



# Associated Baptist Press

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## IN THIS ISSUE:

- Supreme Court upholds Ohio school-voucher plan
- Sermon by CBF leader draws charge of plagiarism from SBC
- Federal court bans reciting Pledge of Allegiance in schools
- CBF leadership council fills two staff positions

## Supreme Court upholds Ohio school-voucher plan

By Robert Marus

WASHINGTON (ABP) -- A divided U.S. Supreme Court ruled June 27 that providing taxpayer funds to religious schools does not necessarily violate the Constitution's ban on state support for religion.

The high court said 5-4 that Ohio could continue providing state-funded scholarships to disadvantaged Cleveland children to use in private schools, including religious ones. The program was established to give students more educational opportunities. The city's public schools are some of the lowest performing in the nation.

Opponents to the vouchers argued that including religious schools in the program violated the separation of church and state.

"This is probably the worst church-state decision in the last 50 years," said Barry Lynn, director of Americans United for Separation of Church and State. "All taxpayers now have to pay for religious indoctrination."

The ruling is likely to reinvigorate efforts of "school choice" proponents, who had feared a defeat in the case would have been a fatal blow to their cause.

Clint Bolick, who represented the pro-voucher side in the case, called it "the most important education decision since *Brown vs. Board of Education*." Bolick, vice president of the Institute for Justice, referred to the 1954 decision outlawing racial segregation in public schools.

The Supreme Court said the Cleveland program doesn't establish religion, because parents exercised free choice in using the vouchers to send their children to parochial schools.

"The Ohio program is entirely neutral with respect to religion," Chief Justice William Rehnquist said in the majority opinion. "It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district."

Joining Rehnquist in the majority opinion were Justices Antonin Scalia, Clarence Thomas, Anthony Kennedy and Sandra Day O'Connor.

Even though 96 percent of the vouchers provided under the program in a recent year went to church schools, the court majority said parents exercised "true private choice" in where to send their money.

Justices Ruth Bader Ginsburg, David Souter, Stephen Breyer and John Paul Stevens dissented from

the majority on several grounds, including the majority's central assertion that Cleveland parents had a "genuine choice" between religious private schools and other schooling alternatives.

"For the overwhelming number of children in the voucher scheme, the only alternative to the public schools is religious," Souter said in a dissent that ran longer than the majority's opinion. Of 55 schools participating in the program, he said, 45 were religious in nature.

Souter and other dissenting justices also said a \$2,500 cap on scholarship assistance "has the effect of curtailing the participation of nonreligious schools," because secular private schools usually charge higher tuition than church-subsidized parochial schools.

Souter said many low-income families would be coerced to choose a religious school with which they might disagree over a secular private school that they cannot afford.

But the majority said Cleveland's voucher program offered parents a genuine choice in that it also included public charter or "community" schools, public magnet schools, assistance for children in public schools to hire private tutors, and suburban school districts that agreed to accept Cleveland students.

In an opinion concurring with the majority, Justice O'Connor said the court "should consider all reasonable educational alternatives to religious schools that are available to parents." To do otherwise, she said, "is to ignore how the educational system in Cleveland actually functions."

But Justice Stevens, in his separate dissent, said the range of choices "has no bearing" on the larger question of "whether the state may pay the tuition for students who wish to reject public education entirely and attend private schools that will provide them with a sectarian education."

Dissenting justices predicted increased entanglement between church and state in light of the ruling. Souter warned of "corrosive secularism" in religious schools that might water down their religious message in order to qualify for government funds.

Under the Ohio law upheld by a majority of justices, Souter said Christian schools that refused to hire Muslim or Hindu teachers could be sued.

The dissenters also said competition for public funds could prompt religious conflict. "As appropriations for religious subsidy rise, competition for the money will tap sectarian religion's capacity for discord," Souter argued.

The majority dismissed that concern, however, noting that no religious discord has occurred in the five years the Cleveland program has been in place.

Souter also said individual taxpayers in the future might sue over specific aspects of a school's curriculum.

Not every secular taxpayer will "be content to support Muslim views on differential treatment of the sexes," Souter said, "or, for that matter, to fund the espousal of a wife's obligation of obedience to her husband, presumably taught in any schools adopting the articles of faith of the Southern Baptist Convention."

