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Battle over graduation prayer
rages, despite court ruling

By Larry Chesser

WASHINGTON (ABP) -- School boards across the country are learning this spring that the U.S. Supreme Court's 1992 ruling against prayer at public-school graduation exercises was not the last word on the subject.

That's partly because some individuals and interest groups have refused to give up their campaign to include invocations and benedictions in the annual ceremonies. And it's partly because a federal appeals court agreed with their view -- that the Supreme Court's commencement-prayer ban does not apply across the board.

As graduation day has approached for more than 2.2 million seniors in the nation's 16,925 public high schools, school boards have been under pressure from proponents and opponents of commencement prayer, each offering a different solution to the problem.

A year ago, the Supreme Court held that commencement prayers directed and sponsored by public school districts violate the Constitution's ban on governmental-established religion. That 5-4 decision came in a Rhode Island case called Lee vs. Weisman.

Shortly after that ruling, the Supreme Court sent a Texas graduation-prayer dispute back to a federal appeals court with instructions to decide the case in a manner consistent with the Weisman decision.

The appeals court upheld the Texas district's prayer policy, saying it was different from the Weisman case. Unlike the Rhode Island policy in which the school principal invited clergy to deliver prayers, the appeals court noted that the Texas policy provided for student-initiated, student-led prayers. The policy further required the prayers to be non-sectarian and non-proselytizing.

That case -- Jones vs. Clear Creek Independent School District -- is back on appeal to the Supreme Court, which has yet to decide whether it will review the dispute.

In the meantime, school districts have been caught in a cross-fire of competing claims about whether some form of graduation prayer is permissible.

First, the American Center for Law and Justice, televangelist Pat Robertson's answer to the American Civil Liberties Union, notified every

school district in the country that student-initiated, student-led commencement prayers are permissible. The ACLJ offered to send teams to meet with local officials.

In Weisman, the ACLJ statement asserts, "the Supreme Court held only that it violates the establishment clause for school officials to invite clergy to give prayers at commencement."

In response, the American Civil Liberties Union warned superintendents that the ACLJ's bulletin misrepresented the Weisman and Jones decisions.

In Weisman, the ACLU contends, the high court ruled "that the practice of prayers at public school graduations violates the Constitution when there is any indication that such religious exercises are sponsored by or through school authorities."

Even student-initiated prayers incorporated into official school ceremonies "amount to state-sponsored religious activities that violate the First Amendment," the ACLU said.

Predictably, the episode has produced confusion. A large South Dakota district, for example, adopted a policy based on the ACLJ recommendations after receiving the Robertson organization's mailings. Then, after hearing from the ACLU, the district reversed itself.

Other school districts are taking a variety of approaches to graduation prayer, according to newspaper reports.

-- Louden County (Va.) school officials cited the Jones case in its decision to approve student-led prayer at graduation ceremonies, according to the Washington Post.

-- In Baltic, S.D., northeast of Sioux Falls, a high school senior opened graduation ceremonies with prayer, according to the Sioux Falls Argus Leader.

-- The Sheldon and Marcus (Iowa) school districts opted to permit student-led prayer and have been sued by the Iowa Civil Liberties Union, according to the Argus Leader.

-- In Kentucky, where the state Education Department is advising school districts not to include commencement prayers, officials at Central Hardin High School in Elizabethtown approved a student's request to open the graduation ceremony with prayer but instructed the student not to mention Jesus or God, the Louisville Courier-Journal reported.

-- In Frankfort, Ind., five Frankfort High School seniors filed suit against the Frankfort Community Schools after school officials decided not to have school-sanctioned prayers in the graduation ceremonies. The lawsuit was dismissed after lawyers for both sides agreed to a settlement in which no prayers will be scheduled and school officials will not censor the remarks of students who speak, according to the Indianapolis Star.

-- The Star also reports that a Hunting (Ind.) High School senior filed suit against the school board's decision to ban an invocation.

It is too early to gauge the full impact of the ACLJ bulletin.

Spokesman Gene Kapp said the ACLJ has received requests for assistance from about 5,000 districts, but the organization does not know how many of those districts will decide to have graduation prayers.

"There are a number of locations where this is a very hot issue," said Lynn Decker, an ACLU spokeswoman. "But I don't have a sense of whether this is a few dozen communities, a few hundred communities or a few thousand communities."

