



# Associated Baptist Press

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JUL 14 2000

June 30, 2000

SOUTHERN BAPTIST HISTORICAL  
LIBRARY AND ARCHIVES  
Nashville, Tennessee

(00-57)

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## Vestal estimates 5,000 churches are poised to join Fellowship

By Bob Allen

ORLANDO, Fla. (ABP) -- Changes in the Southern Baptist Convention put 5,000 churches up for grabs to join the Cooperative Baptist Fellowship, the moderate group's top official estimated June 30.

CBF Coordinator Daniel Vestal told this year's General Assembly in Orlando, Fla., that many Southern Baptists are uncomfortable with denominational pronouncements banning women pastors and emphasizing top-down leadership in churches. He suggested they would feel more at home in the Fellowship, an 1,800-church alliance that offers alternatives to SBC programs controlled by conservatives.

"Our future is in enlarging our numerical identity," Vestal said. "We need to grow."

Meeting in the same facility where 8,000 SBC messengers gathered two weeks earlier, Vestal said it is time for the Atlanta-based Fellowship to articulate how it differs from the 41,000-church denomination.

"I am convinced there are thousands of Baptists that believe in our core values and share our vision and want to become part of CBF," Vestal said. "They would find CBF and CBF networks a denomination-like home in a post-denominational world."

"I invite churches across this country to partner with us; to participate with us," he said.

The Fellowship withdrew from political involvement in the SBC in 1990 after failing for a decade to prevent conservatives from taking over the nation's largest Protestant denomination. While duplicating many SBC programs, the group has never declared a formal split. Vestal offered several principles the Fellowship stands for that he said contrast with the SBC's current leaders:

-- "We are simple biblicists," Vestal said. "We believe the Bible is inspired by God and that it is true for faith and for life, but we resist manmade documents that require everyone to interpret the Bible the same way."

For example, Vestal said, the newly revised "Baptist Faith and Message" claims the Bible teaches that only men should be pastors. While it is possible to interpret the Bible that way, "that's not the only way to interpret Scripture," he said.

"But this document is written in a way that if you don't interpret Scripture in a (particular) way ... then you don't believe the Scripture.

"This places a manmade interpretation of Scripture over Scripture itself," Vestal said.

-- "We are Bible-believing folks who also believe in the freedom and right of every individual to interpret Scripture under the leadership of the Holy Spirit," Vestal said. The new SBC statement puts biblical interpretation under the authority of the church.

-- "We are a Jesus people," Vestal said. The SBC expunged language from the "Baptist Faith and Message" stating that the criterion for interpreting the Bible is Christ.

"We love and cherish the Bible as Holy Scripture," Vestal said, "but we do not place Scripture over Jesus. If there is a difficult or controversial text, Jesus is the criterion by which it should be interpreted."

We always ask the question, "What would Jesus do?" he said. "This is a Fellowship that is seeking to follow Jesus."

-- "We want to be known because of what we are for and not because of what we are against," Vestal said.

Vestal said Southern Baptists have gained attention for being against Disney, world religions, female pastors, women's equality and freedom of thought. "We want to be known because our lives are filled with good works," he said. "We want to be known because we love the poor. We want to be known because we are inviting people to Jesus."

-- "We are a people who believe in a shared leadership in the church. We believe in the church that male and female are equal. We minimize the difference between clergy and laity." The new "Baptist Faith and Message" emphasizes pastoral authority and says that wives should submit to their husbands.

The Fellowship believes "everyone is a priest," Vestal said, and stands for congregational involvement in church leadership and "servant leadership instead of authoritarian leadership in the church."

"I believe that surely there are at least 5,000 Baptist churches that share in this convictional identity and should be involved in this Fellowship," Vestal said.

Vestal made the comments during a presentation of the Fellowship's strategic plan, which reorganizes the group's staff and refocuses the organization on providing resources for local churches.

"We are intentionally congregationally focused," Vestal said. "We want to help churches."

A second phase of the reorganization slated for next year, Vestal said, will answer four questions:

-- Many Fellowship churches continue to also relate to the SBC. "How do we communicate more clearly we are an association of churches not connected to the SBC?"

