

**(BP)****BAPTIST PRESS**

News Service of the Southern Baptist Convention

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May 28, 1975

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Committee Will Ask For More  
 Time To Study SBC Executive Committee

MIAMI BEACH (BP)--The Southern Baptist Convention's Committee of Seven named to study and evaluate the Southern Baptist Convention Executive Committee in light of Bylaw 9 of the convention, will make a progress report to the 1975 convention here, June 10-12, and ask for another year to formulate a final report.

The committee feels the study plan it is pursuing requires another year for formulation, said its chairman, C.R. Daley, editor of Kentucky Baptists' Western Recorder. He said the committee's tentative schedule calls for completion of the first draft of its report in the fall.

Daley said the report would be disseminated to Southern Baptists "in plenty of time for careful study" before the 1976 meeting in Norfolk, Va.

The study plan includes a view of the history of the Executive Committee since its beginning in 1917, an examination of all former studies of the Executive Committee and an analysis and evaluation of the present structure and functions of the Executive Committee, Daley said.

In doing its work, the study committee conducted interviews with a wide variety of Baptist leaders well acquainted with the policy and procedures of the Executive Committee and also invited all interested persons to communicate their views to the study committee, Daley said.

"An encouraging number of written and oral statements have been received," he said.

The committee said it feels any final observations or recommendations to the Southern Baptist Convention, based upon its study, should be made only after "very careful deliberation of the results of the research."

The committee has not had time to complete such a careful study and therefore will present a progress report and request one additional year for its task, Daley said.

The Committee of Seven was also asked to study the possibility of a name change for the convention. This part of the assignment has been completed and a final report will be submitted in Miami Beach.

As has already reported, the committee, which conducted broad-based opinion surveys among Southern Baptists, will suggest that the convention's name should not be changed at this time.

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Court Voids Two State  
 Parochial Aid Plans

Baptist Press  
 5/28/75

By Stan Hasteley

WASHINGTON (BP)--The U.S. Supreme Court cleared the docket of cases dealing with parochial aid plans for its current term by issuing rulings against programs of such programs in a pair of cases from Ohio and Minnesota.

Just one week after announcing a historic decision invalidating Pennsylvania's "auxiliary services" law, the high court struck down a similar plan in Ohio and let stand a Minnesota Supreme Court ruling outlawing tax credits to parents whose children attend non-public schools.

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In the Ohio case, *Wolman v. Essex*, the court held that a state law which funneled more than \$81 million to nonpublic schools during the 1973-74 school year violates the establishment clause of the First Amendment. That clause in the Constitution states that "Congress shall make no law respecting an establishment of religion."

When first enacted in 1967, the Ohio statute provided just over \$3 million in state funds for auxiliary services to nonpublic schools. But when the U.S. Supreme Court ruled in 1973 that Ohio's companion law granting substantial tax credits for parents of non-public school children violated the First Amendment, the state legislature diverted those funds to its auxiliary services program.

The disputed services included guidance, testing and counseling programs; programs for deaf, blind, emotionally disturbed, crippled and physically-handicapped children; audiovisual aids; speech and hearing services; remedial reading programs; educational television services; and programs for the improvement of the educational and cultural status of disadvantaged pupils.

In an effort to counteract arguments that the plan would violate the establishment clause, Ohio's legislature included in the law the provision that "no school district shall provide services, materials, or programs for use in sectarian religious courses or devotional exercises."

Before the case came to the Supreme Court, a U.S. district court in Ohio ruled, by a 2-1 margin, that the disputed law did not violate the Constitution's ban on an establishment of religion.

The nation's highest tribunal disagreed, nevertheless, holding that the facts and arguments in the Ohio case were similar to those it had invalidated a week earlier in *Meek v. Pittenger* the case which successfully challenged Pennsylvania's similar plan.

In announcing its ruling, the high court sent the Ohio case back to the district court, with orders that the lower tribunal make a new ruling consistent with the *Meek* decision.

In a related action, the court declined to schedule for oral argument a case involving Minnesota's tax credit law. The effect of that action is to let stand a 1974 decision by that state's Supreme Court declaring the statute unconstitutional.

The Minnesota law, which was enacted in 1971, provided an income tax credit to parents or legal guardians of children enrolled in the state's nonpublic kindergarten and elementary and secondary schools.

As in Ohio, Minnesota state legislators sought to anticipate the inevitable argument that its law violated the establishment clause by including the provision that "even in religiously-affiliated schools, the basic secular subjects must be taught by teachers whose qualifications are essentially equivalent to the public school teachers."

