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IN THIS ISSUE:

- Piracy may transform Christian music industry
- Good motives don't excuse piracy, say Christian artists, ethicists
- Who's getting rich on Christian music?
- D.C. school-voucher program gets boost, despite opposition
- Bush withdraws Estrada nomination after uproar over his conservatism
- Despite slight drop, most children still live with both parents, census says
- Bill Cosby consoles Baylor as factions trade charges
- Tom Clifton to retire at yearend as Central Seminary president
- Senate panel discusses threats to anti-gay-marriage law

Piracy may transform Christian music industry

By John Hall

NASHVILLE, Tenn. (ABP) -- Pirates not only have ruled the Caribbean at the box office this summer, they've continued to ravage the music industry -- including the Christian music industry.

Illegal compact discs and Internet downloads are pushing people out of work and driving creativity and variety out of the Christian music industry, according to insiders.

Christian music sales have fallen for the first time in two years, and piracy is largely to blame, according to John Styll, president of the Gospel Music Association. Although he does not have solid numbers of Christian music downloads from file-sharing sites, he said several factors indicate large amounts of activity.

Many songs from Christian artists appear on peer-to-peer file-sharing sites, where people can trade electronic files across the Internet. Songs from artists like Michael W. Smith, Third Day, Amy Grant and Stephen Curtis Chapman are readily available.

Additionally, recordable compact discs outsold music CDs by a 2-to-1 ratio this year in North America, according to the Recording Industry Association of America. Sales of MP3 players, which play the digital files, jumped 56 percent last year.

Couple these facts with the 10 percent decline in Christian music sales in the first six months of this year compared to last year, and Styll believes the connection is obvious.

Proponents of file sharing claim the process does not hurt anyone because the artists already make outrageous amounts of money.

Styll agrees the average retail price for albums is too high, but illegal downloading and CD burning hurt everyone in the industry -- from engineers to producers to CD manufacturers, he added. One record label cut its workforce 10 percent because of the sales reductions, he said.

"I would keep making music for free, but because I work for a label, I don't think those people should work for free," said multiple Dove Award nominee Shaun Groves.

Piracy also decreases the variety of Christian music available, said Groves. Recording labels are allowing their artists to take fewer risks, he said, because the profit margin is so slim that investors cannot afford for any album to lose money. To ensure projects make money, executives produce only albums that will have mainstream appeal.

That means leaving certain topics out of contemporary Christian music, Groves mourned. It also means signing fewer new artists and cutting other performers faster. Had such a mentality prevailed in the past, artists like Rich Mullins, who was not immediately successful, would have been dropped and not blossomed into major Christian music favorites, he added.

"If you make music that has the whole truth of Scripture, it's risky," Groves said.

Todd Agnew, whose first single off his debut album shot to No. 1 on the Christian pop charts, echoed Groves' thoughts, saying he does not expect to make money during his first year of touring behind the album but hopes to survive to make a second record.

"We're swimming as fast as we can to keep our heads above water," he said.

Despite the negative effects of illegal downloading and CD burning, Styll and the artists agree that digital music can have a positive purpose. Mainstream artists such as Toad the Wet Sprocket and John Mayer gained popularity through fans spreading their music without buying it.

But the artists must choose to market themselves that way, Styll said.

Whether they make that choice or not, popular artists most likely will end up on a file-sharing network. Groves does not get upset with people who ask him to autograph a CD of his music they have copied rather than bought because he does not believe people understand it is illegal.

Ryan Gregg of Dallas-based Addison Road, a band trying to get signed to a major label, does not agree with illegal burning or downloading, but he looks at a copied album as an avenue to larger fan support.

"If someone is willing to burn a CD, maybe in the long run they'll come to a show or buy a T-shirt," he said. "This is not to say we support burning our CD, but I just don't think it is cool to get mad at people about it."

Meanwhile, the Christian music industry is working to harness the promotional potential of the digital age, while educating the public on copyright laws, Styll said.

