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Federal court strikes down religious freedom statute

By Larry Chesser

SAN ANTONIO (ABP) -- A second federal court has weighed in on the constitutionality of the Religious Freedom Restoration Act, this time ruling against the 1993 law that bolstered legal protection for religious practice.

Federal District Judge Lucius Bunton of San Antonio ruled March 13 that Congress intruded on the power and duty of the judiciary when it enacted RFRA, violating the separation of powers between the branches of government outlined in the U.S. Constitution.

Bunton's ruling conflicts with a recent decision by another federal court. In a similar case, District Judge Helen Gillmor of Hawaii upheld the statute in a ruling Feb. 3.

The religious freedom law was overwhelmingly approved by Congress and signed by President Clinton in November 1993 with unprecedented support from U.S. religious bodies.

The law restored a stiff legal standard that allowed government to restrict religious practice only for a compelling reason. The U.S. Supreme Court abandoned that test in a 1990 ruling, which said as long as laws are neutral and applied across the board, it does not matter if they had the effect of restricting religion. Encouraged by religious groups, Congress passed RFRA to make the compelling-interest standard the law in disputes involving the free exercise of religion.

Officials in Boerne, Texas, challenged the law's constitutionality in a dispute over plans by a Roman Catholic parish to raze part of a 72-year-old church building the city wanted preserved. Church officials contended that the city's landmark preservation law violated the parish's rights under RFRA.

Judge Bunton sided with the city, holding that Congress unconstitutionally changed the "burden of proof" the Supreme Court set for religious claimants in its 1990 ruling.

Citing insufficient case law interpreting the new religious freedom act, Judge Bunton acknowledged that

the Texas federal court is "cautious in its opinion" of the statute's constitutionality and ordered an expedited appeal of the ruling by 5th U.S. Circuit Court of Appeals.

U.S. Solicitor General Drew Days and the Coalition for the Free Exercise of Religion, a 68-member alliance of religious and civil-liberties groups that backed RFRA, had filed briefs asking the federal court in Texas to uphold the law.

Brent Walker, general counsel at the Baptist Joint Committee, said the coalition will file a brief in support of RFRA's constitutionality when the case is appealed.

Walker said the Texas court was "flat wrong" in its interpretation.

"Congress did not override a decision of the Supreme Court," Walker said. "It simply created a statutory protection for religious liberty when the Supreme Court declined to enforce constitutional protection."

In the Hawaii case, state prison officials challenged RFRA after a federal judge ruled that the statute requires a compelling reason to infringe on a prisoner's religious practice.

Gerald Belgard, an American Indian, charged that prison officials violated his right to practice Native American religious traditions by depriving him of the use of religious items such as a medicine bag and eagle feathers, by forcing him to cut his hair and by denying him access to a religious counselor.

The state of Hawaii charged that Congress took over functions reserved for courts when it enacted RFRA. But Gillmor disagreed, holding that Congress acted "within the bounds of its enforcement powers under the Fourteenth Amendment" when it enacted the law.

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Hemphill says abortion flap no factor in prof's departure

By Greg Warner

FORT WORTH, Texas (ABP) -- An ethics professor at Southwestern Baptist Theological Seminary, whose position on abortion prompted a complaint from one trustee last fall, won't be back to teach next year. But seminary President Ken Hemphill said the decision not to renew the teaching contract for Bob E. Adams was strictly financial.

Adams, 65, has taught Christian ethics at the Fort Worth, Texas, seminary off and on for 12 years since 1976. He is one of three professors serving under special presidential appointment, a role that does not require approval of trustees.

Last fall conservative trustee Laura Lee Cogswell of Sherman, Texas, sent a fax to Hemphill complaining that Adams signed an abortion-rights statement in 1977. Hemphill said the fax played no role in his decision late last year not to continue Adams' teaching contract.

But Adams' departure has disturbed some members of Southwestern's faculty, who are worried about trustee interference in faculty matters.

In January Southwestern was placed on probation by its primary accrediting agency because of the way trustees handled the firing of former president Russell Dilday last year. Faculty members told the Association of Theological Schools last November that faculty interference poses a threat to their academic freedom.

