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July 3, 1989

89-103

Supreme Court refuses
to overturn Roe v. Wade

By Kathy Palen

N-BJC

WASHINGTON (BP)--Although granting states greater control over abortion, a divided Supreme Court has refused to overturn Roe v. Wade, the 1973 landmark abortion decision.

On the final day of its 1988-89 term, the nine-member high court issued five separate opinions in Webster v. Reproductive Health Services, a dispute challenging the constitutionality of a Missouri anti-abortion law.

Chief Justice William H. Rehnquist delivered the court's opinion upholding the Missouri statute's ban against the use of public employees and facilities for abortions and its requirement that doctors determine the viability of any fetus 20 weeks or older.

But Rehnquist, who was joined by Justices Byron R. White and Anthony Kennedy, said Webster "affords us no occasion to revisit the holding of Roe." While the Missouri statute established viability as the point at which the state's interest in potential human life must be safeguarded, the Texas law at issue in Roe criminalized the performance of all abortions, except when the mother's life was at stake, he said.

Although concurring with the court's judgment, Justice Antonin Scalia criticized his fellow members of the court for failing to reconsider and overturn Roe.

"The outcome of today's case will doubtless be heralded as a triumph of judicial statesmanship," Scalia wrote. "It is not that, unless it is statesmanlike needlessly to prolong this court's self-awarded sovereignty over a field where it has little proper business since the answers to most of the cruel questions posed are political and not juridical -- a sovereignty which therefore quite properly, but to the great damage of the court, makes it the object of the sort of organized public pressure that political institutions in a democracy ought to receive."

Scalia rejected Justice Sandra Day O'Connor's separate argument that in this instance the court should avoid reconsidering Roe because of judicial restraint.

"Where there is no need to decide a constitutional question, it is a venerable principle of this court's adjudicatory processes not to do so, for the court will not anticipate a question of constitutional law in advance of the necessity of deciding it," O'Connor wrote. "Neither will it generally formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied."

But Scalia said since Roe itself established a "broader-than-was-required-by-the-precise-facts" structure, compelling reasons exist to apply an exception to the rules of judicial restraint.

"Ordinarily, speaking no more broadly than is absolutely required avoids throwing settled law into confusion; doing so today preserves a chaos that is evident to anyone who can read and count," Scalia said.

Justice Harry A. Blackman -- in an opinion joined by Justices William J. Brennan Jr. and Thurgood Marshall -- also leveled criticism at the court for refusing to discuss the underlying issue involved in Roe.

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Blackman, who wrote the majority opinion in Roe, focused on a section of Rehnquist's opinion -- which was not agreed to by a majority of the court -- that called for overturning the Roe trimester framework. Rehnquist said the framework has resulted in a "web of legal rules that have become increasingly intricate, resembling a code of regulations rather than a body of constitutional doctrine."

Rehnquist's opinion is "filled with winks and nods and knowing glances to those who would do away with Roe explicitly," Blackman said. "It is impossible to read the ... opinion, and especially its final paragraph, without recognizing its implicit invitation to every state to enact more and more restrictive abortion laws and to assert their interest in potential life as of the moment of conception."

While pretending to leave Roe standing, Blackman said, the plurality of the court refused to discuss the real issue underlying Webster -- "whether the Constitution includes an unenumerated right to privacy that encompasses a woman's right to decide whether to terminate a pregnancy."

In conclusion, Blackman wrote: "Today's decision involves the most politically divisive domestic legal issue of our time. By refusing to explain or to justify its proposed revolutionary revision in the law of abortion and by refusing to abide not only by our precedents, but also by our canons for reconsidering those precedents, the plurality invites charges of cowardice and illegitimacy to our door. I cannot say that these would be undeserved."

"For today, at least, the law of abortion stands undisturbed. For today, the women of this nation still retain the liberty to control their destinies. But the signs are evident and very ominous, and a chill wind blows."

In its judgment in Webster, the high court upheld the statute's prohibition against the use of public employees and facilities for performing or assisting an abortion unless necessary to save the life of the mother.

