

Associated Baptist Press

Nashville, Tennessee

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June 25, 1997

(97-59)

In this issue:

- Supreme Court strikes down RFRA
- HMB approves formal ties with SBCV
- High court reverses 1985 ruling against on-campus remedial instruction
- Former Education Commission head leaving educators' association's post
- BWA urges Yeltsin to veto religious law
- Baptist World Alliance sends funds to Sierra Leone

Supreme Court strikes down RFRA

WASHINGTON (ABP) -- The U.S. Supreme Court ruled June 25 that Congress overstepped its bounds in enacting a 1993 law aimed at bolstering religious liberty.

In a 6-3 decision, the court struck down the Religious Freedom Restoration Act, a law passed to restore religious-liberty protections eroded in an earlier Supreme Court decision.

Congress passed the law in response to a 1990 decision in which the high court said that laws that are neutral to religion are valid even if they happen to interfere with someone's religious beliefs. With RFRA, Congress imposed a greater burden forcing governments to demonstrate a "compelling" reason before infringing religious freedom and only by the "least restrictive" means.

City officials in Boerne, Texas, petitioned to have the law declared unconstitutional in a zoning dispute with a Catholic church. After officials refused to allow St. Peter Catholic Church to tear down part of a 70-year-old sanctuary near a historic-preservation area, church officials argued the city's refusal violated RFRA.

In striking down the law, the Supreme Court said Congress exceeded its authority, usurping the role of courts, when it passed RFRA. ... "The provisions of the federal statute here invoked are beyond congressional authority; it is this court's precedent, not RFRA, which must control," Justice Anthony Kennedy wrote in the majority opinion.

James Dunn, executive director of the Baptist Joint Committee, a religious-liberty agency which spearheaded a broad coalition which worked for RFRA's passage, criticized the ruling.

"The First Amendment has just been gutted by the Supreme Court," Dunn said. "The court's concern for proper process may well deny millions of Americans the religious liberty which has been our nation's heritage."

HMB approves formal ties with SBCV

By Michael Clingenpeel

RICHMOND Va. (ABP) -- In one of its final acts before being merged into the North American Mission Board, the Southern Baptist Convention's Home Mission Board's executive committee voted to establish a formal relationship with the Southern Baptist Conservatives of Virginia.

Recognition by the national agency adds legitimacy to the SBCV, a conservative Baptist state convention in Virginia which splintered last year from the long-established Baptist General Association of Virginia.

It also allows the NAMB -- which succeeds the work of the Home Mission Board and two other SBC agencies -- to begin providing joint funds for missionaries and ministries with the SBCV, an important boost as the new convention attempts to expand its influence in the Old Dominion.

It marks the first time for the SBC to recognize two conventions in the same state. While Virginia Baptist officials said they were not surprised by the action, they fear it could create conflicts in Virginia's district associations if NAMB matching funds are distributed unfairly between the two conventions. The SBCV is more in tune with the SBC's conservative leadership than the moderate-led BGAV.

Each of the 39 Baptist state conventions and fellowships signs a standard four-page written covenant with the NAMB that governs the ministries and missionaries jointly sponsored by the NAMB and the state.

Among other matters, the covenants set procedures for employment and supervision of personnel and define how personnel will relate to the state and national entities.

In Virginia, for example, there are 50 missionaries under appointment by the NAMB whose salaries are funded jointly by the BGAV and NAMB, said Craig Wilson, mission resource group leader for the Virginia Baptist Mission Board. The personnel include church planters and missionaries involved in community ministries in several urban locations. Last year the HMB sent \$238,937 from Cooperative Program funds to the BGAV for this cost-sharing arrangement.

Unclear at this time is how much money SBCV will receive from the formal agreement or whether it means fewer funds will be available to other state conventions and fellowships. "I do not think the intention is to take money from any other state conventions," said Martin King, vice-president of communications for NAMB. But King added that there is a finite amount of money available for the states, and it is doled out on a basis of priorities defined by the national board.

King said the agreement with SBCV is similar to agreements with other state conventions. But the newly-signed agreement, a copy of which King gave to the Religious Herald, does not specify the ratio of support from NAMB to the SBCV, a missing link that could create friction with two state conventions responsible for missions work in the same geographic territory.

Both the BGAV and SBCV have announced a priority on church planting. This could spell trouble in district associations, said BGAV executive-director Reginald McDonough, if the NAMB makes more money available to SBCV. That would give the conservative group an upper hand when cash-poor young churches seek help with purchases of property or church buildings.

McDonough urged the NAMB to treat both bodies in a "fair and equitable" manner. "I would have a problem if the NAMB treated the two conventions differently," he said. "If support to the Virginia Baptist Mission Board for missions is cut back by NAMB, it would be inequitable to disproportionately fund the SBCV."

