



**BAPTIST PRESS**

News Service of the Southern Baptist Convention

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May 6, 1987

87-70

Peace Committee Report  
Release May Be Delayed

By Dan Martin

ATLANTA (BP)--The final report of the Southern Baptist Convention's Peace Committee -- originally scheduled for release a month in advance of the 1987 annual meeting -- may be delayed, chairman Charles Fuller says.

"We wish we could have been able to fulfill our original plan of releasing the report six weeks or a month before the convention, but we find that the idea may have been ambitious," he added.

Fuller made the comments following the 14th meeting of the 22-member peace group, May 4 in Atlanta.

Fuller, pastor of First Baptist Church of Roanoke, Va., countered rumors the Peace Committee is "hopelessly stalemated," by telling Baptist Press the report "is completed as far as structure and general content is concerned."

"There are sections which have been referred back to the drafting committee for refinement and some short segments have been sent back to be rewritten. At this point, we feel it is more important to complete the report, with each member of the committee having his or her input, than to hurry the final draft," he said.

Fuller said it appears the final report will include "about 10 recommendations, touching both political and theological issues."

The report, he added, does not include any recommendations which are aimed at splitting the 14.6-million-member denomination. "The committee is committed to the idea that we will stay together; the concept of a split is not in our thinking."

When the committee met in Nashville in early April to survey the first draft of the report, committee members instructed the drafting committee headed by Charlotte, N.C., attorney William Poe to shorten the document from the first version's 25 pages.

"We have purposely shortened the background section of the document hoping to make it manageable and digestible by the messengers at the St. Louis convention," Fuller said.

After the May 4 meeting, attended by 21 of the 22 members, Fuller said the drafting subcommittee will refine, rewrite and reassemble the report. Then, it will be mailed to all committee members for review.

"Following that process, members will send suggestions for revisions. Then the final report will be assembled," he said.

Fuller added the report may be released either in late May or early June, "depending on how long the finalization process takes."

He said, however, that the committee may schedule another meeting just in advance of the St. Louis convention, scheduled June 16-18 in the Cervantes Convention Center.

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Of the May meeting, Fuller said: "Although there are portions of the report upon which not every member would agree, the committee during this particular meeting worked hard to come together on the report. And, although there are areas where there is not complete agreement, it is our hope and intent to be able to agree on it in general when we present it to the convention."

Personally, the chairman said: "I generally feel pretty good about it (the report). There are a couple of things I could feel better about, but taking all things into consideration, knowing what I know, I feel very good.

"In the light of the diversity of the committee and the clashes and the intensity of some of our debate, I am very grateful we have stayed together."

The committee, which was created by messengers to the 1985 annual meeting, was charged with discovering the sources of the controversy afflicting the 14.6-million-member denomination, making findings and then proposing recommendations for ways to bring about reconciliation.

The committee, under the 1985 action, must make its final report at the 1987 annual meeting.

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Mark Short Elected  
Louisiana Executive

By Oscar Hoffmeyer Jr.

Baptist Press  
5/6/87

ALEXANDRIA, La. (BP)—Mark Short was elected executive director of the Louisiana Baptist Convention's Executive Board during a board meeting May 5.

He will assume his new position June 1, succeeding Robert L. Lee of Pineville, executive director emeritus, who retired Dec. 1, 1986, after serving in a leadership position with the Louisiana executive board for 33 years, 30 of them as executive director.

Short, 58, is Southern Baptist Sunday School Board professor of denominational relations at New Orleans Baptist Theological Seminary, a post he has held for five years.

Short was presented to the executive board by Perry Sanders, pastor of First Baptist Church of Lafayette, and chairman of the executive director search committee. Sanders told the board: "The committee had a sense of rightness of God's man. We had 31 nominations, any 25 of which could have led the program.

"The committee was unanimous in a secret ballot vote. We feel Mark Short has expertise in management, platform skills and is knowledgeable in every level of Baptist life. During his association with Louisiana, he has spoken in every association and preached or taught in more than 300 churches."

Short, a native of Texas, was on the staff of the Louisiana Baptist Convention as church growth consultant prior to becoming a professor at New Orleans seminary. He also has been manager of the Glorieta Baptist Conference Center, minister of music and education in several Southern Baptist churches and associate pastor and administrator at South Main Baptist Church in Houston.

He attended Ouachita Baptist University in Arkadelphia, Ark., and Southwestern Baptist Theological Seminary in Fort Worth, Texas. He has a bachelor of arts degree from University of New York and a master of business studies from the University of Oklahoma. He has completed all academic requirements for the doctor of education degree at New Orleans seminary and expects to receive the degree this summer.