Based on feedback from ACLU affiliates, Decker said at least one school district in most states is opting to have a Jones-style invocation at graduation ceremonies.

Regardless of what they decide, school districts in some communities can count on stiff opposition and a possible legal challenge.

Gwendolyn Gregory, who in her role as deputy general counsel for the

National School Boards Association has discussed the issue with a number of school attorneys, said most lawyers think its questionable whether the Jones ruling will stick and are advising districts to avoid graduation prayers.

"We don't know whether its legal or not," she said. "But to be conservative, we take the position that its safer to avoid graduation prayers."

Brent Walker, associate general counsel at the Baptist Joint Committee, said the "Jones approach of running in a student to pray doesn't cure the constitutional problem as long as the ceremony remains school-sponsored. And when the principal 'blue lines' the prayer to make sure it is non-sectarian, you create horrendous (church-state) entanglement problems."

Some districts, though, such as Greenville County (S.C.) School District, have adopted policies mirroring the Jones scheme. The Greenville board voted 7-4 in early May to allow graduating seniors to vote on whether to include non-sectarian prayers offered by a student.

Board member Margaret Burch, a Presbyterian, criticized the proposal, saying it makes a mockery of prayer.

"Prayer is far too personal and sacred to be desecrated and reduced to what amounts to political prayer," she said. "It becomes no prayer at all."

Burch said she could not believe Pat Robertson would urge school districts to use the Jones graduation-prayer model, with its requirement that the prayers be non-sectarian.

"I cannot believe he would urge prayers not prayed in Jesus' name," she said. "For a Christian, that's not prayer."

Burch said American Christians "have offered public prayer to God, in Jesus' name, at public-sponsored assemblies for over 200 years ... never thinking that we do it in the face of those who are not of the same religious persuasion."

The ACLJ bulletin cites the Jones case to bolster its argument for student-initiated, student-led prayers, but it does not specifically encourage nor discourage the use of the Texas district's policy as a model for other districts.

Jay Sekulow, ACLJ's chief counsel, said the organization tries to steer clear of the non-sectarian question. To accomplish this, Sekulow said ACLJ recommends that districts adopt a policy that allows students to control all the decisions regarding graduations, not just the decision about whether to include prayer.

Under the ACLJ-recommended policy, graduating students would decide whether to have a graduation ceremony, who would participate, whether or not diplomas are passed out. Students selected to participate could "choose to deliver an address, poem, reading, song, musical presentation or any other pronouncement of their choosing" under the policy.

The ACLJ policy would also require any printed program to contain a statement asserting that the student presentations are private expressions and do not necessarily reflect the views of the school district, its trustees, administration and employees, or the views of other graduates.

Sekulow noted that the free-speech forum created by such a policy would permit sectarian expression, but would also allow all sorts of other expression. A student could advocate that the United States become a communist nation, he said.

While the ACLJ prefers a forum that would permit sectarian prayers at graduation ceremonies, the Jones model, even with its non-sectarian requirement, is better than the total ban on graduation prayer espoused by groups such as the ACLU, said James Henderson, an ACLJ attorney.

Henderson emphasized that the ACLJ's primary concern is student rights.

Baccalaureate services used
to avoid prayer dispute

AMARILLO, Texas (ABP) -- Some communities are attempting to avoid the growing dispute over prayer at graduation ceremonies by conducting non-school-sponsored baccalaureate services.

In Amarillo, Texas, eight churches joined together to sponsor a baccalaureate for seniors at the city's four high schools on May 23. About 1,000 of the school system's 1,500 seniors were among the 3,500 participants in the voluntary event.

"We were able to provide Amarillo seniors a baccalaureate service that was in keeping with tradition and also in keeping with the laws of the land," said Ben Loring, pastor of First Baptist Church of Amarillo and an organizer of the event.

Loring said one advantage to a privately sponsored event is that participants are more free to convey religious messages than in a school-sponsored event.

"Privately sponsored baccalaureate services are the solution to the problem," said Brent Walker, associate general counsel for the Baptist Joint Committee. "They are theologically well grounded. Those who come are there for private religious worship.

"They are constitutionally sound because the state is not sponsoring the event."

