

Associated Baptist Press

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In this issue:

- Supreme Court to hear dispute over funding religious journal
- Court rejects cohabitation case over objection of Justice Thomas
- CBF offers community of grace and freedom, says Crumpler
- EDITOR'S NOTE
- Texas Baptists approve plan redefining Cooperative Program (revised)
- EDITOR'S NOTE
- ABP directors adopt budget, discuss funds, distribution

SOUTHERN BAPTIST HISTORICAL
LIBRARY AND ARCHIVES
Historical Commission, SBC
Nashville, Tennessee

Supreme Court to hear dispute over funding religious journal

By Larry Chesser

WASHINGTON (ABP) -- The U.S. Supreme Court has agreed to decide whether the constitutionally commanded separation of church and state permits a university to refuse to subsidize a student-run religious publication.

Justices announced Oct. 31 they would review lower court rulings that upheld a ban on the use of student activities funds for religious activities at the University of Virginia.

The appeal, by a group of students at the Charlottesville, Va., school, is to date the only church-state dispute the high court has agreed to review this term and presents the court with an opportunity to revisit the issue of tax support for religion.

The university collects a \$14-per-student activity fee that is used to support a variety of student organizations and publications. School policy bars the use of student activities funds for fraternities, sororities and political and religious organizations and activities.

At the time the dispute arose, student activities funds were awarded to 118 organizations, including 15 student publications.

The policy against funding religious activities was challenged by Robert Rosenberger and other students in 1991 after university officials refused their application for \$5,862 for printing costs of Wide Awake, a student-run Christian publication. Rosenberger edits Wide Awake.

A federal appeals court agreed that the university's policy discriminates against religious speech but held that the policy is justified by the state school's need to comply with the First Amendment's requirement of church-state separation.

The appeals court noted that students associated with Wide Awake were not restrained from speaking or publishing views on religious topics and that they were permitted use of university meeting rooms and computer

terminals and printers.

The appeals court cited rejections by the Supreme Court of "the notion that the right of freedom of speech and freedom of the press 'are somehow not fully realized unless they are subsidized by the state.'"

Still, the appeals court said the university could not discriminate against Wide Awake without a compelling reason.

In this case, the appeals court said, the university's "compelling reason" for violating the First Amendment's free speech guarantee is another First Amendment requirement: church-state separation.

Funding religious activities, the appeals court said, would have the effect of advancing religion and would have created excessive entanglement between church and state.

While the appeals court noted that indirect and incidental benefits to religion are permissible, it said, "Direct monetary subsidization of religious organizations and projects, however, is a beast of a different color."

As has been the case in past church-state disputes reaching the Supreme Court, religious and civil liberties groups are expected to line up on both sides.

The Christian Legal Society, which earlier asked the high court to hear the Virginia students' appeal, has announced it will file a friend-of-the-court brief supporting the students.

"The Constitution's framers never intended that the rights of free speech and free press should take a back seat to the Establishment Clause," said Steven McFarland, director of the CLS Center for Law and Religious Freedom. "The First Amendment prohibits, rather than requires, discrimination against religious speech."

The Southern Baptist Christian Life Commission, the Catholic League for Religious and Civil Rights, the Church of Jesus Christ of Latter-day Saints, the Family Research Council and the National Association of Evangelicals joined the Christian Legal Society brief asking the Supreme Court to hear the Virginia students' appeal.

Barry Lynn, executive director of Americans United for Separation of Church and State, rejected the notion that denying school funding to Wide Awake constitutes discrimination against religion.

"University students have the right to evangelize, but they shouldn't pass the collection plate to the taxpayers," he said.

The Baptist Joint Committee, a Washington, D.C.-based religious liberty organization, will enter the dispute, according to Associate General Counsel Melissa Rogers.

"Serious Establishment Clause issues are raised in the case, including the controversial debate over the meaning of government neutrality toward religion," Rogers said. "The Baptist Joint Committee is studying the record and plans to participate in the case."

-30-

Court rejects cohabitation case over objection of Justice Thomas

WASHINGTON (ABP) -- Over the objection of one justice, the U.S. Supreme Court declined Oct. 31 to hear an Alaska landlord's argument that he should not be forced against his religious beliefs to rent housing to unmarried couples.