Adams' colleagues in Southwestern's school of theology learned of Hemphill's decision and Cogswell's fax in February. In a resolution debated by those faculty members Feb. 14, they affirmed Adams' ministry and protested reports that trustees had been "unduly involved" in the decision. Such involvement, if true, would be inappropriate, they said. But the protest was deleted from the resolution on the advice of Bruce Corley, dean of the theology school.

Corley told Associated Baptist Press March 13 he was convinced Cogswell's influence "was not the primary factor" in Hemphill's decision. Of the three professors currently on presidential appointment, Adams was the most recently hired and therefore the logical first choice when cuts became necessary, Corley said.

Corley and Adams met with Hemphill for two hours Feb. 23, along with William Tillman, chair of the ethics department. According to several of those present, Hemphill apologized for bypassing normal procedures in canceling Adams' contract but denied Cogswell's fax had anything to do with the decision.

"I had forgotten I had received that and threw it away," Hemphill told ABP. "I did not realize it might find its way out of my trash can."

The fax fell into Adams' possession, although it is unclear how. In it Cogswell reportedly complained that Adams had been chosen to speak in seminary chapel last fall despite signing a 1977 abortion statement sponsored by the Religious Coalition for Abortion Rights.

Adams said the statement, signed by 25 ethicists nationwide, was prompted by the firing of two Catholic professors over the abortion issue. The statement, which endorsed the Supreme Court's 1973 ruling legalizing abortion, called "for more public debate on the issue," Adams said. At least four Southern Baptists signed the statement, including Foy Valentine, executive director of the Christian Life Commission.

"I did inform Dr. Hemphill that Bobby is a member of the coalition," confirmed Cogswell, but she added, "No fax had anything to do with his position as a faculty member."

The Washington-based coalition, now known as the Religious Coalition for Reproductive Choice, does not make its membership list public, and ABP was unable to confirm if Adams is or was a member.

Because Adams had to cancel his fall chapel address for personal reasons, Hemphill said he discarded the fax and thought nothing more about it.

The decision not to rehire Adams was part of a seminary-wide effort to cut expenses, Hemphill explained. Appointed professors are paid about as much as elected faculty, he said. But those teaching duties can be filled more economically by adjunct professors, which makes the appointed positions a logical place to cut, he said.

Adams, who taught at Southwestern from 1976 to 1984 as an elected faculty member, returned to Southwestern in 1993 after a stint as a foreign missionary. Although he was promised an elected position, Adams said, then-president Dilday opted for a presidential appointment because of fear that trustees, who were locked in a struggle with Dilday over control of the school, would block Adams' election. "That had to do with Dilday and not Adams," confirmed Dean Corley.

Once Hemphill was elected president last July, Adams became a vulnerable target, according to his supporters on the faculty. His tenuous faculty status and the necessity of budget cuts gave critics like Cogswell a welcome opportunity, said one professor who asked not to be identified. "The consideration of Bobby had to be colored somewhat by that (fax)," said another.

Adams' departure leaves Southwestern's ethics faculty shorthanded, said Tillman, the department chair. The department is down to one full-time and one part-time professor, from four professors two years ago.

Meanwhile, both Adams and his wife, Sheri, have been hired to the faculty of the new divinity school at Gardner-Webb University in Boiling Springs, N.C. Sheri Adams, who holds a doctorate from New Orleans Baptist Theological Seminary, will teach theology and church history at the 84-student divinity school. Bob Adams will teach Christian ethics. Both taught at the International Baptist Theological Seminary in Buenos Aires, Argentina, while serving as missionaries.

New Baylor president vows fidelity to Baptist heritage

By Jim Jones and Ken Camp

WACO, Texas (ABP) -- At a time when the nation's largest Baptist-related university is being accused of straying from its Christian roots, a minister is taking over as president of Baylor university for the first time in 34 years.

"We are Baptist and Christian and we are going to stay that way," said Robert Sloan, who takes over June 1 as president of the 12,500-student school. "My election is symbolic to people that Baylor is going to be true to its Baptist and its Christian heritage."

