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85-31

Both Sides Expect Long Fight
In Battle Over Beer, Wine Ads

By Greg Warner

WASHINGTON (BP)—Despite a recent flurry of activity among legislators and lobbyists, a ban on radio and TV advertising of beer and wine apparently is a long way off.

A congressional hearing has been held on the issue and at least one more is scheduled, but supporters of a ban have yet to find a lawmaker who will introduce a bill to curtail the ads, which critics say glamorize alcohol consumption and contribute to abuse.

Any attempt to change the nature of beer and wine ads faces stiff opposition from brewers, broadcasters and advertisers. Broadcasters, who stand to lose \$750 million a year in ad revenue, have called the proposed ban the most serious threat against them in 15 years, and have made its defeat their top priority.

Leading the fight for a ban is Project SMART, a coalition of medical and citizen groups and others. Armed with a petition signed by 760,000 supporters, SMART has been lobbying members of Congress in search of sponsors for a bill which would either remove the ads altogether or provide time for counteradvertising on alcohol's health dangers.

Southern Baptists, who at their annual meeting in 1984, passed a resolution asking the ads be banned as "injurious to the health of the nation," also have joined the legislative fight. The Christian Life Commission's Harry Hollis presented written testimony to the Senate subcommittee on alcohol and drug abuse, which held the first hearing on the matter Feb. 7. But Hollis warns Baptist supporters of a ban should be ready for a long fight.

"The Christian community has not been sensitized to how difficult it will be to get legislation passed," Hollis said. "Legislators are waiting to see if people are concerned enough to do something about it."

The National Association of Broadcasters, which heads the powerful radio and TV lobbying effort, already considers the ban proposal all but dead, at least for this session of Congress. Supporters, however, say the battle has only begun.

"I expect a very long, drawn-out process," said Tom Tamura, legislative assistant to Rep. Earl Hutto (D-Fla.), who eventually may introduce the ban legislation. So far the only ones showing concern, Tamura said, are the broadcasters, advertisers, brewers and vintners. "We are just at the beginning of drawing out public support."

Meanwhile, the debate likely will shift from the Congress to the regulatory agencies for the time being. The Bureau of Alcohol, Tobacco and Firearms is set to release as early as April proposed rules which would prohibit the use of athletic scenes, former athletes and famous personalities in alcohol ads in all media.

It was the BATF that 30 years ago ruled against the use of active athletes in alcohol advertising on the grounds it misled the public by associating drinking with good performance. The agency is now ready to apply the same logic to retired athletes and other celebrities, but final approval of the rules is at least a year away.

The BATF, however, lacks the authority to ban alcohol ads altogether, and neither the Federal Trade Commission nor the Federal Communications Commission seems interested in taking action. The FCC is more willing to trust broadcasters' ability to regulate themselves, such as the voluntary ban on advertisements of hard liquor now practiced.

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At the center of the controversy is disagreement about the effects of alcohol advertising. Broadcasters have long disputed the claims of scientific studies which have found alcohol advertising increases consumption. Legislation introduced in January by Rep. Howard Nielson (R.-Utah) would ask the BATF to study the whole relationship of advertising to alcohol use, as well as measure the effectiveness of counteradvertising and self-regulation. But Hollis says both science and common sense have proven the cause-and-effect connection.

"Every dollar spent on alcohol advertising is proof," Hollis added. "They know radio and television influence people to drink, and that's why they spend money on advertising."

Broadcasters have tried to focus concern on drunk driving, mounting a massive public service campaign against that abuse. But others see the campaign as an effort to avoid legislation and divert attention from broader concerns about alcohol. Project SMART says drinking is involved in the majority of homicides, rapes, robberies and cases of child abuse and spouse abuse. Alcohol is linked to a myriad of medical problems and ranks as America's most abused drug.

But broadcasters feel an advertising ban would single them out for problems they don't cause. "We are talking about a product's abuse, and other products are abused as well," said Gert Schmidt of Jacksonville, Fla., senior vice-president of Harte-Hanks Communications, which owns nine radio and TV stations.

John Summers, chief lobbyist for the National Association of Broadcasters, told a group of colleagues in February they have a right to air the ads. "When anyone tries to take those kind of revenues away from you without any basis whatsoever, you need to fight."

Michael Jacobson, a leader of the SMART effort, concedes an advertising ban is no simple solution. "Slick, persuasive, advertising is not the only, and probably not the most important, influence on drinking behavior," he said. "But it is one obvious factor about which we can do something."

Jacobson and other supporters say the ads play a major role in conditioning Americans to accept drinking as a normal, even desirable way of life.

