
A S S O C I A T E D B A P T I S T P R E S S

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Supreme Court agrees to review
free-speech case, rejects others

WASHINGTON (ABP) -- Returning to the bench Oct. 4 to open its 1993-94 term, the U.S. Supreme Court agreed to review one First Amendment case but rejected several others.

The court will decide if a Missouri city had the right to force a woman to remove yard signs protesting the Persian Gulf War. But the court declined to hear a school district's challenge to a student prayer group in Washington state.

In the first case, the high court will decide the constitutionality of a Ladue, Mo., ordinance that banned most, but not all, signs. Lower federal courts agreed with a free-speech challenge to the ordinance brought by Margaret Gilleo, who was asked to remove signs from her residence protesting the Gulf War.

Officials in Ladue contend that the ordinance serves the city's interest in achieving goals of aesthetics, safety and property-value maintenance. Exempted from the ban were signs that contribute to public safety and welfare, as well as signs that, because of limited number and size, were not viewed as a threat to the city's stated goals in enacting the ordinance. Signs for churches announcing names, services and activities were among those exempted.

While the ordinance permits commercial signs in commercial and industrial districts, it bars most non-commercial signs in those districts.

The appeals court said the ordinance favors commercial speech over non-commercial speech. While acknowledging that the city had substantial reasons to enact its ordinance, those reasons were not sufficiently compelling to justify a content-based restriction, the appeals court said.

The court also noted that the city failed to use the least

restrictive means of achieving its aesthetic, safety and property-value maintenance goals. The case is *Ladue, Mo., vs. Gilleo*.

Among the hundreds of cases rejected by the court were several involving First Amendment issues or churches:

-- The court declined to review a federal appeals court's decision that a federal law protecting the rights of public school students to meet for religious purposes pre-empts the Washington state constitution.

The dispute began in 1984 when a group of Lindberg High School students were denied permission to meet before school for prayer, Bible study and discussion.

Lower federal courts sided with the school district, but the Supreme Court vacated those decisions and returned the case for reconsideration. After a federal district court again sided with the school district, the appeals court reversed. State constitutions may be more protective of individual rights than the federal Constitution, the appeals court said, but states may not restrict rights granted by federal law.

In this case, the appeals court said, the Equal Access Act of 1984 pre-empts state law and protects the students' right to meet. The court held that the state's more stringent constitutional provision did not fall within the Equal Access Act's "unless otherwise unlawful" provision.

The case is *Renton School District No. 403 vs. Garrett*.

-- Declined to intervene in a dispute involving Texas Attorney General Dan Morales and television preacher Robert Tilton. The dispute arose after ABC's "Prime Time Live" aired a number of accusations against Tilton and his church.

Tilton's organization had asked the Supreme Court to review a ruling by the 5th U.S. Circuit Court of Appeals that a federal district court should have abstained from ruling in the case when unsettled questions of state law remain, including whether or not the Texas Deceptive Trade Practices-Consumer Protection Act applies to the church. The case is *Word of Faith World Outreach Center Church Inc. vs. Morales*.

-- The Supreme Court refused to disturb a California Supreme Court ruling that said a university's mandatory student activity fee, used to support student groups that are devoted to political and ideological causes and to subsidize university lobbying of government, violates the free-speech and free-association rights protected by the First Amendment.

At stake in this case, the top California court said, "is the freedom of students not to be compelled and coerced to subsidize political and ideological causes."

While most of the student groups supported by the activity fee were related to academic, cultural or recreational pursuits, 14 of the groups had ideological or political goals.

Officials and the student association at the University of California at Berkeley had asked the high court to reverse the lower ruling. The case is *Regents of University of California vs. Smith*.

-- The court rejected a request by the Church of Spiritual Technology to reverse lower-court rulings that said the church failed to show that it is both organized and operated exclusively for tax-exempt purposes.

Officials of the Church of Spiritual Technology, an organization of the Scientology religion founded by L. Ron Hubbard in 1950, say it was founded to preserve and protect the words of writings, recordings and film that make up the "Scriptures of Scientology." The church was to receive the

bulk of L. Ron Hubbard's estate provided it obtained tax-exempt status from IRS.

In 1988, IRS denied CST tax-exempt status, concluding that the plaintiff failed to show that it operates exclusively for tax-exempt purposes and that its net earnings did not inure to the benefit of private individuals. The case is Church of Spiritual Technology vs. U.S.

The high court's trend of accepting fewer cases for review is showing up in the church-state field, according to Brent Walker, recently elected general counsel at the Baptist Joint Committee.

"For the first time since I can remember, there are no religious liberty cases on the docket," Walker said. "Several petitions for review are pending, but as yet the court hasn't agreed to hear them."

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-- By Larry Chesser

BJC honors Thomas,
approves resolutions

WASHINGTON (ABP) -- The Baptist Joint Committee paid tribute to its outgoing general counsel, elected his replacement and adopted three resolutions addressing public policy during its annual board meeting Oct. 4-5 here.

