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Court rules abortion clinics  
can sue under racketeering law

By Pam Parry

WASHINGTON (ABP) -- Groups which physically block abortion clinics or otherwise hinder women seeking abortions can be sued under a federal racketeering law, the U.S. Supreme Court ruled unanimously Jan. 24.

The high court reversed a lower court decision that abortion clinics could not sue protesters under the Racketeer Influenced and Corrupt Organization Act (RICO).

The law, enacted in 1970, makes it illegal for an "enterprise" to use a "pattern of racketeering" activity. Under RICO, a pattern of racketeering amounts to two or more crimes from a long list of acts including extortion and murder.

The National Organization for Women, representing the abortion clinics, maintained that some anti-abortion groups have waged "a nationwide conspiracy to shut down abortion clinics." They claimed that respondents conspired to use threatened or actual force, violence or fear to induce clinic workers to give up their jobs, and that conspiracy damaged the clinics economically.

The lower court said that RICO required that racketeering activity be motivated by economics, rather than ideology or religion.

The Supreme Court, however, ruled that RICO can be applied even when there is no economic motive.

Writing for the court, Chief Justice William Rehnquist said, "Nowhere is there any indication that an economic motive is required. ... Respondents and the two courts of appeals, we think, overlook the fact that predicate acts, such as the alleged extortion, may not benefit the protestors financially but still may drain money from the economy by harming businesses such as the clinics."

Rehnquist also alluded to congressional findings at the time when the statute was enacted.

"Congress for cogent reasons chose to enact a more general statute, one which, although it had organized crime as its focus, was not limited in application to organized crime."

In a concurring opinion joined by Associate Justice Anthony Kennedy,

Associate Justice David Souter addressed concerns about how RICO's application to protests could infringe on First Amendment rights.

"An economic-motive requirement is, finally, unnecessary, because legitimate free-speech claims may be raised and addressed in individual RICO cases as they arise," Souter continued. "Accordingly, it is important to stress that nothing in the Court's opinion precludes a RICO defendant from raising the First Amendment in its defense in a particular case."

Souter added that it is "prudent to notice that RICO actions could deter protected advocacy and to caution courts applying RICO to bear in mind the First Amendment interests that could be at stake."

The case is National Organization for Women, Inc. v. Scheidler.

While the case now returns to the lower court, the high court agreed Jan. 21 to hear another one involving abortion clinic protests, Madsen v. Women's Health Center. At issue in the case is whether or not the state can impose time, place and manner restrictions on peaceful protests outside abortion clinics without violating the First Amendment.

Justices will decide if Florida has the right to impose a 36-foot buffer zone, including public sidewalk and streets, surrounding abortion clinic property. Opponents say that law prohibits peaceful anti-abortion speech in a traditional public forum.

In addition to court action, the Congress is considering legislation designed to make violent abortion protests a federal crime.

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Sabbath observer loses  
bid to challenge firing

By Larry Chesser

WASHINGTON (ABP) -- An Illinois prison guard fired for refusing to work on his Sabbath has lost his challenge to the dismissal in court.

The U.S. Supreme Court refused Jan. 24 to review lower courts' dismissal of a religious discrimination lawsuit brought by Merl E. Blair against the Illinois Department of Corrections, Graham Correctional Center and the labor union representing the prison's employees.

Federal law requires "reasonable" accommodation of employees' religious needs. But, an accommodation that results in an "undue hardship" on the employer is not considered reasonable.

In this case, the lower courts said the prison had taken steps to reasonably accommodate Blair's Seventh-day Adventist beliefs against working from sundown Friday to sundown Saturday and could not have further accommodated Blair without incurring undue hardship.

The courts noted the prison could not have given Blair the schedule he requested without violating the labor agreement that gives employees with seniority first choice of schedule assignments. Allowing Blair to take every Sabbath off without pay would have resulted in more than a minimal expense in either hiring a replacement worker or paying overtime to a current employee.

Lawyers for Blair asked the Supreme Court to accept the case to settle a disagreement among federal appeals courts over whether the existence of a seniority scheduling system constitute's "reasonable accommodation."