A board of directors from four major labels is investigating digital issues. One of their first steps is to begin inserting a piece of paper in each album thanking the owner for purchasing the music rather than illegally copying it.

Several labels have already printed, "Unauthorized duplication prohibited by law" on the CDs. Rocketown Records initially added the warning: "That includes downloading and file-sharing," but since has changed the wording to simply: "Don't steal music."

"It's a small bit of type, but hopefully it will feed the conscience of a buyer or two," said Angela Magill, vice president of business affairs and general counsel at the label.

Manufacturers continue to work on technology that prevents people from downloading and burning songs. Until then, the carrot holds more promise than the stick.

Groves hopes to entice fans to buy his album rather than download the songs illegally. He added a promotional video and a live version of a song to his latest album. He also included a Power Point display for worship use.

Some observers are suggesting the downloading dilemma -- and difficulty of stopping it -- will eventually move the industry to primarily digital distribution, virtually eliminating CDs and other "hard" media.

Artists and labels already are encouraging fans to use legitimate websites such as liquid.com that charge about 99 cents per song to download.

"The industry has got to convert to the digital world and make it easy and affordable," Styll said.

But that won't be the end of the battle, Styll noted. The industry fought piracy before CDs and will battle it long after the industry catches technology, he said.

"I think this will always be a problem in some form."

-30-

Good motives don't excuse piracy, say Christian artists, ethicists

By John Hall

DALLAS (ABP) -- Freely downloading songs or copying albums without artists' permission is like stealing a Bible, according to Christian music insiders: Good motives don't excuse illegal acts.

Christian music industry leaders largely blame piracy for the current decline in Christian music sales. And they say ministers may be among the best-known pirates.

John Styll, president of the Gospel Music Association, cited anecdotal evidence to support the notion that ministers commonly download material for their churches without permission.

Many ministers try to keep their services and activities up to date with the latest contemporary Christian music without realizing the negative example they set for their congregations, according to contemporary Christian artist Shaun Groves. "It's like saying I have to break the law to do my ministry."

That sends youth the message that illegal downloading is acceptable, Groves argued. "They're going, 'If my youth minister does it, it must be OK.'"

On another level, downloading music violates ministerial ethics, according to Joe Haag of the Baptist General Convention of Texas Christian Life Commission.

Illegally obtaining music is similar to using someone else's sermons or ideas without permission or accreditation, he argued. "One of the points of ministerial ethics is you don't plagiarize other people's stuff."

Groves and Styll say the issue largely is an education problem where ministers, and Christians in general, don't realize downloading songs through peer-to-peer Internet sites is illegal unless artists give permission for their material to be shared.

Bill Tillman, ethics professor at Logsdon School of Theology in Abilene, Texas, argued the problem is more foundational in American society: People covet what others have. "In our society, we aren't very well schooled in the notion that someone else's idea is theirs," he said.

Recording artists Todd Agnew and Groves said they empathize with believers who want to use the music to reach their friends. "You tell me your story, I'll send you a CD," Agnew said. "Whatever you need to reach that person." But piracy is against a law Christians are called to faithfully uphold, Groves reminded.

-30-

Who's getting rich on Christian music?

By John Hall

NASHVILLE, Tenn. (ABP) -- Christian music is big business. The sales numbers show that. But Christian music insiders argue it's a ministry as well.

Although sales figures fell about 10 percent in the first six months of this year, the industry still moved 21 million units during the period, according to the Gospel Music Association. For all of 2002, retailers sold about 49.66 million albums.

Artists like Jars of Clay, Michael W. Smith, dc talk and Steven Curtis Chapman each have sold between 5 million and 8 million albums during their respective careers. Kirk Franklin and Sandi Patty each have sold 11 million. Amy Grant tops the list of Christian artists at 24 million units sold.

Today, contemporary Christian music is sold nationwide by mainstream retailers as well as Christian bookstores.

