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September 12, 1991

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Thomas expresses support
for church-state separation

By Pam Parry

SOUTHERN BAPTIST HISTORICAL
LIBRARY AND ARCHIVES
Historical Commission, SBC
Nashville, Tennessee

WASHINGTON (ABP) -- U.S. Supreme Court nominee Clarence Thomas said he believes in church-state separation and described the Jeffersonian wall dividing the two as an "appropriate metaphor" during Senate confirmation hearings here Sept. 11.

But the nominee was non-committal about whether the Constitution guarantees women a right to abortion.

Thomas was nominated by President George Bush after Justice Thurgood Marshall announced his retirement in June. If confirmed by the Senate, Thomas would become the 106th justice -- and only the second black man -- to sit on the nation's high court.

Thomas stated his church-state views, an area in which he has virtually no public record, during the second day of hearings before the Senate Judiciary Committee. In addition to church-state issues, the committee members asked Thomas an array of questions that primarily focused on abortion, natural law and judicial philosophy.

Sen. Paul Simon, D-Ill., asked Thomas about the First Amendment ban against government establishment of religion. Simon focused on the validity of the three-part Lemon test requiring government neutrality toward religion. Under the test, government actions are required to have a secular purpose, neither advance nor inhibit religion and avoid excessive entanglement of church and state.

Simon noted the Supreme Court has used the Lemon test since 1971 and asked Thomas if he thinks these are reasonable criteria to be used in the future.

"The court has applied the test with some degree of difficulty...", Thomas said. "I have no personal disagreement with the test, but I say that and recognize how difficult it has been for the court" to apply it because the issue is complex.

In its next term, the high court is expected to consider replacing the

long-standing test with a more lenient "coercion" test.

The Southern Baptist Christian Life Commission has asked the court to adopt a version of the coercion standard.

The Baptist Joint Committee has joined a coalition asking that the Lemon test be maintained.

Thomas, a federal appeals court judge in Washington, D.C., added: "I think the wall of separation is an appropriate metaphor. I think we all believe that we would like to keep government out of our religions and want to keep separation between our religious lives and the government."

Thomas told Simon he had not yet ruled on any church-state related case.

Sen. John Danforth, R-Mo., the nominee's most ardent Senate advocate, told Associated Baptist Press that Thomas "believes in separation of church and state. He believes in both the free exercise clause and the establishment clause. He has no agenda in that regard whatsoever."

During the first day of questioning Sept. 10, Sen. Strom Thurmond, R-S.C., also asked Thomas about the free exercise of religion as it relates to the Supreme Court decision in Oregon v. Smith. In that decision the high court virtually abandoned the compelling-interest test government had to meet before restricting religious liberty.

Thomas said that Justice Antonin Scalia "actually used a different test" than the court traditionally invokes in free-exercise cases. Thomas called it an "important departure from prior approaches" that should be watched.

The tone for the hearings was set during the first day by the committee members' introductory statements, the senators' introductions of Thomas and the nominee himself.

In opening statements, some senators praised Thomas' public record and service, emphasizing the Senate previously has confirmed him for various government positions four times. Others maintained that his record -- specifically his speeches and published articles -- have raised serious questions about his ability to defend individual freedoms.

Thurmond said Thomas has participated in more than 140 decisions, and his opinions have been written "within the mainstream of judicial thinking."

"An examination of the professional record of Judge Thomas provides no valid reason to believe he would seek to diminish the rights of any American citizen," Thurmond said.

Sen. Patrick Leahy, D-Vt., said Thomas' nomination comes at a pivotal time in Supreme Court history when many fear it is becoming a "monolithic right-wing court" that will favor the power of the state over individual rights. Leahy told Thomas some of the nominee's views strike him as those of a "combative, hard-line ideologue," adding he is tired of dancing around the abortion issue with court nominees.

Committee members agreed in their praise of Thomas' ability to overcome obstacles. A native of Pin Point, Ga., Thomas overcame poverty, segregation and discrimination to become a Supreme Court nominee.

Sen. Howard Metzenbaum, D-Ohio, said the smart political move would be to confirm Thomas because of his triumph over adversity. However, he said, "The question for this committee is not: Where does Judge Thomas come from? Rather the question for the committee is this: Where would a Justice Thomas take the Supreme Court?"

"I am deeply concerned about the answer to that question," Metzenbaum said.

As a former employer of Thomas, Danforth introduced him as one who would make an extraordinary justice. He assured the committee Thomas is his own man and "will never become a sure vote for any group of justices on the court."

