

Baylor regent told to resign over drug sting gone bad
By ABP staff
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WACO, Texas (ABP) – A Baylor University regent is under investigation by the university for allegedly interfering in an undercover drug sting on campus. But regent Jaclanel McFarland says the accusation is untrue and is part of an attempt to silence her criticism of Baylor President Robert Sloan.

McFarland reportedly was asked to resign from the board of regents by Sloan and regent chair Drayton McLane Jr. The Houston attorney refused.

But sources say the dispute goes deeper and could divide the board of regents and pose a threat to Sloan's leadership.

McFarland, 50, who earlier was a supporter of Sloan, has been an outspoken critic in recent years. She and others have opposed the increased indebtedness incurred in the "Baylor 2012" expansion plan. McFarland and Sloan also clashed over Sloan's purchase of a \$2.3 million private jet for school use.

The controversy came to a head, however, after an April drug sting conducted by Baylor's own police department. An undercover policeman, posing as a Baylor student, enrolled in classes and joined Tau Kappa Epsilon fraternity. Six people later were arrested for selling illegal drugs and one was arrested for possession, but none were fraternity members.

Police say the yearlong sting operation was cut short and other arrests thwarted when fraternity members were tipped off about the undercover officer, according to the Waco Tribune-Herald.

Baylor officials suspect McFarland because her son Allen, 22, is a member of the fraternity, the newspaper reported. He is not attending Baylor this semester but is working in his parents' Houston law office.

It is unclear which regents were aware of the sting while it was going on.

The Baylor regents reportedly were told May 16 that an initial investigation produced "credible" evidence pointing to McFarland as the tipster. She was told to resign or face further investigation that could lead to her ouster from the board.

"Supposedly I knew when no other regent did," McFarland told the Houston Chronicle. "I [supposedly] told my son, and he told someone who told someone."

McFarland and her son deny any involvement.

A Baylor graduate, McFarland could become the first regent in the school's 158-year history to be removed from the governing board. She has served on the 36-member board of regents for 11 of the past 12 years.

Baylor spokesperson Larry Brumley declined to comment on the regents' meeting. McFarland was unavailable for comment May 20.

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Supreme Court to hear challenge to funding of religious schools**By Robert Marus****Associated Baptist Press - www.abpnews.com****May 20, 2003****Volume: 03-47-3600**

WASHINGTON (ABP) – The Supreme Court has agreed to hear a case that may decide whether the government is required to fund religious organizations in some circumstances.

The high court agreed on May 19 to hear arguments in *Locke vs. Davey*, a case that originated in Washington state but could have nationwide consequences for church-state relations.

In the case, Joshua Davey applied under a state program that provides scholarships to disadvantaged Washington students who want to attend in-state colleges. The scholarships may be spent at any accredited school, including religious ones.

Davey, who qualified under the program's rules, elected to spend his scholarship at Northwest College, a Seattle-area Bible school affiliated with the Assemblies of God. However, the state revoked the scholarship when officials found out Davey planned to major in theology and business management.

State officials cited a provision in Washington's constitution that prohibits the state from spending any money on religious instruction. Davey sued the state with the help of the American Center for Law and Justice, a legal-advocacy group founded by Religious Right leader Pat Robertson that often opposes a strict interpretation of church-state separation.

Davey won in the 9th U.S. Circuit Court of Appeals, generally considered one of the nation's most liberal federal appeals courts. A three-judge panel of that court ruled 2-1 that the Washington constitutional provision, as well as a similar state statute, violated Davey's freedom of religious expression under the U.S. Constitution. Washington Gov. Gary Locke (D) appealed the ruling to the Supreme Court.

Washington's constitutional provision is similar to clauses of several other state constitutions, sometimes collectively referred to as "Blaine amendments" by supporters of public money for religious education.

Some such amendments were modeled after a 19th-century amendment former Maine Sen. James Blaine proposed to the U.S. Constitution. While critics of the so-called Blaine amendments say the provisions had their origins in anti-Catholic bias rampant at the time, opponents of government funding for religious instruction say that argument is an oversimplification and that bad motivations don't necessarily make for bad laws.

The state Blaine amendments are seen by both sides as the last major legal obstacle to government funding for religious schools.

Last June, the Supreme Court declared that an Ohio program that provided government scholarships that could be used in private schools did not violate the U.S. Constitution's ban on government support for religion. Justices decided that case, known as *Zelman vs. Simmons-Harris*, on a contentious 5-4 vote.

"Blaine amendments are the Jim Crow laws of our time," said Becket Fund President Kevin Hasson in a press release. The Becket Fund is an organization that supports government funding for private religious schools and runs a special website dedicated to opposing Blaine-type amendments. "This case presents an opportunity for the Supreme Court to follow through on last year's *Zelman* decision and complete the task of banning anti-religious discrimination in education in all its forms."

But supporters of strict church-state separation decried the attempt. "People who want to enter the ministry should pay their own way, not hand the bill to the taxpayer," said Barry Lynn, director of Americans United for Separation of Church and State. "For more than 200 years, religion in America has been funded with voluntary contributions. Many states want to keep it that way and should have the right to shield people from paying the equivalent of a church tax."

The Baptist Joint Committee on Public Affairs, a Washington religious-liberty watchdog group, has opposed school vouchers in the past. BJC General Counsel Holly Hollman said the group has not yet decided to take Washington state's side in the Locke case, but that the suit has the potential to push the school-voucher debate to a significant new level.

"What this case really does is present the issue of whether the [U.S. Constitution's] free-exercise clause actually requires funding" of religious groups, Hollman said. "So, historically, the establishment clause has prohibited funding, and then in the Zelman case, five members of the Supreme Court were willing to say that the federal Constitution at least allows some funding schemes."

But, Hollman added, "You have to say whether or not it is a substantial burden on an individual's free exercise of religion to have the government refuse to pay for his religious education."

Hollman said a ruling against Washington in the case could potentially nullify Blaine-type amendments in state constitutions – perhaps in as many as 37 states.

Justices will not get to hear the case in the court's current session, which is scheduled to end in June. Oral arguments in the case will be held next fall, with a decision likely to follow in the late spring or early summer.

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Correction
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CORRECTION: There was an error in the May 15 ABP story, "Should Christian missionaries have role in Iraq relief?" In the 11th paragraph, the public radio station that produces the program "Fresh Air" was misidentified. The station, WHYY, is located in Philadelphia. The original story had incorrectly identified the station as being located in Boston.



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