

Associated Baptist Press

Editor: Greg Warner
Associate Editor: Bob Allen
Phone: (904) 262-6626
Fax: (904) 262-7745

August 25, 1994

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

In this issue:

- Southern trustees back dismissal of seminary professor
- Mohler answers complaints about Marshall resignation
- Moment-of-silence law said to be constitutional
- No slot machines in Texas without amendment, attorney general rules
- Advisory

Trustees back dismissal of seminary professor

By Bob Allen

LOUISVILLE, Ky. (ABP) -- While student and faculty groups at Southern Baptist Theological Seminary heaped stinging criticism on the forced resignation of theology professor Molly Marshall, trustees contacted by Associated Baptist Press offered seminary President Albert Mohler unqualified support for his role in the dismissal.

Among critics of the Aug. 19 resignation, which is effective Dec. 31, were the seminary's faculty association, an unofficial organization, which expressed "outrage" over Marshall's forced departure.

But one current and one former trustee of the Louisville, Ky., seminary, who have been leaders among trustees long concerned over Marshall's teachings, told ABP they support the initiative taken by seminary administrators against her.

John Michael, a former trustee and longtime critic of Marshall, said he is "not privy to the specifics of the current round of discussions" between the professor and administrators. But, he said, he regrets backing off from his own plans to institute heresy charges against her in 1991.

"Her history is one of very questionable doctrinal positions with respect to what Southern Baptists normally hold," said Michael. "In my opinion, she should have left the seminary years ago."

Michael, of Louisville, Ky., who recently rotated off the seminary's board after completing 10 years as a trustee, charged Marshall holds "basically a very universalist position regarding salvation" and views on feminist theology that most Southern Baptists would find unacceptable.

In an Aug. 16 letter to Mohler, however, Marshall denied she is a universalist. She affirmed the seminary's doctrinal position on atonement for sins and said she does not believe persons can be saved apart from Christ. "Christ is God's sole mediator for our salvation."

Michael said he was prepared to file heresy charges against Marshall in October 1991, but compromised by supporting instead a February 1992 academic warning issued to Marshall and another professor, Glenn Hinson.

Hinson left the seminary a month later to join the faculty of Baptist Theological Seminary at Richmond, an independent Baptist seminary in Virginia.

Trustees said the 1992 warning "brought to conclusion" years of controversy over Marshall and Hinson, and they agreed not to investigate the two teachers based on what they had written in the past. But they warned that if they made similar statements in the future they could be fired.

"Dr. Mohler may have found an incident where she in fact violated that or some other thing. I can't say," Michael said.

Michael said that while it is perceived that Marshall was cleared by an investigation by the Southern Baptist Convention Peace Committee in 1986, seminary trustees have held "ongoing discussions" about her position ever since.

"It was only by a combination of well-intentioned compromises and being as gracious as possible under the circumstances that Molly was not dismissed several years ago," Michael said. "I often question whether I was fulfilling my trustee duties in expressing a warning instead of a dismissal."

Jerry Johnson, a trustee who serves on the board's academic personnel committee, said he is "in complete agreement" with Mohler's handling of the negotiations with Marshall. "I am certain the entire committee would support him in it," he added.

Johnson, of Aurora, Colo., said he was surprised by Marshall's public comments, since she decided to sign the resignation rather than face charges. "I felt it was something she did freely, choosing not to go the other route," he said.

Johnson said he also was surprised by a vote by the seminary's faculty association protesting Marshall's forced resignation. "It puzzles me because all those faculty members have signed the Abstract of Principles," he said. "It shows me they are not aware of her position or do not take the Abstract of Principles very seriously."

In her four-page letter to Mohler Aug. 16, Marshall outlines her point-by-point agreement with the Abstract.

Johnson, while insisting that "no formal charges have been crafted" by trustees against Marshall, said he personally believes she has advocated views that violate the Abstract in three areas:

– Marshall has "advocated feminist pronouns for God," he said, which violates the Abstract's article on the Trinity which says God is revealed as "Father, Son and Holy Spirit."

