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87-99

Wrap-up and Analysis

High Court Term Struck Blow

For Church-State Separation

By Stan Hasteley

WASHINGTON (BP)--Separation of church and state was a big winner at the U.S. Supreme Court during the just-completed 1986-87 term.

Significant victories included rulings that:

-- Unanimously upheld a federal law allowing churches and other religious organizations to discriminate in favor of their own members when filling "secular" as well as religious jobs.

-- Struck down, on a 7-2 vote, a law requiring the teaching of creation science in public schools whenever evolution is taught as a theory of origins.

-- Ruled 8-1 that states may not deny unemployment benefits to employees fired from their jobs for refusing to work on their Sabbath.

-- Unanimously invalidated an airport commission's ban on the distribution of religious literature inside an airport terminal.

-- Held unanimously that Jews qualify as a racial minority under a 19th century federal law banning race discrimination.

In the lone setback for free exercise of religion in a major case, the court split 5-4 in holding that prison officials have no constitutional obligation to allow prisoners to attend worship services if the denial is "reasonable."

By deciding those half-dozen cases, the high court continued the trend in recent terms of accepting for review a large number of disputes involving religious issues. Indications are the trend will continue. (See separate story in today's issue.)

In other important actions taken -- but without benefit of full argument and decision -- the court:

-- Refused to review the constitutionality of formal diplomatic ties between the United States and the Roman Catholic papacy.

-- Declined to consider a challenge to an Oregon law that prohibits public schoolteachers from wearing religious dress in the classroom.

-- Let stand a lower ruling that Michigan may require teachers in sectarian as well as religious schools to obtain teaching certificates.

-- Twice rejected appeals by ministers -- one Presbyterian, the other Methodist -- to review the legality of their respective ousters because of conflict with their congregations.

-- Refused to review the claim of the historic Church of St. Paul and St. Andrew in New York City that a municipal commission violated the Constitution by designating the church an official landmark subject to city jurisdiction.

-- In a second dispute between a religious group and an airport authority, declined to review lower court decisions that San Francisco officials violated free exercise of religion by refusing to rent space for a Christian Science reading room.

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Far and away the most important rulings came, however, in the lopsided decisions during the final week of the term on job discrimination by churches and creationism.

In its unanimous decision in the job discrimination case, the court ruled Congress did not unconstitutionally favor churches and other religious organizations 15 years ago when it exempted them from complying with the Civil Rights Act's ban on religious bias in hiring practices. The exemption, the court held, actually strengthened separation of church and state. Church-state experts agreed.

One of these, Baptist Joint Committee on Public Affairs General Counsel Oliver S. Thomas, hailed the ruling as "a strong endorsement" of church-state separation and added: "We sometimes forget that without separation the state is free not only to advance religion but to interfere with it as well. The court wisely has recognized that it is perfectly proper for Congress to pass laws that protect religious institutions from governmental interference with or entanglement in their internal affairs."

The BJCPA was one of numerous religious bodies that filed friend-of-the-court briefs in the case, a dispute between the Mormon Church and a former building engineer fired because he did not meet certain religious standards mandated for continued employment.

In the surprisingly one-sided decision on creation science, seven justices joined in striking down a 1981 Louisiana law that sought to force public school science teachers to give equal time to creationism and evolution. In an opinion written by Justice William J. Brennan Jr., the court rejected the state's claim that the law had the secular purpose of fostering academic freedom; such a claim, Brennan wrote, was a "sham."

The law's real purpose, Brennan held, was "to change the science curriculum of public schools in order to provide persuasive advantage to a particular religious doctrine that rejects the factual basis of evolution in its entirety." Accordingly, the court's senior justice concluded, "The Act violates the Establishment Clause of the First Amendment because it seeks to employ the symbolic and financial support of government to achieve a religious purpose."

Justice Antonin Scalia filed a long dissent, joined by Chief Justice William H. Rehnquist.

In another church-state test, the court ruled in February that Paula Hobbie, a Seventh-day Adventist fired by a Florida jewelry chain after she refused to work Friday evenings and Saturdays, was entitled to state unemployment compensation benefits. Florida violated Hobbie's free exercise religion, Brennan wrote for the 8-1 majority, because it failed to demonstrate a compelling state interest in refusing the benefits. Rehnquist alone dissented.

Several religious groups, including the Baptist Joint Committee, entered the case on Hobbie's side.

The court ruled unanimously June 15 that the Board of Airport Commissioners of Los Angeles had no constitutional authority to issue a blanket ban on First Amendment activities inside the terminal of Los Angeles International Airport. Three years ago, airport police arrested a representative of the messianic group Jews for Jesus for handing out literature in defiance of the ban.

In yet another unanimous decision, the court held in May that Jews constitute a racial as well as religious minority and are therefore entitled to protection under an 1870 anti-discrimination law. The same holds for Arabs, the court ruled separately. In the case testing whether Jews qualified under the terms of the law, a Silver Spring, Md., synagogue had used the law to file a civil suit against several young vandals convicted in a separate criminal trial of defacing the synagogue with swastikas and other anti-Semitic graffiti.