Both the companies that produce the music and the artists themselves get more than heavenly rewards for their efforts. The GMA estimates Christian music generates about \$900 million in sales annually.

Christian artists typically get between 8 percent and 20 percent of the sales of albums, according to Dan Keen, assistant vice president of the American Society of Composers, Authors and Publishers.

Michael W. Smith's "Worship" album, for example, has sold more than 1.2 million units. The suggested retail price is \$17.98, although many retailers sell albums for less. Calculated conservatively, assuming an average sales price of \$12 and a low-end royalty of 8 percent, that brings the artist's earnings to more than \$1 million.

On top of that, artists earn about 4 cents per song that they write on each album sold, Keen said. If they co-

write the song, they divide the royalties with the co-authors. However, if the label writes a control clause into the artist's contract, the royalty would be cut to about 3 cents per song.

Additionally, about 12.5 percent of sales of Christian music songbooks are divided among the writers of the material, Keen reported. That percentage could be as high as 20 percent.

Each of the royalty figures can be negotiated on an individual basis, Keen said.

But touring is where most artists get a significant amount of their income, Keen noted. They earn money from ticket sales, merchandise and the music bought at the shows.

A recent tour with Michael W. Smith and Third Day ranked as one of the top 100 tours of all musicians in 2002, according to Pollstar magazine. Celebrate Freedom, a Dallas-area Christian concert that featured 17 acts in 14 hours, drew more than 200,000 people.

"Most artists, if they're realistic, look at the record as a promotional piece to get better live gigs," Keen said.

With the growing success of the Christian music industry has come questions about the nature of the business. Artists consistently maintain they are trying to make a difference in lives with their message, but economics constantly remind fans the genre is a business.

John Styll, president of the Gospel Music Association, argued it is both ministry and a business. The labels operate to make money by getting the music out to radio stations and retailers, he said. "I can't excuse the fact that these labels are businesses. But ministry can happen as a result."

Christian music labels and businesses are like any other business run by Christians, Styll noted. "Lots of Christians make lots of money," he pointed out. There is "nothing inherently wrong" with making money.

Sales figures are so high and in some cases profits so large because today's Christian music is "some of the best that's ever been made," he added. Contemporary worship music is connecting with people, Styll said, and they want more.

Jenny Simmons of Addison Road, a Dallas-based band working to get signed to a label, compared Christian artists to church staff members: If ministers get paid, shouldn't Christian artists?

"Musicians, even Christian musicians who feel called to ministry, are entitled to make money, to develop a career and to support themselves off their ministry," she said. "If that means their CD goes big time like Jars of Clay and they make millions of dollars, good for them.

"There are lots of pastors of huge megachurches who are coming home with six-digit paychecks each year, not to mention all the benefits and gifts they receive from members in their congregations. What makes someone in the music industry any different?"

Many times, God rewards generous givers, Styll said. For example, many of the top acts in Christian music fund ministries that help people. Michael W. Smith is involved in Compassion International, the Billy Graham crusades and Samaritan's Purse. Steven Curtis Chapman is connected with ministering to orphans.

"What is unbiblical is to hoard your money, ... to not give freely and abundantly to those in need, to lust after it," Simmons said. "Whether you're making millions as a Christian in music or as a Christian who is a lawyer, banker ... or stockbroker, it is [your] obligation to give freely back to God's church on earth and to give to

those in need."

-30-

D.C. school-voucher program gets boost, despite opposition

By Robert Marus

WASHINGTON (ABP) -- Supporters of public funds for private schools -- including religious ones -- have won two major victories in Congress.

An experimental school-voucher program that would provide publicly funded scholarships to students in the District of Columbia who wish to attend private schools narrowly passed the House Sept. 5.

And a day before, a flip-flop in a Senate committee by a former voucher opponent made the passage of a similar D.C. voucher bill much likelier in that chamber.

