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Court Hears Arguments In Bakke Discrimination Case By Stan Hasteley

WASHINGTON (BP)--After listening to two hours of oral arguments in the case of a California man who claims he was denied admission to medical school because he is white, the U. S. Supreme Court is set to decide its most important civil rights case in more than two decades.

Not since 1954, when the high court unanimously declared school segregation by law to be unconstitutional, have the justices been confronted with a more emotion-charged civil rights case.

For the first time, the court will have to decide if "affirmative action" programs, designed to help persons belonging to minority groups make up lost ground, deny whites the equal protection of law. Ironically, the courts have most often cited the equal protection clause of the 14th Amendment in opening up new opportunities for blacks and other minorities.

The case at hand was originally brought by Allan Bakke, a white man twice denied admission to the medical school at the University of California--Davis. He maintained that those denials, in 1973 and 1974, resulted from nothing else than his being white.

The medical school has an affirmative action policy of setting aside 16 of the 100 places in each entering class for blacks and Hispanic Americans.

Archibald Cox, one of the victims of the "Saturday Night Massacre" by President Richard Nixon four years ago during the height of the Watergate scandal, argued before the justices that the ruling of the California Supreme Court throwing out the medical school's admissions policy should be overturned.

"There is no racially blind method of selection," the famed attorney argued, "if racial discrimination practiced against minorities for generations is to be eliminated. The discrimination of the past," he said, "isolated certain minorities" and "shut them out" of the opportunities of American life.

Without affirmative action policy, Cox continued, members of minority groups would be virtually excluded because almost all of them score lower on aptitude tests than do more privileged whites. He noted that before the medical school at Davis began its affirmative action program in 1969, no blacks had been admitted.

Cox also argued that other alternatives "won't work." Among those solutions he rejected are proposals to build more medical schools, do better recruiting among minorities, or treat all economically deprived persons on an equal footing regardless of race. Such proposals are "circumlocutions," he said, which ignore the fact that race itself is the heart of the problem.

He argued with passion that affirmative action programs are necessary "so that other, younger boys and girls can say that 'yes, it is possible'" to escape economic and social deprivation.

While Cox's performance before the justices was smooth, his line of argument did appear vulnerable at one point when Chief Justice Warren E. Burger questioned him about the exclusion of other minority groups from the Davis medical school's admissions program, including the large California Asian-American group.

The case for Allan Bakke, who was admitted to the medical school under a court order after he sued the university, was presented by attorney Reynold H. Colvin of San Francisco.

Colvin spent approximately the first 20 minutes of his 45-minute presentation reviewing the facts in the case, prompting Justice Lewis F. Powell to remind him that the justices wanted to hear the constitutional arguments from Bakke's side and not a recitation of events surrounding his denials of admission.

The thrust of Colvin's argument was that the admissions policy, while labeled "affirmative action," really amounted to a quota system. What "brings Allan Bakke to this court," he said, is his contention that racial discrimination in reverse prevented him from obtaining a place in the medical school.

In answer to a question by one of the justices about the reverse discrimination charge, Colvin insisted the practice amounts to a quota system because the number of places in the medical school for minority representatives was selected first, followed by the university's filling those places with minority students.

Colvin cited a number of statistics demonstrating Bakke's superiority to each minority member admitted in grade point average and test scores. "Mr. Bakke was deprived" of an opportunity to enroll, he said, "by reason of his race." Race as such, he went on, is an "improper" criterion.

Charging the university has become "quota-happy," Colvin argued that the degree of economic disadvantage, not race, should be the primary concern of schools in the admissions policies. Such a criterion would allow for individual consideration rather than classifying applicants in racial categories.

In addition to Cox and Colvin, the solicitor general of the United States, Wade McCree, also participated in the arguments as the chief attorney for the government. McCree asked the high court to uphold affirmative action admissions policies but also to send the case back to the California Supreme Court for action which would eliminate the troublesome "quota" factor.