James Dunn, retired executive director of the Baptist Joint Committee, said that because so many of the Cleveland schools receiving funding through the voucher program are Catholic, the Supreme Court ruling amounts to "de facto" funding of the Roman Catholic Church.

"In the light of recent revelations, many American taxpayers are fairly uncomfortable using their tax dollars to send children to Roman Catholic schools," said Dunn, who now heads the BJC's fund-raising foundation and teaches at Wake Forest University's divinity school.

The decision is a major victory for President Bush and many conservative groups that support government support of private religious schools. Bush tried to push a federal school-voucher program last year, but Congress declined.

The battle over vouchers will now likely move to several states where voucher initiatives failed during the 2000 elections.

## Sermon by CBF leader draws charge of plagiarism from SBC

By Greg Warner

FORT WORTH, Texas (ABP) -- Southern Baptist observers attending this year's Cooperative Baptist Fellowship General Assembly charged a top CBF official with plagiarism after finding that a sermon she preached at an auxiliary event had been copied almost word-for-word from another source.

Reba Cobb, coordinator of the CBF Resource Center in Atlanta, preached a message titled "The Bent-Over Woman" at the annual meeting of Baptist Women in Ministry June 27 in Fort Worth, Texas. The breakfast-and-worship meeting was held prior to the CBF's annual General Assembly, also in Fort Worth.

Contacted later that day by Russell Moore, a free-lance journalist who writes frequently for Baptist Press, about similarities with a published sermon, Cobb said she was unaware her material was not original. A nearly identical sermon, also based on Luke 13:10-17, was preached and published by David Owen, a United Church of Christ minister from Boulder, Colo.

Cobb told Associated Baptist Press her sermon was prepared by a free-lance research assistant hired by Cobb and paid with personal funds. Cobb said she believed the material was original. She said she had since confronted the researcher, who admitted to misrepresentation. Cobb declined to identify the individual.

"The grave error in judgment resulted in me unwittingly presenting portions of a message that had earlier been presented by another minister," Cobb said in a statement. "I have contacted the minister and expressed my most sincere regrets over this incident. I also wish to extend my most sincere apology to others who may be offended by my unintentional actions."

Two articles about the controversy appeared in Baptist Press June 28, both authored by Moore. Moore said he happened across the sermon in a book purchased by Baptist Press from a vendor in the General Assembly exhibit hall.

Owen's original sermon, written in 1979, has been published in several outlets.

Adding to the embarrassment for the CBF, it was later learned that the sermon was included in a book of feminist sermons and articles that was endorsed by Baptist Women in Ministry and sold in the CBF exhibit area.

"The Wisdom of Daughters: Two Decades of the Voice of Christian Feminism," published in 2001, was being sold by Cokesbury, one of the vendors renting space in the CBF Resource Fair. Copies of the book were sold out by June 28, said an employee of the Methodist-affiliated publisher.

The Baptist Women in Ministry newsletter, "Folio," included a glowing review of the book in an issue distributed during the CBF meeting. The book reportedly includes positive references to lesbianism, goddess worship and elements of Wicca, paganism and New Age spirituality.

Cobb is a founding member of Baptist Women in Ministry, which receives funding from CBF.

This isn't the first time Baptist Press has targeted Baptist Women in Ministry in its CBF coverage. Feminist imagery in a worship service at last year's annual meeting prompted a detailed expose.

And Baptist Women in Ministry isn't the only CBF "partner" organization to draw BP scrutiny at the General Assembly. An earlier controversy over a resource on sexuality published and sold by the Baptist Peace Fellowship eventually led to restrictions on CBF funding of the group.

Baptist Press is owned and operated by the Southern Baptist Convention Executive Committee. SBC leaders are highly critical of the CBF, which they believe competes for denominational support. Baptist Press has in recent years regularly sent reporters to the CBF meeting. Covering last year's General Assembly, BP published a total of 19 articles that CBF leaders viewed as critical to the Fellowship or its ministry partners.

