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**Shorter College, convention  
each file lawsuits over split**

By John Pierce

ROME, Ga. (ABP) -- Shorter College has filed a lawsuit against the Georgia Baptist Convention to recover funds the GBC has withheld from the school since last January.

The convention has filed a counter-lawsuit claiming rightful ownership of the college and seeking to regain control of trustee selection.

Shorter created a self-perpetuating board last month after the convention elected trustees other than candidates from a list approved by the college. Shorter made a bylaw change last May requiring such approval.

Trustees also voted to seek approximately \$8 million designated for capital improvement and other funds being held in the college's name in the Georgia Baptist Foundation. They filed a lawsuit Nov. 27 in an effort to retrieve those funds.

The GBC executive committee went into executive session during their Dec. 10 meeting to respond to Shorter College's actions. Members attending were required to sign statements promising confidentiality.

Georgia Baptist officials would not release information from that meeting. However, in a statement released Dec. 16 to the Rome News-Tribune, the convention revealed a counter-lawsuit was filed against the college Dec. 12, claiming that Shorter President Ed Schrader and the board of trustees used "scheme and conspiracy" to "illegally convert, take over and steal Shorter from the GBC."

Shorter officials maintain that giving the trustee board more control over the future selection of trustees was a necessary response to concerns raised by a committee reviewing the school's accreditation. GBC leaders argue that the college trumped up the accreditation issue to justify pulling the college away from the convention out of fear of a fundamentalist takeover.

The college received reaffirmation of their accreditation from the Southern Association of Colleges and Schools Dec. 10, the same day the GBC executive committee met behind closed doors.

Meanwhile, in a separate action, a motion to intervene in the GBC lawsuit was filed Dec. 13 by a group of current Shorter trustees who disagree with the college's actions. Included in this group are persons elected to the board this past November by the GBC but who allegedly were prevented by Schrader from taking their seats on the board and from attending the meeting where the action to create a self-perpetuating board was approved.

## Critics say Bush statements contradictory on faith groups

By Robert Marus

WASHINGTON (ABP) -- With "faith-based initiatives," is President Bush trying to have his constitutional cake and eat it too?

That's what critics of Bush's approach to church-state relations say regarding his latest announcement on the initiative. Bush signed an executive order Dec. 12 that expanded federal agencies' ability to provide funding to heavily religious organizations -- including churches and mosques -- which perform social services.

In a speech accompanying his announcement, Bush said government funding to faith groups should be given on an equal basis with all other social-service groups. "I recognize that government has no business endorsing a religious creed, or directly funding religious worship or religious teaching," Bush said. "Yet government can and should support social services provided by religious people.... And when government gives that support, charities and faith-based programs should not be forced to change their character or compromise their mission."

But supporters of strict church-state separation said the two principles -- government funding and lack of government regulation -- tend to be mutually exclusive. "The president is trying to have it both ways," said Holly Hollman, general counsel for the Washington-based Baptist Joint Committee on Public Affairs. "There is an inherent conflict between allowing religious social-service providers to maintain their distinctive character and complying with the Constitution's prohibition against government funding of religious activities, such as religious worship, instruction or proselytization."

For years, federal, state and local governments have contracted with or provided grants to organizations with religious histories or purposes -- such as hospitals or groups like Catholic Charities -- that nonetheless did not offer any religious content in the services they provided. But that changed in 1996 with the passage of so-called "charitable-choice" legislation that allowed certain federal welfare programs to provide money to groups whose religious work was deeply intertwined with their social work.

Bush has made expansion of such principles to other federal programs a centerpiece of his domestic agenda, saying that he was trying to create a "level playing field" for inherently religious organizations to receive federal social-welfare funds. But opponents of the plan say "charitable choice" violates the Constitution's ban on government support for religion.

Bush's order also included written assurances that government funding to such agencies would not be spent on "inherently religious" activities. In announcing the executive order, Bush announced the release of a set of guidelines, "in plain English," to be sent to religious social-service providers. It outlines what they may and may not do in order to satisfy what Bush sees as the Constitutional boundaries of public funding for religious social services.

The guidelines say, for instance, that "a faith-based organization should take steps to ensure that its inherently religious activities, such as religious worship, instruction or proselytization, are separate -- in time or location -- from the government-funded services that it offers." The guidelines also say that religious social-service providers should be prepared to be audited and be able to account for and document the expenditure of any federal funds.

But critics have said that it would be difficult for the government to adequately monitor such programs in many small religious charities on tight budgets, and that such monitoring would in itself compromise the character and integrity of churches and other deeply religious groups.

A senior administration official, speaking on condition of anonymity, told Associated Baptist Press that such monitoring would be done just like any other government contracting or grant program. "I think they will monitor these programs the way we monitor programs today," the official said. "The grant officials are well aware of what the regulations are."

But to one opponent of federal funding for deeply religious charities, those answers aren't good enough.

"This president is not doing religion a favor," said Welton Gaddy, a Baptist minister who is director of the Washington-based Interfaith Alliance. "In fact, while he demonstrates an understanding of and concern for the poor and needy that heartens all of us in the religious community, President Bush displays a frighteningly limited understanding of the nature of houses of worship and the legal complexities necessary for the preservation of religious liberty in this country."