Sloan, dean of Baylor's George W. Truett Theological Seminary, is a New Testament scholar and an ordained Southern Baptist minister. He is a graduate of Baylor and holds a master's degree from Princeton University and a doctorate from the University of Basel in Switzerland.

Baylor, founded in 1845, is a unique blend of academic excellence and Christian commitment, he said, and it will stay that way. Keeping Baylor's Christian tradition is "economically shrewd" and also the right thing to do, Sloan said.

"I love the image of twin mountain peaks of academic excellence and Christian identity," he said. "We will not become a Bible college . . . nor will we become simply another private school which has no Christian character to it."

Sloan, 46, a native of Coleman, Texas, was a surprise pick for the Baylor position. When several candidates were rejected, partly because of their lack of Texas Baptist ties, Sloan's name rose to the top.

"He had what regents were looking for -- Texas roots, impeccable academic credentials, international outlook and a true Christian philosophy," said, Nancy Thurmond, a Baylor regent from Fort Worth.

Sloan will become the first ordained Baptist minister to be elected president since W.R. White held that position from 1948 to 1961. Sloan succeeds Herbert Reynolds, who is stepping down as president to become chancellor.

Reynolds and the regents decided in 1990 to loosen the school's ties with the Baptist General Convention of Texas, saying they wanted to avert a possible takeover of Baylor by "fundamentalists." Sloan agrees the move was necessary.

Critics said the action meant Baylor was deserting Texas Baptists and heading down the same trail as Ivy League schools that started out religious but became largely secularized.

Sloan says that's not the case. Texas Baptists, who used to appoint all regents, still name one-fourth of the governing body. And the Baptist General Convention of Texas also donates \$4 million a year to the university. But as far as Baylor following the lead of Ivy League schools in academic achievements, Sloan said that is an admirable goal.

"I would love to see Baylor become like Princeton, Harvard and Yale in terms of academics," Sloan said. "But I do not want the reputation of those places with regard to secular identity."

Sloan said he agrees with the regents that his Texas ties will be an asset to his presidency. A popular preacher among Texas Baptists, Sloan delivered the annual sermon at the 1991 meeting of the state convention. He currently serves as interim pastor of First Baptist Church of Amarillo, Texas.

While Sloan does not plan any more interim pastorates, he does plan to continue preaching when given the opportunity.

"I want to be out there with Baptists, actively involved in Baptist life," he said. "I fully intend to be active in terms of working with our Baptist people, institutions and churches and will continue to affirm ties with our Baptist constituency."

Baylor has "bucked the trend" among denominational schools by maintaining about a 50 percent Baptist enrollment, Sloan noted. He said he wants the school to be even more intentional about recruiting Baptist students while continuing to attract non-Baptist students as well.

Sloan is already doing his part to recruit students, starting at home. Two of his seven children currently attend Baylor. A third is scheduled to enroll next year. "For probably the next 14 years, I'll have at least two kids at Baylor," he said.

Having his own children on campus gives him a personal interest in the school, will win him rapport with the students, keep him in touch with student events and make him more aware of student concerns, he believes. "I think it will indicate to students that I know what's going on in their generation," he said.

Sloan, a 1970 Baylor graduate, has served on the university's religion faculty since 1983. In addition to his duties as dean of Truett Seminary since its founding, Sloan also holds the Truett Chair in Evangelism. He previously was theology instructor at Southwestern Baptist Theological Seminary and adjunct instructor at Hardin-Simmons University in Abilene, Texas.

Sloan predicted his greatest challenge at Baylor will be a lack of administrative experience.

With more than 12,000 students, about 660 faculty members and an annual budget of more than \$150 million, Baylor is the world's largest Baptist university. "I've never had an administrative challenge anything like the Baylor presidency," Sloan admitted.

Sloan said he plans to adopt a "team style of management" with faculty. And he expects to rely on his predecessor for expertise and personal contacts, he said. In his new role as chancellor, Reynolds will work primarily in constituency relationships and fund-raising. Baylor's current endowment is more than \$300 million, and Reynolds already is projecting a \$1 billion endowment for the school.