Sens. Dianne Feinstein (D-Calif.) and Robert Byrd (D-W.Va.) crossed party lines to vote for the measure in the Senate Appropriations Committee Sept. 4. Feinstein, long an opponent of voucher plans, had previously announced that she had changed her position on the issue for this bill, which includes millions in other funding for D.C. government causes.

The District of Columbia is unique in that Congress has oversight authority over much of the D.C. government, including schools. That gives Congress the opportunity to enact a voucher proposal that it could not impose on the states. The proposal is part of a routine funding package for various city programs.

Sen. Arlen Specter (R-Pa.) -- also a longtime voucher foe -- was the only Republican on the committee to vote against the measure.

Feinstein said her switch was partially due to the fact that Washington's mayor and school board president had also given up their long-time opposition to vouchers and announced support for the plan.

But opponents of vouchers have said the bill would force Washington residents to accept a plan they don't want and for which they haven't voted. "The people of the District of Columbia have not turned around on a dime" on vouchers, said Eleanor Holmes Norton (D-D.C.), the city's non-voting delegate to the House of Representatives, during floor debate on the measure Sept. 5. "This is one of the most anti-voucher jurisdictions in the country."

Norton noted that, despite the support for the plan by D.C. Mayor Anthony Williams (D) and D.C. school-board president Peggy Cooper Cafritz, a majority of the city's elected officials -- both city council and school board members -- remain strongly opposed to vouchers. Many anti-voucher D.C. officials and residents have accused Williams and Cafritz of bowing to pressure from President Bush and Republican leaders in Congress, who strongly support vouchers.

Voucher opponents often cite three primary fears: That voucher programs mean public money could be spent at private religious schools, that the exodus of good students and funding to private schools would hurt already-struggling public school systems, and that private schools are not accountable to the public for their performance in anything resembling the same way public schools are.

Independent polls consistently show large majorities of the public oppose vouchers. However, last year the U.S. Supreme Court ruled that an Ohio voucher program did not violate the Constitution's ban on government support for religion despite the fact the scholarships could be spent at Catholic and other religious schools.

Currently, only Ohio, Wisconsin and Florida operate publicly funded voucher programs.

If the D.C. bill becomes law with the voucher provision intact, it would be the first time federal funds would be used to pay for private-school vouchers. Several recent congressional attempts at passing federal voucher programs have failed, and ballot initiatives that would create voucher programs have lost by wide margins in several states and the District of Columbia.

Supporters argue that the poorest children in many big-city public school systems -- such as Washington's -- need to be offered every opportunity to "escape" low-performing schools.

"We, as local leaders, are simply imploring Congress to embrace our efforts to help our long-neglected student population with every available tool," wrote Williams, Cafritz and D.C. council member Kevin Chavous in a Sept. 3 Washington Post guest column. "Obviously, the issue of whether federal funds should be allocated to private schools is enormously difficult, but it is an issue that has been settled by the Supreme Court."

But local voucher opponents, who held a Sept. 3 press briefing to kick off a day of lobbying, said Williams, Cafritz and Chavous were misguided and blinded by promises of federal money. "We cannot sit silent with a bill before Congress to fund private schools at a time when our public schools are suffering \$40 million in budget cuts," Jeffrey Haggray, D.C. Baptist Convention executive director-minister told reporters. "We cannot be silent when the pending voucher bill would cost our school system an additional \$25 million in per-pupil funding."

The Senate bill could come to a floor vote as early as next week. However, some Senate Democrats have threatened to kill the bill with a filibuster because of the voucher provisions.

The Senate version of the bill is S. 1583.

-30-

Bush withdraws Estrada nomination after uproar over his conservatism

By Robert Marus

WASHINGTON (ABP) -- Lashing out at Senate Democrats, President Bush withdrew his nomination of a controversial Washington lawyer to a federal court of appeals.

Bush announced Sept. 4 he was removing Miguel Estrada's name from consideration for the District of Columbia Circuit Court of Appeals, generally considered the second-highest federal judicial panel after the Supreme Court.