A specialist in management, Short is a member of the American Management Association and is the author of several books, including "Time Management for the Pastor," and "Bible and Business."

He and his wife, Margie, are parents of five children, four sons and a daughter. Their eldest son is minister of music at First Baptist Church, Fayetteville, Ark; their daughter is a housewife living in Belle Plans, Kan.; and three other sons are in business in Phoenix, Ariz.

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He has served on numerous Baptist denominational boards in Texas, Oklahoma and Tennessee.

In addition to electing Short, the executive board:

— Approved an invitation from the Southern Baptist Foreign Mission Board and the Korean Baptist Convention to enter a three year partnership 1987-89.

— Approved a recommendation of the Board's program committee to reduce the 1987 budget by six percent including funds allocated to the Southern Baptist Convention's Cooperative Program. The revised 1987 budget will be \$15,289,100, down from \$16,265,000, excluding funding for the Annuity program.

— Approved a recommendation to adopt the Southern Baptist Convention's annuity plan as amended effective January 1, 1988 and the five year phased-in expanded participating church plan.

— Voted to name a new motel-type housing facility at the Tall Timbers Baptist Conference Center in Woodworth the "Bob and Grace Lee Building" in honor of executive-director emeritus Lee.

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Mozambique Hunger Crisis  
Mounts; Baptists To Help

By Marty Croll

Baptist Press  
5/6/87

RICHMOND, Va. (BP)--Southern Baptists are preparing to provide food to the southern African nation of Mozambique to help stem mass starvation which some experts predict will equal or surpass that recently experienced in Ethiopia.

The Foreign Mission Board's relief planner, John Cheyne, expects the board will release up to \$1 million, much of it for food distribution, by year's end. The need is expected to intensify as rebel troops fighting in rural Mozambique block efforts by the government to rebound from a famine two years ago.

Cheyne received a report April 30 by phone from the board's director for Eastern and Southern Africa that up to 2 million people could die even if relief equal to that provided in Ethiopia were begun immediately. At least 1 million people are estimated to be inaccessible, surrounded by fighting. The director, John Faulkner, was quoting published reports from within Mozambique.

Missionaries who plan relief in Mozambique and five bordering nations will meet with Cheyne and other board officials in Harare, Zimbabwe, June 25-30, to decide how they will feed some of the 4.5 million Mozambicans the United Nations estimates are facing starvation.

Until then the missionaries will survey border areas of their countries to determine how to help refugees streaming into neighboring Zimbabwe, Malawi, Zambia, South Africa and Swaziland, Cheyne said. The organization of missionaries in each country has access to \$5,000 for immediate relief work.

Cheyne said he expects the June meeting to produce longer range plans aimed at creating a strategy for the area as a whole. He said he does not know whether instability within the country will permit Southern Baptists to establish a network of feeding stations with medical assistance like those in Ethiopia.

Mozambique has been troubled by political unrest and austere economic conditions for some time, and Southern Baptists have helped supply relief to Mozambicans as they have been able. In one instance, missionaries and an interracial group of South Africans traversed a dangerous area with a convoy of trucks to deliver 15 tons of food and supplies to needy people. The group also did evangelistic work.

The Mozambique Baptist Convention invited Southern Baptists to re-enter the country in 1982. Missionaries withdrew in 1975 after anti-American sentiment in the newly independent Marxist nation made their work practically impossible. James Brock, a former Alabama pastor, and his wife, Brenda, arrived last October to begin church development, evangelism and leadership training among the convention's nine churches and 32 missions. The Brocks, from Warrior, Ala., are the only Southern Baptist missionaries in the country.

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High Court Clarifies  
Disputed Obscenity Test

By Stan Haste

WASHINGTON (BP)—The Supreme Court ruled May 4 that two Illinois juries misinterpreted an earlier high court obscenity standard in convicting a pair of men for selling sex magazines and ordered the state to hold new trials.

Richard Pope and Charles G. Morrison of Rockford, Ill., were convicted of violating the state's obscenity law for selling allegedly obscene magazines to police officers July 21, 1983. Although the convictions were upheld earlier by a state appeals panel, the nation's high court held the convictions were based on a faulty analysis of the court's obscenity standard first set down in 1973.

That standard, announced in the landmark obscenity case of Miller v. California, held state laws may declare obscene those sexually oriented materials "which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value." With respect to the "prurient interest" and "patently offensive" parts of the test, the court held, local community standards may be considered in determining obscenity.