As a further safeguard, the Minnesota law stipulated that the purchase of religious textbooks was to be excluded.

In addition, the state legislature worked out a complicated formula which sought to insure that in no case could the tax credit exceed 80 percent of the "actual current cost in each nonpublic school of educating a child."

In declaring the tax credit on the state income tax form, a parent was required to choose among the 80 percent "restricted maintenance" plan, the amount actually spent in sending a child to a non-public school, or a flat credit ranging from \$50 to \$140 depending on the grade level of the pupil. The law further stipulated that the parent had to choose the smallest tax credit among the three alternatives.

A companion suit in the Minnesota challenge argued that the action of that state's supreme court invalidating the program amounted to preferring the "establishment clause" over the First Amendment's "free exercise" clause. The latter states that Congress cannot "prohibit the free exercise" of religion.

The supreme court's action is consistent, however, with a long series of decisions dating to 1947 that no tax in any amount shall be levied for the support, direct or indirect, of religious institutions.

In an important precedent to the Minnesota case, the high court held in 1973 that a New York law calling for both tax credits and tuition reimbursements violated the establishment clause.

By its latest actions, the court appears to have signaled that all state plans to provide funds for the support of sectarian elementary and secondary schools are in similar danger of being struck down.



May 28, 1975

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Ken Smith --Child  
Delivered by a '727'

By Mike Bailey

FORT WORTH (BP)--Kimley Shea Smith came to her mother and father not by stork but by 727.

You have read about her and the others like her. These are the Vietnamese orphans who have been transplanted from their war-torn country to our land. They are strangers in a strange land.

But this particular orphan is no longer an orphan and no longer a stranger.

Kim has a mother, a father and a new home. And her new parents, Ron and Karla Smith, have an answer to prayer.

"She could be illegitimate for all we know," said Ron, a religious education student at Southwestern Baptist Theological Seminary here.

But that does not matter to the couple. All they know of their daughter's past is that she was abandoned in the Saigon hospital where she was born four months ago.

The Smiths have only recently been able to give an interview because of the hectic pace in recent weeks.

"Love motivated us to adopt a foreign child," Ron said. "We saw a need for these children to have a good home and we felt like we could provide one."

The couple, now married 10 years, made application a year ago with the Holt Adoption Agency in Oregon, an agency which specializes in foreign adoption cases. They were later referred to the Lutheran Social Services Agency in Austin.

At that time, they requested a Korean or a Vietnamese child. They were not given a definite date as to when a child would be available for adoption.

Then beginning this year, events moved rather quickly and speeded up things for the Smiths and for South Vietnam.

The "last days" of South Vietnam as a free country came swiftly.

Little Kim then became one of several hundred orphans who were airlifted by several state-side agencies in a desperate effort to rescue the children from their war-torn land.

She was on the last planeload of orphans to leave South Vietnam.

It was last month the Smiths were told that there was a child available for adoption. Four days later their prayer was answered as the couple from St. Louis held their child. "It had to be the most exciting moment of our lives," Karla exclaimed.

Rearing a child from such a unique experience as South Vietnam might possibly have some later effects. But Ron and Karla do not foresee any major problems.

They feel that Kim will have the usual problems of growing up and, "We'll just deal with them when they come up."

Although they have no other children, Ron feels that God has prepared them for parenthood.

Not only did the adoption agency aid the couple, but Ron credits several of his seminary courses for guiding his thinking.

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Plus, he added, "We have several international friends who have helped us to accept people as people and not on the basis of skin color."

Karla has gained practical experience by working with small children at the seminary's day care center.

Often people ask, she says, "Can you love Kim even though she is not your natural child?" Her reply is, "I may not be her natural mother but I am her real mother."

The Smiths say they are embarrassed at compliments they receive from some people, such as, "Oh, I think that you have done such a wonderful thing."

Kim was not adopted out of pity or for publicity, they say; she was adopted out of love.

The Smiths want others to accept Kim as their child and to love her too.

They are tolerant of "second looks" and questioning stares, but they want people to realize that she is not just "a piece of furniture."

"Besides," Karla said with a laugh, "we intend to adopt some more international children later. I want a whole houseful of them!"

For now, Kim is the Smith's only child and no matter how you look at it, she is getting as much love as her parents can give her.

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(BP) Photo mailed to Baptist state papers.

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