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## In this Issue:

- **Members of conservative group choose to stay in Texas convention**
- **Attack in Uganda kills six worshippers**
- **Religious groups ask Supreme Court to uphold religious-liberty law**
- **Vouchers for religious schools in Milwaukee invalidated**

## **Members of conservative group choose to stay in Texas convention**

FORT WORTH, Texas (ABP) -- Members of a conservative Baptist group in Texas polled about forming a new convention said they plan to stay within the Baptist General Convention of Texas at least through the state convention's annual meeting this fall.

After last fall's meeting of the state convention, which was dominated by moderates, 350 members of Southern Baptists of Texas were asked if they preferred a new convention for conservatives or to stay aligned with the BGCT.

The "overriding response" to the poll was to remain a part of the state convention, Ronnie Yarber, the group's executive director, told about 25 members at a recent meeting in Fort Worth.

"Our intention is to stay as we are" for now, Yarber said, adding there could be a "stepping away" from the state convention in the future.

Presently, Southern Baptists of Texas charges the moderate-controlled BGCT, with 2.5 million members, is seeking to distance itself from the 16 million-member Southern Baptist Convention, which is run by conservatives.

But rather than severing ties and forming a separate state convention, as conservatives in Virginia did last fall, the Texas group hopes to bolster its influence in the state by electing conservatives to officer posts.

Last year, a slate of candidates backed by the group lost to moderates. It is uncertain if last year's standard-bearer, Rick Scarborough, will run for the convention's presidency again this year.

Scarborough, pastor of First Baptist Church in Pearland, is resting after an aggressive campaign last fall and has not decided if he will be a nominee in 1997, said SBT leader Miles Seaborn.

"We're letting the dust settle after a monumental, all-out effort," said Seaborn, pastor of Birchman Baptist Church in Fort Worth.

Seaborn and Yarber also told the group that the state convention's administrative committee has refused to include monies designated to SBT in the "Cooperative Program" budget -- the state's primary missions account.

The committee based its decision on the argument that the conservative group is "political" in nature, Seaborn and Yarber said. They insisted the group is a missions organization, however, noting SBT has supported two church starts, a mission project in Brazil and seminary students and has aided a church damaged by a fire.

While churches may direct the state convention to direct funds to either the SBT or the moderate Texas Baptists Committed, neither qualifies for the "Cooperative Program" designation, said Roger Hall, BGCT treasurer. The administrative committee views both organizations as being primarily political -- not missionary -- groups, Hall said.

-30-

-- By Toby Druin

## **Attack in Uganda kills six worshippers**

KAMPALA, Uganda (ABP) -- A terrorist attack killed six people attending an open-air Christian worship service Jan. 12 in Kampala, Uganda.

An unidentified assailant threw a hand grenade into a congregation of 500 Christians at a prayer meeting in a suburb of Uganda's capital city, according to Ecumenical News International. Three people died immediately, according to news reports, and 40 were injured.

No one claimed responsibility for the attack immediately, but police suspected Islamic militants. Several preachers at the prayer meeting had reportedly criticized the Koran, angering Muslims.

About 15 percent of Uganda's 20 million population is Muslim. Catholic and Protestant Christianity each comprise about one-third.

Traditional Christian and Muslim followers have a history of good relations, but in recent years Uganda has seen a growth in Islamic fundamentalism, possibly influenced by hard-line Muslims in neighboring Sudan, according to ENI.

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-- By ABP staff

## **Religious groups ask Supreme Court to uphold religious-liberty law**

By Larry Chesser

WASHINGTON (ABP) -- A broad coalition that worked for passage of the Religious Freedom Restoration Act in 1993 has now turned to defending the constitutionality of the landmark law.

A coalition of 75 religious and civil-liberties groups has petitioned the U.S. Supreme Court to uphold the law that limits the government's power to restrict religion.

In a friend-of-the-court brief, the Coalition for the Free Exercise of Religion is arguing that Congress acted within its authority in passing the Religious Freedom Restoration Act -- a law designed to bolster religious liberty.

The broad coalition, which includes both the Southern Baptist Christian Life Commission and the Baptist Joint Committee on Public Affairs, is asking the Supreme Court to uphold the law after it hears arguments Feb. 19 in a zoning dispute between a Texas city and a Catholic church.

After officials in Boerne, Texas, refused to allow St. Peter Catholic Church to expand a building located in a landmark preservation district, Archbishop P. F. Flores of San Antonio filed a religious-liberty claim, citing RFRA.

At first, a federal district judge sided with the city, ruling the law was unconstitutional. Congress overstepped its bounds when it passed RFRA, the court said, and infringed on the power of courts to interpret the law.

An appeals court later reversed that ruling, however, upholding RFRA. The appeals court rejected the argument that Congress trespassed on judicial authority and said Congress has the right to expand rights in ways consistent with the Constitution.

Congress passed the law after a 1990 Supreme Court decision that changed significantly the way courts view religious-liberty claims. In *Employment Division vs. Smith*, the court ruled that governments no longer needed to show a "compelling" interest to enact broadly applied laws that happen to interfere with the free exercise of religion.

The law restored the requirement that government show a compelling interest in laws that restrict religious practices.

The coalition, which first formed to seek passage of RFRA, now wants the Supreme Court to uphold the law.

The coalition's brief asks the high court to reject Boerne's argument that RFRA violates the Constitution's ban against governmental establishment of religion.

The coalition brief also argues the 14th Amendment empowers Congress to expand liberties protected by the Constitution as long as it does not violate other constitutional provisions.

The religious and civil-liberties groups also reject arguments that RFRA violated the constitutional separation of powers. That principle forbids one branch of government from intruding on the functions of another.