"It's not a question of if we will reach the \$1 billion mark, if the Lord tarries. It is just a question of when," Sloan said.

For the immediate future, Sloan wants to see Baylor play to its strengths, emphasizing undergraduate teaching and professional schools of business, law, medicine and education.

"I also want to press forward with expanding the visibility of Baylor as an institution where the faculty does research, but never allowing that to draw us away from our commitment to undergraduate teaching," he said.

One area that likely will remain near to Sloan's heart is Truett Seminary. The ministerial graduate school currently meets in facilities at First Baptist Church in Waco. About 50 students are enrolled now, and total enrollment for the fall is projected to be about 100.

"We think Truett is already at the forefront of theological education for Baptists. The curriculum is innovative and distinctive. The future for Truett is great," he said, citing a rising number of students applying for admission and a broadening base of financial support.

With the March 1994 firing of Russell Dilday as president of Southwestern Seminary in Fort Worth, Texas -- 90 miles north of the Baylor campus -- interest immediately grew in Truett's launching of a Dallas-Fort Worth learning center.

"It could be as early as fall if the financial support is in place. But I would guess that it probably will not be that early," Sloan said. "There is a great deal of enthusiasm and considerable financial support for the program, but Baylor is very conservative about moving into a new project. There is the feeling that we need to be able to see 10 years down the road financially."

Already, Sloan is meeting with the Truett faculty to "establish a process" for selecting a new dean to take his place. An interim dean might or might not need to be named, depending on how long the process takes, Sloan

said.

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American Baptist group drops ties with Peace Fellowship over gays

VALLEY FORGE, Pa. (ABP) -- A ministry arm of the American Baptist Churches in the USA has severed ties with the Baptist Peace Fellowship of North America over a recent statement urging "justice" for gays, lesbians and others "whose sexual orientation has caused them to suffer persecution and alienation."

The executive committee of the American Baptist Board of National Ministries recently voted to discontinue its relationship with the Baptist Peace Fellowship until the organization's "stated aims, goals and resolutions are consistent with American Baptist policies."

At a meeting Feb. 9-11 in Fort Worth, Texas, the Peace Fellowship's board adopted a resolution welcoming "gay, lesbian, bisexual and transgendered persons" into the organization and pledging to "work with them for personal security and full equality."

Among specific commitments, the resolution calls on fellowship members to "take an active role at denominational meetings" to oppose "homophobic resolutions" which attack gays or prevent them from joining churches, being ordained or being hired by denominational agencies.

The Board of National Ministries' executive director, Aids and Wright-Riggins, said the Peace Fellowship took a "partisan position" in the resolution. "Many of us had hoped they would play a role of reconciler among Christian people who have differing positions on issues related to homosexuality," he said.

Board president Lena Nelson said "it is simply not possible for National Ministries to provide monies and ongoing staff support to any organization working to defeat American Baptist policy statements and resolutions."

The board's staff is required to abide by policy statements and resolutions of the denomination's General Board, Nelson said, including one currently in force that discourages homosexuality.

Glenda Fontenot, president of the Baptist Peace Fellowship board, said she has not been able to speak with Wright-Riggins, but that there may be some misunderstanding about the resolution's intent.

"What we intended was to oppose resolutions that Baptist denominations make that try to tell churches where to come out on this issue," she said. A few years ago, the group adopted a similar statement on women's ordination and sexism.

"Our purpose is to say to denominations and churches it is time to talk about this and dialogue instead of simply making statements in resolutions."

Fontenot defended the Peace Fellowship's stance on the issue, but said the organization would not want to be portrayed as "a single-issue organization" based on the statement. While the homosexuality issue falls into the organization's overarching concerns for peace and justice, she said, "This is only one justice issue of many."

"When we say 'peace' we're not just talking about peace-and-war ideas but justice issues on many levels that have to be addressed for peace to happen," she said.

The Board of National Ministries is one of several incorporated boards governing work of the 1.5 million-member American Baptist Churches, which is based in Valley Forge, Pa. In the past, American Baptist National Ministries has provided staff from its own peace-ministries office to serve on the Baptist Peace Fellowship's board and financial support for joint-sponsorship of conferences.

