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88-160

Baptists urge lawmakers
to amend civil rights act

By Marv Knox

WASHINGTON (BP)--Baptists' religious liberty agency has asked Congress to amend the Civil Rights Restoration Act of 1988 "to ensure that the constitutional guarantees of the free exercise of religion are not infringed."

The Baptist Joint Committee on Public Affairs, comprised of representatives from nine denominations in the United States and Canada, ratified the request during its annual meeting Oct. 3-4 in Washington.

Congress approved the Civil Rights Restoration Act this spring and later overrode President Reagan's veto. The act prohibits discrimination on the basis of race, color, sex, national origin, age or handicap in federally funded institutions.

The act overruled *Grove City College v. Bell*, a Supreme Court decision that held a federal anti-discrimination ban applied only to the specific program receiving federal funds, not the entire institution.

Religious groups have protested the act, particularly because it does not distinguish between direct and indirect aid forces the institutions to apply for religious exemptions rather than making the exemptions automatic and makes the exemptions available only to institutions "controlled by" religious organizations.

Representatives of religious groups have worried publicly about their continued ability to refuse to employ alcoholics, drug addicts and others who might be protected by the broad anti-discrimination law.

The Baptist Joint Committee's resolution on the act is virtually the same as "On Civil Rights and Religious Institutions," a resolution passed by messengers to the 1988 Southern Baptist Convention annual meeting.

The resolution criticizes the act for failing to distinguish between direct and indirect federal funding; for making religious exemptions "available only to those institutions 'controlled by' a religious organization"; and for raising "potential church-state problems, particularly for Baptist colleges and universities."

Because Baptists believe in "religious liberty instead of simply religious toleration," the resolution adds, "We believe that churches and religiously affiliated institutions which do not accept direct federal aid should be explicitly exempt from the provisions of this act."

The resolution urges "all Baptist agencies and institutions to monitor closely the implementation of this act." It also asks those organizations "to refuse direct federal assistance" and encourages Baptist organizations that receive indirect assistance "to seek legal counsel about seeking exemptions ... where necessary to protect their free exercise of religion."

In addition to its call for an amendment to guarantee free exercise of religion, the resolution encourages "all Baptists to contact members of Congress to urge them to support this legislative action." The resolution asks government officials "to continue interpreting the exemption broadly so as to include those institutions indirectly controlled by religious organizations."

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The only paragraph added to the SBC resolution urges the Baptist Joint Committee staff "to take positive steps to assure the Washington community and the nation at large that concern by any constituent Baptist body over the religious liberty issues raised by the (act) does not constitute opposition to civil rights legislation which has a worthwhile historical purpose in protecting the legal rights of women, racial minorities, the elderly and the handicapped."

That paragraph was the only part of a separate resolution passed earlier by the Southern Baptist Public Affairs Committee, the SBC's 18-member delegation to the Baptist Joint Committee.

Some members of the Public Affairs Committee have been critical of how the Baptist Joint Committee staff has related to the act. Particularly at issue are a "fact sheet" about the act drafted by BJC General Counsel Oliver S. Thomas, comments about other conservative religious leaders attributed to BJC Executive Director James M. Dunn and an article Thomas wrote for Liberty magazine.

Thomas wrote the fact sheet shortly before Congress overrode Reagan's veto of the act this spring. Meeting both before and after the BJC session, the PAC heard representatives from the National Association of Evangelicals and the American Association of Christian Schools say the fact sheet influenced enough congressmen to secure the veto override, which won by nine votes.

PAC members have charged the fact sheet implied the Southern Baptist Convention supported the act. Thomas has reported the fact sheet was written to help BJC support staff respond to "an avalanche of inquiries and false rumors" about the church/state aspects of the act. It was designed to provide an information-only neutral approach to those questions, he has said.

Concerning Dunn, PAC members have complained he made derogatory remarks regarding religious leaders Jerry Falwell and James Dobson and White House staffer Gary Bauer in reference to their support for the president's veto. Dunn has categorically denied he made the remark.

Opposition to Thomas' magazine article primarily has focused on his expressed frustration with most callers who questioned him about the act. He wrote: "The overwhelming tone of the calls was proprietary. Though packaged a hundred different ways, the essential question was the same: 'How will the bill inconvenience me?' For those who have been called 'to preach good news to the poor, ... to proclaim release to the captives ... and to set at liberty those who are oppressed,' that's sad."

