



Associated
Baptist Press

Editor: Bob Allen
Executive editor: Greg Warner

Phone: 800.340.6626
Fax: 904.262.7745
E-mail: bob@abpnews.com

SOUTHERN BAPTIST HISTORICAL

LIBRARY AND ARCHIVES

(02-75)

Nashville, Tennessee

August 19, 2002

AUG 29 2002

IN THIS ISSUE:

- Alaska Baptists confront declining membership
- Anti-voucher state laws rooted in anti-Catholic bigotry, some say
- Missouri lawyer offers to file brief in lawsuit against Baptist agencies

**Alaska Baptists confront
declining membership**

By Tony Cartledge

ANCHORAGE, Alaska (ABP) -- Southern Baptists in Alaska are launching a three-year growth effort aimed at reversing a membership decline.

While it might seem a contradiction in terms, Southern Baptists have been in Alaska since the 1940s. Yet they number only about 1.4 percent of the state's population, and appear to be losing ground.

Meeting in its 57th annual session Aug. 6-7 in Anchorage, the Alaska Baptist Convention reported a nearly 15-percent drop in church membership during the last five years, to 16,848 in 2002. Resident membership, meanwhile, which is generally considered a more accurate count, fell below 10,000, to 8,788, in 2001.

David Baldwin, executive director of the state convention, attributed part of the decline to a number of larger churches purging their membership rolls and failure of congregations to turn in an Annual Church Profile used in compiling statistics.

But Baldwin, a 21-year veteran of missionary work in Alaska who became executive director in 2000, cited other problems. Interest in Sunday school and training programs is lacking, evangelism is inconsistent, and some churches depend too much on outside funding, he said.

"Leadership training is needed all over the state," he added.

Baldwin outlined his vision for a three-year emphasis called "Light Up Alaska." The program will focus on missions and prayer in 2003, church development in 2004 and evangelistic outreach in 2005.

Baldwin said about half of Alaska's 74 churches and 26 missions average less than 50 in attendance and 80 percent less than 100. "We are a convention of small churches," he said, "but there are no small places in God's service."

State evangelism and church-development director Jimmy Stewart said sustaining growth is difficult, because military families and other residents move so often. Still, he urged church leaders -- through prayer, discipleship and evangelism -- to seek "a bigger piece of the pie," and work toward reaching 10 percent of Alaska's population, 63,000 persons, as a membership goal.

Convention president Jack Green, a layman, encouraged greater outreach by both pastors and laity. "We stand in the door of the church and say 'come on in,' when we should be going out and bringing them in," he said.

He also challenged pastors to set an example for their churches, quoting Air Force Chaplain Aubrey Halsell, who started the first Southern Baptist church in Alaska, as saying, "When there's fire in the pulpit, there will be smoke in the pews."

In business, the Alaska convention adopted a 2003 budget of \$1.9 million. Alaska Baptist churches are expected to give about 35.5 percent of that. The Southern Baptist Convention's North American Mission Board will provide more than \$1.1 million, or about 59 percent.

The state convention forwards 33 percent of the money it receives in-state to the SBC's unified budget, the Cooperative Program. Despite declines in other areas, churches are growing in Cooperative Program support. The Alaska convention is on track for its third consecutive year of exceeding its budget expectations, Baldwin said.

Messengers also approved minor changes to the convention's constitution and bylaws, and elected former first vice president Leon May as the new president. May, pastor of Greater Friendship Baptist Church in Anchorage, is the third African American elected to lead the ABC.

Outgoing president Green was eligible for another term, but declined to run again, as did second vice president Scott Coffman.

-30-

-- Tony Cartledge is editor of the Biblical Recorder in Raleigh, N.C.

Anti-voucher state laws rooted in anti-Catholic bigotry, some say

By Robert Marus

WASHINGTON (ABP) -- State laws banning school vouchers should be overturned because they are anti-Catholic.

That's a new argument being used increasingly by some advocating the use of public money to send students to parochial schools.

While the U.S. Supreme Court gave voucher programs a boost this year by ruling that they don't necessarily violate the U.S. Constitution, many states have more restrictive constitutions that ban government support of religious institutions even indirectly.

But now voucher supporters are saying these laws ought to be abandoned due to their sordid history.

Depending on who is counting, as many as 37 states have constitutional bans on government funding of religion. They are nicknamed "Blaine amendments," after James Blaine, who as speaker of the House of Representatives in 1875 proposed a constitutional amendment banning the distribution of any public funds to religious schools.

Blaine's amendment passed the House but failed in the Senate. Even so, many states picked up similar language in adding amendments to their own constitutions.

