. It has been particularly poignant for me to come into contact with well established and experienced practitioners who offered little or no help even in the slightest way when called upon with a brief question or problem. Christian lawyers must give of themselves and their experiences in spite of the time pressures, in spite of the cost of a lunch and frankly, in spite of everything that encourages us not to bother.

GRACE

My observation is that lawyers, who do not follow their call, do not involve prayer in their work lives. Upon close observation, it is often the case that attorneys who do not give freely of themselves often seek as the end result of a representation a check. They may practice ethically and competently, but at the end of the day their treasure is as fleeting as sand through fingers. Christian lawyers on the other hand tend to be refocused on service in answer to what God has placed before them. They tend to remember that each e-mail contact, each telephone call and each client meeting wherein problems are presented and needs are expressed are blessed moments. They appreciate that lawyers are made to help people in need, including senior partners, difficult clients, imperious judges and all the other hard-to-love people in their lives. Let me give just one example of the grace that I was able to be a part of when I helped a friend in need.

The case was not one that required any great legal skill. No, it was a straightforward matter. The gentleman held the same job for, as I recall, 34 years and 11 months when he was summoned in and told to clean out his locker by the end of the day. He telephoned to share his anguish. The matter was way outside my limited area of expertise. His work duties were simply to carry books to users of the library who had made requests for a certain volume or two. What could go wrong? I felt confident enough to make a phone call to the employer, and upon receiving what struck me as too vague an explanation, I wrote a simple two-

Dear Bruce:

Aug. 31, 1989

Please accept this small token of appreciation I am giving you for the work you are undertaking on my behalf. I don't know how to express all I want to say to you, but this I sincerely say: I thank God the day I first met you, especially, for the intimate and warm relationships that has taken place between us to this day. It was not by accident that our paths crossed but that the plan was all in the will of God. He knew someday you would be the one to come to my rescue, and so, His will became a reality! God never abandons His own; we may at times forget Him, but He never forgets us. In closing - God grant you His Holy Spirit to strengthen and enlighten you to face every situation in your life His mighty hand to sustain and guide you through the storms of life. His peace which passes all understanding to comfort you: lastly - May He prosper you spiritually and financially the rest of your days.

Your dear friend in Christ
Louis

paragraph letter sending it via facsimile the same day wherein I asked for a better explanation. Surprisingly, the position was promptly reinstated before the man even left the building.

I learned shortly thereafter, however, that at 35 years of employment a small pension became vested. Sometime later the client sent the letter appearing in the insert. I treasure it more each year. I include it here only to remind us what grace looks like in the life of a Christian lawyer.



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Neighboring Strangers, or Is “Neighbor” A Verb?

By Chip Grange

WHO IS MY NEIGHBOR?

It’s a key question. It’s a carefully worded question. Indeed it was framed by an attorney who was bold enough to cross examine Jesus. He was attempting to justify himself. Lawyers know not to ask questions in cross-examination unless they are certain of the answer. But as in the court room, so in the Bible, surprises happen. And surprises can be the fertile spawning ground, not just for good lawyer jokes, but often for good perspective-adjusting insights.

In Jesus’ parable of the Good Samaritan, the joke and the adjustment are one. Like the sun focused through a dew drop, Jesus has stunningly condensed the law into 2 seemingly doable commands. But on closer inspection they are white hot with the radiance of God’s holiness. Undeterred, the lawyer in an all too familiar attempt to justify himself thinks he can find cover in his meticulous narrowing of “neighbor.” “Neighbor is just the insiders, right? You know my friends and family.” “After all,” I can hear my inner-lawyer rationalize, “if the definition of “neighbor” is carefully circumscribed to those I like and choose, then maybe I have a fighting chance to approach this holy law without getting burned. Just maybe I could in my own strength and goodness love those ‘neighbors’ as myself.

IS “NEIGHBOR” A VERB?

With a parable, with a question, Jesus demolishes this deceptive cover for self righteousness. The dynamite in Luke 10:25-37 is Jesus stunning revelation that our “neighbor” from God’s perspective is



unbounded. Neighbor is not defined by neighborhood. Neighbor is any fellow human being – even an alien race or enemy – who is needy and in our path.

The joke in the parable is Jesus turning tables to cross-examine the cross-examiner. “Which of these three, do you think,” Jesus asked the lawyer, “proved to be a neighbor to the man who fell among the robbers?” Wow! In defining “neighbor” Jesus focuses not on juxtaposition, but justice; not nearness, but neediness. In a word he turns “neighbor” from a noun to a verb. In the vernacular, Jesus is asking “Who neighbored this man?”

As Jesus unpacks this “simple” command, it is shown as so infused with holiness as to be radioactive. This law is lethal to all human efforts to achieve. Can we truly seek to love all neighbors in our path as our self, even for a day, without failing miserably? Can we authentically strive to do this without in part dying to self? Is not a power and life beyond our self required? Is this not the law leading us to Christ?

HOW SHALL LAWYERS NEIGHBOR STRANGERS IN NOVA? The Birth of CLA-NOVA:

Seven years ago, **John Robb** and **Brent McBurney** met with the attorneys at Gammon & Grange P.C. They noted that Christian Legal Aid was taking root at several DC rescue missions, but conspicuously there was no CLA presence in the common backyard shared by Christian Legal Society and G&G. They cast the vision of “neighboring strangers” and encouraged G&G to be light and salt on that front in Northern Virginia. Six months later those salty words and compelling vision helped G&G to birth Christian Legal Aid of Northern Virginia or CLA-NoVA. G&G attorneys, **Steve Clarke** (now with the IRS) and **Ken Liu** (a Director in our IP practice) help chart the path forward, and have served as Co-Directors of CLA for many years.

The first training for area attorneys and churches was held in March 2005 at Columbia Baptist Church. As kind evidence of the Spirit’s presence, John Robb’s demonstrating how to share the gospel at the conclusion of each client session convicted one of the lawyer-trainees.

**“DURING THE LUNCH BREAK SHE HEARD THE GOSPEL, REPENTED OF TRYING
TO BE GOOD ENOUGH ON HER OWN, AND ENTRUSTED HER LIFE TO THE
ONE WHO WAS NEIGHBORING HER.”**

Unlike the lawyer cross examining Jesus, she was humble enough to acknowledge she could not love neighbors as herself, and asked what she must do to be saved. During the lunch break she heard the gospel, repented of trying to be good enough on her own, and entrusted her life to the One who was neighboring her. She now serves CLA-NoVA as both a volunteer attorney and Board Member. And CLA NoVA has been quietly neighboring strangers throughout the area for the last six years.

HOW SHALL LAWYERS NEIGHBOR STRANGERS IN MARYLAND? The Birth of CLA of CLC:

Crossing the Potomac River from my home in Montgomery County on multiple Saturday's for 4 years, led to a growing conviction that I was undoubtedly passing many needy neighbors near our local church, Covenant Life. Expansion of CLA to CLC seemed too obvious to ignore. Our Pastor for Outreach, **Mark Mitchell**, and the Director of Community Outreach and Missions, **Drew Garfield**, and volunteer Mercy Ministries Coordinator, **Claude Allen** couldn't have been more supportive.

Momentum built quickly with nearly 38 interested volunteers attending the half day CLA inaugural event in February 2009. They came to be trained to neighbor strangers through Christian Legal Aid. A month later, March 2009, the first CLA Clinic opened its doors with 11 volunteers serving 7 CLA clients.

Since then CLA of CLC has been recognized by the State of Maryland as an authorized legal aid clinic. In its first 2 years it has served 138 clients, through the investment of 850 volunteer hours, by a roster of just over 20 active volunteers.

Every month on the 2nd Saturday, 5 to 15 volunteers, depending on the number of clients, arrive at the church offices by 9 AM to be assigned to teams of 3 -- each with a lead attorney, assisting attorney, and a law student, paralegal or other volunteer.

After a half hour debriefing the client intakes and praying, the attorney teams fan out to separate conference rooms to meet with their clients in one hour slots over the

next 3 hours, wrapping up with review of case files and prayer by 1 PM.