But the Virginia Baptist executive said he values the BGAV's cooperative agreement with the former Home Mission Board and was "not surprised" by the "appropriate" decision of the NAMB to set out an orderly relationship with the SBCV.

"I'm committed to working through these issues," said McDonough. "I never want politics to squelch the advancement of the kingdom. However, fairness and equity are two very important principles in order to make relations between various Baptist bodies work."

Wilson echoed McDonough's sentiments. "If NAMB is able to help the SBCV reach lost people for Christ and meet human need in areas where we are currently unable to minister, that would be great. If NAMB's help supports competition with and among existing churches and ministries, I do not think the kingdom's work would be enhanced at all."

Apparently SBCV officials approached representatives of the HMB last year to determine whether a formal relationship would be possible if SBCV formed a separate state convention in Virginia. "There had been some initial contact between SBCV and HMB before they were organized," said King, "what do we have to do, what guidelines do we follow, where can we work together, that kind of thing. The president told them, 'When you're official we'll look at cooperation.'"

That happened in September, when SBCV voted to leave the BGAV with allegations that the 174-year-old state convention was distancing itself from the SBC and was too liberal on theological and moral issues. Since then almost 100 Virginia Baptist churches have voted to align "uniquely" with SBCV.

An interpretation of SBC by-laws by legal counsel determined that more than one state convention related to the SBC could exist within a state, opening the door to the SBCV's action.

Other SBC agencies are also establishing ties to the new convention. Jimmy Draper, president of the Baptist Sunday School Board, said he received a letter from SBCV executive-director Doyle Chauncey on June 12 requesting Sunday School Board assistance. Draper said they would provide financial support for SBCV similar to what is offered to the BGAV. But he added that money going to the SBCV "would not diminish" the amount coming to the BGAV. "We will continue to work hand in hand with the BGAV in the future," he said.

Last year the BGAV received \$70,800 from the Sunday School Board to supplement personnel costs in the areas of Sunday school and discipleship development on the Virginia Baptist Resource Center staff.

SBCV also has established formal ties with the SBC Annuity Board. Thomas Miller, senior vice president of public relations at the Annuity Board, said SBCV officials approached the agency prior to their vote to become a separate state convention and were told they could not establish an annuity plan for pastors of uniquely aligned SBCV churches until they voted to form their own convention. According to Miller "they now have a church annuity plan supplement."

Last year the Annuity Board provided \$32,000 to the BGAV to supplement salaries for Virginia Baptist Resource Center staff who represent the work of the Annuity Board with BGAV churches. It is unclear whether they will give similar support to SBCV.

Before voting to become a state convention last September the SBCV asked for a partnership agreement with the then Foreign Mission Board, according to International Mission Board president Jerry Rankin. "We told them we can't assign projects like we would do with any entity such as a church or association, but that a unique state partnership would not be appropriate. They accepted that and they did organize several projects."

Since then SBCV apparently has not requested a formal partnership, according to Rankin, who said he met with SBCV's officers recently. "I am not aware of anything being proposed at this time, but we would be open to that as we would with any state convention. I would also want to say that we continue to be grateful for the BGAV in the two current missions partnerships we have. It has been a wonderful partner to work with."

The BGAV has IMB-sponsored partnerships with Panama and Slovakia.

High court reverses 1985 ruling against on-campus remedial instruction

By Kenny Byrd

WASHINGTON (ABP) -- Overturning its own 1985 decision, the U.S. Supreme Court ruled that a federal program in New York City providing tax-funded remedial education at parochial schools does not violate the Constitution.

In a 5-4 decision, justices expanded their view of what type of government aid to religious institutions is permissible under the constitutional provisions separating church and state. The ruling stopped short, however, of endorsing aid to religious schools that would include plans such as vouchers.

Writing for the majority June 23, Justice Sandra Day O'Connor said there was no "logical basis" to conclude that the Title I program is an impermissible subsidy of religion when provided on-campus, but not when offered off-campus. She also said that placing public employees on parochial campuses does not have the effect of advancing religion through indoctrination.

In 1985, the Supreme Court ruled in *Aguilar vs. Felton* that remedial instruction by public-school teachers on site at parochial schools created an excessive entanglement between church and state.

Asking the court to reopen and reverse its holding in *Aguilar*, lawyers for the New York City Board of Education and a group of parents argued that providing off-campus instruction in subjects such as math and reading has proven costly and less effective.

Since the 1985 ruling, more than \$100 million has been spent leasing sites and mobile instruction units to comply with the ruling, the city claimed.

Five justices had openly criticized the *Aguilar* decision leading its opponents to ask the court to reopen the case through a procedural move which allows courts to relieve a party from a previous ruling if it is "no longer equitable."

The June 23 ruling in *Agostini vs. Felton* agreed with *Aguilar's* opponents and overturned the ruling.

O'Connor said recent rulings signal a shift in the court's understanding of the criteria used to assess whether aid to religion has the impermissible effect of advancing or inhibiting religion.

