



## - - BAPTIST PRESS

News Service of the Southern Baptist Convention

### NATIONAL OFFICE

SBC Executive Committee  
460 James Robertson Parkway  
Nashville, Tennessee 37219  
(615) 244-2355  
Wilmer C. Fields, Director  
Dan Martin, News Editor  
Craig Bird, Feature Editor

### BUREAUS

**ATLANTA** Jim Newton, Chief, 1350 Spring St., N.W., Atlanta, Ga. 30367, Telephone (404) 873-4041  
**DALLAS** Thomas J. Brannon, Chief, 103 Baptist Building, Dallas, Texas 75201, Telephone (214) 741-1996  
**NASHVILLE** (Baptist Sunday School Board) Lloyd T. Householder, Chief, 127 Ninth Ave., N., Nashville, Tenn. 37234, Telephone (615) 251-2300  
**RICHMOND** (Foreign) Robert L. Stanley, Chief, 3806 Monument Ave., Richmond, Va. 23230, Telephone (804) 353-0151  
**WASHINGTON** Stan L. Hastey, Chief, 200 Maryland Ave., N.E., Washington, D.C. 20002, Telephone (202) 544-4226

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### BJCPA Legal Brief Targets Tuition Tax Deductions

By Stan Hastey

WASHINGTON (BP)--Acting on a longstanding position against tax aid for non-public schools, a Baptist church-state agency has filed a legal brief asking the U.S. Supreme Court to strike down a Minnesota law that allows tuition tax deductions to parents who send their children to such institutions.

Written and filed by Baptist Joint Committee on Public Affairs general counsel John W. Baker, the "friend-of-the-court" brief declares: "When public funds, which are collected from all taxpayers regardless of religious belief or lack of religious belief, are used to aid, either directly or indirectly, elementary and secondary schools which teach religion, all taxpayers are compelled to assist in the support of that teaching of religion."

The brief argues that in drafting the First Amendment to the Constitution the nation's founders were seeking to prohibit any form of compulsory religion backed by the power of government.

Noting "the principle of religious liberty antedates the American republic," Baker quotes early Baptist leader Roger Williams of Rhode Island who wrote in *The Bloudy Tenent of Persecution* (using the Old English spelling) that "Forced worship is a stinck in the nostrils of God."

Also cited is Thomas Jefferson and his Virginia Statute of Religious Liberty: ". . . no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief."

Specifically at issue in the Minnesota high court test is a 1978 law allowing a \$500 state income tax deduction per child to parents who pay tuition to private elementary schools. For a child enrolled in a private secondary school the deduction is \$700.

Earlier this year the Eighth Circuit Court of Appeals upheld the law's constitutionality thus affirming a federal district court which first upheld it last year.

By agreeing to hear the case the nation's high court will face once more the question of indirect aid to non-public schools, an issue that has been before the tribunal in various forms since 1946 when the court ruled states may provide transportation to pupils in such schools.

That principle was expanded in 1968 when the court upheld states providing free textbooks for parochial schools.

But in 1973 a 6-3 court majority struck down a New York law providing tuition tax credits to parents of parochial school pupils.

Because the issue in the Minnesota case is the constitutionality of tuition tax deductions, as distinguished from tax credits, and because another federal appeals panel in 1980 struck down a similar Rhode Island law the high court is apparently prepared to reopen what has become over the past four decades a major category of church-state legal questions.

No date for oral arguments in the case has been scheduled and no decision is expected before next spring.

In his brief Baker argues the Minnesota law violates all parts of a three-pronged test to determine the constitutionality of laws dealing with aid to non-public institutions first announced in 1971.

That year, in *Lemon vs. Kurtzman*, the court held such a law must have a secular purpose, must have the effect of neither advancing nor inhibiting religion and must not foster excessive entanglement between church and state.

Baker contends the law in question "is yet another in a long series of attempts by state legislatures, under tremendous pressures from sectarian lobbies, to assist financially hard pressed sectarian schools," and thus fails the secular purpose test.

The "primary effect" test was also failed in Minnesota, Baker argues, in that the class of schools most benefited by the indirect aid is sectarian schools and because the aid itself is not "ideologically neutral."

Excessive entanglement between church and state, both administrative and political, results under the Minnesota scheme, Baker emphasizes. On the administrative level, "if public financial assistance is given either directly or indirectly for any purpose it is axiomatic that those who supply the aid and those who receive it must be held accountable."

As to political entanglement, Baker contends the Minnesota law "almost guarantees that political fragmentation and divisiveness on religious grounds will be intensified," particularly given the likelihood of continuous demands that the size of the deduction be increased.

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'Comfort Zone' Limiting  
Baptist Witness, Draper Says

By W. A. Reed

Baptist Press  
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NASHVILLE, Tenn. (BP)--After depicting Christ as a white, middle class, suburban Republican, Southern Baptists shouldn't be surprised people don't respond, the Southern Baptist Convention's president said Dec. 9.

