

Nashville, Tennessee

Associated Baptist Press

Editor: Greg Warner
 Associate Editor: Bob Allen
 Phone: (904) 262-6626
 Fax: (904) 262-7745

June 27, 1997

(97-60)

In this issue:

- U.S. Supreme Court strikes down law protecting religious practice
- CBF seeks to endorse chaplains, will restore some BWA funds
- Vestal gives 'message of hope' in first general assembly address
- Mead says churches must adapt to society's new "Land of Oz"

**U.S. Supreme Court strikes down
law protecting religious practice**

By Larry Chesser and Kenny Byrd

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.

The high court's 6-3 ruling dismayed lawmakers and religious groups who worked together to pass the Religious Freedom Restoration Act in response to a 1990 Supreme Court ruling that significantly curtailed protection for religious practice.

Members of Congress who helped enact RFRA joined leaders from a coalition of civil liberty and religious groups that backed the law, calling the court's decision "disastrous," "disappointing" and an "assault on religious liberty."

RFRA supporters disagree on the remaining options for those seeking to provide broader protections for religious practices. While some groups are arguing for a constitutional amendment, many groups remain opposed to that alternative.

A Baptist church-state attorney who helps lead the Coalition for the Free Exercise of Religion predicted dire consequences for religious liberty under the ruling.

"This decision opens the door to churches being zoned out of downtown areas, mission programs being terminated through onerous government regulations and other intrusive forms of government control of people of faith and houses of worship," said Melissa Rogers, associate general counsel at the Baptist Joint Committee.

Congress enacted RFRA after the high court ruled in *Employment Division vs. Smith* that neutral, broadly applied laws that happen to burden religious practice are constitutional.

RFRA increased religious-liberty protections by allowing governments to pass laws which substantially burden the practice of religion only when there is a compelling governmental interest. It also required that governments use the least restrictive means available to achieve such a compelling interest.

RFRA reached the high court in a dispute involving a small Texas city and a local Catholic parish seeking to expand its facility. Contending that St. Peter Catholic Church was situated within the city's historic preservation district, Boerne officials rejected the church's request for a building permit. The church challenged the denial, citing RFRA's protections.

A federal district court sided with the city, concluding that RFRA exceeded Congress' authority. But the 5th U.S. Circuit Court of Appeals reversed that ruling, holding RFRA to be constitutional.

In passing RFRA, Congress cited its authority under Section 5 of the 14th Amendment, which authorizes the legislative branch to write laws enforcing the liberties protected by that amendment.

While the high court majority said Congress can enact laws enforcing the constitutional right to the free exercise of religion, it cannot expand that liberty in ways that usurp the role of the courts to interpret the Constitution or of state legislatures to pass laws.

Writing for the majority, Justice Anthony Kennedy said RFRA alters the meaning of the First Amendment's free-exercise clause as interpreted by the high court in *Smith* and is not merely enforcing the clause.

"Congress does not enforce a constitutional right by changing what the right is," Kennedy wrote in the opinion joined by Chief Justice William Rehnquist and Justices John Paul Stevens, Clarence Thomas, Ruth Bader Ginsburg and, in most part, by Antonin Scalia.

The court majority said RFRA goes well beyond "remedial" legislation designed to prevent unconstitutional behavior. "It appears, instead, to attempt a substantive change in constitutional protections," Kennedy wrote.

In a concurring opinion, Justice Stevens said RFRA violates the First Amendment's ban on governmental establishment of religion.

Stevens wrote that RFRA gave the church a "legal weapon" not available to an atheist or an agnostic. "This governmental preference for religion, as opposed to irreligion, is forbidden by the First Amendment," he wrote.

Justices Sandra Day O'Connor, David Souter and Stephen Breyer dissented from the court's ruling.

O'Connor said the court should use this case to reconsider the *Smith* decision.

The court's analysis of RFRA's validity is based on the assumption that *Smith* "correctly interprets the free exercise clause," she wrote. "This is an assumption that I do not accept."

Early American leaders, O'Connor wrote, "accorded religious exercise a special constitutional status."

"The right to free exercise was a substantive guarantee of individual liberty, no less important than the right to free speech or the right to just compensation for the taking of property."

"Our nation's founders conceived of a republic receptive to voluntary religious expression, not a secular society in which religious expression is tolerated only when it does not conflict with a generally applicable law," she said.

