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IN THIS ISSUE:

- Florida school board to appeal ruling banning graduation 'messages'**
- Supreme Court agrees to decide dispute over nude dancing ban**
- Religious freedom advisory panel releases final report, recommendations**
- International Baptist seminary announces faculty appointments**
- North Carolina General Board affirms shared-leadership plan**

**Florida school board to appeal
ruling banning graduation 'messages'**

By Bob Allen

JACKSONVILLE, Fla. (ABP) -- A school board in Jacksonville, Fla., has voted to appeal a federal court's ruling that its policy allowing student-led prayer messages at high school graduations is illegal.

The Duval County School Board voted May 18 to appeal to the full U.S. 11th Circuit Court of Appeals and, if necessary, to the U.S. Supreme Court, in an effort to keep the messages, which a three-judge panel ruled unconstitutional May 11.

The panel ruled 2-1 that the school district's policy of allowing students to give graduation messages, which may include prayer, violates the First Amendment's ban on establishment of religion.

The district's superintendent imposed the policy in 1993, after the Supreme Court ruled that public schools could no longer sponsor prayers at graduation ceremonies. After conferring with an attorney, then-Superintendent Larry Zenke issued a memo offering "guidelines" in light of the ruling that ended the district's long-standing tradition of graduation prayers.

Zenke noted that the 1992 Supreme Court ruling in *Lee vs. Weisman* banned prayers that were directed and initiated by the school system but did not address prayers initiated and led by students.

The current policy lets each senior class decide whether to include a two-minute opening or closing graduation "message" and to pick the student to deliver it. School officials may not regulate the content of the student messages.

The federal judges, however, called the policy "an attempt to circumvent" the Supreme Court's ban on graduation prayers. They said a district judge was wrong when he denied a group of two parents and several students a temporary injunction to halt graduation messages last year.

Having a student, rather than an outside clergyman, lead a prayer "does not erase the imprint of the state from graduation prayer," according to an opinion written by Chief U.S. Circuit Judge Joseph Hatchett.

Hatchett said the court believed the district's policy was aimed at permitting sectarian and proselytizing prayer at graduation ceremonies while giving "a wink and a nod" to case law governing the Establishment Clause.

"(T)he state cannot erase its control over or endorsement of prayer at a public school graduation through delegation of one portion of the graduation ceremony to the majority/plurality vote of students," Hatchett wrote.

Hatchett also said a reasonable student would not perceive that student-led prayers are "divorced from state sponsorship" and would feel coerced to participate.

Hatchett's opinion also said the policy lacks a "secular purpose" required by law. "The board's avowed purpose in re-examining its policy was to provide an option that might allow the 'longstanding tradition' of graduation prayer to survive the prohibitions of that Supreme Court decision," the judge wrote.

The policy's "primary effect," Hatchett said, "is to permit prayer at graduation ceremonies," another violation of the Establishment Clause.

Senior U.S. Judge Phyllis Kravitch agreed with Hatchett, but U.S. Judge Stanley Marcus dissented, saying the majority opinion comes "perilously close to pronouncing an absolute rule that would excise all private religious expression from a public graduation ceremony."

Marcus said the ruling ignores "the crucial difference" between "government speech endorsing religion," which the Constitution forbids, and "private speech endorsing religion," which the Constitution protects.

Marcus said the Constitution calls for "neutrality, not hostility" toward religion and does require "a graduation free of all religious expression."

He also parted with the majority by finding that the school board's policy advances at least three "secular" purposes by solemnizing the event, protecting the right of free speech of student speakers and giving students an opportunity to direct their own graduation ceremony.

The Duval County School Board voted 4-3 in favor of appealing the decision after a three-hour hearing. Nearly 60 people spoke out during the discussion to say students should be allowed to pray, while five opposed the policy, saying it alienates students who are non-Christians.

There will be no student messages at commencements this year, according to a letter sent to all high school principals by an attorney for the school district. The board adopted a measure allowing for a moment of silence, however.

Students who were supposed to deliver graduation messages were among those who spoke before the board. "Graduation is the biggest step I've ever taken and I wanted to thank God for getting me through life," said Caroline Weidner, who was voted to deliver the message for Mandarin High. "We're not trying to enforce religion, but for those of us who want this prayer it has a lot of meaning."

The court ruling does not affect planned messages by class valedictorians or salutatorians.

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-- Some information for this story is from reports by the Florida Times-Union.