About a third of the clients have been CLC members who can't afford an attorney and have been referred by their pastor. An even greater joy is that nearly 90 of the CLA clients were strangers who have been "neighbored" through CLA. These non-CLC neighbors with legal needs have had their legal problems addressed, experienced the care of Christ, and heard the Gospel.

One of those 138 clients is a former IRS attorney who was struck by MS 20+ years ago and is now paraplegic. Last Spring 2011 CLA learned that because of a change in the law he would lose his in-home care benefits. This care is essential to get him in the Hoyer Lift and out of bed every morning, prepared for the day, fed, and in his wheel chair. CLA has invested over 100 volunteer hours to position his case on appeal to the Circuit Court for Montgomery County as it appears that the alleged law change violated the Md. APA.

What has been particularly rewarding about this case, regardless of the outcome, is the way the Church has rallied to serve this neighbor. **Claude Allen**, former VA Secretary of HHS, has helped him work through the health care maze. **Ken Mehrling**, President of an in-home care agency has volunteered both care and training services. A number of CLC young men are now serving this client with care in the evening to get him fed, prepped, and transferred to bed. They have even gone early on Sunday mornings to get him prepared for the day, into his wheel chair, lift van, and drive him to Church so he can join in worship and celebration of his loving Provider.

Now here is the legal small print: CLA is not a full service law firm; it can't handle every legal problem, and it generally does not handle matters requiring on-going legal representation. But like the good Samaritan in Jesus' teaching to the cross-examining lawyer, CLA lawyers and volunteers can do something. We can & do listen, we can & do empathize, we can & do offer legal advice and practical problem solving, we can & do share the answer to

every client's most pressing legal problem - guilty of repeatedly violating God's holy laws, and we can & do pray for, and believe to see, God's help for both temporal and eternal legal problems.

HOW TO "GO AND DO LIKEWISE"?

Jesus concluded this parable with a five word application, that if followed could transform neighbors and nations: "You go, and do likewise." If you are a lawyer, law student, or a stranger who has been neighbored by Jesus, and interested in learning how to go and do likewise, please email the author (GRG@GG-Law.com).

Is it hard work? Yes. Is it inconvenient? Usually. Do I bound from bed on Saturdays because I can't wait to dive into client quagmires? Not really. But do I return home changed and energized? I believe every time. As Jesus taught in his cross examining, we are learning to "neighbor strangers." And in the process of "neighboring" we not only win friends, we become better friends of Jesus.



Mr. Grange is co-founder of Gammon & Grange, P.C. He has over 30 years of experience in serving the legal needs of exempt organizations. His primary areas of legal experience include providing specialized tax-exempt counsel and comprehensive general counsel services to churches, associations, and other nonprofit organizations as well as broadcasters and telecommunications businesses. He is a member of the Bars of the highest courts of Massachusetts, the District of Columbia, and Virginia, and is admitted to practice before the Supreme Court of the United States. He received his Bachelor's Degree in Economics with honors from the University of Virginia; completed a year of graduate theological studies at Yale Divinity School on a Rockefeller Fellowship; and received his J.D. from Harvard Law School. He resides with his wife Kathy in Gaithersburg, Maryland where they are active members of their local church, also attended by their 4 grown children, spouses and 6 grandchildren.

The Subtle Trap of Following at a Distance

By Michael L. Tinney

This is about my hard-headed dog. Or, I guess, it is really about both of us.

It was a sunny, crisp day in October, and, driving home from work, I could not wait to get home, put on my workout clothes and do something outside. By the time I arrived home, I had decided a jog through the country side would be the ideal way to enjoy the fresh fall air. I changed clothes quickly so I could get going before the sun went down. As I left the house, I opened the gate to the backyard and let out Max, our wiener dog. We took off jogging. After three blocks, we came to the end of our neighborhood and beyond that lay almost a square mile of pasture, fields and woods where I often go jogging.

Max, a large, reddish-brown Dachshund, was trotting along ahead of me, with his nose on the ground and his tail pointing up, waiving back and forth like a pendulum. He loved running through the woods as much as I did. For those not familiar with wiener dogs, their chief characteristic, other than being long and low, is their stubbornness or independent spirit. When he was a pup we thought Max might be deaf due to his ability to completely ignore instructions. However, this fear was alleviated when we found he could hear a crumb hit the ground from another room, or hear someone open a box of cookies, though he was sound asleep.

Before we had gone far, Max stopped to check something out. I passed him. I later looked back and he was a few yards behind me. This was Max's routine, to follow loosely along with plenty of side excursions for exploration. I guess it doesn't say much for my running speed when a dog with six inch legs can stop from time to time to sniff something interesting or follow a critter down a side trail and still catch up.

Soon, I was lost in thought and enjoying the tour through God's creation on a beautiful day. As the sun was beginning to set, I reached the top of the highest hill in the pasture and was ready to head back. I looked around and saw no wiener dog. I began to call. Finally, I saw him about two hundred yards away. I



laughed out loud at the distant sight of a wiener dog trying to run across a pasture, while hopping over clumps of grass, circling the ones too big to hop over, and occasionally, sticking his head up to get his bearing amidst the tall weeds. Sometimes all I could see was the grass or weeds moving as he relentlessly made his way to me.

When he arrived, I explained in clear wiener dog language that it was time to go home, no more roaming, he needed to stay with me. We took off to run the last mile home, and I frequently checked to make sure he was behind me. This worked well for three or four minutes. Then, I turned around and did not see him. I stopped and called. No dog. I went back to where I had last seen him. No dog. I climbed a nearby hill. No dog; no grass moving. How could he disappear like that?

I ran to another hill and called, but there was no sight of a dog. Finally, I back tracked all the way to the highest hill so I could scan the entire pasture. By now the sun had gone down and it was starting to get cold. I yelled as loudly as I could; "Max! Let's go Max. Where are you Max? Max, you knucklehead! Where are you?" I looked and looked and yelled until my voice started to sound hoarse. At last, I thought I glimpsed the grass move. A moment later, a tail stuck up out of the grass. Maxxxx!!! His head popped up like, "Oh, there you are." This time I ran toward him. I almost fell down twice because I was trying to keep my eye on the dog and not watching where I was going. "Bad dog! Bad dog!" I gasped as I came up to him. He looked incredibly remorseful and rolled over on his back. I had seen this act before and he got no sympathy. I set him on his feet, pointed him in the right direction and booted him along with my toe. As he took off for home, I ran after him and shouted, "Why can't you just stay with me?"

At the moment I shouted, I felt something almost like a spiritual "thump" as if the Lord told me to stop and listen to what I just said and to think about it. Immediately, I began my self-defense, "Lord, I follow you. You know I follow you."

"Yeah, about the same way Max follows you."

I thought for a while about Max and his behavior. I tried to

“THE SCRIPTURE TELLS US TO WALK WITH GOD, NOT TO FOLLOW IN THE GENERAL VICINITY.”

run a mile in his “paws;” that is, to imagine a perspective from eight inches above the ground in a pasture. I realized the issue was that *Max wanted to stay with me and still go where he wanted to*. Therefore, he would end up following me at a distance, with room to do as he pleased, while still keeping me in sight. The problem is that most of the grass and the weeds are taller than he is so he loses sight of me and ends up further away than he intended. He then tries to anticipate where I will be based on the last time we went jogging. Since I don’t always take the same route, he ends up on the other side of the pasture.

In Max, God showed me a picture of my spiritual life and that of many Christians. I want to follow Christ, but still call a few of my own shots. Like Max, I don’t want to run away because I know I need to stay in contact with Christ. I have been a Christian long enough to know ignoring Christ is a recipe for failure or serious problems, so I want to, at least, keep Him in sight. However, staying too close to Christ sometimes puts me out of my comfort zone because His plans may not match mine. I also lose the option of taking the little side trips. To be honest, this means that my comfort zone is what determines how closely I follow Christ rather than my devotion to him. Thus, like Max, I choose to follow a little bit behind; close enough to run to Him if necessary, but far enough where I can see where He is going before I commit. Our human nature likes a little spiritual waffle room.

