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March 25, 1986

86-42

Court Sidesteps Resolution Of 'Equal Access' Dispute

By Stan Hastey

WASHINGTON (BP)—A closely-divided U.S. Supreme Court ruled March 25 that a Williamsport, Pa., school board member had no legal standing to challenge a federal district court decision which upheld high school students' right to gather in a public school classroom for Bible reading and prayer.

The high court's 5-4 ruling has the effect of reinstating the district panel's 1983 decision that members of Petros—a group of students at Williamsport Area High School which was denied permission to meet on an equal basis with other extracurricular groups—possess a constitutionally protected right of free speech to conduct their meetings.

The dispute dates to September 1981, when Petros—then led by senior Lisa Bender—asked the principal at Williamsport High to authorize its meetings during a twice-weekly, 30-minute period for meetings of extracurricular groups. While some of these groups were related to academic disciplines, others were not.

Although the principal granted permission for an initial meeting—attended by 45 students—he subsequently referred the matter to the superintendent of schools, who then sought legal advice from the school board attorney.

After the lawyer for the board issued a written opinion that in his view the practice violated the U.S. Constitution's ban on an establishment of religion, the students took the school board, the superintendent and the principal to court.

Writing for the majority, Justice John Paul Stevens—joined by Justices William J. Brennan Jr., Thurgood Marshall, Harry A. Blackmun and Sandra Day O'Connor—held that Williamsport school board member John C. Youngman Jr. had no legal basis to appeal the district court decision after the board's eight other members decided not to appeal. Youngman took the case to the Third U.S. Circuit Court of Appeals, which in July 1984 overturned the district court in a 2-1 decision.

Although attorneys for the student group did not challenge Youngman's legal ability to appeal, Stevens cited several previous Supreme Court rulings that the nation's high court has a constitutionally mandated duty to examine the standing of all parties to a dispute.

Youngman, Stevens wrote, had no standing to bring the appeal as an individual, a school board member or a parent. His claimed standing as an individual fell, Stevens said, because the original judgment of the district court was made, not against Youngman, but against the school board.

Nor was Youngman in a position to bring the appeal as a school board member, Stevens said, because he "has no personal stake in the outcome" of the case. Further, because he was the lone dissenter on the school board wanting to appeal the district court decision, he was not permitted to "step into the shoes of the board" as a whole.

Stevens held further Youngman could not bring a challenge to the district panel's ruling as parent of a Williamsport High student because nothing which was in the record of the case before it was accepted for review by the Supreme Court last year indicated he was so basing his appeal. "Nor is anything in the record to indicate that he or his children have suffered any injury as a result of the District Court's judgment," Stevens wrote.

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Chief Justice Warren E. Burger dissented for himself and Justices Byron R. White and William H. Rehnquist, writing that while he agreed with the majority that Petros should be allowed to meet as decreed by the district court, he would have decided the case on its merits and reversed outright the appeals panel's judgment.

In a separate dissent, Justice Lewis F. Powell Jr. wrote that he too would have decided the case on that basis, adding he based his views also on a 1981 Supreme Court decision--Widmar v. Vincent--upholding the right of student religious groups to hold meetings on campuses of state universities. Powell argued that besides applying that ruling to high school religious groups, the court could have cited other decisions upholding high school students' rights of free speech and association.

None of the justices on either side made reference to the Equal Access Act of 1984, in which Congress extended the court's reasoning in Widmar to high school groups. Legal challenges to that law as currently practiced are expected. A final resolution to the question of the constitutionality of the equal access concept presumably awaits such a dispute.

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TV, Radio, Newspaper Ads
Tell 'Good News' to America

By Jim Newton

Baptist Press
3/25/86

ATLANTA (BP)--It's good news, America: "God loves you."

That's the message Southern Baptists are trying to communicate to the entire nation this spring through a mass media campaign using radio, television, newspapers, billboards and local church revivals.

"Good News America, God Loves You" is the theme of a series of simultaneous revivals in an estimated 30,000 Southern Baptist churches, most scheduled during the period from March 16-April 27. Each church, however, is scheduling its own meetings, so dates may vary throughout the nation.

"This is the biggest simultaneous revival effort ever planned by any religious group in the United States," said William G. Tanner, president of the Southern Baptist Home Mission Board, which is coordinating the nation-wide effort.

Robert L. Hamblin, the board's vice president for evangelism, said he and other evangelism leaders are praying at least one-half million Americans will become Christians as a result.

"Good News America" is the most thoroughly planned, organized and coordinated evangelistic effort Southern Baptists have conducted, added Richard Harris, director of the mass evangelism department of the Home Mission Board.