-- What is the relationship between state and regional networks and the national CBF organization?

-- What is the role and function of the Coordinating Council, the group's leadership board?

-- What constitutes a partnering church and a partnering individual in CBF?

Vestal said Fellowship leaders will call on Baptists in Atlanta next year "to declare and define an organizational structure that will take us into the new millennium."

He urged nearly 4,000 delegates at this year's meeting to return next year and bring others to adopt the plan and celebrate the Fellowship's 10th anniversary.

"I believe we can have 10,000 Baptists gathered in Atlanta next year," Vestal said.

## Religious schools can receive tax-financed computer equipment, Supreme Court rules

By Kenny Byrd

WASHINGTON (ABP) -- In a June 28 ruling weakening the wall separating church and state, the U.S. Supreme Court opened a wider door allowing government aid to religious schools.

In one of four landmark cases decided on the court's last day of this year's term, six of the nine justices affirmed the constitutionality of a 33-year-old federal program that provides computers and other instructional materials to the nation's public, private and religious schools.

But the majority split on key principles regarding the Constitution's Establishment Clause, with four justices forging a plurality that would allow virtually all government aid to religious schools.

Writing for the four-justice plurality, Associate Justice Clarence Thomas said the aid program "does not have the primary effect of advancing religion." Chief Justice William Rehnquist and Justices Antonin Scalia and Anthony Kennedy joined in Thomas' opinion.

Two other justices agreed that a federal law allowing public schools to loan textbooks to parochial schools also permits the loan of audiovisual equipment but split from the plurality opinion that radically departs from earlier court rulings prohibiting taxpayer funding of sectarian schools.

While the plurality's philosophy on church-state separation won't become law of the land unless it gains the support of a majority of justices, the sweeping opinion emboldened supporters of education vouchers and "charitable choice" tax-funded religious social services.

In a dispute over a Louisiana school district's implementation of the federal Chapter 2 school-funding program, the four justices challenged several precedents that have guided the high court since the 1970s.

Thomas termed irrelevant technical terms that for years have been used to guide what type of government aid to religious schools is allowed by the Constitution. He called the former distinction between "direct" and "indirect" aid "arbitrary."

Thomas also would dispose of the ban on tax funds to "pervasively sectarian" institutions -- organizations where the religious mission is so dominant that it cannot be separated from the secular. That principle has in the past forced churches to set up separate nonprofits in order to qualify for government funds. Controversial "charitable choice" proposals to allow direct funding of churches would pass constitutional muster in the eyes of this plurality.

Thomas said the time when the "pervasively sectarian" doctrine mattered in aid to schools "is one that the court should regret, and it is thankfully long past."

He said past "hostility" to aid to sectarian schools was predicated on anti-Catholic bigotry, which the court should "not hesitate to disavow."

Thomas said students are the beneficiaries of Jefferson Parish's Chapter 2 program, "and this is so regardless of whether individual students lug computers to school each day or, as Jefferson Parish has more sensibly provided, the schools receive the computers."

Thomas said such aid does not advance religion "since aid is allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a nondiscriminatory basis."

Justice Sandra Day O'Connor, joined by Justice Stephen Breyer, agreed that the Jefferson Parish program is constitutional but disputed other parts of the plurality opinion.

Justice David Souter wrote a dissenting opinion, joined by Justices John Paul Stevens and Ruth Bader Ginsburg.

"There is no mistaking the abandonment of doctrine that would occur if the plurality were to become a majority," Souter said.

Souter cited what many are calling the true issue of the 2000 presidential election -- who will nominate at least two expected vacant Supreme Court seats during the next presidential term.

Souter said government aid corrupts religion, inevitably causes conflict and violates freedom of conscience by forcing taxpayers to support religion. He said the plurality's attack on the "pervasively sectarian" doctrine wrongly "equates a refusal to aid religious schools with hostility to religion."

Souter pointed specifically to the Baptist Joint Committee -- a Washington-based religious liberty agency -- in his footnotes as one of many religious groups that filed friend-of-the-court briefs opposing the aid program "in a tradition claiming descent from Roger Williams."

