



Associated Baptist Press

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Nashville, Tennessee

DEC 12 2002

December 3, 2002

(02-113)

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Supreme Court agrees to hear case on anti-sodomy laws

By Robert Marus

WASHINGTON (ABP) – For the second time in the last 16 years, the U.S. Supreme Court will hear a case that could decide whether state laws can ban gay sex acts without running afoul of the Constitution.

On Dec. 2, the court agreed to hear arguments in Lawrence and Garner vs. Texas. In that case, two Houston men were arrested and convicted of violating Texas' anti-sodomy law in 1998 after police, investigating a neighbor's false report of an armed intruder, entered John Lawrence's unlocked home and discovered him engaged in anal sex with Tyron Garner.

Several states have laws on the books that ban "sodomy" – an archaic term for any consensual sex act other than male-female vaginal intercourse. Texas' anti-sodomy law, however, is one of only four in the nation that apply exclusively to homosexual sex acts. In addition, nine other states have anti-sodomy laws that in theory apply to heterosexuals as well as homosexuals, but in practice are only applied to gays, lesbians and bisexuals, according to gay-rights groups.

Attorneys for the Lambda Legal Defense and Education Fund are representing Lawrence and Garner. They argue that state anti-sodomy laws like Texas' that are applied only to homosexuals violate the equal-protection and right-to-privacy provisions of the Constitution's 14th Amendment. In their petition asking the justices to review the case, Lawrence and Garner's attorneys said that "the direct and indirect harms imposed by this law and others like it are a glaring affront to the Constitution's guarantee of equal protection."

The penalties for sodomy under these laws include fines and jail time, and several recent cases in states with laws criminalizing same-sex acts have in part relied on the laws to deny custody rights to gay and lesbian parents and prevent homosexuals from holding government jobs.

A three-judge panel of a state court had earlier ruled the men's convictions to be a violation of Texas' state constitution, but the full court later overturned that decision after state attorneys appealed. The state's criminal appeals court denied a petition for re-hearing under the state's constitution, causing the plaintiffs to appeal to the U.S. Supreme Court.

That court's last ruling on anti-sodomy laws came with the *Bowers vs. Hardwick* case in 1986, when it ruled in a contentious 5-4 decision that a Georgia anti-sodomy law did not violate the Constitution because homosexuals had no Constitutional right to engage in consensual sexual intercourse.

As attorneys for the state of Texas argued in their motion asking the Court not to hear the case, "In light of the fact that homosexual anal sodomy was viewed as criminal behavior under state law and the common law for a period of centuries, that conduct could not conceivably have achieved the status of a 'fundamental right' in the brief period of sixteen years since *Bowers* was decided."

However, only three justices who decided the *Bowers* case are still sitting, and several recent state court decisions – most recently in Arkansas – have overturned similar anti-sodomy statutes, including the very Georgia law that the *Bowers* case upheld.

Texas' attorneys also argued that the state has a compelling interest in promoting "public morality" by outlawing gay sex acts. However, the plaintiffs said that was a discriminatory standard, since that would mean that certain kinds of sex acts were immoral for homosexuals but not for heterosexuals – whether married or unmarried.

The judges will hear oral arguments in the case in the spring, and may render a decision by June.

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Alabama Baptists call for unity among races, fellow Baptists

By ABP Staff

BIRMINGHAM, Ala. (ABP) -- Alabama Baptists called for changes in the Alabama constitution and state laws by passing a resolution on racial fairness and reconciliation during their annual meeting Nov. 19-20 in Birmingham.

"God shows no favoritism, (and) neither should we. God is no respecter of men," said retired Alabama Baptist pastor Charles T. Carter, who worked with Samford University President Thomas E. Corts to draft the resolution.