During questioning, Thomas repeatedly declined to give his opinion about a woman's constitutional right to an abortion.

"I do not think that at this time that I could maintain my impartiality as a member of the judiciary and comment on that specific case," he said in reference to Roe v. Wade, the landmark case legalizing abortion.

Metzenbaum and Leahy repeatedly asked Thomas to state his abortion views but to no avail.

Expressing a view on abortion would "undermine my ability to be impartial," Thomas said. But he assured senators, "I have no agenda" or "ideology to take to the court."

Noting that Thomas was in law school when Roe was decided, Leahy asked Thomas if he ever debated the case or stated whether it was properly decided. He said he did not recall ever commenting about the correctness of the ruling.

Trying to disarm Thomas' reason for remaining silent on abortion, Leahy asked Thomas if Justice Scalia's voiced opposition to Roe "disqualifies" Scalia if the issue comes before the court. Thomas said each justice must decide what he or she believes would place that impartiality in jeopardy.

Much of the hearing focused on Thomas' views about natural law, the theory that people have inherent rights bestowed by a higher power than government.

Committee chairman Joseph Biden Jr., D-Del., questioned Thomas extensively on his view of natural law, asserting it could have "phenomenal consequences." Biden said "not a single legal scholar in America" fails to understand the significance of how Thomas would apply natural law in constitutional adjudication.

Thomas said natural law does not have a role in constitutional adjudication and his only interest in it was as political theory. That repeated assertion on the first day of hearings drew ire from critics who claimed he had undergone a "confirmation conversion."

Sen. Alan Simpson, R-Wyo., said one critical assessment that Thomas had run away from his record was untrue and represented an act of desperation.

"I have been consistent on this issue of natural law," Thomas said. Thomas said his interest in natural law was in the context of what the Founders' views of it were when they drafted the Constitution. But it is the Constitution that provides direction in adjudication, he reiterated.

Metzenbaum expressed concern that Thomas made a "complete repudiation" of his past record. For example, Metzenbaum pointed to a 1988 article in which Thomas wrote, "The higher-law background of the American Constitution...provides the only firm basis for a just, wise and constitutional decision."

Sen. Charles Grassley, R-Iowa, asked Thomas about his views on judicial restraint and judicial activism. Thomas denounced judicial activism, noting the judiciary is the least democratic branch of the government and "we have to restrain ourselves so we do not see ourselves as super legislators."

In his opening statement, Thomas said he hoped at the end of the

hearings the committee will conclude that he is an honest, decent, fair person -- the basic values a judge must possess.

EDITOR'S NOTE: The preceding story on Clarence Thomas will be updated either Friday afternoon or Monday morning, depending on the how the hearings progress.

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CLC wants possession
of unused grant to BJC

By Greg Warner

NASHVILLE, Tenn. (ABP) -- The Christian Life Commission unanimously agreed Sept. 11 to ask Southern Baptists for control of a 27-year-old capital-needs fund -- now worth \$379,000 -- that was intended for the Baptist Joint Committee.

The request, which is directed at the SBC Executive Committee, is the latest salvo in a long-standing dispute between the BJC, which is a Washington-based religious-liberty coalition, and the Christian Life Commission, the Nashville-based agency that represents Southern Baptists on ethical issues and, more recently, religious-liberty concerns.

The dispute surfaced in the CLC's Sept. 9-11 meeting, during which trustees also hired a new staff member, endorsed AIDS testing and disclosure in the health-care setting, and began a study of family-related ministries that many trustees hope will involve the CLC directly in local churches for the first time.

In the past two years, the Southern Baptist Convention has stripped all of its funding -- almost \$400,000 a year -- from the Baptist Joint Committee because of disagreements over school prayer, church-state separation and other issues. Most of the money has been diverted to the Christian Life Commission, which also has been given the primary responsibility for representing Southern Baptists on religious-liberty issues.

Now the Christian Life Commission is asking that another \$379,000 set aside 27 years ago to purchase an office for the Baptist Joint Committee -- but never used for that purpose -- be used instead to purchase a facility for the CLC's new Washington staff.

Trustees of the CLC claim they are the rightful owners of the fund now that Southern Baptists have all but terminated their relationship with the Baptist Joint Committee. "The Southern Baptist Convention has expressed by a great, great majority vote...that the Baptist Joint Committee not receive any money," said one trustee.

Taking possession of the \$375,000 may prove difficult, however, since the BJC apparently has controlled the fund since 1964 and shows no signs of giving it up.