Missouri's decision to use public resources -- including hospitals and medical staff -- to encourage childbirth over abortion "places no governmental obstacle in the path of a woman who chooses to terminate her pregnancy," Rehnquist wrote. "Missouri's refusal to allow public employees to perform abortions in public hospitals leaves a pregnant woman with the same choices as if the state had chosen not to operate any public hospitals at all. ..."

"Nothing in the Constitution requires states to enter or remain in the business of performing abortions. Nor do private physicians and their patients have some kind of constitutional right of access to public facilities for the performance of abortions."

The court also upheld a requirement that before performing abortions doctors determine the viability of any fetus 20 weeks or older.

Rehnquist said the viability-testing provision would not require doctors to perform tests to determine gestational age, fetal weight and lung maturity in all circumstances.

The court also held it need not rule on the constitutionality of the statute's preamble, which defines human life as beginning at conception and mandates all state laws be interpreted to provide unborn children with the same rights and privileges available to other individuals within the state.

The preamble has not been applied to restrict or regulate abortion, Rehnquist wrote. But should it be used to restrict abortion activities in the future, he added, federal courts at that time could address its meaning.

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Thank God for ruling,
Land urges Baptists

By Louis Moore

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(CLC)

Baptist Press
7/3/89

NASHVILLE (BP)--The U.S. Supreme Court's latest ruling on abortion rights was "less than the pro-lifers desired and more than the pro-abortionists wanted," said Richard D. Land, executive director of the Southern Baptist Christian Life Commission.

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On the last day of its 1988-89 term, the court issued five separate opinions in Webster v. Reproductive Health Services, a dispute challenging the constitutionality of a Missouri antiabortion law and though granting states greater control over abortion, the court refused to overturn Roe v. Wade, the 1973 landmark abortion decision.

"We can all give thanksgiving to God that this Supreme Court decision today (July 3) makes this Fourth of July one when we can celebrate at least the beginning of the opportunity to end this dark night of our nation's soul where so terribly many of the most defenseless among us, our unborn, have been denied the right to life -- the right without which all other rights have no meaning," Land said.

"This decision by the U.S. Supreme Court does not mean the struggle to preserve pre-born life is over. To paraphrase Winston Churchill during a significant turning point in World War II, this decision does not signal 'the beginning of the end,' but it will perhaps mark 'the end of the beginning' of the battle against abortion."

Southern Baptists are "clearly disturbed by the wholesale slaughter produced over the past 16 years by abortion on demand," Land said. "We have repeatedly made it clear that we believe life, including pre-born life, to be sacred. Human life derives its sanctity from its divine origin.

"Southern Baptists have had differences about some of the circumstances in which abortion might be justified. Disagreements about the morality of abortion in such cases as rape and incest have been real. Nevertheless, we have been far more united in our agreement that legal change is needed than we have been divided about some of the difficult circumstances about which disagreement persists."

Land said he urges "people throughout our Southern Baptist Zion to join me in going to their houses of worship to offer thanksgiving for what has been accomplished and to pray for guidance, for strength and for resolve to accomplish the still-formidable tasks that lie ahead."

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Education Commission names
St. Amant outstanding educator

By Tim Fields

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(Ed. Comm.)

Baptist Press
7/3/89

ALEXANDRIA, La. (BP)--Members of the Southern Baptist Education Commission named Penrose St. Amant as outstanding educator of the year, appointed a special study committee on accreditation and extended the commission's faith and discipline emphasis through 1995 during their annual meeting in Alexandria, La.

St. Amant, senior professor at Southern Baptist Theological Seminary in Louisville, Ky., was named to receive the 1989 Charles D Johnson Outstanding Educator Award. The award, which was established in 1983, is given annually to a person who has made significant contributions to Southern Baptist higher education.

St. Amant, who has been confined to a hospital bed in Louisville for the past seven weeks since he was injured in a fall while in the hospital for tests, was not able to attend the presentation ceremony. The award was presented during the annual meeting of the Association of Southern Baptist Colleges and Schools at Louisiana College in Pineville. The association's meeting was held in conjunction with the commission meeting.