Tom Swanner had asked the high court to reverse a ruling by the Alaska Supreme Court that neither the religion clauses of U.S. and Alaska constitutions nor the Religious Freedom Restoration Act excuse him from complying with Alaska's ban on marital status discrimination in housing.

Swanner argued that cohabitation violates his religious beliefs as a Christian and that he should not be forced to assist or facilitate it.

The top Alaska court said the state's anti-discrimination law is neutral and generally applicable and that compelling state interests support the ban on marital status discrimination.

Swanner asked the U.S. Supreme Court to take the case to address the level of protection afforded religious practice under the Religious Freedom Restoration Act -- a 1993 measure that requires government to show a compelling reason to infringe upon religion.

Justice Clarence Thomas dissented from the high court's refusal to hear the case.

In a five-page dissent, Thomas said the court should have heard Swanner's appeal to "resolve whether, under RFRA, an interest in preventing discrimination based on marital status is sufficiently 'compelling'" to justify a substantial burden on Swanner's religion.

Noting that RFRA permits government to burden religion only to satisfy "interests of the highest order," Thomas said he is "quite skeptical that Alaska's asserted interest in preventing discrimination on the basis of marital status is 'compelling' enough to satisfy these stringent standards."

Unlike the nation's "overriding interest in eradicating racial discrimination in education," Thomas said, there is neither a "firm national policy" or firm state policy against marital status discrimination.

The Alaska court's ruling, Thomas wrote, "drains the word compelling of any meaning and seriously undermines the protection for exercise of religion that Congress so emphatically mandated in RFRA."

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-- By Larry Chesser

CBF offers community of grace and freedom, says Crumpler

By Pam Parry

BALTIMORE (ABP) -- The Cooperative Baptist Fellowship has become a new community of grace and freedom for Southern Baptists who no longer are welcome in their denomination, said the former executive director of the Woman's Missionary Union.

Carolyn Weatherford Crumpler, the Fellowship's current moderator, told members of the Mid-Atlantic Cooperative Baptist Fellowship that she did not leave the Southern Baptist Convention, but "they pushed me out" after she ran for first vice president in 1990.

"I joined the CBF because I had to have a home," Crumpler said at the Oct. 22 meeting at Woodbrook Baptist Church in Baltimore.

Becoming part of the CBF wasn't easy for Crumpler, because she had worked so long for the SBC, she said.

"I am best defined by the old SBC," she said.

Crumpler said involvement in her local church could have satisfied her need to belong, if not for her desire to be part of fulfilling the Great Commission "to go into all the world." That means involvement with a community broader than the local church, she said.

Since the SBC no longer welcomed her, she tried a new community -- one built on God's grace that would allow her "to be me," she said.

"(In the CBF) I am free to be me as a minister," she said.

In its second annual gathering, the Mid-Atlantic Fellowship -- one of several regional offshoots of the national Cooperative Baptist Fellowship -- adopted a provisional constitution and bylaws and elected officers.

The new officers are: Ken Meyers, minister of education at Redland Baptist Church in Derwood, Md., moderator; Jeanette Holt, associate director of the Alliance of Baptists in Washington, vice moderator; Joye

McPeake, member of First Baptist Church of Cambridge, Md., secretary; and David Lohff, associate pastor of Montgomery Hills Baptist Church in Silver Spring, Md., treasurer.

The Fellowship offers alternative missions ventures for moderates disenfranchised when conservatives took control of the 15-million-member Southern Baptist Convention by electing a string of conservative presidents since 1979. Through their appointive powers, the presidents imposed their conservatism on SBC agencies by ensuring that like-minded trustees would replace moderate majorities, elected during the 1970s, as they rotated off denominational boards.

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EDITOR'S NOTE: The following story was released last night. This version is edited and corrected. ABP plans to release an updated story from the Texas convention meeting, along with other news, tomorrow.

Texas Baptists approve plan redefining Cooperative Program (revised)

By Greg Warner

AMARILLO, Texas (ABP) -- Texas Baptists voted Oct. 31 to broaden the definition of their primary funding channel, the Cooperative Program, in order to allow churches to fund the moderate Cooperative Baptist Fellowship and other alternative organizations.

