

**(BP)****BAPTIST PRESS**

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February 20, 1985

85-17

Executive Committee Opposes  
Vatican Envoy, Tax Penalty

By Stan Hastey

**NASHVILLE, Tenn. (BP)**--In separate actions the Southern Baptist Convention Executive Committee endorsed a legal brief opposing President Reagan's appointment last year of an ambassador to the Vatican and voiced opposition to a feature in Reagan's tax reform package which would reduce tax deductions for charitable contributions.

In objecting to Reagan's proposal to eliminate income tax deductions for contributions to charity below two percent of a taxpayer's adjusted gross income, the Executive Committee declared its rejection of what it called "the characterization of tax deductibility of gifts to churches as the equivalent of government subsidy."

Acknowledging what it described as "the fiscal urgency which the national deficit creates for the United States Congress," the committee nevertheless asked lawmakers to follow "the wisdom of the years" in considering changes in tax policy "which will hinder churches from doing their work."

The Executive Committee approved without discussion endorsement of a friend-of-the-court brief at the U.S. District Court for the Eastern District of Pennsylvania filed by the Washington-based Baptist Joint Committee on Public Affairs.

That brief, filed in support of a lawsuit brought by Americans United for Separation of Church and State and several major religious denominations, challenged Reagan's appointment of William A. Wilson as ambassador to the Vatican. The move followed congressional action sought by the White House removing an 1867 ban on diplomatic relations with the Holy See.

Debat over U.S.-Vatican diplomatic ties dates to 1939 and President Franklin D. Roosevelt's decision to send Myron Taylor as his personal representative to the Holy See with the rank of ambassador. In 1951 President Harry S Truman sought to upgrade the relationship by naming Gen. Mark Clark ambassador but, after an enormous public outcry by fellow Baptists and others, the retired general withdrew his name and Truman let the matter rest.

Although Presidents Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson had no official diplomatic ties with the Vatican, President Richard M. Nixon resumed the practice of sending a personal representative, a device subsequently used by Presidents Gerald R. Ford, Jimmy Carter and Reagan.

The Baptist Joint Committee brief, written and filed by its late general counsel John W. Baker, objected to the new arrangement as a violation of the First Amendment's ban on an establishment of religion. Exchanging ambassadors with a church, the brief argued further, shows preference for one religion over all others. In a novel argument, Baker told the district court the practice poses potential danger to overseas missionaries of all denominations by clouding their identity as religious representatives, especially in Third World countries.

Although the Executive Committee endorsed the Baptist Joint Committee brief and urged the agency to fight the matter through the federal appellate process, it stopped short of entering the case as a co-plaintiff, the other option available. Last September the body declined any involvement in the case in spite of a Southern Baptist Convention resolution last June condemning U.S.-Vatican relations and a separate motion asking the Executive Committee to join any legal effort challenging the new arrangement.

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After a handful of members voiced concern that such action might be interpreted as an effort to embarrass President Reagan during his bid for reelection, the matter died last September. The decision not to act resulted, however, in resolutions by several Baptist state conventions in November urging SBC involvement.

Executive Committee General Counsel James P. Guenther of Nashville, told Baptist Press the new action reflects the Southern Baptist Convention's "historic support for the First Amendment's separation of church and state." He said Southern Baptists "stand united" in opposition to U.S.-Vatican relations, not as "a matter of being anti-Catholic," but because "we believe the Vatican appointment is bad public policy and a dangerous and unwarranted entanglement of government and one church body."

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High Court To Decide  
'Equal Access' Dispute

By Stan Hasteley

Baptist Press  
2/20/85

WASHINGTON (BP)—The U.S. Supreme Court will decide whether public secondary school pupils have a constitutional right to conduct on-campus religious meetings when such gatherings are student-initiated and student-controlled.

In a brief order Feb. 19, the court announced it will hear the case of *Bender v. Williamsport Area School District* testing the free speech rights of high school students when the content of the speech is religious.

Lower courts have split on the question in the Williamsport, Pa., case, with a federal district judge ruling for the students, followed by a 2-1 court of appeals reversal last year. The Supreme Court twice in recent years has refused to settle the same basic issue in previous appeals from Guilderland, N.Y., and Lubbock, Texas.