Harris estimated Southern Baptists involved in the campaign will give away more than 10 million New Testaments and Scripture portions during "Good News America." Already, he said, more than 9 million Scripture portions have been distributed.

Tom McEachin, associate director of the board's mass evangelism department, predicted before the revivals' end almost every person in America will have heard the "Good News America" ads on radio or seen them on television, on billboards, church banners or in newspapers.

One-fourth-page ads will appear, for example, in USA Today's nationwide editions on April 9, 15 and 24, and they already have been published on March 7 and 24.

For the first time, CBS-TV has given approval for a Southern Baptist-produced public service announcement telling viewers there is good news and that God loves them, said McEachin. He estimated the value of the public service announcements on CBS to be the equivalent of \$300,000 to \$500,000 in paid time for each spot broadcast.

Three television and four radio spots were produced and distributed by Jolly Communications, a public relations firm in Louisville, Ky., headed by Alan G. Jolly, a Southern Baptist layman.

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Each spot concludes by saying "Good news America: God loves you. More than 14 million Southern Baptists invite you to enjoy the abundant life in Christ," or something similar.

Printed promotional materials, including banners and lapel pins, were produced by Arthur Davenport Associates, a church promotional agency based in Oklahoma City, headed by Al McCartney, another Southern Baptist layman.

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Southeastern Trustees Adopt Budget,
Act On Peace Committee Response

Baptist Press
3/25/86

WAKE FOREST, N.C. (BP)--Trustees of Southeastern Baptist Theological Seminary in their semi-annual meeting adopted a \$5,932,744 budget for 1986-87 and forwarded to the Southern Baptist Convention Peace Committee President W. Randall Lolley's response to a recent visit to the seminary by a subcommittee of the Peace Committee.

The new budget, a record, is a 5 percent increase over the current budget, Lolley said. A portion of the increase will be for faculty and staff salaries and for operation of the Ledford Student Center, scheduled to open this summer.

Basic funding of the seminary's budget will come from the gifts of the churches through the Cooperative Program, Lolley noted. The Cooperative Program gifts for 1986-87 will amount to \$3,948,000, or 67 percent of the total budget.

When auxiliary enterprises are deleted, Cooperative Program gifts amount to 76 percent, he said.

The board of trustees also reviewed with Lolley his response to the recent visit to the seminary by a subcommittee of the SBC Peace Committee. The board adopted a resolution from its Executive Committee which described the report as "a conscientious and appropriate effort on the part of faculty and administration to respond to the concerns of the Peace Committee...."

The resolution goes on to say "that the aforesaid report be received by the board and a copy be transmitted to Dr. Charles Fuller, chairman of the Peace Committee."

The trustees also approved a recommendation from a special study committee to put in writing a procedure for filling vacancies on the board which occur between sessions of the Southern Baptist Convention. The seminary's charter permits such action by the board, but the procedure never had been formalized.

In other action, the trustees:

--Received as information a set of guidelines on publications by student organizations which were developed by a special committee and recommended to the administration. The action grew out of concern over ascending liability should there be no guidelines for such publications.

--Elected H. Alexander Holmes of Greensboro, N.C., to the Southeastern Baptist Theological Seminary Foundation, Inc.

--Established three endowment funds: The Jack Arlen Holt Memorial Endowment Fund for Student Aid; The Sadako Kawano Memorial Endowment Fund for International Students; and The Rachael L. Armour Endowment Fund for Financial Aid.

--Heard a report on the Ledford Student Center, a \$2.8 million project scheduled for completion this summer, and reaffirmed their individual financial commitment to the project.

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Court Rules Against Jew
In Skull Cap Dispute

By Kathy Palen

Baptist Press
3/25/86

WASHINGTON (BP)--The U.S. Supreme Court has ruled the First Amendment does not require the military to accommodate religious practices that in its judgment would violate uniform dress-code regulations.

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In a 5-4 ruling announced March 25, the high court affirmed a court of appeals decision allowing the U.S. Air Force to enforce dress regulations in the interest of the military's perceived need for uniformity—even if the effect of those regulations is to restrict the wearing of visible garments required by a person's religious beliefs.

In this case, Simcha Goldman, an Air Force captain who is a practicing Orthodox Jew, argued his right to wear a yarmulke—or skull cap—while on duty as a psychologist in a military hospital outweighed the military's need to enforce its uniform regulations.

Goldman, who wore the yarmulke on duty for four years before being instructed to remove it, filed suit in federal district court, claiming the Air Force's refusal to allow his wearing a skull cap infringed upon his First Amendment right of free exercise of religion. The U.S. District Court for the District of Columbia ruled in Goldman's favor, but that decision was reversed by the appeals court.

