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June 13, 1991

Controversial trustee elected  
to Midwestern despite protests

By Greg Warner

ATLANTA (ABP) -- Top Southern Baptist leaders went to great lengths to salvage the election of a controversial new trustee for Midwestern Baptist Theological Seminary during the recent Southern Baptist Convention.

Kent Cochran, an outspoken critic of the school, was elected to the Midwestern board despite the objections of fundamental-conservatives in Missouri and on the board. Those objections were dismissed by top SBC leaders -- including Houston judge Paul Pressler -- who insisted that Cochran be elected.

Seminary leaders fear the addition of Cochran to the 34-member trustee board signals a new round of attacks against administrators and faculty at the Kansas City, Mo., seminary.

Leaders of the fundamental-conservative movement in Missouri, meanwhile, fear Cochran and his questionable past will prove an embarrassment to their cause.

In the final days before the June 4-6 convention, leaders from Missouri and the seminary mounted a behind-the-scenes effort to have the Kansas City layman replaced as one of seven new Midwestern trustees. But they weren't successful.

Cochran, operations manager for KCCV, a Christian radio station in Overland Park, Kan., was elected by acclamation as part of the slate of nominees from the SBC Committee on Nominations, which each year recommends several hundred people to key SBC leadership positions.

During the past decade, Cochran has gained a reputation as a thorn in the flesh of seminary administrators. His frequent attacks on the seminary have included charges of liberalism and homosexuality among faculty and staff -- charges based in part on his association with conservative student groups. A thick packet of similar accusations was distributed by Cochran to selected trustees prior to a recent board meeting.

Cochran's attacks against the 500-student seminary were so virulent that, as the stack of accusations grew, school officials considered legal action against him.

Many trustees were predictably alarmed by Cochran's nomination to the board this spring.

Trustee Doyle Smith of Great Bend, Kan., said Cochran's

election would be "destructive" for the seminary. "The trustees are concerned about the irresponsibility of the charges, which were made without regard to their veracity," said Smith, who completed 10 years service on the board this month.

Other trustees, who now have to work with Cochran on the board, are reluctant to criticize him publicly.

But some Baptists in Missouri were not so reluctant. In a May 21 letter to fundamental-conservative leader Paige Patterson of Dallas, Missouri pastor Bill Dudley asked Patterson to help replace the nominee because of "legitimate concerns related to the personal life of Kent Cochran."

Dudley, pastor of First Southern Baptist Church of Golden, Mo., accused Cochran of child abuse, spouse abuse, assault on a police officer, divorce, and failure to pay child support -- charges Cochran denies.

"This nomination is wrong!" wrote Dudley, a leader of fundamental-conservatives in Missouri. "Nothing that has happened in Missouri in the past 13 years has played more into the hands of the liberals than this very foolish nomination."

Two days before the SBC opened in Atlanta, Dudley joined with leaders of the seminary to petition members of the SBC Committee on Nominations to replace Cochran with another nominee. Outgoing trustee chairman Richard Adams of Festus, Mo., new chairman Sid Peterson of Bakersfield, Calif., trustee Smith and Dudley met June 2 with a subcommittee responsible for filling last-minute vacancies on the committee's report.

"We expressed our concerns and left," Peterson told Associated Baptist Press. Trustees reportedly were unaware what action, if any, the subcommittee had taken until the printed list of nominations was distributed to SBC messengers.

James Richards, chairman of the Committee on Nominations and the eight-member subcommittee, said the subcommittee lacked the authority to replace Cochran, since that would reverse the full committee's decision to nominate him. "We were bound by the vote of the committee as a whole," he told reporters.

The SBC's attorney agreed. Nashville lawyer James Guenther said the subcommittee's decision not to intervene "sounds reasonable," since there are no specific guidelines empowering the subcommittee to replace the committee's nominees.

Richards, a pastor from Baton Rouge, La., confirmed the subcommittee talked about Cochran's nomination but would not comment on the discussion, which he said was conducted in private and "without outside interference."

But according to one source close to the dispute, the influence of fundamental-conservative leader Paul Pressler single-handedly rescued the nomination.

After Dudley and the trustees petitioned the subcommittee, Pressler and other top SBC leaders reportedly discussed the dilemma. Convinced the accusations against Cochran couldn't be proved, they decided to stand by their nominee, sources said.

