

Divided Supreme Court hears affirmative-action case
By Robert Marus
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WASHINGTON (ABP) – The Supreme Court heard oral arguments April 1 in two cases that may decide whether institutions of higher learning can take race or ethnicity into account in their admissions processes.

In the most significant case on affirmative-action programs in 25 years, justices questioned lawyers in the suits, both of which challenge University of Michigan admissions systems that take race into account. In *Grutter vs. Bollinger*, a white student denied admission to the university's law school sued, saying her race unfairly counted against her. In *Gratz vs. Bollinger*, two white students who were turned down for Michigan's undergraduate program made a similar claim.

The school's admissions systems give extra weight to applicants from minority groups that have been historically and systematically oppressed in the United States – African-Americans, Latinos and American Indians. Applicants also receive extra consideration for possessing a number of other traits – such as involvement in athletics and extracurricular activities, or being related to Michigan alumni.

In 1978, the Supreme Court's *University of California vs. Bakke* decision outlawed numerical or percentage quotas to achieve racial diversity. But that ruling left the door open to achieving racial diversity through other means, and colleges and universities since then have interpreted that as allowing membership in a minority group traditionally underrepresented on campus to be an advantage for those competing for admission.

Attorney Kirk Kolbo, arguing for the plaintiffs, asked the court to declare any consideration of race in university admissions a violation of the Constitution's equal-protection clause. "It is precisely because we are a nation teeming with different races and ethnicities – one that is increasingly interracial, multiracial, that it is so crucial for our government to honor its solemn obligation to treat all members of our society equally, without preferring some individuals over others," Kolbo told the justices.

But Justice Sandra Day O'Connor – considered a key "swing vote" on this case – seemed skeptical of Kolbo's argument. "Well, you have some – some precedents out there that you have to come to grips with, because the court obviously has upheld the use of race in making selections or choices in certain contexts, for instance, to remedy prior discrimination in other contexts," O'Connor said. "You are speaking in absolutes and it isn't quite that. I think we have given recognition to the use of race in a variety of settings."

Attorney Maureen Mahoney, defending the law school, said the state had a compelling interest in promoting diversity in the student bodies of its premier schools – and that the affirmative-action system the schools had was the best way of insuring that diversity. "It is one of the paramount interests of government to have diversity in higher education. And it has certainly been the consistent position of the Department of Education for the past years that Bakke is the governing standard, that schools are encouraged to use programs to achieve diversity, because of the important interests it serves for students of all color," Mahoney said.

Justice Antonin Scalia, a strong opponent of affirmative action, challenged Mahoney by saying the University of Michigan had created its own problem by wanting to be an elite institution with high admissions standards but still wanting to have diversity. "If Michigan really cares enough about that racial imbalance, why doesn't it do as many other state law schools do – lower the standards, not have a flagship elite law school?" Scalia asked. "It solves the problem."

But Mahoney responded the Bakke decision says otherwise. "Your Honor, I don't think there's anything in this court's cases that suggests that the law school has to make an election between academic excellence and racial diversity," she said.

Solicitor General Theodore Olson, arguing the position of the Bush administration, said Michigan's programs were unconstitutional because they were thinly disguised quotas. "The Michigan law school admissions program fails every test this court has articulated for evaluating governmental racial preferences," he said. Olson argued that Michigan

could achieve diversity by establishing programs similar to those in Texas, Florida and California, where state schools admit graduates from the top of every class in the state's high schools, regardless of test scores.

But Olson spent most of his time before the court answering questions about a friend-of-the-court brief filed on the University of Michigan's behalf by retired military leaders and former heads of the military academies. It argued that achieving an integrated officer corps in a military where enlisted men are disproportionately drawn from minority groups made using race as a factor for admissions to the military academies necessary. Otherwise, the academies — where many of the military's elite commanders begin their careers — would produce overwhelmingly white graduates. "The position of the United States is that we do not accept the proposition that black soldiers will only fight for black officers," Olson said.

