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Supreme Court Wrapup

Religious Disputes on Rise
In Supreme Court Caseload

By Stan Hasty

WASHINGTON (BP)--Reflecting a national trend toward more and more litigation, religious controversies cascaded on the U.S. Supreme Court during its recently concluded 1979-80 term.

At least three dozen cases directly involving religious questions were docketed by the justices, although most never made it to the oral argument stage. In all, the high court handled 4,781 cases during the term, although only 156 were accepted for oral arguments and formal opinions.

As was generally the case across the spectrum of the court's caseload, no clear trend was discernible in religion cases. From the viewpoint of the religious community itself, results received mixed reviews, particularly the decision in the divisive Hyde Amendment abortion funding case.

That test, which raised the question of equal protection and due process for poor women in need of abortions, polarized the religious community as perhaps no other high court decision in recent terms. Many mainline denominations, working through the Religious Coalition for Abortion Rights, denounced the 5-4 decision upholding a congressional ban on public funding for almost all abortions, as a giant step backward.

Most evangelicals and Roman Catholics, on the other hand, received the decision with joy and promised renewed efforts in the next Congress to push through a constitutional amendment banning abortion.

Although the constitutional issues of free exercise and no establishment of religion were raised in the Hyde Amendment case, the Supreme Court refused to consider them. U.S. District Court Judge John F. Dooling Jr., who earlier had declared the controversial law unconstitutional, did so partially because of his agreement with pro-choice forces that to deprive a poor woman of public abortion funding might in some cases deny her free exercise of religion.

But the high court rejected that view, declaring that the indigent New York women on whose behalf the suit challenging the Hyde Amendment was brought, had no legal standing to pursue the free exercise argument because none of them had actually claimed it.

On the no establishment argument, both Judge Dooling and the Supreme Court rejected arguments by the pro-choice side that the Hyde Amendment unconstitutionally favored one theological position over others.

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Because of the narrowness of the decision and the bitterness of the four dissenters, as well as the polarization within religious circles, controversy over abortion promises to be a fixture on the American political scene for the foreseeable future.

Besides the Hyde Amendment test, the two most significant church-state cases before the high court in the recent term remained unresolved. The court declined to interrupt lower court proceedings in both, each of which promises to become a landmark case.

One of them pits the state of California against Herbert W. Armstrong's Worldwide Church of God. In spite of concerted efforts by Baptists and other mainline denominations to convince the high court to reject the California Attorney General's action last year placing the Worldwide Church under state receivership, the justices decided instead to let the case be tried in California courts first. It is a "can't miss" case for future review, however, perhaps as early as next term.

In the other case, to determine if the United Methodist Church is a legal entity subject to libel suits, the justices likewise declined to prevent the matter from being litigated in California courts. At issue is whether former residents of a group of bankrupt, Methodist-related retirement homes can sue not only the legal corporation, Pacific Homes, but also the regional Methodist conference, the church's board of finance and the United Methodist Church itself. Constitutional lawyers specializing in the church-state field maintain the case's resolution may well usher in a new day of anti-church litigation if the Supreme Court ultimately holds that denominations themselves can be held liable for the actions of all related agencies and institutions.

In another significant church-state case, the court ruled 8-1 that local municipalities may not forbid charitable organizations from soliciting funds door-to-door. The solid high court majority thus struck down a 1974 ordinance in Schaumburg, Ill., located 25 miles northwest of Chicago, requiring charitable groups, including churches, to obtain permits to solicit and to prove to town officials that 75 percent of the money raised went to charity, and not to cover administrative costs.

The Schaumburg case was only one of a dozen that dealt broadly with the issue of government intervention in church affairs, a matter of growing concern among church-state specialists and denominational officials.

Among the more significant of the cases, all of which the high court declined to hear, was a New York decision that clergy may not refuse to answer a grand jury's questions in a criminal proceeding unless answering would violate the priest-penitent relationship.