A Baptist church-state legal specialist said the lower court decisions against Blair were based on a 1977 Supreme Court ruling "that all but gutted the reasonable accommodation requirement in (a federal anti-discrimination law) by making even minimal cost an 'undue hardship.'"

J. Brent Walker, general counsel at the Baptist Joint Committee, said the 1977 high court action has diminished legal protection for religious practice.

Walker said legislation "to correct this decision and restore meaningful protection to employees whose religious practice warrants accommodation in the work place" soon will be introduced in Congress.

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Churches can 'fill the gaps'  
of health reform, Carter says

By Greg Warner

ATLANTA (ABP) -- The Clinton administration's ambitious blueprint for health-care reform is certain to be scaled back before it's approved, said former president Jimmy Carter, but churches can help fill in the gaps between the promise and the reality.

Health-care reform will be "the No. 1 news story of 1994," Carter said. "There couldn't be a more propitious time" for religious leaders to take up the health-reform cause, Carter told an interfaith audience Jan. 24.

The American public will undergo "a constant lowering of expectations" during the upcoming debate on health reform, as economic and political realities whittle away at the Clinton package, Carter said.

Each time a proposed element of the package is eliminated, "people will ask, 'Well, where will it be done?'" Carter predicted. "All of you know where it can be done -- within the faith communities."

Carter, who like Clinton is a Southern Baptist, spoke to a gathering of about 125 religious leaders and public health officials at the Carter Center in Atlanta. The meeting was sponsored by the center's Interfaith Health Program, which is promoting cooperation between faith communities and health-care providers as a way to improve health-care delivery.

Many of those attending the conference -- which included Protestants, Catholics, Jews and Muslims -- are already modeling successful and innovative health-related programs, Carter said. One objective of the two-day meeting, he said, was to learn how to "take your success stories and expand them."

Among the gaps churches and others in the faith community can fill, participants said, are disease prevention and community education and empowerment.

For example, Carter said, every church could adopt a program to see that every child in its immediate neighborhood is immunized.

Prevention is by far the most cost-effective use of health resources, Carter said, and a prime area "where the faith community can get involved."

The various religious traditions already have a basis for cooperation on health care, Carter said. "There is not one faith group that is not trying to serve God through the alleviation of suffering," he said.

With that common link, he said, the Carter Center could serve as a "hub" around which faith groups could share strategies.

But Carter also cited several factors he said impede such cooperation on health care. Among them:

-- Religious leaders remain an "untapped resource" in the health-care equation.

-- There is division among and within faith groups.

-- Some people who don't have adequate medical care have lost hope in

the health-care system. "Many people just don't believe it is possible to have successful health," he said.

Carter named two elements of health-care reform in which he has particular interest -- smoking and mental health.

He said he has become "fanatical" in his campaign against smoking since his father, mother, two brothers and a sister -- all smokers -- died of cancer. He has called for a \$2-a-carton tax on cigarettes.

Carter and his wife, Rosalyn, share their interest in mental-health reform with his predecessor, former president Gerald Ford, and his wife, Betty. He said the Carters and Fords might "form a little team" to lobby for inclusion of mental-health services in the government's health-care package.

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American murderers, victims  
getting younger, official says

By Greg Warner

ATLANTA (ABP) -- The face of violence in America is getting younger, a government health official said Jan. 24.

"Our children are killing our children," said Mark Rosenberg of the Centers for Disease Control in Atlanta.

Rosenberg cited CDC statistics that depict America as the most violent of the world's industrialized nations. U.S. homicide rates "are clearly at epidemic proportions," said Rosenberg, new director of the CDC's National Center for Injury Prevention and Control.

American males between the ages of 15 and 24 are four times more likely to be murdered than those in any other nation, Rosenberg said. Annually, there are approximately 23 murders for every 100,000 young males in America.

And, Rosenberg added, the homicide rate for young males has risen even faster since those statistics were reported in 1987.

Both the victims and the killers are getting younger, he noted. "That's never happened in these other countries."

"Kids are not fighting more," he explained, "but nowadays when kids fight, the fights are more often fatal." The difference, he said, is the availability of guns, which now number 217 million in America -- almost one per person.

Since 1988, he said, more American teenagers have died from firearms than from all diseases combined.