She urged the parties involved in the RFRA case to seek reargument of the case to determine whether *Smith* is a correct interpretation of the First Amendment.

Reaction to the hearing signaled a disagreement among RFRA supporters over the need to amend the Constitution.

"We must amend the U.S. Constitution to restore our religious free-exercise rights which have been so severely curtailed by the current court majority," said Richard Land, president of the Southern Baptist Ethics and Religious Liberty Commission.

But other leaders oppose an amendment and said other options must be exhausted first.

"We shall right this wrong," said BJC General Counsel Brent Walker. "For now, however, we oppose running headlong into an attempt to amend the Constitution. Other judicial and legislative remedies, at the state and national level must be exhausted first."

Walker said other options include:

-- Seeking another legislative action. For example, requiring that RFRA be followed when federal funds are involved.

-- Passing miniature RFRA's at the state level.

-- Asking the Supreme Court to revisit and overturn the *Smith* decision.

Oliver Thomas, special counsel for religious and civil liberties at the National Council of the Churches of Christ, said the RFRA decision "will likely be remembered as the *Dred Scott* of church-state law. But as with *Dred Scott*, Americans working together will overcome this setback to freedom."

Members of Congress also criticized the ruling.

"According to the Supreme Court, the Constitution protects religious freedom, but no one has the authority to enforce that protection," said Rep. Jerrold Nadler, D-N.Y.

Sen. Edward Kennedy, D-Mass., said the decision "cannot be the final word on this vital issue of religious freedom in modern American life."

Rep. Charles Cannady, R-Fla., called a hearing to discuss the implications of the ruling and possible legislative solutions. The House Judiciary Subcommittee on the Constitution will hold a hearing on the high court's decision July 14.

-30-

CBF seeks to endorse chaplains, will restore some BWA funds

By Greg Warner

LOUISVILLE, Ky. (ABP) -- The Cooperative Baptist Fellowship will be asked to declare itself "a religious endorsing body" so that the six-year-old group can endorse chaplains.

That recommendation, which was introduced June 27 to the CBF's general assembly for a vote June 28, comes from the group's Coordinating Council, which has been studying the issue of chaplain endorsement for two years.

During its meeting June 25-26, the council also agreed to restore some of the funding cut from the Baptist World Alliance earlier this year and to make Atlanta the permanent site of the CBF's home office.

Generally, denominations or conventions endorse chaplains, who then are hired to work in hospitals, the military and other specialized settings. But the Fellowship, a loose-knit organization of individuals and churches, has resisted becoming a convention.

A motion introduced at the CBF's general assembly in 1995 would have declared CBF a new Baptist convention for the purpose of chaplain endorsement. The motion was rejected, and a subsequent year-long study concluded there was not sufficient interest among Fellowship members to pursue that course.

However, the Coordinating Council has continued to study the issue of chaplaincy.

"We would not have to declare ourselves a denomination in order to endorse chaplains," reported Ed Beddingfield of North Carolina, who led a two-year study of the issue.

"There are other religious endorsing bodies that are not denominations, including churches," he told members of the Coordinating Council June 26.

The specific language of "religious endorsing body" meets criteria established by the Congress on Ministry in Specialized Settings, Beddingfield said. Whether or not the U.S. military will accept CBF endorsements remains to be seen, he said.

The CBF will be asked to assign the endorsement authority to its global missions office, which will screen and recommend chaplains.

Chaplaincy has become an issue for some moderate Baptists who prefer not to seek endorsement through the North American Mission Board, an agency of the Southern Baptist Convention.

The Coordinating Council also voted unanimously June 26 to give \$20,000 this year to the Baptist World Alliance, which lost its entire allocation from the Fellowship -- approximately \$100,000 -- during a round of budget cuts in the spring.

Deleting the funds for BWA, a worldwide organization of Baptist bodies, angered some Fellowship members, particularly those in Virginia, where BWA is headquartered.

The council cut allocations to most of the organizations it funds by 10 percent last spring when revenue fell below expectations. However, BWA funding was eliminated entirely by the global missions ministry group, which had handled the BWA relationship for the Fellowship.

Pat Anderson, former moderator of the council and CBF, said that decision made sense in the context of severe budget cuts, since BWA had demonstrated little public interest in the Fellowship.

Other than one appearance by a BWA official at a Fellowship meeting, "we have not heard BWA requesting funding, thanking us for funding or in any other way recognizing funding" from the CBF, Anderson told council members.