"The continuous flow of ads, year in and year out, conveys the message beer and wine are essential for a happy, friend-filled, successful adult life," he said. "This, sadly, is the bulk of the education young people receive about the products which are responsible for this country's number one public health problem."

"What are we doing promoting and glamorizing the number one drug?" asked Congressman Hutto, a deacon in First Baptist Church, Panama City, Fla. "We won't stop people from drinking, but we can make it less glamorous or acceptable."

Hutto urged supporters to "prevail on their congressmen" to back the SMART proposal. But many observers see an outright ban as unlikely, considering the mood of Congress toward fewer broadcasting restrictions. SMART's fallback position---free counteradvertising on the dangers of alcohol---may have a better chance. That has Summers and other broadcasters worried.

"That would be even more serious than a ban," Summers said. "Congress is not going to adapt bans. But if they ever adopt the counteradvertising concept, there are going to be a lot of other people wanting it applied to other products," he said, mentioning ads for salt and non-prescription drugs as possible targets.

Other measures are being suggested, such as a warning in every beer and wine commercial outlining alcohol's dangers. New restrictions, in addition to those suggested by the Bureau of Alcohol, Tobacco and Firearms, could be placed on ad content. Already new beer commercials are appearing on the air with more emphasis on the product's quality than its glamour potential.

All the activity swirling around beer and wine ads indicates the seriousness with which both sides are approaching the issue.

"Don't think we are in this for the short term," NAB's Summers told fellow broadcasters. "The problem of alcohol abuse won't go away."

Alcohol Ad Opponents
Seek More Support

By David Wilkinson

WASHINGTON (BP)—Encouraged by "remarkable public response," leaders of a nationwide campaign against broadcast advertising of alcoholic beverages have reissued an appeal for petition signatures in support of the movement.

Project SMART (Stop Merchandising Alcohol on Radio and Television) has secured more than 760,000 signatures on petitions asking President Reagan and Congress to ban TV and radio ads for alcoholic beverages or to require broadcasters to give equal time to health messages about alcohol.

Spearheaded by the Center for Science in the Public Interest (CSPI), the project was launched last June with the support of organizations such as the National PTA, the National Council on Alcoholism, and Action for Children's Television.

The campaign also has been applauded by many religious leaders, including staff members of the Christian Life Commission. The Southern Baptist Convention agency has responsibility for addressing issues related to the abuse of alcohol and other drugs.

SMART's supporters believe beer and wine commercials—an estimated \$750 million-a-year investment by the brewing industry—help create distorted impressions of drinking and put undue pressure to drink on children and young people. Many broadcasters and advertising executives counter that a ban on such advertising would be a simplistic and ineffective approach to society's growing drinking problem. And alcohol industry leaders claim there is no clear scientific evidence that links advertising with abuse.

George Hacker, director of alcohol policies for CSPI and national coordinator for Project SMART, said campaign leaders hope to have one million signatures by April 10—a "self-imposed deadline" tied to hearings on alcohol advertising scheduled for mid-April by a Senate subcommittee on telecommunications.

Similar hearings were held in February by a Senate subcommittee on alcoholism and drug abuse.

Hacker said the best measure of the reaction to the petition drive and its attendant publicity has been "the frenzy of anti-drunk driving spots" aired in recent months on TV and radio, many of them sponsored by brewers.

Hacker said continued public pressure is critical. Otherwise, he claimed, the increased attention on drinking and driving and other alcohol-related problems is certain to be only "cosmetic" and "temporary."

The address for Project SMART is P.O. Box 19125, Washington, D.C. 20036.

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Baylor Seeks New Basketball Coach
Following Controversy

Baptist Press
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WACO, Texas (BP)—Baylor University administrators are seeking a new basketball coach following the resignation amid controversy of head basketball coach Jim Haller.

Haller offered his resignation last month after a tape recording was made public of a conversation between himself and basketball player John Wheeler, a reserve center from Dallas who was disgruntled about the amount of playing time he was receiving.

The resignation also followed an internal investigation into the basketball program by Baylor President Herbert H. Reynolds; Athletic Director Bill Menefee; law professor Edwin Horner, Baylor's faculty representative to the Southwest Conference, and David Guinn, a member of the university Athletic Council. During the investigation, the four administrators interviewed most of the Baylor basketball team players.

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The controversy made national headlines, including rumors and speculations the probe was religiously motivated. Reports tried to link the investigation to infighting among fundamentalist, conservative and moderate factions within the Southern Baptist Convention. Baylor administrators, basketball players and others closely linked to the probe deny those claims.

