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N-BJC

High Court Splits Evenly In
Abortion Notification Test

By Stan Haste

WASHINGTON (BP)--An equally divided U.S. Supreme Court has affirmed lower decisions striking down an Illinois law requiring underage pregnant women to notify their parents before obtaining abortions.

The 4-4 decision came on the first day of confirmation hearings for federal appeals Judge Anthony M. Kennedy, President Reagan's third nominee for the high court vacancy left by the retirement last June of former Associate Justice Lewis F. Powell Jr., and underscored the division on the court on the subject of abortion.

Although the ruling marks a setback for anti-abortion forces seeking legal restrictions on the practice, it may signal only a temporary defeat, depending on Kennedy's position. During questioning at his confirmation hearings, the Sacramento, Calif., judge said he has no "fixed view" on abortion and has made no commitments either to the White House or individual senators that he would vote to uphold anti-abortion laws.

Of the eight justices now serving on the court, four -- William J. Brennan Jr., Thurgood Marshall, Harry A. Blackmun and John Paul Stevens -- are presumed from past votes to have voted against the Illinois statute. The other four -- Chief Justice William H. Rehnquist and Justices Byron R. White, Sandra Day O'Connor and Antonin Scalia -- presumably voted to uphold it.

More than 20 states have laws similar to the Illinois statute, but about half are under court injunctions forbidding their enforcement. Several of the laws are being tested in court, leaving open the possibility the Supreme Court may revisit the issue in the near future. The Dec. 14 decision affirming the lower courts in declaring the Illinois law unconstitutional has no precedential value on other states' laws.

Enacted in 1983 over the veto of Illinois Gov. James R. Thompson, the invalidated law required a woman under age 18 who was still financially dependent on her parents to notify both parents of her decision to obtain an abortion. She then was required to wait 24 hours before undergoing the procedure.

The woman could avoid notifying her parents by convincing a state judge she was mature enough and sufficiently informed about abortion to make her own decision and that telling her parents would not be in her best interests.

Another section of the law imposed criminal penalties on doctors who failed to comply.

When the law was challenged, a federal district court struck it down as an unconstitutional violation of a young woman's right to privacy, the basis for the Supreme Court's 1973 decision in Roe v. Wade legalizing most abortions.

The 7th Circuit Court of Appeals agreed with the lower panel's ruling with respect to the 24-hour waiting period. While not striking down the parental notification section directly, the court held it could not be enforced until the Illinois Supreme Court refined conditions under which the underage woman could secure instead a judge's permission for an abortion and thereby avoid telling her parents.

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Since the landmark 1973 ruling, many states have sought legal restrictions on the practice of abortion, many of them having to do with parental consent or notification. In 1981 the Supreme Court held states may impose parental notification requirements for "immature" girls who are financially dependent. At the same time, the justices ruled, girls may avoid telling their parents by securing instead a judge's permission.

Two years later, the high court struck down another law imposing a 24-hour waiting period on minor and adult women alike.

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Oklahomans Settle
Contractor's Claim

N-CO
(OK10.)

Baptist Press
12/15/87

OKLAHOMA CITY (BP)--Oklahoma Baptist officials have agreed to pay \$300,000 to an Oklahoma City builder to settle claims arising from construction of an apartment building for senior citizens in 1982-83. But they have refused to fund payments allegedly made to one of their former employees.

The Baptist General Convention of Oklahoma board of directors voted in executive session Dec. 1 to pay Wayne Bramlett the \$300,000, in addition to \$223,536.37 they paid him this summer -- all in addition to the original contract price. The 36-unit limited-care building was part of a \$4.5 million construction project built by Bramlett at the Oklahoma City Retirement Center.

Bramlett agreed to give a full release from any claims against the convention, its directors and its current employees. He also released the convention from liability related to news reports of the matter.

However, the BGCO directors did not authorize an additional \$332,107.45 Bramlett had requested. Part of that request was \$136,000 paid to Don Donalson, a former BGCO employee who supervised construction of the facility and eight other Bramlett-built Baptist retirement, child care and nursing home facilities in the state.

