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87-130

Texas CLC Opposes
Bork Endorsement

By Ken Camp

DALLAS (BP)--The Southern Baptist Convention Public Affairs Committee's endorsement of Robert H. Bork for United States Supreme Court justice may violate SBC bylaws and could jeopardize the tax-exempt status of the nation's largest Protestant denomination, according to a statement issued by the Texas Baptist Christian Life Commission.

The statement was adopted without dissenting vote Aug. 28 by the commission, which serves as the public affairs committee for the 2.4-million-member Baptist General Convention of Texas. It terms the action by the Southern Baptist PAC a "radical and tragic departure from Baptist polity" and calls for a review of the committee's action as a possible violation of SBC bylaws.

Noting that the Baptist Joint Committee on Public Affairs has not joined the Southern Baptist PAC in endorsing Bork, the statement says, "While Baptist agencies and committees have often addressed issues, they have wisely and historically avoided endorsing particular candidates for appointment or election.

"Not only has the Public Affairs Committee embraced the appointment of Mr. Bork, a spokesman for the Committee has indicated to the press that in its endorsement of Bork, the committee speaks for Southern Baptists.

"In its formal action and statement to the press, the Committee has exhibited incredible disregard for and ignorance of Baptist polity," the CLC statement continues. "It is good for appropriate Baptist agencies and bodies to inform Baptists of important issues and how candidates stand on issues, but it is bad for one Baptist to presume to speak for another and to adopt partisan positions on candidates and appointments for office."

The statement decries such action as "tremendously divisive and destructive," saying such endorsements divide fellowship over persons who may not live up to the expectations of an endorsing group and hurt the Southern Baptist witness among those who may negatively perceive the person endorsed.

"Such actions may also jeopardize the tax-exempt status of the Southern Baptist Convention," the statement says.

"Because of the grave implications of the Public Affairs Committee to review these and other actions of the Public Affairs Committee which may violate traditional Baptist polity and the bylaws which govern the Committee's program assignment and operation," the statement concludes.

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Appeals Courts Reverse Judges
In Pair Of Textbook Challenges

By Stan Hastey

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WASHINGTON (BP)--Separate federal appeals panels have reversed two U.S. district court judges who ruled earlier in favor of parents who challenged the use of textbooks in public schools on religious grounds.

Both panels -- consisting of three judges each -- unanimously set aside rulings by lower judges in Alabama and Tennessee. Each of the cases likely will be appealed to the U.S. Supreme Court.

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In a decision announced Aug. 26, a panel of judges from the 11th Circuit Court of Appeals in Atlanta held that Alabama District Judge W. Brevard Hand erred last March by banning 44 textbooks from Alabama classrooms on grounds they promoted the religion of secular humanism. Hand ruled the state had established secular humanism as an official religion in violation of the First Amendment. More than 600 parents of public schoolchildren in Mobile brought the challenge that resulted in Judge Hand's decision.

Writing for the appeals panel, Judge Frank M. Johnson Jr. held use of the challenged textbooks "has the primary effect of conveying information that is essentially neutral in its religious content ... none of these books convey a message of governmental approval of secular humanism or governmental disapproval of theism."

The Mobile parents, joined by several schoolteachers, had objected specifically to home economics, history and social studies texts. During a trial last fall, most of the objections were aimed at the home economics texts.

Regarding those books, Judge Johnson wrote that the appeals panel's review "reveals that the message conveyed is not one of endorsement of secular humanism or any religion.

"Rather, the message conveyed is one of a governmental attempt to instill in Alabama public schoolchildren such values as independent thought, tolerance of diverse views, self-respect, maturity, self-reliance and logical decision-making. This is an entirely appropriate secular effect."

He added: "Nor do these textbooks evidence an attitude antagonistic to theistic belief. The message conveyed ... is one of neutrality: the textbooks neither endorse theistic religion as a system of belief, nor discredit it. Indeed, many of the books specifically acknowledge that religion is one source of moral values and none preclude that possibility."

Such governmental neutrality squares with "the separation of church and state mandated by the First Amendment," Johnson wrote. Quoting from the 1962 high court decision banning state-written prayers from public schools, Johnson added, "The establishment clause ... stands as an expression of principle on the part of the founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a magistrate."

In the other decision, a panel of the 6th Circuit Court of Appeals in Cincinnati reversed U.S. District Court Judge Thomas G. Hull in a highly publicized case pitting parents in eastern Tennessee against Hawkins County school officials. Hull ruled last October that protesting parents were right when they cited the First Amendment's free exercise of religion clause in demanding that school officials permit them to teach reading to their children at home. Requiring the pupils to read from the challenged texts amounted to a breach of free exercise, Judge Hull held.