"RFRA does not violate that principle," the brief states. "The courts have the final say on what the Constitution means. In enacting RFRA, Congress did not usurp that role. Even today, the free-exercise clause means what Smith said it means."

Melissa Rogers, associate general counsel at the Baptist Joint Committee, called the group filing the brief "one of the most diverse coalitions in recent political history."

"It is rare that such a diverse group speaks with one voice at the Supreme Court," she said.

The case has also drawn the attention of groups outside the religious community, Rogers said, pointing to a long list of amicus (friend-of-the-court) briefs.

"Religious liberty advocates are not the only ones with a stake in the case," she said. "As the breadth of the amici indicates, this case could impact the civil-rights community and the power of legislators to redress injustices of many different kinds."

In other friend-of-the-court briefs:

-- The United States Catholic Conference and others argue that contrary to the Supreme Court's 1990 *Smith* ruling, the free-exercise clause "is not confined to laws that specifically target religious practice as such, but extends as well to neutral laws of general applicability that impose a substantial burden on the exercise of religion."

The brief, written by University of Chicago law professor Michael McConnell, argues that the most natural reading of the free-exercise clause "is that it applies to any law that hinders, proscribes, or restrains religious conduct."

-- Sen. Edward Kennedy, D-Mass., and Rep. Charles Schumer, D-N.Y., along with 28 other House and Senate lawmakers, also defend RFRA's constitutionality.

"RFRA represents a determination by the legislative branch to provide additional statutory protection for religious observances beyond the constitutional requirements set forth in *Smith*," their brief states. "This is not a violation of the separation of powers doctrine. It is the separation of powers doctrine at work."

-- Sen. Orrin Hatch, R-Utah, and eight other senators and representatives argue that RFRA "does not violate the separation of powers" and "falls comfortably within Congress' authority" under the 14th Amendment.

"Congress enacted RFRA as a means of enforcing the express constitutional guarantee of free exercise of religion," the brief states.

-- The American Bar Association also argues in support of RFRA.

## Vouchers for religious schools in Milwaukee invalidated

By Kenny Byrd

MADISON, Wis. (ABP) -- A Wisconsin state judge has struck down a provision that allows religious schools to participate in a Milwaukee school-choice program for poor children.

The state "cannot do indirectly what it cannot do directly," Judge Paul Higginbotham ruled Jan. 15.

Allowing religious schools to receive state funds earmarked for tuition at private schools would violate a prohibition on state-supported religion in the state's constitution and Wisconsin's "public purpose doctrine," which requires that public funds be used only for public purposes, Higginbotham said.

In 1995, Wisconsin expanded the Milwaukee Parental Choice Program plan to allow religious schools to participate. Before the revision in the 5-year-old program, the state sent checks to public schools of parents' choice. Under the revised plan, the checks would go to the parents rather than the school.

Three suits filed to challenge the plan in court were eventually consolidated. Plaintiffs are the American Civil Liberties Union, the National Association for the Advancement of Colored People, Americans United for Separation of Church and State and teachers associations.

Earlier, Higginbotham blocked implementation of the plan pending judgment on its constitutionality. Wisconsin's Supreme Court deadlocked 3-3 on that question last March, returning the case to Higginbotham's jurisdiction.

In striking down the provision, Higginbotham ruled: "It can hardly be said that this does not constitute direct aid to the sectarian schools. Although the U.S. Supreme Court has chosen to turn its head and ignore the real impact of such aid, this court refuses to accept that myth."

Observers predict the case will ultimately reach the U.S. Supreme Court.

The state's constitution says state money cannot be used for the benefit of religious groups and that citizens cannot be "compelled to attend, erect or support any place of worship, or to maintain any ministry without consent," Higginbotham noted.

In the revised plan, religious schools would be the primary beneficiaries of the government aid, he said.

"The state cannot do indirectly what it cannot do directly -- and that is provide money from the state treasury to pervasively sectarian religious schools for the purpose of educating Wisconsin students," the judge ruled.

After reviewing mission statements from several religious schools, Higginbotham said it is impossible for the schools to "separate the secular function of educating from their religious mission."

The plan would violate the constitution's "compelled support" clause by forcing Wisconsin taxpayers to support sectarian instruction without their consent, he said.

"Perhaps the most offensive part" of the amended Milwaukee Parental Choice Program, Higginbotham said, "is it compels Wisconsin citizens of varying religious faiths to support schools with their tax dollars that proselytize students and attempt to inculcate them with beliefs contrary to their own."

"We do not object to the existence of parochial schools or that they attempt to spread their beliefs through their schools," he continued. "They just cannot do it with state tax dollars."

Oponents of vouchers for religious schools lauded the ruling.

"This is a tremendous victory for individual freedom," said Barry Lynn, executive director of Americans United. "Americans should never be taxed to support churches or church schools."

The ruling "sends a strong message to legislators everywhere: voucher programs are legally perilous," he said.

Brent Walker of the Baptist Joint Committee said, "Once again a state court has said 'no' to a misguided attempt to pay for the teaching of religion with taxpayer dollars. Thomas Jefferson called it 'sinful and tyrannical,' and it still is."

✓ The Southern Baptist Christian Life Commission, meanwhile, supports the provision including religious schools in the program. The agency joined a brief in the case before the state Supreme Court arguing that if other private schools were included in the program, religious schools should not be excluded.

"This case is not about tuition tax credits and vouchers," said Richard Land, head of the Southern Baptist Convention's agency for moral and religious-liberty concerns. "It is about religious freedom and government discrimination against religion."

"This case does not say that the government must or should offer vouchers to parents who choose alternative schools for their children. It does say that if the government chooses to offer such vouchers, it must not and cannot discriminate against religious schools as opposed to other private schools," Land told Baptist Press, the SBC's news agency.

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