Bramlett claimed Donalson required payment so that Bramlett Construction Co. could maintain construction contracts for Oklahoma Baptist facilities. That money allegedly was paid in 1982-83, during the first project.

Donalson's attorney, Len B. Cason of Oklahoma City, has acknowledged Donalson received some payment of less than half that amount, but he has denied any wrongdoing on Donalson's part.

During the meeting in which the payment was authorized, the BGCO board of directors stipulated the \$300,000 be provided by interest earnings from BGCO special care ministries endowment funds and be repaid by money generated by the Oklahoma City Baptist Retirement Center. None of the money is to come from the BGCO Cooperative Program unified budget.

The Baptist Messenger carried a two and one-half page article on the matter in its Dec. 10 issue. Editor Glenn Brown attended the BGCO directors' meeting and presented an account, primarily in chronological form, of events related to the matter. According to his report:

BGCO directors voted in March 1982 to issue \$4.5 million in tax-exempt bonds to finance the retirement center project, which included the apartment building, 21 quadriplex buildings and the addition of a kitchen to the center's activities building dining room.

Donalson, director of the center and assistant director of BGCO retirement centers, supervised construction. Bramlett coordinated the project.

Due to construction change orders on the quadriplexes and bad weather, money allocated for the project was depleted before the apartment building was completed.

Bramlett contended Donalson told him Bramlett Construction would have to pay for completion of the project until the BGCO could arrange additional financing. Donalson claimed Bramlett volunteered to complete the project with his own money. Ultimately, Bramlett continued construction, later reporting he spent \$483,699.21 of his funds.

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When Bramlett ran out of money, he and Donalson apparently initiated a cash-flow procedure in which they took money from advances on projects in the beginning stages to pay bills already owed.

Bramlett took the matter to Joe Ingram, then BGCO executive director-treasurer, in 1985, when Bramlett's cash flow on current projects was tight. However, Ingram referred Bramlett back to Donalson.

Bramlett and Donalson exchanged unauthorized agreements, unknown to other BGCO administrators, May 17 and 20, 1985, releasing the convention from the \$483,699.21 debt incurred in 1983. In exchange, Bramlett was to have exclusive rights to construct all Oklahoma Baptist facilities for child care and adult care through May 20, 1990.

Construction continued into 1986-87, with erection of seven quadriplexes for Oklahoma City Baptist Village at a cost of \$1,374,000. Bramlett built the facility, which was completed last May, about the time Donalson left the BGCO.

Oklahoma's crippled economy caught up with Bramlett and Donalson's cash-flow procedure this year. In April, current BGCO Executive Director-Treasurer William Tanner suspended further building until the economy improves. That decision left Bramlett without future jobs from which to charge for financing on the completion of the Baptist Village project and from which to recoup his alleged 1982-83 losses.

The matter came to Tanner's attention when Baptist Village Director Larry Adams contacted him June 26, saying a construction supplier had threatened to put a lien on the property because Bramlett had not paid his bills. Other suppliers subsequently threatened similar action.

Bramlett already had been paid the full contract price on the project, more than \$1.3 million, plus authorized change orders of more than \$176,000. Consequently, BGCO administrators began an investigation to determine why the suppliers and subcontractors had not been paid.

At a meeting with Tanner and two other BGCO administrators, Bramlett presented additional bills totaling almost \$225,000 for the seven quadriplexes. During the meeting, the convention administrators learned how Bramlett and Donalson had been doing business since 1982 -- particularly the cash-flow procedure and the unauthorized agreements of May 1985.

The BGCO administrators later met with other Oklahoma Baptist officials and convention attorneys and decided the bills must be paid to avoid liens on the property. After verifying the accuracy of Bramlett's bills, the BGCO drafted checks totaling \$223,536.37 payable directly to 35 contractors or suppliers. The amount covering those funds was returned to the convention when permanent financing for the project was arranged.

After obtaining copies of the 1985 agreements between Bramlett and Donalson in mid-summer, Tanner and four convention administrators led seven group meetings across the state with the BGCO board of directors. They presented details of the matter and asked the board to approve actions they had taken to resolve the situation.

