



## BAPTIST PRESS

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82-180

High Court Overturns  
Liquor License Law

By Stan Haste

WASHINGTON (BP)--The U.S. Supreme Court ruled here Dec. 13 that the Commonwealth of Massachusetts violated the Constitution's ban on an establishment of religion by enacting a law giving churches veto power over licensing of bars and taverns in their immediate vicinity.

At the same time, Chief Justice Warren E. Burger, writing for the 8-1 majority, made plain that the ruling affects Massachusetts alone and does not overturn laws in 27 other states banning drinking establishments near churches, schools and hospitals.

The critical difference, Burger said, is that the Massachusetts legislature in 1970 passed a law giving churches the right to block bars and taverns within a 500-foot radius of their premises by the simple act of objecting in writing. That law, he said, had the primary effect of advancing religion and created the danger of "political fragmentation and divisiveness along religious lines."

Controversy over the Massachusetts law arose in 1977 when Grendel's Den, a restaurant located on Harvard Square in Cambridge, applied for a liquor license.

But the Holy Cross Armenian Catholic Parish, situated 10 feet from Grendel's, objected. Subsequently, the Cambridge License Commission rejected Grendel's application, an action upheld on appeal by the Massachusetts Alcoholic Beverages Control Commission.

Grendel's then sued both the local and state commissions in federal district court, claiming that the 1970 law violated the First Amendment's prohibition of an establishment of religion.

That court agreed with the restaurant but was overruled by the First Circuit Court of Appeals. Later the First Circuit reversed itself, thereby upholding the district court's decision.

In his opinion agreeing with the lower courts, Burger conceded that "plainly schools and churches have a valid interest in being insulated from certain kinds of commercial establishments, including those dispensing liquor."

But the Massachusetts law, he continued, went well beyond the traditional scheme of allowing zoning boards to deny liquor licenses in that it "delegates to private, nongovernmental entities power to veto certain liquor applications." Under such circumstances, he said, "the deference normally due a legislative zoning judgment is not merited."

Burger also cited the high court's three-pronged test used since 1971 to decide church-state conflicts. That year, in *Lemon vs. Kurtzman*, the court held that a law must have a secular legislative purpose, must have the effect of neither advancing nor inhibiting religion and must not foster excessive government entanglement with religion.

While granting the secular purpose of the Massachusetts law, Burger ruled it failed the other two tests. By "conferring upon churches a veto power over governmental licensing authority," he said the law unconstitutionally advances religion.

On the question of church-state entanglement, Burger held the Massachusetts law "emasculates churches in the exercise of substantial governmental powers contrary to our consistent interpretation of the Establishment Clause." Such jointly exercised power he concluded, "creates the danger of 'political fragmentation and divisiveness along religious lines.'"

The court's lone dissenter in the case, Justice William H. Rehnquist, labeled the case "silly" and accused the majority of ruling that "a quite sensible Massachusetts liquor zoning law is apparently some sort of sinister religious attack on secular government."

Calling the majority's church-state analysis "heavy First Amendment artillery," Rehnquist declared "the state can constitutionally protect churches from liquor for the same reasons it can protect them from fire." (81-878, Larkin vs. Grendel's Den, Inc.)

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Hotel Rooms Filled  
For Pittsburgh SBC

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NASHVILLE, Tenn. (BP)--All of the rooms assigned to the Southern Baptist Convention for the 1983 annual meeting in Pittsburgh have been filled, convention manager Tim Hedquist says.

Hedquist said the Pittsburgh Convention and Visitors' Bureau is "looking for other hotels and dormitory facilities for messengers," but added that persons who do not already have room reservations should await subsequent announcements of room availability.

Approximately 6,500 rooms were allocated to the SBC. Of them, 40 percent were included in the block reservations. The drawing for priority assignment of the blocks was made in July, leaving 3,800 rooms available for individual messengers.

"On the first day for individual requests--Oct. 1--we received 3,000 requests. On the second day--Oct. 2--we received more than we could fill," Hedquist said. "The convention bureau is now looking for other facilities to house messengers."

He added that the majority of the first day requests asked for rooms in the five downtown hotels. "Many did not get their first choices and about 800 did not get any of their first five choices. We assigned them to the next closest hotels."

Hedquist said one of the reasons individual rooms are so scarce is that "block reservations have cut drastically into the allocation of rooms. A recommendation will be made at the 1983 meeting to eliminate all block reservations, except for the Convention and for the Woman's Missionary Union. All other reservations "made through the city housing bureau will be made on an individual basis."