Opponents say Estrada is an extremist conservative on issues such as abortion rights and church-state relations. Although Bush nominated the attorney two years ago, Estrada's nomination languished while Democrats controlled the Senate. After Republicans regained control of the chamber last year, 45 Democratic senators used a filibuster to continue to block the nomination.

Sources close to Estrada said that he and his family had tired of the nomination battle, and that he asked the White House to withdraw his nomination several weeks ago, but Bush officials didn't want to give up the fight for his nomination so soon. In a letter published in the Sept. 4 edition of the Wall Street Journal, however, Estrada said he was withdrawing to return his "full attention to the practice of law" and "to regain the ability to make long-term plans" for his family.

In a statement released from the White House, Bush said the nominee "received disgraceful treatment at the hands of 45 United States Senators during the more than two years his nomination was pending."

Bush added that Estrada was defeated "despite his superb qualifications and the wide bipartisan support for his nomination." He concluded: "The treatment of this fine man is an unfortunate chapter in the Senate's history."

Estrada has never been a judge. Senators who opposed his nomination said his lack of a judicial record -- and his refusal during confirmation hearings to answer questions about his views on important legal issues -- made it difficult to determine his views on controversial issues. He came under higher scrutiny than many circuit-court nominees because many legal experts predicted Bush was grooming Estrada to become the first Hispanic on the U.S. Supreme Court.

The White House also refused to release confidential memos that Estrada wrote on important legal issues while he worked for the office of the U.S. Solicitor General. Republicans -- and some Democrats -- protested that such a release would compromise the legal principle of executive privilege.

But predictions by some of Estrada's supporters about how he would rule on certain issues suggest his opponents' suspicions may be justified. Making reference to a recent federal appeals court ruling that declared a Ten Commandments display in an Alabama courthouse an unconstitutional government endorsement of religion, Southern Baptist leader Richard Land said Estrada would have opposed such rulings from the federal bench.

"We have a runaway federal judiciary that is attempting to impose its liberal and secular bias on our society," Land, president of the Ethics and Religious Liberty Commission, said in a Sept. 4 statement. "Through his nomination of solid constitutionalists as federal judicial nominees, of whom Miguel Estrada is a sterling example, President George W. Bush is committed to reining in this runaway judicial stampede."

-30-

Despite slight drop, most children still live with both parents, census says

By Mark Wingfield

WASHINGTON (ABP) -- Despite the public perception that single-parent households are becoming the norm in America, seven out of 10 children under the age of 18 still live in two-parent homes, according to the U.S. Census Bureau.

However, 30 percent of America's children live with one parent, most often a mother. Children living in single-parent homes are five times more likely to live with their mothers than with their fathers, according to census data.

The percentage of children living at home with two parents has decreased slightly over the last decade, to 69

percent in 2002 from 73 percent in 1991.

The statistics are drawn from a new Census Bureau report, "Children's Living Arrangements and Characteristics," released this summer.

The report notes that not all children listed as living in single-parent homes actually live in homes where only one adult is present. For example, the census data does not fully capture data on children living in a home with a parent and a non-married partner.

In 2002, African-American children were 2.65 times more likely to live in single-parent households than Anglo children. That gap has increased slightly over the last decade. In 1991, African-American children were 2.57 times more likely than Anglo children to live in single-parent families.

In 2002, 53 percent of African-American children lived in single-parent families (up from 49.1 percent), compared to 20 percent of Anglo children (up from 19.1 percent), 30 percent of Hispanic children (down from 31.1 percent) and 15 percent of Asian children.

Children of all races who live with a single father are significantly more likely to live in a household with a cohabiting partner than children living with single mothers.

Among children with two parents in the home, 97 percent had at least one parent active in the labor force and 62 percent had two parents active in the labor force.

Stay-at-home mothers were 56 times more prevalent than stay-at-home dads, although 1.5 million children lived in households with stay-at-home dads. Only a fourth of those dads, however, said they were at home primarily to care for the family. In 2002, 18 percent of children lived in households with stay-at-home mothers, including 31 percent of children who were in two-parent households.