And in the lone decision that split the court down the middle, a 5-4 majority ruled June 9 that officials at Leesburg State Prison in New Jersey did not violate the free exercise rights of two Black Muslim inmates by denying them permission to attend a weekly service on Friday afternoons as required by the Islamic faith. The two had asked to be allowed to come inside the main prison building from duty outside prison walls for the service. Prison officials argued they should be permitted to curtail religious freedom on a limited basis in the larger interest of maintaining security. Justice Lewis F. Powell Jr., writing for the slim majority, agreed.

High Court Will Hear
New Religious Disputes

By Stan Hasteley

WASHINGTON (BP)--Besides deciding and otherwise disposing of dozens of church-state cases during its recently concluded term, the Supreme Court already has announced it will review three such cases plus a dispute between Jerry Falwell and Hustler magazine publisher Larry Flynt in the term that begins next October.

In what may turn out to be its most important ruling on religious exercises in public school classrooms in 25 years, the high court will decide whether state laws mandating observance of a moment of silence at the outset of the school day violate the First Amendment.

Two years ago, the court struck down an Alabama law that required a one-minute period of silence specifically designated for purposes of prayer and meditation. At stake in the case next term are laws with more neutral language in New Jersey and two dozen other states.

In addition, the court will hear arguments in a pair of cases involving the religious rights of Native Americans.

In one, the justices will decide if the free exercise clause of the First Amendment protects Indians who use the drug peyote in religious ceremonies. The other case has to do with a dispute between Native Americans and the federal government over a tract of land in California some Indian tribes believe to be sacred.

The court also has agreed to decide if a lower court was right in awarding Falwell \$200,000 in damages for "emotional distress" after an advertisement in Hustler magazine parodied the well-known preacher and founder of the Moral Majority (now Liberty Federation).

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Southern Baptist Educators
Consider Proposed Consortium

By Lonnie Wilkey

Baptist Press
7/2/87

KANSAS CITY, Mo. (BP)--Southern Baptist college and university presidents are considering a proposal to form a consortium in conjunction with the Southern Baptist Foreign Mission Board in Richmond, Va.

The FMB proposal was one of several matters considered by members of the Association of Southern Baptist Colleges and Schools during their annual meeting June 29-July 1 in Kansas City.

Lewis I. Meyers, director of Cooperative Services International, a subsidiary of the board, presented the consortium concept to about 100 college presidents and deans.

Meyers told educators about the board's commitment to global cooperative evangelism and of its desire to establish the Cooperative Services International Educational Consortium with Baptist colleges.

He noted educational institutions offer a potential solution for placing Christian witnesses into countries where missionaries are prohibited.

Many developing countries are seeking means to advance in technological areas, Meyers said. As a result these countries are open to educational institutions establishing new programs or conducting faculty exchange partnerships with existing universities.

Earlier this year Meyers and other FMB personnel met with 21 Baptist college representatives to "explain ways of expanding and more effectively using the Christian education operational base in global evangelism," he said.

Meyers related an immediate opportunity exists to establish a graduate university in Yrumgis, China, in cooperation with a Chinese university.

He noted, however, this effort may be delayed until Chinese officials raise funds to construct the school in the northwest part of China. Upon construction, the proposed consortium would supply the faculty members.

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Other possibilities, such as exchange of faculty and students, exist in other countries, including some where Baptist colleges already have relationships with universities, Myers said.

A smaller committee from the original group which met with the board developed a proposed missions statement and charter of the organization.

According to the charter the purpose of the Cooperative Services International Educational Consortium is "to provide a framework by which member colleges and universities work cooperatively for the purpose of being involved in higher education in international settings that mutually benefit the overseas university and the member institution."

Myers admitted many details would need to be worked out. Bob R. Agee, president of Oklahoma Baptist University in Shawnee and a member of the original committee, agreed: "We are blazing new trails. There has to be a willingness to let evolutionary processes occur."

Myers said membership forms and other details about the consortium would be mailed soon to college presidents. At that time the schools will be able to announce their decisions regarding the consortium, he added.

Also during the annual association's meeting, educators heard an update from officials at Midwestern Baptist Theological Seminary in Kansas City regarding the seminary's correlated degree program. Vernon Davis, dean of the faculty and vice president for academic affairs, said school officials are pleased with the pilot program after its first year.

The program, designed for graduates of Baptist college religion programs, attempts to build upon the students' academic background, rather than force them to duplicate courses or material they had in college, he said.

Davis noted students are able to structure the program so they can complete the 88 hours required for a master of divinity degree in two years rather than the traditional three years.

Midwestern's effort was lauded by Baptist educators because it represented the first attempt by a seminary to work closely with Baptist colleges in correlating programs.

Arthur L. Walker Jr., executive director of the Education Commission and executive secretary of the association, reported on discussions held with Vasily Logvenincko, president of the All Union Council of Evangelical Christians-Baptists in the Soviet Union.