Carter said he hopes the resolution will speed up efforts toward racial unity across the state. The resolution, which passed without debate, requests that the Alabama state legislature and officials consider amending public laws and documents so no racial minority is denigrated or embarrassed by exclusive language, and that language of racial inclusiveness be the standard for all future laws and documents. It also asks that Alabama Baptists do all in their power to assure that Alabama seeks to have a record of racial fairness.

Ten other resolutions were adopted by the convention, and only one sparked debate -- ironically, a resolution on unity. The resolution affirms unity among Alabama Baptists but recognizes that "differences of biblical interpretation do exist, and the freedom to influence others and to band together for a common cause is proper and helpful in keeping our Baptist family in unity."

Paul Hicks, a pastor in Cullman, raised a question about the wording of this resolution. "The wording of this resolution is too vague to be adopted. What does 'differences of biblical interpretation' mean?"

Resolutions committee chair Curtis Kelly, a retired pastor from Talladega, said the committee recognizes not everyone believes the same on every theological point. However, "Baptists ought to come together in spite of those differences. This resolution best affirms our desire for biblical unity."

The resolution passed with some dissenting votes. It encourages "open dialogue in the Baptist family" and affirms "the commitment of our Alabama Baptist churches to remain committed to evangelism and missions, education and ministry."

Joe Godfrey, pastor of Taylor Road Baptist Church in Montgomery, won the presidency of the state convention in the first contested president's race since 1998. Godfrey received 749 votes (51.3 percent), while Gerald Hallmark, pastor of First Baptist Church, Alexander City, received 656 votes (44.9 percent).

Messengers also approved a base Cooperative Program budget of \$40,427,480 and a special offering goal of \$16,575,575. The base budget is a 3 percent increase over 2002.

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North Carolina association bars WMU use of building

By Steve DeVane

SYLVA, N.C. (ABP) -- A Baptist association in North Carolina has barred the local Woman's Missionary Union from using the association's building as long as WMU leaders belong to churches no longer affiliated with the association.

A policy adopted by the executive committee of the Tuckasee Baptist Association says only the association and its related organizations can use the building. Associational leaders are interpreting the policy as excluding WMU because its co-directors are from churches that have pulled out of the association. Nelda Reid is a member of East Sylva Baptist Church and Sarah Davis is a member of First Baptist Church, both in Sylva.

Six churches have left the Tuckasee Baptist Association this year. The controversy started when the association's Pastors' Conference became upset that Cullowhee Baptist Church had called a woman as co-pastor. Some churches that have left say the association is threatening the autonomy of local churches. Others were tired of the fighting.

Claude Conard, interim director of missions for the association, said the association's parliamentarians determined that association officers must be members of churches in the association. The WMU director is listed as an officer in the association's bylaws, he said. "We didn't push them out," Conard said. "They went out from us."

Reid said that as a WMU director she has no voting power in the association. "Our officers are not elected by the association," she said. "WMU elects its own officers."

The local WMU voted in September to allow membership from churches that have cut ties with the association. Reid said she and Davis offered to resign at a meeting of the WMU leadership team on Nov. 17.

"Our leadership team said that they would rather we not resign, that we should not have to change our leadership in order to use the building," Reid said. WMU leaders hope the association changes its mind, she said, but the group is prepared to start meeting in area churches.

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Historic Dallas church shifts funds from Texas convention

By Mark Wingfield and Ken Camp

DALLAS (ABP) -- First Baptist Church of Dallas has voted to stop sending any missions money through the Baptist General Convention of Texas, signaling the church's likely move to unique alignment with the rival Southern Baptists of Texas Convention.

"The inevitable is coming simply because of the direction the BGCT is moving in," Pastor Mac Brunson said. "The BGCT is making it increasingly impossible for churches who want to be with the Southern Baptist Convention to remain a part of the state convention. The BGCT is a denomination of their own in everything but title."

Charles Wade, BGCT executive director, expressed disappointment with the historic church's decision and refuted Brunson's assessment about the ability of churches to relate to both the SBC and the BGCT.