James T. Draper Jr. of Euless, Texas, in his first term as SBC president, addressed pastors from throughout Middle Tennessee at Belmont College. "Southern Baptists have promoted a Christ who is white, middle class and a suburban Republican and then we wonder why people do not respond," he said. "It is hard for me, as a pastor of a suburban church who lives in a nice home to preach about a man who died on the cross.

"Unless our faith, commitment and theology gets us out of a comfort zone it does not matter what we do. We don't care whether people are concerned about Jesus Christ, the only thing we can do is witness to lost people."

He said it would be glorious if employees of the Southern Baptist Sunday School Board "took two hours daily to go out with tracts and witness to people. When I talk about witnessing I am not talking about fundamentalism but theology," Draper explained. "I witness because God told me to witness."

Elected president of the nation's largest Protestant denomination last June during the SBC annual convention in New Orleans, the head of the 13.8-million-member SBC said he would seek to reconcile warring factions in the church.

He was asked then how he felt about a group of denominational loyalists in the convention which has refused to disband. Draper carefully dodged the question and spoke favorably about the leader of the group, Cecil Sherman of Asheville, N.C., and his brother, Bill Sherman of Nashville's Woodmont Baptist Church.

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"I think they are sincere individuals and friends of mine and I respect them for their viewpoint," he said.

But in San Juan, Puerto Rico, recently Draper attacked the moderates, saying: "They are not winning people to Christ and not giving as much money to missions as we are giving."

Draper said, "Because the Southern Baptist Convention has freedom we have a lot of diversity . . . labels are unimportant and I don't view preaching in any Southern Baptist church as being different from others since every Southern Baptist is an evangelist."

He told the pastors theological differences have surfaced because some members are going through a period of examination. "Political and religious ideologies are being examined," he said. "If we were all busy winning souls to Christ we would have no problems. We Baptists have our own monastic system and have cloistered ourselves away from the people.

"We have created a culture . . . where we don't have to deal with people but I don't think God is impressed with the boards and agencies we belong to. He wants to know how many persons we have saved."

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(W.A. Reed is religion news editor of the Nashville Tennessean.)

HMB Approves 52  
For Mission Posts

By Patti Stephenson

Baptist Press  
12/10/82

ATLANTA (BP)--Fifty-two persons were appointed to home mission assignments by the executive committee of the Southern Baptist Home Mission Board during its December meeting.

Included were three missionaries, 13 missionary associates, two US-2ers and 34 who will receive pastoral assistance.

The new missionaries are Iva and Douglas Dewitt-Hoblit of Columbus, Ohio, and Robert Franklin of Milledgeville, Ga.

Missionary associates were Wayne Andrie of Saskatchewan, Canada; Charles Barnes of Anaheim, Calif.; Rodney and Sharon Coleman of Walled Lake, Mich.; Sok and Banan Doeung of Fort Worth, Texas; Richard and Anita Onarecker of Cape Coral, Fla.; Kevin Ponthieux of Mill Valley, Calif.; Epi and Frances Salazar of El Paso, Texas; David Sturgeon of Columbia, S.C.; and John Tatum of Youngstown, Ohio.

Appointed as US-2ers were Karla Taylor of Tucson, Ariz., and Valeska Thompson of Brewster, N.Y.

The Dewitt-Hoblits will remain in Ohio where she will continue to direct weekday ministries at Westside Baptist Church. She was director and social worker at the Knopp-Melton Community Center in Louisville 1980-81 and holds degrees from Louisiana College and Southern Baptist Theological Seminary. He will remain as pastor of Westside Baptist Church. He was a church planter in Ohio's West Central Association 1977-79 and worked five years for General Motors in Dayton, Ohio. He is a graduate of Southern seminary.

Franklin will remain in Georgia as a state prison consultant. He has been an associate director of special missions for the Georgia Baptist Convention and been pastor of churches in Georgia, North Carolina and Indiana. He is a graduate of the University of South Carolina and Southern seminary.

Andrie will continue as Baptist Student Union director in Saskatoon. He is a graduate of the University of Saskatchewan and Golden Gate Baptist Theological Seminary.

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Barnes will move to Iron Mountain, Mich., as a church planter apprentice. He holds degrees from the University of Southern California and Southwestern Baptist Theological Seminary.

The Colemans will remain in Michigan where he is a church planter at Forest Park Baptist Church in Farmington Hills. He was an HMB summer missionary and church planter four years and holds degrees from Sam Houston State University and Southwestern seminary. She is a graduate of Baylor University and taught school in Arlington, Texas, for five years.

The Doeungs, originally from Cambodia, will remain in Texas where he will continue to work as a catalytic missionary. He has been pastor of several Cambodian missions in Texas and holds degrees from the University of Florida. She works as a packer-wrapper at Misco, Inc.