CBF leaders say they don't screen materials distributed by vendors or partners in the Resource Fair.

Cobb told ABP she was disappointed in her researcher and embarrassed by the controversy.

Other Fellowship leaders rallied to support of the organization's second-highest ranking administrator. James Baucom, CBF moderator and pastor of Rivermont Avenue Baptist Church in Lynchburg, Va., said it is not unusual for corporate executives to use researchers when preparing speeches. "These people are not preachers," he said. "They are busy administrators, and when they speak publicly, they use research assistants. Ms. Cobb simply used the wrong one. And that's a shame, because she is a magnificent leader and a woman of great integrity."

George Mason, a longtime CBF leader and pastor of Wilshire Baptist Church in Dallas, suggested Cobb's critics were missing the real story of CBF by not attending the June 28 commissioning service for missionaries. "No reporter from Baptist Press could have sat through these sessions and found anything to criticize," he said.

-30-

-- Craig Bird contributed to this story.

## **Federal court bans reciting Pledge of Allegiance in schools**

By Robert Marus

SAN FRANCISCO (ABP) -- A federal court has ruled that the phrase "under God" in the Pledge of Allegiance makes it unconstitutional to recite the historic oath in public schools.

A divided three-judge panel of the 9th U.S. Circuit Court of Appeals, based in San Francisco, ruled that the phrase is unconstitutional because it fails several tests designed by previous Supreme Court decisions in church-state cases.

Michael Newdow, a Sacramento father, sued the Elk Grove Unified School District, saying his daughter shouldn't be made to feel like an outsider when teachers in her elementary school lead students in reciting the pledge.

While the U.S. Supreme Court has long upheld the rights of children to opt out of reciting the pledge for religious or political reasons, Newdow's case argues that saying the pledge in public schools violates the First and 14th amendments to the U.S. Constitution, which ban federal, state and local governments from establishing religion.

Newdow said even if his daughter refused to recite the pledge, her religious freedom would be violated by pressure she felt to recite the pledge along with her government-employed teacher in her government-funded school.

Newdow represented himself in the suit, arguing that several Supreme Court decisions -- the most recent against pre-game prayers at public-school football games in Texas -- supported his case.

The Pledge of Allegiance was written in 1892, but the original version didn't include the words "under God." An act of Congress added the phrase in 1954, at the height of the Cold War and in the immediate wake of McCarthyism.

Two of the three judges on the appeals panel agreed that addition of the words had no secular purpose, a key test used by the Supreme Court in determining whether laws are neutral with regard to religion.

Attorneys for the school district and the federal government argued that other Supreme Court cases have allowed added protection for traditional governmental references to God, such as prayer in Congress and using the national motto "In God We Trust" on money and government buildings.

Holly Hollman, general counsel for the religious-liberty watchdog group Baptist Joint Committee on Public Affairs, said she was surprised by the 9th Circuit's decision because of previous Supreme Court opinions on what former Supreme Court Justice William Brennan called "ceremonial deism."

"It is clear that state-sponsored religious exercises are unconstitutional," Hollman said, "but the court has found that acknowledging that we are a religious people falls short of a constitutional violation."

Hollman said ceremonial religious language has generally escaped First Amendment scrutiny because the Supreme Court has said it isn't truly religious in nature: "Such government acts would likely be upheld, because they have lost their religious meaning by repetition," she said.

But the 9th Circuit justices said the reference to God in the pledge refers to a specific monotheistic faith. "A profession that we are a nation 'under God' is identical, for Establishment Clause purposes, to a profession that we are a nation 'under Jesus,' a nation 'under Vishnu,' a nation 'under Zeus,' or a nation 'under no god,' because none of these professions can be neutral with respect to religion," Judge Alfred Goodwin wrote for the majority.

Judge Ferdinand Fernandez wrote a stinging dissent, accusing his colleagues of wanting to eradicate religion from the public sphere. "Such phrases as 'In God We Trust,' or 'under God' have no tendency to establish a religion in this country or to suppress anyone's exercise, or non-exercise, of religion, except in the fevered eye of persons who most fervently would like to drive all tincture of religion out of the public life of our polity," Fernandez said.

