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Southern trustees reject plan
to buy out Simmons' contract

By Greg Warner

ATLANTA (ABP) -- Trustees of Southern Baptist Theological Seminary turned down a chance to buy out the contract of controversial professor Paul Simmons Dec. 15, only amplifying the uncertainty surrounding Simmons future with the seminary.

By a vote of 21-34, trustees defeated a proposal that would have offered Simmons up to \$362,000 -- six years' salary and benefits -- to leave his tenured position as professor of Christian ethics.

Conservative trustees, who hold a majority on the board, want the 56-year-old Simmons off the faculty because of his support of abortion rights and his views on homosexuality.

By defeating the buyout proposal, however, the board bypassed what some trustees characterized as their last chance to resolve the dispute peacefully.

"We are back to ground zero," said seminary President Roy Honeycutt as he left the closed-door trustee meeting at a hotel near the Atlanta airport.

According to trustee and seminary sources, the only course left open to Simmons' critics is to initiate firing procedures by drafting formal "heresy" charges against the professor, who has taught at Southern since 1969.

As a full professor with tenure, Simmons could be fired only for violating his contract or teaching contrary to the seminary's doctrinal statement -- charges most observers say would be difficult to prove.

Trustees did not consider a motion to fire Simmons during their Dec. 15 meeting, however, according to trustee leaders who emerged from the special four-hour meeting and announced the vote to reporters. The seminary's bylaws dictate that such a proposal come only during the trustees' annual meeting in April.

Although trustees discussed what might happen next, Honeycutt said, no direction was set. "I don't know what the next step is," he said.

"No alternative motion was made and there was nothing to contact Paul Simmons about," trustee chairman Wayne Allen, who called the special meeting, told reporters. "I have no further comment."

Allen, a pastor from Cordova, Tenn., has insisted trustees not divulge the nature of their discussions concerning Simmons, which have been held in

executive session.

Simmons, reached in Louisville, declined to comment on the vote. Before the meeting, Simmons said he is open to an "acceptable" offer from trustees, adding, "We're determined not to go away empty-handed or humiliated."

Last year he and Honeycutt agreed to a buyout plan of up to \$635,000, but it too was defeated by trustee leaders. Simmons did not participate in drafting the latest proposal, which came instead from the trustees' academic personnel committee.

The defeated proposal read: "The trustee committee on academic personnel recommends that the board of trustees empower the president to negotiate, without further trustee consultation, the conclusion of professor Paul Simmons' relationship to the Southern Baptist Theological Seminary with a clause releasing the seminary, along with its present and former officers, trustees and employees, from any claims, at a cost to the seminary approximating Paul Simmons' compensation through age 62 (not to exceed \$362,000)."

According to trustees, who spoke on condition of anonymity, opposition to the motion came from both those who felt it cost too much and those opposed to any buyout plan.

Simmons' supporters on the board generally voted in favor of the motion, sources said, convinced it was the best offer the professor could get from trustees.

At least three efforts to amend the offer were defeated. Two would have increased the offer to compensate Simmons to either a normal retirement age of 65 or a typical seminary retirement age of 70. Another would have paid him only for one year, which would be required even if he were fired.

Simmons' specific opinions on abortion and homosexuality reportedly were not discussed during the meeting, with trustees focusing instead on the proposed motion. However, some trustees said Simmons violated an earlier agreement not to teach positions the trustees would find objectionable.

Although the controversy over Simmons has plagued trustees for several years, the move to end the dispute quickly has taken on new impetus since Honeycutt announced in October that he will retire at the end of 1993.

In their closed meeting, some trustees reportedly expressed a desire to resolve the situation before April, when they expect to elect Honeycutt's successor at their annual meeting. Dismissal procedures, which would involve formal charges and hearings, could drag on longer, which some trustees fear would taint the administration of a new president.

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-- Contributing to this story were Jack Harwell and Marv Knox.

Supreme Court to review disputes
over 'hate crimes,' lottery ads

By Larry Chesser

WASHINGTON (ABP) -- Enhanced penalties for "hate crimes" and restrictions on the broadcast of lottery advertisements are at the heart of two free-speech disputes the U.S. Supreme Court has agreed to resolve.

