



News Analysis

Clergy Faces Questions  
About Social Security

By W. Barry Garrett

WASHINGTON (BP)--Clergymen are now included in the provisions of the Social Security, according to the new Public Law 90-248, unless they elect on grounds of conscience or religious principles to apply for exemption.

The new law raises many questions for ministers. We do not profess to know all the answers, for one reason because we do not know all the questions.

However, from the legislative record in Congress, from the wording of the law itself and from conversations with persons in the responsible governmental agencies, we do have some answers to some questions.

Question: What change did the new Social Security law make regarding coverage of ministers of religion?

Answer: Previously, ministers were exempt from Social Security unless they asked for coverage. Now clergymen are covered unless they ask for exemption.

Question: What are the grounds upon which a clergyman can stand in asking for exemption from Social Security?

Answer: The new law exempts a minister only on the grounds of conscientious objection, or religious principles, or if he has taken a vow of poverty as a member of a religious order.

Question: Is there a way a minister can obtain exclusion from Social Security other than to claim conscientious objection or to claim that his religious principles prohibit him from participation, or to take a vow of poverty as a member of a religious order?

Answer: No.

Question: What does the law mean by opposition by reason of conscience or religious principles?

Answer: As far as we know the regulations defining these terms have not yet been spelled out. We can be sure, however, that financial reasons or political reasons will not be accepted as conscience or religious reasons. If a person is simply disgruntled at the government, or if he thinks he has a better insurance or old age plan, or if he thinks he cannot afford to pay, he cannot thereby claim that he is a conscientious objector.

Question: When does the new law take effect for clergymen?

Answer: January, 1968.

Question: When does the clergyman have to pay?

Answer: At the same time he pays his income taxes. On or before April 15, 1968 the clergyman as a "self-employed" person pays his 1967 income tax and files his estimate for his 1968 taxes. On or before April 15, 1969 the clergyman pays his 1968 income tax and his Social Security tax for 1968.

Question: How does a clergyman obtain exclusion from Social Security?

Answer: He should file an application for exemption at the time he pays his income taxes.

Question: When should a clergyman file a claim for exemption on the ground of conscience or religious principles?

Answer: The Internal Revenue Service probably will have forms to fill out and application blanks available on or before April 15, 1969. Those serving as ministers in 1968 or before have until April 15, 1970 to obtain exclusion from Social Security. Those beginning their ministerial duties in 1969 or later have two years to file for their exemption.

Question: If a minister is now participating in Social Security, can he withdraw on the grounds of conscience or religious principles?

Answer: No. If he is conscientiously opposed, why does he now participate?

Question: Will the churches be expected to pay one-half of the minister's Social Security tax as it does for other employees?

Answer: No. The church is not involved with the minister's coverage. Congress has placed him in the special category of "self-employed." He has to pay his own taxes. Of course, there could be no objection to a raise in salary for the minister to help him bear this additional expense.

Question: What effect does the new law have on the minister who is now a participant in Social Security?

Answer: None, except it rules him out as a conscientious objector.

Question: If a minister waives Social Security coverage on grounds of conscience or religious principles, can he later change his mind and elect to be covered?

Answer: No. The law plainly states that such an exemption shall be irrevocable.

Question: What authority do you have to give all these answers to questions about the minister and social security?

Answer: No authority whatsoever. If you want official, authoritative answers to your questions, you will have to get them from the Internal Revenue Service.

Question: What advice do you have for a minister who is considering non-participation in Social Security on the grounds of conscience or religious principles?

Answer: First, make sure that his objections are really on those grounds. At present the field of conscientious objection to Social Security is occupied by a very limited minority such as the Amish and a few others. Conscientious objection to Social Security may be hard to prove by a person who is not a genuine conscientious objector to military service or to other government benefits.

Remember, too, that once a minister signs himself as a conscientious objector to Social Security, he rules himself out of other government benefits for citizens such as medical care and possibly a wide range of other benefits.

Before signing as a conscientious objector to Social Security, get good legal advice and consult with the brethren about the real meaning of conscientious objection.

If a minister is a genuine conscientious objector and if his religious principles are violated by participation in Social Security, he should not hesitate to ask for exemption.

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**News Analysis**

**Major Church-State Issues  
Now Before Supreme Court**

By W. Barry Carrett

WASHINGTON (BP)--The U. S. Supreme Court now has two major cases before it for "judicial review" of public policies on public aid to parochial schools.

The court has agreed to review another New York case involving the constitutionality of a state law requiring public school boards to provide textbooks on a loan basis to all school pupils, public or private, for grades 7-12.

Earlier the court agreed to review a New York case (Flast V. Gardner) on the question of "standing to sue" for citizens and taxpayers who challenge public expenditures on the grounds of violation of the First Amendment. This case will be argued before the court in March.