Bob Agee, president of Oklahoma Baptist University and outgoing chairman of the commission, said the award was given to St. Amant for more than 50 years of commitment to Christian higher education through Southern Baptist institutions.

St. Amant has been a writer, lecturer and teacher. He holds four earned degrees from Southern Baptist colleges and universities, has been a professor at Hannibal-LaGrange College in Hannibal, Mo.; New Orleans Baptist Theological Seminary and Southern Seminary, and also was president of Baptist Theological Seminary in Ruschlikon, Switzerland.

Arthur L. Walker Jr., executive director of the Education Commission, read a written statement from St. Amant, who pleaded for more young people to consider the teaching profession.

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"In short, it (teaching) has allowed me to participate in the lives of past generations and hopefully has opened insights for a better life, for humanity," St. Amant wrote. "Let me offer a plea for the teacher; for without good teaching, we fail ourselves and our students."

In other action, Agee -- at the request of Fred A. Holt, commission member and pastor of Catherine Lake Baptist Church Richlands, N.C. -- appointed a seven-member task force to collect information related to the establishment of a Southern Baptist accrediting body.

Holt requested the appointment of the committee because some Southern Baptists believe "it is time to have our own standard by Southern Baptists and for Southern Baptists," he said.

In making the appointments, Agee said the commission must be careful not to go beyond its program statement in establishing the study committee: "This group will be an information gathering committee to identify the issues related to this matter, to explore what the scope and purpose of such a body would be and to explore alternative methods for addressing this issue. Accrediting agencies for educational institutions are formed by schools, not by outside bodies."

After questions by several commission members, Holt said such an accrediting body, if it were established, would be in addition to existing accrediting agencies that currently accredit public and faith-related junior and senior colleges throughout the nation.

Commissioners agreed the committee would not make any public reports of its findings until after the next annual meeting in the summer of 1990.

Members named to the committee include W. Randolph Davenport, president emeritus, Campbellsville College, Campbellsville, Ky., chairman; Jerry Henry, pastor, Elkdale Baptist Church, Selma, Ala.; Patrick O. Copley, president, Missouri Baptist College, St. Louis; William L. Palmer, president, Harrison-Chilhowee Baptist Academy, Seymour, Tenn.; William R. Cotton, farmer, Hastings, Fla.; Agee; and Holt.

In other business, the commission approved a budget for 1989-90 of more than \$573,000. It is to be funded by nearly \$486,000 from the Southern Baptist Cooperative Program unified budget, and the remainder from subscriptions to The Southern Baptist Educator magazine and revenue from the sale of educational emphasis materials and educational services.

The commission voted to transfer \$14,900 from reserves to help cover a 2.05 percent decrease in the Cooperative Program allocation from the current budget year.

The budget includes salary increases of up to 3 percent for commission staff.

The commission extended the agency's emphasis on faith and discipline by approving themes for 1991 to 1995 designed to help faculty and staff of the 71 Southern Baptist educational institutions integrate their personal faith into their particular educational disciplines. The themes will be used in conjunction with Seminary, College and School Day set on the Southern Baptist Convention calendar each year for the third Sunday in February.

The commission elected as officers Cotton, chairman; Van D. Quick, Clinton, Miss., vice chairman; and Copley, secretary.

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Mercer students sue
to keep campus open

By Audrey Post

N- C O

Baptist Press
7/3/89

ATLANTA (BP)--Seven students at Mercer University's Atlanta campus have filed a class-action lawsuit asking that the College of Arts and Sciences be kept open until all enrolled or accepted students have completed their degrees.

The suit contends that the Georgia Baptist school's trustee decision to close the college June 30, 1990, violates the students' contracts with the university. It seeks both temporary and permanent injunctions blocking Mercer from closing the Atlanta liberal arts college or from modifying any of the programs the school offers.

Mercer also operates a liberal arts college in Macon, Ga., and several professional schools.

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"By offering them admission to the Cecil B. Day College of Arts and Sciences, (Mercer) offered the class members the opportunity to complete an undergraduate degree if they accepted admission, completed the required course of study and met the academic requirements for said degree," the suit states.

Corrine Houpt, Mercer's general counsel, said the suit was "not unanticipated," but she added she had not seen the complaint and could not comment on it until she had.