But the court also held, with respect to the "value" part of the test, that "the First Amendment protects works which, taken as a whole, have serious literary, artistic, political, or scientific value, regardless of whether the government or a majority of the people approve of the ideas these works represent."

Writing for the court, Justice Byron R. White held that in the Illinois trials of Pope and Morrison the juries were instructed improperly to apply community standards to the third standard — as well as to the first two — of the Miller test. The juries thereby violated the constitutional rights of the accused, White wrote.

Referring to the 1973 decision, White said juries must inquire "not whether an ordinary member of any given community would find serious literary, artistic, political or scientific value in allegedly obscene material, but whether a reasonable person would find such value in the material, taken as a whole."

Accordingly, Illinois must provide new trials for Pope and Morrison, the court ruled.

Three justices — William J. Brennan Jr., Thurgood Marshall and John Paul Stevens — dissented, arguing all statutes that criminalize the possession or sale of obscene materials to consenting adults violate the Constitution.

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Critical Housing Shortage  
For Elderly Predicted

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5/6/87

LAKE ARROWHEAD, Calif. (BP)—A projected housing shortage for the elderly has prompted Southern Baptist leaders to sponsor a "think tank" session to develop strategies to help Baptist churches minister to the needs of the homeless elderly.

"There will be a critical shortage of housing for the elderly within the next decade if population projections of the number of elderly people in America are accurate," said B.J. Dier of Santa Rosa Beach, Fla.

Dier, a national missionary of the Southern Baptist Home Mission Board assigned to senior adult ministries, said most pastors of Southern Baptist churches are unaware of the critical needs the burgeoning elderly population will be facing in the future.

Dier said there are many profit-making companies that are starting housing projects for the elderly. Southern Baptist churches ought to move aggressively into this area for love, not for profit, Dier said.

During the "think tank" session, Southern Baptist leaders reviewed what Baptist churches have done in the past and explored possibilities for future action.

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Dier said the think tank brainstormed options available to meet the needs, alternative ways churches can be involved in providing housing for the elderly, how to fund these "expensive" programs, creative ministries for people involved in Baptist-sponsored housing projects, and sound management principles for housing projects for the elderly.

Results of the think-tank brainstorming will be published in a book by the Home Mission Board for distribution to interested churches, said Dier.

"This book should provide a step-by-step guide for churches concerned about such a ministry," he added.

Dier said he hopes to organize a team of volunteer retired consultants to help churches or groups of churches begin housing ministries for the aged.

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Panel Examines Proposed  
Rules For Shelter Funding

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5/6/87

WASHINGTON (BP)--A constitutional snag in legislation designed to fund emergency shelters for the homeless was examined during a recent congressional hearing.

Congress last year appropriated funds under the Emergency Shelter Grants Program to make more emergency shelters available for homeless people. In developing proposed regulations for implementing the program, the Department of Housing and Urban Development excluded "primarily religious" groups and organizations from applying for and receiving a large portion of those funds.

The proposed regulations would allow religious organizations to apply for funds for operating expenses of emergency shelters, but not for the renovation, rehabilitation or conversion of property for use as shelters.

HUD said the regulations were drafted to avoid violating the First Amendment's establishment clause. But a number of religious groups claim the rules are unnecessarily exclusionary.

Two representatives from the religious community voiced their concerns about the proposed regulations during testimony before the House Employment and Housing Subcommittee.

William J. Wood, executive director of the California Catholic Conference, said the proposed rules defeat the intent of legislation intended to help the homeless and misinterpret relevant constitutional provisions separating church and state. "It appears as if HUD has gone out of its way to deny access to funds by sectarian organizations," he said.

Wood and John Steinbruck, pastor of Luther Place Church in Washington, stressed the vital role churches and religious organizations play in assisting the nation's homeless.

"Now told that they can no longer receive HUD funds because it is unconstitutional," Wood said, "generous, creative, hardworking people are being forced to sit back helpless and watch homelessness take its lethal toll on their fellow citizens."

Two women told the House panel about the time they and their families spent in emergency shelters operated by religious groups. Both recounted similar accounts of staff members and volunteers who offered various forms of assistance, but never attempted to influence their religious views.

"We came to Christ House with only a few clothes, terrified of being in a place we knew nothing about," said Kathy Williams, a wife and mother of two. "We found out that Christ House was sponsored by Catholic Charities; no one asked if we were Catholic.

