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Phone: (904) 396-0396 Fax: (904) 396-4441 Cserve: 70420,73

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Congress moves swiftly on abortion-rights bill

WASHINGTON (ABP) -- Just a day after the U.S. Supreme Court clarified its abortion position, Congress took steps to write into law the same protections for abortion rights contained in the court's 1973 landmark Roe vs. Wade decision.

Committees in both the House of Representatives and the Senate approved the Freedom of Choice Act (H.R. 25, S. 25) that is designed to codify the rights articulated in Roe.

The bill, if approved by the full House and Senate, would set the stage for another veto showdown with President George Bush.

Congressional supporters of the bill said the legislation is necessary because the Supreme Court continued to chip away at abortion rights June 29 by upholding most of the abortion restrictions contained in a Pennsylvania law. Others disagreed, saying the court's reaffirmation of Roe vs. Wade should have been more than enough to satisfy abortion-rights advocates.

The House Judiciary Committee approved the Freedom of Choice Act June 30 by a 20-13 vote, while the Senate Labor and Human Resources Committee approved it 12-5 the next day. Each chamber is expected to vote on the bills after the July 4 break.

During consideration of the bill, the House committee adopted two amendments by voice vote and defeated two others. The committee adopted an amendment allowing states to provide an exemption for individuals to decline to perform or to help with an abortion on the basis of conscience.

Another adopted amendment said the bill allows a state to require a minor to involve a parent or guardian before having an abortion.

The committee rejected two amendments offered by Rep. Henry Hyde, R-Ill. One would have barred the use of public funds to pay for abortion except when the life of the mother is endangered. The other would have allowed a state to require any entity performing an abortion to supply information about abortion alternatives.

The Senate committee approved its bill after defeating three amendments that would have added restrictions requiring parental consent and a 24-hour waiting period and prohibiting abortions based solely on the sex of the fetus. The Senate bill contains a conscience clause and allows for parental notification. It also would allow states to decline paying for

abortions.

President Bush is expected to veto the bill if it clears Congress. Congress has been unable to override any Bush vetoes, consistently falling short of the two-thirds majority needed in both chambers.

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-- By Pam Parry

Religious reaction mixed
on abortion decision

(ABP) -- Reaction from the religious community to the Supreme Court's June 29 abortion decision was strong in both directions.

Anti-abortion activist Randall Terry, founder of Operation Rescue, warned the court's decision may bring the judgment of God on America.

"One can only wonder how long before almighty God brings upon this country the justice that is due us," he told a news conference immediately after the decision. "The blood of 30 million (aborted) children is already crying out to almighty God for vengeance...."

The Supreme Court reaffirmed its 1973 Roe vs. Wade decision giving women the right to abortion, while upholding most provisions of a Pennsylvania law that requires a 24-hour waiting period for abortions, parental consent for minors, informed consent for all others, and reporting procedures for abortion clinics.

Terry accused justices Sandra Day O'Connor, Anthony Kennedy and David Souter -- three conservative judges who voted with the 5-4 majority to uphold Roe -- of "cowardice and betrayal." Noting the trio were appointed to the court by Presidents Reagan and Bush, Terry said the judges' actions "stabbed the pro-life movement in the back."

But Paul Simmons, a Southern Baptist seminary professor who has drawn criticism for his pro-choice views, called the court's decision "good news" because it reaffirmed a woman's right to choose in abortion.

Simmons, professor of Christian ethics at Southern Baptist Theological Seminary in Louisville, Ky., said the fact three conservative judges voted with the majority to uphold Roe indicates the court is willing to put constitutional principle over idealogy.

But Simmons suggested the justices "took away with the left hand what they gave with the right" by approving the restrictions contained in the Pennsylvania law. In an interview with Associated Baptist Press, he called those restrictions "procedures of harassment under the guise of informed consent."

Simmons' writings on behalf of the pro-choice position have been published by the Religious Coalition for Abortion Rights, a coalition of 36 mostly Protestant and Jewish organizations.

Ann Thompson Cook, executive director of the RCAR, accused the Supreme Court justices of "mistak(ing) their judicial robes for priestly garments" by placing themselves "between women and their religion."

"With this decision, the Supreme Court has given state legislators throughout the country free rein to restrict, to obstruct, to get in the way of women who are only doing what they believe is right," Cook said in a prepared statement. "The majority of religious Americans believe the choice must be left with women."

A spokeswoman for the nation's Roman Catholic bishops called the decision "a hopeful step in the right direction." Although disappointed the court failed to overturn Roe, spokeswoman Helen Alvare said the decision

"is certainly a sign the momentum is with the pro-life movement and away from Roe."

But another abortion foe described the court's ruling as a defeat. "It's a major loss to have a fundamental right to abortion upheld by the court," said James Bopp, attorney for the National Right to Life Committee. "This court has given us very little hope that anything can be done about abortion on demand."