This lifestyle has pitfalls. There are weeds out there that are taller than we are. We will lose sight of Christ and end up assuming the will of God based on our own reasoning or our feelings. We will end up operating in the flesh. We will end up much further away than we anticipated.

The scripture tells us to walk *with* God, not to follow in the general vicinity. “And they led Jesus away to the high priest. . . And Peter followed Him at a distance. . .” (Mark 14:53-54.) Peter, who was ready to die for Jesus when he was *with* Jesus a few minutes before, denied Jesus when he was still in the *vicinity* of Jesus. This illustrates some of the problems caused by the decision to follow Christ at a distance, including the loss of courage, conviction and boldness.

There are other detrimental results from following at a distance. Here are a few;

- 1) We are not abiding in Christ and thus we do not bear *much* fruit;
- 2) We have trouble discerning and submitting to God’s will because we are not fully committed to it;
- 3) Our prayer life tends to focus on our own needs and concerns; rather than the needs of others and praising and glorifying God;

- 4) We tend to react in the flesh by snapping at a family member or saying something we should not in a traffic jam.

To me, one of the toughest verses in the Bible is John 12:26; *If anyone serves Me, he must follow Me; and where I am, there will my servant be also; if anyone serves me, the Father will honor him.* This verse rules out the option of following at a distance if we are to be His servants. This verse speaks directly to my spiritual status. But what really makes this verse hard is the context. Jesus was not talking about going on a spiritual retreat or to a Bible conference. He was facing the cross and had been talking about a seed having to die to bear fruit and that a person must lose one’s life to save it.

Part of us recoils from wholeheartedly following Christ. But, even if we determine to walk with Him, we can still end up following at a distance if we are not vigilant. We can be distracted by the many affairs of everyday life, and like Max, find ourselves not knowing where we ought to be. Fortunately, Christ is longsuffering and full of grace and mercy. He is not a passive Shepherd. He will go out and seek his sheep and draw us back into the fold.

Daily we should consider, “Am I walking with Christ or am I out on the periphery?” If we are to truly be His servants, the message is clear: “*Where I am, there will my servant be also.*”



Michael L. Tinney grew up in Mangum, Oklahoma. In 1983 he graduated from the University of Oklahoma College of Law, where he was a member of the Law Review and won the American Jurisprudence Award in Property Law. He has published articles in OBA Bar Journal dealing with real property law and mineral law. He is currently in private practice where the bulk of his work is the preparation of oil and gas title opinions and related matters. He is currently president of the Oklahoma City Chapter of the Christian Legal Society. He is married to Ginger Tinney. They have two children, Rachel Tinney, who lives in Nashville and is aspiring to be a country singer, and Daniel Tinney a freshman at the University of Oklahoma.



Finding Rest

By Dan Kim

²⁸ Come to me, all who labor and are heavy laden, and I will give you rest. ²⁹ Take my yoke upon you, and learn from me, for I am gentle and lowly in heart, and you will find rest for your souls. ³⁰ For my yoke is easy, and my burden is light.”

—Matthew 11:28-30

My first week in law school (“orientation week”), I was placed into a small group with nine other 1Ls. The ten of us were assigned a mentor¹ who showed us around the various parts of our school’s campus (basically two buildings, one draped in a basic taupe and the other in gray: both were as boring architecturally as the colors used for their exteriors). What stood out to us all was where we were at the end of the tour. By mid-afternoon we were led by our mentor to a bar down the street from the school. I found this a bit odd. What made this trip stranger still was that we were not the only 1L group there.

2) they were merely coping mechanisms and thus, in reality, just self-help devices, and 3) nothing ever changed as a result. I did not look at my work in a better light nor was I really refreshed, rested or finding peace.

I began to realize the harmfulness of these activities through a story that an attorney friend of mine shared with a group of law students and attorneys.

He told us that he coped well with the regular everyday rigors of his job, but on some days, days during which nothing goes right or everything and everyone require his attention, he was just spent. So spent, in fact, that when he came home, the last thing he wanted to do was talk. This would be fine, of course, if he didn’t have a wife and four kids. He dreaded opening the front door to his house to see his wife and kids, instead of looking forward to it. He dreaded it because he knew that now

friend, and our place of rest. In the passage above, Christ promises rest to the laborers and to the heavy-laden (in other words, all of us!). But this rest comes not just from a once-in-a-while prayer to him when we need him,³ it comes from having an intimate relationship with him. In fact, verse 29 is an invitation to a relationship that is personal and intimate. We know that to know God the Father, we must first know the Son, and this in turn helps us to know ourselves. Lest we try to limit what Christ says here as a reference to “merely” keeping the Sabbath, the verses immediately following specifically address the Sabbath, indicating that verse 29 is indeed about the everyday—an admonition to share with him our burden the moment we bear it.

This world, our jobs, and our studies often enslave us. Our desire to worship can get caught up in these things. The gospel, however, is a promise of freedom—but it

“AS BELIEVERS WE HAVE, IN CHRIST, NOT JUST OUR SAVIOR, LORD, AND ADVOCATE, BUT ALSO OUR COUNSELOR, OUR FRIEND, AND OUR PLACE OF REST.”

In fact, our entire first year class, at various points in the afternoon, were led there by their respective tour guides to that same bar. My initial snide thought that our mentor was trying to be cool by leading us here was quickly replaced by a befuddlement most aptly described as “Huh???” Our 2L shepherd informed us that this is the place where most of the law students came to unwind after a long day, week, and/or exam. This was my introduction to how law students find rest.

Over the next three years I learned, and in some cases adopted, other things that the typical law student does to unwind or find rest during law school. These things all fell under the umbrella of “vegging.” I never thought these activities were detrimental in any way. “Vegging” by playing some video games, watching my favorite TV shows, or drinking in moderation seemed harmless,² but what I realized was that these activities were harmful specifically because 1) they were, at heart, a reflection of my selfishness,

he was expected to be a husband and a father, but all he really wanted to do was run quickly to his study and fall into his favorite chair and not have to talk or think. He did not want to engage in his world, he wanted a temporary escape, he wanted to “veg,” and he knew this was wrong. This awareness, however, was not the most interesting (and sad) part of my friend’s story. Rather, it was his analysis of *why* he felt this way. He believed that his desire to simply be alone for a bit, to escape from his world, existed because he was not engaging in an intimate relationship with Christ! He believed that Jesus desired to hear him, engage him, and speak with him, and his own inability to share with Jesus the various things that wore out his patience and energy caused him to want to withdraw, to be just like every lawyer he knew.

He is absolutely correct. As believers we have, in Christ, not just our Savior, Lord, and advocate, but also our counselor, our

is a freedom to enter into a relationship. We are being reminded here that we have a higher calling, one that is found through the method in which we find our rest.

So how do you find your rest? Is it with the world? Or with Christ?

¹ more properly described as a mere “tour guide,” as our only future interactions with her after that week were brief awkward nods of acknowledgement when we passed each other in the halls

² and to a small degree I would still agree with this statement

³ In fact, the preceding passage specifically condemns such thinking – Matt. 11.16-24.



Dan Kim is the Deputy Director of Law Student Ministries for the Christian Legal Society. He graduated from Brooklyn Law School, where he led the CLS law student group, and Brandeis University.

The Benefits of Working for CLS Lawyers

By Cynthia Cunningham
Mauck & Baker, LLC

When I first decided to pursue the legal field as a paralegal, I was so excited about working in this field. Law has always fascinated me. I was warned about the high pressures in this line of work, but I wanted to pursue it anyway because I was hoping to one day become a lawyer.

When I completed my paralegal studies program and pursued employment, I was very disappointed with the job opportunities because all of the available positions were paying the same as I was making, or I was making more than what they were paying. They wanted three years experience; therefore, I decided to pursue a career in higher education publishing.

One day, my pastor asked me to work for him as his assistant and later the church's administrator. This is when I first decided to trust God with my career and believe that I would soon get a chance to experience some legal duties. Our church was in the process of purchasing property for a building. Our church was

considered one of the first non-denominational mega churches in Chicago. With a membership of over 2,000, we needed commercial property. However, we were constantly being denied zoning for church use in a commercial building. I was very grieved about this, and I believe that whatever grieves you the most is your assignment from God to help change. My paralegal skills kicked in, and I began to research church zoning. John Mauck's name came up as a leading expert in this field. John had won a landmark case and paved the way for the Religious Institution Land Use and Prison Act, "RILUPA." We retained John to help us on our zoning issues. Never in a million years did I think that I would cross paths with John Mauck in my professional life.