Nationwide, 30 percent of children lived in households with family incomes below \$30,000 annually and 29 percent lived in households with family incomes of at least \$75,000. Nearly half of all children lived in households with family incomes of \$50,000 or more.

Five percent of children lived in public housing, and 11 percent received food stamps.

Nationally, 88 percent of all children had health-insurance coverage, compared with 91 percent of children living with two parents, 86 percent of those with single mothers and 82 percent of those with single fathers.

-30-

Bill Cosby consoles Baylor as factions trade charges

By Mark Wingfield

WACO, Texas (ABP) -- Comedian Bill Cosby came to Waco Sept. 4 to cheer up the Baylor University community, but critics of the university's athletic department, president and 10-year vision continued to find little to laugh about.

Cosby, who also spoke at Baylor last year, volunteered to donate his time to help console students in the wake of basketball player Patrick Dennehy's summer murder.

9/8/03

Meanwhile, both critics and supporters of the administration remained busy beating the drum for their causes.

A group called Friends of Baylor University held a pep rally Aug. 29 to show their support for the university and President Robert Sloan. The group was formed by Waco businessman Clifton Robinson, according to the Waco Tribune-Herald.

"One thing is crystal clear: Issues of personality cannot dictate the future of Baylor University," he told the crowd of about 100 supporters. "It is imperative that all voices be heard and public opinion not be swayed by a small vocal minority with a different agenda."

To refute the assertion of critics that donations to Baylor are decreasing, the group presented Sloan with a check for \$1 million to be added to the university's endowment.

A group called the Committee to Restore Integrity to Baylor countered the next day with an advertisement in the Tribune-Herald expressing "no confidence" in Sloan's leadership. Spokesman for that group was Gale Galloway, an Austin businessman who was chairman of the Baylor board of regents when Sloan was elected president in 1995.

"We did a great disservice in putting Robert in that job, because he didn't have a single day's experience running an organization," Galloway told the Waco newspaper.

Faculty groups continued to express both support and criticism for Sloan as well.

One day after a professor Henry Walbesser, a member of the faculty senate, announced plans to call for a vote of no confidence in the president, he was removed from the elected body on a technicality. Ben Kelley, dean of engineering and computer science, the area in which Walbesser teaches, drew attention to a previously overlooked rule in the senate's governing documents.

Walbesser was ousted from the senate because he had missed four meetings during the academic year. The irony is that Walbesser missed the meetings because he was on sabbatic doing research, a fulfillment of Sloan's new and controversial demands on Baylor professors.

The faculty senate is to meet Sept. 9, and some faculty members said they still would call for a vote of no confidence in the president, even if Walbesser is not allowed to participate. However, some professors reported they felt pressured by their deans not to speak out against the president or to vote against him in the faculty senate.

Meanwhile, after about 100 faculty and staff members rallied behind the president in a formal event kicking off the new school year and flooded regents with e-mails and faxes supportive of Sloan, an alumni critic said she thinks the support was orchestrated.

Bette Miller, daughter of former Baylor President Abner McCall, cited an e-mail sent Aug. 21 from a Baylor administrator to all tenure-track faculty. That e-mail urged the newer faculty members to "send an e-mail titled: VOTE OF CONFIDENCE" and copy a short message: "As a Baylor family member, I would like to take this opportunity to voice my 'vote of confidence' for President Robert Sloan and his administration."

The administrator's solicitation provided e-mail addresses for regents. This "explains why the regents are receiving 'hundreds' of faxes/e-mails in support of Sloan," Miller charged. "Of course, we also ask our loyal opposition members to write the regents, but there's an important difference--we're not their employers, with control over their job security, raises, tenure, assignments, etc.; and we don't have the capability of checking

their outgoing e-mail to see if they've complied with our requests."

Sloan supporters within the faculty and administration have said privately for several months that they believe former Baylor President Herbert Reynolds has been a driving force behind criticism of Sloan, although Reynolds has kept publicly silent on the matter.

