

July 02, 2003 Volume: 03-62

In this issue:

- Supreme Court 'sodomy' ruling already causing repercussions
- Appeals court says Moore's Ten Commandments must go
- Moderate Baptists urge respect for 'fundamentalist brothers'
- Missing Baylor basketball player likely murdered, police say
- To influence youth, churches should focus on parents, youth minister says

### **Supreme Court 'sodomy' ruling already causing repercussions**

By Robert Marus

WASHINGTON (ABP) -- It's difficult to overstate how upset most conservatives are at the Supreme Court's recent decision to overturn state bans on "sodomy."

"It is clear from this that the court has taken sides in the culture war," said Justice Antonin Scalia, summarizing from the bench his dissent in the Lawrence and Garner vs. Texas case June 26. "This effectively decrees the end of all morals legislation."

Ken Connor, president of the Family Research Council, said, "Once again judicial activists have used their fertile imagination to create rights that simply don't exist in the Constitution. In doing so, they have imposed their own moral judgments in place of state legislatures and have thereby undermined the democratic process."

Connor went on to warn that the "radical homosexual lobby" will use the decision to extend "a blanket privacy protection over one's choice of sexual partner to one's choice of marital partner as well -- regardless of sex."

While gay-rights activists and civil libertarians have denounced such blanket statements as hyperbole, some of the conservatives' nightmares may already be coming true.

In the recent decision, the Supreme Court voted 6-3 to overturn a Texas law that banned "sodomy" -- a term for any kind of non-vaginal sexual intercourse -- for homosexuals but not for heterosexuals. Five of the six justices in the majority claimed the law violated the 14th Amendment's guarantees of due process and privacy and implied that the law also violated that amendment's equal-protection clause.

The court's ruling was unexpectedly broad, explicitly embracing the right-to-privacy argument and implicitly embracing the equal-protection argument.

The decision means all bans on consensual, adult sodomy -- for gays and heterosexuals alike

7/9/03

-- violate the right to privacy that the majority of the court believes exists in the 14th Amendment.

In the case, two Houston men were arrested, convicted and fined in 1998. The men appealed, claiming the statute under which they were convicted violated their rights to privacy and equal protection.

The recent decision has already had legal ramifications. On June 27, the day after the Lawrence decision was announced, the Supreme Court invalidated a sodomy conviction that a Kansas teenager received for having sex with a younger boy. Kansas law imposed a harsher penalty on same-sex violators of the state's age-of-consent law than it did on opposite-sex violators.

On the same day, a New Jersey judge asked for additional written arguments, in light of the new court decision, on a case in which seven gay couples are suing the state for the right to marry.

And a Massachusetts court is hearing arguments in a case many experts believe will expand that state's marriage laws to include homosexual marriage, given the Supreme Court's new ruling.

"Our victory last week was just the beginning," said Kevin Cathcart, executive director of the Lambda Legal Defense and Education Fund, in a July 2 press release. "We're on stronger ground than ever before to fight for gay couples, parents, employees and students -- to win fairness in every area of life."

But conservatives are already fighting back on the issue of gay marriage. Senate Majority Leader Bill Frist (R-Tenn.) announced June 29 he will support a constitutional amendment, already pending in Congress, that would not only ban recognition of same-sex marriage on the federal level but also invalidate any state or municipal law that confers either marriage or its corresponding benefits on gay couples.

"I very much feel that marriage is a sacrament and that sacrament should extend and can extend to that legal entity of a union between what is traditionally in our Western values been defined as between a man and a woman," Frist said on ABC's "This Week" program.

But White House spokesman Ari Fleischer declined to say June 30 if President Bush supports the proposed amendment, which has been introduced in the House but not yet in the Senate.

Where the Lawrence decision may have its most immediate effect is in custody battles and other day-to-day struggles in the lives of gay and lesbian Americans. According to several gay-rights groups, courts and government agencies have repeatedly cited sodomy laws in denying homosexuals custody rights, state certifications and other legal advantages. The laws are often cited in states with sodomy statutes because the court assumes that homosexuals are, by their nature, lawbreakers.

Cathcart said in the four days since the ruling, Lambda Legal's help desks around the country "have received scores of calls and e-mails from people who were fired from their jobs, lost custody of their children or otherwise faced discrimination because they're gay.

"We have a long road ahead of us, and this ruling will help propel us forward," he added.

-30-

## **Appeals court says Moore's Ten Commandments must go**

By Robert Marus

WASHINGTON (ABP) -- The "Ten Commandments Judge" had better follow the commandment of the Constitution and remove his monument from the Alabama state judicial building, a federal appeals court said July 1.

A three-judge panel of the 11th U.S. Circuit Court of Appeals ruled unanimously that Alabama Chief Justice Roy Moore's installation of a 5,280-pound Ten Commandments monument in the rotunda of the state judicial building violates the First Amendment's prohibition of state support for religion. They upheld a lower federal court's ruling that the monument must be removed, although the appeals court did not impose a timetable for its removal.

