

Preacher Turns Practitioner

By Elizabeth M. Economou

BELLEVUE — College didn't give Paul Miller much meaning, so he dropped out after his sophomore year in search of some, including a trip to India, where his life changed dramatically.

There the Bellevue sole practitioner became a Christian. He then spent the next 17 years overseas as a missionary and preacher, in countries as different as Afghanistan and England. "I discovered Jesus as a real living entity, so obviously that changed my view on life," Miller says of his fulfilled search.

Though Miller, 47, has not preached for about a decade, he credits his missionary days as the training ground for his legal work, which now includes taking on a religious liberty and separation-of-church-and-state case from the South that has captured national attention. "I was a street preacher, and I'd have to analyze the issues of the day and relate God's good news to the issues," he says, noting how his preaching skills aren't so different from his lawyering skills.

Miller's practice may be set in a pastoral setting embraced by lush greenery, a world away from the relentless din of London streets where he once preached, but his convictions about the role of religion in society have not waned. Indeed, they now serve as his primary motivation for helping to defend an Alabama judge who wants to continue inviting clergy to his courtroom to pray for juror wisdom before trials.

Etowah County Judge Roy Moore also wants to keep his plaque of the Ten Commandments hanging in his courtroom. His intention to keep doing so led to a lawsuit initiated by the Alabama Freethought Association. The action now is headed to the Alabama high court after the American Civil Liberties Union (ACLU) got involved.

Miller has helped write some of the briefs the Alabama high court will consider in *State of Alabama v. ACLU of Alabama*, 1960927. He is one of four attorneys defending Moore in a case with a familiar ring to it: a conflict between expression of religion and establishment of religion.

The Establishment Clause in the First Amendment of the U.S. Constitution forbids any state or the federal government from creating a church or giving preference to one religion over another. Still, disputes over religious expression in government agencies continue.

The ACLU claims Moore is using the judiciary to perpetuate and establish religion. But according to Miller, since *Everson v. Board of Education*, 67 S. Ct. 504 (1947), there has been an on-going debate about the definition of the Establishment Clause.

Miller says the definition is flexible. "Is the wall of separation [between church and state] a porous wall or is it an impregnable, electrified barbed-wire



PHOTO BY JIM CHRISTIE

▲ Paul Miller

wall?" he says. "Our contention is that if it is an impregnable wall that absolutely forbids any connection between Church and State, there's a bias."

More simply, Miller hopes that the high court will discern between a relationship and an establishment, and rule in favor of Moore: "A connection and a relationship is not automatically an establishment."

Interest in such issues explains Miller's drive to pursue a public policy master's degree before a law degree after 17 years of doing missionary work overseas. Putting preaching behind him, he enrolled in a graduate public policy program at Regent University, the institution founded by evangelist Pat Robertson in Virginia Beach, Va. Although he had never finished college, Regent University offered him admission through its Accelerated Scholars and Professionals Program, which was open to students with two or more years of university work and who could show professional equivalency through experience.

At the same time, Miller was growing increasingly aware of what he saw as hostile attitudes toward religion from some sectors. "What I saw happening was the First Amendment was being used as a club to say everything else can enter the public debate, but if you're a religious person you have to rephrase the argument," he recalls. "Religion was not an equal partner at the table."

It was a profound motivation, Miller says, likening religion's place in American society today to "like Russia before the fall. The Soviets said, 'We don't mind you being Christians or any other faith, but you can't teach your children and you can't impact wider society.' Now that seems to me the impact of what's been happening the last 50 years."

Miller's desire to give religion parity in public policy issues inspired him to

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continue his education at Regent University School of Law, which has a curriculum taught in the framework of the Bible and its historical context and contribution to Anglo-American law.

Miller passed the Virginia bar exam in 1994 and Washington's in 1995. He quickly meshed religion with law, finding a one-year position with Edmonds-based Interdev, a non-profit, inter-denominational outfit that coordinates church and missionary activities, including schools, hospitals and community development overseas.

As it turned out, Interdev needed more than believers on staff, for money it invested in a special trust account with Philadelphia's New Era Philanthropy "wasn't there at the end of the day," Miller says. "It seems it was an alleged 'ponzi scheme,' where New Era was taking money from investors."

Getting money back for Interdev introduced Miller to bankruptcy law, which he now includes as a minor part of his general

practice. Miller left Interdev in late 1995. He says he expects it will recoup about 80 percent of its investments with New Era Philanthropy.

Despite being a continent away from Alabama, Miller, in private practice now for about a year, was recruited by the National Legal Foundation, the organization spearheading Moore's defense, to assist in his case. It's a thrilling opportunity, Miller says, because he feels he's a part of a case he believes may make its way to the U.S. Supreme Court.

As for the particulars of the case, Miller and the other members of Moore's defense team are relying heavily on *Marsh v. Chambers*, 103 S. Ct. 3330 (1983), a case in which the ACLU argued that it was unconstitutional for the state of Nebraska to hire a chaplain to pray for the state legislature. The U.S. Supreme Court ruled against the ACLU, largely out of respect for historical reasons, or as Miller says, establishment in the early United

States did not mean total absence of religion from government, and something stronger is needed to have an establishment of religion.

In Moore's case, the Alabama branch of the ACLU is arguing the judiciary differs from the legislative branch and is therefore subject to a stricter application of the Establishment Clause.

Whatever the Alabama high court's ruling, it is almost certain Miller will continue to crusade on behalf of religious freedom and expression, no matter what the setting. "I don't want the state teaching people what they should believe about God, but I also don't want people saying that the state can't say any statements about God," he says. "I think that's a complete perversion of American history and of the American experience."

Miller adds religion "should play a proactive and undisguised role of contributing to the public policy making process without being rammed down people's throats."

It's a view informed not just by conviction,

but by how Miller spends a lot of his free time: doing research for a book on the roots of Western Civilization. His thesis claims, "In business, science, and public policy, Americans are unaware of the contributions Christianity has made to the basic heart-beat that makes the West the West."

Miller says his book also will aim to distinguish between freedom of religion and freedom from religion.

Unlike his sophomore year in college, Miller has found meaning in his life, clear enough in how he has meshed lawyering with conviction, not unlike Moore. Miller also hopes the Alabama high court will not obstruct the meaning Moore derives from the contested plaque of the Ten Commandments, and allows him to continue inviting clergy to pray for jurors in his courtroom.

"I think it's important that it be allowed," Miller says of prayer in the courtroom. "That's an individual decision that every judge should be able to make."