In delivering the Supreme Court's opinion, Justice William H. Rehnquist said the court's review of military regulations challenged on First Amendment grounds "is far more deferential than constitutional review of similar laws or regulations designed for civilian society." He added, however, the military's need to foster "instinctive obedience, unity, commitment and esprit de corps" does not render invalid First Amendment guarantees in military life.

"When evaluating whether military needs justify a particular restriction on religiously motivated conduct, courts must give great deference to the professional judgment of military authorities concerning the relative importance of a particular military interest," Rehnquist stated.

Thus, he explained, the court was required to consider the professional judgment of the Air Force as to uniform regulations. Such regulations, he continued, are decided by appropriate military officers, who are under no constitutional mandate to abandon their considered professional judgment.

"Quite obviously, to the extent the regulations do not permit the wearing of religious apparel such as a yarmulke...military life may be more objectionable for petitioner and probably others," Rehnquist said. "But the First Amendment does not require the military to accommodate such practices in the face of its view that they would detract from the uniformity sought by the dress regulations.

"The Air Force has drawn the line essentially between religious apparel which is visible and that which is not, and we hold that those portions of the regulations challenged here reasonably and evenhandedly regulate dress in the interest of the military's perceived need for uniformity."

In his dissent, Justice William J. Brennan Jr. rejected such a "visible/not visible standard," arguing a visibility test would permit "only individuals whose outer garments and grooming are indistinguishable from those of mainstream Christians to fulfill their religious duties."

Brennan contended that while some religious attire might be unacceptable, "a reviewing court could legitimately give deference to dress and grooming rules that have a reasoned basis in, for example, functional utility, health and safety considerations, and the goal of a polished, professional appearance."

Justice John Paul Stevens, however, in a concurring opinion, expressed fear that exceptions from dress code regulations based on such a "multifactor test" could result in decisions made upon a "decisionmaker's evaluation of the character and the sincerity of the requestor's faith—as well as the probable reaction of the majority to the favored treatment of a member of that faith."

"For the difference between a turban or a dreadlock on the one hand, and a yarmulke on the other, is not merely a difference in 'appearance'—it is also the difference between a Sikh or a Rastafarian, on the one hand, and an Orthodox Jew on the other. The Air Force has no business drawing distinctions between such persons when it is enforcing commands of universal application."

CORRECTIONS:

In (BP) mailed 3/19/86, please make the following correction: in paragraph 6 of "World Seeks 'Word From God' In Moral Issues: Honeycutt," change the word "cultic" to "culture."

Also, in (BP) mailed 3/24/86, please note the date for the Southern Baptist Convention annual meeting is June 10-12 not 11-13 as reported.

Thanks, Baptist Press

Baker Challenges Students.
To 'Stay By The Stuff'

By Craig Bird

Baptist Press
3/25/86

FORT WORTH, Texas (BP)—Ministers need to keep alive their call and "stay by the stuff," Bo Baker told Southwestern Baptist Theological Seminary students and faculty in a chapel service.

"Don't play the martyr--don't complain and act as if you are doing God a favor because you're called into his work," said Baker, pastor of Plymouth Park Baptist Church in Irving, Texas. "You've been selected by heaven for the greatest work on this earth--the work of God."

Baker insisted God's call to service is a personal challenge that must be kept "stirred up."

"It is important you have a sense of God's calling because there are times you will lean upon that sense of call as if your very life depended on it," he said. "Don't depend on a seminary professor to light your fire, or some unusual program or a grand conference or a pulpit committee to turn you on. That is something that must happen between you and God--a holy endowment."

Baker shared several concerns about contemporary ministry.

"I am burdened at the shallow commitment of those folks involved in a full-time ministry with only a quarter-time dedication," he said. "I am burdened for those who leave the ministry and salve their conscience with some secular shingle cut in the shape of the cross. And I'm concerned about the increasing number of preachers and preachers' wives who are deciding it is God's will that their homes shall be broken."

Baker stressed ministers are not immune from discouragement because "having a sense of call does not mean you always serve God with a hot heart. I do not care if you've been in ministry 40 or 50 years, it is easy to grow cold--easy to grow weary in well-doing.

"You may not preach the greatest sermons on earth or have your turn in the convention limelight," Baker said. "But there is one thing each one of us can do--be true to our Lord and be faithful to our calling until God says, 'That's all of it.'"

"You have never been so needed as you are needed now. Whatever the Southern Baptist Convention is to be in the years ahead, it will be because of you, and you, and you and you," he said, pointing across the audience.

"We have never needed men and women to stay by the stuff as we need you now."



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