Modern critics say Blaine's motivation was anti-Catholic bigotry that was rampant in the United States during his day.

"When they were originally adopted as part of state constitutions, the motive was virtually always anti-Catholic animus," said Pat Korten, vice president for communications at the Becket Fund, a pro-voucher group.

Pro-voucher groups say passage of the Blaine amendments fed on anti-immigration and anti-Catholic sentiment as Catholic schools tried to obtain tax funding in the 1800s.

The Becket Fund's Anthony Picarello has noted that public schools of the era weren't exactly religion-free.

"The common schools taught the common religion, which was a sort of non-denominational form of Protestantism," Picarello, the group's general counsel, said. "Readings of the [Protestant] King James translation of the Bible and teacher-led prayer were common in America's public schools, and Catholic parents often objected to these requirements."

The proliferation of state constitutions banning the use of tax dollars for funding of "pervasively sectarian" schools particularly disadvantaged Catholics, who operated nearly all of America's private religious schools at the time.

Forces on the other side of the voucher argument, however, say that oversimplifies the history behind the amendments.

Rob Boston of Americans United for the Separation of Church and State said Blaine's original amendment was inspired by President Grant, who supported banning not only government funding for sectarian schools but also the teaching of Protestant tenets in public schools.

"Certainly there were instances of anti-Catholic bigotry at that time, but that doesn't mean that everybody who advocated limiting funding to non-sectarian schools was motivated by anti-Catholic animus," Boston said.

Besides, Boston pointed out in a document defending the Blaine amendments, the Catholic Church wasn't doing much at the time to endear itself to freedom-loving Americans.

"A series of ultra-conservative popes at the Vatican inflamed the issue by issuing statements that alarmed many Protestants in America," Boston wrote. "In 1864, for example, Pope Pius IX released the 'Syllabus of Errors,' a document insisting that Catholicism should be the official state religion and attacking church-state separation, secular government and the notion of religious liberty."

Holly Hollman, general counsel of the Baptist Joint Committee, said even if there is some mixed history about why the Blaine amendments were enacted, it doesn't follow that they are bad law.

"While it is true that the history of these state constitutional provisions is tainted by some of their supporters at the time, that history in no way diminishes the important broader purpose they served," she said. "To focus on 'bigotry' is to overlook the great value that the 'no-aid' principle has served in maintaining good relations among religions and between religion and government."

Voucher proponents, meanwhile, take the argument a step further. Rather than singling out Catholics, they say the Blaine amendments now discriminate against all religious people.

"Under the [U.S. Constitution's] free-exercise clause, government is prohibited from singling out religious people for special disfavor -- that is what Blaine amendments do," Picarello said. "Government cannot provide benefits to everybody but single out the religious institutions for discrimination."

Picarello contends that making government benefits like vouchers generally available but excluding their use for religious purposes amounts to "viewpoint discrimination," something the Supreme Court has said is illegal.

But Hollman said previous viewpoint discrimination cases have involved speech, not funding. "I can say very generally that the fact that religion must be treated in a non-discriminatory way in the context of some speech cases does not mean that individuals will have a free-exercise right to government money," she said.

Boston said what groups like the Becket Fund are advocating is actually "the creation of a new constitutional principle -- the idea that not only can a religious institution receive tax money in certain cases, but that the government may be required to provide it in some cases."

"To say that the government may [fund religious groups] under certain conditions is one thing; to mandate it is entirely another," Boston said.

Voters in several states in the past 20 years have rejected efforts to alter or remove state Blaine amendments to clear the way for voucher programs. Soon, however, the debate may be making its way into federal courts.

In Florida, a circuit judge recently struck down a voucher program, saying it violates the state's constitution. Gov. Jeb Bush and other state officials quickly appealed the ruling. A similar case out of Washington could also potentially make it to the U.S. Supreme Court, thus forcing the issue of whether such provisions are constitutional or not.

-30-

Missouri lawyer offers to file brief in lawsuit against Baptist agencies

By Bob Allen

JEFFERSON CITY, Mo. (ABP) -- A Missouri attorney has volunteered to file an amicus brief opposing legal action by the Missouri Baptist Convention against five of its agencies over a leadership dispute.

Bart Tichenor, a lawyer in Jefferson City, Mo., said churches and individuals wishing to be involved in the effort may either contact him or download information from the Web site MissouriBaptists.org.

"The lawsuit filed against The Baptist Home, Missouri Baptist College, Missouri Baptist Foundation, Windermere Baptist Conference Center and Word & Way on Aug. 13 does not represent the best in either Baptist life, nor in Christlike action," Tichenor said in a statement.