But the court vehemently rejected Moore's argument that the federal courts have no authority in the matter because he is sworn to uphold both the Alabama and federal constitutions. Moore argued that both documents acknowledge God.

The court likened Moore's argument to similar arguments by segregationist Southern governors in the 1950s and 1960s in their attempts to defy federal court orders integrating schools and other public facilities. After noting that former Alabama Governor George Wallace and former Mississippi Governor Ross Barnett were ultimately forced to obey federal decrees, Judge Ed Carnes wrote in the court's opinion, "Any notion of high government officials being above the law did not save those governors from having to obey federal court orders, and it will not save this chief justice from having to comply with the court order in this case."

Carnes went on to say bluntly that Moore would not be allowed to defy federal courts. "The rule of law does require that every person obey judicial orders when all available means of appealing them have been exhausted. The chief justice of a state supreme court, of all people, should be expected to abide by that principle. We do expect that if he is unable to have the district court's order overturned through the usual appellate processes, when the time comes Chief Justice Moore will obey that order.

"If necessary, the court order will be enforced. The rule of law will prevail," Carnes concluded.

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. It stands by itself at the center of the building's main public space, and Carnes noted in his opinion that visitors and employees sometimes kneel in prayer before the monument, as if the room were a chapel.

Inscribed across the top of the monument is the Protestant King James translation of the commandments. The court's opinion took special note that different religious traditions -- including different traditions within Christianity itself -- have different ways of translating and arranging the Exodus passages from which the commandments are drawn. Therefore, the court said, it was difficult to view the sculpture as anything but an endorsement of Protestant Christianity.

7/9/03

The judges also said the monument failed another test of constitutionality -- whether the state, as represented by Moore, had a secular purpose in erecting it. The court relied, as had the lower court, on Moore's own words both in court testimony and in a speech he gave at the monument's unveiling, to show he did not have a secular purpose in mind when he made the decision to place the monument in the building. "[W]e agree with the district court that it is 'self-evident' that Chief Justice Moore's purpose in displaying the monument was non-secular. Given all of the evidence, including the chief justice's own words, we cannot see how a court could reach any other conclusion."

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 televangelist James Kennedy -- to tape footage of the monument's construction and installation. 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.

Moore's attorney, Herbert Titus, said his client will appeal the case to the Supreme Court. However, Titus declined to say whether Moore would defy that court and keep the monument in place if he was once again defeated. "We're not making predictions or forecasts," Titus told the New York Times, noting Moore "believes that what he is doing is not only constitutional but required by his oath of office."

Carnes took care to point out the opinion does not invalidate all displays of the Ten Commandments on public buildings but said Moore's monument was such a clear endorsement of religion that it was easily distinguished from other historic religious displays. He noted that among those other displays was a frieze depicting Moses and the commandments on the Supreme Court building itself. But, Carnes said, that display includes other historical legal documents and lawgivers.

The case is Glassroth vs. Moore.

-30-

### **Moderate Baptists urge respect for 'fundamentalist brothers'**

By Hannah Lodwick

CHARLOTTE, N.C. (ABP) -- Although fundamentalists have made "separatist" decisions in recent years, mainstream Christians should try to understand their beliefs in order to "relate to

our fundamentalist brothers and sisters," two moderate Baptist leaders said.

"We are committed to being respectful of fundamentalism," Fisher Humphreys told those attending a breakout session of the Cooperative Baptist Fellowship June 27. "We must be careful to not become contemptful of people who think differently than us."

Humphreys, professor of divinity in the Beeson Divinity School at Samford University, and co-lecturer Philip Wise, pastor of Second Baptist Church in Lubbock, Texas, used the hour-long seminar to outline the history of the fundamentalist movement and stress the importance of understanding its philosophy in today's religious climate.

"Relating to fundamentalists has been one of the most difficult challenges for moderate Baptists," Wise said. "We must decide to relate to our fundamentalist brothers and sisters. They are not going away. We should treat them with kindness."

Originating in the United States in the early 1900s, fundamentalism began as a movement of traditional Protestants to form a united front against liberalism, something they believed posed a secular threat to Christianity.

Curtis Lee Laws, the editor of the Watchman-Examiner newspaper, coined the word 'fundamentalism' in 1920. After a brief disappearance from the limelight in the 1930s, fundamentalism became a permanent fixture in the 1940s with the rise of evangelical leaders like Billy Graham. Now the word 'fundamentalism' has become slightly pejorative, and some evangelicals have distanced themselves from the term.

Wise told listeners fundamentalism in any religion comes from attitudes of suspicion, fear, anger and separatism.