Reynolds broke that silence in a late-August interview with the Tribune-Herald, however.

The newspaper asked Reynolds if he is behind the persistent criticism of Sloan from alumni and faculty. He acknowledged that over the past eight years he has been contacted by "hundreds of individuals concerning Baylor's leadership and direction."

He did not become actively involved in the cause until last fall, he said, when "I decided I was not going to sit by and watch Baylor undergo a transformation engineered by a small coterie of individuals who, in my opinion, want to impose their own particular worldview on Baylor." This worldview, he charged, "will lead to a more autocratic milieu, a violation of individual soul competency that has been the bedrock of Baptist principles for centuries, and a general loss of freedom and personal volition in both religious and academic matters."

Baylor regents faced criticism on yet another front as the new school year began.

Some Baylor alumni and Sloan critics charged the self-perpetuating board stood on the brink of electing former Southern Baptist Convention president Ed Young to the board. The speculation reached such a pitch that one of Baylor's biggest benefactors, John Baugh, wrote a letter to regents chairman Drayton McLane expressing his concern.

Although not naming Young, pastor of Second Baptist Church in Houston, Baugh wrote that he had "information from several credible sources" that the board's nominating committee intended to recommend "one or more prominent fundamentalist preachers" to become regents.

Young has been a leader of the fundamentalist movement within the SBC, the movement that a decade ago caused the Baylor board to declare itself self-perpetuating. Then-president Reynolds and the board leadership feared a takeover of the university akin to the changes then happening at SBC seminaries.

Sloan and Baylor spokesman Larry Brumley both denied Young is being considered for the board. "I have never heard Ed Young's name mentioned by any of our regents in connection with a place on Baylor's board," Sloan told EthicsDaily.com. "I don't know how some of these rumors get started. I'm kind of amazed at these things."

Brumley called the story a "malicious rumor" that is "totally baseless."

On the legal front, Dennehy's father filed a lawsuit against the university, alleging his son intended to expose improprieties in the Baylor basketball program, leading to "violent threats" against him and a cover-up that resulted in his murder.

Patrick Dennehy Sr. seeks unspecified damages against the university, Sloan, McLane, former athletic director Tom Stanton, former basketball coach Dave Bliss, assistant coaches Doug Ash and Rodney Belcher, assistant athletic director Paul Bradshaw and Baylor booster William Stevens.

Tom Clifton to retire at yearend as Central Seminary president

By ABP Staff

KANSAS CITY, Kan. (ABP) -- Thomas Clifton, president of Central Baptist Theological Seminary in Kansas City, Kan., for the past decade, will retire Dec. 31, 2003, according to the American Baptist News Service.

Clifton is the ninth president of the 102-year-old theological school, which is affiliated with the the American Baptist Churches USA and Cooperative Baptist Fellowship.

Clifton "has led the seminary with wisdom and vigor ... during times of extraordinary challenges," said William Mankin, chair of Central's board of directors, in a letter this week. "His vision has profoundly shaped what the seminary is today."

Clifton is a member of the General Board of the American Baptist Churches USA. He previously held pastorates in New York, Indiana, North Carolina and Ohio.

-30-

Senate panel discusses threats to anti-gay-marriage law

By Robert Marus

WASHINGTON (ABP) -- In what its chairman insisted was not a hearing on a constitutional amendment to outlaw gay marriage, a Senate panel ended up discussing the proposed Federal Marriage Amendment anyway Sept. 4.

The Senate Judiciary Committee's Subcommittee on the Constitution held a hearing billed instead as an exploration of ways to defend the Defense of Marriage Act, a 1996 law that banned federal recognition of same-sex marriages. Subcommittee chairman Sen. John Cornyn (R-Texas) took pains to note that the hearing was "not about whether we should adopt a constitutional amendment," which has been proposed in the House but not yet in the Senate.