Melissa Rogers, general counsel for the 64-year-old BJC, said the ruling could open the door to government regulation of religious organizations that accept taxpayer funds.

The Constitution does not afford "equal treatment" of religion, as suggested by the plurality, Rogers said, but "states that religion is different and should be treated differently in many cases in order to protect religious freedom."

Other religious groups, however, including the Family Research Council and other conservative advocacy groups, hailed the ruling.

"What it means is that children who go to private religiously affiliated schools will continue to share in the benefits of the changes in educational technology," said Mark Chopko, general counsel of the U.S. Catholic Conference.

Matthew Berry, staff attorney at the Institute for Justice, said the ruling "raises the prospect that excluding religious schools from voucher programs may itself be an unconstitutional form of discrimination against religion."

But Barry Lynn, executive director of Americans United for Separation of Church and State, said the decision gives "no aid or comfort to voucher supporters. It deals exclusively with materials on loan, not direct cash subsidies for religious education."

Lynn blasted the court for taking a "sledgehammer to the wall of separation between church and state." He said at public expense, "religious schools can now have students surf the Internet to read the Bible in religion classes, learn theology from Jerry Falwell or download crucifixes as screen savers."

The Southern Baptist Ethics and Religious Liberty Commission, which filed briefs in both an abortion and Boy Scouts decision released the same day, did not take sides in this dispute.

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## **Supreme Court says Boy Scouts not required to accept homosexuals**

By Kenny Byrd

WASHINGTON (ABP) -- The Boy Scouts of America have a constitutional right to bar homosexuals from being troop leaders, the U.S. Supreme Court ruled June 28.

The 5-4 decision reversed a unanimous decision by the New Jersey Supreme Court that a man's membership in the Boy Scouts was unlawfully revoked solely because he is gay. The state has a law that prohibits discrimination on the basis of sexual orientation in places of public accommodation.

In an opinion written by Chief Justice William Rehnquist, however, the court ruled that forcing the Boy Scouts to accept an undesired member violated the organization's First Amendment rights to free expression and association.

"Such forced membership is unconstitutional if the person's presence affects in a significant way the group's ability to advocate public or private viewpoints," Rehnquist said in the opinion also joined by Justices Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy and Clarence Thomas.

The majority gave deference to the Scouts' position that "homosexual conduct is inconsistent with the values embodied in the Scout Oath and Law, particularly those represented by the terms 'morally straight' and 'clean,' and that the organization does not want to promote homosexual conduct as a legitimate form of behavior."

But in a dissenting opinion, Justice John Paul Stevens said the Boy Scouts neither engage in "expressive association" nor assert that homosexuality is wrong.

"It is plain as the light of day that neither one of these principles -- 'morally straight' and 'clean' -- says the slightest thing about homosexuality," Stevens said in a dissenting opinion joined by Justices David Souter, Ruth Bader Ginsburg and Stephen Breyer. Souter also filed a separate dissenting opinion.

Stevens said it was difficult to believe that the Boy Scouts shared the view of religious groups against homosexuality when "insofar as religious matters are concerned, [the Boy Scout's] bylaws state that it is absolutely nonsectarian in its attitude toward . religious training." Stevens added that the Boy Scouts "are surely aware that some religious groups do not teach that homosexuality is wrong."

James Dale joined the Boy Scouts at age 8 and eventually became an Eagle Scout. He later gained adult membership to the Boy Scouts and served as an assistant scoutmaster for 16 months.

After Dale was identified in a news article as the co-president of the Rutgers University Lesbian/Gay Alliance, however, he received a letter from a local Boy Scouts official revoking his membership. The official said the standards for leadership by the group forbade membership to homosexuals.

After an appeal to Boy Scouts' officials to reverse their decision, Dale filed suit against the federally chartered corporation. A trial court rejected Dale's charge the Boy Scouts had violated the New Jersey law, but a state appeals court reversed the decision.

The New Jersey Supreme Court also ruled in favor of Dale.