– In an article in the Southwestern Journal of Theology, Johnson charged, Marshall wrote she advocated Dale Moody's views on falling from grace. In 1983 longtime theology teacher Moody was denied senior professor status because then-President Roy Honeycutt deemed his teachings on "perseverance of the saints" to be outside the Abstract.

– At a speech at Averett College in Danville, Va., Marshall gave a speech in which she attributed the use of male pronouns for God in the Bible and its teaching on the role of women in the church to distortions of a patriarchal culture, which, Johnson said, violated the article on Scripture.

In her response to Mohler, Marshall said she affirms the Abstract's statement on Scripture. She also wrote: "That God is revealed as Father, Son and Holy Spirit makes no claim of sexual identification or gender specific activity. God is not a male, but is portrayed in the Bible with masculine characteristics."

On falling from grace, Marshall wrote, Dale Moody, her former professor, is to be commended for calling attention to "neglected" New Testament texts that warn against falling away. But she noted, "I do not accentuate the possibility of apostasy for the believer as Dale Moody did."

Trustee chairman Rick White, pastor of First Baptist Church of Franklin, Tenn., is on sabbatical until Sept. 6 and could not be reached for comment. The chairman of the board's academic personnel committee, Carroll Karkalitz of Lake Charles, La., did not return a phone call before ABP's deadline.

Mohler answers complaints about Marshall resignation

LOUISVILLE, Ky. (ABP) -- Critics of the forced resignation of theology professor Molly Marshall from Southern Seminary say she was forced out because she is a woman, she was denied due process by being asked to resign, and she would not have received a fair trial if she proceeded to defend her teachings in heresy hearings.

Five student organizations issued a joint statement Aug. 24 calling "for a full and public investigation of the circumstances of her dismissal."

The groups -- the Whitsitt Society for Baptist Freedom, Women in Ministry, Christian Ethics Luncheon, Seminary Partners and Graduate Club -- said Marshall's "coerced resignation has shocked and grieved us. Consequently we have grave concerns for the future and integrity of our institution."

The Graduate Club had issued a previous statement, along with several faculty groups and individuals. The full 70-member faculty was scheduled to gather Aug. 26 for the first meeting since Marshall's decision to resign.

Seminary President Albert Mohler, in a statement issued Aug. 24, defended his actions to seek Marshall's resignation, saying protection of "the theological fidelity of the institution" is a primary responsibility of the president.

Mohler said, based on a review of Marshall's published works and transcriptions of oral presentations over the last three years, he determined her stated views "were significantly outside the parameters of the Abstract of Principles," the 1859 doctrinal statement which all faculty members are required to sign) in several areas.

Mohler said he followed due process, informing Marshall she should resign or face formal charges. She responded with a letter of resignation on Aug. 19, precluding hearings before a panel of eight trustees and five faculty. Since Marshall chose to resign, "it is not proper to elaborate or detail the charges informally through the media," he said.

Concerns about Marshall were not based on any criteria other than publicly stated theological positions, Mohler said. "The issues involved in this case have nothing to do with the gender of the professor," he said. "The issue is not the gender of the theologian but the teachings of the theologian."

Mohler said the process leading to Marshall's resignation was solely administrative and did not involve trustees. "I believe the board of trustees has been more than fair over the past decade in hearing Dr. Marshall and the explanation she has offered of her views."

"I believe the board of trustees to be fair-minded and honest, and any hearing would have been both fair and honorable," Mohler said. Over the course of 10 years, he said, Marshall's views have attracted sustained inquiry by trustees. "I seriously doubt that any theological professor in the history of the Southern Baptist Convention has received such a sustained evaluation, and I believe in the end that the evaluation has been fair and just."

Mohler said "there is no joy in this for me" but that "the board of trustees elects a president and entrusts to him the guarding of the confessional fidelity of the institution."