The American Baptist Churches is one of seven Baptist conventions that have been affiliated with the Baptist Peace Fellowship since its founding in 1984. The Memphis, Tenn.,-based fellowship is not officially sponsored by the convention, but provides a grass-roots network linking Baptist congregations and individuals throughout North America who are concerned about peace and justice issues.

The financial loss from the action will be "very small," Fontenot said. "We will more than make up for it from people who appreciate the stance," she said. "Our concern is the relationship with American Baptist Churches. We want to restore that."

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-- By Bob Allen

EDITOR'S NOTE: This story, which contains new information, updates and replaces the March 7 ABP story, "Land, others sign clarification of evangelical/Catholic accord."

Land, Lewis sign clarification of evangelical/Catholic accord

RALEIGH, N.C. (ABP) -- Evangelicals who last year signed a controversial accord with Roman Catholics have issued a clarification designed to mute some of the criticism the document received.

Among those signing onto the clarification were two Southern Baptist Convention agency heads who signed the original "Evangelicals and Catholics Together" document last spring: Richard Land, executive director the Christian Life Commission, and Larry Lewis, president of the Home Mission Board.

Both Land and Lewis have been criticized for signing the statement, which some say embraces false doctrine and undermines evangelism efforts by banning "sheep-stealing" from Catholic churches.

Land reported to CLC trustees March 2 in Raleigh, N.C., that he recently signed a statement of "applicatory clarifications," drafted by three other signers of the evangelical/Catholic accord, intended to "prevent divisive misunderstandings of our beliefs and purposes."

Lewis, in a statement March 9, said he also endorsed the clarification, which should "alleviate the fears" of critics. Lewis emphasized that the evangelical-Catholic accord "was not and is not primarily a theological document," but "an attempt to consolidate the influence of Catholics and evangelicals on the most serious moral and social concerns of our day."

The clarification was drafted in a Jan. 19 meeting of evangelical leaders, including signers and critics of the document.

According to a press release, the clarification was drafted at the request of Chuck Colson, chairman of Prison Fellowship. Two other signers of the document were involved in drafting the statement -- J.I. Packer and Bill Bright. Several evangelical leaders who did not sign the document were involved in drafting the clarification, including John Ankerberg, John MacArthur, R.C. Sproul and James Kennedy, the press release said.

The Protestant signers said their "para-church cooperation" with Catholics "in pursuit of agreed objectives does not imply acceptance of Roman Catholic doctrinal distinctives or endorsement of the Roman Catholic church system."

Some critics have said the document endorses a salvation by works, attained through the observance of Catholic sacraments. The signers, however, said, they understood the document's statement that Christians are "justified by grace through faith because of Christ" to mean "substitutionary atonement and imputed righteousness of Christ, leading to full assurance of eternal salvation."

Other critics focused on language in the document calling Protestant and Catholic understandings different

expressions of the same faith. The evangelicals' clarification reads: "While we view all who profess to be Christian -- Protestant and Catholic and Orthodox -- with charity and hope, our confidence that anyone is truly a brother or sister in Christ depends not only on the content of his or her confession but on our perceiving signs of regeneration in his or her life."

They acknowledged that they reject "proselytizing," defined in the evangelical/Catholic document as "sheep-stealing for denominational aggrandizement," but insisted that "evangelism and church planting are always legitimate, whatever forms of church life are present already."

Further theological discussions between evangelicals and Catholics, which were promised in the document, "should begin as soon as possible," they said.

While Land and Lewis have been roundly criticized for signing the document, the boards of trustees of their respective agencies have defended the action. A resolution at last year's SBC annual meeting deflected criticism by "clarifying" the intent of the "Evangelicals and Catholics Together" signers.

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-- By Bob Allen

EDITOR'S NOTE: This story updates and replaces the version sent yesterday to CompuServe subscribers.

Hispanic Baptist leaders in Texas protest Catholic/Evangelical accord

By Ken Camp

DALLAS (ABP) -- Hispanic Baptist leaders in Texas are protesting a year-old document that affirms relations between Catholics and evangelicals, and have asked a Southern Baptist Convention leader who signed the statement to remove his support.