The court has abandoned the presumption that "the placement of public employees on parochial school grounds inevitably results in the impermissible effect of state-sponsored indoctrination or constitutes a symbolic union between government and religion," she wrote.

O'Connor, joined by Chief Justice William Rehnquist and justices Antonin Scalia, Clarence Thomas and Anthony Kennedy, said that "we no longer assume that public employees will inculcate religion simply because they happen to be in a sectarian environment."

The court also ruled that there was no need for pervasive monitoring of public school teachers, since it was no longer assumed they would promote religion simply because they were on a parochial-school campus.

A dissenting opinion written by Justice David Souter and joined by Justices John Paul Stevens and Ruth Bader Ginsburg said the result of the majority's ruling is to "authorize direct state aid to religious institutions on an unparalleled scale, in violation of the Establishment Clause's central prohibition against religious subsidies by the government."

Analysts studied the decision carefully for possible application to the ongoing debate over whether the Constitution permits the use of tax dollars for "vouchers" for students to pay tuition at private and parochial schools.

While the court seemed to be more open to permitting some aid to flow to religious schools, the opinion did not address the idea of vouchers.

O'Connor noted that services in the Title I program are not distributed directly to the religious schools. "No Title I funds ever reach the coffers of religious schools."

Brent Walker, general counsel for the Baptist Joint Committee, expressed mixed views over the ruling.

In a BJC statement on the case, Walker said the court "never should have heard this case. Allowing the petitioners a second bite at the judicial apple establishes an unfortunate precedent which will open the flood gates for re-litigation of final judgments in other cases."

But the BJC stated that the court correctly ruled that the Title I program on parochial school campuses may not "inevitably violate the Establishment Clause's prohibition on excessive entanglement between church and state."

The BJC statement said the ruling does not establish a precedent for parochial school vouchers or other forms of public aid to religion.

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Former Education Commission head leaving educators' association's post

PALM BEACH, Fla. (ABP) -- The Southern Baptist Association of Colleges and Schools, meeting for the first time as an independent group since elimination of the Southern Baptist Education Commission in December, accepted the resignation of executive director Steve Carleton.

Carleton, former executive director of the education agency dissolved in the recent restructuring of the Southern Baptist Convention, had signed a six-month contract with the organization of Southern Baptist-related seminaries, colleges, universities, Bible colleges and high-school academies.

At the association's annual gathering June 8-10 in Palm Beach, Fla., Carleton announced he was leaving July 1 to work with a private medical education foundation in Oklahoma City, Okla.

Former Education Commission employee Tim Fields will serve month-to-month as interim executive director while leaders search for Carleton's permanent successor.

Staff of the Education Commission had worked for the association since its founding in 1948. The SBC voted to dissolve the agency effective June 19, 1997, but the Education Commission volunteered to close six months early. In exchange, the task force implementing the SBC restructure awarded the association a \$150,000 grant to help staff the organization for two years.

In other action, members of the association approved a 1997-98 budget of \$152,903. Projected funding includes \$105,000 from membership dues, \$44,660 from the SBC grant, \$20,000 from state-convention grants and \$30,000 from an affinity group insurance plan.

-30-

-- By ABP staff

BWA urges Yeltsin to veto religious law

McLEAN, Va. (ABP) -- The Baptist World Alliance has asked Russian President Boris Yeltsin to veto a law that would severely restrict freedom for religious minorities.

The law, which passed overwhelmingly in Russia's legislative body, would impose a 15-year waiting period in which "new" religious groups would have no legal status or rights.

Denton Lotz, general secretary of the McLean, Va.,-based BWA, urged Yeltsin to veto the law, which he described as "an intrusion into soul liberty and freedom of conscience" which violates religious-liberty guarantees in Russia's new constitution.

Yeltsin earlier vetoed a similar law.

-30-

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Baptist World Alliance sends funds to Sierra Leone

McLEAN, Va. (ABP) -- The relief arm of the Baptist World Alliance has sent Baptists in Sierra Leone \$5,000 to buy food in an economy disrupted by civil unrest.

Baptist World Aid sent the funds to Moses Khanu, general secretary of the Baptist Convention of Sierra Leone to help Baptists buy food as political unrest has shut down both the government and private sector.

Food is becoming scarce and sells "at sky rocket prices" since a May 25 military coup, said Khanu. "A bag of rice that sold for twenty dollars is now twenty five," he said, causing Baptists in the country to suffer.

Baptists are among religious leaders who might play a part in peacekeeping efforts aimed at restoring normal life in the capital city of Freetown. Many people have left the county "but as church leaders we could not," Khanu said.

Baptist churches continue to meet for worship services and prayer, Khanu said. On June 15, there were 19 baptisms at his church, he said.

"We are all traumatized," Khanu said, "please pray for us and our work for lasting peaceful settlement of the political impasse."

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-- By ABP staff

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