His critics have said Thomas unfairly characterized Christians, interpreted a biblical command to support one piece of legislation and supported a particular social agenda. Thomas has denied he attempted to support the legislation, noting the thrust of his article was to explain the provisions of the act. He has, however, maintained his frustration with what he sees as an apparent lack of concern for civil rights.

The PAC's concerns were expressed in the resolution it passed immediately prior to the full BJC meeting. The resolution cited, at least indirectly, those three issues and expressed the PAC's "great displeasure with the staff" of the BJC regarding the act.

The resolution also called for the BJC to instruct its staff to seek an amendment to the act similar to the amendment later urged by the full BJC; "to refrain from any activity which might indicate support" for the act "as it now stands"; and to refrain from criticism of Baptists and other Christians who express opinions about the act.

It also called on the BJC staff "to take positive steps to change the perception by congressmen and White House staff that the PAC and the BJC support (the act) as it now stands"; to work only inside the BJC's program statement "defining its mission as only to represent member bodies on First Amendment religious liberty issues"; and to assure others that concern about the act does not mean opponents are against "civil rights legislation which has a worthwhile historical purpose," as was noted in the resolution later passed by the full BJC.

The PAC approved the resolution 8-3, and its author, Tom Pratt, pastor of Calvary Baptist Church in Brighton, Colo., later introduced it to the BJC for ratification. "This is a response by our committee to a very deliberate and carefully written resolution passed at the Southern Baptist Convention this summer," he said.

But Lloyd Elder, a PAC member and president of the SBC Sunday School Board in Nashville, asked the full BJC to approve the SBC resolution instead. Elder's substitute motion proposed only technical changes in the SBC-passed statement in order to make it a BJC resolution as well.

Elder's substitute offered the substantive changes sought by the PAC resolution without punishing the BJC staff, he said. "I believe the Baptist Joint Committee at this point can reprimand the staff ... or address this need," he explained, urging PAC members "to address corrective legislation" and not staff punishment.

Richard Land, a PAC member and newly elected executive director of the SBC Christian Life Commission, noted he, Thomas and CLC general counsel Larry Braidfoot drafted the SBC resolution and "tried consciously to bring a resolution that could be supported by a broad majority of the Southern Baptist Convention."

"It was a conscious attempt to be proactive rather than reactive," Land said, noting the resolution passed by a 90-95 percent majority.

With the new paragraph that cites concern for civil rights of women, racial minorities, the elderly and the handicapped, the resolution passed the full BJC without dissent.

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Soviet Union commended
for 'religious freedoms'

By Pam Parry

Baptist Press
10/6/88

WASHINGTON (BP)--The Soviet Union and its leader Mikhail Gorbachev are making "progress toward religious freedom," the Baptist Joint Committee on Public Affairs said.

The statement was part of a commendation unanimously adopted during the Oct. 3-4 annual meeting of the Baptist Joint Committee, a religious liberty group made up of nine Baptist bodies in the United States and Canada.

The statement was adopted after board members heard an assessment of recent Soviet activities by U.S. Ambassador Richard Schifter, undersecretary of state for humanitarian affairs.

Three areas of progress toward religious freedom were cited in the statement adopted by the BJC:

--"Easing of restrictions on importing the Holy Bible and religious literature.

--"Recognition that believers are patriotic citizens, thus leading to a diminution in arrests and incarceration of believers, and an increase in the number of prisoners granted amnesty or prison term reductions.

--"Permission for Christian leaders, particularly Baptists, to engage in social programs such as hospital service, where they attend to routine patient care and bring human comfort to those who are physically or mentally ill."

The statement was drafted and presented by a committee comprised of Richard Land, executive director-treasurer of the Southern Baptist Christian Life Commission; R. Keith Parks, president of the Southern Baptist Foreign Mission Board; and Robert Tiller, director of governmental relations for American Baptist Churches in the USA.

It also called on the Soviet government and the "world Christian community" to assist in continuing the progress and called on the government of the Soviet Union to do five things:

--"Undergird by legislative action the exercise of these new freedoms to assure their legal and orderly continuance.

--"Enact quickly legislation to make available alternative forms of national service to loyal citizens forbidden by conscience to participate in military service.

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--"Register promptly all bonafide congregations whose applications meet the legal requirements of the state.

