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High Court Hears Arguments In Anti-Abortion Cases

By Stan Haste

WASHINGTON (BP)--Taking its most comprehensive look at anti-abortion laws since its landmark ruling nearly a decade ago that states may not treat most abortions as criminal acts, the U.S. Supreme Court heard oral arguments Nov. 30 in three cases involving state and local laws designed to restrict the availability of abortion.

The nine high court justices peppered all seven attorneys arguing the cases with questions ranging from the latest medical techniques to basic constitutional law.

While speculation as to the eventual outcome of a given case based on the direction and tone of the justices' questions during oral arguments is at best risky, after three hours of intense, dramatic questioning few observers doubted the basic right of women to seek abortions during the first three months of pregnancy will be left intact.

Of the seven attorneys, not one asked the court directly to review the high court's landmark *Roe vs. Wade* decision of January 1973, a ruling that provoked continuing controversy and pressure on lawmakers at all levels to restrict by legislation the availability of abortion.

The closest any one of the seven came to suggesting a review of *Roe vs. Wade* was when U.S. Solicitor General Rex E. Lee, invited by the court to help defend anti-abortion laws in Virginia, Missouri and Akron, Ohio, told the court a basic review of the 1973 decision would have to wait "for another day."

That ruling, often attacked by opponents as endorsing "abortion on demand," held that a woman has an implied constitutional right to privacy enabling her, in consultation with her physician, to obtain an abortion free of state interference during the first trimester, or three months, of a pregnancy.

During the second trimester, the court ruled in 1973, a state may restrict abortions in the interest of protecting maternal health. And in the last three months a state may forbid abortion altogether in the interest of protecting the potential life of the fetus.

Most of the issues argued Nov. 30 deal with restrictions imposed by the state legislatures of Virginia and Missouri and the city of Akron, Ohio, on the availability of abortion during the second and third trimesters.

In the Virginia case physician Chris Simopoulos has appealed his criminal conviction for performing second trimester abortions at his northern Virginia offices in defiance of a state law requiring that they be done in accredited hospitals.

Simopoulos' attorney argued the Virginia restriction unduly burdens a physician with an unreasonable prohibition unrelated to maternal or fetal health. He said Simopoulos' equipment surpasses that of either northern Virginia hospital accredited to perform second trimester abortions.

But Virginia's chief deputy attorney general William G. Broaddus, countered that Simopoulos' conviction should stand under the 1975 law, a statute he said is consistent with the *Roe vs. Wade* maternal health interest. The Virginia Supreme Court has upheld the conviction (81-185, *Simopoulos vs. Virginia*).

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The challenged Missouri law, enacted in 1979, requires legally dependent minors under age 18 to obtain parental or judicial consent for an abortion, requires hospitalization for second trimester abortions and a pathology report on each such procedure and demands the presence of a second physician during the abortion of a "viable" fetus.

All provisions of the law were challenged by Planned Parenthood of Kansas City. All except the requirement that minors obtain parental or judicial consent were earlier struck down by the Eighth Circuit Court of Appeals.

Planned Parenthood attorney Frank Susman argued that the consent provision makes no exception for emergencies but requires in each case the permission of at least one parent or a judge, even when the life of the young woman is threatened because of the delay.

Susman told the justices that the real purpose of the Missouri law and all other such statutes is to deny a woman's basic freedom of choice in the abortion decision.

But Missouri attorney general John Ashcroft defended all provisions of the 1979 law which has not been enforced under court order until the legal process of challenging it is completed. He urged the high court "not to retreat" from its Roe vs. Wade guidelines, a "basic premise" of which was that the state has a "compelling interest" in regulating abortion to protect the health of both mother and fetus.

Ashcroft said the Missouri legislature "has harmonized in a significant way" the interests of both maternal health and potential life and argued that the state should be allowed "to err on the side of safety" in regulating abortion (81-1255, Planned Parenthood of Kansas City vs. Ashcroft; 81-1623, Ashcroft vs. Planned Parenthood of Kansas City).

In the Akron challenge attorney Alan G. Segedy said the Ohio city enacted a "model" statute in its 1978 ordinance which, like the Virginia and Missouri laws, requires all second trimester abortions to be performed in hospitals. In addition it demands parental or judicial consent for abortions performed on girls under age 15, written consent by each woman before obtaining an abortion and a 24-hour waiting period between the signing of the consent and the actual abortion.

Unlike the other challenged laws the Akron ordinance also requires the physician to inform the patient of a long list of "facts" about the dangers of abortion and a detailed description of the fetus at the point of development when the abortion would occur.

Three Akron abortion clinics challenged the law and all provisions except the hospitalization requirement were struck down as unconstitutional by the Sixth Circuit Court of Appeals.

