



BAPTIST PRESS

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83-60

Tuition Tax Deductions
Argued Before High Court

By Stan Hasty

WASHINGTON (BP)--Proponents and opponents of government aid to non-public schools met again at the U.S. Supreme Court April 19 as the high court heard oral arguments on a Minnesota tuition tax deduction law.

At issue is a 1978 Minnesota law providing taxpayers who send their children to sectarian or other private schools with a \$500 deduction for each child enrolled in an elementary school and \$700 per child attending a secondary school.

But the deduction also may be claimed by parents with children in public schools for expenses incurred in special education programs, summer school and other fees. Since the Minnesota legislature enacted the law in 1978, some \$14 million in deductions have been claimed by parents of parochial school children, \$5 million by parents of public school children. However, less than 10 percent of Minnesota's nearly one million school children attend non-public schools.

While two lower federal courts have already upheld the Minnesota statute, another federal appeals court struck down a similar Rhode Island law in 1980. The Supreme Court's decision, expected by the end of the current term in late June or early July, presumably will settle the matter.

An unusually large number of interested parties have joined the case by filing friend-of-the-court briefs on both sides of the dispute. Among those filing against the law is the Baptist Joint Committee on Public Affairs.

Baptist Joint Committee General Counsel John W. Baker wrote "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."

That theme was expressed during oral arguments by William I. Kampf, a St. Paul, Minn., attorney, who argued the case in opposition to the Minnesota statute.

By providing the incentive of a tuition tax deduction, Kampf argued, Minnesota has offered an indirect "subsidy" to parochial schools in violation of the First Amendment's ban on an establishment of religion.

But the young attorney ran into a buzzsaw of hard questions posed by at least six of the nine justices, including a challenge by Justice William H. Rehnquist over the true nature of parochial schools. Rehnquist asked if the primary purpose of such schools is religious or if their religious identity is incidental to their main objective of providing education to children.

Justice Byron R. White, who, like Rehnquist, has voted consistently in the past in favor of a variety of plans to aid non-public schools, compared the tax deduction for tuition paid to the federal income tax deductibility for contributions made to churches. White said he sees little constitutional difference in the two.

Kampf's reply was that parents benefiting from the tuition tax deduction receive the subsidy in exchange for services rendered by parochial schools. Taxpayers benefiting from the deduction for contributions to churches and other charities give voluntarily, he said.

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But the answer did not seem to satisfy Rehnquist, White or Chief Justice Warren E. Burger. Rehnquist argued that in receiving the benefit of the tuition tax deduction, Minnesota parents are getting a definite service in exchange, the education of their children. The federal deductibility provision, he went on, gives churches a blank check to spend the donor's money as they choose.

Burger, apparently confused about the facts in a 1970 case over the constitutionality of local property tax exemptions for churches, sought to remind Kampf that in *Walz v. Tax Commission* the high court upheld the deductibility of contributions. But Kampf corrected the chief justice, reminding him that *Walz* upheld the constitutionality of property tax exemption and did not deal with the deductibility question.

The sharp questioning of Kampf contrasted with treatment accorded Minnesota special assistant Attorney General Douglas C. Blomgren. Burger, in particular, gave the young state attorney a kind hearing, entering into friendly dialogue with Blomgren on several occasions.

Blomgren argued that the indirect nature of Minnesota's benefit to parents of parochial school children is "crucial" to the question of whether tuition tax deductions meet the Constitution's ban on an establishment of religion.

He said whereas a more direct form of assistance would indicate "sponsorship" of the religions benefited, the religious benefit present in the Minnesota scheme is "incidental." The Minnesota plan does not provide for the kind of "active" assistance the high court has struck down in other instances, he insisted. The establishment clause, he concluded, does not mean churches must "always come out second best."

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Oklahoma City Body
Raps Women's Ordination

By Bob Mathews

Baptist Press
4/19/83

OKLAHOMA CITY (BP)--The executive board of Capital Baptist Association in Oklahoma City took another stand against the ordination of women as deacons or ministers April 18 after minutes earlier approving a report which said the association has no authority over any church and a church that ordains women is not in violation of the association's constitution.

The committee's report came as a result of a February resolution passed by the executive board calling for a study of ordination of women as it relates to the association's constitution.

The February action was in reaction to a January vote by First Baptist Church, Oklahoma City, to amend its bylaws to allow the ordination of women as deacons. The church has not yet ordained a woman. Its annual deacon election will take place this fall.

The study committee's report, presented by retired pastor Robert S. Scales, a former state convention president, contained four conclusions:

--The committee had no assignment or responsibility or prerogative to rule or report on the rightness or wrongness of the ordination of women;

--Neither the committee nor the association can exercise any authority over a church and cannot interfere with the autonomy of a local church;

--The only constitutional authority of an association in its relationship with a church is in determining its own (the association's) membership (The committee report noted the association is composed of messengers from churches which have adopted the Baptist Faith and Message and this statement does not address the subject of ordination at all.);

--The committee concluded more specific doctrinal requirements should not be set forth in the association's constitution.