Gaddy and others especially point to the difficulties in monitoring the activities of employees of religious organizations whose salaries are partially or totally paid by government funds. Among their concerns are how such individuals would separate the religious aspects of their job from the secular aspects, and how they would account to government for how their time was spent.

According to a brief section in the White House guidelines to religious charities, for example, "a minister may teach an anger-management seminar to ex-offenders as part of a federal grant. But the minister must keep his or her teaching on the subject of anger management separate from his church duties and preaching responsibilities."

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## **News briefs from ABP's Washington Bureau**

By Robert Marus

### **Virginia Wiccan priestess sues for right to pray**

CHESTERFIELD, Va. -- A Wiccan priestess is suing her county for the right to offer prayers at meetings of county officials. Cynthia Simpson contends that the Chesterfield, County, Va., Board of Supervisors discriminated against her on the basis of her faith when it denied her request to offer the opening prayer at a board meeting.

The supervisors have for many years opened their board meetings with prayers offered by local clergy. In every case, the clergy have been Christian ministers or priests or Jewish rabbis, who volunteer for the job.

But when Simpson volunteered, she was rejected by the county's attorney, who told her in a letter that only "Judeo-Christian" clergy could offer prayers at county board meetings. Spokesmen for Americans United for Separation of Church and State and the American Civil Liberties Union, which is representing Simpson, said such a requirement violates Simpson's civil rights and creates an unconstitutional government establishment of religion.

According to the Washington Post, Kelly Miller, chairman of the supervisors, called Wicca a "non-religion" and said, "It doesn't recognize the God that we have recognized. My perspective is that we should continue to follow the Judeo-Christian perspective. In the name of diversity, we need not throw away our Christian heritage." (ABP)

### **Second college theology student suing state**

WILLIAMSBURG, Ky. -- A student at Baptist-related Cumberland College is suing the commonwealth of Kentucky, claiming he was denied a scholarship in violation of his rights to free expression of religion. The suit makes him the second in recent years to sue a similar state program.

Woods Nash, a Cumberland junior, accepted a state-supported Kentucky Education Excellence Scholarship to pay for part of his first two years of college.

However, when Nash declared this year that he would major in philosophy and religion, the commonwealth informed him that his scholarship would not be renewed. State officials said students who

enroll in programs leading to degrees in theology or divinity were ineligible for the award. Cumberland is related to the Kentucky Baptist Convention.

The American Center for Law and Justice sued on Nash's behalf, citing a recent decision by the 9th U.S. Circuit Court of Appeals invalidating a similar action by the state of Washington. In that case, a student received a state scholarship to attend Northwest College, a Christian school in Kirkland, Wash. However, the state withdrew the scholarship when it discovered he was pursuing a pre-ministerial degree. (ABP)

### **'Ten Commandments' judge vows to appeal, cites states' rights**

MONTGOMERY, Ala. -- Alabama Supreme Court chief justice Roy Moore is contending that federal courts have no jurisdiction over his decision to erect a 5,800-pound granite monument to the Protestant translation of the Ten Commandments in the state's judicial building. Moore announced Dec. 10 that he will appeal last month's ruling by federal district judge Myron Thompson ordering removal of the monument.

Thompson said the monument's placement -- by itself in the most prominent part of the building -- created an unconstitutional state endorsement of religion. He gave Moore until Dec. 19 to remove the monument.

But Moore said he would not remove the monument while the case is on appeal. Moore cited states' rights in defending his case. "Federal district courts have no jurisdiction or authority to prohibit the acknowledgment of God that is specifically recognized in the Constitution of Alabama," Moore said in announcing the appeal.

A group of Alabama lawyers and two civil-rights groups sued Moore. The head of one of those groups said Moore's comments accompanying his appeal announcement recalled the late Alabama Gov. George Wallace's efforts to cite states' rights in his attempts to defy federal court orders ending racial segregation in the state's public accommodations. (ABP)

### **Hinduist landslide in state election may endanger secular India**

WASHINGTON -- An overwhelming state-election victory by a Hindu fundamentalist party may endanger India's future as a secular republic, according to Indian experts. In Dec. 15 elections in the troubled state of Gujarat, members of the Bharatiya Janata Party increased their parliamentary margin to more than two-thirds, soundly defeating the secularist Congress Party.

BJP leaders have been locked in a battle with the state's Muslim minority, reaching its flash point in several riots earlier this year that led to 2,000 casualties, most of them Muslims. Muslims complained that local BJP leaders did nothing to stop the violence. According to the Guardian newspaper in London, Indian human-rights groups said controversial Gujarat BJP leader Narendra Modi touted his role in inciting the riots during the campaign.

More moderate BJP officials control India's national government, but India experts quoted by the newspaper worried that the Gujarat victories may mean national BJP leaders will take a harder line leading up to India's 2004 general elections. "The man who presided over a pogrom of Muslims has used it as a successful electoral strategy," said Ramachandra Guha, an Indian writer and political scientist. "This will make Muslims less secure and drive them into the arms of their own fundamentalists. Secular India is in trouble." (ABP)

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