"They cut our budget and now they are trying to pilfer our account," charged BJC General Counsel Oliver Thomas. "We're not going to let them do that."

"We hold legal and equitable title to the money," Thomas told Associated Baptist Press. "We don't think they have any right to the

money."

That sets the stage for yet another showdown between the two agencies during the Sept. 16-18 meeting of the Executive Committee, the body that controls the purse strings for most denominational ventures.

In a recommendation directed to the Nashville-based committee, CLC trustees asked that both the original capital-needs allocation, as well as all interest earned in the past 27 years, be turned over to the CLC "in light of the fact the Public Affairs Committee has been merged with the Christian Life Commission."

For more than 50 years, the PAC served as the Southern Baptist contingent on the Baptist Joint Committee, and as the financial conduit for SBC funding of the BJC. With the recent merger of the PAC into the Christian Life Commission and elimination of all SBC funding for the BJC, trustees of the CLC say they should logically inherit the money.

Since the allocation was made in 1964, the funds have been entrusted to the Southern Baptist Foundation. The interest on the account, which will amount to an estimated \$45,000 this year, has been paid annually to the BJC, which has used it to pay rent on its Capitol Hill office and for other purposes.

Trustee Roy Gean, who offered the motion approved by the CLC, said that because the 1964 allocation was not used as intended, the practice of sending the interest to the Baptist Joint Committee for the past 27 years has been a violation of the SBC's business and financial plan, which governs the practices of all agencies that receive SBC money.

Trustee Joe Atchison of Rogers, Ark., agreed the request should include all interest paid since 1964. "We won't get it, but we're going to ask," he said.

Gean, an attorney from Fort Smith Ark., made the similar motion at the Southern Baptist Convention in June which was referred to the Executive Committee for action.

It remains unclear, however, if the Executive Committee, which like the CLC is now controlled by SBC fundamental-conservatives, has the power to reassign the money. That issue may be settled only in court, observers say.

Gean, a former member of the PAC, warned CLC trustees there has been "a request from the Baptist Joint Committee that the money be delivered to them." He did not explain his comment.

But Thomas told ABP that the Baptist Joint Committee has notified the Foundation that it now intends to spend the money. "We have asked for the funds because we are prepared to buy a building," he said. The BJC decided to pursue the purchase after Gean made his motion at the SBC, Thomas added.

Trustees of the Christian Life Commission say the original capital-needs allocation -- \$300,000 at the time -- was granted in the name of the Public Affairs Committee, according to the 1964 SBC annual.

Although the original allocation may have been directed to the Public Affairs Committee, it came at a time when Southern Baptists made no distinction between the PAC and BJC, Thomas said. He cited references in the Encyclopedia of Southern Baptists in which the terms Baptist Joint Committee on Public Affairs and Public Affairs Committee "are used interchangeably."

Only in recent years, after Southern Baptists gave the PAC duties separate from the Baptist Joint Committee, have the two entities been viewed as distinct, he said.

"It's pretty clear the convention set aside the money for the Baptist

Joint Committee," Thomas said.

The confusion is likely to get worse since the Foundation, which has administered the fund for 27 years, apparently has misplaced the original documents that describe how the money was to be applied.

There is not even agreement over which group's name appears on the account.

"The corpus is in the name of the PAC," said Atchison, a trustee of both the CLC and the Foundation.

"The money has been in our name all along," said the BJC's Thomas, citing a fund statement from the Foundation which lists the account as "Baptist Joint Committee Public Affairs Capital Needs."

Hollis Johnson, head of the Foundation, was out of town and not available to comment on the dispute.

The CLC spent much of its fall meeting adjusting to the new reality created in June, when the annual meeting of Southern Baptists voted to withdraw all SBC funding from the Baptist Joint Committee and merge the Public Affairs Committee into the CLC.

Nine former members of the PAC, including Gean, were made members of the CLC until their terms expire. Seven participated in their first meeting Sept. 9-11.

The disintegrating relationship between the SBC and Baptist Joint Committee was the topic of several actions by the CLC during its September meeting.

-- Trustees voted not to send any representation to the annual meeting of the BJC in October. Although the SBC cut off all funding for the Baptist Joint Committee, Southern Baptists still qualify for 11 seats on the BJC. However, because of the funding cut, BJC policy would require the CLC, rather than the BJC, to pay the expenses of the SBC representatives who attend the Washington meeting.

