

# Associated Baptist Press

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

July 1, 1997

(97-62)

## In this issue:

- Chinese Christians ambivalent about Hong Kong's future
- Restrictions on Internet violate First Amendment, court rules
- RFRA ruling reverberates through Supreme Court actions
- Nominee turns down Prague seminary post
- Accrediting agency removes Southern Seminary's notation
- Correction

## Chinese Christians ambivalent about Hong Kong's future

By David Finnigan

MONTEREY PARK, Calif. (ABP) -- As Great Britain turned over control of Hong Kong to China July 1, Hong Kong-born Christians around the world watched and prayed for their motherland's uncertain future.

In California, Chinese Christians marked the hours before the handover of Hong Kong with prayers for peace.

"I'm a Christian. I'm limited to what I can do for Hong Kong," said Albert Mak, a 35-year-old oncologist, one of 700 Hong Kong-born Chinese Christians who attended a June 28 Cantonese prayer meeting in Monterey Park, Calif.

"Prayer is really important," he said. "God will listen to our prayer. If I really want to do something for Hong Kong, it's better for me to come here to pray for Hong Kong, so that I feel that I can do something concrete."

The Los Angeles suburb of Monterey Park is a major hub for California's 900,000 Chinese immigrants. So many live here and in adjacent San Gabriel Valley that the region supports five Chinese-language daily newspapers serving professionals like Mak.

The Protestant prayer meeting in Monterey Park was followed by a Sunday night Roman Catholic prayer service in Los Angeles' Chinatown, where about 250 Cantonese-speaking Catholics lit 26 candles arranged to spell out "HK."

In San Francisco on June 29, Chinese Protestants and Catholics held similar prayer services the day before the handover.

Chinese Christians repeatedly say they are happy Hong Kong is returning to China but wary of China's current rulers.

"We all share the sense of mixed feelings," said David Lee, a Conservative Baptist minister who organized Monterey Park's small, outdoor prayer meeting. "We welcome the historical event. On the other hand, we cannot wholeheartedly celebrate this event because of the anxiety we may have."

"If we totally, wholeheartedly welcomed this event, why should we still stay in America?" he asked. "Because we are not certain about the future of Hong Kong. We're not saying that it's doomed. Nobody says that."

SOUTHERN BAPTIST HISTORICAL  
 LIBRARY AND ARCHIVES  
 Nashville, Tennessee

JUL 14 1997

But there is a lot of ambiguity. And being Christians, we know that in the past Chinese churches have been under some kind of persecution."

Other Christian observers seemed willing to trust the promises of Hong Kong's new Chinese leaders that Hong Kong's freedoms will be preserved.

"We shouldn't be so negative. We should give them the benefit of the doubt," said Ishmael Noko, a theologian from Zimbabwe and general secretary of the Lutheran World Federation.

Noko attended the handover ceremony in Hong Kong as a guest of Tung Chee Hwa, the Shanghai-born Hong Kong businessman appointed by China to govern the region. The Lutheran World Federation will become the first major international body to meet in communist Hong Kong, and Tung has been invited to address the July gathering.

"It is important that democratic institutions be developed from the beginning," Noko told Ecumenical News International in a telephone interview after the ceremony. He said China president Jiang Zemin has promised democratic elections next year.

Noko told ENI he is especially encouraged by Hong Kong's youth. "They are very hopeful. They look on Hong Kong as their home. They look on Hong Kong as part of China. They think the dynamism of Hong Kong will rub off on China positively. And the older generation, who are highly dignified people, feel a deep sense of pride about the reunification with China."

"As a Zimbabwean, I remember the same pride when we saw the British flag come down and the Zimbabwean flag go up. It was 17 years ago. I sensed some of that pride on the part of the Chinese last night."

A similar optimism was evident in some of the handover celebrations in the United States. On Saturday night, two days before the transfer of power, 16,000 Chinese immigrants gathered in a stadium in East Los Angeles for a "Welcome Hong Kong Spectacular." Dancers, musicians, fireworks, flying doves, a giant panda balloon -- plus a collection of politicians and diplomats -- all marked the historic transition.

Listening to the stadium speeches was Andrew Tang, a non-religious Cambodian-Chinese immigrant. "The future is good," said the 26-year-old computer program analyst. "Basically the islands now belong to the motherland. Hong Kong will be ruled by Hong Kong people."

When asked about possible clashes over freedom, democracy and religious rights in the former colony, Tang said, "If it is going to change, it is going to cause a lot of violence, just like in America."

