

# Associated Baptist Press

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## Baptists, others divided on funding religious journal

By Larry Chesser

WASHINGTON (ABP) -- As is often the case when church-state disputes reach the U.S. Supreme Court, religious groups again are lining up on opposite sides of a key First Amendment conflict.

This time the division is over the University of Virginia's refusal to subsidize a student religious publication. The university, which disburses student activity funds for a number of student publications, argues its refusal was justified by the Constitution's church-state separation mandate.

The nation's high court will hear arguments March 1 and is expected to decide the case by summer.

Lower courts upheld the university's policy barring use of student activities funds for religious organizations and activities.

The policy was challenged by Robert Rosenberger and other students in 1991 after university officials rejected their \$5,862 request to pay the printing costs of *Wide Awake*, a student Christian publication.

In friend-of-the-court briefs, U.S. religious groups have argued both sides of the dispute.

A brief written by Baptist Joint Committee General Counsel Brent Walker and joined by other religious, civil-liberties and educational groups, sides with the university.

The BJC brief argues that while state universities must give religious groups equal access to campus facilities and forums, they may not subsidize religious messages.

Joining the BJC in the brief are the National Council of Churches of Christ, the American Jewish Congress, the Union of American Hebrew Congregations, Hadassah, the Women's Zionist Organization of America, People for the American Way and the National Coalition for Public Education and Religious Liberty.

Siding with the students in a brief written by University of Texas law professor Douglas Laycock are the Christian Legal Society, the Southern Baptist Christian Life Commission, the Family Research Council, the Home School Legal Defense Association and the National Association of Evangelicals.

The university policy violates the First Amendment's requirement that government "minimize its influence on religious belief and practice," Laycock wrote in the CLS brief.

"It has spent its funds to enhance private speech in discriminatory ways, distorting private debate in a manner that is hostile to religion in general and to Wide Awake's outspoken style of religion in particular."

The CLS brief cites both the principle of governmental neutrality toward religion and the principle of not funding religious activities as part of the American tradition of religious liberty.

Governmental neutrality requires the university to fund Wide Awake because it is private speech rather than government speech endorsing religion, the brief argues. The no-funding principle would be better served by funding all student groups or none. The "worst possible policy is discriminatory funding, which is the university's policy."

The brief filed by the BJC and others argues that the direct subsidy for religion sought by Wide Awake is at odds with both the views of the nation's founders and past Supreme Court rulings.

The Supreme Court "repeatedly has affirmed the principle that public funds should not be used to advance or inhibit religion," the brief states.

The First Amendment's religion clauses require government to be neutral toward religion -- "neither advancing nor inhibiting it, but setting it free to flourish or founder on its own," the brief argues.

Rather than requiring the university to fund Wide Awake, the BJC brief argues that neutrality requires government to treat religion differently.

"The free-exercise clause (of the Constitution), at times, requires that religion be granted special accommodation," the brief states. "Conversely, the establishment clause sometimes imposes special limitations. One is the stern prohibition against the use of public funds to advance religious doctrine."

Wide Awake's argument that it should have equal access to publish a religious message is at first appealing but "mischaracterizes the issues," the BJC brief states.

"Wide Awake Productions has access to the same facilities and forum as other students," the brief states, adding what Rosenberger and the other students seek is not equal access but equal advancement.

"While the Constitution permits government to subsidize many types of speech and activity, it may not subsidize religion or forces hostile to religion," the brief states.

The difference between access and advancement is sometimes hard to trace but not in this case, the brief states.

"When the government pays the bills, it is no longer granting access, it is actually advancing the religion message," the brief concludes.

If the Supreme Court sides with the students, it will mark "the first time justices have sanctioned a direct subsidy for a religious activity," Walker said.

In siding with the university, lower courts rejected the notion that free-speech rights are not fully realized unless they are subsidized by the state.

The appeals court said direct and incidental benefits to religion are permissible, but insisted that direct "monetary subsidization of religious organizations and projects, however, is a beast of a different color."

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### **Court to review order permitting KKK cross at Ohio Statehouse**

WASHINGTON (ABP) -- The U.S. Supreme Court has agreed to review a lower-court order permitting the Ku Klux Klan to erect a cross in front of the Ohio statehouse.

At issue is a ruling by the 6th U.S. Circuit Court of Appeals that private religious speech in a public forum does not violate the First Amendment's requirement of church-state separation.

Klan officials filed suit after the organization's November 1993 application to erect the Latin cross was denied. Ohio officials previously had approved unattended displays on statehouse grounds that featured a Christmas tree and a menorah.

A federal district court, in a ruling upheld by the appeals court, sided with the Klan.

Ohio officials want the high court to consider whether unattended religious displays convey the endorsement of government when they are located close to the seat of government.

The appeals court rejected that argument, finding that "truly private religious expression in a truly public forum cannot be seen as an endorsement by a reasonable observer."

The appeals court said that absent a compelling interest, "the government may not discriminate against private speech in a public forum on account of the speaker's views. Speakers with a religious message are entitled no less access to public forums than that afforded speakers whose message is secular and otherwise non-religious."

The court distinguished between private religious speech and a government-sponsored display.

"Religious groups may not be selectively denied access to public forums in the name of the establishment clause (of the Constitution); the free-speech and free-exercise clauses prohibit this," the appeals court said.

While government speech endorsing religion is unconstitutional, "private religious speech is constitutionally protected, whether in a church house or a public park," said J. Brent Walker, general counsel at the Baptist Joint Committee.

Walker said that when a "private party erects a non-permanent religious symbol in a public forum and puts up a sign identifying the private speaker, it's pretty hard to see how that's governmental endorsement of the message.