"I am afraid the church may not fully understand that at our last convention, we affirmed a Cooperative Program budget plan that reaffirmed our traditional relationship to the Southern Baptist Convention," Wade said. "The 2003 giving plan removes all the restrictions that the last two budgets had placed on gifts to the SBC. Any church giving through the BGCT can fully cooperate with the SBC in every way."

Brunson has been elected to the executive board of the more conservative Southern Baptists of Texas Convention, an action the church cited as a reason for its budget change.

The motion adopted by church members stated: "In order to support our pastor as he assumes an important leadership position as a member of the Executive Board of the SBTC, that our church once again return to participating in the Cooperative Program of the Southern Baptist Convention as it has been historically defined, by sending undesignated, all of First Baptist Church, Dallas, Cooperative Program gifts, including state and national missions offerings, to the Southern Baptists of Texas Convention."

Since 1999, First Baptist Church has been dually aligned with the BGCT and the SBTC.

In the first three quarters of the current year, the church contributed \$8,751 through the BGCT Cooperative Program and another \$3,249 for worldwide causes through the BGCT. In 1998, the year before becoming dually aligned, the church contributed \$18,415 to Texas Baptist causes and \$252,143 to worldwide causes through the BGCT.

Wade noted First Baptist "historically has been a strong partner with the BGCT in Christian education and benevolent work. It is sad that the church seemingly would choose to defund ministries and institutions it has helped to create and sustain."

However, Morris Chapman, president of the Southern Baptist Convention Executive Committee, praised the Dallas church for its decision. "Once again, the church has made a convictional decision to increase its support of world missions," Chapman said.

Wade countered that churches like First Baptist that choose to support missions through the SBTC rather than the BGCT actually reduce the scope of their missions support. "What the other convention is doing is unprecedented in its de-emphasis on the Texas mission field. ... I would urge Texas churches to compare carefully where their Cooperative Program dollars are being used."

The reason the BGCT recently amended its preferred budget to keep a larger percentage of Cooperative Program money in Texas "is because some churches no longer support any of these ministries because they choose to give their monies through the other convention in Texas," he said.

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High court won't hear challenge to anti-abortion license plates

By Robert Marus

WASHINGTON (ABP) – The Supreme Court has declined to hear a case challenging some states' practice of offering anti-abortion-themed license plates to automobile owners. The justices refused, without comment, to hear an appeal from Louisiana abortion-rights supporters.

The group of Louisianans had challenged the constitutionality of the state's "Choose Life" license plate program, where motorists pay an extra \$25 to get a special license plate bearing the anti-abortion slogan and featuring a pelican – the state bird – carrying a swaddled infant in its beak.

The Center for Reproductive Law and Policy, representing the group opposed to the plates, said the program violates two different aspects of the First Amendment. First, the Louisianans said, the license plate program violates the Constitution's free-speech protections by supporting the viewpoints of abortion opponents without offering a similar platform for those who support abortion rights.

Second, the group said, the program violates the First Amendment's ban on government support for, or entanglement with, religion because the extra revenues the state receives from the plates goes to a fund, controlled by religious groups. The fund gives grants to crisis-pregnancy programs that counsel women against getting abortions and toward carrying their babies to term.

But the state's attorneys said the religious concerns were unfounded and that the state has the right to encourage women to consider alternatives to abortion.

Although the plaintiffs won an initial victory against the license plates in federal court, they lost in the conservative 5th U.S. Circuit Court of Appeals, based in New Orleans. They then appealed to the Supreme Court.

According to the Center for Reproductive Law and Policy, five states besides Louisiana have "Choose Life" license plate programs, and several others considered similar programs during their 2002 legislative sessions. The organization and other abortion-rights groups have challenged other states' laws as well.

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South Carolina church faces ouster over baptism

By Greg Warner

SPARTANBURG, S.C. (ABP) -- Fernwood Baptist Church in Spartanburg may join a growing list of South Carolina churches kicked out of local associations for accepting members who have not been baptized by immersion.

