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Editorials Describe SBC  
As "Rosy," "Harmonious"

By the Baptist Press

"PORTLAND--Southern Baptists met in the Rose City of the Northwest last week and came out smelling like one."

With that editorial comment, the Christian Index of Georgia evaluated the 116th annual session of the Southern Baptist Convention meeting in Portland.

Virtually the same comment, with 15 variations, appeared in most of the other Baptist state paper editorials describing the convention in Portland.

Almost all the editorials agreed: it was a peaceful, harmonious convention. "It was the quietest session in well over a decade," noted the Baptist Courier of South Carolina.

"Some will term it 'peaceful,' 'bland,' 'harmonious,' or 'non newsworthy,'" observed Christian Index editor Jack Harwell. "My own description is...rosy."

The Indiana Baptist described the convention as "calm, clean, and unified as a northwest mountain stream," and contrasted the spirit of the Portland convention with the 1970 convention in Denver characterized by "catcalls, booings of speakers, personal attacks, and overall bitterness."

"In fact," added the Indiana Baptist, "the messengers' activities and attitudes were so calm some might describe the convention as indifferent or at least apathetic."

It was so quiet that some ventured the opinion "that we were in a "tranquilized seizure," observed the Ohio Baptist Messenger.

The Mississippi Baptist Record took issue, however, with those who concluded that because of the "tranquilized" quietness, there was a "changed mood" among the messengers.

"While it was calm when compared to some recent conventions, this simply was because no major controversial issue came before it," said the Baptist Record. "These 1973 Southern Baptist messengers were just what they have always been."

The Mississippi editorial noted that the concerns of the messengers, as always, included the proclamation of the Bible, preaching, evangelism, strengthening the churches and establishing more, and promotion of righteousness.

The Western Recorder of Kentucky pointed out that "no convention in recent years went as begging for important issues to debate as this one."

The editorial comments reflecting the convention generally did not debate the issues, few as they were, which arose at the convention. Only a few of the editorials dealt with the merits or demerits of convention decisions, and even fewer said whether they agreed or disagreed with the decisions.

Among 15 editorials carried the week after the convention, only three major decisions drew comment by more than a half dozen editorials. Those three topics included two resolutions, one on women's liberation and the other on the war in Southeast Asia, and the refusal by the SBC to dissolve the Stewardship Commission and assign its work to the SBC Executive Committee.

In a unique appraisal, the California Southern Baptist interpreted the anti-women's liberation movement resolution as a rejection of a subtle endorsement of ordination of women as ministers or deacons by the resolutions committee.

The convention rejected the resolutions committee statement in favor of the original submitted by Mrs. Richard Sappington of Houston, who pointed out that Christ is the head of the man and man is the head of woman. The resolutions committee statement left this out, and asked the messengers "to give full recognition to women in leadership roles in church and denominational life."

The California Southern Baptists interpreted this statement to be an endorsement of ordination of women, even though the issue of ordination was not spelled out.

The Western Recorder of Kentucky, however, said the women's lib resolution finally adopted was "less than desired," in that it "reflects a legalistic, literal interpretation of the New Testament and only one strand of the New Testament teaching on the role of women instead of the more balanced view expressed in the original resolution" (by the committee).

Concerning the resolution which praised President Nixon for his peace efforts in Southeast Asia, several editorials commented on the convention's refusal to adopt an amendment which would have made clear that the convention did not approve or disapprove of continued bombing in Cambodia.

"This convention was not about to allow itself to be led into making any move which appeared to 'condemn' the present government policies," noted the Baptist Record of Mississippi. The action implied that the convention supports the bombing in Cambodia and other military action, added the Indiana Baptist.

Neither was the convention willing to condemn any government official involved in the Watergate scandal, calling only for "morality in government," pointed out the Baptist Standard of Texas. The Indiana Baptist added that an amendment adopted by the convention called for the "just prosecution of persons from any political party who are found guilty of maligning justice," and the Baptist Standard observed that "speakers from the floor apparently overlooked the fact there have been convictions for burglary."

The Alabama Baptist attributed the peace and harmony at the convention partly to the constant exposure of Watergate on television and "a weariness of debate and scandal on the part of the people."

Commenting on the debate tactics used in the convention's rejection of a motion to abolish the Stewardship Commission, the Baptist New Mexican decried the argument that to take the action would cause a concentration of power in the SBC Executive Committee.