"Fundamentalists must constantly be checking the theology of others to make sure they're not liberals," Wise said. "Separatism causes labeling others as 'with us or against us,' and that explains the frequent splits in fundamentalist churches."

Wise said the five "fundamental" beliefs that give the movement its name -- the inerrancy of the Bible, the virgin birth of Jesus, the substitutionary atonement of Christ for sins, the bodily resurrection of Jesus and the authenticity of miracles -- only provide supplemental beliefs to the Christian doctrine.

"Those beliefs aren't fundamental enough," Wise said. "They used those points as outposts to keep their enemies at bay. They used inerrancy as a weapon to fight liberalism."

Wise said the five fundamentals actually point to underlying truths of the gospel. For example, affirming the inerrancy of the Bible demonstrates the authority of God and the virgin birth is a way to claim the divinity of Jesus, he said.

According to Humphreys, several traits that denote fundamentalist ideas have surfaced in the Southern Baptist Convention in recent years -- reactions against the modern world, selective tendencies toward traditions, the presence of men in the main religious role, and unequivocal boundaries between themselves and outsiders.

Both Humphreys and Wise cited past hurts between fundamentalists and moderates as reasons for resentment between the groups, and they stressed the need for forgiveness and

fairness on both sides.

"We are committed to being respectful of fundamentalism," Humphreys said. "Philip and I both experienced fundamentalism in our teenage years and both have friends who are fundamentalists."

-30-

### **Missing Baylor basketball player likely murdered, police say**

By Hannah Lodwick

WACO, Texas (ABP) -- The recent disappearance of a Baylor University basketball player turned into a homicide investigation June 30 after a police informant said a former teammate shot 21-year-old Patrick Dennehy in the head after an argument.

According to court documents filed by police and released Monday, Dennehy and Carlton Dotson, a teammate and former roommate, argued while shooting guns in the Waco area. Dotson allegedly told a cousin Dennehy had pointed a gun to his head but Dotson shot Dennehy instead. Police have yet to find a body, and they have not named any suspects in the case.

Family members first reported Dennehy missing June 19. Authorities found his sport utility vehicle in a parking lot in Virginia Beach, Va., last week. No arrests have occurred.

"Right now the team, the university, all the members of the Baylor family and myself are just in disbelief about these latest reports," head basketball coach Dave Bliss read in a statement to the media. "Our players and coaches have talked to the investigators in order to provide information and assistance to them. To everyone listening, I would like to ask you to help us -- help us pray and help us understand."

Dennehy transferred to Baylor after playing two seasons at the University of New Mexico, where he was kicked off the team for losing his temper. He had one year of ineligibility at Baylor and had planned to start playing in games again this fall.

Dennehy told reporters in May that the "fresh start" at Baylor excited him. According to an Associated Press report, the 6-foot-10, 230-pound center held a B average and rarely missed a class.

"Patrick has been a true gem since coming to our program," Bliss said in his statement. "He's hard-working, with a solid grade-point average, a young man we respect. His disappearance is terribly upsetting."

-30-

**To influence youth, churches should**

7/9/03

## **focus on parents, youth minister says**

By Marv Knox

CHARLOTTE, N.C. (ABP) -- Since parents are three times more likely to influence their children than is the church, youth ministries must involve parents if they want to change teens, youth minister Spencer Good says.

Surveys of teens emphasize the importance of parents and family in shaping young people's lives, Good told participants in a breakout session at the Cooperative Baptist Fellowship's general assembly.

"Forty-six percent of teens say their primary role model is a family member, not a pop icon or sports star," said Good, a youth minister at Lafayette Baptist Church in Fayetteville, N.C.

Asked to name their greatest influence, 47 percent of teens picked their parents, he added. The second-greatest influence is church (cited by 16 percent), followed by peers (8 percent) and a relative other than a parent (4 percent), he said.

"Teens care and want parents involved, whether they admit it or not," he observed. "We need to get parents to 'pack the stands' [at church events for youth]. If youth look to parents as role models, we need to get parents involved."

"If we're working with youth only, and not their parents, then we're sidetracking and trying to become [their] parents, which we're not," he said. So youth ministries need to reach out to parents and partner with them in training and developing their teenagers, he said.

During dialogue, Good and many ministers in his seminar agreed a surprisingly high percentage of teens attend church without their parents. This factor limits the depth of influence possible among teens, Good acknowledged.

The best way to get parents involved in church youth activities is to "plan good stuff," Good said. He also suggested letting parents help plan some youth ministry events, as well as sponsoring meetings and ministries with and to parents without their children present.

A motivation for ministry to parents is the fact many parents need to develop parenting skills and need more information to help them help their children, he said. "If parents are the influence, then we've got to educate parents first."

Youth ministry should "fuse" with family ministry in the church and focus on the five purposes of the church -- worship, discipleship, evangelism, fellowship and ministry, he said.

-30-