"I don't want to think of what would have become of us had it not been for Christ House as they were our last hope. We certainly would have had to give up our children."

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A spokesman for HUD testified his agency recognizes the vital role religious organizations have played in meeting the social service needs of the poor — including the homeless — and has attempted to be sensitive to the concerns of those organizations.

But J. William Dorsey, HUD general counsel, said the agency is required to follow the First Amendment. He said the "tough constitutional questions" involve implementing grant programs that "neither advance nor inhibit religion" and do not "produce excessive government entanglement with religion."

Dorsey said one acceptable solution would be for a religious group to form an independent secular non-profit organization to operate its homeless shelter. Dorsey said HUD would be able to grant funding to the independent organization without violating the establishment clause.

A constitutional law authority, however, argued against HUD's proposed regulations, calling them "internally incoherent."

"In my view, these regulations elevate form over substance in a manner inconsistent with the constitutional doctrine of separation of church and state," testified John Sexton, professor at New York University's School of Law. "Indeed, I believe that the regulatory scheme they create generates more constitutional problems than it solves."

Sexton said if HUD prohibits religious groups from receiving any federal aid — such as for renovation — it should prohibit all aid — such as for operating expenses. He added the formation of independent organizations, suggested by Dorsey, is not a "magic" solution.

Instead, Sexton recommended two basic changes in the proposed regulations that would prohibit using a facility rehabilitated or converted with federal money for any religious purpose, whether now or in the future. Sexton's recommendations would allow religious groups to receive federal funds where secular activities, such as providing shelter for the homeless, could be separated out from their sectarian activities.

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Kemp Emphasizes Importance  
Of National Family Policy

By Kathy Palen

Baptist Press  
5/6/87

WASHINGTON (BP)--A U.S. congressman told a group of Southern Baptists the family is "probably the most powerful single issue in the country today," adding it transcends taxes, the economy and defense.

"If we don't help save the American family — we don't have any kind of comprehensive approach to strengthening, nurturing, uplifting, building up and protecting the American family — our whole Judeo-Christian civilization is threatened," said Rep. Jack Kemp, R-N.Y.

Kemp spoke during the Southern Baptist Association of Family Ministers annual conference in Washington. The organization is composed of Southern Baptist church staff, denominational staff and church members whose primary responsibility is family ministry.

The congressman, who recently announced his candidacy for the 1988 Republican presidential nomination, cited three major issues facing the nation:

- Defense of the West and its democracy, peace and freedom.
- The kind of values America should have that would be worth defending.
- How to restore a strong sense of family to America.

"I think there is a spiritual, a moral and a subjective dimension to that last issue," he said.

Kemp listed several areas related to the family he believes Congress and the courts should address.

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He said there is a consensus in the country about freedom, but not about how to protect life — whether the life of people in foreign countries such as Nicaragua, Ethiopia, Afghanistan and Angola or of the unborn in this country.

"We haven't yet decided about the unborn," Kemp said, adding he does not believe one can talk about the family without talking about the U.S. stance on abortion. He said he believes the Supreme Court now is closer to being able to overturn Roe v. Wade, the landmark abortion decision.

"If we elected Ronald Reagan for no other reason, it was to appoint men and women to the bench who have traditional values, who believe in the family, and who have an understanding of the Judeo-Christian ideas and values so important to our civilization," he said.

Kemp cited pornography, drugs, AIDS and the nation's welfare system as other areas needing attention.

Calling current times a "watershed moment," during which "decisions are being made that will affect the future as never before," Kemp urged the family ministers to keep up their work. "God has a special plan for America," he said.

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Life's 'Story' Relates  
Faith, Kingsley Claims

By C. Lacy Thompson

Baptist Press  
5/6/87

PINEVILLE, La. (BP)—All of life is a story for Gordon Kingsley, whether it is a tale of sharing lunch with an old friend, receiving a letter from an overseas son or being overcome with the wonder of God and his world on an early morning jog.

Is it any wonder, then, that the president of William Jewell College in Liberty, Mo., considers arts and literature as valuable resources for Southern Baptists?

"Literature and the arts help define the questions in the hearts of people that the gospel addresses," questions such as who is man and what is the meaning of life, said Kingsley. The two areas also can be used in the services of the church, he added, "as vehicles for communicating the faith."

Kingsley discussed the role of arts and literature in Baptist life during a theology and literature lecture series at Louisiana College in Pineville. In addition to his role as president, Kingsley also is professor of religion and English literature at the Missouri Baptist school.