Religious groups representing more than 100 denominations with 80 million members asked the court last December to accept the Williamsport case for review. A legal brief seeking the action was filed by the Baptist Joint Committee on Public Affairs and joined by the National Association of Evangelicals and the National Council of Churches of Christ.

That document, written and filed with the court by the Baptist Joint Committee's late general counsel John W. Baker, urged the justices to review the Williamsport case because "many of those persons who are responsible for operating our nation's public schools have either failed to read or have grossly misread the court's decisions," a reference to the historic 1962 and 1983 rulings banning state-sponsored religious exercises in public schools. "As a result," Baker wrote, "many school districts have assumed or have been persuaded that all religious activities in the public schools, even when the state is not involved...are unconstitutional."

Baker also asked the court to review the Williamsport case in light of congressional passage last year of a federal Equal Access Act guaranteeing students the right to meet before or after school for religious gatherings, a law signed by President Reagan last August. Baker and the Baptist Joint Committee led an intensive lobbying effort to secure passage of the measure.

Noting the earlier cases rejected by the high court "had factual and/or historical problems which made them hard cases," Baker argued the Williamsport dispute involves legal issues that "are clear and thoroughly evolved."

The Williamsport lawsuit was filed by a high school senior, Lisa Bender, and a group of her friends belonging to a student religious club after the school principal denied permission for meetings during a regularly scheduled, twice-weekly period for extracurricular activities. While some groups in the Williamsport school were related to academic subjects, others were non-academic.

After the school board upheld the principal, Bender and several other members of the student group filed suit in federal district court.

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Baker told the high court in his brief that without the Supreme Court resolution of the dispute, school officials will continue to "find themselves in a 'Catch 22' situation" in which they may face lawsuits if they permit such religious gatherings or if they ban them. The court should resolve the dispute, Baker declared, "in order to prevent a flood of litigation from both sides of the issue."

Because the court's calendar for its current term is already full, the Williamsport case will be heard sometime after Oct. 7, when the 1985-86 term begins. A final decision is unlikely before the end of 1985.

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SBC Executive Committee  
Approves Statement On BP

By Jim Newton

Baptist Press  
2/20/85

NASHVILLE, Tenn. (BP)—After almost three hours of testimony and discussion, the Southern Baptist Convention Executive Committee concluded two Baptist Press news stories last September "when taken together" gave a balanced presentation of the news.

The final vote was taken with almost no discussion, although the stories had stirred heated debate in two preliminary meetings.

The stories were released Sept. 17 and 18, 1984. The first article reported that a seminary student, J. Stafford Durham, had filed a "formal complaint" with the Federal Communications Commission alleging Houston judge Paul Pressler had secretly tape recorded a telephone conversation "in violation of his civil rights." The second story gave Pressler's response to the charges.

The Executive Committee said it was "untimely" and "unfortunate" the first story appeared separately without an appropriate rebuttal from Pressler.

The committee also expressed support for the Baptist Press staff for "their strong recommitment to timely, accurate, and well-balanced news reporting;" reaffirmed "its longstanding policy of openness in its deliberations and actions," and "its support for a responsible and free press as an essential element for an informed Southern Baptist constituency."

The committee also was told a "Baptist Press operating policy" is being formulated by the Executive Committee staff.

While the recommendations were adopted by the 69-member committee virtually without comment, two preliminary meetings featured heated debate. Both meetings took place under "background rules" which prevent direct quotations from individuals during debate.

The chairman of the public relations workgroup, Jimmy Jackson of Huntsville, Ala., ruled during the workgroup's meeting on Feb. 18 that discussion on the matter would be limited only to the procedure in handling the two stories, not whether anyone was right or wrong; and that only members of the workgroup would be allowed to discuss the matter.

Pressler, who brought into the room a suitcase full of printed materials, objected strongly to the ruling which prevented him from presenting four hours of testimony he said he had prepared.

In interviews after the meeting, Pressler complained the ruling was grossly unfair. "I don't know why these people are suppressing the truth. I had 35 grievances against Baptist Press I wanted to present, but they wouldn't let me speak."

Instead of hearing testimony by Pressler and Baptist Press Director Wilmer C. Fields, the public relations workgroup discussed wording of the recommendation which finally was adopted by the full Executive Committee.