Cochran confirmed he talked with Pressler once during the convention about the accusations and that there also was a

meeting of top SBC leaders to discuss his nomination. He would not say who was involved in the meeting but said he was impressed that such SBC heavyweights would come to his defense.

Faced with such formidable opposition, Cochran's critics decided not to challenge the nomination on the floor of the convention as planned.

Opposing SBC leaders on the nomination would have been a "futile effort," Dudley said. "Those that I talked to agreed the only person that could do that is a nationally known conservative."

"We would have been seen as liberals," he explained, even though he has been "very active in the conservative resurgence" and anxious to see changes at Midwestern.

The strategy to elect Cochran to the Midwestern board apparently was set in motion early this year.

According to Dudley, Cochran persuaded fundamental-conservatives in Missouri to recommend El Dorado Springs pastor Larry Nail to a vacancy on the SBC Committee on Nominations. The SBC Executive Committee was charged with filling the vacancy last February and, with the help of vice chairman Pressler, cooperated by choosing Nail for the post.

Once on the Committee on Nominations, Nail argued in March for the nomination of Cochran to the Midwestern board. Although another Missourian was first chosen for the slot, Nail later convinced the committee to reconsider and elect Cochran. After committee chairman Richards made the unusual move of relinquishing the chair to speak on behalf of Cochran, the controversial layman was approved.

Once news of Cochran's nomination got out, Dudley said he wrote Pressler, Patterson and Richards to say "conservatives did not like this choice." Both Pressler and Richards responded by saying the nomination was a "done deal," Dudley recalled.

Dudley said Patterson offered to look into it, however, which prompted Dudley's second letter to Patterson spelling out the charges against Cochran. Dudley said he never heard back from Patterson.

Cochran, however, said Dudley's charges of spouse abuse, child abuse and assault on a police officer are false. "I categorically deny all of them," he told Associated Baptist Press.

Cochran was married in 1980 and divorced in 1988. His former wife, Sandy, has since remarried. She declined to talk on record about the charges against Cochran in order to protect her children.

Although Cochran's alleged abuse of his wife was reported to police, Kansas City police would not disclose any information since no charges were ever filed. Cochran's stepson was placed in foster care for a time, but foster care officials in Missouri would disclose no information about the alleged child abuse since it would have involved a minor.

Neither would police in Gladstone, Mo., where the police

assault reportedly occurred in 1980, divulge any information about charges against Cochran, since he was not brought to trial.

Pressler and Patterson both said they checked out Dudley's charges before deciding to defend Cochran's nomination.

Patterson said he checked police records in Missouri and was unable to substantiate Dudley's claims. "We have to conclude they are not true," he said. "All you have is the accusation of a former wife...."

Patterson conceded Cochran has been a controversial figure in Missouri, but added, "Since when has that disqualified a person from service?" He confirmed SBC leaders discussed the controversial nomination but said there was "no formal meeting" on the topic.

Asked why he and other SBC leaders had risen to Cochran's defense, Patterson said, "When you have false accusations, or accusations that are not verifiable, now it becomes more important that he be sustained."

Pressler said he was satisfied the charges were unfounded. He would not comment, however, on his involvement in salvaging the nomination.

Despite the denials, Dudley stood by the charges. "You may not be able to get it from the (police) blotter, but you can confirm it from the people involved."

The charges were confirmed by three people who knew Cochran or his wife or both, including two of Cochran's former pastors.

E. J. Barnes, pastor of Gashland Baptist Church in Kansas City, where Cochran once was a member, said Cochran admitted he abused his wife and that he was arrested for assaulting a police officer.

"Kent is basically a sower of discord among the brethren," said Barnes, who was associate pastor of Gashland Church at the time and counseled Cochran and his former wife between 1983 and 1988. "He could be a real asset to the kingdom of God (but) he chooses to be a destroyer rather than a builder."

Barnes and Cochran later found themselves on opposite sides of a dispute over the church's pastor. Afterward Cochran tried to have Barnes' ordination withdrawn, Barnes said. "He always tries to get back at people."

Another one of Cochran's former pastors said he too has seen Cochran's vengeful side.