In the Middle Ages, art was a statement of God's power and presence, Kingsley noted, but in modern times, "art is not affirming God's presence and power but affirming man's lostness." In most literature there is a sense of God's absence and "people are confused and desperate and searching and spiritually homeless and empty."

Thus, arts and literature "help us understand the questions the gospel answers," Kingsley emphasized.

This especially is helpful in attempting to reach urban America with the gospel message, he stressed. Arts and literature can help Baptists shape the gospel to the new questions the church hears from urban and modern people, he suggested.

He emphasized the gospel remains the same but the approach must change to reach particular hearers. "It's the same gospel. ... It's the same gospel in Africa, China, ... but you shape it for the hearer so he can understand it better."

Arts and literature also offer means for communicating the Christian faith, he continued. But Baptists traditionally have avoided use of the resources for a variety of reasons, he said, including rejection of popery and its symbols, the early frontier nature in America and because Baptist strength is not in the social class that emphasize these areas.

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"I've always thought we ought to have more Christian art around our churches because children are always learning from pictures," he said.

Kingsley also urged use of story and story form in preaching.

"I've encouraged that because it's the way the Bible tends to teach truth. It's the way Jesus taught," he noted.

"It's more interesting to the hearers, and the truth is grasped more easily and totally by the hearers."

Story is more than just lesson; it is emotion and realities, Kingsley added. It is biblical and intrinsically more helpful and powerful. Story helps people understand what's going on inside men and women. "It helps us explain, say, 'This is what the Bible means.' ... It's a way of getting to the reality of faith," he said.

People identify with stories, with common experiences, Kingsley noted: "If it's real stories, they will understand it. They will relate to it. ... That's the power of the story. You enter into it. You become part of it.

"Preaching would benefit from wrapping the truth in story form, as long as it is biblically based."

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Seminary Presidents  
Discuss Inerrancy

By Marv Knox

Baptist Press  
5/6/87

RIDGECREST, N.C. (BP)—Southern Baptist Convention seminary presidents touted both unity and diversity during a meeting with reporters at the SBC Conference on Biblical Inerrancy May 5.

The conference -- sponsored by the six SBC seminaries -- was designed to reveal "there's not that much difference" between Southern Baptists' positions on the nature of Scripture, said Russell H. Dilday, president of Southwestern Baptist Theological Seminary in Fort Worth, Texas.

However, the conference also was planned to show "there's a great deal of diversity between people who choose this term inerrancy" to describe Scripture, added Randall Lolley, president of Southeastern Baptist Theological Seminary in Wake Forest, N.C.

The presidents met the press following speeches by three of the conference's six keynote speakers, all of them non-Southern Baptist evangelical scholars who ascribe to the inerrancy of Scripture. However, the scholars already had begun to describe different versions of the meaning of inerrancy.

"There are more than two positions," said Milton Ferguson of Midwestern Baptist Theological Seminary in Kansas City, Mo. "The issue at hand is whether the Bible was intended to speak the last word on science, history, sociology or give comprehensive ... divine insight on all matters.

"The primary issue is whether the Bible is a book of redemption on religious matters or whether it is like a comprehensive encyclopedia."

The presidents also stressed their affirmation of the truthfulness of the Bible, even though their faculties have faced criticism on that point.

"We have said it (the Bible) is not errant," Dilday said. He noted where the Bible refers to scientific elements, "it speaks not in technical language but in phenomenal language, or the way things appear. We do not expect the same precision when it speaks of science as you would a science book."

Quoting W.A. Criswell, pastor of First Baptist Church of Dallas and leader of the more conservative element in the convention, Lolley said the Bible "is a book of redemption, not science, cosmology or cosmogony. To say it is a book of redemption and religion is not to say it is in error scientifically; that is not its intent."

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"The Bible does not mislead us in any area where it speaks," said William O. Crews of Golden Gate Baptist Theological Seminary in Mill Valley, Calif.

The presidents affirmed that position and said most Southern Baptists do, too.

Asked about the source of division in the denomination, Dilday said the dispute is not theological: "Ninety-nine and forty-four one-hundredths of Southern Baptists believe the Bible. We're together on basic theological principles."

Rather, the dispute is "on the kind of denomination we are," he said, noting the choices are between being "cooperative people" who want to work together "reaching the world for Christ" or "independent people" who do not work together in such a structured way.

Ferguson added that within the convention "there are people who sincerely see it (the dispute) as theological." In addition, some people with political motives also have used the theological angle to further their cause, he added.