The 500-member church was notified by letter Nov. 21 that the Spartanburg County Baptist Network, an association of Baptist churches, considered Fernwood's baptism practices to be a "breach of fellowship." In the past three years, similar disputes have resulted in splits between two South Carolina Baptist churches and their local associations.

Since 1990 Fernwood Baptist has accepted 27 Christians into membership who were baptized in other denominations, even though that previous baptism didn't involve total immersion under water. Only in October did the church's practice become an issue, said Randall Wright, Fernwood's pastor for 18 years.

Jim Goodroe, the network's director of missions, raised the issue in an October phone call to Wright. The Nov. 21 notification letter, sent by an associational committee to the church's deacon chair, also returned Fernwood's \$529 October contribution to the network.

Wright characterized the network's action as "severing ties with the church." "I think it's a pretty significant symbol of their determination not to participate with us that they returned our good-faith offerings," he said. "To send that back was quite a sad day."

But Goodroe told the Greenville News the church could "remedy" the breach by returning to the traditional requirement of immersion.

A vote to oust Fernwood could come at the network's semi-annual meeting in April.

Many Baptists believe that, while believer's baptism is not a requirement for salvation, it is a distinctive practice observed by Baptists and is a non-negotiable doctrine. "Our very name as Baptists draws from our insistence on believer's baptism," noted the seven pastors on the associational committee that wrote Fernwood. "When our churches receive members by letter, they need to be confident that transfer members have been immersed as believers."

Wright disagreed. In a letter to the Fernwood congregation, he said: "To use Christian baptism as a membership requirement or initiation ritual into a particular expression of the Body of Christ -- in this case, a Baptist church -- weakens the significance of baptism as a symbol to celebrate one's faith in Christ. To use Christian baptism as such an administrative, clerical or technical requirement is to abuse this beautiful symbol."

Wright said the church's more open practice "promotes unity and cooperation, resulting in a more productive advance of the Kingdom of God and growth in Christendom."

Earlier this year, First Baptist Church of Greenville was declared out of compliance with the Greenville Baptist Association for accepting members who had previously made professions of Christian faith in other denominations. Boulevard Baptist Church in Anderson was expelled from Saluda Baptist Association in 2000 in a baptism dispute.

Decades earlier, First Baptist of Greenwood (1970) and First Baptist of Clemson (1975) were dismissed from their associations for the same thing.

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Baylor's ambitious vision energizes new provost

By Mark Wingfield

WACO, Texas (ABP) -- If Baylor University's ambitious 2012 vision statement is the school's blueprint for the future, David Lyle Jeffrey is the contractor hired to execute the academic construction.

Jeffrey, 62, has been named provost and vice president for academic affairs at the country's largest Baptist university. He was hired by President Robert Sloan to succeed Provost Don Schmeltekopf -- two men who played key roles in charting the school's new direction.

A Canada native, Jeffrey will have the primary responsibility for building a faculty and academic programs to turn Baylor into one of the top 50 universities in the nation. That daunting goal stands at the center of Baylor 2012, a sweeping vision statement that calls for lowering student-teacher ratios and increasing expectations for faculty research, while at the same time retaining Baylor's Christian character.

"What's going on here at Baylor right now is an experiment in Christian higher education the scale, scope and potential influence of which has not been matched for at least 150 years in this country," Jeffrey said.

Since his arrival at Baylor two years ago, Jeffrey has played a significant but unseen role as a first-line screener of faculty candidates at a time when Baylor has picked up the pace on faculty additions. One of his primary tasks as senior vice provost has been to promote the 2012 vision to prospective faculty and to round up the best candidates to bring that vision to pass.

As provost, he will continue that task, as well as guide the overall academic program for Baylor's 777 faculty members and 14,200 students.