Quennie Leung, her husband and two small daughters attend a Chinese Evangelical Free Church in Los Angeles. The 38-year-old stay-at-home mom said fellow Christians in Hong Kong need prayer more than anything else. "People might feel pretty festive officially, on the surface. But deep down most of them have a heavy heart."

-30-

## **Restrictions on Internet speech violate First Amendment, Supreme Court rules**

By Kenny Byrd

WASHINGTON (ABP) -- The U.S. Supreme Court ruled that congressional measures to restrict the flow of obscene and indecent material over the Internet violate the Constitution's free-speech protections.

The court ruled against provisions in the Communications Decency Act which were included in the sweeping telecommunications reform package signed into law by President Clinton last year.

In a 7-2 decision, the high court said the Internet restrictions were too vague and would lead to the suppression of a large amount of protected speech in order to deny minors access to potentially harmful speech.

Writing for the majority, Justice John Paul Stevens said that there is "no basis for qualifying the level of First Amendment scrutiny that should be applied to this medium." Joining the opinion were Justices Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg and Stephen Breyer.

Justice Sandra Day O'Connor concurred in part of the opinion and dissented in part. Chief Justice William Rehnquist joined O'Connor's dissent.

Free-speech activists and civil-libertarian groups praised the ruling, while those in favor of government restricting sexually explicit material and "smut" traveling through cyberspace were outraged.

Carole Shields, president of People for the American Way, applauded the ruling and called it the first free-speech ruling of the 21st Century. "In striking down the CDA, the Supreme Court stood up for a basic American value: free speech for every American," she said in a written statement.

"Sure, there are some things on the Internet I wouldn't want my grandchildren to see. But we believe the best solutions are those that allow individual families to control what children see," Shields said. "Technology that can help parents screen out inappropriate material improves every day, and we believe that kind of empowerment is the answer, not 'Big Brother'-type governmental control."

ACLU leaders said the decision affirmed that "cyberspace must be free." Steven Shapiro, legal director of the national ACLU, said it was the most important free-speech case in "many, many years." He said, "The court today recognized what Congress did not -- that speech cannot flourish under the shadow of censorship."

Conservative groups criticized the decision, calling it "anti-child."

Carmen Pate, vice president of Concerned Women for America, said the Internet has become the "tool of choice" for the pornography industry and said the high court has placed its "stamp of approval on this victimization of women and children."

She said, "This will mean that many parents will need to become computer savvy and establish firm guidelines for their children's computer. We can no longer count on our court system to protect our families."

A news release from the Southern Baptist Ethics and Religious Liberty Commission stated that the "ugly flow of pornography on the Internet began to move undeterred again" as the court struck down the CDA.

Richard Land, head of the ERLC, called the ruling shameful and said the court "has unleashed an almost invisible, subterranean, electronic river of pornographic slime" that will wash over innocent children.

President Clinton said the administration will study the decision closely. "The administration remains firmly committed to the provisions -- both in the CDA and elsewhere in the criminal code -- that prohibit the transmission of obscenity over the Internet and via other media," he said.

Sen. Patrick Leahy, D-Vt., agreed with the decision and said that it is clear that Americans do not forfeit their First Amendment rights when they go online. "The Communications Decency Act was misguided and unworkable," he said. "It reflected a fundamental misunderstanding of the nature of the Internet, and it would have unwisely offered the world a model of online censorship instead of a model of online freedom."

Two provisions in the CDA were challenged by a number of plaintiffs, including members of the American Civil Liberties Union. One provision outlawed the "knowing" transmission of "obscene or indecent" messages to children. The second bars the sending or displaying of any message "that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs."

A district court panel entered a preliminary injunction and, under a special provision in the act, it was directly appealed to the Supreme Court.

The court said that the measure fails to provide any definition of the term "indecent" and omits any requirement that the "patently offensive" material covered by the act exclude "serious literary, artistic, political or scientific value."

The court said that the justifications behind federal regulations in broadcast media "are not present in cyberspace. ... Moreover, the Internet is not as invasive as radio or television."

The court's reasoning was also driven by speech that it said would be unintentionally restricted under the act.

The high court ruled that the "vagueness of such regulation raises special First Amendment concerns because of its obvious chilling effect on free speech."

Stevens added that "in order to deny minors access to potentially harmful speech, the CDA effectively suppresses a large amount of speech that adults have a constitutional right to receive and to address to one another."