The board concurred and also agreed full public disclosure of the case should be delayed until the matter could be resolved.

During the fall, BGCO attorneys could not interview either Bramlett or Donalson because the Internal Revenue Service was investigating the duo. Meanwhile, Tanner received a letter from Bramlett's attorney seeking \$855,634.82 in additional funds for the 1982-83 Oklahoma City Retirement Center project. In this document Bramlett sought compensation for the \$136,000 he said he paid to Donalson for the privilege of exclusive rights to BGCO construction projects.

BGCO Controller Marlin Hawkins analyzed invoices and bank drafts relative to the project in an effort to substantiate Bramlett's claims. These transactions had not previously been analyzed by the controller's office because all payments for the \$4.5 million project were handled by Donalson, not the BGCO accounting office.

BGCO administrators and attorneys met with Bramlett and his attorney and accountant at least three times in October and November before Bramlett agreed to the \$300,000 settlement.

During the Dec. 1 meeting, the BGCO board commended Tanner and his supporting staff "for giving Christian leadership in resolving difficult issues, with integrity and wisdom, which transpired prior to his tenure."

One BGCO official told Baptist Press the entire issue was unnecessary. "There is no reason from our perspective why he (Donalson) did not come back to the convention" for additional financing when the 1982-83 project ran over budget, the source said. "It appeared we really did owe the man the money we did pay him. But we did not pay the money for the additional payoff."

Asked if any illegalities were involved, BGCO officials and their attorney declined direct comment. "I don't think I want to express an opinion," said attorney Jack Dawson. "It depends upon who you believe. The situation is not clear enough at this time to say."

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(Contributors to this story were Glenn Brown, editor, and Bob Mathews, associate editor, of the Baptist Messenger, and Marv Knox, Baptist Press feature editor.)

Allen Voices Support For
Separation Of Church And State

By Breena Kent Paine

Baptist Press
12/15/87

A-CO (NOTES)

NEW ORLEANS (BP)--"The gears of the church ought not to engage in the wheels of the state, and the gears of the state ought not to engage in the wheels of the church," Jimmy Allen told faculty and students of New Orleans Baptist Theological Seminary.

During a recent chapel service, the president of the Southern Baptist Radio and Television Commission said: "I am not for separation of church and state because it's a sterile concept that holds religion over here and the state over here and keeps any interaction from coming about between them. I'm for it because the church functions better when it's free, when it supports itself. ... It is also healthiest for the state.

"If you give hate a religious base, you have the best kind of hate, and the worst kind of hate you can find. What separation of church and state has done for us is to put the passions of religion in a healthy tension to the passions of power in our country."

The former president of the Southern Baptist Convention added: "Hate builds with religious passion, and in the process of that, division and destruction always follow."

Allen attributes much of the present "conflict of kingdoms" to the fact that "we have lost sight of both the nature of man and the nature of God and his rule over his world."

He said, "The shock waves that threaten the very foundation of our culture today emanate from society's failure to understand man's need for God and Christian failure to accurately present Christ's message of the kingdom of God. "The idea of religious liberty is that the kingdom of God is grounded in the very nature of the religious experience."

Allen said there would be no need of separation of church and state if religious experience were obtained by osmosis or by guided behavior. "You'd just make sure that you get the right structures and the right power and socialize the children in the right way.

"But you and I know that that's not the way God made his world," said Allen. When "God fashioned man, he fashioned a relationship and a family, and then the principle of government and the building of systems he left to us."

"God didn't have to wait until man discovered democracy before his Son was born in Bethlehem; he actually birthed him under the most dictatorial, tyrannical, most difficult type of circumstances from a governmental point of view," he said.

"God is not dependent on human institutions of government for the sharing of his gospel. There is no such thing as a government that God has ordained.

"Because God refused to use force to get response, any time force is used to get religious response, ... you have robbed religion of its vitality," Allen added. "It is no longer what God planned it to be.