Messengers to the annual Baptist General Convention of Texas, meeting in Amarillo Oct. 31-Nov. 2, easily approved the recommendations of a special study committee, thereby enacting the convention's most radical change in the 69-year history of the Cooperative Program.

Some messengers predicted the change will "send shock waves" through the Southern Baptist Convention, which currently is divided over Cooperative Program issues.

Messengers, who numbered 6,079 at the time of the vote, turned back a minority report that would have rejected the committee's recommendation and an amendment that would have weakened it.

The report from the Cooperative Missions Giving Study Committee changes the way the state convention counts contributions it receives from the state's 5,500 Baptist congregations -- which totaled \$60 million in 1993.

Sixty-five percent of that money supports Texas Baptist ministries, while 35 percent -- \$22 million in 1993, more than any other state -- goes to the national Cooperative Program to support Southern Baptist ministries worldwide.

Beginning Jan. 1, contributions will be counted as Cooperative Program in Texas if:

-- They support the BGCT and the SBC budgets in the traditional manner;

-- They support only the BGCT budget; or

-- They support the BGCT budget and other "worldwide Baptist causes," including the Cooperative Baptist Fellowship, SBC agencies and Baptist World Alliance.

Previously only contributions that supported both Texas Baptist and SBC causes were recognized as Cooperative Program. However, Texas Baptists already allowed churches to exclude up to five SBC causes and still be counted as Cooperative Program contributors.

The Cooperative Program has been a battleground between conservatives, who now control the Southern Baptist Convention and its \$140 million Cooperative Program budget, and moderates, who say they have been

shut out of participation at most levels. Moderates still control several key Baptist state conventions, including Texas, Virginia and North Carolina, where alternative mission budgets have been approved.

Cecil Ray of Georgetown, chairman of the study committee, said the proposal keeps the Cooperative Program as the central missions-funding system, protects the right of churches to control how their money is spent, and "provides the breathing room that is essential to keeping Baptists working together at the highest level of cooperation in this time of conflict."

Ray drew a smattering of boos when he said those who oppose the plan are not being denied their right to decide where their money goes but may "not want other churches to have that same right."

In answer to frequent criticism, Ray said the plan does not end the cooperative relationship with the Southern Baptist Convention and does not create new partnerships with other Baptist groups.

The committee's report pointed out the Cooperative Program, when formed in 1925, was generally regarded to include all gifts to Baptist causes, both designated and undesignated. However, the definition evolved until, by the 1960s, most state conventions defined Cooperative Program as undesignated gifts only.

Ray, who previously wrote a book in support of the Cooperative Program and led a campaign to enlarge it, said, "Texas Baptists will shape and reshape the system or risk diminishing their effectiveness."

But John Hatch of Lake Jackson, a dissenting member of Ray's committee, said the plan "effectively destroys the Cooperative Program as we have known it."

Hatch, presenting a minority report on behalf of four other committee members, told messengers the plan would reduce mission contributions from churches and drive "a wedge between those who strongly support the Southern Baptist Convention and those who don't."

Committee member Dean Dickens, pastor of Cliff Temple Baptist Church in Dallas, said the proposal does not create controversy but simply recognizes that controversy exists among churches and tries to be inclusive of all Texas Baptists. He said the minority report, which argues against the plan, does not propose an alternative to controversy.

John Bisagno, pastor of First Baptist Church of Houston, said the plan "begins the erosion of the unity of Texas Baptists."

"Many of us are being asked, against our conscience, to designate as Cooperative Program funds money that clearly is not," he argued. "It is not right. It is not truth." Noting that 94 percent of Texas Baptist churches give to the traditional Cooperative Program without protest, Bisagno said, "The grass roots are saying, 'Keep the Cooperative Program intact.'"

Committee member Mary Humphries of San Marcos recalled the "glory years" when Texas Baptists were unified, but warned, "Let's not try to recapture the past. ... Let's accept the gifts (of churches) gratefully and affirm the giver, rather than say, 'We appreciate your gift but can't call it Cooperative Program.'"

Henry Adrion, pastor of First Baptist Church of Texas City, warned the proposal would bring "a proliferation of designated giving" for everything from crisis-pregnancy centers to local mission projects. But committee members said such designations would not be accepted.