O'Connor agreed with the majority that the act's provision, which made it illegal to place "patently

offensive" material on the Internet in ways that children could obtain it was unconstitutional. But she would have upheld the measure which outlawed knowingly sending indecent material directly to minors.

-30-

## **RFRA ruling reverberates through Supreme Court actions**

WASHINGTON (ABP) -- It didn't take long for the U.S. Supreme Court's invalidation of a popular 1993 religious-liberty law to impact other cases.

Two days after striking down the Religious Freedom Restoration Act, the Supreme Court:

-- Vacated a federal appeals court's decision that tithes given to a church cannot be seized to pay the debts of a Minnesota couple who later declared bankruptcy. The high court ordered the lower court to reconsider the case in light of the invalidation of RFRA.

The 8th U.S. Circuit Court of Appeals had ruled that ordering Crystal Evangelical Free Church to turn over \$13,450 given by Bruce and Nancy Young during the year before they filed for bankruptcy "substantially burdens" the Youngs' free exercise of religion and does not further "a compelling governmental interest and therefore violates RFRA."

-- Annulled another appeals-court ruling that RFRA protected the rights of inmates to wear religious jewelry that is too small or light to pose a threat to prison security. Again, the Supreme Court ordered the lower court to reconsider the ruling in light of RFRA's demise.

The 7th U.S. Circuit Court of Appeals had rejected arguments by Wisconsin officials that Congress had overstepped its authority in enacting RFRA. The appeals court acknowledged that prison security is a "compelling state interest" but concluded that Wisconsin had not justified a regulation that "forbids the wearing of a crucifix even if it is too small or light to be a weapon (at least more of a weapon than a fist, a tooth, or a fingernail)" and "too inexpensive to barter for a weapon."

-- Let stand a ruling by California's top court that RFRA did not shield a landlord from complying with state fair-housing laws that bar discrimination on the basis of marital status. Because of her belief that sex outside of marriage is sinful, landlord Evelyn Smith had refused to rent to unmarried couples. The decision that was allowed to stand ruled that neither RFRA nor the First Amendment allowed Smith to refuse to rent to unmarried couples.

The Baptist Joint Committee, the Southern Baptist Ethics and Religious Liberty Commission and seven other religious groups had asked the Supreme Court to correct the California Supreme Court's interpretation of RFRA.

Congress enacted RFRA after a 1990 Supreme Court decision made it easier for government to interfere significantly with religious exercise. In *Employment Division vs. Smith*, a 5-4 court majority said government no longer needed a "compelling" reason to justify broadly applied laws that burden religious practice.

But in its June 25 ruling, the Supreme Court said Congress lacked the authority to restore the "compelling" interest requirement through RFRA. The Constitution authorizes Congress to enact laws enforcing constitutional liberties but not to expand liberties in ways that usurp the power of the courts or the states, the court said.

The Supreme Court struck down RFRA in a dispute in Boerne, Texas, where city officials refused to issue a building permit sought by St. Peter Catholic Church to expand its facilities. After the city denied the permit request because the church was situated within a historic preservation district, the church filed an RFRA claim.

The high court's actions in the tithing, religious jewelry and landlord cases were expected, a Baptist church-state attorney said.

"We would have liked to see the court use one of those cases to revisit the Smith decision," said Baptist Joint Committee General Counsel Brent Walker, "but obviously there were not enough votes for that at this time."

Walker said the court's disposal of the other three RFRA-related cases signals a return to a period of diminished protections for religious practice.

He noted that during the three years between the Smith ruling and the passage of RFRA, "religious claimants lost virtually all cases" except when state laws and constitutions offered more protection for religious liberty than the Supreme Court's interpretation of the First Amendment.

-30-

-- By Larry Chesser

## **Nominee turns down Prague seminary post**

PRAGUE, Czech Republic (ABP) -- Stefan Stiegler, nominated to become president of the International Baptist Theological Seminary, has withdrawn.

Stiegler, a German Baptist scholar, cited disagreements with the school's faculty over hirings as motivating his decision not to accept the presidency of the seminary, which recently completed a move to Prague, the Czech Republic, from its original location in Ruschlikon, Switzerland.

Stiegler, 42, notified the European Baptist Federation, the school's owner, in a letter June 18, two days before the deadline for the 50 participating Baptist unions in Europe to respond to the nomination.

EBF executive Karl Heinz Walter said response from the various unions to Stiegler's nomination had been overwhelmingly positive.