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He warned against the "passions of power" moving people away from the "passions of Spirit."

Power is a "tool for conscience to use, but cannot be conscience itself." In such a case, the conscience should be constantly "renewed and corrected and instructed in righteousness."

Whenever the strength of a church takes over a political system, that church's weakness is also exposed, said Allen. For, "if we live up to what God really wants us to do, we would get people to behave the way they ought to by persuasion, by bringing them into touch with the power of the Spirit of God who guides them into it."

Allen urged Christians not to make their churches "political precinct" conventions with the present move of conservatism, because they "lose too much in the process." But, rather to speak to the consciences of others and let them express those principles in their own "political ways."

Social legislation, he said, is justifiable only when used "to protect the young and the weak in society."

"You do it to protect children, you do it to protect life," he explained, "But, when I step out of the pulpit to talk about it, I'm talking to the secularist." Such social legislature should be encouraged not simply because one believes the Bible teaches it should be such, but because the "principle that is right in the Bible is also right for the society."

Allen said more important than Christians being involved in political issues is that they be involved in a "spiritual awakening."

He quoted one political candidate who said, "you have to be more honest to be a politician in this society than to be a preacher."

With the spiritual awakening of Christians, there will be a stronger influence on society and the laws that comprise it.

"We take our role in society, enriched by our experience with God, and be ready to do what is right."

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(BP) photo available upon request from New Orleans Seminary

N-SSB

Special Ministries Involved
In Training, New Growth

By Frank Wm. White

Baptist Press
12/15/87

NASHVILLE (BP)--Southern Baptist training for black, language and special education groups is paying off in new Sunday school starts, enrollment growth and leadership development, according to state convention and special ministries department leaders.

The 277 new Sunday schools and 56 special units within existing Sunday schools started in 1986-87 among black, language and special education groups is one indication of results, Bill Banks, director of the special ministries department at the Southern Baptist Sunday School Board, told state special ministry and Sunday school leaders meeting in Nashville for annual planning sessions.

Thirty-five special ministry leaders, including Blacks, Hispanics, Koreans, Chinese and Filipinos, participated in Sunday school and church training annual planning sessions.

Banks said 9,258 church leaders from 13 ethnic and language groups have been trained in the past year in Sunday school, church training, church administration and church music areas through projects of the special ministries department.

In California, training has produced stronger churches and Sunday schools among ethnic, language and black churches, said Jerry Harris, state Sunday school director.

"Two of the strongest Sunday school programs in the state are in black churches. They grew because of the Southern Baptist training," Harris said.

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Conferences for the Sunday school growth spiral, a system for developing and charting Sunday school growth, "have been conducted in every language we can find people to attend," Harris said. As a result, Black, Hispanic, Vietnamese and Korean churches have earned Eagle Awards given for numerical gains in enrollment and 11 other areas of Sunday school growth, including attendance, prospects, teaching units, workers and weekly contacts.

The reports confirm Southern Baptists are serious in their efforts to reach out to all people, said Gary Cook, the board's vice president for church program organizations.

"Gather the People" was introduced during the meeting as the Sunday school planning and promotion theme for 1988-89.

"We can celebrate a kingdom success for how far we have come in including all people in Southern Baptist life," Cook said. "But we have so much more to do in this area."

Goals for the special ministries department include starting 150 new churches, Bible study units or Sunday schools in language and black communities; starting 500 Sunday schools, Outreach Bible Study units or church training programs in existing language and black Southern Baptist churches; and starting or expanding special education work in 700 churches.

The special ministries department was created two years ago to coordinate Sunday School Board programs for emphasis in black, language and special education situations.

Initially, the department was attempting to catch up with existing programs conducted by Sunday school and other departments, said to Peter Kung, language section supervisor.

Now the department is in a position to be involved in major projects when they happen, so language training can be concurrent with training for other Southern Baptists, he said.

Expanding the scope of language and ethnic materials has been an emphasis of the special ministries department since its development. Sunday school materials in Chinese will be released for April 1988, and Sunday school materials for American Indians will be released for October 1988.