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News Service of the Southern Baptist Convention

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81-107

Church-State Separation  
Upheld in High Court Term

By Stan Haste

WASHINGTON (BP)--During a year when prickly church-state issues figured less prominently than in other years, the U.S. Supreme Court nevertheless handed advocates of church-state separation several gains in its recently-concluded term.

In three of the four church-state cases decided by the high court in written opinions, separation of church and state came out the winner. The one setback involved restrictions on an unpopular sect, the International Society for Krishna Consciousness.

In that decision, the court ruled that state fair officials may restrict religious sects and groups to booths as they distribute and sell literature and solicit funds. The ruling, which upheld Minnesota fair officials, did not forbid individuals from communicating their views, religious or other, in face-to-face encounters.

The most publicized church-state ruling came in November, when the court struck down 5-4 a Kentucky law requiring the posting of the Ten Commandments in public school classrooms. The brief, unsigned opinion held that the 1978 statute failed the First Amendment test that such a law have a secular rather than religious purpose.

Two other cases, both dealing with unemployment compensation, received full arguments and decisions.

Eddie C. Thomas, a Jehovah's Witness, left his job rather than produce turrets for military tanks, work he said violated the sect's precepts. He convinced the court, 8-1, that he is entitled to unemployment compensation.

In the other case, the justices ruled unanimously that church-related schools with no legal existence apart from a church or association of churches are exempt from paying unemployment compensation taxes. The decision overturned a ruling by the Department of Labor.

The unemployment compensation cases were but two examples of a larger group of disputes over alleged government intervention into the internal affairs of churches and their agencies and institutions. More than a dozen other cases involving such disputes were handled by the court, making government regulation of religion by far the single biggest category of church-state cases faced during the term.

Mississippi (Baptist) College lost its high court battle when the justices agreed unanimously that the school must provide employment data to the Equal Employment Opportunity Commission. EEOC sought the information to determine if the college has engaged in systematic sex and race discrimination in its hiring policies.

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Navajo Indians also lost at the court when the justices let stand lower court rulings allowing the National Park Service to maintain control of a site in Utah the tribe considers sacred.

The court also sided with the government when it agreed with the Internal Revenue Service that individuals who try to avoid paying income taxes under the guise of establishing their own "churches" can be stripped of previously-granted tax exemptions.

Similarly, the court agreed with local authorities in Oregon that municipalities may impose zoning ordinances forbidding churches in private residences from also running parochial schools in the same locations.

State governments, the court agreed, may proceed in their efforts to regulate other types of religious institutions as well. The court upheld a Kansas ruling that a church-operated home for unwed mothers must be licensed by the state, while in North Carolina, the state may also require church-run day care centers to be licensed.

In other cases where the basic issue revolved around government regulation, the court let stand a lower ruling that a Catholic high school in New York is exempt from National Labor Relations Board jurisdiction; agreed with the Mississippi Supreme Court that the state may require the vaccination of school children whose parents object on religious grounds; rejected efforts by an unincorporated New Jersey church to avoid producing church documents for a grand jury; and denied a request by a Coptic congregation in Florida to lift an injunction barring the use of marijuana as an aid to worship.

Further, the high court reiterated its long-standing legal doctrine that hierarchical-type churches control the properties of local congregations, even when the latter secede from their denominations.

Besides the Hare Krishna decision, the court took action in a pair of other cases involving controversial sects. The justices left standing a Minnesota ruling that parents who detained their 21-year-old daughter in an effort to "deprogram" her were not guilty of false imprisonment.

And, in the latest round of its continuing legal war with the federal government, the Church of Scientology failed to convince the justices to review its charges against four federal employees accused of violating the group's constitutional rights.

Public funding for church-related causes, while not figuring prominently this term, did surface in a pair of disputes. In the better known of the cases, the court let stand lower rulings that the Catholic Archdiocese of Philadelphia be required to pay for a platform used during a mass presided over by Pope John Paul II during his October 1980 visit to the U.S. The City of Philadelphia had sought to pick up the tab.

In a parochial school funding dispute, the justices declined to disturb a lower court ruling that public funds administered under the Elementary and Secondary Education Act may go for remedial education of parochial school students when the services are provided by public school teachers.

Another pair of cases dealt with free exercise of religion. Public schools may continue to observe religious holidays, the court held, thereby putting to rest a two-year-old controversy in Sioux Falls, S.D.

But the high court agreed with a lower court in its decision to strike down a North Carolina policy of printing a "motorist's prayer" on official maps.

While its recent term can hardly be considered a banner year in the church-state field, the upcoming 1981-82 session promises to be highly significant.

Already the justices have taken on five church-state controversies for the term beginning the first Monday in October. Easily the most publicized is the challenge of students at the University of Missouri-Kansas City to a school policy banning religious worship on campus. That case shapes up as a classic constitutional clash requiring the high court to decide between the students' free exercise rights and the university's claim that to allow on-campus worship would unconstitutionally establish religion.

The court also will decide if officials of Americans United for Separation of Church and State have a constitutional right to sue the federal government for transferring public property in Pennsylvania to a church-related college.

In other cases to be heard, the court will decide whether religious groups receiving more than half their income from soliciting the public should be exempt from registering with and reporting to the state; whether Old Order Amish employers must pay Social Security taxes and withhold such taxes from the wages of their Amish employees; and whether a Jewish immigrant from Poland claiming he was the victim of religious and ethnic discrimination must be given back his job.