The 9th Circuit is usually considered the nation's most liberal appellate court.

While some legal observers said the ruling makes good use of recent Supreme Court precedent in the area, most expect it to be overturned by the full 9th Circuit court or if it makes it to the nation's high court.

Politicians, pundits and preachers lined up to blast the ruling.

President Bush, through a spokesman, called it "ridiculous." U.S. Senate Majority Leader Tom Daschle (D-S.D.) said it was "just nuts." Rep. J.C. Watts (R-Okla.) called it "a disgrace to the judicial branch of government."

Hours after learning of the decision, the Senate passed a resolution condemning the ruling 99-0.

Richard Land, head of the Southern Baptist Convention's Ethics and Religious Liberty Commission, said he saw it coming. "Some of us have always said that the rabidly aggressive separationists would eventually come to this absurd conclusion of trying to remove God from the Pledge of Allegiance. What's next? Will they attempt to remove our national motto, 'In God We Trust,' from our money and excise it from our national anthem, 'The Star Spangled Banner?'"

SBC president Jack Graham, pastor of Prestonwood Baptist Church in suburban Dallas, called it a "very foolish decision," according to Baptist Press, and urged Baptists to exercise their right to protest the ruling.

A handful of religious and political leaders, however, expressed support.

"This decision shows respect for freedom of conscience," said Barry Lynn, executive director of Americans United for Separation of Church and State. "You can be a patriotic American regardless of your religious belief or lack of religion. Our government should never coerce school children -- or anyone else -- to make a profession of religious belief."

Robert Parham, executive director of the Baptist Center for Ethics, said the massive negative reaction to the decision illustrates the "corrupting power of civil religion."

"If the pledge is an authentic commitment to God, then more Americans ought to be living godly lives, seeking justice, healing the sick and lifting up the poor," he said.

## **CBF leadership council fills two staff positions**

By Bob Allen

FORT WORTH, Texas (ABP) -- The Cooperative Baptist Fellowship's Coordinating Council elected two key staff members June 26.

Meeting on the eve of the June 27-29 CBF General Assembly in Fort Worth, Texas, the elected leadership group unanimously chose North Carolina educator Bruce "Bo" Prosser as coordinator for congregational life and veteran Baptist communicator Ben McDade as director for communications and marketing.

Prosser, associate pastor and adult educator at Providence Baptist Church in Charlotte since 1995, will be responsible for developing programs for two CBF initiatives: faith formation and building community. Priority areas include evangelism and outreach, spiritual growth, congregational health, marriage and family, interfaith and ecumenical dialogue and reconciliation and justice.

Bob Setzer, a pastor from Macon, Ga., chaired a search committee that recommended Prosser, a 20-year religious educator with a doctorate from North Carolina State University.

"The crying need we heard was for someone who could bring growth and depth and breadth and strength through discipling people, evangelism and a strong sense of mission," Setzer said.

Prosser has for the past two years directed the Center for Christian Education, a non-profit "growth and mentoring" ministry that Cook said "will be morphed" into Prosser's role in CBF.

Prosser is a graduate of Georgia College, has two master's degrees from Southern Baptist Theological Seminary and has done additional study at the University of Georgia and Oxford. He is the author of three books and numerous book chapters and articles.

"It's very, very humbling to have folks like you affirm us for gifts and abilities that we have," Prosser told the Coordinating Council. "It's also very challenging to think about what's before us."

He quoted songwriter Jimmy Buffett, "If we couldn't laugh, we would all go insane."

"I plan to bring love and laughter to ministry with you," he said.

McDade, 41, currently is director of marketing and business development for Quadrophenic Productions, a secular firm in Savannah, Ga. He worked previously with Mercer University, Smyth and Helwys Publishing and the South Carolina Baptist Convention.

McDade succeeds David Wilkinson, the CBF's longtime communications officer, who resigned this spring. In a reconfigured role, McDade will develop a communications and marketing program, coordinate CBF media relations, serve as a spokesperson for the organization and provide public relations counsel to staff and elected leadership.

"This is a position that we desperately needed to fill as soon as possible," said Gary Cook, chairman of the personnel committee, which stepped in to expedite the search process.