Charles Davenport, a committee member and pastor of First Baptist Church of Tulia, said the plan is fair to the majority of churches who support the traditional Cooperative Program and to churches that want to support alternatives.

The minority report was defeated on a show-of-hands vote estimated between 2-1 and 3-2 by observers.

An amendment was then offered from the floor that would have labeled the gifts to non-SBC causes as "Cooperative Missions Giving," not Cooperative Program.

"The amendment helps many of us get on board and support the committee's report," said Michael Dean, pastor of Travis Avenue Baptist Church in Fort Worth, who offered the amendment. Both SBC and non-SBC gifts "would be labeled cooperative," he said. "There would be no second-class citizenship. This treats all gifts the same."

But Russell Dilday, former president of Southwestern Baptist Theological Seminary and a member of Dean's church, argued against the amendment, which he said "has a danger of institutionalizing a divided approach."

Time expired on debate before others could speak. The amendment was defeated by an even wider margin than the minority report.

The vote was then taken on the entire committee report. It passed easily, again by a 2-1 or 3-2 margin. Some messengers called for a ballot vote. But Austin pastor Ralph Smith, one of the parliamentarians and a supporter of the minority report, said the main motion "very obviously passed."

In a press conference after the vote, BGCT Treasurer Roger Hall said other state conventions are dealing with similar issues of cooperation and watching the Texas vote with interest.

"I wouldn't be surprised to see some changes in other states," he said.

Hall labeled the plan "a change of some significance." But he said it is not dramatically different from the practice of the national SBC, which adds gifts that bypass the states to the Cooperative Program but labels them differently.

For the estimated 165 churches that fund non-SBC causes, the new practice "gives them a sense of belonging," Hall said, while creating "some concern" for those following traditional funding practices.

David Currie of San Angelo, director of Texas Baptists Committed, a moderate organization, praised the votes. "I feel Texas Baptists showed again they really do respect Baptist polity. ... They are not going to let anyone tell them what to do."

Currie described the approved plan as a "win-win situation" because it does not interfere with the freedom of any church to fund Baptist causes.

But Walter Carpenter, a Houston attorney and conservative commentator, said the vote will encourage the conservatives in the state to form a separate convention-like organization, like they have in other states.

Carpenter said the new plan actually will hurt moderate causes, since it will inspire conservative churches to increase contributions through traditional SBC channels, more than making up for any loss.

Also during the opening day of the BGCT meeting, Texas Baptists re-elected Jerold McBride, pastor of First Baptist Church of San Angelo, as president without opposition and adopted a 1995 budget that includes \$41 million for Texas Baptist causes.

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EDITOR'S NOTE: Linda Lawson agreed to cover ABP's board meeting for both ABP and Baptist Press.

ABP directors adopt budget, discuss funds, distribution

By Linda Lawson

NASHVILLE, Tenn. (ABP) -- Directors of Associated Baptist Press adopted a 1995 budget of \$238,160 during an Oct. 28 meeting while grappling with ideas for broadening distribution and fund-raising to secure a longer-term future for the four-year-old news service.

Meeting at The Freedom Forum First Amendment Center in Nashville, Tenn., they also approved a resolution clarifying the relationship of ABP with the Cooperative Baptist Fellowship, an organization of moderate Southern Baptists which is the largest source of ABP funding. Begun in 1990 as an alternative to Baptist Press, the official news service of the Southern Baptist Convention, ABP is governed by a 21-member board.

The 1995 budget represents a 4 percent increase over projected 1994 revenue and expenses of \$228,991. Most of the 1995 revenue, \$213,710, is expected to come from contributions from individuals, churches, state

conventions and organizations. Subscription fees are expected to generate \$23,150 and interest from investments, another \$1,300.

Directors voted to authorize their finance, budget and investment committee to continue exploring investment options through state convention foundations for ABP reserves of approximately \$60,000.

Executive Editor Greg Warner called 1995 projected revenues "sobering" in that "budget and revenue lines are coming closer together. That means we must become more aggressive in our fund-raising efforts to generate growth money," he said. He called for a "realistic and systematic" approach to fund raising.