Dick Reasoner, who reported Cochran's alleged spouse abuse to authorities in Kansas City, said his own employment to a counseling position at the Home Mission Board was delayed a month and almost scuttled because of false accusations from Cochran. Reasoner, now a counselor in private practice in the Atlanta area, would not comment on Cochran's past for fear of a malpractice suit.

Pete Hill, who as pastor of First Baptist Church of Smithville, Mo., performed the wedding for Kent and Sandy in 1980, confirmed Cochran abused his wife and children. "I saw her (bruised) face," said Hill, now a pastor in Vero Beach, Fla.

Bob Bell, a prison chaplain in Fulton, Mo., also counseled

Cochran's wife during the troubled marriage and confirmed she was abused throughout the marriage. "There was physical evidence and her behavior was consistent with that of a battered wife," said Bell, a former police officer.

Told that Barnes had confirmed the charges, Cochran accused his former associate pastor of a breach of confidentiality but repeated his denial. He confirmed his stepson was taken from the home and placed in foster care but wouldn't say why.

Most messengers to the recent Southern Baptist Convention who elected Cochran to Midwestern's board were unaware of the charges against the nominee or the behind-the-scenes struggle over the nomination.

Dudley said he was unsure why fundamental-conservative leaders were so adamant in defense of Cochran even after the charges were disclosed. "It might be they had done it and didn't want to eat crow," he said. "I've always thought highly of the Judge (Pressler), but there's a dent in the armor now."

Midwestern trustees predict their new colleague eventually will renew his attacks against the school, now from close range.

Some fundamental-conservatives are upset that new trustees they have sent to Midwestern have failed to bring about certain reforms at the seminary, trustees say. They point to persistent criticism of Southern Seminary by trustee Jerry Johnston and of the Sunday School Board by trustee Larry Holly and fear Cochran will be asked to play the same role at Midwestern.

Such fears were fueled by a report that nominations chairman Richards, in defending Cochran's selection, told the committee in March that Cochran would "throw the gauntlet down and cause the trouble necessary to make changes" at Midwestern.

But Cochran said he will handle his new trustee assignment "in a fair and equitable manner." He said he has been given no assignment by SBC leaders and added, "I'm not coming in with any preset agenda or preconceived notion."

Cochran, who is a member of First Baptist Church of Raytown and was manager of a now-defunct fundamental-conservative newspaper in Missouri, said improvements have been made at the seminary in recent years. His concerns about the school focus on the seminary's adherence to "the reliability of the Bible," he said. "That's really the bottom line."

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-- Robert Dilday of the Religious Herald of Virginia and Trennis Henderson of the Word and Way of Missouri contributed to this story.

Baylor dispute appears  
headed for fall showdown

By Toby Druin

DALLAS (ABP) -- Texas Baptists and Baylor University appear

headed for a showdown this fall over control of the Waco, Texas, school.

The Texas Baptist Executive Board last week approved the recommendation of a special study committee asking for more state convention participation in the election of Baylor's governing body and more assurance the school will remain a Christian-oriented institution. But the committee's proposal was rejected immediately by the university's president.

The 193-member Executive Board voted 83-36 to recommend convention approval of the proposal after lengthy debate and after attempts to alter it failed.

Approval of the recommendation may be moot, however. Only two hours after adjournment of the Executive Board, Baylor President Herbert Reynolds issued a statement saying the recommendation was "unacceptable" and Baylor would pursue its own proposal.

Paul Powell of Dallas, chairman of the Baylor regents, told the Baptist Standard of Texas that the regents would not ignore "an official communication from the Executive Board" but that he is confident the regents will affirm their action of May 3 when they rejected virtually the same plan offered by the special committee. The regents meet in Waco July 19.

The recommendation approved by the Executive Board as the "minimal" position the committee could take asks:

-- That the Baptist General Convention of Texas be authorized to directly elect 25 percent of the Baylor regents (Baylor would also elect 25 percent);

-- That the BGCT be authorized to elect the remaining 50 percent of the Baylor regents from among Texas Baptists nominated by the regents of Baylor (Two nominees would be offered for each position, with one selected by a BGCT committee and submitted to the convention for election with no substitutions allowed);

-- That the office of trustee be eliminated, returning the school to a single governing board;

-- That three key charter provisions be made amendable only by a 90 percent majority of the regents: that university assets be transferred to the BGCT upon dissolution, that the university operate "within Christian-oriented aims and ideals of Baptists," and that each elected director be a Baptist.