--"Permit the organization of necessary institutions of theological learning for clergy, and the granting of opportunity to every citizen who wishes to enter the service of the church.

--"End restrictions on religious education and freedom of worship for children."

The BJC also urged the world Christian community -- especially Baptists -- "to create and fund adequate structure for receiving and assisting those persons -- especially believers -- who emigrate from the Soviet Union and find themselves with scant resources in a new nation."

Schifter discussed Soviet activities in relation to religious freedom during a panel discussion in the annual meeting. He admitted that as early as a year ago he had "doubts" concerning how open to religious freedom the Soviet Union would become, but in the last six to eight months, he said there has been "significant movement" in this direction.

As an example, the ambassador reported a new law "on the freedom of conscience" has been drafted and, with the expected election of a new parliament, the Soviet government anticipates the new law will be in place by 1989.

The change has occurred because Gorbachev, general secretary of the Communist Party and president of the Supreme Soviet, saw the Soviet's system "crumbling" and its failure to produce the better way of life promised for its people, Schifter said. He credited Gorbachev's personal initiative and honesty for the changes.

He encouraged the BJC to minister to their fellow believers in the Soviet Union and encouraged them to reach out directly to groups and believers in the Soviet Union.

Schifter suggested the BJC could provide Bibles, prayer books or educational helps in areas such as how to start a Sunday school. He also urged Christians to use their U.S. congressmen as channels through which to express concern.

The ambassador also urged Baptists to set up a network of support for the approximately 3,000 individuals who are emigrating from the Soviet Union annually, typically traveling to Vienna, Rome and then to the United States. The immigrants typically are not used to being independent and cannot speak the language and therefore, he said, they need a lot of assistance.

Schifter said despite some Soviet bureaucratic opposition that if Gorbachev remains in power "there is a chance of furthur opening" of religious freedoms.

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High court opens 1988-89 term;
accepts new church-state cases

By Stan Hastey

Baptist Press
10/6/88

WASHINGTON (BP)--Returning to the bench for a new term, the U.S. Supreme Court added to its 1988-89 calendar a pair of church-state disputes, cases to be argued and decided by next summer.

In the more highly publicized of the two, the high court announced it will decide whether Allegheny County (Pa.) and the city of Pittsburgh may permit the display of a Jewish menorah and a Christmas nativity scene on public property.

In the other case, justices will decide if an Illinois man who objects for religious reasons to working on Sundays is entitled to unemployment compensation for refusing to take a job that would have required Sunday work.

The Allegheny County/Pittsburgh cases mark the return to the high court of an issue that has plagued local officials around the country over the past several years, that of seasonal holiday displays featuring religious symbols owned or sponsored by cities and counties.

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Four years ago, a divided Supreme Court held that local governments may permit such symbols if they are included as part of larger displays that include secular holiday symbols -- such as Christmas trees, reindeer and Santa Clauses. In that case, *Lynch v. Donnelly*, a narrow 5-4 majority upheld the 40-year practice of Pawtucket, R.I., officials of erecting a Christmas display in a park owned by a non-profit group and located in the heart of the downtown shopping district.

In Pittsburgh, Allegheny County officials for the past 20 years have sponsored a nativity scene erected inside the county courthouse. The creche is owned by a Catholic men's organization. In addition to the courthouse creche, the city of Pittsburgh annually erects an 18-foot menorah next to a large Christmas tree on the steps of the city-county building. The menorah is owned by Chabad, a private Orthodox Jewish group.

Two years ago the local chapter of the American Civil Liberties Union requested county and city officials to discontinue the practices but were advised the displays were not intended to endorse a particular religion. The ACLU chapter then took the cases to court.

Although a federal district judge denied the ACLU's motion to enjoin the county and city from continuing to erect the displays, the 3rd Circuit Court of Appeals held last March the displays violate the First Amendment's ban on an establishment of religion. County and city officials then appealed to the Supreme Court. (87-2050, Allegheny County, City of Pittsburgh and Chabad v. ACLU; 88-90, Chabad v. ACLU; 88-96, Allegheny County and City of Pittsburgh v. ACLU)

In the second case accepted for review, the high court will examine the claim of William A. Frazee of Peoria, Ill., that his constitutionally guaranteed free exercise of religion was violated when he was denied unemployment compensation benefits for refusing to take a job that required Sunday labor.