The challenge of propelling Baylor into what academics call a "tier one" university drew Jeffrey from a 20-year teaching career at the University of Ottawa in Canada. "Tier one" refers to the annual rankings of

universities by *U.S News & World Report*. Only 50 doctoral-granting universities make the top tier of schools, which is populated by the likes of Harvard, Yale and Princeton.

Baylor, Jeffrey said, "has the potential to do something perhaps as significant as anything that has happened in Christian education since the first universities were founded by Christians in the 13th century."

That opportunity, as he sees it, is to take a liberal arts education, "the heart and soul of Christian higher education," and merge it into a "true research university" while maintaining a Christian character.

This, Jeffrey said, "is something nobody has had the chutzpah to pull off -- not even to dream of."

Not only is this goal possible, he believes, it is a goal worth doing. And he believes he was called by God to leave a comfortable teaching post in Canada and lend his academic and administrative skills to the task.

"Baylor has a tremendous foundation, a tremendous tradition to build on," he explained. "Nobody else has the base both historically and in terms of a wide-ranged community -- with not just financial resources, but what I would call social capital of the sort that can make this possible."

That social capital includes Baylor's rich Baptist heritage, its roots in Texas life and influence throughout the Southwest, Jeffrey said.

The traditional model of a Christian liberal arts school is being taxed today by the demands of a changing academic culture, he continued. "We're in a time in which narrowly defined notions of what constitutes Christian community are being put under challenge."

Unlike some northern evangelical Christian schools that require strict adherence to a narrow set of doctrinal points or other creeds, Baylor offers a "'whosoever will may come' kind of spirit" in the Baptist context, Jeffrey said.

"What we say instead to our ... candidates as they come here to consider jobs is, 'Talk to us about the nature of your commitment to God, the way it works out in the totality of your life.' ... We don't make them sign any documents. What we try to do is establish the integrity and the quality and depth of the commitment of the faculty person to whom we're speaking."

What Baylor aspires to be is not so much "evangelical" in the sense in which that word came to be known in the 20th century but rather "a community of Christian intellectuals dedicated to the service of higher education and the church," he said.

"Evangelical" is a term that can cover a broad territory or a narrow territory, depending on who gives the definition, he explained. "We are committed to all the central doctrines of the faith, but there is a certain mode of discourse which is appropriate to Baylor, [which is] more embracing."

By "Christian community," Jeffrey said, he means a community that takes the teaching of Scripture seriously and eagerly applies it to modern life, regardless of the academic discipline concerned.

"We're not just transmitting old knowledge, but also transmitting new knowledge that will make it possible for the church to bear witness to the world concerning God's care for the world."

Becoming a research university provides the practical application, he said. To illustrate, he cited several new faculty members who teach engineering. One is developing new materials for hip and joint replacements. Another is developing a new generation of prostheses. Yet another is developing a robotic device to disable landmines without risking human life.

"Now this is new knowledge that is being developed by our researchers, and they're teaching our students how to become those kind of people that create these sorts of things," Jeffrey said. "This is a wonderful development, up from the base Baylor always has had. It takes the strengths and the richness of this tradition and applies it in a very practical way."

No other Protestant Christian institution is doing this, he insisted. "We're the No. 1 game in town."

The key then is hiring and retaining top-level faculty who excel both at research and in classroom teaching.

Critics of Baylor 2012, including some current and former faculty, contend that cannot be done, especially while maintaining the Christian and Baptist character that has marked Baylor through the years.

Jeffrey, though, insists Baylor's goals are not incompatible. He points to recent faculty hires as examples of people who do combine those traits.

Some critics have cited the university's most beloved professors, like English professor Ann Miller, as people who could not be hired at Baylor today. Miller, who has been named a master teacher for her creativity and excellence in teaching, does not hold a doctorate. New faculty at Baylor must have earned doctorates in their field and must be published.

Jeffrey lauds Miller as a "magnificent woman" who is "wonderfully gifted, dynamite in the classroom, elegant, charming, a superb teacher."