During a 90-minute appreciation luncheon, the BJC board, staff and friends honored Oliver Thomas, who after eight years as general counsel resigned to return to his native Tennessee. Both an ordained minister and member of the Supreme Court bar, Thomas, 38, plans "to preach, teach, practice law and write country music -- not necessarily in that order."

Representatives of the Coalition for the Free Exercise of Religion participated in the luncheon "roasting" Thomas, who chaired the coalition for three years.

Departing from a theme of light-hearted jabs, Rabbi David Saperstein credited Thomas with keeping the coalition alive. When RFRA is approved, Americans will owe a debt of gratitude to Thomas and the BJC, said Saperstein, general counsel of the Union of American Hebrew Congregations.

James Dunn, BJC executive director, said he felt a "profound sense of loss. ... For me it's like losing my right arm. He has been more than a work associate. He has stood tall with character, fortitude and commitment."

Thomas pledged continued friendship with the BJC and its board, adding that he wants to stay connected with the cause of religious liberty.

The board unanimously elected Brent Walker, BJC associate general counsel, as general counsel, effective Nov. 1. Prior to attending seminary and joining the BJC staff in 1989, Walker was a partner in a Tampa, Fla., law firm.

Walker, 43, is a graduate of Southern Baptist Theological Seminary, Stetson University College of Law and the University of Florida.

In other action, the board unanimously adopted resolutions addressing a bill that would restrict churches' ability to speak on public-policy issues, aid to parochial schools and religious liberty for Native

Americans.

The BJC called on Congress to exempt churches and religious organizations from the Lobbying Disclosure Act of 1993, a measure that would require those engaging in lobbying activities -- including churches -- to register with the government. The bill has been approved by the U.S. Senate and awaits House action.

"When churches and religious organizations speak out on public-policy issues and communicate those sentiments to government, including activities defined as 'lobbying,' they engage in an integral part of their prophetic and pastoral ministries," the resolution states. "Requiring churches and religious organizations to register and report their activities to government is no less objectionable than requiring a state license to preach."

The Baptist Joint Committee also restated its long-standing opposition to public financing of religious schools. The need to restate the position, according to Walker, arose from efforts in California and elsewhere to finance religiously based education with tax dollars.

The BJC decried both direct and indirect efforts to "provide public financial aid to pervasively sectarian primary and secondary schools or otherwise to subsidize the teaching of religion."

The statement cites both theological and constitutional grounds for opposing the use of grants, vouchers and "parental choice" schemes to channel tax dollars to sectarian schools.

"The biblical and Baptist concept of soul freedom requires that government refrain from taxing people to pay for the teaching of religion," the statement declares.

Before approving the statement on a unanimous vote with one abstention, BJC members discussed the threat of Proposition 174 -- a school voucher proposal on the ballot in November in California. The proposal would allow parents to receive \$2,600 in tax funds to pay for a child to attend the private school of their choice, including religious schools.

Finally, the BJC expressed support for a legislative effort to protect the religious practice of Native Americans, whose traditions, as well as their sacred sites, predate the founding of the republic.

Many of their traditions, including the sacramental use of peyote, have been outlawed and their sacred sites have been disrupted by the U.S. government.

"As Baptists, we support religious liberty for all people, not just those with whom we agree theologically," the resolution says. "We support the effort to accommodate the religious practices of the indigenous people of North America."

In other business, the BJC:

-- elected new officers. Sarah Frances Anders, senior professor of sociology at Louisiana College, Pineville, La., was elected chairwoman. Other officers are Dan Weiss, general secretary of American Baptist Churches in the U.S.A., first vice chairman; Charles Weber, professor of history at Wheaton College, Wheaton, Ill., second vice chairman; and Dwight Jessup, vice president for academic affairs and dean of Taylor University, Upland, Ind., secretary.

-- approved a \$790,000 budget. The 1994 budget represents a modest increase of \$15,000 from 1993.

-- approved a bylaw change that allows BJC membership for state and

regional bodies. Membership previously has been restricted to national bodies.

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-- By Pam Parry

Brent Walker elected
BJC general counsel

WASHINGTON (ABP) -- The board of the Baptist Joint Committee unanimously elected Brent Walker as general counsel Oct. 4 without the usual search process.

Walker, BJC associate general counsel since 1989, is the first executive-level staff member ever hired by the BJC without a search committee, said BJC Executive Director James Dunn. Walker's qualifications justified the departure from tradition, Dunn said.

"His training in both theology and law and his experience with the BJC prompted our board to elect him unanimously to this position by promotion without serious consideration of a extensive search process," Dunn said.

Walker will succeed Oliver Thomas, 38, who after eight years of service resigned to return to his native Tennessee. Walker, 43, officially will begin his new duties Nov. 1.

"Brent Walker brings to the Baptist Joint Committee the highest level of professional expertise, involvement in issues and dedication to the mission of the agency," said Dunn.

Walker was elected during the BJC's annual meeting Oct. 4 at First Baptist Church in Washington, D.C. Dunn also appointed Walker as associate director of the agency.