If the proposal is approved by Baylor regents, the recommendation states, the study committee will ask that the BGCT consider releasing the \$1.5 million in Baylor funds, minus the committee's expenses, which have been held in escrow since last fall.

The BGCT recommendation asks for a response from the Baylor board of regents by July 20. If the regents reject the recommendation, the study committee will meet again and make another recommendation to the Executive Board Sept. 10. The state convention meets in Waco Nov. 11- 12.

The seven-month BGCT study followed Baylor's unilateral decision last Sept. 21 to amend its charter to end governance by the state convention. The Baylor trustees, all of whom had been

elected by the convention, created a governing body of 24 regents to supersede the role of trustees.

Under terms of the amended charter, the convention would continue to elect 48 trustees, who would elect from among themselves six persons to serve on the board of regents. Otherwise the trustees' only responsibility would be to serve as liaisons between the convention and university and assist in fund-raising.

The charter change was in violation of the convention constitution, which requires Executive Board and convention approval of charter changes. Baylor, however, insisted its board was solely responsible for charter changes under Texas law.

Baylor President Reynolds and then trustee chairman W. Winfred Moore said the action was taken to prevent the possibility of a takeover by "fundamentalists," such as has happened in the Southern Baptist Convention, they said, and to take Baylor out of the denominational political arena.

Study committee chairman Robert Naylor told the Executive Board the committee had four options: acquiesce to Baylor's action; take Baylor to court; end the convention's century-long relationship with the school; or try to agree on a new relationship.

"The committee has attempted to focus on a new relationship," he said.

In a press conference following the board meeting, Naylor said the recommendation is the "minimal platform on which we can walk," while noting the recommendation recognizes Baylor as an independent, non-profit institution outside the convention constitution.

BGCT president Phil Lineberger said Baylor has rejected the 25/50 plan or similar proposals because the school fears that at any meeting of the state convention additional nominations might be accepted from the floor. "There is a sense now in Baptist life that the process can be manipulated," he said.

Reynolds predicted the Baylor board of regents "will affirm its May 3 action. We will then await further action by the Executive Board in September. After that then there might be strategies developed and plans made for the (convention) meeting in November."

In other action during the Executive Board's meeting, the board approved a recommendation from its administrative committee to provide \$20,000 to the Associated Baptist Press news service. The one-time grant will come from a trust fund and will not involve Cooperative Program dollars.

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'Choice' components could  
jeopardize education reform

By Pam Parry

WASHINGTON (ABP) -- The "choice" aspect of President Bush's educational reform package could result in a battle that jeopardizes the proposal, members of the Senate Labor and Human Resources Committee said during a June 10 hearing.

Parts of the administration's America 2000 proposal (S. 1141) have been under fire from congressional, educational and religious circles since President George Bush made it public April 18. The "choice" aspect of the bill allows for the use of tax dollars to help parents send children to private and parochial schools.

The plan offers incentives to school districts to run choice programs, allowing parents to select which schools their children attend. Federal remedial education funds also would go with students to the schools -- public, private or parochial -- they attend in the choice program.

Southern Baptists adopted a resolution endorsing choice in education during their recent national convention in Atlanta.

While the need for educational reform and several elements of the President's package have gained wide acceptance, critics argue the choice proposals pose a serious threat to separation of church and state.

Education Secretary Lamar Alexander testified before the Senate committee, outlining specifics of the bill. Alexander said he finds it odd that choice could be an issue in America, and if the country was starting its educational system over today, it would not be an issue.

The education secretary stated the bill does not breach separation of church and state but simply gives families -- particularly disadvantaged families -- more opportunity for academic quality.

Alexander said the administration supports the choice proposals because they allow disadvantaged Americans the same opportunities afforded to upper- and middle-class citizens.

He said the administration would like to see the tax monies "follow the child even to private or parochial schools." Any school receiving public funds would be publicly accountable, he said.

Responding to a question, Alexander said the choice element of the reform package "is fundamental to what the president would like to do."

However, Sen. Howard Metzenbaum, D-Ohio, said the choice proposals could lead to the "destruction of the American public school system." Noting other parts of the reform have "significant merit," Metzenbaum said the choice voucher plan would compound -- not alleviate -- the problems in public schools.