The three top-ranking officers of the Mexican Baptist Convention of Texas, an organization of more than 800 churches with 100,000 members, released a statement March 10 disassociating themselves from the "Catholics and Evangelicals Together" document.

Along with presidents of the 30 regional Hispanic fellowships of Texas, the leaders also sent a letter to Larry Lewis, president of the Southern Baptist Home Mission Board, asking him to rescind his endorsement of the high-profile accord.

The statement of protest signed by the convention's president, Roland Lopez of McAllen, Texas, and two other top officers said:

"We, the Mexican Baptist Convention of Texas, have supported the Home Mission Board through our Cooperative Program for many years. However, because of the Evangelical/Catholic document, many of our congregations have confronted resistance in their witness.

"This document not only goes against Vision 2000, a report that Hispanic Baptists of Texas put together, but also denies the grace of God as revealed in the Bible concerning how a person is justified before God.

"We, the Mexican Baptist Convention of Texas, disassociate ourselves from the document. We support those whose witness has been hindered by the Roman Catholic Church's use of the document."

Lewis, along with Richard Land of the Southern Baptist Christian Life Commission, were among the 40 original signers of the document, drafted one year ago to highlight areas of common concern for Catholics and

conservative Protestants.

The Catholic/Evangelical document has "set back" evangelistic efforts among Texas Hispanics -- which are predominantly Catholic -- has caused conflict within congregations, and is theologically flawed, charged Lopez.

Lopez said the statement was being used by Catholic priests in various communities to harass Baptists by accusing them of "sheep-stealing" and "not submitting to their superiors" who signed the accord.

"We know that Baptists are autonomous. We know that we can witness to anyone. But the Catholic hierarchy does not understand that," he said.

The leaders also "strongly oppose" the statement's declaration that Catholics and Baptists "are brothers and sisters in Christ" and the "notion that we are on the same mission as Roman Catholicism, proclaiming the same message," Lopez said.

"We also are concerned that Hispanic Baptists were not conferred with before the document was signed. We were not contacted or asked how it would affect us. There was no thought as to what the ramifications of it would be for us," he said.

Both Lewis and Land have received backing from their respective boards of trustees for signing the document and an SBC resolution on the statement last summer deflected criticism that it undermines evangelism and embraces heresy

Texas Baptists, in their 1994 convention in Amarillo, adopted a resolution clarifying that the state convention did not endorse the Catholic/Evangelical document and affirming a commitment to "evangelize all people groups who do not have faith in Christ."

In a prepared statement, Lewis said March 14 he appreciates the Hispanic Baptist leaders' concern but observed that "as others have done, they appear to have misunderstood the intent and focus" of the evangelical-Catholic statement.

The statement "does not prohibit, but rather encourages, evangelization of all who have not accepted Christ whether they are members of the Catholic church, a Baptist church or no church," Lewis said.

It also "does not imply all Catholics are brothers and sisters in Christ" but only those "who truly profess Christ as Savior and Lord," he said.

Lewis said Hispanic leaders were not consulted because all the signers clearly stated they were not representing their respective denominations or constituencies. He said he signed the statement because "I believe evangelical Christians must work with those who are in agreement with us on the vital moral and social issues which threaten our families and society."

Lewis refused to "accept responsibility for misuse or misunderstanding of the document by Catholic priests, Baptist pastors or anyone else." He noted he has "heard claims that the document has been used against converted Catholics or to prevent witnessing to Catholics, but no one has given me the name and address of a single priest, bishop or archbishop to substantiate such claims."

Lewis recently added his signature to a clarification statement drafted in January by some of the evangelical signers of the "Evangelicals and Catholics Together" document.

The statement of "applicatory clarifications" affirmed "para-church" cooperation with Catholics on agreed-on objectives but defended Protestant doctrines of salvation by grace and the right of evangelical churches to evangelize.

Land previously signed the statement, intended by the evangelical leaders who drafted it to "prevent divisive misunderstandings of our beliefs and purposes" in signing the Catholic-evangelical accord, according to a press release.

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-- Bob Allen contributed to this story.

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