But the appeals panel ruled, 3-0, that Hull too was wrong. Chief Judge Pierce Lively wrote, "The requirement that students read the assigned materials and attend reading classes, in the absence of a showing that this participation entailed affirmation or denial of a religious belief, or performance or non-performance of a religious exercise or practice, does not place an unconstitutional burden on the students' free exercise of religion."

Judge Lively also pointed to Tennessee laws that permit parents to send their children to church schools or teach them at home, options that would shield the children "from exposure to some ideas they find offensive."

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Crusade Plans Continue
Despite Attempted Coup

By Marty Croll

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MANILA, Philippines (BP)--In the midst of the Philippines' fifth coup attempt in 18 months, Southern Baptist missionaries were continuing to plan for four upcoming church-planting crusades.

American participation in the crusades will hinge on how the Western media tells the story of the most serious challenge yet to the administration of President Corazon Aquino, missionaries said.

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Reached in the Philippines the evening of Aug. 28, missionary Sam Waldron said he would meet Aug. 29 with a Foreign Mission Board administrative official to plan how they will ensure that some 250 American pastors expected to participate in the crusade would be assigned only to quiet spots.

Waldron, chairman of the organization of Southern Baptist missionaries in the Philippines, said government forces in Manila were beginning to regain control of parts of military camps and some radio and television stations they had lost during the previous 21 hours.

Waldron had talked with missionaries throughout the country, and said none of them sensed personal danger. The revolt was limited to scattered strategic spots in Manila, he said, and the rebels were mostly soldiers who sensed injustice within military ranks.

Missionaries worked all day Aug. 28. Workers at the Baptist headquarters in Manila went home early because of potential transportation problems. As news of the coup first began to filter out, the Filipino workers made jokes about it, Waldron said. But as it persisted and reports came out that airfields and radio and television stations had fallen, Waldron said he noted some discouragement and despair.

The coup came at an especially awkward time for Baptist efforts in the Philippines. For the past year, missionaries have been working with about 250 Filipino Bible study groups throughout the nation, preparing them to organize officially into churches while American pastors are scheduled to be there during the last part of the year.

Missionary Jim Slack, a church-growth expert in the Philippines who played a key role in planning the crusades, arose early the morning of Aug. 28 in Abilene, Texas, where he is on furlough. He was trying to gauge what American reporters were saying about the coup. Judging from the past, participation by Southern Baptist preachers in the crusades will depend a lot on how the American media reports the incident, Slack said.

"That's where most people plug into for their information, and sometimes that's tragically off base," he said. "The missionaries wouldn't decide to go ahead (with the crusade) if it was not a secure enough situation that they couldn't pretty well guarantee it."

Slack said Waldron, who has spent most of his missionary career on Mindanao, the large southern island in the Philippines, is capable of pinpointing secure spots for the crusade.

Missionaries in the Philippines have asked for 232 American preachers for Mindanao and 20 for Luzon, the large northern island. Each preacher will work with a Bible study group, preaching evangelistic messages one week and church doctrine the next, and then helping the group organize into a church. The campaigns are scheduled for Sept. 15-Oct. 2, Oct. 13-30, Nov. 3-20 and Nov. 10-24.

Leaders in the Luzon and Mindanao-Visayas conventions plan to start 395 new churches by the end of 1988. They hope about 400 preachers from the United States will help them. Their overall goal is to start 2,200 new gospel points by 1990.

Using this method of starting churches, about 75 percent of the Bible studies become churches, Slack said. Some wait to organize later.

Carlos Gruber, a Southern Baptist preacher, helped start a church this way last fall. Gruber started with about a dozen people who met in a schoolyard just north of Manila. Now led by a Philippine pastor, the congregation calls itself the Light of Jesus Christ Baptist Church and draws 40 to 50 people each Sunday.

"This is a striking example that the project works," said Gruber, reached at his home in Nacogdoches, Texas. "The group we worked with now stands on its own two feet."

Pastors who participate will stay with their interpreters in the homes of Philippine Baptists. Missionary coordinators say it is safe to work in the Philippines now and have avoided locating American participants where there is possibility of violence.

"The Philippines is the most open door to the gospel we have in the world," said Gruber. "You cannot exaggerate it. When you preach, you are almost sure when you give the invitation that somebody will come forward."

Slack agrees. "The country is exploding with response. In times like these people begin to ask the basic questions like, 'What is life?' and, 'How secure am I in it?' And if we can't deliver some message of Christian hope in the future, then we're in sad shape."

The first time Gruber preached in the Philippines he and others sparked an excitement over the gospel that eventually resulted in about a dozen churches. Another time he worked with a Philippine pastor on Mindanao. The pastor told him, "We need a Baptist church in Tandag." So Gruber and the pastor started preaching in the city square, and one of the young men there who made a profession of faith invited them to his home.

"He had made a definite decision, you see. He had a Coca-Cola and a piece of bread for us, and then he said, 'Now, I appreciate you coming and helping. But I have a very serious question to ask you: Why did you wait so long to come to Tandag?'"