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China's House Churches  
May Claim 5 Million

By Erich Bridges

Baptist Press  
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HONG KONG (BP)--As many as five million Christians are worshiping in more than 50,000 "house churches" throughout China, according to a Hong Kong-based organization, the Chinese Church Research Center.

The house church movement apparently accelerated during the religious persecution of the 1966-76 cultural revolution, when public churches in China were closed and thousands of Christians harassed, imprisoned or killed, the center reports, adding that pastors and priests were jailed or placed under close watch, but many believers gathered secretly in homes to continue worship with untrained lay leaders.

"Those were years of a closed situation and in many of the years an extremely repressive situation, but the church survived and grew," says Winston Crawley, Southern Baptist Foreign Mission Board vice president for planning and a former missionary in China. "In 1949, there were probably no more than a million Christians in all the Protestant groups. Five million now would be five-tenths of one percent of the population. The Lord has been at work in China."

Now, under liberalized government policies, house churches in certain areas are allowed to meet openly, while others are still suppressed. Insiders say the freedom (or lack of it) extended to a congregation depends on the attitude of local government and Communist Party officials.

The number and size of government-recognized "open" churches also is growing. More than 120 churches have opened in major cities under the auspices of the officially sanctioned Three Self Patriotic Movement (Protestant) and its counterpart, the Catholic Patriotic Association.

Overflow crowds continue to fill the public churches, and Time correspondent Richard Bernstein reports that "a third to a half of the reborn church congregations comprise younger people."

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Through the Chinese Christian Council, formed last October, Three Self leaders have distributed 135,000 Bibles and scripture portions printed by the government. They promise another Bible distribution within a year, as well as desperately needed hymnals and printed educational materials for pastors and lay leaders.

In March, the Nanjing (Nanking) Theological Seminary resumed operation for the first time since 1966, with 47 students and 450 applicants. Several thousand Nanjing University students attended public lectures given by seminary professors during the spring.

Xiao Xianfa, chief of the government religious affairs bureau, recently restated the official atheistic stance of the state, but asserted that religious freedom in China would be "a long-term and fundamental policy."

Some observers believe that by reopening churches, the government hopes to enlist believers in China's struggle to catch up with the West economically and technologically. They also claim the liberalized policy involves public relations: recognizing Christianity, Buddhism and Islam creates good feeling in the United States, Japan and Arab nations—vital allies and trading partners for China.

Others, including some Christians inside China, have alleged that the government is simply experimenting with a new method for controlling religion, using Three Self leaders. Many who suffered during the cultural revolution remain understandably reluctant to "go public," especially since attending an "open" church means revealing one's identity to the religious affairs bureau.

Crawley and George Hays, Foreign Mission Board director for east Asia, recently attended two major China consultations where conferees urged prayer, a continued wait-and-see attitude, and openness toward Three Self leaders.

The safety and continued freedom of Chinese Christians may depend on western sensitivity to the situation, it was stressed.

Within those limits, opportunities for western witness in China continue to grow. The government welcomes tourists (tens of thousands of Americans visited China in 1980) and eagerly seeks western teachers, students, technicians, medical workers and business people, especially those who speak English. Small numbers of Bibles can be mailed into China or carried in luggage. Further, the response to outside evangelical broadcasting is skyrocketing.

But the key to winning Chinese believers to Christ lies in the hands of Chinese Christians, says Hays. "There's a strong feeling among the Chinese Christian leaders that they want to do whatever is done themselves. They don't want outside interference or leadership. A lot of the grass-roots Christians share this concept of doing it the Chinese way. I think they're right."

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(Adapted from the August Issue of The Commission, publication of the Foreign Mission Board.)  
(BP) photos mailed to state Baptist newspapers by Richmond bureau of Baptist Press.

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Runaway Truck Runs  
Into Pastor's Living Room

By Brenda Hall

IOLA, Kan. (BP)--One minute, Darrell Woods was sitting on his living room couch, watching the late news.

The next, he was on the floor, looking up at the grill of a tractor trailer truck which had just exploded through his big living room window.

Woods was stunned for a moment, but jumped up and ran to the stairs. There, he met his wife and their two children. He wrenched the door open and came face to face with armed lawmen.

In the meantime, the driver fled through the Woods home, moving a freezer at the back of the house so he could reach a window, which he broke with his fists before jumping out. He was captured in the alley behind the house and taken by officers to the hospital, where he was treated for cuts and bruises before being taken to jail.

Police said the big rig had been taken from a company in Fort Scott by a 24-year-old man fired by the firm earlier that day.

Enroute to Iola—a 40-mile journey—highway patrolmen were alerted by the absence of headlights. They pursued and radioed ahead for a roadblock at Iola.

When the driver raced into Iola, he failed to make a curve, hit a curb, blew a tire, collided with a pickup truck and burst through Wood's window.

Woods, pastor of Grace Southern Baptist Church, said preliminary estimates of damage to the house, moved eight inches off its foundation by the crash, were \$10,000.

The family has moved from the church-owned parsonage until damage can be repaired.

The driver of the truck was charged with driving while intoxicated, fleeing police, and with six other traffic offenses, authorities said.

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(Hall is an editorial assistant with the "Baptist Digest," journal of the Kansas-Nebraska Baptist Convention.)

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CORRECTION: In BP mailing of July 10, 1981, page 6, "Challenger Becomes Ineligible For Executive Committee Seat," in third paragraph, please change date to July 10 rather than June 10, as sent.

Thanks,

Baptist Press