But in its final ruling of the term, the Supreme Court reversed the ruling.

"We are not, as we must not be, guided by our views of whether the Boy Scout's teachings with respect to homosexual conduct are right or wrong," Rehnquist ruled. But he said the "public or judicial disapproval of a tenet of an organization's expression does not justify the State's effort to compel the organization to accept members where such acceptance would derogate from the organization's expressive message."

The Southern Baptist Ethics and Religious Liberty Commission weighed in on the case through a brief written by Jay Sekulow, director of Pat Robertson's American Center for Law and Justice.

ERLC President Richard Land said in a statement that the burden the New Jersey Supreme Court sought to place on the Boy Scouts could just as easily be placed on churches and other religious organizations.

Land said the upcoming presidential election is important because the next president will likely nominate at least two Supreme Court justices. The fact that four justices would dissent in the Boy Scout case, Land said, should "give every American pause and cause them to renew their scrutiny of presidential candidates."

Some gay-rights activists said the ruling could clear the way for the Boy Scouts to reject gay boys as members and not just troop leaders.

But President Bill Clinton said the majority on the court "seemed to go out of their way to draw the ruling quite narrowly and to limit it strictly to the question of whether the Boy Scouts could pick the people who were going to be Scout leaders."

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## **Supreme Court returns prayer case to lower court**

By Kenny Byrd

WASHINGTON (ABP) -- In light of its recent football game prayer decision, the U.S. Supreme Court has asked a lower court to reconsider a ruling that broadened the type of student-initiated religious speech at public schools.

The 11th U.S. Circuit Court of Appeals had instructed District Judge Ira DeMent to rewrite a 1997 order against an Alabama law so that it does not prohibit "genuinely student-initiated religious speech" in DeKalb County public schools.

But instead, it is the 11th Circuit that will have to rewrite a decision under the Supreme Court's June 26 order.

The high court pointed to its June 19 ruling in Santa Fe Independent School District vs. Doe, which ruled unconstitutional the policy allowing students to elect another student to lead stadium crowds in prayer over the intercom to open football games.

DeMent issued the 1997 Alabama order after Michael Chandler, a vice principal in the DeKalb County school system, and his son, Jesse, challenged a 1993 state law authorizing non-proselytizing, student-initiated prayer at school-sponsored events.

DeMent struck down the state law and issued a permanent injunction barring DeKalb school officials from enforcing it. He also appointed a "monitor" -- Chriss Doss, director of the Center for the Study of Law and the Church at Samford University's Cumberland Law School -- to oversee compliance with his order in DeKalb schools.

But in a 3-0 decision, the 11th Circuit said DeMent cannot require school officials to bar "student-initiated religious speech" in school. The appeals court agreed with most of DeMent's ruling but was critical of portions that hampered students' ability to speak religiously at school events.

But the 11th Circuit ruling left in place DeMent's conclusion that the law enacted by the Alabama legislature was unconstitutional on its face.

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## **High court invalidates late-term abortion ban, restricts protestors**

By Kenny Byrd

WASHINGTON (ABP) -- Abortion opponents suffered two stunning defeats June 28, as the U.S. Supreme Court struck down a Nebraska law banning "partial-birth" abortions and upheld a Colorado law restricting "sidewalk counseling" outside abortion clinics.

Both decisions, issued on the court's final day of its 1999-2000 term, met harsh criticism from pro-lifers. In a rare display of opposition, dissenting justices in both cases read long, biting excerpts from dissenting opinions from the bench.

In the Nebraska case, the sharply divided court issued its most important ruling on abortion in eight years, when it upheld its historic 1973 Roe vs. Wade decision affirming a woman's right to abortion.

The decision left three concurring opinions and four dissenting opinions. Several opinions went into gruesome details of abortion procedures performed during the second trimester of pregnancy.

In a 5-4 decision, the justices said the Nebraska ban that bars "partial-birth abortions" except in cases where the life of the mother is at risk lacks the requisite exception for preserving the mother's health and places an "undue burden" on a woman's right to choose an abortion.