Whatever the background or motive, "any emphasis on the Bible" deserves applause, said Landrum Leavell of New Orleans Baptist Theological Seminary.

"The beginning of this present movement, with its emphasis on the Bible, was well put," he said, noting the divisiveness began when that emphasis was politicized.

The danger of that politicization is that Southern Baptists "are moving away from the openness and mutuality that has characterized our convention," said Roy L. Honeycutt of Southern Baptist Theological Seminary in Louisville, Ky.

He warned Southern Baptists may be on the verge of adopting a rigid interpretation of the Baptist Faith and Message Statement, adopted in 1963.

That statement "may not be a creed, but it is creedal," Honeycutt said. "I am worried that in 45 days (at the SBC annual meeting) we will adopt an interpretation for a creed that tells people how to interpret the Bible. All that ought to stand between the Bible and people is the Holy Spirit."

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Christian Doctor Loses  
Anti-Insurance Battle

By Stan Hasteley

Baptist Press  
5/6/87

WASHINGTON (BP)—A Redmond, Wash., surgeon who refused on religious grounds to take out liability insurance in defiance of a hospital order has lost a legal battle that reached the U.S. Supreme Court.

William Backlund, an orthopedic surgeon in the suburban Seattle community, challenged on the grounds of free exercise of religion a 1983 policy of a hospital board of commissioners requiring malpractice insurance for all area physicians with hospital privileges. Because he refused to insure himself, Backlund lost his privileges as a staff physician at Evergreen General Hospital in Kirkland.

Backlund, who described himself as a born-again Christian, said he defied the order because his study of the Bible had persuaded him having insurance of any kind is unbiblical. After losing an internal appeal, he took the commissioners to court.

Although Backlund won his case in the King County Superior Court, the Washington Supreme Court reversed the lower panel's decision. His unsuccessful appeal to the nation's high court leaves the state supreme court's decision in place.

Backlund's attorney, William R. Bishin of Seattle, asked the high court to take up the case, arguing the commissioners had no "compelling state interest" in denying his client's free exercise of religion. He argued further Backlund's patients have the constitutional rights of privacy and free association to choose their own physician without interference from hospital authorities.

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But lawyers for the hospital commissioners countered by noting their clients had a compelling interest in avoiding "deep pocket" lawsuits against the hospital and its other physicians that might result from an uninsured doctor's performance. Backlund's convictions, they also argued, were reached as a result of a private reading of the Bible and not because the church to which he belongs advocates a doctrine against taking out insurance. (86-1297, Backlund v. Board of Commissioners)

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High Court To Decide Dispute  
Over Indian Tribes' Holy Site

By Stan Hastey

Baptist Press  
5/6/87

WASHINGTON (BP)—The Supreme Court has decided to resolve a long-standing dispute between the federal government and three Indian tribes over construction of a highway on land considered sacred by the tribes.

In a one-line order issued May 4, the high court announced it will consider the case during its 1987-88 term, which begins next October. This is the second case involving religious freedom for American Indians — the other deals with the use of the drug peyote in religious ceremonies — the court has agreed to hear next term.

The highway construction dispute centers around the proposed completion of a 55-mile roadway in Six Rivers National Forest in northern California. The U.S. Forest Service already has spent \$17 million building a 49-mile stretch of the highway. But the remaining six-mile section — which would connect the towns of Gasquet and Orleans — remains unpaved as a result of legal challenges by the Northwest Indian Cemetery Protective Association and individual Indians, who have argued completion of the roadway would desecrate sites held sacred by the Yurok, Karok and Tolowa tribes. The thus-far successful challenge has been supported by the state of California and various environmental organizations.

Both a federal district court and the 9th Circuit Court of Appeals have agreed with the Indian group's basic claim that completion of the highway would violate the free exercise of religion. The latter panel held the disputed territory "is indispensable to a significant number of Indian healers and religious leaders as a place where they receive the 'power' that permits them to fill the religious roles that are central to the traditional religions."

U.S. Department of Justice attorneys asked the high court to review the lower decisions, noting similar battles in other federal courts have had an opposite result. They also disagreed with the lower panels' finding that completion of the roadway would violate free exercise rights.

A pair of attorneys for the California Indian Legal Services organization countered by noting that five years ago the national Advisory Council on Historic Preservation recommended against building the highway because of the "devastating effects" the construction would have "on a historic property of great cultural value to the native people of the area."

Oral arguments in the case will be scheduled later this year. The high court's decision could come as late as next spring. (86-1013, Lyng v. Northwest Indian Cemetery Protective Association)

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