Trustees voted to allow CLC members to attend the Baptist Joint Committee meeting but only "as observers" and at their own expense, noting an official delegation from the SBC would only lend credibility to the BJC. One of the CLC's Washington-based staff members will be asked to attend as an observer.

The CLC also asked Executive Director Richard Land to draft a statement explaining the CLC's position in the dispute, as well as other grievances against the BJC.

-- Trustees authorized a committee to propose changes in the CLC program statement, which defines its work, in order to reflect the shift of the SBC's religious-liberty assignment from the BJC to the CLC alone. The changes were requested by the SBC Executive Committee, which along with the SBC must approve any revisions.

-- Trustees debated whether or not to ask the BJC to remove the name of the Southern Baptist Convention from the coalition's letterhead. Land said as long as there is "an organic relationship" between the SBC and BJC such a request would be "no more productive than spitting in the wind." No action was taken.

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Christian Life Commission to study
direct involvement with churches

By Greg Warner

NASHVILLE, Tenn. (ABP) -- Trustees of the Christian Life Commission have begun a study of new family-related ministries that could directly involve the Southern Baptist agency in local churches for the first time.

During its fall meeting Sept. 9-11, the CLC formed a task force to pursue a proposal by trustee Nancy Schaefer of Atlanta that the CLC take over her corporation's ministry of organizing church-based family-advocacy groups.

Family Concerns Inc., which Schaefer heads, seeks to educate and mobilize church members on social and legislative issues affecting the traditional family. The non-profit corporation was begun by Schaefer at First Baptist Church of Atlanta as a way of duplicating that congregation's own family ministry in other churches.

"We're in a major war in this country," Schaefer told Associated Baptist Press. "I've seen what is happening to our families."

Schaefer's plan, which she introduced as a motion at the June Southern Baptist Convention, calls for a new family-concerns division of the CLC to instruct local church members in establishing family-concerns ministries.

The proposal, which has long-range implications for the work of the CLC, would require a change in the SBC-approved program assignment of the moral-concerns agency, as well as a major infusion of money into the agency.

Those factors gave Executive Director Richard Land and some trustees pause.

The proposal entails "a direct relationship (with churches) that our program statement would not allow," Land said. "We are not to work directly with churches."

The CLC's program statement says the agency must work through established moral-concerns groups at the state-convention level where they exist. Where such groups don't exist, the CLC can only provide printed material to churches.

The restrictions "are carefully worked-out treaties" intended to prevent competition and duplication with other agencies and state conventions, Land said.

Land and others pointed out several SBC agencies, such as the Sunday School Board and Home Mission Board, relate directly to local churches on some family concerns. But, Land added, "The proposal does not fit neatly into the total structure of any of the agencies."

Land suggested the CLC seek to coordinate its efforts with those already in place. "Let's try to find a way to get done what we want to get done and not worry about how it gets done," he said.

Trustee Jay Strack of Dallas also urged cooperation. "We worked a long time and shed a lot of blood to get to where we can work with our agencies," he said.

"It will cost at least \$5 million to \$10 million to even come close to doing what this asks for," Strack said of Schaefer's proposal.

But several trustees urged the CLC to pursue the new direction, even if it means changing the agency's program statement.

"This is a very simple thing," said Norris Sydnor of Fort Washington, Md. Although he agreed it would take time to change the CLC's structure, Sydnor added, "Let's start the process."

Trustees approved formation of the task force, then returned to the issue later in the meeting to consider giving the task force more specific instructions.

A motion by Todd Morris of Cherryville, N.C., would have instructed

the task force to draft a proposal "that will change the program statement to allow us to relate directly to churches."

"This is a needed change...not just for this issue but for other issues," said Morris.

"This is atomic-bomb, nuclear-fission type of material we are dealing with," said chairman Hal Lane of Greenwood, S.C., "because this is something we have never done before."

It is unclear whether Schaefer's proposal would entail a merger of her corporation with the CLC.

The task force began meeting immediately after the CLC session. If it recommends a change in the agency's program statement, it would have to be approved by the SBC Executive Committee and the Southern Baptist Convention.

Members of the task force are Schaefer, Lane, Strack, Marilyn Simmons of Little Rock, Ark., and James Richards of Baton Rouge, La.

Trustees also put the agency on record endorsing AIDS testing in the health-care field.

In a motion from the floor, Cledith Campbell of Huntington, Va., asked the CLC to "go on record as supporting testing for and mutual disclosure between patients and health-care providers regarding the HIV virus, and that we direct our staff to work to support public policies in this regard."