Thirty states have enacted similar bans that may now be in question. However, in a concurring opinion, Justice Sandra Day O'Connor said she would view at least some of those bans constitutional if they included a health exception.

Justice Stephen Breyer wrote the opinion for the court. Breyer said states may ban certain abortion procedures but must include an exception allowing their use in cases where the procedure is "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

Breyer was joined by O'Connor and Justices John Paul Stevens, David Souter and Ruth Bader Ginsburg.

In a sharply worded dissent, Justice Clarence Thomas described the controversial abortion procedure in gruesome detail and called the court's ruling "indefensible."

Thomas said Roe vs. Wade, where the court ruled that choosing an abortion early in pregnancy is protected by a woman's right to privacy, was "grievously wrong."

"Abortion is a unique act, in which a woman's exercise of control over her own body ends, depending on one's view, human life or potential human life," Thomas said.

Justice Antonin Scalia said the description of the procedure "evokes a shudder of revulsion." He said one day the high court's ruling will be compared to rulings in cases such as Dred Scott and "will be assigned its rightful place in the history of this Court's jurisprudence."

Breyer said about 90 percent of all abortions performed in the United States take place during the first trimester of pregnancy, before 12 weeks of gestation age. Most other abortions are performed during the second trimester -- 12 to 24 weeks.

The most common form of abortion in the latter stage is "dilation and extraction" (D&E). But if the fetus presents a head first, doctors use a different procedure known as dilation and extraction (D&X), in which the fetus is destroyed by extracting the contents of the skull. The Nebraska law sought to ban that procedure, which is often described by opponents as "partial-birth abortion."

But the high court said the law's broad wording would also prohibit the more common D&E procedure.

O'Connor's concurring opinion, however, which amounted to the swing vote in the matter, said if states wrote laws that banned only the D&X procedure and included a health exception, she would declare them constitutional.

That offered little comfort to Thomas, however, who said "health" has been used so loosely in abortion law that a health exception would render any such ban meaningless.

Thomas also disagreed with the majority that the law's language would ban both types of abortion.

In a concurring opinion, Stevens said that despite graphic descriptions of the D&X procedure, he is unpersuaded that it "is more brutal, more gruesome, or less respectful of 'potential life'" than the procedure the Nebraska law claims to allow.

Ginsburg concurred in the ruling and added that the Nebraska law "does not save any fetus from destruction, for it targets only a method of performing abortion."

Nebraska Attorney General Don Stenberg had asked the high court to reverse the 8th U.S. Circuit Court of Appeals ruling against the ban. Physician LeRoy Carhart, who challenged the Nebraska law, argued that the appeals court ruling is consistent with past high court abortion rulings.

Congress has twice approved legislation to ban partial-birth abortions, but the measures were vetoed by President Clinton.

Religious groups and conservative lawmakers were quick to criticize the Stenberg vs. Carhart ruling and pointed out that the leading presidential candidates differ on the issue.

Richard Land, executive director of the Southern Baptist Ethics and Religious Liberty Commission, said the court's "shameful" ruling "underscored a primary reason this fall's presidential election is so critical."

"The next president is likely to nominate three Supreme Court justices, including the Chief Justice," Land said. The Southern Baptist official called partial-birth abortion an "act of infanticide that should not be tolerated in a civil society."

In the Colorado case, the Supreme Court upheld 6-3 a state "bubble" law that bars people from counseling, distributing leaflets or displaying signs within eight feet of others without consent if they are within 100 feet of a clinic entrance.

Stevens wrote the opinion, which was signed by Rehnquist, O'Connor, Souter, Ginsburg and Breyer. Stevens said both sides in the case have legitimate and important concerns, but the Colorado law "merely places a minor restriction on an extremely broad category of communication with unwilling listeners."

A dissent written by Kennedy said the high court "tears away from the protestors the guarantees of the First Amendment when they most need it."

And a frustrated Scalia said abortion opponents petitioning the court have to suffer the "ad hoc nullification machine that the Court has set in motion to push aside whatever doctrines of constitutional law that stand in the way of that highly favored practice."

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