Walker came to the BJC staff after earning the master of divinity degree from Southern Baptist Theological Seminary in Louisville, Ky., where he was named the most outstanding graduate. Prior to seminary, Walker was a partner in the Tampa, Fla. law firm of Carlton, Fields, Ward, Emmanuel, Smith and Cutler, P.A.

Walker is an honors graduate of Stetson University College of Law. He also holds a bachelor's degree in political science and a master's degree in public administration from the University of Florida.

Both an ordained minister and member of the Supreme Court bar, Walker has been published in several publications, including recently in the Pulpit Digest and the Florida Bar Journal. Walker preaches and speaks frequently on church-state issues at churches, conferences and seminars and on university and seminary campuses.

In addition, he has appeared on television and has been quoted as a church-state authority by several major newspapers across the country.

"I welcome this opportunity to work even more closely with a competent colleague and trusted friend," Dunn said.

Walker was equally enthusiastic. "I am excited about this new opportunity. I will miss working with Buzz (Thomas). I've learned much from

him. I hope to build on his legacy of first-rate lawyering to further advance the cause of religious liberty."

Walker's wife, Nancy, is director of childhood education at Redland Baptist Church, Derwood, Md. They have two children, Ryan and Layton.

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-- By Pam Parry

Many African Americans
leaving church for mosque

By Ray Waddle

NASHVILLE, Tenn. (ABP) -- Suleiman Aziz gave up Christianity to become a Muslim for lots of reasons.

Growing up a black Baptist in Nashville, Tenn., he said he never saw a biblical character in church literature that wasn't white. Also the various denominations seemed to give a confusing picture about just who Jesus is. Is he God, or son of God? Perhaps most of all, church was attended mostly by women. Where were the men?

"It seems there's something lacking in the message if it's not attracting men," said Aziz, 37, a businessman who left the church by age 18.

"In Islam, I found a stronger ideal of brotherhood and moral discipline -- and of manhood. Muhammad was a man just like us, and still he led a life that was pleasing to God," said Aziz, owner of Vision Books International in Nashville.

Aziz's story could be multiplied by the thousands in America, and that's what worries African American church leaders.

Though black churches remain a thriving institution, the conversion of black males to the religion of Islam poses a worrisome threat as the century winds down, according to a new national report.

"It is already clear that in Islam the historic black church denominations will be faced with a far more serious and more powerful competitor for the souls of black folk than the white churches ever were," said church historians Eric Lincoln of Duke University and Lawrence Mamiya of Vassar College, writing in the new Yearbook of American and Canadian Churches 1993.

Church life among African Americans is by no means eroding, according to scholars Lincoln and Mamiya: 78 percent of the black population claims church membership, and attendance among blacks is slightly higher than whites.

But nearly 90 percent of converts to Islam in the United States are African American men, a statistic that doesn't surprise Amiri al-Hadid, a Nashville sociologist who is himself a Muslim convert.

"Islam teaches self-defense. It teaches knowledge and discipline, and the African American male needs discipline. But there isn't an ambience of

guilt. In church, there's sadness, a sense of guilt, the need to repent, an emotional environment. But men are just not going to cry in public. Islam appeals to your reasoning. It encourages a rational relation with God, not an emotional one."

Nevertheless, al-Hadid -- who was known as Andrew Jackson before changing his name this year -- said Islam and Christianity should not be driven into competition for the black community but should collaborate to promote common values.

The appeal of the "Islamic option" among black men has been heightened by the embrace of Islam by heroes such as Elijah Muhammad, Malcolm X, Muhammad Ali and Kareem Abdul-Jabbar, and by the activism of Muslims on the streets and in prisons, Lincoln and Mamiya said.

Some Christian ministers find the issue of male conversion to Islam too sensitive to talk about, but others confirm the trend.

"The reason we're losing a lot of our kids to Islam is they don't perceive Christianity as active enough," said Avery Blakeney, pastor of Messiah Baptist Church in Nashville.

Blakeney has lately recruited inner-city, African American teenage boys to plant trees -- the kind of activism youngsters need to learn Christian values of self-esteem and altruism and to give them reason to embrace church rather than the mosque, he said.

Blakeney, 40, said churches must teach that a relationship with Christ transforms lives and that a turn-the-other-cheek ethic is the only way to break the world's cycle of violence.

In his own case, he said he is convinced of the rightness of Christianity because he was a thief and a drug addict for 20 years before faith in Christ transformed his life.

"Rehab didn't work. Only Jesus turned me around."

It is true that the top black denominations in the United States have not suffered the same deep membership losses over the past 30 years that some of the major white churches have, scholars Lincoln and Mamiya point out.

But with an estimated 6 million adherents, about 1 million or more reported to be blacks, Islam is now the second-largest religion in the United States -- behind Christianity but slightly ahead of Judaism.

Islamic influence on American blacks has a long history. As much as 20 percent of the slave population arrived here as Muslims from Africa, and black nationalist movements with Islamic ties made dramatic appeals to urban blacks throughout much of this century, Lincoln and Mamiya said.

The conversion rate among African American women is slower, some local Muslim men note. While Islam teaches high respect for women, they are not allowed to lead prayers at Friday prayers. Women and men are to sit separately when attending public prayers.

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