The students who filed the suit maintain that the Atlanta college is unique, citing special curriculum not offered by other schools, personal attention given to students by faculty, and the emphasis on non-traditional and foreign students. The school has about 465 students.

David Llewellyn, the students' attorney, said the decision to close the college violates the university faculty handbook and generally accepted principles of faculty and student rights.

Llewellyn also represents the Atlanta faculty, which sued in March over termination notices given to seven faculty members and dispensation of the school's endowment. The professors were reinstated shortly before the trustees voted to close the college.

At a news conference after the students' suit was filed, Llewellyn said the faculty suit remains in place regarding the endowment, and he expects to amend or refile the suit to address the decision to close the school.

He maintained the trustees acted without proper authority and did not follow proper procedures: "There wasn't a sufficient financial crisis to permit them to close the school without faculty participation. If the college is to be closed for academic reasons, then the faculty must be consulted. If it's being closed for financial reasons, those financial reasons must be proved."

The trustees, grappling with a multimillion-dollar short-term debt caused by loans taken to cover operating deficits over the past five years, voted April 21 to close the Atlanta school.

Mercer administrators said the university would need to invest heavily in the college to keep it competitive in the Atlanta market. Faculty have contended the college would continue to be self-supporting and that their college's surpluses were transferred to cover the operating deficits. The trustees were unaware of the full extent of the deficits -- and the loans taken to cover them -- until December.

Llewellyn cited a case law precedent that says "if a university can perform, it must perform," and added, "They haven't proved that the university can't."

If the school were closed, the suit states, students would lose money because of several costs associated with changing colleges, including non-transferrable credits and relocation expenses from moving to another residence to attend a different school.

Geri Brown of Atlanta, a rising senior and 41-year-old mother of three, called the closing of the Atlanta school "immoral."

Transferring to Mercer's Macon campus isn't an option for non-traditional students such as Brown and Brenda Steele, a 42-year-old mother of three, who commutes from her home in nearby Loganville, Ga. "All I've got left to do is my student teaching, but what about the others who aren't so close?" Steele asked.

Katherine R. Stearns, a 21-year-old rising senior from Stone Mountain, Ga., said a majority of Atlanta students support the lawsuit. "The way that the administration has messed around with us," she said, "this lawsuit is a declaration that this is war."

Bible now focus of new
literacy missions text

By Joe Westbury

N-HMB

ATLANTA (BP)--The first known textbook that uses the New Testament as the foundation for teaching English as a second language has been published by the Southern Baptist Home Mission Board.

The student workbook and teacher's guide, called "English Lessons From the Bible," uses the Gospel of Mark to teach English as a second language, said Mildred Blankenship of the Atlanta-based missions agency.

Blankenship, who has specialized in literacy missions for Southern Baptists for 27 years, said the book uses the first four chapters of Mark as it teaches word usage in English. The 363-page study uses the Good News Bible for its text.

A second book, to be published next year, will complete the Gospel of Mark. Both books include parallel Scripture references from other portions of the New Testament.

"We don't follow verse-by-verse, but build three lessons and a practice lesson around a specific portion of Scripture. Each lesson has a memory verse for reinforcement of the biblical concept being taught in that lesson," Blankenship explained.

The pioneer literacy worker among Southern Baptists said the book could be the basis of a two- to four-year study.

"Through the years as people have worked with internationals, the Gospel of Mark has emerged as an ideal book to present Christ to someone who is coming from a non-Christian background," she said. "It begins immediately with the acts of Jesus and doesn't have a lengthy introduction that would be difficult to get into.

"Our goal is to get the gospel to non-Christians who would otherwise resist a Bible study because of a cultural or other bias."

The book was written by Glenda Reece, a professional English-as-a-second-language instructor and member of Forest Hills Baptist Church in Raleigh, N.C., with assistance from Blankenship.

Blankenship, associate director of the board's church and community department, said the study is the first known text of its kind to be published by any denomination.

"There have been some Bible study lessons that have been developed through the years," she noted, "but we do not know of an instance when the gospel has been used as the basis of a text for teaching English."