Metzenbaum said Alexander's reference to helping disadvantaged families is an emotional appeal to gain support by tugging at heart strings.

Choice is "such a critical aspect of this proposal it could

jeopardize" the reform, he added.

Alexander responded that competition fosters improvement, noting public schools would be forced to evaluate their services if they began losing students to private or parochial schools.

Metzenbaum told Alexander the proposal "may look good on paper ... but you are going to ruin the lives of millions of kids who don't have any choice."

Committee chairman Edward Kennedy, D-Mass., also applauded some aspects of the reform while expressing "serious reservations about the administration's proposal to turn Chapter 1 (remedial education funds) into a voucher program, and to include private schools in a choice program."

"I also have reservations about the lack of emphasis on school readiness in the administration's plan," he added.

To address the school readiness goal, Kennedy has introduced legislative initiatives, including a bill that would make Head Start an entitlement for all eligible children.

Kennedy said he hopes the debate on educational reform will not be limited to the choice issue.

Sen. Paul Simon, D-Ill., said he feared the "choice battle" could bog down the legislative process, causing lawmakers to spin their wheels.

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Civil rights measure  
faces uphill battle

WASHINGTON (ABP) -- Although the U.S. House of Representatives approved a controversial civil rights bill June 5 that will increase the protections of minorities in the work place, bill sponsors fear the legislation will not become law.

The 1991 civil rights bill (H.R. 1), which the House passed handily 273 to 158, has been the focus of heated partisan debates and strong rhetoric. The Bush administration and other opponents of the legislation have charged that it is a quota bill that would lead to reverse discrimination against whites. Supporters say the bill simply would restore civil rights that have been eroded by the Supreme Court over the past two years.

A similar civil rights bill was vetoed by President George Bush last year. The Senate failed to override the 1990 veto by one vote, and the House made no attempt to override it.

To avoid the same outcome this year, sponsors worked hard prior to the bill's passage to garner the 290 votes -- a two-thirds majority -- required to override a threatened presidential veto. Sponsors significantly reworked the bill that emerged from the Judiciary Committee in an attempt to gain more votes.

The substitute bill explicitly states the use of quotas is illegal, places a \$150,000 cap on punitive damages and adds new language prohibiting the adjustment of employment test scores on the basis of race, color, sex, religion or national origin, a practice known as "race norming."

The bill is designed to negate five key 1989-90 Supreme Court decisions that have made it more difficult for minorities to win job discrimination cases.

In addition, the bill provides -- for the first time -- the ability for women and non-racial minorities to collect compensatory and punitive damages, including the disabled and persons belonging to religious groups. Under current law, only victims of intentional job discrimination based on race are allowed to collect such monetary damages.

Despite the bill's explicit language concerning quotas, bill opponents argued it most likely will lead businesses to use them.

The ongoing partisan debate over quotas, coupled with the failure to produce the desired number of votes to override a presidential veto, has lawmakers already discussing the possibility of a compromise bill being worked out in the Senate.

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-- By Pam Parry

Justice O'Connor concerned  
about free exercise protection

By Larry Chesser

PHILADELPHIA (ABP) -- Americans may not be able to look to the U.S. Supreme Court to protect their right to the free exercise of religion, according to one member of the nation's high court.

Addressing a Bicentennial Conference on Religion in Public Life in Philadelphia May 31, Justice Sandra Day O'Connor said the Supreme Court is "narrowly and deeply divided" over First Amendment religious freedom guarantees and likely will remain so.

"I cannot, of course, predict with certainty what path the court will take. I can say, however, that doctrinal evolution is no stranger to the court. The only certainty is that debate over the direction of the court's freedom of religion and separation of church and state doctrine will continue to divide members of the court and will not be susceptible of easy solution."

O'Connor said she is "very worried" about protection of free exercise of religion following the 1990 Oregon v. Smith decision. In that ruling, the court majority abandoned its requirement that government demonstrate a compelling interest before burdening religious exercise.

O'Connor said she agreed with the result reached by the majority in upholding Oregon's ban on the use of peyote in worship by members of the Native American Church but disagreed with the decision to relieve government of its obligation to demonstrate a compelling interest before curbing religious exercise.