The Church of Scientology, which the Internal Revenue Service recognizes as a bona fide tax exempt religious group, failed in a high court effort to require the federal government to return documents seized by the FBI in massive raids on the church's Washington, D.C. and Los Angeles headquarters.

But on the other side of the ledger, the court upheld the right of Hare Krishnas to solicit funds at the Indiana State Fair. The state had attempted to restrict movement of the sect's adherents by demanding that they solicit only from an assigned booth.

The justices likewise declined to review lower court rulings that the state of Ohio may not control disciplinary procedures in parochial schools and that Kentucky's state Board of Education may not regulate teacher certification and textbook use in nonpublic schools.

And the court announced it would not hear a First Amendment no establishment challenge to a provision of California's state constitution forbidding employment discrimination on the basis of religion.

Although the limits of permissible government funding of parochial school programs has often been a fertile field in recent terms, 1979-80 saw the Supreme Court acting on only three such cases, each of them of relatively minor importance.

By a narrow 5-4 margin, reflecting the division among the justices in such cases, the court ruled that a New York law reimbursing parochial schools for administering state-required pupil tests and monitoring school attendance does not violate the Constitution's ban on establishment of religion.

The court also declined to hear challenges to a Pennsylvania law providing free transportation to nonpublic school children and to Ohio's refusal to recover instructional materials and equipment from parochial schools in the aftermath of a Supreme Court decision outlawing such aid.

Church property disputes, an area of ongoing conflict, figured in another trio of high court actions. The court declined to review a Boston case which challenged local Roman Catholic officials for using parishioners' contributions to erect low and moderate income housing units when some contributors thought their gifts were to be used for a cemetery.

And in a pair of cases involving Presbyterian congregations, the court in effect reaffirmed its decision of last term that, unless a specific denominational policy statement in a legal charter says otherwise, disputed local church property goes to the congregational majority.

Among numerous other religion cases handled during the term, the court held that Madalyn Murray O'Hair must stand trial in Austin, Texas, for disrupting a meeting of the city council; that the city of Denver may continue to display its traditional nativity scene on public property; that pacifists may not refuse to pay income taxes which go to the Pentagon; and that the city of Chicago was justified in dismissing a member of the Jehovah's Witnesses sect who refused to teach her pupils the pledge of allegiance to the American flag.

In other actions, the court refused cases involving a Texas man who refused to pay Social Security taxes for religious reasons and a California worker's dismissal for refusing to join a union on religious grounds. But the justices upheld an Alaska court's ruling that a Seventh-day Adventist may keep his job in spite of his refusal to pay union dues.

The court announced it will hear next term cases involving unemployment benefits for individuals who quit their jobs for religious reasons and the conditions under which state officials may permanently remove children from their parents.

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Anti-Catholic Material
Removed from Book Stores

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7/18/80

NASHVILLE, Tenn. (BP)--Error-filled comic books containing virulent anti-Catholic attacks were removed from three Baptist Book Stores recently to disassociate Southern Baptists from numerous un-Christian allegations.

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Grady C. Cothen, president of the Southern Baptist Sunday School Board, said, "The books were removed because they contained derogatory allegations without facts to back them up. We very much regret this incident."

The board president said he felt the action was the proper response because of the prejudicial and pejorative nature of the materials.

The continuing dialogues between other faiths and Southern Baptists, especially as instituted by the Interfaith Witness Department of the Home Mission Board, also would not have been helped by the materials, he said.

"Alberto," the 32-page comic book published by Chick Publications of Chino, Calif., was found to be on sale in three stores after a reporter from the "Tennessee Register," a Catholic weekly newspaper, notified officials at the Sunday School Board, which owns and operates Baptist Book Stores.

On that same day Cothen ordered the "Alberto" comic books removed from Baptist Book Stores in Oklahoma City, Albuquerque, N.M., and Memphis, Tenn., where it had been ordered at the request of customers.

"The materials will not be distributed by the Baptist Book Store chain in the future," Cothen emphasized. "They do not represent the attitude of Southern Baptists nor of the Baptist Sunday School Board."