As time went on, I tried pursuing a paralegal position once more. This time I worked in the real estate title insurance industry. I never really had a chance to utilize or learn any paralegal skills

Continued on page 32

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Gospel Partnership: The Foundation of the Next 50 Years of the Christian Legal Society

By Brady Tarr

Like ants! They are incredible little creatures when you think about it. Have you ever stopped either out of curiosity or amazement when you saw a long trail of ants following behind each other carrying things that you never thought such a small ant could carry? While the strength of an ant is incredible, it is only one of the noteworthy things about them.

Another noteworthy characteristic is that ants partner together. We've all seen those long lines where you see ants following one after another, bringing food and other resources back to the colony. Those long lines show evidence that they are faithful to partner with other ants for the good of the colony as a whole. They don't seem to be primarily concerned about themselves. And yes, I freely confess that over the course of my life I have been guilty many times of disrupting their line by putting an object in their way in order to see what they would do. Without fail, they would never just stop, but instead they would pause for a second, back-up, and simply begin a new route around the object. I will say that, from personal experience with fire ants, you do not want to put something in their path and stand around to see what happens! They will also partner with each other in a way that can make you quite uncomfortable. I will just leave it at that. In all seriousness, the partnership of ants should remind us of the



“THE GOOD WORKS OF A CHRISTIAN ARE NECESSARY EVIDENCES OF THE SAVING GRACE OF JESUS CHRIST BY FAITH ALONE NOT A PART OF WHAT IT TAKES TO BE SAVED BY GRACE (EPH. 2:8-10).”

humble partnership that Christians have with each other.

Philippians 1:3-6 “I thank my God every time I remember you. In all my prayers for all of you, I always pray with joy because of your partnership in the gospel from the first day until now, being confident of this, that he who began a good work in you will carry it on to completion until the day of Christ Jesus.”

I want to remind you that Paul is writing this letter to the church of Philippi while he is in jail. He is in what we can say is a less than ideal circumstance that limits the ways in which he is able partner with other Christians. Even though Paul does not know if he will be killed while in jail, he is still faithful to use the time that the Lord gives him to partner with the Christian church in Philippi through his humble partnership of prayer.

The work that verse six is referring to is God’s work of justification that He irreversibly begins in a person’s heart. Justification takes place when God unilaterally declares a person to be righteous and holy in His sight. Sinners can be seen as holy only because we have been given new hearts containing the gifts of faith and repentance which unchangeably reverse the depraved rebellion of our hearts. Everyone who has been justified repents of their sin and puts their faith in Jesus Christ. People who have been justified by God can do nothing to improve their righteous standing in His eyes because it is only through the blood of Christ that He sees us as perfect. The good works of a Christian are necessary evidences of the saving grace of Jesus Christ by faith alone *not* a part of what it takes to be saved by grace (Eph. 2:8-10).

When verse six speaks about God carrying on the work that he began to

completion, this means that a Christian’s salvation is secure and is not dependent on us or our work, but on God who has justified us.

Now looking at verse five, Paul describes them as being partners since the first day that God began the work in their hearts through justification. As a result of God’s work of salvation, partnership with other Christians is not an option. Partnership kills individualism and the selfishness that often accompanies an individualistic mindset. When a person is made a follower of Christ, he/she becomes a part of the body of Christ. Each part of the body is connected to each other even though some parts are closer together than others. The Christian life is not to be lived in selfish isolation, but rather in a partnership with others which promotes humility.

How are we to understand division and quarrelling in light of our partnership in Christ? We should understand division and quarrelling as a tool of Satan to distract us from doing the work of God. Often Christians let the passionate sins of jealousy, pride, and bitterness bring division among them which often destroys the effective partnership between Christians at church, school, work, or home. I encourage each of us to take some time after reading this to reflect on the condition of our hearts in order to determine if there are particular sins that are thwarting what could be accomplished by effectively partnering with other Christians.

As we all examine our hearts, let’s remember that a gospel partnership with others is not dependent on economic status, race, gender, freedom, age, marital status, church denomination, political convictions, location, knowledge of the Bible, spiritual gifts, the amount of free time a person has, personality differences, and the list could go on.

Partnership is solely dependent on the unity in Christ which every Christian

shares through the gospel

Gospel partnership is an obligation or reality for a Christian. Partnership among Christians can take many different forms. In verse four, prayer is specifically given as a way that Christians can partner with other Christians. Paul describes the joyful partnership of prayer that he had with the Philippian church.

Continued on page 30



“IF GOD WERE TO ANSWER ALL MY PRAYERS, WOULD THE WORLD BE CHANGED OR WOULD MY LIFE BE ALL THAT CHANGED?”

GOSPEL PARTNERSHIPS: THE FOUNDATION OF THE NEXT 50 YEARS OF THE CHRISTIAN LEGAL SOCIETY

continued from page 29

“I thank my God every time I remember you. In all my prayers for all of you, I always pray with joy” (Philippians 1:3-4)

First, what is prayer? Prayer is a humble communication with God in which we praise him, confess to him, and ask him for requests. Prayer reflects a heart that is fully dependent on Him for our life, breath, and all things. Paul’s consistent prayer life informs us about his humble dependence and reliance on God. A prayerful person is a humble person. It is often said that “A day without prayer is a boast before God.” What does our personal prayer life tell us about our posture before God? When we do not pray for God’s help in all things, we are pridefully declaring, whether we realize it or not, that we are not reliant on God and can take care of ourselves.

Paul’s practice of prayer is a great example of praying in such a way that is humble and selfless because his prayer is not centered on himself but focuses on others. In fact he is overflowing with joy at the opportunity that he has to pray for the Philippian believers. As I meditated on this passage, I quickly became convicted and had to confess to God that the majority of my prayers were selfishly centered on myself and my own needs instead of on the needs of others. I encourage each of you to consider the following question: If God were to answer all my prayers, would the world be changed or would my life be all that changed? If you are convicted as I was, let me share with you something that I have implemented in my own prayer life in an attempt to help me be more faithful to pray for others. Each time I pray for myself about something, I make the same request for someone else that I know. For example, when I pray for the Lord to help me fight a specific sin I struggle with, I will try to immediately think of someone from the

church who is struggling with that same sin and pray that very same prayer for them.

As I previously mentioned, the moment a person becomes a Christian he/she instantly becomes a partner with every other Christian both locally and worldwide. While we can and are supposed to partner with Christians across the world in a general way through prayer, we also have the privilege and obligation (Heb. 10:25) to intimately partner with a local group of Christians by joining a local church. When we do this the avenues of partnership increase dramatically, but the most important way to partner with those in the local church continues to be through prayer.

In these verses, Paul, in his less than comfortable circumstances, explains that he is continually and joyfully praying on behalf of the Philippians whom he has partnered with in person and is now continuing to actively partner with through prayer. This should be a good reminder to us that our location or circumstances do not limit our ability to partner with others. For example, a parent who stays home with a sick child on Sunday can partner by praying for the service. Christian attorneys need to be intentional to partner with each other through prayer for each other and most importantly we need to partner with each other in our praise to God. May we join together as The Christian Legal Society and flood God’s ears with continual prayers of praise that only he deserves. Prayers of praise to God are not dependent on answered prayers. God is worthy of our praise at all times whether or not we think he answers our prayers as we think he should.

Everyone likes to be encouraged, and prayer is a great way to encourage others. Even though Paul was separated from the Philippians and didn’t know what things they would immediately need prayer for,

he was still able to be an encouragement to them by letting them know he was praying for them. Please take some time to pray for some of the members of The Christian Legal Society that you know and then, send them a quick email telling them that you are praying for them. Let’s seek to do as Paul did and encourage one another through prayer.