"This blow at the Executive Committee is unwarranted," the Baptist New Mexican said. "To take this sort of lick at this hard-working committee and thus at its executive secretary was totally uncalled for." The editorial did not speak for or against the proposal, but against the "manner in which its opponents attacked it."

Several editorials, including the Capital Baptist and Florida Baptist Witness, predicted that the issue is now dead and will not come up again, or at least for several years. The Rocky Mountain Baptist of Colorado called it a wise decision.

Praise for Owen Cooper of Yazoo City, Miss., as president of the convention appeared in more editorials than probably any other single topic.

"He presided over the sessions with unquestioned fairness," observed the Religious Herald of Virginia. "His presidential address was one of the best ever heard," added the Oklahoma Baptist Messenger.

"He was gracious and fair," pointed out the Christian Index. "He was humble and warm. He grows in stature as one of the truly great laymen in Southern Baptist history."

Praise also went to the city of Portland for their hospitality and facilities. The Kentucky Western Recorder called Portland "a delightful host city," and contrasted the "cordiality and

warmth" of Portland bus and taxi drivers, hotel personnel and residents to treatment in some cities like Detroit and Philadelphia.

Several other editorials commented on the effect the convention would have on strengthening Baptist work in Portland and the Northwest. Observed the Pacific Coast Baptist, the state paper of the Northwest Convention: "The Northwest Baptist Convention can never be the same after hosting the Southern Baptist Convention. It was a great experience for our people."

Most of the editorials agreed it was a good experience for everyone. Editorials in the Georgia, Colorado and Florida papers pointed out that despite the lack of controversial issues, it was a constructive convention. "A convention, to be constructive, does not have to be explosive," observed the Florida Baptist Witness.

The Kentucky Western Recorder described it as pleasant and enjoyable, but would not be recorded "as a significant one." But Southern Baptists "need a Portland-like convention occasionally--one to be enjoyed precisely for not having difficult issues to deal with," the Western Recorder concluded.

The Ohio Baptist Messenger summed it up in the words of President Cooper: "The world will neither remember what we do here or say here in convention. But it will be remembered as a convention by what we say and do when we leave here."

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#### High Court Strikes Down Parochial in Two States

6/26/73

WASHINGTON (BP)--The U.S. Supreme Court here in a sweeping decision involving five cases struck down laws in two states that were designed to provide financial aid to nonpublic, sectarian schools.

The Supreme Court invalidated as unconstitutional laws in New York and Pennsylvania that provided aid to private religious schools in a variety of ways including (1) funds for maintenance and repairs of facilities and equipment, (2) tuition reimbursement to parents in the low income bracket who send their children to nonpublic elementary and secondary schools, (3) income tax deductions for tuition paid to parochial schools, and (4) across-the-board tuition reimbursement to parents of parochial school pupils.

The court vote was 8-1 against public funds for maintenance and repair in parochial schools. The vote was 6-3 on the other questions.

Justice Lewis F. Powell delivered the opinion of the court in both the New York and Pennsylvania cases, in which he was joined by Justices William J. Brennan, William O. Douglas, Potter Stewart, Thurgood Marshall, and Harry A. Blackmun. Dissenters were Chief Justice Warren E. Burger and Justices William H. Rehnquist and Byron R. White.

Burger and Rehnquist joined the majority in the "maintenance and repair" decision, but White dissented on every decision.

In New York the state granted \$30 per pupil in nonpublic schools, or \$40 if the facilities are more than 25 years old, for maintenance and repair of facilities and equipment to ensure the student's health, welfare and safety.

The Supreme Court said that although the stated purpose of such grants was to protect the health, welfare and safety of pupils, the primary effect of such aid was to advance religion. Therefore, the provision violates the establishment clause of the First Amendment, according to the court.

Another program in New York provided reimbursement in part of tuition paid to nonpublic schools by parents with an annual taxable income of less than \$5,000. The amount of reimbursement was \$50 per grade school child and \$100 per high school student so long as those amounts did not exceed 50 per cent of the actual tuition paid.

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The court ruled this provision unconstitutional, even though the funds were delivered to parents rather than to schools, because "the effect of such aid is unmistakably to provide financial support for nonpublic, sectarian institutions."

A third New York program provided income tax deductions for parents of parochial school pupils whose annual taxable income exceeds the \$5,000 level. This is a variation of the "tax credit" proposals that have been advocated by those seeking public funds for parochial schools.