These developments could have significant effect on current efforts in Congress to enact a judicial review law that is being pushed by Sen. Sam J. Ervin Jr. (D., N. C.). The effect could be to cause the House of Representatives to move even slower and more cautiously (if that were possible) than it has done on this matter.

There have been those all along who have argued that no new judicial review legislation is necessary if all the possibilities of court action now existing were pursued. This could prove to be true.

The latest New York case which the Supreme Court will now review is Board of Education of Central School District No. 1 V. James E. Allen Jr., as commissioner of the State of New York.

At issue in the 1965 New York state law on Textbooks for school children. The question before the Supreme Court is whether or not the purchase of textbooks with public money for free loan to pupils in parochial schools violates the "establishment clause" and the "free exercise clause" of the First Amendment of the federal Constitution.

This amendment, which is now applicable to the states, says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

The New York State Constitution prohibits public aid "directly" or "indirectly" to church schools.

The argument is whether or not such aid to school children is aid to the private school either directly or indirectly.

Those who oppose such aid to parochial school children say that this is an indirect aid to their schools that is prohibited by both the state and the federal Constitutions. They say that if this policy is upheld the same principle could then be applied to equipment and even to buildings and teachers in church schools.

The textbook case was taken to the courts by the school board of East Greenbush, a suburb of Albany, and by other local school officials in Rensselaer, Columbia and Nassau Counties.

They contended that the 1965 law forced them to violate both the state and federal Constitutions. They were placed in the position of obeying a law in violation of the Constitution or of disobeying a law which requires of them a certain course of action. They asked the courts to settle the problem

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Three court decisions have been handed down in New York:

(1) the State Supreme Court, Aug. 18, 1966, declared the state textbook law unconstitutional;

(2) The Appellate Division ruled in December 1966 that the local school district lacked jurisdiction to challenge the law and thus reversed the decision of the lower court.

(3) The Court of Appeals in June 1967 restored the local school district's right to file suit, but declared the law constitutional under both the state and federal constitutions.

The U. S. Supreme Court will now make a ruling on the federal question or questions that may be involved in the issue.

The decision of the court will affect much more than the New York law. Six other states - Louisiana, Mississippi, Rhode Island, Indiana, West Virginia and Kansas - have laws permitting textbooks to be loaned to children attending parochial schools.

In three other states - Oregon, New Mexico and South Dakota - such practice has been held to violate their respective constitutions.

In addition the federal government spends \$60 million annually to purchase textbooks and to provide specialized instruction to pupils in church-related schools.

If in the Flast Case the Supreme Court agrees that citizens and taxpayers have "standing to sue" in First Amendment cases, and if the New York law is declared to violate the federal Constitution: (1) many cases challenging federal and state practices can be expected to explode all over the nation, and (2) many government programs ranging from the Hill Burton Public Health Act to current welfare and education acts could be thrown out by the courts.

There is no sure way to predict at this stage the ways the Supreme Court may handle these cases or what their decisions might be. The arguments are strong on both sides and the national issues at stake are far-reaching. Much future public policy now hangs in the balance. Decisions will be announced within the year by the Supreme Court.

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Baptist Drama Production  
Set For CBS Television

1/18/68

FORT WORTH (BP)--The dramatic cantata, Romans By St. Paul, will be presented on the Columbia Broadcasting System television network on Sunday, Jan. 28, by the Everyman Players of Centenary College in Shreveport, La.

The half-hour color program, presented on the "Lamp Unto My Feet" series on CBS-TV, was produced with the cooperation of the Southern Baptist Radio-Television Commission here.

The Everyman Players which will present the dramatic sermon-cantata has gained national publicity for their creative and unusual production of both Romans By St. Paul, and The Book of Job.

The drama group is directed by Orlin Corey, a Southern Baptist layman who organized the Everyman Players in 1959. Corey is chairman of the speech and drama department at Centenary College, and director of the Marjorie Lyons Playhouse in Shreveport. Mrs. Irene Corey is designer for the group.

Corey said that Romans By St. Paul is a dramatic cantata of human redemption and the grace of God. Saints of the first century are pictured as tall, elongated figures inspired by Romanesque sculpture, Corey said. Music for the program was especially composed by Johan Franco for the Carillon, the oldest instrument of the church.

Romans By St. Paul was first presented at the First Baptist Church of Shreveport in 1959, and has since played in cathedrals in Britain and the United States, including the St. Pauls Cathedral in London and the National Cathedral in Washington.

Both Romans and Job have been dramatized by the group in annual outdoor theater productions in Pineville, Ky., each summer.

The CBS-TV production of Romans By St. Paul is scheduled at 10:30 a. m., Eastern Standard Time. Baptist Radio-Television Commission officials added, however, that local CBS-TV station schedules should be consulted for variations in different regions of the country.