As we strive to implement the humble partnership of prayer in our lives, we must remember that even though our efforts will be imperfect, God will carry out all the works that he begins, and allows us to be a part of, to completion in the day of Christ Jesus.

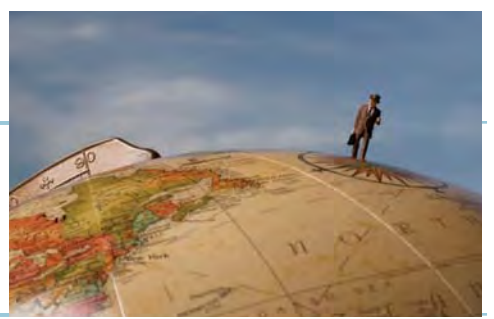
Louis Berkhoff profoundly stated that, “It is a consoling thought that Christ is praying for us, even when we are negligent in our prayer life; that He is presenting to the Father those spiritual needs which were not present to our minds and which we often neglect to include in our prayers; and that He prays for our protection against the dangers of which we are not even conscious, and against the enemies which threaten us, though we do not notice it. He is praying that our faith may not cease, and that we may come out victoriously in the end.”

As valuable as partnership is, our hope must not be in the good but flawed partnerships we can have with other Christians; but rather, our hope must be fully and resolutely in Jesus Christ who will never fail us!



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Arab Spring and Religious Liberty

By Mats Tunehag

Dictatorships always fall – sooner or later. The Arab world consists of various kinds of dictatorships, where Islam is a basis in the legal systems.

The desire for freedom is shared by all people, regardless of race, religion or gender. Therefore, it is no wonder that we now witness demonstrations and revolts in non-free Muslim countries. It is our responsibility to support people and movements who fight for human rights and freedoms, also in the Arab world and

contradicted by other laws and regulations. In Muslim countries religious freedom is subject to Sharia law which in practice means no or very limited religious freedom.

Democratic principles must also be practiced by families, clans, neighborhoods and communities. This is the big problem in the Muslim world, even in secular Turkey.

How many of the Egyptian, Syrian or Moroccan protesters – who rightfully are demanding freedom – are ready to permit

continue with its blatant anti-Semitic propaganda? Will Coptic Christians be permitted to build and renovate churches? Will those who have left Islam have the right to change religion on their identity cards?

The overthrow of a dictator does not create democracy. General elections are no guarantee of human rights. Free access to the Internet is not the same as the protection of minorities and religious freedom for all.

“THE OVERTHROW OF A DICTATORSHIP DOES NOT NECESSARILY LEAD TO DEMOCRACY AND HUMAN RIGHTS”

other Muslim countries.

But the overthrow of a dictatorship does not necessarily lead to democracy and human rights. We know that from both the French Revolution a few hundred years ago and the Iranian revolution a few decades ago.

A Saddam Hussein might be overthrown and the Taliban may be driven out from the corridors of power, but what comes next? In Iraq there was a democratic and free election, but the constitution is based on Islam. The same applies to Afghanistan. Thus, you can pick a president, but you may end up in prison and risk being killed if you leave Islam.

The process of democratization is much more than allowing political parties and holding general elections. It's also about an independent judiciary, free press and freedom of religion.

Religious freedom may sometimes be guaranteed in a constitution, but

sons, daughters, neighbors and others to leave Islam without fear of intimidation, harassment and persecution?

Religious freedom is often a litmus test of democracy and human rights. In a true democracy media, neighbors and authorities allow people to express unpopular opinions. But they should also accommodate the right to practice a different religion, to express it in public with others, and the right to change religion. Since 95 percent or so of the world's population adhere to some form of religious belief, this right is not peripheral but absolutely central.

Furthermore, democracy and peaceful relations within and between states rely on respect for other religions and the respect for other peoples and states to exist. There may be free elections in Tunisia and Egypt, and other Arab regimes may introduce some reforms, but will they accept Israel's right to exist? Will Egyptian television

Both Barak Obama and Hillary Clinton have publicly expressed a limited definition of religious freedom – the right to worship, which is not the same as the more extensive rights included in freedom of religion. Freedom of worship is prevalent in Muslim countries, freedom of religion is not. This does not bode well for the long term fight for freedom in the Arab world.

The peoples of the Arab world have a right to democracy and religious freedom, but we must not be naive about the long road that lies ahead.



Tunehag serves on the Global Council of Advocates International and is the Chairman of the Religious Liberty Resource Team. He is also a global spokesperson on

Religious Liberty for the World Evangelical Alliance.

“THEIR OUTPOURING OF LOVE AND SUPPORT FOR ME THROUGH PRAYER IS AN EXAMPLE OF ONE OF THE BENEFITS OF WORKING FOR CLS LAWYERS.”

THE BENEFITS OF WORKING FOR CLS LAWYERS *from page 27*

because my position was more of a liaison position with the field attorneys. I felt this was a dead end and that too much time had passed with no experience as a paralegal. I made up my mind that I was done with the legal field and pursued a master's degree in accounting. I really enjoyed the publishing industry; therefore, I was hoping to return and work on accounting disciplines textbooks.

I joined John Wiley publishing company's higher education inside sales department and worked there for a year before being laid-off. One day, I was looking for a job and saw an office manager position was available with Mauck & Baker, LLC. I was so excited, and I contacted them. I did not know until my interview that the entire firm consisted of born again believers. I just remembered John Mauck and had such a high admiration for him and his work with churches. When I interviewed with John, he told me that, instead of the office manager position, he wanted to hire me for his litigation paralegal position. I had never in my life experienced such a strong presence of God in a work place. I had a peace and assurance that I was where God wanted me to be at this appointed time. It was a most remarkable experience to meet a group of Christian attorneys who believe in the power of prayer. I never thought a job like this existed. When I worked in the secular world, I could not even accidentally leave my Bible on my desk. However, God knew what was going to happen to me in the next two years and that this is where I needed to be.

On June 21, 2010, the most traumatic experience of my life happened on my lunch break. I was walking downtown talking on the phone to my oldest daughter, Chuquita, about my plans to spend time with my grandchildren over the course of the next few weeks. All of my grandchildren had arrived at my house that morning to spend the summer with me. Chuquita had left her son, Justin and her baby, Tyler, to spend the night with me. Chuquita was telling me that she picked up her son Tyler and should have taken my daughter's two year old son, Jayden, home with her as well. As she was telling me this, she asked me to hold on so she could answer the other line. When she returned, she was screaming and crying, and said the words that I thought would end my life, "Jayden drowned in the swimming pool."

I hung up, I broke down, and ran back to the office. By the time I reached the office, I was crying and praying in the Spirit for faith and strength. I do not remember if we had clients or not, but all of the attorneys came to my desk and begin to pray. Their outpouring of love and support for me through prayer is an example of one of the *benefits of working for CLS lawyers*. The entire office shut down while they all prayed. They did not come

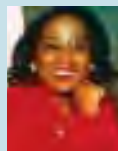
to say, "Sorry for your loss," they just began to pray. Words cannot express the love that I have for the Mauck & Baker team.

When Mauck & Baker take on clients, we start with prayer and end with prayer. We never have a meeting without prayer. Prayer is the driving force of our law firm. God was gracious and merciful to me because he allowed me to work at Mauck & Baker during this difficult time of my life. Even while I was out grieving, they continued to pray for my family and me.

My daughter, Jennifer, was charged with negligence that caused the death of a child because she was at home when the accident happened. She was charged even though all of the other kids, including my grandson who was 14 years old, were playing in the backyard. She saw Jayden on his bike, and when the kids came into the house, she thought he had gone out of the yard on his bike and ran looking for him on the streets. She never thought he was in the pool. My CLS lawyers continue to pray for her and us. She goes to trial in September, and I am asking anyone who reads this article to keep Jennifer lifted in your prayers.

During these economic times, higher salaries are not possible, especially in small firms like Mauck & Baker, and I understand this. However, there are some things on which you cannot put a dollar amount. I am privileged to have the opportunity to work for and with faithful men and women of God. It is an honor to work for the attorneys at Mauck & Baker who are all CLS lawyers.