In correspondence made available to the press by Marshall, theology dean David Dockery informed her June 30 that while he was unaware of what formal charges might be brought against her, he offered examples of writings and statements that might be considered failure to "relate constructively" to the SBC or violations of the Abstract of Principles. They included:

- teachings that might be in conflict with SBC motions or resolutions or support of the Cooperative Baptist Fellowship, a moderate organization formed in opposition to SBC leadership;
- views of the atonement articulated at a conference at a Presbyterian seminary;
- questions about universalism, the belief that all persons are saved, in her doctoral dissertation;
- her understanding of perseverance, that persons who are saved by God cannot fall from grace, based on an article she wrote in the Southwestern Journal;
- the doctrine of God, including language used about the Trinity and the "Sophia" feminine reference to the

Deity;

-- her understanding of biblical authority.

"I have heard complaints about all of these from a variety of persons," Dockery wrote.

Recounting a conversation between Dockery and Marshall in June, Marshall said she would not take lightly her calling to the classroom, which was ratified by administrative and trustee action. (She was elected to the faculty in 1984 and granted tenure in 1989.)

Dockery responded: "The changes in the SBC as well as in both the board and administration make Southern Seminary of 1994 very different from the community that existed in 1984-88."

In an Aug. 16 letter to Mohler, Marshall affirmed each of the 20 statements contained in the Abstract of Principles.

On the Trinity, she wrote: "That God is revealed as Father, Son and Holy Spirit makes no claim of sexual identification or gender specific activity. God is not a male, but is portrayed in the Bible with masculine characteristics." She added parenthetically, "Of course I affirm that the Word was made flesh in the historic man, Jesus of Nazareth."

On Christ, she wrote she affirms the Abstract's position on atonement for sins and that "I do not" believe persons can be saved apart from Christ. "Christ is God's sole mediator for our salvation."

On perseverance, she wrote that while she commends Moody for calling attention to "neglected" New Testament texts that warn against falling away, "I do not accentuate the possibility of apostasy for the believer as Dale Moody did."

"I concur with the Abstract of Principles and have been teaching within its framework," she wrote to Mohler.

Marshall was unavailable for further comment because of her mother's death in Muskogee, Okla. Marshall was scheduled to officiate at the funeral on Friday, Aug. 25. Bernice Coe Marshall, 82, died Aug. 23 at Muskogee Regional Medical Center.

-30-

-- By Bob Allen

Moment-of-silence law said to be constitutional

By Larry Chesser

ATLANTA (ABP) -- A Georgia moment-of-silence law, which is at the center of a dispute that may cost a school teacher his job, appears to be constitutional, according to two church-state attorneys.

The Georgia law that took affect this summer requires all public schools to begin the day with a period of "quiet reflection" of up to 60 seconds. The law specifically disclaims any religious purpose and instead spells out its intention to provide "an opportunity for a moment of silent reflection on the anticipated activities of the day."

Brian Bown, an American government teacher at South Gwinnett High School in Snellville, a suburb of Atlanta, was suspended after refusing to comply with the law on the first day of the new school year. Bown ignored the moment of silence, which was announced over the public-address system Aug. 23, and proceeded to teach his American government class a lesson on the Protestant Reformation.

Bown told reporters he was fired. But George Thompson, superintendent of Gwinnett County Public Schools, said Bown was not fired but suspended with pay. A hearing by the school board is set for Sept. 6.

Meanwhile, Bown filed suit in federal court against the school district, asserting his First Amendment right of freedom of speech was violated and seeking his return to the classroom. In the suit, Bown says he was forced to

"act as referee between the school and state" in the enforcement of a "constitutionally vague statute."

Georgia is the only state where a mandatory moment of silence is enforced, according to the Associated Press. A similar measure is on the books in Massachusetts but rarely enforced. Illinois' moment of silence is voluntary, and Louisiana has a voluntary silent prayer.

Some critics of the Georgia measure say it is an attempt to circumvent the U.S. Supreme Court's rulings against school-sponsored prayer.

But two church-state attorneys -- Brent Walker of the Baptist Joint Committee and Steve McFarland of the Christian Legal Society's Center for Law -- say the law is written in a plainly constitutional way and does not constitute a governmental establishment of religion.