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On the second day of the meeting, the administrative and conventions arrangements subcommittee voted 15-6 to allow a full and complete discussion of the issue, including testimony by any who wanted to speak. Pressler, a leader in the movement some claim is trying to gain control of the SBC, is a member of the subcommittee.

Frank Ingraham, a Nashville attorney and chairman of the subcommittee, ruled the committee would allow Pressler and Fields 45 minutes each to present their arguments.

Pressler passed out a seven-point, 65-page stack of documents detailing his complaints against Baptist Press.

In his written presentation, Pressler admitted tape recording the telephone conversation with Durham on Sept. 1, but denied he had done anything unethical or illegal. "I took the precaution of taping the conversation for several reasons," he said. He claimed "certain individuals on the liberal side in the convention have completely and totally misrepresented conversations I had with them"....

He added he recorded the conversation "for self-protection...to have a record of the telephone conversation...."

Pressler listed 35 objections to the story, including a charge Durham, in his complaint, had given "a bogus citation to the FCC code which has no relevance to the matters involved." He suggested someone must have advised and manipulated Durham to contact the FCC.

Pressler also charged Baptist Press gives "liberals" in the convention "full and ample opportunity to respond" to accusations, but "conservatives are not always afforded that privilege." He further complained about use of writers "with fixed prejudices."

"The question is whether the present employees of the Baptist Press are so firmly directed in their mind set that they are unwilling or unable to look at what is occurring in the SBC from an alternate viewpoint from their own, or whether they are incapable of separating their personal prejudices from their reporting of the events that are occurring within the convention," Pressler concluded.

He asked the committee to examine the two stories and determine if "libel" was committed, and argued he was defamed by the articles which show "an intent to harm or malice."

In response to Pressler's charges, Fields made a brief statement and passed out copies of the related Baptist Press articles. He said Baptist Press carried 1,118 stories last year, and only 22 of those stories (1.9 percent) could be considered "negative stories" about controversial issues to which someone might object. Of the 1,118 stories carried, Baptist Press received complaints only about three articles, including the Pressler complaint, according to Fields.

Fields said he regretted very much that time and space limitations caused the mailing of the second story to be delayed one day. He said that if the incident could be done over again, the two stories would have been mailed the same day.

Much of Baptist Press' response to Pressler's charges was devoted to a presentation by Southern Baptist Press Association President Bobby S. Terry, editor of Word and Way, newsjournal of the Missouri Baptist Convention, who summarized a six-page "Report of Special Inquiry" commissioned and paid for by the press association.

The six-page report was prepared by journalism professors John Merrill of Louisiana State University, Clifford Christians of the University of Illinois and John DeMott of Memphis State University. All three are members of the ethics subcommittee of the Association for Education in Journalism's committee on professional freedom and responsibility.

The journalism professors said they found no "evidence of ill will toward Pressler," and no evidence the BP staff was "motivated by unprofessional intentions to damage the reputations of the principals involved."

"Release of the report of Sept. 17, without the response of Pressler, was not unfair under the peculiar circumstances existing, and therefore did not constitute poor journalism," the professors said. They described BP's dilemma this way: "Should a reporter report the news immediately, even though the response to some accusation contained in it cannot be included in the first report..., or should he suppress the news temporarily while getting the response?"

"...It is difficult to fault BP for the decision it made, and few news editors would do so," the professors said. "The decision made by BP is one made every day by many news organizations practicing the highest standards in our profession.

The professors said the BP stories in question "show exemplary restraint and discretion in what is admittedly a potentially sensational event. They are both news accounts which refrain from editorializing. They do not speculate regarding motives, editorialize about the ethics involved, or entertain reflections from unattributed sources."

"The news releases," they continued, "appear to us to show the commendable vigor of effective journalism combined with the restraint that is demonstrated among the most responsible in the news profession today."

Pressler was not satisfied with their study, however, saying in an interview afterwards it was done by "hired guns" who were "paid" to say what they did.

After the hearing, Pressler said he was pleased the committee had heard his complaint, and that his side of the story had been told.

Fields observed the Executive Committee members and staff had talked themselves together on the proper role of Baptist Press. "It is highly significant that the committee voted to reaffirm its support for a responsible and free press as an essential element for an informed Southern Baptist constituency," he said.



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