Segedy defended the law saying it was designed to protect the woman's "essential right" to choose between having an abortion or bearing the child. The state has an "important interest" in assisting the woman to make that choice, he argued. The Akron law, he added, far from being "burdensome" on the woman, is actually "choice enhancing."

Stephen Landsman, who represents the Akron abortion clinics, argued on the other side that the law places a "straight-jacket on the physician, particularly by requiring a lengthy process before abortion is performed even in an emergency situation." The entire law "clearly burdens the woman's choice" as well, he declared.

Landsman was highly critical of the law's provision requiring detailed description of the dangers of abortion and fetal development, saying it encourages "inflammatory misinformation" (81-746, City of Akron vs. Akron Center for Reproductive Health; 81-1172, Akron Center for Reproductive Health vs. City of Akron).

Cooperative Program Popular
At Most SBC State Conventions

NASHVILLE, Tenn. (BP)--Increasing support to the Cooperative Program and opposing government directed or scheduled prayers and tuition tax credits were the most common themes as the 34 state conventions of the Southern Baptist Conventions met.

By the time the final budgets had been adopted 20 conventions had increased the percentage of their collections they will send on to national and worldwide missionary and educational causes through the Cooperative Program, the SBC's unified, voluntary giving program.

Noteworthy in the group were the Hawaii convention that approved its first increase in CP giving since 1952 (jumping two percent to 27 percent), Michigan that voted its 12th consecutive yearly increase of one-half of one percent (to 26 percent), Nevada which increased two percent (to 18 percent) and Oklahoma which climbed to 45 percent with a one-percent increase.

Ten states, including the first and third highest percentage states (Florida at 48 and Georgia at 45), voted to fund the national CP programs at the same level as last year and four decreased their percentage support. West Virginia made the biggest cut (three percent to 22.5) while the District of Columbia dropped two percent (to 21.5), Virginia decreased one-half of a percent (to 38) and South Carolina decreased four-tenths of a percent (to 38.31).

Historic Baptist insistence on the separation of church and state was reflected in votes on government involvement in structuring school prayers or prayer time and a proposal to give tax credits to parents who send their children to private schools.

Seven states, Alabama, Arkansas, California, Maryland, Missouri, North Carolina and Tennessee approved resolutions opposing such tax credits.

Opposition to "government directed or scheduled prayers" or statements that the "First Amendment is sufficient" and "the Supreme Court has never outlawed voluntary prayer" surfaced in resolutions adopted by messengers in Alabama, Louisiana, Maryland, Missouri, Tennessee, Texas and Virginia while calls for separation of church and state were adopted in Arkansas, California and Washington D.C.

Other widespread resolution topics included raising the legal drinking age to 21 (five states), working toward peace (seven states), relieving hunger (six states) and opposing gambling (five states).

Most states reported quiet conventions with little debate.

Louisiana messengers opposed the teaching of "any religious dogma" either supported or opposed by Louisiana Baptist in public schools (even Creationism), opposed President Reagan's prayer amendment and adopted 12 other resolutions without debate.

Georgia adopted the budget, heard what was expected to be a controversial executive committee report and went through the entire resolution process without any debate and Mississippi tabled two controversial resolutions (one attacking the Reader's Digest Bible and another calling for an investigation of Mississippi College) rather than wrangle over them.

The major exception was in Arkansas where messengers waged heated debates over two resolutions. The first, a call for Southern Baptist Theological Seminary in Louisville to fire professor Dale Moody because of his views on apostasy (losing one's salvation) passed overwhelmingly but not before name calling and harshness marred the convention.

The second issue, a recommendation to allow Southern Baptist College in Walnut Ridge, Ark. to move from junior college status to four-year status failed by 42 votes, 417-459.

Messengers didn't argue at the Kansas-Nebraska Convention but they did spark controversy when they adopted a resolution critical of James Dunn and the organization he heads, the Baptist Joint Committee on Public Affairs.

The resolution said Dunn's outspoken opposition to the prayer amendment and his association with People For The American Way had "embarrassed" Southern Baptists and if he failed to start reflecting the feelings of the majority of Southern Baptists then the Executive Committee of the Southern Baptist Convention should terminate the SBC's relationship with the BJCPA (the SBC contributes approximately 80 percent of the BJCPA's budget).

Dunn has responded with a lengthy letter,

North Carolina stood outside the norm for 1982 two ways--it had aggressive debate and it was the lone Baptist state convention to endorse the prayer amendment. North Carolina messengers backed the President's proposal by a 506-308 vote in one of the last items of business considered. North Carolina was also the only convention to adopt a highly restrictive abortion resolution.