Frazee, who worked as a temporary for Kelly Services, refused to take a job as a clothing store salesman when the employer would not give him Sunday off. Frazee then applied for unemployment benefits but was denied on grounds his refusal to work was "without cause."

Frazee next went through a series of administrative appeals but lost at every step. He then filed suit against the state. After losing in a trial court, he appealed to a state appellate panel, which ruled "the injunction against Sunday labor must be found in a tenet or dogma of an established religious sect."

Rutherford Institute attorneys, representing Frazee, asked the Supreme Court to review that finding, arguing the lower panel's decision was flawed because "it never bothered to define what it meant by 'established religious body.'"

The argument continued, "The fact ... that Mr. Frazee's objection to working on Sunday is an individualized one, and not mandated by the particular Christian sect to which he belongs, is no proof that it is not religious."

Although Frazee's church affiliation is not part of the record in the case, a Rutherford Institute attorney told Baptist Press his client is a member of Grace Presbyterian Church in Peoria, a conservative congregation not affiliated with the Presbyterian Church (U.S.A.). (87-1945, Frazee v. Department of Employment Security)

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Albert Bagby of Brazil dies;
son of pioneer missionaries

By Art Toalston

Baptist Press
10/6/88

GADSDEN, Ala. (BP)--Albert I. Bagby, one of nine children of Southern Baptists' pioneer missionaries to Brazil, died Sept. 29 in Gadsden, Ala.

He followed in his parents' footsteps by becoming a missionary to Brazil for 30 years, declining a promising career as a concert pianist.

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Bagby, 85, died from Alzheimer's Disease and failing health, said his wife, Thelma. But his Alzheimer's condition did not become severe until a couple of months ago, she said.

Bagby was one of the sons of W.B. and Anne Luther Bagby, who established Southern Baptists' first permanent work in Brazil after their arrival in the country in 1881. He was born in Sao Paulo in 1903.

Five of the elder Bagbys' children became Southern Baptist missionaries. Two others died in infancy and two died as young men.

The only surviving child now is Helen Bagby Harrison of El Paso, Texas, who was a Southern Baptist missionary in Brazil for 35 years.

The Bagbys and their five missionary children and spouses invested a total of 525 years of service in South America.

Albert Bagby and his wife taught at the Baptist school in Porto Alegre, Brazil, for 20 years, then directed the 1,000-student school for 10 years before retiring in 1968.

He also was pastor of a church in the nearby town of Guaiba, one of numerous churches founded by his father.

"He (Albert) could have been very proud to have been a Bagby," said emeritus Brazil missionary Edith Vaughn of Pulaski, Va. "But he was such a humble man you didn't feel that he lorded it over anybody. He carried on his heritage as a Bagby beautifully and humbly."

Several of Bagby's former students sent a cable from Brazil after hearing of his death. "This humble man understood our problems and related to them and cared for us," they wrote.

Bagby and his wife have been members of Gadsden's Twelfth Street Baptist Church since their retirement. He had taught a Sunday school class there until six months ago.

Until this year, the Bagbys had spent several weeks each summer at Shocco Springs Baptist Assembly in Talladega, Ala. They also had spoken at churches and in prayer retreats throughout the South.

The Bagbys returned to Brazil several times after their retirement, including the 100th anniversary of the Brazilian Baptist Convention in 1982.

While a student at Baylor University in Waco, Texas, during the 1920s, Bagby won a scholarship to study piano in Europe. He had studied piano since the age of 5 and accepted the opportunity.

Before a scheduled concert in London's Albert Hall in the early 1930s, however, he said, "I cannot live this life after my background in Brazil." He soon enrolled at Southern Baptist Theological Seminary in Louisville, Ky., where he earned his master of theology degree in 1935. He and his wife were appointed missionaries in 1939, a few months before his father died.

Mrs. Bagby recounted that the most beautiful concert she ever heard her husband give was in the dirt-floor house of an elderly woman unable to walk to church. Bagby played a folding organ his mother had brought to Brazil years earlier.

He regularly went an hour early to Sunday evening services at his church to play the piano while his members sang their favorite hymns, Mrs. Bagby said.

In addition to his wife and sister, survivors include three sons, Albert Jr. of El Paso; Daniel of Waco, Texas, pastor of Seventh and James Baptist Church; and Ronald of Gadsden.

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(BP) photo mailed to state Baptist newspapers by Richmond bureau of Baptist Press.