The Onareckers will stay in Florida where he will work as a church starter in Palm Beach. He has been pastor of churches in Mississippi, Texas, Alabama and North Carolina and earned degrees from William Carey College and Southeastern Baptist Theological Seminary. She is a homemaker.

Ponthieux will move to San Carlos, Ariz., to be a church planter apprentice. He is a graduate of Howard Payne University and Golden Gate seminary.

The Salazars will relocate to the Pecos Valley Association to work in language missions. He has been pastor of Texas churches since 1947 and has been pastor of First Mexican Baptist Church in El Paso for eight years. He is a graduate of Hardin-Simmons University and Southwestern seminary. She is an elementary schoolteacher and is a graduate of East Texas Baptist College.

Sturgeon will move to Roosevelt, Ariz., as a church planter apprentice. He earned degrees from Columbia Bible College and Southwestern seminary.

Tatum will leave Ohio to become a church planter in Atlanta, Ga. He has been pastor of New Rising Baptist Church in Youngstown since 1979 as an HMB church planter apprentice. Tatum is a graduate of the University of Arkansas and Southwestern seminary.

Taylor will work as a US-2er with her husband, Michael, in Independence, Iowa. She was a HMB summer missionary last summer and has attended Northern Arizona University since 1980.

Thompson and her husband, David, will spend two years in New York. She has studied at Maple Woods Community College and was employed by Emery Air Freight in Kansas City, Mo.

Those approved to receive church pastoral aid included: Timothy and Faith Adams of Cookeville, Tenn.; Robert and Carol Anders of Waianae, Hawaii; Richard and Naomi Anderson of Cleveland, Ohio; Lee and Joy Bolton of Pittsburgh, Pa.; Daniel and Moninda Bosler of Bad Axe, Mich.; Steven and Sandra Hall of Boulder, Mont.; Wayne and Donnie Ruth Henderson of Elgin, Ore., and Philip and Celia Henry of Yoe, Pa.

Also approved were Jeffrey and Terri Houghton of Niles, Ohio; Joseph and Billie Liptrap of Williamsport, Md.; Thomas and Charliene Price of Columbus, Mont.; Tony and Barbara Rosenthal of Pleasant Hill, Calif.; Frank and Diana Smith of Portales, N.M., and James and Susan Wilson of Indio, Calif.

Named for language pastoral assistance were Paul and Betty Chang of Reseda, Calif.; Napoleon and Dora Meynard of Fort Morgan, Colo., and Tai Seung and Hwa Cha Shin of Brunswick, Ohio.

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School Prayer Rider Added  
To Appropriations Measure

Baptist Press  
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WASHINGTON (BP)--The U.S. House of Representatives agreed to an apparently symbolic amendment barring the Justice Department from blocking "programs of voluntary prayer and meditation in public schools."

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But the restriction--which has been placed on previous funding measures for the Justice and Education departments--apparently will have little or no practical impact since the Justice Department is not involved in suits or other actions to prevent prayer in schools.

Even amendment sponsor, Rep. Robert S. Walker (R-Penn.), said he has "no particular fear" that the Justice Department would begin such activities, but pushed the amendment to "assure" local school districts that the federal government won't interfere with school prayer programs.

The amendment passed on a voice vote with minimal opposition from the manager of the funding bill for the Department of Justice.

Immediately afterward, the House agreed on a 243-153 vote to bar the use of Justice Department funds for court actions seeking required busing of students.

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Projection Chart  
For SBC Statistics

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EDITOR'S NOTE--The following chart of projected enrollment figures for the five church programs of the Southern Baptist Convention is for use with the (BP) release of 12/8/82 "Membership, Training Lead Projection Report."

ESTIMATED 1982 SBC STATISTICS

	<u>1981 Total</u>	<u>Estimated 1981-82 % Change</u>	<u>Estimated 1981-82 Numerical Change</u>	<u>Estimated 1982 Total</u>
Baptisms . . . . .	405,608	-1.6	-6,490	399,118
Church Membership. . . . .	13,789,580	1.5	206,844	13,996,424
Ongoing Sunday School enrollment. . . . .	7,528,400	1.8	135,511	7,663,911
Church Training enrollment. . . . .	1,814,179	5.9	107,037	1,921,216
Ongoing Church Music enrollment. . . . .	1,590,992	2.2	35,002	1,625,994
Ongoing WMU enrollment . .	1,114,461	3.0	33,434	1,147,895
Ongoing Brotherhood enrollment. . . . .	512,900	3.0	15,387	528,287
Mission Expenditures . . .	\$ 441,400,157	9.5	\$ 41,933,015	\$ 483,333,172
Total Receipts . . . . .	\$2,782,555,130	11.2	\$311,646,174	\$3,094,201,304

\*Approximately 36,000 churches should ultimately be involved in Convention final totals available in February, 1983.

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