A decision in the case is expected before the court ends its term in June.



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Investors recoup more losses from Arizona Foundation**By****Associated Baptist Press - www.abpnews.com****April 3, 2003****Volume: 03-31-3517**

PHOENIX, Ariz. (ABP) -- Investors in the Baptist Foundation of Arizona recently received their share of the \$217 million settlement with Arthur Andersen, the former auditor for the Foundation.

This latest distribution alone returns approximately 30 percent of the money investors lost in the foundation collapse, according to Clifton Jessup, the liquidating trustee. When added to previous distributions, this brings the total recovery to approximately 45 percent of an investor's holdings, Jessup said.

Another previously announced settlement -- with the Arizona Southern Baptist Convention and six other entities -- is awaiting court approval and will raise the recovery paid to the investors to approximately 50 percent, Jessup said.

The ASBC, itself an investor, relinquished its claim to more than \$1.2 million held by the foundation. Through its insurance policy, the state convention's settlement also provided an additional \$750,000 to investors.

The state convention admitted no liability in the demise of the foundation and said it would have had a strong case in court. "As investors ourselves, we were as much a victim as anyone else," said Steve Bass, executive director. However, Bass said, "Ultimately, the overriding desire of the convention was to have the insurance money used to benefit investors."

So far, investors have received more than \$275 million from the bankruptcy of the Baptist Foundation of Arizona, according to Jessup. Another \$50 million will be coming to investors over the next two years from the sale of real estate, Jessup said in a letter to investors.

Additional funds for investors could come from foundation holdings yet to be sold. However, it is difficult to determine the value of these properties. "There are assets remaining to be sold that are not easily marketable and for which there is no way to know what the ultimate sales price will be," Jessup said.

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Missouri WMU told to change charter to work only with conservatives

**By
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JEFFERSON CITY, Mo. (ABP) – The head of the Missouri Baptist Convention has threatened to cut funding for the state's Woman's Missionary Union if the women don't vow exclusive loyalty to the convention.

Missouri WMU has been caught in a tug-of-war between the state's Baptist factions.

In the past couple of years, the Missouri Baptist Convention came under control of conservatives, who want to work closely with the Southern Baptist Convention. Consequently, a group of moderates split to form the Baptist General Convention of Missouri.

Now Missouri WMU must change its bylaws to ensure exclusive loyalty to the Missouri Baptist Convention or face losing Cooperative Program funding, Missouri executive director David Clippard told a group of pastors.

The convention wants "a closer relationship" to WMU, Clippard said, claiming WMU's decision to become a non-profit organization indicates it is moving away from the convention.

At issue, Clippard said, is a line in the organization's bylaws that states WMU's ministry will include, but is not limited to, the Missouri Baptist Convention and the Southern Baptist Convention. When he asked WMU leaders "what they mean by 'Baptist,'" their response was "all Baptists," he added.

"We can't put Cooperative Program dollars into a ministry that puts money into other Baptist entities," he said. He added that under convention bylaws, CP funds could not be given to entities whose boards are not elected by the MBC.

Clippard outlined possible consequences in a letter to WMU board members. He gave the organization two options to avoid funding loss — either eliminate the non-profit status or allow the convention to elect board members.

WMU president Debbie Miller and five WMU board members recently met with Clippard and three MBC leaders to discuss WMU's status.

WMU remains committed to serving all Missouri Baptists, Miller said. "These words describe the Baptist churches in Missouri that have WMU — small, large, urban, rural, small town, growing, static, declining, those who are supportive of the direction of the Missouri Baptist Convention, those who have questions and are waiting to see what happens, those who have become part of the Baptist General Convention of Missouri and those who are affiliated with the Cooperative Baptist Fellowship. We have come together...without regard to these descriptors.... We have set aside our differences for a higher calling 'that all may know him.'"