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Bork: Court's Religion Rulings
Have Been 'Rightly Secularist'

By Stan Haste

Baptist Press
8/28/87

WASHINGTON (BP)--Federal Appeals Court Judge Robert H. Bork, nominated as a justice on the U.S. Supreme Court, has said he believes the high court's record in First Amendment church-state cases has resorted in a "rigidly secularist doctrine."

Bork's views came to light in texts of speeches delivered at the University of Chicago in 1984 and the Brookings Institution in 1985 made public by the U.S. Senate Judiciary Committee, the panel that will decide whether to recommend Bork to the full Senate.

Confirmation hearings on the high court nominee, Reagan's third since taking office in 1981, are scheduled beginning Sept. 15. Judiciary Committee Chairman Joseph R. Biden Jr., D-Del., has said he hopes the panel will vote on Bork by Oct. 1.

In an Aug. 12 televised address to the nation, Reagan made Bork's confirmation a top domestic priority, asking for public pressure on the Senate to approve the 60-year-old judge before the high court's 1987-88 term begins Oct. 5.

While noting in his Chicago address three years ago that church-state law "is a field of law with which I have had no great familiarity," Bork went on to say his study of modern religion decisions of the high court are notable for "the extraordinary power and scope of the interpretations" of both the establishment and free exercise clauses of the First Amendment.

(Those clauses read, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.")

"The establishment clause might have been read merely to preclude the recognition of an official church or to prevent discriminatory aid to one or a few religions," Bork said. "The free exercise clause might have been read simply to prohibit laws that directly and intentionally penalize religious observance.

"Instead, both have been interpreted to give them far greater breadth and severity."

Regarding the establishment clause -- repeatedly interpreted by the Supreme Court as requiring the institutional separation of church and state -- Bork specifically took to task the three-part test devised in 1971 to determine if the law or governmental practice in question violates the Constitution. The test requires that the law or practice have a secular purpose, have the primary effect of neither advancing nor inhibiting religion, and not result in excessive entanglement between church and state.

"Those tests are obviously designed to erase all traces of religion in governmental action," Bork said.

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He said further that "a relaxation of current rigidly secularist doctrine would ... permit some sensible things to be done," including "the reintroduction of some religion into public schools and some greater religious symbolism in our public life."

He also endorsed nondiscriminatory aid to sectarian schools, aiming specific criticism at a 1985 high court decision outlawing the practice of sending public schoolteachers into parochial schools at taxpayer expense to provide remedial and other specialized instruction.

At the same time, Bork also criticized the court for expanding the free exercise clause in cases brought by citizens and religious groups against government.

"The exceptional sweep of establishment clause doctrine has led some to conclude that there is an anti-religious animus pervading the evolution of law," he said. "But that seems by no means a necessary conclusion, since the court has been almost equally assiduous in demanding religious freedom for individuals under the free exercise clause. That hardly bespeaks a hostility to religion."

As an example of what he called "the overly expansive interpretation" of the free exercise clause, Bork cited the 1972 decision in *Wisconsin v. Yoder*, a case brought by Amish parents challenging a state law requiring school attendance to age 16. In its ruling, the high court held on the basis of the free exercise clause that Amish parents could be exempted from the law and remove their children from school after the eighth grade. The state failed to demonstrate a "compelling interest" in applying the law to the Amish, the court ruled.

In his Chicago and Brookings speeches, Bork took the court to task for applying the compelling interest test, suggesting he favors instead a test that places less of a burden on the state.

Bork's nomination, recently endorsed by the Public Affairs Committee of the Southern Baptist Convention, appears to have an even chance of emerging from the Judiciary Committee to the floor of the Senate. Of the panel's 14 members, six -- Biden; Edward M. Kennedy, D-Mass.; Robert C. Byrd, D-W.Va.; Howard M. Metzenbaum, D-Ohio; Patrick J. Leahy, D-Vt.; and Paul Simon, D-Ill. -- have indicated they will vote against Bork.

But five others -- Strom Thurmond, R-S.C.; Orrin G. Hatch, R-Utah; Alan K. Simpson, R-Wyo.; Charles Grassley, R-Iowa; and Gordon Humphrey, R-N.H. -- have said they will vote for the nominee.

The other three -- Dennis DeConcini, D-Ariz.; Howell Heflin, D-Ala.; and Arlen Specter, R-Pa. -- apparently are undecided. Bork opponents on the panel need two of the three to vote against him in order to block the nomination, 8-6, inside the committee. If one of the trio votes in favor of Bork, the nomination would be reported to the floor on a 7-7 vote, without recommendation for confirmation or rejection.

But if Bork supporters secure the votes of all three undecided panel members, the nominee would be reported favorably to the full Senate by an 8-6 margin.