Supreme Court agrees to decide dispute over nude dancing ban

By Larry Chesser

WASHINGTON (ABP) -- For the second time this decade, the U.S. Supreme Court has agreed to decide to what degree indecency laws can be used to bar nude dancing.

The high court announced May 16 that it will review a ruling by the Pennsylvania Supreme Court

striking down an Erie, Pa., statute that made it illegal to appear in public in a "state of nudity."

The operator of an establishment that features erotic dancing by women challenged the Erie statute in a lawsuit. A trial court invalidated the statute, saying it was too broad in restricting expressive activity.

After a state appeals court reinstated the statute, Pennsylvania's top court also struck it down, saying that it unconstitutionally restricted freedom of expression.

The Pennsylvania Supreme Court cited a 1991 U.S. Supreme Court ruling that upheld an Indiana indecency law requiring exotic dancers to wear at least pasties and G-strings. But the Pennsylvania court said the ruling in the Indiana case provided "no clear precedent" because of the splintered nature of the decision. Five justices agreed that the law was constitutional but were widely divided about the reasons why.

"In fact, aside from the agreement by a majority of the [Supreme] Court that nude dancing is entitled to some protection, we can find no point on which a majority of the ... Court agreed," the top Pennsylvania court said.

To be constitutional, the court said, the Erie statute must use the least-restrictive avenue available to achieve a compelling governmental purpose.

The court acknowledged the city has a compelling interest in trying to prevent crimes such as prostitution and rape, but it reasoned that the city could combat those problems without an outright ban on nudity.

"We believe that imposing criminal and civil sanctions on those who commit sex crimes such as prostitution or rape would be a far narrower way of achieving the compelling governmental interest," the court said.

Arguments in the case will be scheduled in the high court's 1999-2000 term, which begins Monday, Oct. 4

-30-

Religious freedom advisory panel releases final report, recommendations

By Kenny Byrd

WASHINGTON (ABP) -- Actions "to promote religious freedom should be implemented at all levels: in Washington, at U.S. embassies abroad, and in multilateral organizations," according to a report released May 17 by a religious-persecution panel.

The Advisory Committee on Religious Freedom Abroad submitted the report to Secretary of State Madeleine Albright and President Bill Clinton.

The committee was established in 1997 to act in an advisory role on issues involving religious persecution. It is made up of 20 religious and academic leaders, including Jim Henry, past president of the Southern Baptist Convention; Samuel Billy Kyles, pastor of Monumental Baptist Church in Memphis, Tenn.; and Joan Brown Campbell, general secretary of the National Council of the Churches of Christ in the U.S.A.

Since the advisory panel was formed, "a new consensus has begun to form in American society that promotion of religious liberty internationally should be an integral part of U.S. foreign policy," the report stated. The panel said it is "no longer acceptable" to ignore the issue.

Among numerous recommendations are requests that Congress and the president provide adequate funding for agencies that promote human rights and religious freedom.

The report specifically requests adequate funding for the new State Department office on religious

freedom established under the International Religious Freedom Act, signed into law last year.

"With the many budget cuts already in place at the State Department, it is important that Congress demonstrate its full commitment to its stated objective by providing the funds necessary to accomplish the work it has mandated," stated the report.

The act created the office on religious freedom as well as a 10-member commission that will effectively take the place of the advisory committee.

Closing out its two years of work, the committee also addressed missionary activity in other countries.

The committee "encourages those who engage in missionary activity to exemplify the same spirit of toleration and openness towards others that they seek from governments and local populations where they work."

It also urged those engaged in missionary activity "to bear in mind that religious freedom is a goal that all faith communities must strive for out of their common interest. Hardships and oppression visited upon any one group ought never to be viewed as opportune or advantageous by another group."

Other recommendations included better equipping U.S. embassies abroad to handle issues of religious freedom and modification of asylum laws to make it easier for individuals persecuted because of their faith to flee the country.

The committee urged that the president deliver a major address explaining the importance of religious freedom.

It also applauded the fact that several of the panel's recommendations included in its interim report were incorporated into administration policies and the religious freedom act.

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International Baptist seminary announces faculty appointments

By Bob Allen

PRAGUE, Czech Republic (ABP) -- A pastor from the Netherlands and a Scottish historian have been named to positions at the International Baptist Theological Seminary in Prague, Czech Republic.

Officials announced May 18 the appointment of Rene Erwich, a pastor in the Union of Baptist Churches in the Netherlands, as director of mission and evangelism at the seminary.