BWA, which receives its largest share of support from the Southern Baptist Convention, does not identify the Fellowship among its participating Baptist bodies.

The Coordinating Council asked its Baptist principles ministry group to study the Fellowship's relationship with BWA.

The council approved the recommendation of a study committee to keep its headquarters in Atlanta, where it currently leases office space at Mercer University's Atlanta campus. The study committee delayed a long-range decision on specific office space in Atlanta until 1998 -- closer to the time that the CBF's current lease expires with Mercer.

-30-

Vestal gives 'message of hope' in first general assembly address

By Bob Allen

LOUISVILLE, Ky. (ABP) -- Daniel Vestal delivered a "message of hope" for the Cooperative Baptist Fellowship in an opening address at the moderate group's June 26-28 general assembly in Louisville, Ky.

Vestal, in his first general-assembly address since assuming the Fellowship's top executive post last year, called the group "a Fellowship of hope," outlining his vision of a future marked by spirituality, community and commitment to global missions.

Also, in his strongest public statement on the issue, he renewed the Fellowship's pledge to encourage women to serve in all roles of church leadership, including pastor.

The Fellowship began in 1991 in response to the takeover of the Southern Baptist Convention by a conservative faction. With wounds of the SBC battle healing for many supporters, the Fellowship in recent years has sought to articulate a positive vision for the future. Last year the group formally decided not to form a new convention separate from the SBC.

Vestal, who succeeded founding coordinator Cecil Sherman last year, said no one knows what the Fellowship will look like in the future but he would like to see the group become characterized by:

-- Authentic spirituality. "I believe that deep within the heart of so many Baptists is a hunger and a yearning for spirituality," Vestal said.

Baptists "need resources, models and direction" for developing spiritual disciplines, Vestal said. He called for transcending Baptist, evangelical or revivalistic strains traditionally associated with Baptist piety and learning from "classical and contemporary pilgrims very different from us."

"We must abandon a performance-based religion, a corporate mentality that diminishes and even depletes spiritual formation," Vestal said.

Vestal described his own spiritual pilgrimage since joining "spiritual companions" from Orthodox, Catholic and Quaker traditions. He said he was reluctant to talk about his own spiritual walk for fear he would "attempt to communicate more than I myself really experience."

"But this I know," he continued. "I am on a spiritual journey, a journey of discovering the life of prayer. And I very much want others to join me in that journey. And I very much want CBF to help others in that journey."

-- Community: Spiritual health must translate into community in family relationships and in churches, Vestal said.

"I believe with all my heart that to grow a church and to love a church requires the building of community," he said.

That begins in the family. "If you want to measure what kind of a Christian I am, don't measure me by what I do on this platform. If you want to know what kind of Christian I am, ask my wife, ask my children, ask my mother-in-law."

-- Global missions.

"Baptists believe in cooperative missions," Vestal said. "They know they can do more together than they can alone."

Vestal said he dreams of churches taking the initiative in global missions, undergirding the Fellowship's 142 missionaries with prayer and financial support, starting new churches and involving lay people in missions.

"It is my conviction that nothing short of world evangelization will capture the imagination of Baptist people," he said. "World missions is a passion more than it is a program. It is a compelling conviction, a motivating urge, a unifying urge. It is a romance, an adventure.

"My vision of hope is that we discover and rediscover that romance."

Vestal closed with three "human reasons why I believe God is going to use this Fellowship."

First, he said, the Fellowship is characterized by twin values of corporate faith and individual freedom. "Faith and freedom go together and this is a Fellowship of both faith and freedom people," he said.

Second, he predicted, the Fellowship's commitment to women in ministry will attract Baptists "who want to see the whole church mobilized for mission and ministry."

Vestal, who formerly balked on the issue, told of being asked recently if he had changed his convictions about women pastors.

"I answered: 'Yes. I've not only changed, but I've had to repent.'"

"The wind of the Spirit of God is blowing across the world calling women, and they are responding," Vestal said. "This Fellowship will attract an increasing number of Baptists because we believe in the wind of the Spirit of God."

Third, he said, is the emergence of younger Baptist leadership in the Fellowship. In the past six years, seven new seminaries and divinity schools have been born, the Fellowship has formed ties with an existing seminary, and four Baptist houses of studies have been formed at non-Baptist schools.

"These fledgling institutions are already training Baptist leaders for the future," Vestal said.