However, a dispute arose between Stiegler and the faculty -- which originally supported the nomination -- over how to fill a vacant New Testament teaching position.

Stiegler, professor of Old Testament and Hebrew at the Baptist Theological Seminary in Hamburg, Germany, was to be elected by the EBF council in September. He was nominated jointly by the Prague seminary's faculty and a trustee search committee.

Stiegler, a native of East Germany, would have replaced former president John David Hopper, a missionary from Texas, to become the school's first European president.

-30-

-- By ABP staff

## **Accrediting agency removes Southern Seminary's notation**

By Mark Wingfield

LOUISVILLE, Ky. (ABP) -- A serious notation on the accreditation of Southern Baptist Theological Seminary has been removed by the Association of Theological Schools.

President Al Mohler said he received a letter dated June 19 from an official with ATS which reported that the agency's Commission on Accrediting voted to remove the notation at its June 1997 meeting in Pittsburgh.

The notation, the most serious given by ATS short of probation, was imposed in January 1996. It stated that the "general tone of the school impairs the capacity to provide significant theological education and ministerial training."

The notation was given after months of turmoil on the seminary's Louisville campus, primarily related to a transition in power as conservatives gained control of the trustee board and hired Mohler as president, marking a sharp turn to the right in ideology.

Amid that transition, Mohler fired Diana Garland as dean of the Carver School of Church Social Work after she publicly criticized his new policies on faculty hiring. Trustees then codified those changes in hiring policies and put the faculty and staff under a virtual gag order that prohibited the expression of views deemed negative toward the administration.

The faculty complained to ATS, which visited the campus along with two other accrediting agencies. ATS is the seminary's primary accrediting agency.

Two of the stickiest points of contention in the matter were that the faculty had no input into the new policies and that the new policies changed the hiring and tenure requirements in mid-stream for some non-tenured faculty members who had been hired on tenurable tracks.

Mohler said the news that ATS has removed the notation signals a more peaceful time on the seminary campus.

"This decision underlines the excellence which has characterized Southern Seminary from 1859 to the present," he said. "It also makes very clear that the process of institutional reorientation and transformation which has occurred over the last several years has reached a constructive and productive stage. I think this decision speaks eloquently of the shared vision and common convictions which mark this institution, its faculty, administration, trustees and students."

Based on information provided to the news media by the seminary, the latest ATS report notes improvements in several areas. The full ATS report was not released to the press.

Regarding academic freedom, the report notes: "Fully aware that the seminary has undergone great turmoil during the process of reshaping itself in a conservative evangelical direction, all agreed that the changes have not diminished academic standards or the quality of teaching and research. Most importantly, they also agreed the president and vice president for academic administration have given very good leadership in designing deliberative and collaborative processes in which the faculty has ample opportunity for participation."

The report cites specific actions that have been taken since the earlier ATS visit, including dialogue between the president and faculty on the hiring policies and faculty-initiated modifications in the policy on faculty discipline.

On the status of contract and tenure-track faculty, the report notes: "The committee understood the focus of this concern to be those full-time or regular faculty who were not tenured at the time of the November 1995 [focused visit], but who had been appointed to contract or tenure-track positions prior to the April 1995 action of the seminary board of trustees specifying additional criteria for faculty appointments."

Among other things, the new criteria mandated opposition to abortion, homosexuality and women serving as pastors. The latter point -- requiring absolute confidence that God never would call a woman as a pastor -- created a sticking point for most of the non-tenured faculty members who had been hired to their tenurable-track positions under different guidelines, even though they had been hailed as "conservative evangelical" scholars.

The ATS report acknowledged this change in hiring policies "prevented the retention of some of the junior faculty." However, it cited the faculty committee as being encouraged by the administration's attempt to seek "creative alternatives to make it possible for some of this group to stay" in different capacities.

Most of the faculty members who fell in this in-between category have left their seminary positions since the hiring policies were changed. Some have been eased out by special arrangements that removed them from the classroom by reassigning them as research professors for a specified time before their departures.

The ATS report cited "dramatic changes" in faculty due to the seminary's turmoil. "Of the 67 full-time faculty members listed in fall 1994, only 33 remain in spring 1997, five semesters later," the report noted, adding that "progress in the institution noted in this report must be understood within the context of a faculty that has been largely re-configured."

The ATS report also cited improvements in issues of shared governance and communication between administration, trustees and faculty.

---

END