The high court announced Dec. 14 it will decide whether states may provide stiffer penalties for crimes motivated by hate. At issue is a Wisconsin law that allows tougher punishment for certain crimes if the victim was selected because of race, religion, sexual orientation or other protected

status.

Justices will also review lower-court rulings that the First Amendment's free-speech protection was violated by federal laws that prevent a North Carolina radio station from airing lottery advertisements from neighboring Virginia.

The Wisconsin statute was challenged by Todd Mitchell, who received twice the normal two-year sentence for aggravated battery after a jury found Mitchell's victim was selected because of his race.

The Wisconsin Supreme Court struck down the penalty-enhancement law.

"The hate-crimes statute violates the First Amendment directly by punishing what the legislature has deemed to be offensive thought and violates the First Amendment indirectly by chilling free speech," the top Wisconsin court said.

The Wisconsin Supreme Court rejected the state's assertion that the statute punishes only "conduct" and not bigoted thought.

"The statute commendably is designed to punish -- and thereby deter -- racism and other objectionable biases, but, deplorably, unconstitutionally (it) infringes upon free speech," the court said.

In its last term, the nation's high court struck down a Minnesota law that barred bias-motivated disorderly conduct. While the court was unanimous in condemning the Minnesota law, justices were sharply divided over why it was unconstitutional.

At issue in the lottery-advertising case is the application of federal restrictions on advertisements to radio and television stations licensed in states that do not have a lottery but whose broadcast audience extends to a neighboring state that operates a lottery.

Lower courts held that a North Carolina radio station's free-speech rights were violated by the law preventing it from participating in Virginia's substantial advertising expenditures.

Radio station WMYK-FM is licensed by the Federal Communications Commission to Elizabeth City, N.C. More than 92 percent of the station's audience resides in Virginia.

A federal appeals court held that the commercial speech involved can be restricted only to serve a "substantial" government purpose and only through means that advance that purpose.

In this case, the appeals court said, North Carolina's purpose of shielding its residents from gambling is not advanced because residents in the radio station's listening area are already exposed to numerous Virginia lottery advertisements by Virginia-based telecast, broadcast and print media.

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Networks agree on standards
to reduce TV violence

WASHINGTON (ABP) -- Three major TV networks -- ABC, CBS and NBC -- have agreed to work together to limit televised violence, according to an Illinois senator whose legislation allowed the networks to work together on the problem.

The results of the joint standards on TV violence probably will show up in programming for the fall of 1993, said Sen. Paul Simon, D-Ill., who facilitated the joint agreement.

At a Dec. 11 press conference, Simon also announced that the three networks are calling an industrywide conference in Los Angeles next spring to

discuss TV violence further. A representative of the motion picture industry has agreed to participate in the meeting, Simon added.

Simon sponsored a bill that temporarily exempts the television industry from antitrust laws, allowing the three networks to work together on the problem of program violence. His bill -- the Television Violence Act -- called for self-regulation, not censorship, Simon said.

According to the broad standards, all depictions of violence should be relevant to the development of the characters, theme or plot.

The standards also would prohibit:

- Gratuitous, excessive or redundant violence;
- Glamorous depictions of violence;
- Scenes showing excessive gore, pain or physical suffering;
- Scenes depicting uses of force that "on the whole" are inappropriate for a home viewing medium;
- Replicable or unique methods of inflicting pain;
- Portrayals of dangerous behavior that invite imitation;
- Realistic portrayals of violence in children's programs;
- Portrayals of violence used to shock the audience; and
- Gratuitous depiction of animal abuse.

The standards also encourage portraying the consequences of violence and scheduling all programs with regard for the likely makeup of the audience. The agreement also urges caution in depicting children as victims and the mixture of sex and violence.

A statement released by the networks said these standards are consistent with each network's long-standing policies on violence but now will be set forth in a more detailed and explanatory manner. The networks also said the standards are not intended to inhibit the creative process.

"A free society can solve its problems without government censorship," Simon said. "We are moving toward a solution of this one.

"We imitate what we see on television and in the movies," he continued. "The movie and television industries have made an impact by dramatically reducing the numbers of heroes and heroines who smoke and drink excessively. Now a second step forward can be made by deglamourizing violence."

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-- By Pam Parry

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