McCree insisted during his 30-minute presentation that schools cannot ignore race as a major criterion in determining admissions policies. "To be blind to race today," he argued, "is to be blind to reality."

While specific policy decisions are "best left to the professional judgment of the faculties," he went on, the high court must reach a decision in the case that will help those who have been "held back" to "come up to the starting line."

The high court will probably not announce its decision in the controversial landmark case until sometime next spring.

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Missionary 'Scout'
Goes To the Field

By Jennifer Hall

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RICHMOND (BP)--Dwight Honeycutt has stepped into his brother's shoes and is walking into another world. For five years Honeycutt has counseled and directed dozens like himself into career missions.

He has seen, felt and heard the highs and lows of missionary life as one of four associate secretaries for missionary personnel at the Southern Baptist Foreign Mission Board home office here.

On Oct. 11, Honeycutt, along with his wife, Patricia, found himself where those he had counseled once stood. In an appointment service at Richmond's First Baptist Church, the Honeycutts committed their lives as career missionaries in Colombia.

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As he bade farewell to the couple as co-workers and in the same breath welcomed them into mission careers, J. Winston Crawley, overseas division director at the board, said, "You've been serving as a 'scout' and now you're going to be on the playing field."

The Honeycutts were missionary candidates in 1972, searching for the right mission field for them--a place where he could teach church history in a seminary and she could use her music abilities. Nothing opened.

"But as we look back, we realize we were in a holding pattern," Honeycutt said. That pattern kept them in Richmond, allowing Honeycutt to experience the problems of missionaries from the home office viewpoint, from late 1972 until this year when a seminary position at International Baptist Theological Seminary at Cali, Colombia, opened the way. "We always felt that one day we would go. This was just a stop off," he added.

The lay over proved valuable.

"It was good for us to have been at the board," Mrs. Honeycutt commented. "We've matured a lot and learned a lot about missions which we didn't know... We've seen the pros and cons and we feel so strongly it is the Lord's will."

As a missionary personnel secretary, Honeycutt said his counseling job had an inverse effect. "I found the missionaries ministering to me as I've worked to gain some insight into career missions."

And with each passing year at the board, Honeycutt's relationships with candidates and missionaries deepened and he continued to identify with them.

Their desire to serve on the field became more intense this year following the Foreign Mission Week at Glorieta (N.M.) Baptist Conference Center.

Because Honeycutt was reaching the border line of the age requirement for a career missionary, the couple felt that a time of decision had come. They also wanted to go while their children were still young enough that adjustment to an overseas situation would not present major problems.

With a clear sense of divine leading, the entire family began to set their sights on the mission field.

"We've thought it over for a really long time," said Russ, 13. His sister, Kathleen, 12, and younger brother, Clifford, 8, were also included in the family decision.

"This was the logical time for us to look at the possibility of going," said Honeycutt. "If we waited much longer there would have been no possibility in the foreseeable future."

Honeycutt began looking deeper for jobs on the field. "Every year, when we went over our new personnel requests, I would sit there with a mental stance and see if I could fit into any of those requests. I could feel the emotional level rising," he said.

There were moments, Honeycutt said, when a request would cross his desk and he'd pause, saying to himself, "Golly, I'd like to have a chance to try that."

Then the Colombia request came up. "We get so few requests for those who specialize in church history," Honeycutt said. "Now we feel needed."

All three Honeycutt children have affirmed their parents' desire to serve overseas. Kathleen and Russ view it as an adventure. Clifford anticipates soccer and a new language.

"Adjustments will come," said Mrs. Honeycutt, but she believes the youngsters will come out on the positive end. Already, Russ has told her, "Just think, Mom, I'll be a bilingualist when I come home to go to college."

For Dwight Honeycutt the adventure of going out to the mission field has a few heartaches. One of those aches is in leaving the board staff, specifically the department of missionary personnel.

"The men here are like my brothers. I know there will be loss and hurt with leaving. I hate to leave them from that standpoint. But I leave with encouragement. There is an enthusiastic dimension, too," he said.