-30-

Mead says churches must adapt to society's new "Land of Oz"

By David Winfrey

LOUISVILLE, Ky. (ABP) -- Churches should realize they're "not in Kansas anymore" and prepare for an Oz where members must be willing to take ministries to an ambiguous mission field, according to church strategist Loren Mead.

"A lot of things are changing in our society, and we've got to learn to do missions in a new world," said Mead, founder of the Alban Institute.

"We're not in Kansas anymore," Mead said, in a reference to the movie "The Wizard of Oz." "And the rules of Kansas don't work in Oz."

Mead explored changing paradigms for the church during the Cooperative Baptist Fellowship's church leadership institute prior to CBF's annual meeting in Louisville June 26-28

Mead said that in the Apostolic Age during the first centuries of Christianity, churches believed that every member was to participate in missions. Furthermore, the outside world was hostile to the church and the roles of clergy and laity weren't very different.

Later, under Christendom, whole empires were thought to be Christian, and the way to do missions was to expand the empire. Under this model, the role of the typical Christian was to be a good citizen, and very few Christians were directly involved in missions.

Many Christians still operate as though that model is in effect, Mead said, but society has changed into an emerging age in which churches no longer can assume everybody knows about Christianity.

"We learned Christianity in our society," Mead said. "How many of you expect your grandchildren to learn Christmas carols in public schools?"

In this emerging model for churches, Christians must again be involved both locally and globally in missions, he said, adding that the role of clergy will include training the laity to do missions.

But Mead admitted both clergy, who had been solely responsible for doing missions, and the laity, who's only responsibility had been to financially support missions, often are uncomfortable in their new roles.

"Most laypeople did not sign on to be primary missionaries," he said.

American churches also are tempted to do missions only in their own communities, Mead added.

"A lot of things are changing in our society, and we've got to learn to do missions in a new world," he said.

One answer is to encourage people who are trying new models of ministry in this emerging age, he said. "We need pioneers," he said. "And it's not going to be over in our lifetime."

Churches also are challenged by the way its members think, Mead noted.

During the industrial age, "machine-age thinking" was the norm, when problems had solutions and a series of steps led to an answer, he said.

But in the age of systems thinking, issues are interrelated, and rather than looking for solutions people look for ways to adapt to the situation, Mead said.

That can be frustrating in a church in which most members expect quick fixes for declining membership.

Churches seeking to minister in this emerging age should seek to understand the anxieties of society, Mead said.

Quoting a book by Paul Tillich, Mead noted that specific anxieties have risen to society's consciousness at different times.

When society was worried about life being finite, salvation's promise of eternal life was attractive, Mead said. Likewise, when guilt was a factor in the public consciousness, the gospel's offer of forgiveness for sin was attractive, he said.

Today, he said, people are looking for life to have meaning, and Christianity's promise of mission and adding purpose to life is an aspect worth promoting, Mead said.

Mead also noted that churches should not all expect to grow in the same way. He said numerical growth is only one of several ways in which churches grow.

Mead's research on this subject has been the basis for a Kentucky Baptist Convention study of similar types of growth. Mead said types of growth include:

-- Maturational growth. This describes how well a congregation helps its members with discipleship and Christian training. This type of growth is more important as America has become less of a Christian culture, Mead said.

"Our society no longer pretends to teach people the Christian story."

Churches need teaching that is both elementary for new Christians and advanced to help train leadership, he said.

-- Incarnational growth. This has to do with how well a church acts out its Christian values in the community, Mead said. "Each Christian needs to be helped to incarnate what Jesus is where they are."

-- Spiritual growth. Churches should be taught to embrace two types of spirituality many Christians consider to be at odds: "traditional spirituality," which is deeply theological, disciplined and reserved, and "charismatic spirituality," which is emotional and spontaneous.

-- Numerical. Mead said churches gain new members three ways: birth, conversion and transfer. Likewise churches can lose members three ways: death, transfer and drop out.

"If you don't replace those people who leave your congregation you will die," he said. "That's just plain numbers."

Mead said churches must form aggressive strategies that help people plug into the church and keep them from dropping out easily.

Efforts can include helping people who are moving plug into new churches or seeking out new members of a community, he said.

"Help them make a connection that society used to help them make," he said. "We've got to get our parents and grandparents and our children involved in holding on and keeping drop outs from happening."

-30-

END