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-- By Larry Chesser

Bill would reauthorize
fetal-tissue research

WASHINGTON (ABP) -- The U.S. House of Representatives approved a medical-research bill May 25 that would authorize fetal-tissue research that previously had been banned.

The bill, which is the product of a conference committee charged with resolving differences between House and Senate versions of the legislation, was approved by the House 290 to 130 and now awaits Senate action.

The bill, S. 1, would reauthorize the National Institutes of Health and focus new research on women's health issues and AIDS.

Just days after taking office, President Bill Clinton signed an executive order lifting the fetal-tissue ban. The bill approved by the House strikes down the ban and establishes safeguards for conducting fetal-tissue research.

Supporters of the ban contend that fetal-tissue research would increase the number of abortions, which is a source of fetal tissue for research purposes. Opponents counter that the ban stalled promising research on the treatment of Parkinson's disease, juvenile diabetes, Alzheimer's disease and spinal cord injuries.

Another provision of S. 1 would put in law the ban on HIV-infected immigrants, an element that drew debate.

Rep. Jim McDermott, D-Wash., said the provision sends "an international message of discrimination."

Rep. Marge Roukema, R-N.J., said the provision banning HIV-infected immigrants is one of the most important in the bill. "The simple fact is AIDS

must be treated as an issue of public health, not one of civil rights or political expediency."

Rep. Henry Waxman, D-Calif., called the immigration provision discriminatory but voted for the bill for two reasons. First, it contains several good provisions regarding AIDS research, women's health and biomedical research, he said. Second, if the bill were killed by this amendment, it would spring up on other measures, he said.

The U.S. Senate is expected to act on the bill by the end of May.

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-- By Pam Parry

Cothen book details
SBC controversy

By William Singleton

BIRMINGHAM, Ala. (ABP) -- As former president of the Southern Baptist Convention's publishing arm, Grady Cothen was responsible for publishing and distributing religious books to Baptist bookstores nationwide.

But his newest work might not make Baptist bookstore shelves.

Cothen, 72, is the author of a new book, "What Happened to the Southern Baptist Convention?" published by a rival publishing house.

He foresees difficulty in having the book distributed through Baptist-owned bookstores since it criticizes the conservatives who now control the convention and its publishing arm.

But the book did go over well at the May 13-15 meeting of the Cooperative Baptist Fellowship, a three-year-old organization of SBC moderates. More than 1,000 copies were sold during the first day of the meeting, and another 1,000 since. A second print run of 5,000 is underway.

Cothen's book details the fragmentation of the convention that began in 1979 when fundamentalists, perceiving a liberal drift in the denomination, organized a takeover.

Cothen, who for nine years was president of the Southern Baptist Sunday School Board, the nation's largest Christian publishing agency, said fundamentalists over-reacted to what they perceived as theological liberalism.

Conservatives have tried to force Southern Baptists to adopt conservative views on matters unrelated to scriptural authority, such as abortion and homosexuality, he said.

"Now we (Southern Baptists) have grown very creedal," Cothen said. "There is a long list of things that we have to believe" to be orthodox Baptists, he said. The freedom to interpret Scripture individually and be accountable to God personally is "the essential nature of being a Baptist," he added.

Cothen said moderates let the fundamentalists gain control of the convention.

"Many moderate people thought that it was un-Christian and immoral to ... organize politically to protect the center of the denomination and its institutions and agencies," Cothen said.

The 374-page book was published by Smyth & Helwys Publishing of Macon, Ga., a rival Baptist publishing house that arose from the fundamentalist-moderate controversy.

"We are attempting to get into the Baptist bookstore chain, though there are obvious reasons why that is difficult," said Cecil Staton, publisher. "We

will have it in some."

Phil Fortenbery, marketing specialist with the Sunday School Board in Nashville, said he received a review copy of Cothen's book May 12 and has yet to read it or recommend that it be distributed to Baptist-owned bookstores.

Mark Coppenger, vice president of convention relations for the Southern Baptist Executive Committee, said that just because the book may be unfavorable to conservatives does not mean Baptist bookstores will not carry it.

He said Bill Leonard, Samford University professor of religion, wrote a historical account critical of conservatives, but his publication was distributed through Baptist-owned outlets.