Tichenor said he would file the brief "at the appropriate time on behalf of interested Missouri Baptist churches and individuals in support of the defendant Baptist institutions."

An amicus curiae (friend of the court) brief is used when a professional or organization that is not a party to a particular litigation is permitted to advise the court on matters of law that pertain to the case.

"There is not a single allegation contained in the lawsuit that asserts that any one of these five institutions have in any manner violated their stated corporate purposes of ministry to and for Missouri Baptists," Tichenor said in announcing his intentions.

"The lawsuit does not claim in any fashion that these institutions are not continuing to perform ministry and Kingdom work for and on behalf of all Missouri Baptists. It is sad that funds that could and should be used for Kingdom work will instead have to be diverted to pay court costs, costs of litigation and attorney's fees."

The MBC executive board and six representative Southern Baptist churches took unprecedented action in filing the 51-page petition for declaratory judgment in Cole County Circuit Court. The filing does not seek monetary damages from any individual, but asks a judge to determine who has the right to elect trustees for the agencies, with combined assets totaling \$200 million.

The petition claims that the five MBC agencies violated the law when they changed their charters to make themselves, rather than the state convention, responsible for electing their boards of trustees.

Representatives of the institutions said they made the changes mainly for fiduciary reasons, such as ascending liability, but also to shield the entities from denominational politics.

Tichenor said the lawsuit should never have been filed, because the churches and executive board haven't been defrauded or wronged. "No ministry by the institutions has stopped or changed," he said. "None of the institutions are electing non-Baptists as trustees. The trustees are still Baptist pastors and laypersons."

Tichenor, who is also an ordained minister, said that even if the plaintiffs felt they were wronged, the biblical thing to do would have been to "let it pass." Citing the Apostle Paul from First Corinthians, Tichenor said: "Paul's instruction was clear. Even if one feels that a brother has wronged them, they should not sue. Even if one feels that a brother has defrauded them, they should not sue."

The Aug. 13 filing came after the Missouri Baptist Convention voted last fall to hold about \$2 million in funding earmarked for the five agencies in escrow until their trustee boards revert to their former charter. Messengers also authorized the executive board to "to take any and all steps necessary" to restore the agencies to their former relationship with the state convention.

MBC president Bob Curtis said in a statement that none of the funds escrowed from the institutions is being used for legal fees. He doesn't believe the executive board is violating the Bible, he said, quoting a Christian author who says I Corinthians 6 doesn't necessarily apply to corporations.

"A corporation or business is ... an entity, not a person," Larry Burkett wrote in his "Business by the Book."

"Although the entity may be controlled and often is solely owned by a person, it appears that a corporation or business has no rights under biblical guidelines, except the rights of prevailing law. Therefore, to sue a corporation in order to require that it meet its legal responsibilities is not unbiblical."

Curtis said: "The five corporations had been agencies of the MBC, which for many years had provided funding for various ministry purposes. The corporate charters gave MBC the right to elect agency trustees. The corporations unlawfully changed their charters to elect their own trustees, without MBC approval, violating the charters and state laws."

Attorneys for the five agencies, however, have publicly disputed the MBC's legal opinion. Agency heads issued a joint statement in April saying: "After researching the law, our attorneys have concluded that the Missouri Baptist Convention does not, in fact, have membership status standing in any of the five institutions."

The leaders said that when similar controversies erupted in other states, the parties were able to reach a compromise.

But Curtis said MBC leaders have tried for nearly a year to persuade the five corporate boards to rescind their actions or to submit to binding arbitration. "No one has tried harder than ... I did to resolve this dispute out of court," he said. "When the agencies refused Christian arbitration, they were, in effect, choosing civil litigation."

MissouriBaptists.org is an informational Web site launched this summer with a stated mission of posting news and viewpoints to "educate and inform" Missouri Baptists about issues in the state. Tichenor is a regular contributor to the site and says he is counsel for the site's sponsors, who do not wish to be identified.

Tichenor said MissouriBaptists.org consented to allow him to coordinate and organize the effort and to use the Web site for publicity. He said he would not file the brief on behalf of the organization, however, but for individual churches and Baptists. "I anticipate that a good number of churches and individuals will respond," he said.

Tichenor has in the past been active in the Missouri Baptist Convention and last fall served as parliamentarian at an organizational meeting of a rival state convention, the Baptist General Convention of Missouri, formed to protest political activity in the MBC. Tichenor has also served as moderator of the Cooperative Baptist Fellowship of Missouri.

Founders of MissouriBaptists.org, however, say the Web site isn't connected to any other organization.

-30-

END