But could this favorite of students be hired at Baylor today?

"Yes. But you cannot imagine that Ann Miller coming in the door to get hired at Baylor today won't have been pushed to have a Ph.D.," Jeffrey said. "An Ann Miller who is 28 years old in 2002 is the same Ann Miller in terms of all those personal gifts, ... but she also has a Ph.D."

The culture of academia has changed dramatically, so that the expectations of what must be done to become a professor anywhere are different, he noted.

Jeffrey believes Baylor alumni are right to ask, "Will my kids have classroom experiences with people like Ann Miller?" His answer: "You better believe it. We're hiring those kinds of folks."

But beyond requiring doctorates, published academic work and research, what are the criteria used in faculty selection at Baylor today?

"There's no pat formula for that," Jeffrey said. He acknowledges many people might be more comfortable if he said, "Here's a formula so we'll know you're in."

Baylor seeks "people who have not only developed a deep commitment to Christ but who have really tried to think about what that commitment might mean for everything they do in their profession -- a sense of personal calling to take their God-given gifts and the abilities of their education and direct them some way ... in the service of the Lord," he said.

Identifying such people requires spiritual discernment, Jeffrey said, "not to be narrow, but to see, to identify the passions of the heart."

Although rooted in Baylor's Baptist heritage, the Christian community Jeffrey seeks to build today has room for faculty beyond the Baptist label. Speaking of the kind of person Baylor seeks to hire, he noted: "You can be that kind of a person and be a non-Baptist. You can be a Baptist and not be that person."

Jeffrey himself brings a mixed background to the table. He was raised a Baptist in Canada, later attended an Anglican church and now is a Baptist again. He and his wife, Katherine, are members of Highland Baptist Church in Waco.

Jeffrey earned a bachelor's degree from Wheaton College, then a master's degree and doctorate in English from Princeton University. In addition to more than 20 years at the University of Ottawa, he has taught at the University of Victoria, University of Rochester, University of Hull, Regent College and Peking University.

He is a recognized scholar in medieval studies and in the Bible and literature. He has written or edited 12 books, including *A Dictionary of Biblical Tradition in English Literature* and *Rethinking the Future of the University*. His volume *People of the Book: Christian Identity and Literary Culture* was named one of the top 10 books of 1997 by *Christianity Today*.

Even though he has not come from the Texas Baptist culture that has shaped Baylor in the past, Jeffrey said he values that influence and seeks to build upon it.

"There's a lot to learn about Texas Baptist life," he acknowledged. "There will be things I will have to depend upon my colleagues for."

However, Jeffrey contends Texas in general and Texas Baptists in particular have moved beyond a parochial perspective to become national leaders.

"Texas Baptists are already expanding their influence. Texas is no longer at the margins of American culture but at the center in some ways. Right now, Texas is having its day in the sun ... and that is affecting Baylor. Far more students are coming to Baylor from other states than ever before."

Jeffrey explained that he was "raised as a boy in a Baptist church where it was hard to grow up and not believe the only people who were going to be in heaven was us." Today, however, "Baptists in Texas I think don't really see it that way anymore. ... We see ourselves as people who are trying to be responsive to the gospel, trying to be faithful."

This makes Baylor today "both Baptist and serving a wider Christian community," he said. "We are Baptist at root, that's still our heart. But we are serving a wider Christian community."

With these changes in society and Baylor's aggressive move to become a top-tier research university, some Baylor alumni have questioned whether they will recognize their alma mater in 15 or 20 years.

"Of course, you will recognize it," Jeffrey responded. "But there will be things about it that will be as different as there are things that are different between your grandchildren and yourself."

"It would be impossible for us to be faithful to our past as well as to our present ... if we were to try to keep Baylor a museum. We would not be serving Baylor either in respect to the present or the future. We would be in fact hamstringing future generations by doing that. We mustn't do that."

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