"We need to be on the cutting edge of this," Campbell explained. "We need to quit talking about civil rights and start talking about public health."

Several trustees cited instances in which patients have contracted the AIDS virus from their doctors.

Curtis Caine, a trustee and medical doctor from Jackson, Miss., also noted the concerns of physicians, whom he said cannot now require AIDS testing of their patients.

Ben Mitchell, a trustee from Knoxville, Tenn., who earlier in the meeting was elected unanimously to the CLC staff to handle the issues of biomedical ethics and genetic engineering, was one of several trustees who expressed reservations about the statement. "There are a host of issues that are raised.... This needs more attention and discussion."

But trustees approved Campbell's motion 21-4.

Also during the three-day meeting, trustees:

-- Approved a new position of researcher-archivist, which Land said he intends to fill with Keith Ninomiya, a researcher at Criswell College in Dallas.

-- Extended the modified employment agreement of Michael Whitehead, the agency's Washington-based general counsel, who for the past seven months has worked three-quarter time out of the family's hometown of Kansas City, Mo., while his son undergoes chemotherapy treatment for leukemia.

-- Approved installation of a new telephone line for the agency's Washington office that will offer interested Southern Baptists recorded messages about pending legislation and other governmental actions.

-- Authorized a \$7,000 mailing to all Southern Baptist churches to explain the merits of the Religious Freedom Restoration Act, a bill that would reinstate the government's "compelling state interest" test for any restriction of religious liberty.

-- Passed a budget of \$1,538,898 for 1991-92, which includes a 5.18 percent salary increase for the staff and 6 percent increase for Land. Although the budget is a 9 percent increase over the current year,

Land said it is not enough, given the agency's new assignment for religious liberty. "We are seriously underfunded and understaffed in personnel to do what the convention has asked us to do," he told trustees.

-- Voted to give the agency's 1992 Distinguished Service Award to theologian and author Carl F. H. Henry of Washington, D.C. Henry, who was elected a CLC trustee in June, was unable to attend the meeting.

-- Agreed to grant an annual Religious Liberty Award, which formerly was given by the Public Affairs Committee. No recipient was named.

-- Re-elected Lane as chairman and elected Richards as vice chairman and Lee McGehee of Ocala, Fla., as secretary.

-- Heard a sermon by SBC president Morris Chapman of Wichita Falls, Texas, about the need for spiritual awakening in America. While the SBC's struggle over inerrancy has been important, Chapman said, "It is very possible to short circuit the objective while standing on the issue." Unless the SBC struggle results in changed lives in America, "we will lose the issue," he said.

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 Hasteley says SBC takeover may be God's judgment on Baptist pride

By Ken Camp and Scott Collins

FORT WORTH, Texas (ABP) -- The takeover of the Southern Baptist Convention by fundamental-conservatives may have been God's judgment on a proud people convinced they were "God's last and only hope," according to Stan Hasteley, executive director of the Southern Baptist Alliance.

Hasteley sought to trace Southern Baptists' sojourn "from cultural captivity to spiritual freedom," during a convocation on "Baptists: Our Heritage and Future" Sept. 6-7 that drew about 800 participants to Broadway Baptist Church in Fort Worth, Texas.

"Our genius has been that of radical, freedom-loving people who at their best settled for nothing less than what is the spiritual birthright of all God's children -- to reflect the image of God," Hasteley said, noting many Baptist have forgotten their heritage.

"We have forgotten that 'soul freedom' was the watchword of the Baptist movement in its beginnings and that our earliest ancestors were fierce dissenters against the very ideas -- theological and religious ideas -- that today are enforced by so-called Baptists who have no idea under the sun what their denominational designation means," he said.

According to Hasteley, who has a doctorate in church history, racism and regionalism were the SBC's birthright. A "success syndrome" became its superstructure in the years following defeat in the Civil War. And "spiritual triumphalism" became its hallmark feature during the growth period of the 1950s to 1970s, Hasteley said.

"My growing conviction in recent years has been that the takeover of the Southern Baptist Convention by a group of people whose investment in the SBC was, at best, marginal is nothing more or less than divine judgment on a group that had become convinced of its own indispensability to the God of the ages to fulfill God's mission on earth," he said.

The fledgling Cooperative Baptist Fellowship should focus on enabling moderate-conservative churches to fulfill their missionary, educational and

social-justice tasks apart from the SBC structure, Hasteley said.