The Supreme Court ruled states cannot place an "undue burden" on women seeking abortions before viability, the point at which the fetus could survive outside the womb.

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-- By Greg Warner

Church-state challenges fall
after court declines new test

WASHINGTON (ABP) -- After rejecting the chance to adopt a more lenient standard of church-state separation, the U.S. Supreme Court disposed of a dozen church-state disputes, mostly by refusing to review the cases.

The high court issued orders June 29 in more than 200 cases as it wrapped up its 1991-92 term.

Among the cases involving church-state separation were those dealing with an elementary teacher's use of the Bible and Christian books, a university professor's interjection of religious views into classroom lectures, the use of religious symbols in municipal seals, and a city's sponsorship of a Roman Catholic Mass.

In most cases, the high court left standing lower-court decisions that the practices violated the First Amendment's ban on governmental establishment of religion.

However, if the court had approved a request to change the traditional standard it uses to measure church-state separation, the outcome could have been different, said church-state specialist Brent Walker.

The court declined to make that change June 24 when it ruled in Lee vs. Weisman, a case involving a prayer during a public-school commencement exercise in Rhode Island.

The U.S. Justice Department had asked the Supreme Court to replace its strict three-point "Lemon test" with a new "coercion" standard that would permit government to sponsor such religious activities as long as coercion is not present and the activity does not tend to establish a national church.

Walker, associate general counsel at the Baptist Joint Committee, said that if the Justice Department's request for a more lenient church-state separation standard had been granted, the court probably would have returned the 12 cases to the lower courts for reconsideration under the new test.

"Some of them, no doubt, would have come out differently," Walker said.

To be constitutional under the more stringent Lemon test -- formulated by the high court in Lemon vs. Kurtzman in 1971 -- a government practice must meet three criteria: have a secular purpose, have a primary effect that neither advances nor inhibits religion, and avoid excessive entanglement with religion.

Court watchers generally were surprised when Justice Anthony Kennedy,

who had proposed a coercion standard in a 1989 case, helped form a 5-4 majority in Lee vs. Weisman that declined to reconsider the Lemon test and held the commencement prayer practice invalid under the principles of the court's 1962 and 1963 school-prayer rulings.

The only case of the 12 accepted by the Supreme Court was another commencement-prayer case, this one out of Texas. The 5th U.S. Circuit Court of Appeals had upheld the Clear Creek Independent School District's policy of allowing student-delivered, non-sectarian commencement prayers that were approved by school officials. But the high court vacated that ruling and returned the case, Jones vs. Clear Creek Independent School District, for further consideration in light of its latest commencement-prayer ruling.

In another graduation-prayer case, the high court left standing a ruling by the Supreme Court of California that religious invocations and benedictions in the Morongo Unified School District impermissibly conveyed an endorsement of religion. The top California court was divided over the case, Morongo Unified School District vs. Sands, with two of the justices urging the U.S. Supreme Court to re-examine the applicability of Lemon in commencement prayer cases.

The high court also left standing lower-court rulings in two other cases involving school settings.

In one, the 10th U.S. Circuit Court of Appeals upheld a Colorado school district's order preventing fifth-grade teacher Kenneth Roberts from reading a Bible at his desk and from displaying the Bible and two Christian books in the classroom. The appeals court held in Roberts vs. Madigan that the school district's action did not violate the establishment clause or the teacher's free-speech rights.

In the other, Bishop vs. Delchamps, the 11th U.S. Circuit Court of Appeals ruled that the University of Alabama's directive barring health professor Philip Bishop from interjecting his religious beliefs during instructional periods and from conducting optional classes to present a Christian perspective did not violate the First Amendment's free-speech, free-exercise or establishment clauses.

The high court also declined to review a lower-court ruling striking down the provision in a federal labor law that exempts certain religious adherents from compulsory union membership. The law had exempted members of religious groups that historically have maintained conscientious objections to union participation. The 6th U.S. Circuit Court of Appeals ruled in Wilson vs. National Labor Relations Board that the exemption violates the establishment clause by giving preferential treatment to some religious groups.

The Supreme Court also left standing two decisions by lower courts that invalidated religious practices in public places.

In Crestwood, Ill., vs. Doe, the 7th U.S. Circuit Court of Appeals held that a city-sponsored Roman Catholic Mass during a week-long Italian festival violated the establishment clause. A Mass spoken in Italian was one of many festival activities. Its inclusion would be permissible, the court said, except for city sponsorship.

In Constangy vs. North Carolina Civil Liberties Union Legal Foundation, the 4th U.S. Circuit Court of Appeals ruled that a state judge's practice of opening court each morning with prayer violates the constitution. The appeals court said Judge William Constangy's practice violated all three prongs of the Lemon test and is not comparable to the long-standing tradition of legislative prayer upheld by the Supreme Court in 1983.

