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**Ten Commandments monument
ruled unconstitutional**

By Robert Marus

MONTGOMERY, Ala. (ABP) -- A federal court has given Alabama Supreme Court Chief Justice Roy Moore a new commandment: thou shalt not violate the Constitution.

U.S. District Judge Myron Thompson ruled against Moore Nov. 18, ordering him to remove a 5,280-pound granite monument to the Ten Commandments that he had placed in the rotunda of the state judicial building in Montgomery.

Moore had the monument placed in the building without the knowledge or consent of his fellow justices in the middle of the night on July 31, 2001.

Privately raised funds paid for the sculpture, but Moore allowed a film crew from Coral Ridge Ministries -- the Religious Right organization run by Florida-based television evangelist D. James Kennedy -- to tape footage of the monument's construction and placement. Coral Ridge later sold the videotape as a fundraiser, and has paid for Moore's legal defense.

Moore has said he acted secretly to protect his fellow justices from being named in the lawsuit he was certain would result from his actions.

Moore's expectation became reality shortly thereafter, when Montgomery lawyer Stephen Glassroth filed suit in federal court. Two other Montgomery attorneys joined Glassroth in the suit.

Lawyers from three civil-rights groups -- the Southern Poverty Law Center, the American Civil Liberties Union, and Americans United for Separation of Church and State -- represented the plaintiffs in the October trial.

"The Ten Commandments monument, as the Chief Justice made clear both at the unveiling ceremony and at trial, is a granite reminder to Alabama judges and justices and all other state citizens of the ultimate sovereignty of the Judeo-Christian God over both the state and the church," Judge Thompson said in his opinion that accompanied the ruling.

Thompson said Moore's intent in having the monument installed thus violated the First Amendment's Establishment Clause, which prohibits governments from endorsing or promoting a religion.

"The Ten Commandments monument, viewed alone or in the context of its history, placement, and location, has the primary effect of endorsing religion," said Thompson, who was appointed to the bench by former President Jimmy Carter.

Moore and his attorneys had argued that the relevant legal question before Thompson was, "May the state acknowledge God?" Moore said Ten Commandments serve as the "moral foundation of law" in the U.S. and that government had a responsibility to "acknowledge" the Judeo-Christian basis of that law.

Thompson, however, decided the case on the narrower question of whether installation of the specific monument constituted a government endorsement of religion.

Thompson noted that the monument -- a four-foot high pedestal with two tablets inscribed with the King James translation of the commandments on top -- was the centerpiece of the building, with no other historical law documents nearby. The sides of the monument also were inscribed with other phrases from legal documents or quotations from famous historical legal figures smaller print. All of those excerpts, however, pertained to the idea that governments are instituted by God. Moore testified that he did not give these quotations equal billing with the commandments because they are the "words of men" and not the word of God.

Thompson took pains to point out that not all government displays of the Ten Commandments were illegal. In fact, the U.S. Supreme Court building has carvings of tablets representing the commandments and a frieze depicting Moses delivering the commandments to the ancient Israelites. But Thompson noted that these displays also incorporate equally prominent portrayals of other great "law-givers" and legal documents that are not directly related to the Jewish or Christian scriptures.

"No other Ten Commandments display presents such an extreme case of religious acknowledgment, endorsement, and even proselytization," Thompson wrote. "In other words, if there is a Ten Commandments display tradition in this country, it is definitely not the tradition embodied by the chief justice's monument."

Thompson also addressed an argument by Moore that proper church-state relations according to the First Amendment necessitated that both the state and church "acknowledge" the God of the Bible. "The court stresses that it is not disagreeing with Chief Justice Moore's beliefs regarding the relationship of God and the state," he wrote. "Rather, the court disagrees with the chief justice to the extent that it understands him to be saying that, as a matter of American law, the Judeo-Christian God must be recognized as sovereign over the state, or even that the state may adopt that view."

Supporters of church-state separation hailed the ruling. "This as an extreme case of the government seeking to promote a particular religious perspective in violation of the First Amendment," said Holly Hollman, general counsel for the Baptist Joint Committee on Public Affairs.