The convention manager commented that "many persons who made requests for blocks of rooms also made individual requests ... and plan to take the best of the two. Perhaps some rooms will be released March 1, when block room reservations must be made or released."

Hedquist added four other factors have contributed to the scarcity of rooms in Pittsburgh. First, he said, the closest hotel to the convention center has been turned into an apartment complex since Pittsburgh was selected in 1978; second is that a hotel two blocks from the convention center has been torn down.

The third factor, he said, is that many hotels in Pittsburgh are remodeling, causing a loss of about 250 rooms in the downtown area.

"A fourth factor is that a hotel we were told was scheduled to be built when we selected the site is still scheduled to be built," he added.

Hedquist added the room request statistics do not indicate a record number of messengers and said he expects only about 14,000 to 15,000 messengers for the 1983 SBC, down from previous years. However, he said, the arena can accommodate more than 17,000, if necessary.

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Foreign Board Launches  
All-India Mission Effort

By Anita Bowden

RICHMOND, Va. (BP)--After 20 years of concentrating work in one area of the country the Southern Baptist Foreign Mission Board is launching an effort to expand work to all of India.

The plan is to use Indian leadership to plant churches in areas where no other Baptist groups have work and to cooperate where possible with other Baptist organizations.

Indians' response to the gospel has been encouraging in recent years with Southern Baptist-related churches increasing from 13 in 1979 to 46 in 1982. India, the second most populous nation in the world, with 713 million people, "has far more people who need a gospel witness than any other country we're working with," said Bill Wakefield, Foreign Mission Board director for south and southeast Asia.

But because the Indian government does not issue resident visas to missionary evangelists the board has concentrated on benevolent and educational ministries, most notably the Baptist Hospital in Bangalore.

Now priorities are shifting to help the national churches reach out more through Southern Baptist assistance in training and other support methods.

Under the new emphasis the Foreign Mission Board and Southern Baptist missionaries would train Indian Baptists in church planting methods; assist in training lay people to be church leaders so the Indian church planters would be free to leave the fledgling churches and move to new areas and be open to fraternal relationships with other Baptist groups through coordinating training and providing support such as literature.

In some cases the Foreign Mission Board will take over work currently being done by independent Baptist organizations based in the United States. One such group is Universal Concern Foundation of Yazoo City, Miss., organized in the mid-1970s with Owen Cooper as president.

This foundation has sent groups of interested pastors and lay people to India for short evangelistic efforts and supported Indian Baptist evangelists through an Indian-based subsidiary, Universal Concern India. The intention was to create self-supporting Baptist churches in areas where there was no Baptist witness, Cooper said. Though the group now has 10 to 15 preaching points the work has not become self-supporting.

"When we started this we hoped the Foreign Mission Board would take it over some day," said Cooper, a former president of the Southern Baptist Convention and retired president of Mississippi Chemical Corp. "I'm delighted that the board is taking this step."

Working with the Foreign Mission Board the foundation has agreed to phase out its programs in India over the next five years beginning in the summer of 1983 with work in Bombay.

The Foreign Mission Board also plans to expand relief and community development work in India.

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Ohio Church Must Pay  
Workers' Compensation

By Stan Hastey

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WASHINGTON (BP)--A self-described "independent and fundamentalist" Ohio Baptist congregation failed to convince the U.S. Supreme Court to review lower rulings that it must pay workers' compensation on its paid employees.

Victory Baptist Temple of Elyria, Ohio, argued in papers filed with the high court that making the payments, required under the state Workers' Compensation Act, would amount to "sin."

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According to the church's argument, Romans 12:13 (Paul's injunction on "distributing to the necessity of the saints") precluded its complying with the Ohio law. Under that text, the argument went, the church "possesses a Scriptural mandate to care for and maintain members of the church, particularly its employees in time of need so that none its people will be without food, clothing, shelter or essentials due to accident or illness.

The congregation, whose paid employees include church staff and personnel of its day school, challenged the law after state officials notified the church it must begin submitting payroll reports and remitting premiums.

In spite of the church's claim that submission to coverage would be a "flagrant usurpation of its duties under Romans 12:13," two Ohio courts ruled the requirement did not infringe on the free exercise of religion or unconstitutionally entangle state with church.

Asking the Supreme Court to reject the appeal the state pointed to a high court ruling last term that a Pennsylvania Old Order Amish employer must comply with the Federal Social Security Act in providing the employer's share of Social Security payments on his employees.

That decision (U.S. vs. Lee) included a declaration that "not all burdens on religion are unconstitutional." The court also concluded then that "the State may justify a mitigation on religious liberty by showing that it is essential to the accomplishment of an overriding government interest."