"The Smith decision will, in my view, have unfortunate consequences," she said. "The free-exercise clause does not mean very much if all a state has to do is make a law generally

applicable in order to severely burden a very central aspect of our citizens' lives."

The obvious effect of the court majority's view, she said, "is to turn back to the legislative branch the decision about what religious practices will be burdened and how."

Americans have grown accustomed, she said, to the involvement of the judicial branch in protecting citizens from majoritarian actions that might infringe their rights, particularly those spelled out in the Bill of Rights. "Now I don't know where that protection is going to be in the future...under the test adopted by the majority."

The court has admitted that its establishment clause rulings are marked by "considerable internal inconsistencies," due in part to inherent tensions in the religion clauses, O'Connor said.

Conflict in religion-clause cases seems unavoidable, she said, since there is "no obvious, clear road map" for administering the Constitution's religion clauses. "What is needed is a compass to point us and the court in at least the right direction," she said.

In an effort to provide that compass, O'Connor has proposed that the court use what she calls an "endorsement test" to decide whether governmental actions violate the First Amendment ban on an establishment of religion. Under that test, government actions would have to avoid excessive entanglement with religion as well as endorsement or disapproval of religion.

"The government must be neutral in matters of religion rather than showing either favoritism or disapproval of citizens based on their personal religious choices," she said. "Government cannot endorse the religious practices and beliefs of some citizens without sending a clear message to non-adherents that they are outsiders, or less than full members of the political community."

Official acknowledgement of religion can be seen in all three branches of government, she said, noting the presence of legislative and military chaplains, the inscription "In God we trust" on the nation's coins and the designation of religious observances as national holidays.

"Any acceptable theory of the religion clauses must try to explain why these practices either violate or do not violate the Constitution," she said.

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Religious groups under pressure  
to comply with hiring standards

PHILADELPHIA (ABP) -- Churches and religious institutions are facing increasing pressure to comply with anti-discrimination laws, according to a church-state legal specialist.

Oliver Thomas, general counsel for the Baptist Joint Committee, told a group of attorneys, law school professors and

ministers that the right of churches and religious institutions to discriminate in hiring frequently is pitted against a national public policy commitment to eradicate discrimination based on race, sex, national origin, age and handicap.

Thomas addressed the group during a session of the Bicentennial Conference on Religion in Public Life. Approximately 350 people attended the three-day conference, sponsored by a dozen religious, legal and educational groups, including the American Bar Association.

Historically, Thomas said, constitutional principles such as those forbidding government entanglement with religion, requiring government to demonstrate a compelling interest before burdening religious exercise and viewing ecclesiastical questions as beyond the jurisdiction of civil authorities have provided churches and religious institutions some immunity from anti-discrimination laws.

But a 1990 Supreme Court decision holding that government need demonstrate only a reasonable -- rather than a compelling -- interest before limiting religious exercise has removed much of the religious institutions' protections, Thomas said.

Additionally Thomas said the growing involvement of religious organizations in areas also occupied by secular institutions, such as health care and education, has increased pressure to subject religious institutions to the same anti-discrimination provisions applied to their secular counterparts.

"We're beginning to play by the same set of rules," Thomas said.

Thomas said courts face a difficult task in trying to balance the competing constitutional principles of free religious exercise and church-state separation with the rights of individuals to participate fully in society.

Pervasively sectarian institutions such as churches, seminaries and parochial schools thoroughly permeated by religion are less likely to be subject to anti-bias hiring regulations than are institutions considered to be merely "religiously affiliated," such as hospitals and universities.

Without clear direction from Congress or state legislatures, Thomas said, courts are less likely to apply anti-bias regulations pervasively sectarian institutions.

Thomas said a legislative proposal expected to be reintroduced in Congress would restore a higher level of protection for religious organizations. The Religious Freedom Restoration Act, which would restore the "compelling interest" test the Supreme Court abandoned in *Oregon v. Smith*, was first introduced late in the 100th Congress.

"I feel terribly vulnerable with *Smith* on the books," Thomas said, "and you should too."

Thomas said the Religious Freedom Restoration Act should be supported "not because the compelling interest test always yielded the right result -- it didn't -- but because it would create serious consideration of free exercise claims."

-- By Larry Chesser