That measure opposed abortion except to save the physical life of the mother. South Carolina defeated a similar resolution while messengers in Alabama and Texas repeated traditional Southern Baptist stances opposing "social abortion" or "abortion on demand" but accepting the need for the procedure "to protect the mental or physical health of the mother or in cases of rape and incest."

The norm of electing a pastor as president was ignored in two states, Virginia and South Carolina.

Christine Gregory, a six-term president of the Woman's Missionary Union and a former first vice president of the Southern Baptist Convention, became the first woman president of the Baptist General Association of Virginia. Her election was even more unusual in that she was elected without opposition.

South Carolina wasn't as uncommon since newly-elected president B.F. Hawkins was a pastor for 30 years. He retired last year after 10 years as director of stewardship and Cooperative Program promotion for the South Carolina convention.

Illinois elected its first black president, Don Sharp, a Chicago pastor.

Other highlights from state conventions included:

Florida established a debt ceiling for all convention buildings of \$5 million with an annual amortization ceiling of \$75,000;

Louisiana voted to move into partnership with Nevada Baptists and with Zimbabwe;

Maryland adopted a plan to increase its Cooperative Program percentage based on the inflation rate and state convention receipts--for every one percent state receipts increase above the inflation rate, CP giving to the national level jumps one-half of a percent;

Missouri passed resolutions urging that a church's support of the Cooperative Program be considered before electing or appointing that church's pastor to leadership positions within the convention and asking that convention presidents use their appointive power fairly;

Northern Plains made plans to "become the only SBC state convention to dissolve" with final steps approved for Wyoming to split away to form a separate convention, the Montana fellowship being recognized and the encouragement of the establishment of a Dakota fellowship to include North and South Dakota;

South Carolina voted to move into partnership with Puerto Rico and, "by 1984 maybe the Virgin Islands" to help promote Southern Baptist work;

Tennessee became a pioneer among Baptist state conventions in providing for ministers who are forced to resign from their church, funding a plan that will pay the pastor \$100 a week for 13 weeks,

And West Virginia accepted two churches from Virginia and one from Kentucky into its convention.

Kenyan Baptist Leader
Studies Business At HSU

By Charles Richardson

ABILENE, Texas (BP)--Most students have to look for a job upon graduation but Solomon Kimuyu has one waiting for him.

The Hardin-Simmons University student is already an established leader of the Kenyan Baptist Convention and All-Africa Baptist Fellowship as pastor of the Athi River Baptist Church.

He is among those from Third World nations who feel an education in the United States will help him in the future--in his case as a Christian leader among Baptists in Kenya and Africa.

"Evangelism is not a problem in Africa," said Kimuyu, 32-year-old Kenyan pastor and second vice president of the All-Africa Baptist Fellowship. "The problem is how to make the disciples live for Christ every day."

Kimuyu, who is working toward a degree in business at HSU, has baptized 153 persons in one day. "My people want to know the Lord. Their's is a hunger. Spiritual food is needed there. I will challenge people to come to Africa to teach people discipleship."

Kimuyu's 120-member Athi River Baptist Church has granted him a leave of absence to study and he came to HSU at the encouragement of missionary Tom McMillan, who is currently on furlough in Abilene. McMillan served as president of the Arusha Baptist Seminary in Tanzania where Kimuyu studied theology and received a certificate.

Why would a preacher be studying business?

Kimuyu explained that because his community is not far from Nairobi, the capital of Kenya, it is growing. The day before he came to the United States last August he was visiting one of his members in a hospital. When Kimuyu told him he planned to study business the man replied, "Great. We need preachers who understand businessmen like us. Sometimes people don't seem to understand our problems."

Kimuyu came to the United States in 1981 under sponsorship of the Baptist Convention of Kenya to attend a Baptist World Alliance relief committee meeting in Puerto Rico and had an opportunity to visit Abilene and look over Hardin-Simmons (a university affiliated with the Baptist General Convention of Texas).

He has been active in the Kenya Baptist Convention, serving as chairman of personnel and as vice secretary of the convention and has been chairman of the Athi River Association, made up of Baptist congregations in that area of the country.

While working on a bachelor's degree, he plans to make one trip annually back to Africa, including the All-Africa Baptist Fellowship March 5.

Kimuyu said Kenya "is more stable" politically than some of the African nations. "People are leaning toward spiritual values . . . the church has growth potential."

Commenting on African politics in general, he said, "People have lost hope in their government, in their money. The only hope they have is Jesus Christ . . . they can depend on Him." Leadership in some African countries changes frequently. One African nation has had 188 coups. One government lasted three hours.

He and his wife Protasia, and their three children, ages six, four and three, have joined Abilene's First Baptist Church.

McMillan remains one of Kimuyu's close friends. "I see him almost every day. He loaned me a wedding ring until we got ours," Kimuyu said.