Earlier, the seminary announced that Ian Randall would become director of Baptist and Anabaptist studies. He is a noted historian on Baptist and evangelicals who currently teaches at Spurgeon's College in London.

Both appointments are effective this fall. They fill vacancies created last year after the European Baptist Federation approved a massive "refocusing" of the 50-year-old seminary's program. Instead of granting traditional master's degrees, the seminary, formerly located in Ruschlikon, Switzerland, now exists to provide specialized programs to supplement basic courses offered at 40 national Baptist seminaries and Bible colleges across Europe.

Two other appointments have yet to be made, said Keith Jones, a former chairman of the seminary's board who was named the school's top administrator last year. Jones said no timetable has been established to fill vacancies for a director of human-rights studies and a director of spirituality.

Erwich, 34, recently completed a doctor's degree on the theme of church planting at the University of Utrecht in the Netherlands. He has been pastor of the Dordrecht Church since 1993 and was previously a pastor in Hoogezand.

He trained at the Baptist Seminary in the Netherlands, gaining a theology degree before advanced study at the University of Utrecht. He has done postgraduate study on evangelism and church development, exploring contemporary forms of missiology.

Randall, who has been widely published, is currently researching the history of English Baptists in the 20th century. He holds degrees from the University of Aberdeen, University of Wales and the Council for National Academic Awards.

He is currently chaplain and tutor in church history and spirituality at Spurgeon's College. While serving IBTS and living in Prague most of the year, Randall will continue to perform some teaching work in London through a partnership between the two schools, officials said.

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North Carolina General Board affirms shared-leadership plan

By Tony Cartledge

ASHEBORO, N.C. (ABP) -- North Carolina Baptists' General Board overwhelmingly approved a shared-leadership plan intended to depoliticize the 1.2 million-member state convention.

The plan was proposed by a 36-member "summit on balanced leadership" in March. It calls for alternating the state convention's presidency between conservatives and moderates and seeks to balance appointments on key committees between factions.

Approved in concept by the General Board May 18, the plan now goes to a constitution committee, which will refine language for constitutional amendments that must be approved in order to implement the plan. Those changes will come as recommendations at the Baptist State Convention of North Carolina annual meeting this fall.

If it succeeds, North Carolina would be the first Southern Baptist state convention to take a shared-leadership approach. Backers of the plan say they hope it will prevent what happened in Virginia and Texas, where conservatives split off from moderate-controlled state groups to form separate state conventions.

Only five of the 120 members of the General Board, which acts for the state convention between annual meetings, voted against the proposal.

The plan would replace annual presidential elections with a vote every other year in which the top two vote getters would serve one year as president in turn. Based on recent voting patterns, it is likely the two candidates receiving the most votes would represent the convention's two largest factions, which have come to be known as "moderates" and "conservatives."

Two vice presidents would be elected in a similar fashion. The four officers would serve together as a nominating committee to recommend a 15-member committee on committees, which in turn is elected by the General Board. The committee on committees appoints other committees, including the nominating committee. That group recommends nominees for convention boards, including the General Board, to the state convention.

A draft of the proposed constitutional change requires that the top two vote getters for the presidency receive at least 75 percent of the vote in order to be elected. If the top two finishers combine for less than a 75 percent majority, there would be a runoff among the top three finalists.

The proposed change also includes a sunset clause. It would expire automatically after six years unless renewed by convention action. That provision was added to allow a trial period to evaluate the effectiveness of the plan.

As the meeting drew to a close May 19, convention president Mac Brunson officially resigned his position and passed a ceremonial gavel to first vice-president Mike Cummings. Brunson, currently pastor of Green Street Baptist Church in High Point, is moving to Texas to become pastor of First Baptist Church of Dallas.

Cummings, a Lumbee Indian, is director of missions for the Burnt Swamp Baptist Association, composed of 65 Native American churches belonging to five different tribes. Surrounded by family and supporters, Cummings declared his readiness to assume the presidency.

He encouraged North Carolina Baptists to celebrate his ethnic heritage and said the state convention's leadership is becoming more representative of minorities.

Cummings also stated firm support for the shared-leadership proposal. Speaking to the largely moderate General Board, Cummings said he is a staunch conservative, but he appreciates and respects moderate Baptists. "I hope you take no offense in me," he said, "as I take no offense in you."

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-- Bob Allen contributed to this story.

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