"A moment-of-silence law that does not suggest that students pray is constitutional," Walker said. "The Georgia law appears on its face to pass muster."

Georgia lawmakers "bent over backward to disclaim any intent to promote prayer," McFarland said.

While they said the law's language is constitutional, Walker and McFarland said it could be implemented in an unconstitutional manner.

"If a teacher suggests to the class that the time is to be used for prayer, that would violate the establishment clause" of the First Amendment, Walker said.

McFarland agreed but said if that occurs, the individual district involved should be sued and "straightened out."

"You don't throw the baby out with the bath water," he said. Laws duly passed are presumed by courts to be valid, he said. "To strike a law because of how it is applied, the court would have to be convinced that it is impossible to apply it in a lawful manner," McFarland said.

Among those watching how Georgia's law is implemented is the American Civil Liberties Union. Georgia ACLU officials reportedly have received numerous complaints about the law, but Robert Peck, the national ACLU's legislative counsel, said the organization has not yet determined whether it will enter the Bown case as a friend of the court.

"If there is a pattern or practice of teachers indicating this is a time to pray, it clearly becomes unconstitutional as applied," Peck said.

Peck also suggested the law may be subject to challenge if its legislative history shows lawmakers were attempting to promote prayer. He cited a 1985 Supreme Court decision striking down an Alabama moment-of-silence law.

The problem cited by the high court in the Alabama case, McFarland said, "was the overwhelming evidence of the legislature's intent to promote prayer."

The Alabama case, Peck said, shows that "legislative history counts in this area" of the law.

Unlike the Alabama case where "the state completely failed to present any evidence of a secular purpose," Walker said, the Georgia law appears to have a secular purpose.

The Supreme Court has held that the First Amendment requires government actions to have a secular purpose, neither advance nor inhibit religion, and avoid excessive entanglement with religion.

-30-

No slot machines in Texas without amendment, attorney general rules

By Ken Camp

AUSTIN, Texas (ABP) -- Texas Attorney General Dan Morales announced on Aug. 23 his ruling that

slot-machine gambling could not be legalized in the state without a constitutional amendment -- a decision praised by gambling opponents.

"We are not surprised that Attorney General Morales acted with integrity on this issue," said Phil Strickland, director of the Texas Baptist Christian Life Commission. "The attorney general's role is to interpret constitutional language. He did it like a good lawyer and refused to play politics with it."

Dan Martin, executive director of Texans Against Gambling, likewise said he was "extremely gratified" by the attorney general's decision, saying any change in the constitution, which now prohibits games of chance, should not be done "easily or frivolously."

Under Morales' ruling, legalization of casino-style gambling would require a two-thirds vote in both the Texas House of Representatives and Senate. If approved by two-thirds of the legislature, it then would have to be approved by voters in a statewide referendum.

Morales also called for local-option elections if the proposed amendment won voter approval. "On issues of this magnitude, the citizens legally and rightfully have the deciding vote," Morales said.

While the ruling dealt specifically with slot machines, the attorney general said he believes legalization of other forms of casino-style betting such as dice and card games also would require constitutional amendment.

If Morales had ruled that legalization of slot machines, the bread and butter of the casino industry, did not require a change in the state constitution, slots could have been approved with a simple majority in the state legislature and no statewide referendum.

Texas voters in 1987 approved a constitutional amendment to legalize pari-mutuel betting on horse and dog races, and in 1991 they authorized creation of a state lottery.

But requiring 100 affirmative votes in the House and 21 in the Senate "took the wind out of the sails" of the casino industry's efforts to win approval in Texas, Strickland said.

-30-

EDITOR'S ADVISORY: Ann V. Puckett, mother of R.G. Puckett, editor of the Biblical Recorder, died Aug. 23 in Campbellsville, Ky. R.G. was traveling in the Ukraine at the time and had to cut short his trip to go to Kentucky. Funeral services are scheduled for Aug. 28 at 2 p.m. at Summersville (Ky.) Baptist Church, arranged by Cowherd-Parrott Funeral Home (502) 932-4271.

END