In conclusion, it has been a blessing to work for CLS attorneys. They encourage you like the great cloud of witnesses in a number of ways including: praying for you, crying with you, laughing with you, exemplifying legal and spiritual disciplines, and ministering to you. I am thankful for the role that the Christian Legal Society as a whole has played in the lives of the attorneys for whom I work.



Cynthia Cunningham is a litigation paralegal at the law offices of Mauck & Baker, LLC in Chicago, Illinois. In addition, Cynthia's professional experience includes higher education publishing, real estate title insurance, church administration, and music publishing. Cynthia's faith and love for God are how she is able to integrate her faith in her day-to-day responsibilities. Cynthia lives in Country Club Hills, IL with her husband, Anthony. She has five grown children who all live in the surrounding suburbs of Country Club Hills, IL.



Supreme Court to Decide Whether Religious Schools' Decisions Regarding Teachers are Protected by the First Amendment

By Kim Colby

On October 5, the Supreme Court will hear oral argument in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* (No. 10-553), a case requiring the Court to address the existence and contour of the “ministerial exception.” In its decision, the Court will explore the scope of the First Amendment’s protection of churches’ autonomy in their employment decisions regarding ministers, including how to determine which employees are “ministers” for purposes of the exception.

In its *amici* brief, filed June 20, CLS argued that the ministerial exception “is a clear and crucial implication of religious liberty, church autonomy, and the separation of church and state,” properly understood. It “protects the fundamental freedom of religious communities to educate and form their members.” Essentially, the ministerial exception “rests on the overriding principle that there are some questions a civil court does not have the power to answer ... not so much because they lie beyond its technical or intellectual capacity, but because they lie beyond its jurisdictional power.”

Where does the ministerial exception reside in the First Amendment?

For decades, the courts of appeals have recognized that the First Amendment bars most employment-related lawsuits brought as nondiscrimination claims against religious organizations by employees who perform religious functions. The courts generally have agreed that broad deference is due churches’ and synagogues’ deci-

sions to hire, promote, or fire their pastors, priests, and rabbis, in the face of claims that such decisions may be discriminatory on the basis not only of religion, but also of race, sex, age, and other categories. This protection is not based on the idea that discrimination laws are unimportant, but on the belief that the proper bounds between church and state require the government to defer to the churches’ own decisions regarding who will lead their religious mission, explain their tenets to the broader community, and transmit their beliefs to members and their children.

But where in the First Amendment is the ministerial exception located? Is it a form of church autonomy protected by the Free Exercise Clause? Or does the ministerial exception exist largely to appease Establishment Clause problems triggered by a governmental investigation of churches’ hiring decisions? Is the Establishment Clause offended if the courts (*i.e.*, the government) evaluate a church’s claim that its religious doctrine requires its decision to fire an employee? The lower courts have sometimes treated the ministerial exception as a creature of free exercise, other times as a creature of establishment, and sometimes as a conglomeration of both. And does the right of expressive association protect a church’s determination of who speaks on its behalf?

Does the ministerial exception apply to a teacher at a religious school?

The *Hosanna-Tabor* case arises in the specific context of a religious school’s dismissal of a teacher. The teacher, whom the church had commissioned as a minister,

taught the full fourth grade curriculum, which included daily religion classes, and regularly led classroom prayer and worship. After missing over half the schoolyear due to illness, the teacher insisted on returning to the classroom despite the school’s determination that her mid-year return would be disruptive to the students’ academic progress.

The teacher claimed that the school retaliated against her for invoking the Americans with Disabilities Act (ADA). The school claimed that the teacher had violated its religious teachings that require conflicts be resolved using an internal dispute resolution process.

Relying on the ministerial exception, the district court in Michigan ruled in favor of the school and church. The Sixth Circuit Court of Appeals, however, reversed after characterizing the teacher’s “primary duties” as secular rather than religious. The Sixth Circuit based its characterization on the fact that the teacher taught explicitly “religious” material “only” 45 minutes a day while teaching “secular” material the remaining 6 hours.

The Sixth Circuit employed the “primary duties” test, previously adopted by the Third, Fourth, Sixth, and D.C. Circuits. Four circuits, however, have rejected the “primary duties” test, deeming it too prone to entangle government with religious organizations. According to the Second, Fifth, Seventh, and Ninth Circuits, a court should consider the totality of an employee’s job duties, not just those considered by the court to be “primary duties.” In evaluating whether the employee has some substantial duties that are considered reli-

Continued on page 34

“UNDERSTANDING CHURCH AUTONOMY TO BE A VITAL COMPONENT OF RELIGIOUS LIBERTY, THE FOUNDING FATHERS ADOPTED THE FIRST AMENDMENT TO MINIMIZE THE RECURRENCE OF SUCH STRUGGLES BETWEEN AMERICAN GOVERNMENT AND RELIGIOUS INSTITUTIONS.”

SUPREME COURT TO DECIDE WHETHER RELIGIOUS SCHOOLS' DECISIONS REGARDING TEACHERS ARE PROTECTED BY THE FIRST AMENDMENT *from page 33*

gious, a court should defer to the church's own view of the nature of the employee's religious duties. Moreover, a court should consider the nature of the underlying employment dispute and avoid those disputes that are likely to entangle the secular courts in religious questions.¹

The church and its school in *Hosanna-Tabor* clearly view teachers as having substantial duties that are religious. The Sixth Circuit failed to give proper deference to the church's understanding of its teachers' religious role. Likewise, the court failed to exercise the proper deference toward church leaders, school administrators, and a religious congregation, who made a joint decision that a particular teacher should not return to the classroom because her return violated the church's process for resolving disputes and would impair students' learning. The Sixth Circuit thereby deprived the church and school of their ability to control who transmitted their religious values to children.

The Federal Government's Position

Representing the Equal Employment Opportunity Commission and defending its application of nondiscrimination laws to the church and its school, the Department of Justice filed a brief advocating an extremely narrow ministerial exception. The narrowness unfortunately seems characteristic of the Administration's grudging recognition of religious liberty and conscience concerns in a variety of contexts, not just in the "ministerial exception" context.

According to the government, the free exercise clause offers no protection against

the government's application of nondiscrimination laws to a religious school's determination of who teaches its students, because the statute applies to religious and nonreligious employers alike. Nor does the expressive association component of the First Amendment protect the school's dismissal of the teacher because the school failed to demonstrate that the teacher affected the school's message. And while the Establishment Clause might be implicated in some cases, it is not applicable in this case because, in the Supreme Court, the teacher abandoned her demand for reinstatement to a position as a commissioned minister. The government also blindly asserts that a civil court would not have to weigh religious doctrine in order to determine whether the school dismissed the teacher for religious reasons, despite the school's claim that its decision was based on the teacher's violation of church doctrine regarding dispute resolution.

The CLS Position

The church and school are ably represented by the attorneys at The Becket Fund for Religious Liberty and Professor Doug Laycock of the University of Virginia School of Law. Deeply concerned by the case's broad implications for religious liberty, CLS filed an *amici* brief that urged the Court to consider the case within a broader historical context. Over the past millennium, the Church has repeatedly grappled with many governments to prevent governmental oversight of the Church's leadership decisions -- or, in 21st Century vernacular, the Church's "employment decisions." Over the centuries, this struggle has increased *political* freedom for all citizens. For when the government is forced to acknowledge limits on its authority in the religious sphere of civil society, that acknowledgement

inevitably spills into -- and benefits -- non-religious spheres as well. Understanding church autonomy to be a vital component of religious liberty, the Founding Fathers adopted the First Amendment to minimize the recurrence of such struggles between American government and religious institutions.

CLS's brief was written and joined by numerous highly influential voices in the current discourse on American religious liberty. The brief was written by Professor Tom Berg of the University of St. Thomas School of Law (Minneapolis), Professor Rick Garnett, associate dean of the Notre Dame Law School, and Professor Carl Esbeck of the University of Missouri School of Law, with Holly Hollman and Melissa Rogers on behalf of the Baptist Joint Committee. Professor Eugene Volokh, a leading First Amendment scholar, joined the brief, along with the National Association of Evangelicals, the Baptist Joint Committee, the National Council of Churches of Christ in the USA, and the Queens Federation of Churches. (The brief is available on the CLS website at <http://www.clsnet.org/document.doc?id=244>.)