WMU incorporated in 2001 because it was not mentioned in convention documents that describe relationships with other convention organizations, Miller said. She noted no questions were raised when WMU presented incorporation to the MBC Executive Board.

Cooperative Program allocations fund WMU programming, including annual meetings, girls' retreats, special workers and other functions. Budgeted with CP funds at \$70,000 for 2002, WMU spent \$58,804. The organization is budgeted at \$60,000 this year.

The budget does not include salary and benefits for a full-time worker. Kathy Scott, who lost her job in the convention's recent staff reduction, had served full time for 17 years.

WMU relies on two offerings to fund special projects. The Madge Truex Fund provides money for gifts for missionaries and their children, scholarships and other projects. The Alberta Gilpin Fund supports ministry projects and covers some operating expenses.

- Based on reporting by Vicki Brown



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American helps form soccer team for amputees in Sierra Leone

By Ed Ernsting

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EDMONDS, Wash. (ABP) — The West African nation of Sierra Leone has its first amputee soccer team, thanks to a nurse who was inspired by a newspaper headline.

"Trauma Specialists Needed for Sierra Leone," read the article in the Northwest Baptist Witness, newsjournal for Baptists in Oregon and Washington.

"The article on the page literally jumped out at me," said registered nurse Dee Malchow. "I felt my heart beat faster as I read." God had been working in her life for some time, she said, and the tragedy in Sierra Leone touched her heart.

Sierra Leone had been home to a bloody civil war that saw more than 200,000 people die over 10 years and many thousands maimed. "The war in Sierra Leone became infamous for the amputation of hands and arms," said Peter Takirambudde of Human Rights Watch.

Malchow had worked as an orthopedic nurse at Harborview Medical Center in Seattle, Wash., since 1965. For 22 of those years, she worked exclusively with amputees and those facing amputation.

"Helping people cope with an amputation was what I knew best," Malchow said.

It's not surprising the headline struck a cord with her — Malchow suffered through the amputation of her own lower right leg when she was 19.

"I was learning to water ski, and after I had fallen the boat was driven back too fast and too close," she recalled. Although the propeller sliced deeply into her hip, almost severing the leg, it was saved to just below the knee.

"As I read the article, I began to have a dialogue with God," Malchow said. "'But Lord, I see enough trauma here at work. I really don't want to go see people who have undergone such tragedy.'"

It was her desire to serve and minister that caused her to join three others from the Pacific Northwest to provide a weeklong "trauma recovery" retreat for 20 Baptist pastors, two pastors' wives and the missionary couple who coordinated the event.

While on one of her many visits to refugee camps she was led to remove her prosthetic leg.

"When I removed my prosthesis, the refugees gave me their immediate attention," Malchow said. "One young man came up to me after I spoke and during our conversation I asked him if he played soccer. He said he used to."

"I explained to him that a form of soccer for amputees had been developed in the early '80s in Seattle, Wash., just for amputees. He brightened up as I explained this revised approach to his much-loved sport," Malchow said.

It involves playing on crutches, not wearing prosthetics, and kicking the ball with the remaining foot.

"During a trip to one of the refugee camps, one of the pastors who had attended the recovery retreat spoke with the same young man I had," Malchow said. "He told the pastor that there were 60 interested players who were already practicing several times a week."

Malchow sent videos about the sport and a large box of soccer shoes. From that the soccer team was born.

"Some 30 amputees at an amputee camp in Freetown, Sierra Leone, have been organized to form a football team known as the 'Single Leg Amputee Sport Club'" said pastor Mambud Samai, local coordinator for the team. "The

power and passion of football becomes evident through the hope it can bring a war-affected community and in particular the amputees."

Currently, in less than ideal conditions and with nearly no funds, the team struggles to exist. While they lack the most basic soccer equipment – shoes, soccer balls, sport gloves and uniforms – their ambitions are not diminished.