The high court also let stand a ruling by the 2nd U.S. Circuit Court of Appeals that a private group's display of a Jewish menorah in the Burlington, Vt., City Hall Park violates the establishment clause. In Chabad-Lubavitch of Vermont vs. Burlington, Vt., the court held that

locating a religious display in a park with close association to city government communicates a message of endorsement of religion.

Conflicting results in three cases involving religious images on municipal seals were allowed to stand. The 7th U.S. Circuit Court of Appeals held that municipal seals containing Latin crosses and other religious images in Zion and Rolling Meadows, Ill., violate the establishment clause. The cases were Rolling Meadows, Ill., vs. Kuhn and Zion, Ill., vs. Harris. But in Murray vs. Austin, Texas, the 5th U.S. Circuit Court of Appeals upheld Austin's inclusion of a Christian cross in its municipal insignia.

In another instance of a governmental policy surviving First Amendment scrutiny, the high court left standing the 9th U.S. Circuit Court of Appeals decision that a Hawaii law declaring Good Friday to be a legal holiday does not violate the establishment clause. In Cammack vs. Waihee, the appeals court held that the law's primary purpose was to create more legal holidays, not endorse religion.

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-- by Larry Chesser

BWA sends aid to victims
of South African massacre

WASHINGTON, D.C. (ABP) -- The Baptist World Alliance is sending money and words of support to victims of South Africa's recent racial violence, the June 18 massacre of 42 people in the Boipatong.

The BWA is spending $5,000 from its emergency-response fund to assist victims and their families at the request of the Baptist Convention of Southern Africa, the country's predominantly black Baptist convention.

Diba Madolo, general secretary of the BCSA, described the Boipatong massacre as a "major turning point in the history of our country because it is the culmination of the utter frustration of our people to be butchered by sinister forces for political ends."

Madolo echoed charges leveled by the African National Congress that the Boipatong massacre was the work of anti-ANC blacks who are funded by South Africa's white-minority government. Madolo cited evidence of "collusion between the police and the attackers," such as eyewitness reports the attackers were transported into the township in police vehicles.

Madolo said most of the 42 blacks killed in the violence were sleeping women, children and the aged, including a pregnant woman and a nine-month-old baby who were stabbed to death.

The BCSA has called on Baptists worldwide to support efforts to hold the South African government "accountable for its actions," suggesting international monitoring of the country's affairs and a sports boycott.

Paul Montacute, director of BWA relief work, said the BWA wants to "join our Baptist brothers and sisters in South Africa in working for peace and justice, and...to link ourselves with the initiatives you have taken."

In a letter to Madolo, BWA General Secretary Denton Lotz said, "Please be assured of our prayers and support for you and your people during these difficult days of conflict and tension."

Despite the violence, most South Africans want the current peace negotiations between the government and the ANC to succeed, said Jonathan Mills, a leader of the predominantly white Baptist Union of Southern Africa.

"The majority of people want the peace process to take place swiftly and peacefully, and so I think the odds are pretty strong that it will continue," said Mills, the union's youth director, who was attending BWA meetings in Washington at the time of the massacre.

Both the Baptist Union of Southern Africa and Baptist Convention of Southern Africa are member bodies of the Baptist World Alliance.

While the white-dominated union has been slow to work for change in South Africa, Mills said, the recent election of a black African as union president indicates the union's commitment to reform "has accelerated dramatically" in recent years. The union also recently condemned apartheid and called on union members to repent for their participation in that system.

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-- Based on articles by Sam Templeton, a writer for the Baptist World Alliance

House approves postal measure
shielding non-profits for 1993

WASHINGTON (ABP) -- State Baptist newspapers and other non-profit mailers may not face a steep rate hike in fiscal year 1993, but their postal rate future is tenuous at best.

The U.S. House of Representatives approved July 1 a stop-gap measure that would avert for one year a rate hike for non-profit mailers but would place the non-profit mail subsidy -- known as revenue foregone -- in a very vulnerable position, according to Neal Denton, executive director of the Alliance of Nonprofit Mailers.

Revenue foregone reimburses the Postal Service for the non-profit mailers' share of overhead expenses. Non-profit rates reflect only the cost of handling that class of mail.

The House approved 237-166 a spending bill (H.R. 5488) for the U.S. Postal Service that would provide only $200 million of the $482 million needed for revenue foregone if rates were to be frozen at the current level.

The $282 million shortfall could mean a 50 percent rate hike for state Baptist newspapers Oct. 1, except that the House approved a proposal to shield non-profit mailers from a rate increase for 1993. The proposal stipulates the Postal Service cannot increase rates for non-profit mailers in fiscal year 1993.

Denton said the likelihood of the Senate approving the bill in its current form is remote.

"It's a temporary fix," and the Senate needs to come up with a permanent solution, he added.

The Senate is scheduled to consider the bill after the July 4 break.

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-- by Pam Parry

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