The Court's decision, expected next June, will either safeguard or diminish religious schools' ability to determine who transmits the schools' religious beliefs to the next generation. The struggle to limit government and preserve religious institutions' autonomy will take yet another turn. Let us hope it is a turn toward, rather than away from, religious liberty.



Kim Colby is Senior Legal Counsel at the Center for Law and Religious Freedom. She is a graduate of Harvard Law School.

¹ While adopting no specific test, the remaining four circuits, the First, Eighth, Tenth, and Eleventh Circuits, have applied the ministerial exception, albeit on an *ad hoc* basis.

CHRISTIAN LAWYERS, WHAT IS OUR REAL PURPOSE?

By Joseph S. Agnello

When I graduated from law school, the biggest fear I had (next to *how am I ever going to pay back all these loans?!*) was how I would serve society as a Christian lawyer. Do I work for a legal aid clinic defending the poor and defenseless? Do I stay away from certain things like divorces, law suits and defending *criminals*? I had a terrible time wrestling with how to live out my faith through my career. I knew that honoring God had to come first and in no way could my Christian values be compromised. So the challenge was how to tailor my practice to coexist happily ever after with my faith.

I have a unique experience on these thoughts because my aspirations changed dramatically from the time I entered law school to graduation. I entered school as a false convert to Christianity and wanted *only* to make lots and lots of money in the corporate world. Now, please know that I am *not* saying Christians can't make lots and lots of money, only that *my* intentions were not in line with our Lord's exhortation to "seek first the kingdom of God and His righteousness, and all these things shall be added to you." Matthew 6:33 (NKJV).

God had a very different plan. After my first year of law school, I had no idea that God was going to open my eyes to the truth about His Gospel and change my life and aspirations tremendously. In fact, after becoming a truly saved Christian (by surrendering to Christ through repentance and faith), I was

disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things that I have commanded you." Matthew 28:19, 20 (NKJV).

Now let me make a clarification before anyone thinks I am condemning them for their choice of employment. Scripture makes it very clear that we are to provide for our families, "But if anyone does not provide for his own, and especially for those of his household, he has denied the faith and is worse than an unbeliever." 1 Timothy 5:8 (NKJV).

Scripture also does not dictate what manner of work we do, only that we work with such integrity as if we were working directly for the Lord Himself:

Bondservants, obey in all things your masters according to the flesh, not with eyeservice, as men-pleasers, but in sincerity of heart, fearing God. And whatever you do, do it heartily, as to the Lord and not to men, knowing that from the Lord you will receive the reward of the inheritance; for you serve the Lord Christ. Colossians 3:22-24 (NKJV).

So the answer to my dilemma really was simple, and was answered in the three passages quoted above. Do *whatever you*

"AFTER MY FIRST YEAR OF LAW SCHOOL, I HAD NO IDEA THAT GOD WAS GOING TO OPEN MY EYES TO THE TRUTH ABOUT HIS GOSPEL AND CHANGE MY LIFE AND ASPIRATIONS TREMENDOUSLY."

very tempted to drop out of law school and go to seminary. The only thing that prevented me was all that money I had already borrowed and spent. I felt it was too late for turning back.

Over the next couple of years I struggled regularly trying to figure out what I wanted to do when graduation came. I had wanted to be a lawyer since I was five years old, and thought I had it all figured out. Now, I had the dilemma of my life. As I now approach the end of my first decade of practicing law, I have finally figured it out, and as *your* brother in Christ, I want to share with you what I have learned.

What I have learned is really is simple, but it took me this long to figure it out. Before Jesus physically left earth, He gave the disciples a very straightforward command with two components, both of which apply just as much to us: (1) share the Gospel with the world, and (2) make disciple makers. Jesus didn't say to be the best lawyer you can be, or the best doctor, or plumber, or fireman, or anything else. He said, "Go therefore and make

want to do for a living, as long as you are providing for your family and keeping such a level of integrity in what you do that you will not be ashamed on the day when you meet our Savior face to face. The reason we have this freedom is that *what* we do for a living as Christians does not matter so much. Rather it is *how* we do what we do that matters. See 1 Corinthians 10:31. Furthermore, it *always* takes a back seat to our responsibility as believers to go and make disciples of all nations and to faithfully proclaim the Gospel every chance we get. *That* is our mandate directly from the mouth of Jesus Christ!

This is where things get difficult. In fact, I submit to you that whenever the truth and exclusiveness about Jesus is preached, there are spiritual factors that *always* make things difficult. See Ephesians 6:12, 1 Peter 5:8. Most of us really do not want to share the Gospel in our professional lives. We don't even want to do it in our private lives, much less in an atmosphere where ridicule

Continued on page 36

“NOW CONSIDER THAT IF YOU HAVE REPENTED FROM SIN AND TRUSTED CHRIST ALONE FOR YOUR SALVATION, YOU HAVE BEEN SAVED FROM THE WRATH YOU DESERVE BY THE LOVE AND MERCY OF THE GOD WHO MADE YOU....”

and scorn, which often accompanies the evangelism of the lost, could have negative reputational and financial implications. When persecution tempts us to become discouraged, we must remind ourselves that we are blessed when we are persecuted according to Jesus, “Blessed are you when they revile and persecute you, and say all kinds of evil against you falsely for My sake. Rejoice and be exceedingly glad, for great *is* your reward in heaven, for so they persecuted the prophets who were before you.” Matthew 5:11, 12 (NKJV).

I have a problem with sharing my faith in certain circles, and I have a problem with doing it when it will cost me something. In fact, it almost seems that the fear of wounded pride from being looked as one of those *loony Born-Again*s can be more difficult to overcome than the threat of physical harm.

But do we really want to face our *Savior* with such an attitude? Why do we too often allow pride in our professionalism stop us from fulfilling our commission? Consider the following description of what Jesus, *God* in the flesh, did for you and me:

He is despised and rejected by men,
A Man of sorrows and acquainted with grief.
And we hid, as it were, *our* faces from Him;
He was despised, and we did not esteem Him.
Surely He has borne our griefs
And carried our sorrows;
Yet we esteemed Him stricken,
Smitten by God, and afflicted.
But He *was* wounded for our transgressions,
He was bruised for our iniquities;
The chastisement for our peace *was* upon Him,
And by His stripes we are healed.
All we like sheep have gone astray;
We have turned, every one, to his own way;
And the LORD has laid on Him the iniquity of us all.
Isaiah 53:3-6 (NKJV).

Consider that the third Person of God, voluntarily condescended His Holy throne to become a Man, for the purpose of living the *only perfect* life in order to be a worthy sacrifice. God came as a ransom for many (see Mark 10:45), but was rejected to the point of death by the people who were hopeless without him. Consider the ways that you have failed God. Think about all the lies you have told across the span of your life (white lies count!), how many times you have blasphemed your Creator’s name by using it in place of a curse word, how many times you have coveted something instead of being content with what God your Provider has already given you (coveting *is* serious, it led to Adam and Eve’s fall!) – and that’s only three of the Ten Commandments. We did not even mention murder and adultery in the heart. See Matthew 5:21-30. We all stand guilty before God and our rebellion makes us deserving of nothing more than His righteous wrath.

Now consider that if you have repented from sin and trusted Christ alone for your salvation, you have been saved from the wrath you deserve by the love and mercy of the God who made you, “For God so loved the world that He gave His only

begotten Son, that whoever believes in Him should not perish but have everlasting life.” John 3:16 (NKJV); see also Christ’s command, “the kingdom of God is at hand. Repent, and believe in the gospel.” Mark 1:15b (NKJV).

As lawyers, or any professionals for that matter, we can so easily get caught up in the ways of the world, and let our professional pride crowd out our first love – Jesus. We need to constantly remind ourselves that the greatest news we could ever hope to hear has nothing to do with our practice, but rather is this:

For when we were still without strength, in due time Christ died for the ungodly. For scarcely for a righteous man will one die; yet perhaps for a good man someone would even dare to die. But God demonstrates His own love toward us, in that while we were still sinners, Christ died for us. Romans 5:6-8 (NKJV).