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Atlanta Association Okays  
Federal Aid For New College

By Jack U. Harwell

ATLANTA (BP)--In an historic reversal of Baptist position on separation of church and state here, the Atlanta Baptist Association has authorized trustees of the new Atlanta Baptist College to seek and accept federal funds.

Approval of the motion, adopted by a vote of 487-370, made no distinction between federal loans and federal grants.

Trustees of the new Baptist school, scheduled to open in September of 1968, will be allowed to use their own discretion to apply for and obtain federal funds for construction of buildings and purchase of equipment.

The motion, however, provides that accepting federal aid shall not "limit the freedom of the college in the conduct of the operation in respect to faculty, curriculum, or any other matters."

The decision came in a called associational meeting at Morningside Baptist Church in Atlanta. The noisy crowd, estimated at more than 1,000 persons, completely overflowed the sanctuary, adjoining hallways, and the church social hall.

The meeting lasted for two hours. Fourteen speakers debated the controversial proposal, and several others asked and answered specific questions.

The action finally taken by the association included stipulations designed to prevent undue federal control should the trustees accept any federal funds.

One clause said that the college should borrow from commercial sources or raise from the churches enough funds to pay back the government if the government ever passes new laws or interprets existing laws in such a way that the trustees feel their freedom is threatened.

A further clause added that should the trustees not be able to raise the necessary funds to pay back the government in such a situation, that the trustees should recommend to the association proposals to solve the problems.

The president of the Atlanta Baptist College board of trustees, Monroe Swilley, said after the action that "the trustees recognize the heavy responsibility resting upon them to carefully evaluate any application for federal assistance and to be convinced that such assistance will not involve any degree of federal control over administration, faculty, curriculum or other matters."

Swilley, pastor of the Second Ponce de Leon Baptist Church here, added that the college trustees "are not anxious to run to the federal treasury. We will scrutinize every program carefully. We might not ever get any federal money. We will be prayerful and careful."

The day after the vote, the vice president in charge of development at Atlanta Baptist College, Dick H. Hall Jr., resigned in protest of the association's action.

Hall had been vice president for two years, after retirement as pastor of First Baptist Church, Decatur, Ga. The college does not have a president or faculty members.

Hall said he found himself "in an untenable position." He said he has supported the principle of separation of church and state through all his ministry. "To be of further use to the college, I would be compelled to compromise very deep convictions," he said. "This I cannot do."

Hall has long been a national spokesman for separation of church and state, serving as vice president of Protestants and Other Americans United for Separation of Church and State since 1960.

Other reactions to the controversial decision were immediate throughout the Atlanta area.

Several pastors announced decisions to lead their churches to withdraw from the association.

Hugh Brooks, pastor of West End Baptist Church here, told his congregation that he is personally forfeiting membership in the association because of the federal aid decision, and that if the church does not follow suit he will resign as pastor. The church was scheduled to vote on the matter in a called conference Jan. 24.

Brooks has been one of Georgia's most consistent opponents of federal funds. He made the motion at the 1965 Georgia Baptist Convention which forced Mercer University to finance its new science building through a commercial loan instead of a federal loan. That decision was repeated in 1966.

The proposed Atlanta Baptist College, which hopes to open for classes in September of 1968 with about 500 students, is located on 600 acres of land on a major expressway 12 miles northeast of downtown Atlanta. Four buildings are expected to be completed about March 1, giving the school about \$6 million in property value, cash, and pledges. The property is paid for.

A fund drive to begin the new college has been underway since 1954, and about \$3 million has been raised in gifts and pledges. Swilley said an additional \$1½ million is needed between now and September to cover additional operating costs.

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Georgia Couple Gives  
Funds For Excavation

1/18/68

LOUISVILLE (BP)--A Baptist deacon and his wife have given the Southern Baptist Theological Seminary here \$45,000 to support an archaeological excavation at the site of Machaerus in Jordan.

Mr. and Mrs. Cully Cobb, who are active members of Druid Hills Baptist Church in Atlanta, earlier had presented the seminary with a rare, full-sized replica of the Code of Hammurabi, which is on display in the seminary library.

Their support of the Machaerus expedition is another expression of their personal interest in the use of archaeology in Biblical research, the Cobbs told seminary officials.

Machaerus, famous as the site of the death of John the Baptist, has never been excavated. The city was occupied between 90 B.C. and A.D. 71, and was the eastern capital of Herod Antipas in the Trans-Jordanian province of Perea.

At least six New Testament characters were associated with Machaerus, including Herod the Great, Salome, Herodias, and the Nabataean wife of Herod Antipas.

Since the Jews travelled through Perea in order to avoid contact with the Samaritans, the life of the province holds many clues to Jewish life in the time of Christ. Perea was at the time on an equal with the famed provinces of Galilee and Judaea.

Professor Jerry Vardaman will represent the seminary in the excavations, which will be conducted with the co-operation of the Jordanian Department of Antiquities.

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