Walker said Russian Baptists are willing to visit college campuses for dialogue with faculty and students. While noting problems such as finances would have to be dealt with by the parties involved, Walker offered the services of the Education Commission as coordinator for such a program.

N. Larry Baker, executive director of the Southern Baptist Christian Life Commission, delivered messages of hope to the educators through a series of three devotions. He encouraged educators to be ambassadors of the "yet to be." Educators have the opportunity to plant dreams, create visions and encourage students to become even more than they might have dreamed they could become, he added.

Denton Lotz, deputy general secretary of the Baptist World Alliance in McLean, Va., delivered the 1987 H.I. Hester Lectures. Lotz addressed the subjects of "Christian Higher Education and the Conversion of the West" and "Christian Higher Education and World Evangelism."

During the association's business session Bob Lynn, president of Louisiana College in Pineville, was elected president for 1987-88. Other officers are Robert Clark, vice president for academic affairs at Campbellsville (Ky.) College, vice president; and Joseph DuBose, president of Baptist Bible Institute in Graceville, Fla., secretary.

Association members approved the formation of committees to examine the organization's bylaws and dues structure.

The 1988 meeting of the association will be held June 27-29 in Greenville, S.C.

Brotherhood Commission
Announces New Programs

By Jim Burton

MEMPHIS, Tenn. (BP)--A four-year study by the Brotherhood Commission concerning the future of missions education for men and boys has resulted in major program changes which begin in October 1987.

According to James H. Smith, president of the Brotherhood Commission, a Missions Impact 2000 study has created new emphases.

"We had a Missions Impact 2000 committee that studied all the different dimensions that relate to who we are and what we're about," said Smith. "We came to some conclusions. The first was that most of what we were doing was right, but we definitely needed to make some adjustments in our programs and materials."

The Brotherhood's purpose of helping churches involve men and boys in missions will not change, according to Norman Godfrey, first vice president for program services.

"The main need we're trying to meet is to help churches more effectively reach their men and boys and involve them in missions," said Godfrey. "We recognize that a lot of changes have been made in the way churches do church work in the last 20 years and a lot of changes in the way men and boys perceive missions."

Brotherhood programs now will be targeted more specifically for each age group of men and boys in the church, beginning with first grade boys.

Programs will fall under three divisions: Royal Ambassadors, Baptist Young Men and Baptist Men.

Royal Ambassadors include Lads, grades 1-3, Crusaders, grades 4-6, and Pioneers, grades 7-9.

Baptist Young Men represents the newest dimensions of Brotherhood work. It will include High School Baptist Young Men, grades 10-12, Collegiate Baptist Young Men, and Baptist Young Men, for men 18-34 who have completed their formal education.

Baptist Men serves ages 35 and older. Special emphasis will be given to Senior Baptist Men, ages 65 and older. The new programs for Baptist Young Men target age groups that typically represent an area of decreasing church participation.

For high school students, moving their program out of Royal Ambassadors will help them begin the transition into adulthood.

"We're trying to meet their needs according to their self-perception," said Kenny Rains, High School Baptist Young Men's director. "They do not see themselves as children. They see themselves as evolving young adults.

"We are trying to give them a sense of ownership to their missions education program," he added.

Eddie Pettit, Baptist Young Men's director, says churches need to be aware that young men in college need missions education.

"A program has been designed for Collegiate Baptist Young Men that will allow them to make the transition from a study approach to missions education to an action approach," said Pettit.

Once young men have completed their formal education and begun their life's work, they will find a challenging program of missions education in their local church designed for their needs, according to Pettit.

"Young men did not see themselves as part of the Baptist Men's unit and were not getting missions education," said Pettit.

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Production of new magazines and curriculum pieces created a heavy workload for the Brotherhood staff.

(The year) "1986 was particularly difficult when all the editorial and art staff were in the process of producing 31 new curriculum books and prototypes for monthly magazines," said Jack Childs, vice president for support services.

The materials were printed by late January 1987 prior to the annual State Brotherhood Leadership Conference and seven Regional Skills Conferences conducted by the Brotherhood staff.

Since February of this year, over 800 key Brotherhood leaders from the United States, Puerto Rico and Canada were trained in the new Brotherhood programs at the regional conferences.

In addition, Childs has visited 50 Baptist Book Stores in 45 cities, presenting the new materials to over 300 Baptist Book Store personnel.

Childs said the new materials officially were introduced to churches at the Southern Baptist Convention in St. Louis and that the response has been good.

"Everything that I am aware of has been positive," said Childs. "We've had a lot of interest in the youth area with High School Baptist Young Men. This is the age where boys have been dropping out of church.

"We've made an attempt to keep a boy all the way through Royal Ambassadors into high school and through adulthood," added Childs.

The Brotherhood Commission is the missions education organization of the Southern Baptist Convention for men and boys. According to Larry Yoder, director of church relations, emphasis is placed in local churches.

"Our job, our place of operations is churches," said Yoder. "And our aim are those churches getting their people involved in missions, be it foreign, home, community or anywhere else."

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(BP) photos mailed to state Baptist newspapers by the Brotherhood Commission