If you understand this passage of Scripture and have become a new creation in Christ (see 2 Corinthians 5:17), does that not make you want to share the precious good news of the Gospel through your practice? We have only one life to live, “[a]nd as it is appointed for men to die once, but after this the judgment.” Hebrews 9:27 (NKJV). As redeemed sinners, saved from the horrifying reality of the eternal punishment we deserve, do we not want to make an eternal difference? Or are we only concerned with the numbers our firm brings in and what kind of luxuries we can now afford?

We Christian lawyers are *not* lawyers first, nor are we merely Christians first. We are Christian *evangelists* first and are to fulfill the Great Commission as commanded by our Lord. Being a lawyer can be a very special thing, but *it is not* our primary calling.

If you are implementing a Gospel presentation with every person who walks into your office, then praise God and keep it up. However, I am *not* saying you have to do that in order to be a Christian. But if you are hesitant to share your faith either in your professional capacity or private life, please take some time thinking about my comments and the Scriptures quoted above.

Please also know that my comments are not made out of evangelistic arrogance. I struggle regularly with fulfilling my primary calling. Nevertheless, we as brothers and sisters in the Body of Christ are also called to encourage each other in our duty out of a sincere love for one another’s well being and spiritual growth. See Hebrews 10:24, 25. So please do not take my comments as being harsh, but rather encouraging. And on that note, I have one last comment as my pastor always ends his sermons: *you are loved!*



Joseph S. Agnello is a sole practitioner in the Chicago area, concentrating in criminal defense and real estate transactions. He is a former Assistant State’s Attorney for Cook County, Illinois, graduated from The John Marshall Law School in 2002, and is a member of Harvest Bible Chapel in Rolling Meadows, Illinois since 2000.

BORGER'S BOOK BIN

by Byron Borger
Hearts & Minds
Bookstore

In honor the great anniversary year of CLS I thought I would suggest a few nearly classic books for those interested in integrating faith and law. Most of these should be on the bookshelves of any seriously Christian attorney or legal scholar.

Crime and Its Victims Dan Van Ness (IVP) When Charles Colson broadened his ministry from only prison evangelism to include work for more structural reforms, he commissioned Van Ness to do a foundational Biblical study of crime and punishment. This is the best volume on the topic.

The Believers Guide to Legal Issues Stephen Bloom (Living Ink) What a joy to see a simple, clear-headed, spiritually-based introduction to legal issues. Most Christian attorneys would know all this, but it is an ideal tool to share with others in your church or practice, framed by simple gospel insight.

The Lawyers Calling: Christian Faith and Legal Practice Joseph Allegretti (Paulist Press) One of the best overviews of the ways in which faith shapes legal practice, the metaphors that are used to imagine what lawyers are and do, and how to be a responsible, ethical, attorney. Semi-scholarly, readable, insightful, from a Roman Catholic lawyer drawing on many Protestant sources. Very popular as a wise and helpful book.

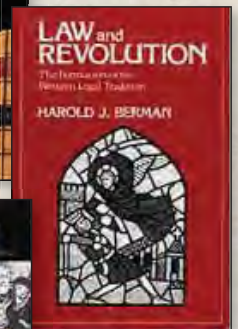
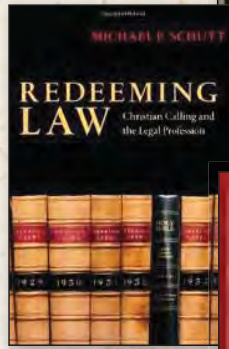
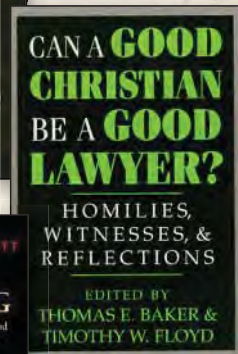
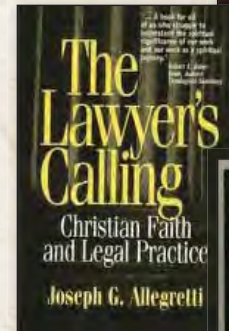
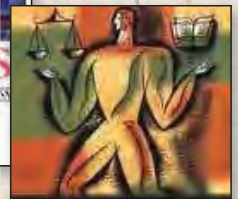
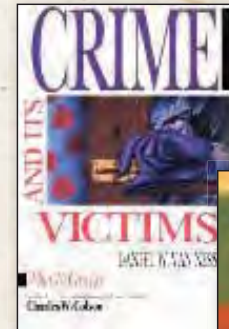
Can a Good Christian Be a Good Lawyer? edited Thomas Baker (University of Notre Dame Press) An ecumenical collection of essays, sermons, meditations, and reflective pieces, including some written by active CLS leaders. You may not love each and every entry, but most are good, and a few are great.

Redeeming Law: Christian Calling and the Legal Profession Michael Schutt (IVP) I believe that every career and profession should be so fortunate as to have such a winsome, readable, and yet profound and scholarly treatment of nearly every aspect of the foundations of the field. Not necessarily the most simple or practical, but it is the most essential book for every Christian lawyer's library. Highly, highly recommended. Great footnotes lead in many good directions for further study, and the discussion questions make it ideal for personal growth or small group conversation.

Law and Revolution volumes I and II Harold J. Berman (Harvard University Press) These magisterial scholarly works are unsurpassed, especially in their description of the formation and history of law. The first book explains how the influence of theology shaped the ways in which legal theories developed. (The second focuses on the Protestant Reformation's impact on the Western legal tradition.) These have been critically acclaimed, widely regarded as Christian scholarship at its finest. For those wanting to dip in to his meaty essays or articles, consider the important anthology **Faith and Order: The Reconciliation of Law and Religion** (Emory University Studies in Law and Religion.)

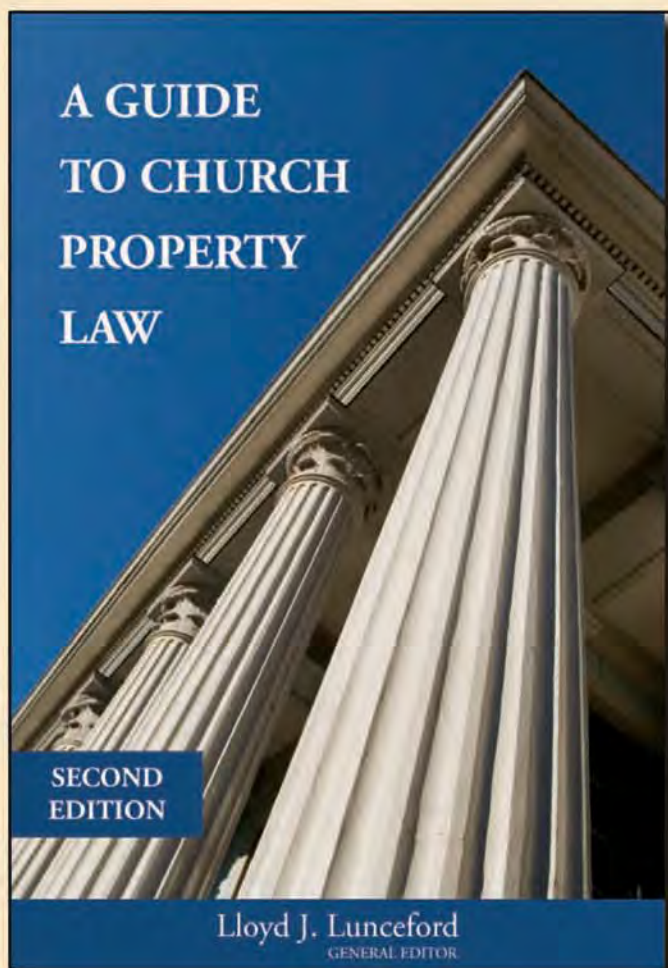


Byron and his wife own Hearts & Minds, an independent bookstore in Dallastown, PA. A friend of CLS, he ruminates about books, faith, and public life at www.heartsandmindsbooks.com/booknotes.



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