Samai is a man of vision and sees the team as an avenue to change the culture for Christ.

"We have large dreams to participate in the international amputee games, as well as construct a building to house the team in Freetown," Samai said. "We also are looking to acquire a bus for transportation and build retraining facilities for tailoring, computers and prosthesis fabrication."

Ghana has invited them for competition and they dream of participating in the Amputee Soccer World Cup in Uzbekistan in October 2003.

Malchow and the mission team from the Northwest have been invited back to conduct another trauma recovery retreat. "I am praying about my possible return to Sierra Leone and eager to see how the Lord will direct," she said.



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Partnership with the past is key for 'emerging church,' leaders say**By John Hall****Associated Baptist Press - www.abpnews.com****April 3, 2003****Volume: 03-31-3520**

AUSTIN, Texas (ABP) – Finding unity with the past will be essential for the "emerging church," say leaders of the loose-knit movement.

Many young Christians are having trouble fitting into traditional church structures, and some are forming their own congregations instead. But going it alone is neither easy nor advisable, observers say.

Brad Sargent, a Christian futurist, said many leaders of the emerging church have a "Frodo syndrome," named for the main character in the "Lord of the Rings" saga who bore the burden of carrying the ring of power. Similarly, Sargent says young leaders need the support of the fellowship of Christians to carry the burden of explaining the nature of the emerging church.

He encouraged the young leaders attending a recent conference to lean on more experienced Christians who can help traditional believers understand what the emerging church is hoping to accomplish.

That kind of partnership is captured in the name of the March 28-30 conference – "wabiSABI" – based on the Japanese concept of the interdependence between the "wabi," meaning the young and fresh, and "sabi," the experienced and wise. The meeting was sponsored by the Baptist General Convention of Texas.

Such a partnership will help the emerging church better communicate with traditional Christians, Sargent said, and help quell misunderstandings that the emerging church is only about reaching Generation X.

Traditional churches can encourage and get involved in the work of the young leaders, Sargent said. "We have to figure out ways to work across the gaps. God created those gaps."

Andrew Jones, who has been called an "apostle" to emerging cultures, called for a "re-estimation of the past." He compared today's cultural situation – in which the modern world intersects the postmodern – to the beginning of the Renaissance, when leaders revitalized ideas from the past to improve the present.

Emerging church leaders need to "remix and reintegrate" aspects of the past into the church, said Jones, whose work among emerging Christian communities worldwide is funded in part by Texas Baptists.

Conference participants modeled that "remixing" approach during a short liturgical worship service that included a Franciscan prayer and a reading from the Book of Common Prayer.

But reconfiguring the past is not enough, Jones said. Emerging church leaders also need to improve church where it historically has been lacking.

"God's calling us to do something better," Jones said. "We've got to do it together."

Sargent said the work of many emerging church leaders has been hampered by "toxic systems" that have not served them. Young Christians often are saddled with the stereotype of Generation X as social outcasts. When those Christians fail to fit into traditional structures at school and church, they are often branded as dumb, lazy and incapable, Sargent said, when in fact they might flourish in another system that empowers their gifts.

Emerging church leaders are fighting on many fronts – including gender, age and thinking patterns – to find a way of doing church that meets the needs of contemporary people, Sargent said. Such a monumental task weighs some young leaders down, Sargent noted. "I find a deep sense of grief over what we're having to overcome," he said. "It's more than any one person can figure out."

One of those leaders – Mark Thames, pastor of Lower Greenville Baptist Community in Dallas – said building Christian unity is the "indispensable groundwork of Christian evangelism."

Nonbelievers find it difficult to believe people would come together for any reason other than personal benefit, Thames claimed. If they can discredit the unity of Christians, they can deny the existence of a unifier – God.

Unity can bring people closer together, but it also allows Christians to relish their individual gifts and missions, he added. "As we get to look more and more like Jesus, we don't get to look more and more like each other. We get to look more and more like ourselves."

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