"Even the Klan -- as loathsome as its message may be -- is entitled to free speech."

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-- By Larry Chesser

### **Christian Coalition to lobby for Republican Contract**

WASHINGTON (ABP) -- The Christian Coalition will spend \$1 million to lobby Congress for tax and spending cuts and a balanced budget amendment, according to director Ralph Reed.

Although the conservative Coalition, founded by Southern Baptist televangelist Pat Robertson, has focused in the past on such religious issues as abortion and school prayer, Republicans have enlisted the 1.5 million-member organization to help push their 10-point Contract With America, USA Today reported Jan. 18.

The \$1 million lobbying campaign began Jan. 18 when Reed and 50 state Coalition officials met with the Republican leaders of the House and Senate.

Reed said he will urge Coalition members to help pass the Contract, which Republican leaders have promised to address in the first 100 days of the new Congress. Once action is taken on the Contract's issues of taxation, spending, crime, welfare reform and term limits, Reed said, the Coalition can turn Congress's attention to its own agenda.

That agenda includes restoring voluntary prayer to schools; eliminating government funding of the arts, public broadcasting and legal services that promote divorce; and abolishing the Education Department and approving tuition vouchers for private schools.

Critics say the Coalition's lobbying for the Contract With America, though not illegal, is deceptive.

"It's a smoke screen to try to divert attention from its strict and unpopular moral agenda," said Rob Boston, assistant director of communication for Americans United for Separation of Church and State. While that moral agenda "frightens people," Boston said, the economic issues in the Contract have broad public support and make the Coalition appear mainstream.

"I don't think anybody joined the Christian Coalition because they wanted a balanced budget amendment," Boston told Associated Baptist Press.

After showing Republicans they are "good team players," Boston said, the Coalition will emerge "on Day 101" of the Congressional session and demand action on school prayer and tuition vouchers.

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-- ABP staff

### **Seminary says financial needs remain after Ruschlikon sale**

HOUSTON (ABP) -- Although International Baptist Theological Seminary will receive \$20 million from the sale of its property in Ruschlikon, Switzerland, the transaction won't eliminate all the school's financial needs, officials say.

About \$12 million from the sale will pay to move the seminary to a new campus in Prague, in the Czech Republic, and pay off past indebtedness. The remaining \$8 million will be used to start an endowment fund, which will funnel about \$500,000 a year into the school's operating budget.

But another \$500,000 a year is needed to meet the seminary's annual budget of \$1.9 million, said Victor Varner, the seminary's executive vice president for development.

"The question may be asked, 'Now that the Ruschlikon campus has been sold, does IBTS still need funds?' The answer is an unequivocal yes," said Varner, who is based in Houston.

As a result, the seminary will continue its current three-year fund-raising campaign, which hopes to add \$6.75 million to the endowment to pay operating expenses and provide scholarships to students who can't afford to attend the European Baptist school.

The 44-student seminary, which in recent years was the center of a bitter dispute in the Southern Baptist Convention, was founded in Ruschlikon in 1949 by the Southern Baptist Foreign Mission Board. The FMB, which transferred the property to the European Baptist Federation in 1989, cut all funding to the seminary in 1991 because of charges of liberalism at the school.

In 1993, the seminary's trustees voted to move the school out of Switzerland because of rising operating expenses, tighter immigration laws and the changing religious landscape in Eastern Europe. The picturesque campus -- six buildings on five acres overlooking Lake Zurich -- will be sold to a Swiss insurance underwriting firm in September.

Rather than waiting for the September sale, the seminary mortgaged the Ruschlikon property to purchase the new site in Prague. Renovations already have begun and the move is scheduled for this summer.

About \$4 million was spent on the Prague property, originally a retirement facility for Czech military officers that includes 16 acres and 22 buildings, the oldest dating from the 18th

century. About \$3.3 million is being spent to renovate the site. Another \$2 million will be spent to move the seminary and relocate faculty and staff.

Other proceeds from the sale will pay past debts (\$2.1 million) and transfer ownership of the Ruschlikon chapel to Baptist churches in Zurich (\$400,000), school officials said.

The remaining \$8.25 million will launch the endowment. But Varner said a total endowment of \$15 million is necessary to ensure the school's future. That would generate annual income of \$900,000, he said, which is what the school needs to meet its annual budget of \$1.9 million.

Other budget funds come from the European Baptist Federation and the Cooperative Baptist Fellowship (\$443,000), salary support for missionaries on the seminary's staff (\$210,000), and student fees and other sources (\$180,000). The remainder (\$1,067,000) must come from annual gifts and endowment income, Varner said.

If the \$6.75 million fund-raising campaign is successful, the seminary also will be able to provide scholarships for needy students, Varner said. IBTS students come from 23 countries, most in Europe, and many are dependent on financial aid.

Although enrollment dropped to 44 this year as the school prepared to leave Switzerland, officials expect that to change with the move to Prague, center of newly opened Eastern Europe.

"Indications are that the seminary's enrollment could triple or even quadruple," Varner predicted. The cost of tuition and housing is expected to drop from \$8,500 a year per student to \$4,500 in Prague, but the new students coming from Eastern Europe will be in even greater need of financial help, Varner said.

"The only limiting factors to growth will be, as it has been in Ruschlikon, the ability to provide student scholarships for all who want to attend and a dependable source of operating funds," he added.

The seminary recently received a gift of \$100,000 to aid students. V. Lynn Schlemeyer, Varner's daughter and a computer executive from Houston, made the donation to establish an endowed scholarship in honor of her grandmother, Lola Clare Varner. It is the seminary's largest gift ever from an individual.

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-- By Greg Warner

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