"Disenchanted Southern Baptist congregations should refrain from demanding of the Fellowship that it replicate instantly all of the functions of the old body, for to do so surely will sentence it to failure," he said.

"I would argue further that the last thing the kingdom of God needs just now is another essentially white body of Baptists in the southeastern and southwestern United States. If our vision is no larger than creating a newer and sleeker model of the old SBC, it will fail -- or it should."

Using the analogy of a tree, Buckner Fanning, pastor of Trinity Baptist Church in San Antonio, Texas, told convocation participants that new leaves must grow on a tree that has died.

"We have been stripped," Fanning said. "Our institutional leaves are gone, but meetings like this and people like you will bring new growth.

"The God who never sleeps and the God of the ages is alive and well, and we will see new leaves, new lives if we are faithful to the basic command of Jesus...to love God with all your heart and to love your neighbor," he said. Churches, he added, should develop a vision to be "places of grace -- accepting, forgiving, loving."

George Mason, pastor of Wilshire Baptist Church in Dallas, said a "majoritarian attitude" among Baptists in the South has led to "a decided lack of striving and struggling among Baptists for identity."

Tracing his own spiritual life, Mason said he is a Baptist "by spirit, not bloodline" because he was raised among a variety of denominations.

Mason said he was drawn to Baptists through the life of Dan Yearly, pastor of University Baptist Church in Coral Gables, Fla. "I was drawn to his life and faith. I wanted to be a part of those people."

Convocation participants in small group sessions examined new ways to relate to the SBC through local denominational relations committees and through the missions task force of the Baptist Cooperative Fellowship.

In the session for denominational relations committees, Dewey Presley, a member of Park Cities Baptist Church in Dallas, said his church chose to designate funds sent to the Baptist General Convention of Texas because the "actions of the fundamentalists are unacceptable to this church."

"We needed to eliminate certain agencies of the Southern Baptist Convention, and yet we wanted to include our mission agencies and our seminaries," he said. A study of the SBC's constitution, he said, revealed that the convention is bound to honor designated gifts.

Seminary professor Leon McBeth said Baptists at their best have handled ever-present controversy through doctrinal dialogue rather than appeals to artificial unity.

"It does no good to play ostrich and bury our heads in the sand," said McBeth, professor of church history at Southwestern Baptist Theological Seminary in Fort Worth, Texas. "We may silence our pastors and teachers. We may muzzle our journalists. But it does little good to ignore reality and cry, 'Peace! Peace!' when there is no peace."

McBeth found himself in the midst of controversy last year when the SBC Sunday School Board halted publication of its centennial history -- authored by McBeth -- and ordered copies of the manuscript destroyed.

"I dread controversy, but I dread enforced uniformity or artificial harmony even more," he said.

Convocation speakers cited Anabaptists Balthasar Hubmaier and Felix Mantz, English Baptists John Smyth and Thomas Helwys, colonial American Baptist Roger Williams and Southern Baptist George W. Truett among the

heroes of the faith.

Sixteenth-century Anabaptist beliefs about the lordship of Jesus Christ, church-state separation and personal discipleship profoundly influenced early Baptists such as Smyth and Helwys, according to William Estep, distinguished professor emeritus of church history at Southwestern Seminary.

However, Estep said, the 17th century English Baptists did not adopt totally the prevailing Anabaptist view on pacifism.

"One of the great differences between Baptists and Anabaptists was that the Baptists never became absolute pacifists, but they also never -- in that day at least -- became mindless patriots or advocates of wars of adventure," he said.

In a question-and-answer session later, Estep expanded on that idea, calling the unflinching Americanism of the Religious Right "a cheap substitute for worship of God Almighty."

According to McBeth, Roger Williams' "great idea" -- the freedom of the individual soul before God -- is endangered today by Roman Catholicism, fundamentalism, Reconstructionism and historical revisionism, as well as by the Supreme Court itself.

"The independent fundamentalists have never been committed to religious liberty in the way Baptists historically have been," McBeth said. "They may use the same words, but the meaning is different and the spirit is different."

"What is true of fundamentalism is also, I think, true of the 'new evangelicals.' Many of them, it turns out, do not really understand separation of church and state, and when they do understand it, they do not favor it."

"To these people," McBeth continued, "Roger Williams seems an anachronism -- at best outdated and irrelevant, and at worst, a source of modern secularism."

Reconstructionists, who seek the abolition of constitutional democracy and the reinstatement of Old Testament theocracy, see religious liberty and church-state separation as "a modern liberal notion," McBeth noted.