The board adopted three recommendations from its fund-raising committee, including establishment of an endowment fund, conducting a series of ABP awareness dinners in selected cities and creating an advisory committee to raise funds in support of the endowment. The advisory committee will include directors and other supporters.

After discussing the need to broaden distribution of ABP, directors voted to establish a strategic planning committee to review the mission of ABP, set objectives and develop strategies.

"The quality and value of what we have now fuels our need for a strategic planning committee," Charles Overby, president of The Freedom Forum based in Arlington, Va., said.

While ABP is currently distributed electronically and by fax and mail to approximately 180 Baptist state papers, daily newspapers, agencies, churches and individuals, Overby said "we've got the best information. It's big league. It's time to get our distribution into a big league modus operandi." He challenged staff and directors to explore electronic options such as the Internet and emphasize "getting the word out to as many people as possible."

Vice chair Carl Kell, professor of communication and broadcasting at Western Kentucky University in Bowling Green, Ky., agreed. "We've got to get over the hump of paying bills and on with the task of achieving our mission."

Meanwhile, directors heard a report that ABP is providing an abbreviated version of its news releases as part of the basic service on BaptistNet, a new computer information service of Smyth & Helwys publishers, a Macon, Ga., publisher which targets resources primarily to moderate Southern Baptist churches.

Warner said BaptistNet currently has about 60 subscribers and a goal of reaching 1,000.

The resolution on the relationship between ABP and CBF notes "many intersecting interests" of the two organizations, "principally the privilege of protecting cherished Baptist freedoms." "Both the founding of ABP and the funding it receives through the Fellowship and other sources are based on a commitment to preserve a free, unfettered flow of information among Baptists," it says.

The resolution expresses appreciation to CBF for "channeling significant funding to ABP from the gifts of Baptist churches and individuals." "The Fellowship has done this without seeking any control or undue influence over ABP," it continues. "The Fellowship and its members do not expect or receive preferential treatment from ABP."

In discussing the purpose of the resolution, directors agreed it was intended to address misconceptions by non-CBF churches and individuals about ABP's relationship to CBF. They agreed the resolution would be sent to CBF headquarters for information purposes.

Directors also adopted personnel policies and guidelines for the news service.

They heard a number of reports, including results of an ABP content survey. The three topics generating the largest number of stories were government and politics, 22 percent or 128 stories; Southern Baptist Convention and its agencies, 21 percent or 122 stories; and social and ethical issues, 16 percent or 94 stories.

ABP stories which generated the most use in Baptist state papers related to the firing of Russell Dilday as president of Southwestern Baptist Theological Seminary, 17 uses, and coverage of a meeting of conservative Southern Baptist leaders, 13 uses.

In the first six months of 1994, 24 Baptist state papers used at least one of the 342 ABP stories generated during the period. State papers using the largest number of ABP stories were Kentucky, 141; Virginia, 90; Florida, 81; and North Carolina, 80. Associate Executive Editor Bob Allen noted those totals include stories initiated by staffs of the papers for their own use and released to ABP.

Warner noted that in light of the recent resignation of Jack Brymer as editor of the Florida Baptist Witness that usage of ABP stories could decrease in some state papers. Usage of ABP had been one point of conflict between Brymer and the Witness board.

In other reports, Marv Knox, editor of the Kentucky Western Recorder and chair of the internship committee, noted that ABP will offer its first summer internship to a college student in 1995.

Kell, chair of the awards committee, said ABP will give its second annual Religious Freedom Award in 1995. The first was awarded to Brymer at an Oct. 27 banquet.

Directors elected a new slate of officers including Jeff Mobley, a Nashville attorney, chair; Ardelle Clemons of Greenville, S.C., vice chair; Hugh Greene of Jacksonville, Fla., secretary; and Don McGregor of Jackson, Miss., treasurer. They accepted McGregor's resignation as executive director of ABP for health reasons. McGregor, who is recovering from a November 1993 stroke, will continue to serve as a board member and treasurer.

They voted to meet as a full board in April 1995 in Atlanta; in July, perhaps only with the executive committee, in Fort Worth, Texas, in connection with the annual CBF meeting; and in October, perhaps in Charlotte, N.C.

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