The tape recording indicated Haller gave Wheeler a \$172 check, knowing the money would be used for Wheeler's car payments. The check apparently was money Wheeler would have been eligible to receive if he had remained in Waco during the Christmas holidays. However, he returned home during the break.

Under NCAA rules, when university dorms are closed for holidays, players may be given expense money to pay for lodging and food must be secured elsewhere. Haller admitted he gave Wheeler the check, saying later, "It was a stupid thing to do."

In an interview with the Dallas Times Herald, Haller said, "Yes, I did give him money, a check from Baylor University like all the others to our team. It was for \$172 ... I was wrong. It was a stupid thing to do. He was not here for the whole holiday period. What I told him was, 'Son, put this check to good use, like a car payment.' His car payment is only \$50 a month. 'Don't use it for tapes or clothes.' That's the only thing I have done wrong."

The tape which revealed the check also raised questions about steroids, drugs often used by athletes to enhance physical performance. Severe medical problems have been linked to the drugs, which cannot be obtained without a prescription. However, any illegal use of steroids has since been ruled out by the investigating committee.

The speculation that religion may have played a part in the probe arose when it became public that Reynolds initially was approached about problems within the basketball program by a student religious leader.

That student was later identified in the media as Paul McCoury, a senior journalism and religion major. McCoury is past president of the Baylor Ministerial Alliance, is executive director of the Informed Baptist Students (a non-Baylor organization that has chapters on campuses across the nation), and is involved with the Baptist Student Union on campus.

Tom Roe, a Baylor law student, also assisted the basketball team in airing their complaints. He is a former Baylor basketball player.

Reynolds said Roe and McCoury both had asked to remain anonymous, and he respected their wishes. He emphasized both students had approached him voluntarily with information about the basketball program.

Said Reynolds in a prepared statement, "No student, faculty member, staff member, alumni member or anyone has ever been asked by me at any time to look into any aspect of the Baylor basketball program during the years of Coach Jim Haller's tenure or on any occasion prior to his becoming the head basketball coach."

Since the controversy began, Wheeler has withdrawn from the university amid reported death threats and had police protection in leaving the campus. Four other of the team players' dormitory rooms were ransacked. Stolen were items of clothing and small amounts of cash.

A search committee has been appointed to seek a new head basketball coach. According to Reynolds, the committee's primary goal is "to identify an individual of the highest quality and Christian character, technical competence and attractive personality attributes."

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High Court Allows Ban On
Religious Rites For Fetuses

By Stan Haste

Baptist Press
3/20/85

WASHINGTON (BP)—A legal battle over the lawfulness of conducting memorial services for aborted fetuses with the knowledge and cooperation of a local district attorney ended March 18 when the U.S. Supreme Court rejected local officials' appeal to permit the rites.

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The appeal, filed with the high court by Los Angeles District Attorney Robert Philibosian, sought reversal of a California Court of Appeal ruling last year that memorial services for the fetuses would violate provisions in the state constitution.

Three years ago, Philibosian accepted an offer by a private non-sectarian cemetery to inter the 16,500 embryos and fetuses taken from the back yard of physician Malvin Weisberg. The fetal tissues were found preserved in storage containers filled with formaldehyde.

Several groups vied for the tissues, including the Feminist Women's Health Center, a reproductive rights institution, which filed suit to prevent Philibosian from turning over the fetuses to the cemetery and insisted they be incinerated. A local superior court agreed and issued a preliminary injunction.

But after Philibosian sought a modification of the court order on grounds he needed to preserve the tissues for possible future prosecution, the court agreed to allow the interment.

In the meantime the case was joined by the Catholic League, a group which protests alleged discrimination against Catholics, seeking to conduct the religious services at the cemetery.

After the California Court of Appeal reversed the local court, Philibosian appealed unsuccessfully to the California Supreme Court, which refused last September to review the case.

In his appeal to the nation's high court, Philibosian claimed that "at no time" did he "align himself or his office with the beliefs or assertions" of the Catholic League.

For its part, the women's center argued in a brief filed by the American Civil Liberties Union that the district attorney sought burial of the fetuses "with the knowledge that the cemetery has contracted with a religious group for...the holding of a public religious memorial service...."

Last October, Supreme Court Justice William H. Rehnquist denied a Philibosian application to stay the California Court of Appeal judgment in a memorandum stating the case "raises no substantial questions of federal law," and declaring further, "I am satisfied that this Court would not wish to give this case plenary consideration." (84-1102, Philibosian v. Feminist Women's Health Center)



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