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The study committee noted the present constitution already gives the association authority to determine its relationship with any church believed to be in error in faith or practice. It cited a statement, "The association reserves the right to determine its own membership, to refuse to seat messengers from churches that may become corrupt in faith or practices."

The time for determining membership is only at the annual meeting, the committee report added.

Hugo Lindquist, pastor of Bethel Baptist Church in Oklahoma City, objected to the committee's report and said if the executive board approved it, the media would interpret the action as favoring the ordination of women. He moved to table the report in its entirety but the motion failed with only eight people voted in favor out of about 60 ministers and visitors attending.

Next, Lindquist made a substitute motion which prompted several minutes of discussion and parliamentary wrangling. The result was the approval of the study committee's report with only one dissenting vote (Lindquist's).

"We need to say again what we said earlier in the February resolution," Lindquist maintained. "If we don't, the media will say we favor the ordaining of women."

He then moved that "our associational board go on record as follows: First, we believe the Bible does not authorize the ordination of women, and, second, any church who is a member of our association that ordains women be informed that such action is not true to the scriptures and does not agree with our doctrinal position."

That motion passed with seven opposed.

Ernie Perkins, director of missions, noted six former state convention presidents were present and took part in the executive board meeting. "I am pleased with our action. I feel that a good spirit was expressed by those taking part in today's actions," he said.

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Floods Ravage
Mississippi Churches

By Tim Nicholas

Baptist Press
4/19/83

JACKSON, Miss. (BP)--Five Mississippi Baptist churches are still recovering from floods earlier this month. Damage to churches, none of them insured, ranged from ruined carpet and hymn books to an estimated \$100,000 at New Hope Baptist Church in Marion County.

Though Marion County appeared to be hardest hit, at least two Baptist churches in Hattiesburg, South 28th Avenue and Ridgecrest, received flash flood waters.

Gibbie McMillan, pastor at South 28th Avenue, said the Bowie River shot about six inches of water through the church and about three inches through the education buildings. After church members swept out the sludge, a dam broke flooding them again. When a sewer backed up into the church's family life center spewing two inches of raw sewage onto the floors, a health inspector required another cleaning with disinfectant.

McMillan said one woman, while cleaning, told him, "I've been a member of this church 20 years and this is the first time I've been called on to do something I'm qualified to do."

Three Marion County churches, New Hope, Shiloh, and Pineburr, suffered from the flash flooding. A wall of water hit New Hope and the surrounding community, shoving the church van a quarter of a mile into the woods behind the church. The asphalt parking lot washed away and a near-moat now surrounded the church.

Shiloh church had three feet of water in the sanctuary and a foot in the pastorium.

Pastor Bob Goolsby said the members "praised God instead of blaming God." One woman told him, "I haven't been to church in a long time. I guess I just forgot about God."

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Pineburr Baptist Church had 41 inches of water inside and Pastor Ronnie Maxie spent a night in his pickup truck on a hill with his wife and their son in their car beside him.

Marvin Graham, pastor of Cottage Creek Baptist Church, was at his office and couldn't get across the flooding street to his house. A gravel truck was going to deposit him at his house but the truck was swept into a washout perhaps 20 feet deep. The three inside went completely under water. One got out and the other, Oved Dunaway, yelled, "Oh, God please save Mr. Graham." He got a window open and dragged Graham to safety.

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Moore Resigns
FMB Medical Post

Baptist Press
4/19/83

RICHMOND, Va. (BP)--Merrill D. Moore Jr. has resigned as director of the Southern Baptist Foreign Mission Board's medical services department. He cited family needs as the basis for his decision.

The former missionary physician to Gaza joined the board staff in February to direct the new medical department, created by the board to coordinate missionary health care, medical mission conferences and the enlistment of medical missionaries and volunteers.

A new medical director will be sought after Harlan E. Spurgeon, newly elected vice president for human resources, joins the staff in June.

Moore will return to medical practice in Knoxville, Tenn.

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CORRECTION: In BP mailed 4/14/83 in "Baptist Overseas Invited To Join in Planning New Global Thrusts," please substitute the following paragraph for graf 13: Other missionary-sending bodies include Spain, Portugal, Germany, Mexico, Argentina, Venezuela, Japan, Korea, Taiwan, Jamaica and the European Baptist Mission (a cooperative effort by European Baptists). Also, please delete the question mark from the second line of the headline.