"I am certain I can make a contribution. I don't know if it'll be better, but I'll make a contribution."

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(BP) Photo mailed to Baptist state papers by the Richmond Bureau of Baptist Press

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Leading Ethicists Oppose
'Absolutist' Abortion Stance

By Carol Franklin

WASHINGTON (BP)--Six Southern Baptists experts in Christian ethics joined 210 other ethicists throughout the nation in "a call to concern" released here opposing "the absolutist position that it is always wrong to terminate a pregnancy at any time after conception."

Southern Baptists among the 216 signers are Foy Valentine of Nashville, executive secretary of the denomination's Christian Life Commission, and five teachers of Christian ethics--Bob E. Adams, Southwestern Baptist Seminary, Fort Worth, Tex.; Thomas A. Bland, Southeastern Baptist Seminary, Wake Forest, N. C.; Daniel B. McGee, Baylor University, Waco, Tex.; and Paul D. Simmons and Glenn H. Stassen, both of Southern Baptist Seminary, Louisville, Ky.

The "call to concern" comes at a time when massive efforts are underway to amend the U. S. Constitution to prohibit all abortions and when Congress is struggling over public funding of abortions for poor women.

It criticized the absolutist position, especially as verbalized by Roman Catholic bishops, which views any termination of pregnancy as "murder or manslaughter" and ignores the diversity of opinion among religious people.

The statement also supports the 1973 Supreme Court decision, which removed abortion from the criminal law codes, and supports Medicaid funding for poor women seeking abortion, but it does not take an abortion on demand stance.

"Abortion is a serious and sometimes tragic procedure for dealing with fetal life," the statement said. "It raises important ethical issues and cannot be blandly legitimized by the mere whim of an individual. Nevertheless, it belongs in that large realm of often tragic actions where circumstances can render it less a destructive procedure than the prolongation of pregnancy."

Valentine, who went to Washington for a news conference when the statement was released, elaborated on his individual position in an interview with Baptist Press: "Southern Baptists have repeatedly voted our conviction that society has a responsibility to affirm through the laws of the state a high view of the sanctity of human life, including fetal life, while we have also repeatedly voted on the basis of our commitment to religious liberty and its profoundly important corollary, separation of church and state, our conviction that the state has a limited role in matters related to abortion.

"Southern Baptist Convention votes have rejected not only the socially irresponsible and theologically shabby position that abortion is an acceptable means of birth control but also the absolutist dogma of the Roman Catholic bishops, who view all abortion as manslaughter or murder," Valentine concluded.

Roman Catholic bishops came in for specific criticism in the statement of the 216 ethicists. "We are saddened by the heavy institutional involvement of the bishops of the Roman Catholic Church in a campaign to enact religiously-based anti-abortion commitments into law, and we view this as a serious threat to religious liberty and freedom of conscience," the statement said.

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The 216 signers of the statement stressed that "pro-life" must not be limited to concern for the unborn" but should include concern for "the quality of the entire life cycle, the health and well-being of the mother and family, the question of emotional and economic resources, the cases of extreme deformity."

The 1973 Supreme Court decision referred to in the statement overturned a Texas law which denied the right to abortion except to save the mother's life. The court ruled that such a law violates the due process clause of the 14th Amendment, which protects "the right to privacy, including a woman's qualified right to terminate her pregnancy."

The court ruled that the decision to terminate pregnancy during the first three months is left to the woman and her physician. In the second three months, the state may regulate abortion in the interest of the mother's health. In the last three months of pregnancy, the state may regulate or even prohibit abortion because the fetus has the ability to remain alive apart from the mother's body.

The statement calls on leaders of religious groups which support abortion rights to speak publicly "in response to the dangerously increasing influence of the absolutist position."

The 216 leading American ethicists represent a cross-section of religious and ethical thought on the part of those who support the civil rights of women to exercise their own choice in the matter of abortion. They believe that government should not regulate the religious beliefs and practices of people who do not accept the "absolutist position" on abortion.