To this provision the Supreme Court said: "The system of providing income tax benefits to parents of children attending New York's nonpublic schools also violates the establishment clause because, like the tuition reimbursement program, it is not sufficiently restricted to assure that it will not have the impermissible effect of advancing the sectarian activities of religious schools."

The Pennsylvania law involved in the court test was the "parent reimbursement act for non-public education." This act provides that public funds are to be paid to parents who pay tuition for their children to attend the state's nonpublic elementary and secondary schools. Qualifying parents were entitled to receive \$75 for each dependent enrolled in an elementary school and \$150 for each dependent in high school.

The Supreme Court said that this program has no constitutionally significant difference from the New York tuition reimbursement program that was held unconstitutional.

To the Pennsylvania tuition reimbursement plan the court commented: "The state has singled out a class of its citizens for a special economic benefit. Whether that benefit be viewed as a simple tuition subsidy, as an incentive to parents to send their children to sectarian schools, or as a reward for having done so, at bottom its intended consequence is to preserve and support religion-oriented institutions."

In disallowing tuition reimbursements, the court drew a distinction between this and earlier rulings related to other types of benefits for parochial school pupils. It said: "We think it is plain that this is quite unlike the sort of 'indirect' and 'incidental' benefits that flowed to sectarian schools from programs aiding all parents by supplying bus transportation and secular textbooks for their children.

Such benefits were carefully restricted to the purely secular side of church-affiliated institutions and provided no special aid for those who had chosen to support religious schools. Yet such aid approached the 'verge' of the constitutionally impermissible."

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Court Settles Case Involving  
Baptist College at Charleston

6/26/73

WASHINGTON (BP)--The Supreme Court in a 6 to 3 vote held constitutional a complicated financial arrangement between the state of South Carolina and the Baptist College at Charleston.

In a case that has been back and forth from the South Carolina Supreme Court to the U.S. Supreme Court for the second time, the high court upheld a state law that permitted all institutions of higher learning, regardless of their religious affiliation, to receive certain benefits.

The South Carolina Educational Facilities Act, the Supreme Court declared, has a "secular" purpose, it "does not have the primary effect of advancing or inhibiting religion," and it "does not foster an excessive entanglement with religion."

Under the authority of the state statute, the Baptist College at Charleston received preliminary approval for a financial arrangement concerning revenue bonds to refinance capital improvements and to complete the dining hall. Under the statutory scheme the project would be conveyed to the authority, which would lease it back to the college, with reconveyance to the college on full payment of the bonds.

The lease agreement would contain a clause obligating the institution to observe the act's restrictions on sectarian use and enabling the state to conduct inspections to see that this part of the law was not violated.

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Originally the college asked for \$3.5 million under the act. When the case was tied up in the court so long, the college reduced its request to \$1,250,000 and sought other financing for the total project.

In the case, *Hunt v. McNair*, the court rejected the idea that such aid to the college would have the "primary effect" of aiding religion.

"Stated another way, the court has not accepted the recurrent argument that all aid is forbidden because aid to one aspect of an institution frees it to spend its other resources on religious ends," the court said.

In the majority opinion written by Justice Lewis F. Powell, the court explained that "aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission or when it funds a specifically religious activity in an otherwise substantially secular setting."

Powell noted further that the college, according to the records submitted to the court, has no religious qualifications for faculty membership or student admission, and that only 60 per cent of the student body is Baptist.

"On the record in this case there is no basis to conclude that the college's operations are oriented significantly towards sectarian rather than secular education," the majority held.

Regarding the possibility of "entanglement" between the college and the state, Powell said in a footnote that the record shows no more than "a formalistic church relationship."

"So far as the record here is concerned there is no showing that the college places any special emphasis on Baptist denominational or any other sectarian type of education..."

Writing for the dissent, Justice William J. Brennan feared that "under the scheme the policing by the state can become so extensive that the state may well end up in complete control of the operation of the college, at least for the life of the bonds."

"The college's freedom to engage in religious activities and to offer religious instruction is necessarily circumscribed by this pervasive state involvement forced upon the college if it is not to lose its benefits under the act."

Brennan feared also that the state authority must also involve itself deeply in the fiscal affairs of the college, even to the point of fixing tuition rates.

"Thus, this agreement, with its consequent state surveillance and ongoing administrative relationships, inescapably entails mutually-damaging church-state involvements," declared Brennan for the minority.

Joining Brennan in the dissent were Justices William O. Douglas and Thurgood Marshall.