Catholic media, secular newspapers and a religious news service have been among media carrying stories concerning the removal of the comic books from Baptist Book Stores since the discovery of the offensive accusations.

Michael Schwartz, executive director of the Catholic League for Religious and Civil Rights in Milwaukee, Wis., said he was "very pleased" by the Sunday School Board's statement and action.

In a letter to Cothen, Schwartz said, "I am very pleased that you and many other Protestant religious leaders have had the courage and charity to repudiate publicly the message of religious bigotry purveyed in that publication."

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BWA Undergoes A
Week with the Russians

By Stan Haste

Baptist Press
7/18/80

TORONTO (BP)--The Russians came to the Baptist World Congress, dominating proceedings of the once-every-five-years meeting as thoroughly as Soviet athletes are expected to dominate the Olympic Games in Moscow.

Constantly hovering over the week's proceedings, which attracted nearly 20,000 representatives of the worldwide Baptist family of 33 million baptized believers, was a bitter controversy between the official delegation of Soviet Baptists and unregistered U.S.S.R. Baptists.

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Staging for the week's confrontation actually went into place the weekend before the congress convened. Georgi Vins, exiled dissident leader, grabbed local media attention with his protest against the official Soviet delegation, a protest supported by the presence in Toronto of long-time Baptist balter Carl McIntyre, the fundamentalist Presbyterian who insists on lumping together the Baptist World Alliance and the World Council of Churches as instruments of the devil.

Neither side appeared willing to give ground. Alexei Bichkov, leader of the officially-recognized Baptists, labeled "insulting" and "stupid" accusations from some of Vins' followers that he and others from the official delegation are KGB agents, and Vins chose to make his case by convening a rival meeting at a downtown hotel in direct competition with the congress, held at Toronto's Maple Leaf Gardens.

Vins repeated throughout the week that his meeting, called "Voice of the Persecuted Church in the U.S.S.R.," was not to provoke "confrontation," but provide "information." But his appeal went largely unheeded by the huge numbers of Baptists here for the congress as they stayed away in hordes from the competing sessions.

While refusing to identify Bichkov or other individual Russian delegates as KGB agents, Vins said during a news conference that "the Soviet system is such that the whole leadership of the recognized church is in close touch with the KGB."

What separates Soviet Baptists into two rival factions is the issue of registration with state authorities. Bichkov's All-Union Council of Evangelical Christians/Baptists registers its churches in compliance with Soviet law, while Vins' Council of Evangelical Baptist Churches usually defy the law and refuse registration.

Vins, who now lives in Elkhart, Ind., also pointed to another distinction, the fact that Bichkov's group is composed not only of Baptists but of other Protestant groups, including Pentecostals and Mennonites.

For his part, Bichkov, although enjoying official status within the BWA as one of 12 vice presidents, refused to let the controversy rest, accusing Vins of provoking trouble.

On the congress's last day, he formally protested to the BWA General Council Vins' registration the day before as a delegate and granting of credentials to attend a news conference for new BWA President Duke K. McCall.

The General Council reaffirmed its commitment to Bichkov's group as the legitimate member body from the Soviet Union but pointedly declined to comply with the Soviet leader's insistence that Vins' registration be repudiated.

Caught in the middle of the dispute throughout the week were embattled BWA leaders-- McCall, president of Southern Baptist Theological Seminary, Louisville, Ky., the Washington-based organization's outgoing general secretary Robert S. Denny, and Denny's successor, Gerhard Claas of West Germany.

None of them would side clearly with one side of Russians over the other. McCall, whose maiden news conference was overshadowed by Vins' presence, willingly complied with a reporter's suggestion that he and Vins shake hands, with McCall emotionally declaring, "I reach out to my brother who calls the name of Jesus."

Denny, outlining intercessions by the BWA with the Soviet Union, expressed appreciation for the Ministry of Religion allowing opening of 75 new churches and the 50,000 Bibles allowed in in both 1978 and 1979. He publicly supported the official Soviet delegation.