The BJC filed a friend-of-the-court brief -- signed by more than 40 members of the Alabama clergy -- that supported the plaintiffs' case. The brief argued that "governmental efforts to promote religion drain religious practices and beliefs of their spiritual significance, thereby depreciating, rather than revitalizing, religion."

Religious Right supporters tended to be less enthusiastic. Ken Connor, head of the Family Research Council, said his organization hopes Moore will appeal the ruling and that the appeals court would restore "some common sense to our First Amendment jurisprudence."

Moore's attorneys said he would appeal to the Atlanta-based 11th U.S. Circuit Court of Appeals to reverse the ruling, and would also seek a stay of Thompson's order that the monument be removed from the building by Dec. 18. Both sides have said they expect the case to go as far as the U.S. Supreme Court.

Meanwhile, the head of Alabama's Christian Coalition said he expected "wide-ranging resistance" to the decision in the state, according to the New York Times.

News briefs from Associated Baptist Press

Association ousts historic South Carolina church

GREENVILLE, S.C. -- First Baptist Church in Greenville, S.C., has been declared out of fellowship with its local association over the congregation's membership policy.

First Baptist accepts members by transfer from other churches who have not been baptized by immersion, contrary to Greenville Baptist Association's historic stand that church membership "is for believers in Jesus Christ who have been baptized by immersion."

Founded in 1856, First Baptist Church is four years older than the association. The church previously broke ties with the Southern Baptist Convention but remains a member of the South Carolina Baptist Convention.

Jeff Rogers, the church's pastor, said the association handled the matter in "a Christian and charitable way."

"We have accepted the association's decision while at the same time standing by the decision that our congregation has made," Rogers told the Baptist Courier.

The church's policy is to require immersion only for members making a first-time profession of faith. Last year the association asked the church to rescind the policy. At this year's annual meeting in October, the association took action considering the church as having "withdrawn" from membership by not changing the requirement. (ABP)

Jeffrey named Baylor provost

WACO, Texas -- Baylor University has named David Lyle Jeffrey as provost and executive vice president.

Jeffrey, who currently teaches literature and humanities at Baylor, becomes chief academic officer, responsible for recruiting and retaining faculty and giving leadership to academic programs. He succeeds Don Schmeltekopf, who plans to retire in May. (ABP)

South Carolina college names president

NASHVILLE, Tenn. -- Evans Whitaker, an administrator at Belmont College in Nashville, Tenn., has been named president of Baptist-affiliated Anderson College in South Carolina.

Anderson trustees elected Whitaker, vice president for university advancement at Belmont, as their school's 12th president with a unanimous vote Oct. 18. He takes over in early December, succeeding former president Lee Royce, who left Anderson in June to become president of Mississippi College. (ABP)

Passport hires program director

BIRMINGHAM, Ala. -- Passport youth camping ministries recently hired Nick Foster of Montevallo, Ala., to direct a new program aimed at identifying and enlisting high school and college students for vocations in ministry.

The new program, called The Samuel Project, is funded with a \$2 million grant from the Lilly Endowment. Passport is sponsoring the program in conjunction with Baptist Seminary at Richmond.

Foster has been pastor of University Baptist Church in Montevallo for eight years. In addition to administering The Samuel Project, Foster will coordinate one of Passport's summer camps and hold other administrative duties. (ABP)

Samford gets Lilly grant

BIRMINGHAM, Ala. -- Samford University has received a \$2 million grant from the Lilly Endowment to take part in a national "Sustaining National Excellence" program.

The Baptist-affiliated university will use the money to establish a resource center for pastoral excellence. The center will encourage "renewal" for ministers through support groups, apprenticeships and partnering across racial lines, according to a news release. (ABP)

CBF leader accepts pastorate

FALLS CHURCH, Va. -- Jim Baucom, immediate past moderator of the Cooperative Baptist Fellowship, has been named pastor of Columbia Baptist Church in Falls Church, Va.

Baucom comes to the church in suburban Washington from Rivermont Avenue Baptist Church in Lynchburg, Va. He succeeds Randel Everett, who left to become president of the John Leland Center for Theological Studies. (ABP)

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