"Roger Williams is no hero to Reconstructionism. In fact, they are dedicated to the destruction of Williams' great idea, and they have made more progress in that direction than most Americans realize. We have a few prominent Southern Baptists who are flirting around the edges of Reconstructionism," McBeth said.

A revisionist interpretation of church-state separation that stresses non-preferentialism over a "wall of separation" is gaining favor in some academic circles and on the Supreme Court bench, he said.

McBeth specifically cited Chief Justice William Rehnquist's assertion that the wall of separation is a "bad metaphor based on bad history" and Associate Justice Antonin Scalia's opinion that free exercise of religion is a "luxury" the United States can no longer afford. He also questioned the commitment of court nominee Clarence Thomas to a traditional understanding of church-state separation.

"The pronouncements and actions of Supreme Court nominee Clarence Thomas, especially when he headed the EEOC, give little reason to think that he ever heard of Roger Williams or his great idea," he said.

Richmond Seminary
enrolls first class

RICHMOND, Va. (ABP) --Pledging to be a distinctively Baptist institution dedicated to meeting the needs of local churches, Baptist Theological Seminary at Richmond enrolled its first class of 30 students and held its opening convocation Sept. 10.

"If we seize this moment it could be the most creative time in Baptist life in this century," President Tom Graves told some 500 convocation attendees at Northminster Baptist Church in Richmond. He compared the beginning of the seminary to the miracle of Jesus changing water to wine at the wedding at Cana, an event "which proclaims the core of the gospel. Renewal is possible. Life can begin anew."

"There is a need for renewal in theological education and a need for renewal in Baptist life," he said. "This young institution dedicates itself to just such a task."

Graves said the new seminary will express a renewal of Baptist identity by resisting creedalism, by professing Christ as Lord above individual interpretations of Scripture or statements of theology, and by seeking to be inclusive of all persons called of God.

"We are through building walls of separation," Graves said. "We can only rebuild Baptist life if we dedicate ourselves to joining hands with brother and sister, black and white, conservative and moderate, clergy and laity. This seminary is no liberal answer to Baptist fundamentalism. I hope it will be an inclusive answer to Baptist exclusivism."

In a demonstration of the seminary's commitment to individual freedom, Graves and professors Tom Halbrooks and Linda McKinnish Bridges also presented individual professions of faith and affirmed the covenant of BTSR, which was written by the faculty. Trustees, students, staff members and friends of the seminary responded with their own pledges of commitment to the seminary.

Besides seeking renewal in Baptist life, Graves said, BTSR also will seek renewal in theological education to meet the needs of churches.

"Our schools of theology have failed to focus upon the concrete needs of the church and have immersed themselves instead only in the issues of the academy," he said. "This institution will dedicate itself to serving the needs of the church."

Graves cited three things the seminary will do to accomplish that task:

- Design all courses to address the life of the church community.
- Invite 50 local churches to be "teaching congregations" in which the laity will take an active role in training ministers over a one-year period. "My guess is we have not done an effective job meeting the needs of our churches because we do not know them well enough to know what their needs are," said Graves. "Let's invite the laity to join the faculty."
- Make theological education available to lay people, offering "the best of the academy to all the participants in the life of the church."

The seminary also will offer a hands-on approach to spiritual preparation and to mission education, Graves said. The seminary will offer structured times of retreat and solitude for students, and will require each student to complete a missions assignment in a third-world country or inner-city setting.

The Baptist Theological Seminary at Richmond is leasing space for administrative offices and classrooms from the Presbyterian School of

Christian Education in Richmond. Full-time professors are Halbrooks, dean of the faculty and professor of church history, and Bridges, assistant professor of New Testament.

Adjunctive faculty members include Jerome Creach, adjunctive instructor of Old Testament, who is a doctoral student at Union Theological Seminary in Virginia; Robert Dale, visiting professor of practical theology, who is also the director of church and minister support for the Virginia Baptist General Board; Chevis Horne, visiting professor of preaching, who is pastor emeritus of First Baptist Church, Martinsville, Va.; and James Luther Mays, visiting professor of Old Testament, who is professor of Old Testament at Union Theological Seminary in Virginia.

Announcement of an additional faculty member was made at the convocation. Henry Mugabe, professor of theology at Baptist Theological Seminary of Zimbabwe, will be visiting professor of theology for the seminary's three-week winter term in January, teaching a course in theology from an African perspective.

Mugabe is in the United States completing doctoral work at Southern Baptist Theological Seminary in Louisville, Ky.