Rosenberg's sober assessment of violence in America was met by groans of affirmation from his audience of religious leaders and public health officials, many of whom have seen the effects of violence up close. The leaders gathered at the Carter Center in Atlanta for a conference on faith and health.

Rosenberg said blacks are more likely than whites to become murder victims -- not because of their color but because they are more likely to be poor.

Racial discrimination, poverty and lack of economic opportunity produce higher homicide rates, he said. "The cause is not race."

Blacks age 15 to 24 are almost eight times more likely to fall victim to murder than whites. But, Rosenberg noted, "If you control (the statistics) for economic factors, the rates are about equal for blacks and whites."

Neither is murder usually linked to drug deals or other felony

offenses.

In fact, Americans are more likely to be murdered by acquaintances than strangers, Rosenberg said, and the most likely scene of the crime is the home.

That makes the presence of firearms in the home especially risky, he said. A homicide is three times more likely to occur in a home where a gun is kept -- 20 times more likely if the family members argue. Suicide is five times more likely to occur in a home with a gun.

In fact, Rosenberg said, for every time a gun in the home is used on an intruder, it is 43 times more likely to be used to kill someone who lives in the house.

Rosenberg said firearms recently surpassed automobile accidents as the leading cause of injury death in six states.

Rosenberg debunked the theory that nothing can be done to curb gun violence.

"We did it with cars," he said, recalling the history of automobile safety, which he said has saved 250,000 lives.

Rosenberg suggested a coordinated anti-violence effort, like the one that targeted highway safety, may be in the works. He said an interagency task force -- involving government officials in drug enforcement, labor, housing and other disciplines -- already is meeting in Washington.

"Stay tuned. I think you will hear more about it."

But, he said, the faith community also has an indispensable role to play in the solution, such as in violence intervention.

"It's not going to work unless it comes from you," he told the interfaith group.

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HMB trustee encourages board  
not to close book on Masonry

By Bob Allen

COLUMBIA, Md. (ABP) -- A report endorsed at last year's Southern Baptist Convention -- which said the issue of membership in the Masonic lodge should be a matter of individual conscience for Baptists -- was flawed and should be revisited, complains a trustee of the SBC Home Mission Board.

Walter Collett, pastor of Covenant Baptist Church in Columbia, Md., and Maryland/Delaware representative to the HMB, recently wrote a letter to fellow trustees urging them to reopen discussion of the controversial study of Freemasonry's compatibility with Southern Baptist teachings.

However, both the HMB's chairman and chief executive officer said they believe the matter should be closed.

"I think the Southern Baptist Convention spoke in its vote last June and I think I'd rather for the issue to be dead and for the Home Mission Board to go on with its work of missions and evangelism," HMB chairman Brad Allen, pastor of First Baptist Church, Duncan, Okla., told Associated Baptist Press.

Messengers to the 1992 SBC annual meeting in Indianapolis ordered a study of Freemasonry by the Atlanta-based HMB's interfaith witness department. That was despite protests by HMB President Larry Lewis that the controversy it would certainly stir would distract the agency from its main purpose of preaching the gospel and establishing new churches.

"If that's his personal opinion that's fine," Collett said when contacted by ABP, "but when the Southern Baptist Convention tasks us with

this study, then I think it's our responsibility to carry it out thoroughly. I don't feel like we did that."

Lewis, however, defended the study when contacted by ABP. He admitted he did not think it was appropriate to assign the study to the interfaith witness department, because an HMB study several years earlier had classified Freemasonry as a fraternal lodge, and not a cult, sect or religion.

"Once we were asked to do it," however, Lewis said, "we set out to do it in the most objective and thorough manner we could."

Collett alleged that the HMB's recommendation not to condemn Freemasonry, which the vast majority of messengers voting at the 1993 SBC in Houston approved, was brought to the convention without proper consideration by trustees.

He said trustees were given inadequate time to study pertinent materials before voting on their report, that procedural violations prevented them from discussing it fully and that the findings in the report do not support the summary statement urging that "membership in a Masonic Order be a matter of personal conscience."

Collett said he is voicing his concerns now, more than seven months after the SBC action, because he believes it is being misrepresented and used against pastors who try to oppose Masons in Southern Baptist churches.