As is customary, the refusal to hear the Ohio case was announced in a one-line order, with no explanation. None of the nine justices objected to the denial. (82-549, Victory Baptist Temple, Inc., vs. Industrial Commission of Ohio)

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Nuclear Threats  
Growing SBC Concern

By Duann Kier

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NASHVILLE, Tenn. (BP)--Southern Baptists are coming to grips with the seriousness of the nuclear issue.

Ronald D. Sisk, director of program development for the Christian Life Commission, noted at least seven state conventions this year passed resolutions related to peace.

"Some of the resolutions are quite general but others go more deeply into specific issues related to peace with justice," Sisk said. "Last year Mississippi and Kentucky and this year Virginia and New York recommended placing special Peace Sundays on their state calendars and North Carolina recommended an annual prayer for peace observance in local churches. New York passed a resolution calling for bilateral, verifiable nuclear freeze and North Carolina called for a reduction of existing nuclear weapons systems in addition to a freeze."

The Maryland resolution encouraged working for "peace with justice not only through preaching, teaching and praying in their homes and churches but also through involving themselves in the political process." Virginia messengers resolved to work for peace "in ways that seem appropriate to us under the leadership of our Lord recognizing the validity of unity in diversity."

Messengers in Arkansas recommitted themselves to work for peace with justice and Utah-Idaho messengers encouraged America's leaders to seek peaceful solutions to all conflicts. Alabama specifically resolved to give prayer support to the present administration in its efforts to further peace in the Middle East and the world.

"These statements from the state conventions exemplify the growing desire among Southern Baptists to bear a Christian witness on matters related to peace with justice," Sisk said. "They also represent a significant advance in moral maturity. Southern Baptists have come to recognize that the message of the Prince of Peace cannot be borne by those who have hatred and warfare in their hearts. We must back up our witness to the peace which Jesus brings with concrete efforts of our own toward peace with justice in the world he came to save."

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Sisk said Southern Baptists should continue to come to grips with the seriousness of the nuclear arms issue and one way to do this is to center discussion around the proposal for a mutual, verifiable nuclear freeze.

"The fact that some states have already supported the freeze suggests it is time for more serious discussion of the issue among Southern Baptists," he said.

Sisk also said there is absolutely no rule which says that all Southern Baptists must think alike on political issues.

"We will honestly hold many different opinions," he said. "But we are morally responsible for informing ourselves about the facts, discussing the issues with one another and supporting the positions each of us concludes is best."

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English Mission Society,  
SBC Office Documents For Study

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NASHVILLE, Tenn. (BP)--The Historical Commission of the Southern Baptist Convention in conjunction with the Baptist Missionary Society of England has made Baptist missionary journals, correspondence, minutes and records dating back to 1792 available for study.

The two cooperating organizations have microphotographed documents covering more than hundred years (1792-1914) of mission movement.

The modern mission movement, which set the stage for Southern Baptists Bold Mission Thrust, began with the Baptist Missionary Society in 1792.

Southern Baptist seminaries in Louisville, Ky., Fort Worth, Texas, New Orleans, Mill Valley, Calif., and Wake Forest, N.C., have purchased microfilm prints of the Baptist Missionary Society archives.

According to Historical Commission Executive Director Lynn E. May Jr., the 90 reels of microfilm comprise one of the most substantial Baptist manuscript collections in the world.

"The historical documents are now more accessible to laypersons and professionals for study, research and better understanding of missions heritage," May said.

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UMHB Offers  
Free Tuition

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BELTON, Texas (BP)--The University of Mary Hardin-Baylor has extended a helping hand to Bell County students whose parents are unemployed by offering free tuition for the 1983 spring semester.

President Bobby E. Parker decided to make the offer "because every time I turned around people were looking to a bleak Thanksgiving and Christmas because their parents were out of work. I just couldn't envision a student who was otherwise making progress having to pack up and leave a Christian institution in time of need," he said. "This is part of our ministry--if we didn't do something we just wouldn't be living up to our responsibility."

The gesture could cost the university up to \$1,125 per student for those taking a full 15-hour load at \$75 a hour. "The program will not be subsidized by any special funding," Parker explained. "We feel the current economy is no reason for a student to forego a college education which will help him or her to better meet the demands of a progressively tougher job market."

Each case will be considered on a semester basis, he said. The aid will be available to students for an undetermined length of time and will be discontinued when the parents become employed. UMHB is located in Belton, Texas, and is affiliated with the Baptist General Convention of Texas.

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