But at the hearing, witnesses testified both for and against the Federal Marriage Amendment, which Sen. Russell Feingold (D-Wis.) described as "the 800-lb. gorilla that's in the middle of the room."

The amendment would alter the Constitution to define marriage as only between a man and a woman. It would also prohibit states from conferring any of the "legal incidents" of marriage on "unmarried couples or groups." This means that it would supersede state and local laws that give legal recognition to same-sex "civil unions" or confer domestic-partnership rights -- such as health or estate benefits -- on same-sex couples or other unmarried couples in long-term relationships.

When Rep. Marilyn Musgrave (R-Colo.) introduced the amendment in the House earlier this year, few observers of Congress thought it would get any farther than the dozens of other constitutional amendments that have been proposed in recent years. But it has picked up momentum in recent weeks due to an apparent national backlash on gay-rights issues.

9/8/03

Many polls show increases in public opposition to legalizing same-sex marriage or civil unions since a June Supreme Court decision put gay rights back on the front pages. The court, in *Lawrence and Garner vs. Texas*, said state laws banning gay sex were unconstitutional. Many gay-rights opponents feared it would end up creating a new legal ground on which to attack the Defense of Marriage Act or state laws banning gay marriage.

In addition, a decision from the Massachusetts Supreme Judicial Court legalizing gay marriage is expected any day now by most legal observers. That has heightened the concerns of anti-gay-marriage activists about the strength of Defense of Marriage Act, because the Constitution requires states to recognize most legal actions of other states.

That was a concern clearly shared by the anti-gay-marriage panelists at the Sept. 4 hearing. "Anyone who believes that DOMA will be held constitutional [if challenged in federal courts] has a very stiff job ahead of them defending that position," testified conservative activist Michael Farris, president of Patrick Henry College in Virginia and chairman of the Home School Legal Defense Association. Noting that many law-review articles since the Lawrence decision have said it could provide grounds for overturning Defense of Marriage Act, Farris predicted that law's demise within five years.

"The courts are robbing the American people of their fundamental rights of self-government," Farris told the committee.

But conservative legal scholar Dale Carpenter disagreed, noting that the Constitution's clause requiring states to recognize most acts of other states has never been interpreted to force states to do so if such recognition would violate the state's policy goals.

Carpenter, a professor at the University of Minnesota Law School and an expert in sexual orientation and the law, also said the Lawrence decision was narrowly tailored enough that it would not serve as a basis for judicial overturning of state laws defining marriage, because marriage is both a private and a public institution, while consensual sexual activity is private. "[The Lawrence decision] involves the most private of acts -- sexual intercourse -- in the most private of institutions -- the home," he testified.

Carpenter serves as an advisory board member of the Republican Unity Coalition, a group devoted to encouraging both gay and lesbian support for Republicans and support for gay rights among members of the party.

Perhaps the day's most poignant testimony came from Keith Bradkowski. A hospital administrator in San Francisco, he lost his long-term, same-sex partner, Jeff Collman, in the Sept. 11, 2001, terrorist attacks.

Bradkowski explained the difficulties that surviving partners in same-sex relationships face when their relationships have no state recognition. "After his death, I was faced not only with my grief over losing Jeff ... but with the painful task of proving the authenticity of our relationship over and over again," he said. "During the years we were together, Jeff paid taxes and had Social Security deducted from his paycheck as any other American. But without a civil marriage license, I am denied benefits that married couples and their families receive as a matter of routine."

But Sen. Cornyn said that, though he sympathized with Bradkowski's plight, the institution of marriage is so central to society's well-being that it requires protection. "I believe that the Senate has a duty to ensure that, on an issue as fundamental as marriage, the American people, through their elected representatives, decide the issue," he said.

Saying Congress' role in defining marriage should not be abandoned to "activist courts," Cornyn added, "I believe it is our duty to carefully consider what steps, if any, are needed to safeguard the traditional understanding of marriage, and to defend the Defense of Marriage Act."

-30-