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Baylor plan moves
one step closer

DALLAS (ABP) -- Moving a step nearer to settling the issue "in the church house, instead of the courthouse," the Texas Baptist Executive Board approved a proposal for a new relationship between the Baptist General Convention of Texas and Baylor University.

After limited debate, the board voted 110 to 36 to approve the plan which would provide:

-- Direct election of 25 percent of the Baylor board of regents by the convention and assurance that Baylor will consider convention suggestions for the other 75 percent;

-- Assurances the university will remain Baptist and Christian in its aims and ideals;

-- That all Baylor board members be Baptists; and

-- That university assets be transferred to the convention if the university is ever discontinued.

The agreement was recommended by the Committee on BGCT/Baylor Relationship. Approval of the state convention in Waco, Nov. 11-12, and by the Baylor board of regents, which is expected to consider it Sept. 20, is required before the agreement becomes effective.

The "Baylor issues" portion of the Executive Board dominated the board's discussion. But in other action the board approved a change in the state's Cooperative Program reporting policy permitting a church to exclude five budget items and still have its gifts considered "Cooperative Program."

Several questions were raised about the change in Cooperative Program reporting practices before it was approved with apparently only six negative votes.

Treasurer Roger Hall explained that some 20 percent of the time in his office is spent handling designated funds and it is uncertain how the change will affect it, though more bookkeeping will be required to follow churches' directives regarding their mission gifts.

Should a church ask that certain budget items be excluded, their gift will be distributed proportionately to other entities in the budget, Hall said.

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--By Toby Druin

Buffalo students win
Bible club squabble

WASHINGTON (ABP) -- A group of high school students has won a legal dispute with the Buffalo, N.Y., School District over whether the students can conduct after-school Bible club meetings in a classroom.

Justice Leo Fallon of the Supreme Court of Erie County, N.Y., has approved settlement of a dispute between the school district and three McKinley High School students arising from the school's refusal to allow the students to use school premises for Bible club meetings.

Under the settlement, which was reached in May and signed Sept. 4 by Justice Fallon, the school district will not appeal a permanent injunction requiring it to allow the students to meet and will pay \$125,000 of the \$400,000 in legal fees sought by the students. The settlement calls for the students to release all claims for damages against the school board members.

The long-running legal dispute began in November 1987 when the students sought permission to meet after school for religious discussion, Bible study and prayer. In denying the request, McKinley High School Principal Crystal Boling cited an advisory letter from the district's legal counsel noting that the district's rejection of a similar request nearly a decade earlier had been vindicated in court.

In March 1988, attorneys for the students asked the school board to reconsider the decision. The request noted developments in the law during the past decade, particularly the passage of the Equal Access Act of 1984, a measure that bars public secondary schools that allow voluntary groups of students to meet before and after school from discriminating "on the basis of the religious, political, philosophical or other content" of their speech.

When it reconsidered the students' application for a Bible club in May 1988, the board voted 6-3 to "receive and file" the request, effectively denying the club access to school premises. Board officials said they had received contradictory and inadequate guidance from district legal counsel and the state education department on the matter.

In October 1988, the students again submitted an application for a Bible club and the school board filed suit seeking a declaratory judgment to determine the legal rights and obligations of both parties.

At the time, the constitutionality of the 1984 Equal Access Act was under court challenge. In 1990, the U.S. Supreme Court upheld the act in *Westside Community Schools v. Mergens*.

"I'm astounded that school districts continue to misinterpret the Supreme Court's school-prayer decisions as banning prayer altogether," said Baptist Joint Committee General Counsel Oliver S. Thomas.

"Student-initiated, student-led religious activities have been and continue to be lawful, appropriate activities in public schools. The \$125,000 price

tag the Buffalo district paid for denying students this right will send a chilling message to districts that have been dragging their feet on this issue."

Steven McFarland, director of the Center for Law and Religious Freedom, a legal center funded by the Christian Legal Society, also said the outcome should send a message to school districts.

"It's a tragedy that these students' rights to religious speech have been denied for three years and they have had to incur \$400,000 in legal fees to enforce an act of Congress that's over seven years old," McFarland said. The Christian Legal Society joined Buffalo attorneys and the Washington, D.C., firm of Shaw, Pittman in defending the students.

McFarland said the fact that the Equal Access Act was being challenged in court in no way excused the school board's actions in the dispute.

"Because a law is being challenged is no reason to ignore it," he said.

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-- By Larry Chesser

***** END *****