Leonard, who served on an advisory committee that funded research for Cothen's book, said Cothen's work gives an insider's view of the controversy. "He is the classical denominational bureaucrat, so he has some insights that others don't have," Leonard said. "It's another piece of the puzzle."

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Ruschlikon may relocate
to ease money crunch

By Greg Warner

RUSCHLIKON, Switzerland (ABP) -- A seminary in Switzerland which was the focus of a bitter debate among Baptists in the United States last year may sell its campus on the shores of Lake Zurich and relocate, in part because of the school's ongoing financial troubles.

The move, if it happens, will take at least three years to complete, officials say, and may involve a joint effort with a German Baptist seminary that would relocate both schools to Berlin.

The Baptist Theological Seminary at Ruschlikon, Switzerland, lost 40 percent of its funding last year when the Southern Baptist Foreign Mission Board, which founded the international seminary in 1949, severed ties because of alleged liberalism on the faculty.

The escalating cost of doing business in Switzerland also has aggravated the school's financial woes. But moving the school is "not a question of finances alone," said President John David Hopper.

Political changes in Eastern Europe have made it easier for students to come to the seminary from former communist-bloc countries. But Swiss visa restrictions keep students with families from bringing their children with them -- a factor that has long hindered the school.

In addition to cutting costs, a move to a location more accessible to students from Eastern Europe would position the school to play a strategic role in the growth of Christianity in the East, said Hopper, who is in Texas recovering from heart-valve surgery.

Trustees of the Ruschlikon seminary, which is now owned and operated by the European Baptist Federation, agreed in May that a new solution to the school's dilemma is needed. A study committee made up of Ruschlikon trustees and EBF leaders has indicated it favors a move.

Although relocation has been debated for at least five years, the idea has gained new momentum recently as the financial pinch has become more acute.

"Our problem is that we have much valuable property, but we are cash

poor," said Wiard Popkes of Germany, chairman of Ruschlikon's trustees. "Whatever the solution to the present situation, we must have the assurance that never again will we find ourselves in this position."

The \$10-12 million campus, with its centerpiece mansion and surrounding buildings, is prime real estate overlooking Lake Zurich.

But Hopper said the trustees won't rush into a decision. Because of steep capital-gains taxes in Switzerland, the seminary would pay heavily for selling the property now. And a soft real estate market means "it's not a good time to sell property in Switzerland," Hopper added.

Meanwhile, a plan under consideration in Germany has heightened relocation talk. German Baptists are considering moving several institutions, including their Hamburg seminary, to one centralized campus in Berlin.

The Germans have already said they would be glad for Ruschlikon to join the project, Hopper reported. Ruschlikon trustees, who met April 29-May 1, agreed the Berlin option should be one solution considered, but they remained officially neutral to the idea in order to let the Germans decide their own course first.

"There's a lot of negotiation that has to take place once they make their decision," Hopper said. "But we feel it is only proper and right that they make the decision based on their needs."

Although there is some concern a consolidated campus might dilute Ruschlikon's international identity, Hopper said maintaining separate faculties and facilities would likely avoid that potential. "I'm not terribly concerned that that would be a problem if we deal with it in a straightforward way with them at the beginning," he said.

As European Baptists' only international seminary, Ruschlikon trains ministry students from Europe, Africa and beyond. It enrolls 52 on-campus students and another 150 in satellite programs.

Although Baptists in some countries operate their own seminaries, Ruschlikon's cross-cultural approach is unique. And because it serves as a conference center for Baptists throughout Europe, it has become a focal point for Baptist life on the continent.

Still, the lion's share of the school's funding historically has come from Southern Baptists through their Foreign Mission Board. The loss of FMB support last year -- which prompted the resignations of top FMB administrators and still threatened relations between Baptists on the two continents -- cost the school \$3.1 million promised over the next 14 years, plus volunteer staff help and funds for much-needed campus maintenance.

The seminary immediately launched a fund-raising campaign in the States to make up the deficit. And the Cooperative Baptist Fellowship pledged to help, sending more than \$350,000 in 1992.

Hopper said the EBF intends for European Baptists eventually to carry the school's financial load themselves as Baptist work on the continent gets stronger, particularly in the East. In the meantime, Hopper said, the new money from the States, "though insufficient to cover all the needs we have," will help the seminary bridge the gap.

"What's important is building a foundation for the future," he said.

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