He cited news reports of conflict over the Masonic issue in churches, including a lawsuit which was eventually dropped against one North Carolina congregation.

"I think we muddied the water," Collett said. "We sent the debate back to the individual Baptist church. As a result, a lot of our local pastors are taking a lot of heat."

He also disputed the spin being placed on the recommendation's appeal to Southern Baptists' convictions regarding the priesthood of believers and autonomy of local churches. According to some, he said, the report makes individual conscience the highest authority for Baptists. But the rallying cry for a "conservative resurgence" in the SBC has been that Scripture is supreme, Collett said.

But Lewis defended the appeals to individual conscience and Baptist polity. "We certainly weren't saying simply let your conscience be your guide. What we were saying was let your conscience be your guide in light of the Holy Scripture and in light of the findings of the report."

However, Lewis maintained, it would not have been appropriate for the SBC to dictate how local churches should respond to Freemasonry. "It's not the prerogative of the convention to mandate the constituency on this or any other issue," he said.

In his letter, Collett called for trustees:

-- to instruct the HMB staff to cease publication of the interfaith witness department study, which has been published and offered to churches on a cost-recovery basis;

-- to issue a public statement emphasizing the portions in the HMB report which were critical of Freemasonry; and

-- in the event a majority of trustees prefer not to change the report, to discuss a minority report.

Collett acknowledged that many trustees would want to "consider this a dead issue." However, he added, new members to the board might be unaware that last year's decision, which he said he has heard described as "unanimous," was strongly opposed by some trustees.

"I think the issue was mishandled and I felt the conclusions they came to were inappropriate," Collett said.

Copies of the study were mailed to board members only five days prior

to last year's March 17 meeting, Collett said. He said he received his copy three days before the meeting, allowing too little time to study it properly.

At the meeting, he said he felt too much board attention was given to debate over anti-Masonic writings by Larry Holly, a Beaumont, Texas, physician who initiated action leading to the study at the 1992 SBC meeting in Indianapolis.

"I have never met Larry Holly," Collett said. "I wouldn't know him if I saw him face to face, but our issue is not Larry Holly. I just felt like that distracted us from the real issue -- is Freemasonry compatible with historic Christianity?"

Collett said the board's administrative committee and staff "did not want a strong stand," against Freemasonry and had it not been for a few adamant trustees, the statement would have been even weaker.

Lewis disagreed. "I think it is a strong report. It strongly opposed many tenets and practices of Freemasonry," he said. It did not, however, constitute "a wholesale condemnation of Freemasonry per se," which some of the report's critics were after.

The evening before the official board meeting, trustees gathered for an "unofficial discussion time," where trustees were invited to "share our feelings" but not allowed to make a formal motion to change the report, Collett said. At that session, several trustees called for a stronger statement.

However, on Wednesday morning, there was a motion that the report be approved, an immediate motion to cut off debate and a vote, without any opportunity for questions, discussion or debate.

"It was just bang, bang, bang." Collett said. "That approach was inappropriate."

"I think there was some desire to avoid a public controversy on this issue. They didn't want a floor debate on this issue."

Asked if he believed parliamentary rules were manipulated to prevent trustees from debating the report, he said he did not want to speculate about anyone's motive.

"I can only tell you that when I sat there at that meeting I was shocked," he said. "I have friends who are liberal and moderate and from the other side and all of them would be committed to better fairness. It was wrong."

Lewis said the call for the previous question was not prompted by the chairman and passed with little dissent. "It was by far the strong sentiment of the board we had discussed it (the report) adequately the previous evening and it was acceptable as it was," he concluded.

Collett said he purposely did not mail his letter to the press, because he wanted to "address it as a trustee to trustees." He consented to discuss his concerns with ABP, however, acknowledging, "I guess it's pretty well public."

He said he has no further plans to press the issue, but he hopes the board's administrative committee, which is composed of officers and committee chairmen, will include it on the agenda of the full board's spring meeting scheduled April 12-13.

"I spoke my concerns as a trustee," he said. "It's up to the administrative committee if they want to do anything about it or not."

HMB chairman Brad Allen said it is uncertain whether Collett's concerns will be addressed at the board's spring meeting. "I have no way of knowing that," he said. "It would be pure speculation."

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