But he emphasized: "Hear me, please. Communism has not changed. Its philosophy of atheism has not changed. Its purpose is still to take the world. But, thank God, the Christian religion has not changed either. We are still commissioned to go to all people regardless of the political ideology under which they live."

"So, it is not the purpose of the BWA to try to change a nation's political structure," Denny declared. "It is our purpose to present Christ and let His Spirit change people."

Claas gave indications on several occasions that he hopes for a reconciliation between the two groups. He insisted, however, that the BWA is in no position to effect the reconciliation. The need to be reconciled is not between the BWA and Vins, he said, but between the Soviets themselves. At one point, he urged specifically that Bichkov and Vins meet to pray and "repent" from the division.

Both men steadfastly refused to seek such a meeting here. Vins said it would be pointless in that the official delegation travels abroad only with permission and later "will have to answer." Bichkov for his part declined to reveal his reasons.

The impasse clearly signals that the Russian problem in the BWA context is one that will not go away, with each side demanding to be on the field of play to the exclusion of the other.

And unlike President Carter, whose own frustration with the Russians was at least partially relieved by the simple act of declaring the United States out of the 1980 Olympic Games, no such easy solution is at hand for the BWA.

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(BP) photo mailed to state Baptist newspapers.

Blindness Won't Slow
His Mission Service

Baptist Press
7/18/80

MONTPELIER, Vt. (BP)—Blindness has never been as big a problem for Jay Waugh as the attitudes of others towards blindness.

The loss of sight at age eight wasn't particularly traumatic to Waugh, pastor of Montpelier (Vermont) Baptist Chapel. After suffering through childhood with eye disease, he says, "we knew eventually my sight would go."

His conversion was the event which changed his life. "For some time I had struggles with a nagging emptiness inside me," he explains. "I didn't know what was the matter." Waugh, 63, remembers trying to tell his father about it on the way home from church. "Daddy, something is wrong with me, and it's not here (pointing to his eyes), it's here (pointing to his heart)!" That day, as an eight-year-old boy, Waugh accepted Christ.

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Through years of experience, Waugh has made his sensitivity to the handicapped a vital part of his ministry. "A lot of folks think blindness means living in the dark. All too often, people associate darkness with ignorance, fear, stupidity, and inability. I don't live in the dark; I never have.

"In my lifetime, I've often been slapped with the attitude of 'You can't because you're blind.' That just isn't so."

Much of his life and ministry has been spent in an effort to conquer this attitude. When he applied to Southern Baptist Theological Seminary, his application wasn't accepted. He was told they "couldn't take responsibility for the blind," and that he "would take up too much time from the sighted students."

After reassuring them that God had called him to preach, he told them, "I did not ask for you to be responsible for me. I'll be there in September." Waugh graduated in three years, with better than average grades, and accepted a pastorate at Kinnett Memorial Baptist Church in Burlington, N.C.

After 17 years, Waugh left the local pastorate in 1961 to begin the Waugh Evangelistic Association. He went on to the road to "educate people to the potential of blind people. Many times churches don't minister to the blind because they don't know how to reach them."

Waugh and his wife, May, arrived in Montpelier last July as mission volunteers and have provided desperately needed help to the 39-member congregation. He felt the members were crying out for something permanent.

"Now we are moving to a more mature understanding of the Christian church. A permanent church must be built on the gospel," he explains.

Waugh is compassionate—and sensitive. Because there are two blind members of his church in Montpelier, he is constantly trying to encourage them to become involved in the total fellowship of the church. "The most valuable thing I can do is see that the blind are normal, active members, fully involved in the life of the church. It sounds so very simple, and yet it is the thing most often neglected."

Waugh is persistent—and aware. He continues to challenge Southern Baptists to have a new perspective on the blind. He encourages people to think of the blind as people first, then as people who happen to be blind.

"Give me an opportunity to serve," he says. "Then if I am not effective or don't measure up, let me go, just like you would anyone else. But first, give me a chance."