Thanks,
BP

Home Mission Board
Dominates BPRA Awards

Baptist Press
4/19/83

MEMPHIS, Tenn. (BP)--The annual awards presentation of the Baptist Public Relations Association focused on the Home Mission Board of the Southern Baptist Convention.

HMB staffers collected 27 of the 70 awards, including 14 of 39 possible first places.

The Atlanta-based agency collected all of the awards in 8 of the 39 categories and took home two of the five major individual awards for overall excellence.

The Foreign Mission Board received 12 awards, including seven first places; the Baptist Sunday School Board took five and Southern Baptist Theological Seminary in Louisville, Ky., and the Baptist Joint Committee on Public Affairs each won four. Five state conventions, four state convention affiliates and three other SBC agencies also were honored.

Karen Benson of Baylor University in Waco, Texas, won the Arthur Davenport Award for best total publications or public relations effort for her work on "Candybar Energy;" Wayne Grinstead, HMB, received the M.E. Dodd Award for best audio-visual production for the second year in a row for "The Word Is Energy" production at the Knoxville World's Fair; Gary Meek of the HMB won the Fon H. Schofield Award for best photography for "Fording Red River;" Mike Creswell of the Foreign Mission Board, won the first Albert McClellan Award for excellence in publications for "The Commission;" and Stan Hastey of the Baptist Joint Committee on Public Affairs won the Frank Burkhalter Award for excellence in religious journalism.

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Five people from the 300-member organization won three or more awards in the individual categories. Joanna Pinneo of the FMB earned three first place awards (single color news photography, single color feature photography and general color photography) and two seconds (black and white single news photography and color feature photo story).

Don Rutledge of the FMB took two firsts (single black and white news photography and color feature photo story) and two seconds (black and white feature photo story and general black and white photo). At the HMB, Ben Sherman won one first (television commercial) and three seconds (film strip, multi-media presentation and audio production) and Mark Sandlin won one first (single black and white photograph) and two seconds (black and white news photo story and general color photograph).

Hastey was awarded first place in editorial writing and earned seconds in news story and news series. Richard Shock of Southern Seminary was a double first place winner in black and white news photo story and in general black and white photograph.

Other first place awards went to: William Boatwright, Baptist State Convention of North Carolina, total public relations program; Karen Benson, Baylor University, public relations project; Kenneth Lawson, FMB, motion picture film; Suzette Heiman, Missouri Baptist Convention, filmstrip or slide presentation; Wayne Grinstead, HMB, multi-image media presentation;

Don Fearheiley, Baptist Sunday School Board, audio production; W.R. Waggoner, Children's Home of North Carolina, television or video production; Gary Meek, HMB, feature photo story; Everett Hillum, HMB, single advertisement; Donald Whitehouse, BSSB, advertising series; David Haywood, BSSB, annual report; H. Gerlad Quigg, University of Richmond, academic catalog;

Linda Thompson, BSSB, product catalog; Fred Cooper, Stetson University, brochure; Richard Bodenhamer, Woman's Missionary Union, poster; Glen Davis, Baptist General Convention of Texas, folder; John Earl Seelig, Southwestern Baptist Theological Seminary, newsletter; Mike Creswell, FMB, magazine; Jack Brymer, Alabama Baptist State Convention, news publication;

Janice Trusty, HMB, special publications; Dan Euliss, Baptist State Convention of North Carolina, letterhead design; Randy Spear, HMB, two-color general print media design; Karen Mitchell, HMB, four-color general print media design; Lane Gregory, HMB, publication design;

Patti Stephenson, HMB, news story; Larry Chesser, BJCPA, news series; David Wilkinson, Southern Seminary, interpretive/investigative reporting; Michael Tutterow, HMB, feature story and Celeste Pennington, HMB, feature series.

Second place winners were: John Earl Seelig and staff, SWBTS, total public relations program; Celeste Pennington, HMB, public relations project; Marshall Walker, BSSB, television production; Phillip Copeland, SWBTS, single black and white feature photography; Barbara Little, HMB, single advertisement; W.R. Waggoner, Children's Home of North Carolina, annual report;

Tim Fields, Christian Life Commission, product catalog; Pennington, HMB, brochure; Tim Fields, CLC, poster; David Wilkinson, Southern Seminary, folder; Ray Furr, Annuity Board, newsletter; Walker Knight, HMB, magazine; John Hopkins, Kansas-Nebraska Convention of Southern Baptists, news publication; Lane Gregory, HMB, special publications;

Karen Mitchell, HMB, two-color general print media design; Phyllis Thompson, HMB, interpretive reporting; Celeste Pennington, HMB, feature story; Janice Trusty, HMB, feature series and Robert O'Brien, FMB, editorial writing.

The 1983 meeting was held in Memphis and was hosted by the Brotherhood Commission of the SBC and by Memphis Baptist Hospital. The 1984 meeting will be in New Orleans.