Cook said the committee left it up to Resource Center Coordinator Reba Cobb to conduct initial phone interviews and decide whether to ask the personnel committee to interview more than one candidate.

"After she and Daniel went through that process, they came to the conclusion that they had a very strong feeling, a strong conviction, that they wanted to make a recommendation to the personnel committee," Cook said.

A native of Columbia, S.C., McDade earned both bachelor's and master's degrees at the University of South Carolina.

"As a marketer, it's always good to know you have a good product," McDade told the Coordinating Council. He said he would also emphasize media relations. "There are various organizations out there that try to define this organization," he said. When media hear controversial comments from leaders of other segments

of Baptist life, he added, "I want them to think of CBF" as someone to turn to for a different perspective.

In other business, Coordinator Daniel Vestal said in his report to the Coordinating Council that the Fellowship's new organizational plan makes leadership development one of four major initiatives.

"Why do we make leadership development such a priority?" he asked. "We do so because nearly everywhere you go, people will talk to you about how important leadership is."

Vestal said a common refrain he hears from pastor-search committees is, "We want someone who can be an effective leader."

"I believe Cooperative Baptist Fellowship is uniquely poised both to model leadership for churches and to service the churches as they fulfill their God-given mission in developing leaders," Vestal said.

He described CBF as "a laboratory" of shared leadership between men and women and between laity and clergy.

"We don't have to argue" about women in leadership he said. "It is in us. I don't mean to say we're perfect here, but I really do believe we have as one of core values ... a commitment to leadership that is shared by male and female."

Concerning laity, Vestal said, "CBF is not a preacher's club." He said four of eight persons in core leadership positions at the CBF Resource Center are not ordained and that 65 percent of people attending this year's General Assembly would be lay people.

Vestal also said CBF partners -- which include 11 theological schools, two ethics agencies, a news service and magazine, a national newspaper and a youth camping ministry -- all "are committed to developing leaders." He said the organization would continue to seek other "strategic partnerships" to further bolster leadership training.

In addition, Vestal said, the CBF will increasingly focus on leadership training within its own staff. Terry Hamrick, coordinator for leadership development, and his associate director, Clarissa Strickland "will be an excellent staff team, leading a major commitment to leadership development," Vestal said.

Finally, Vestal cited "the maturity of our organization."

"Frankly, there was a time in Cooperative Baptist Fellowship when I said moderate Baptists really don't want leadership," he said. "I think some of that's born out of the pain of our past," in which moderate Southern Baptists saw "abusive leaders" and "leadership abused."

"I really do believe we've moved beyond that," Vestal said. "We're going to model leadership development, and we're going to service churches in leadership development," Vestal said.

The council also previewed revisions in CBF personnel policies to be considered in October. Personnel committee chairman Gary Cook, pastor of First Baptist Church in Lawton, Okla., said the policy changes come in response to a recent reorganization of the Coordinating Council.

"What we're recommending ... is that these policies begin to fit what we've talked about a great deal the last year or two," Cook said. "Our role is the setting of policy and the approval of the budget, the selection of administrative staff and holding those people responsible for the success of the organization."

Under the new policies, only searches for top-level executives (coordinator and resource-center coordinator) and program coordinators (congregational life, leadership development and global missions) would be conducted by search committees appointed by elected officers. "Non-program" coordinators (development, communications and marketing, finance and administration, and networking) and support staff would be filled in-house by staff with "advise and consent" of the personnel committee, which is appointed by the CBF moderator.

"First of all, we are recognizing that we no longer have ministry groups to serve in search processes as we have in the past," Cook said. "In the future, under these policies, all associate coordinators and support staff would be able to be hired by staff within budget. That is a key point. A board like this does not surrender its responsibility in terms of leading the organization ... because this council does have the final approval of the budget."

Jim Strawn, coordinator for finances and administrative services, said in a financial report that through 11 months, total CBF income is running 4.6 percent ahead of budget but \$544,000 behind last year.

Anticipating a moderately strong June and below-budget expenditures, he predicted the organization will finish the year in the black. "Looking at what other organizations are doing, I think it is a very strong report," Strawn said.

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