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Public Affairs Committee
Disclaims Chairman's Letter

By Dan Martin

FORT WORTH, Texas (BP)--Twelve of the 15 members of the Southern Baptist Convention's Public Affairs Committee have publicly disclaimed a letter from the newly-elected chairman of the group, Samuel T. Currin of Raleigh, N.C., which supports President Reagan's proposed school prayer amendment.

On June 27, Currin wrote a letter to U.S. Sen. Strom Thurmond, R-S.C., chairman of the Senate Judiciary Committee, in which the former aide to U.S. Sen. Jesse Helms, R-N.C., identified himself as chairman of the committee, the SBC's standing committee which relates to the Baptist Joint Committee on Public Affairs.

Currin, currently U.S. District Attorney for the Eastern District of North Carolina, cited a 1982 resolution supporting the Reagan prayer amendment as clear evidence "that Baptists favor a restoration of voluntary prayer to the public schools."

His letter noted that "as chairman of the Southern Baptist Convention's Public Affairs Committee, I am pleased to submit for the record a copy of a resolution supporting President Reagan's proposed constitutional amendment...."

Currin was elected to the committee June 13, during the 1983 annual meeting of the SBC in Pittsburgh. He was recommended to be chairman of the committee, even though he has not served on the body previously, nor has he held any national denominational post.

Four days after Currin's letter was made public, 12 members of the committee wrote a letter to Thurmond which disclaimed the Currin letter. The letter was drafted by Russell H. Dilday Jr., president of Southwestern Baptist Theological Seminary in Fort Worth, and immediate past chairman of the Public Affairs Committee.

The letter pointed out Currin "was recently elected" and says: "He does not speak for the committee."

Grady C. Cothen, president of the Baptist Sunday School Board in Nashville, and a member of the committee by virtue of his position, said: "In my opinion, no Baptist can speak for another Baptist and no committee chairman can speak for a committee without proper authorization. The committee itself needs to meet and authorize any statement that purports to speak for the committee."

In addition to disclaiming that Currin was speaking for the committee, the 12 members of the Public Affairs Committee signing the letter went on record supporting the Baptist Joint Committee on Public Affairs position opposing both the Reagan prayer proposal and a substitute offered by U.S. Sen. Orrin G. Hatch, R-Utah.

The position was detailed in testimony before Thurmond's Senate committee by John W. Baker, general counsel of the BJCPA, who referred to a resolution adopted during the 1983 annual meeting of the SBC, which urged Baptists to "express their confidence in the United States Constitution, and particularly in the First Amendment, as adequate and sufficient guarantees to protect these freedoms."

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SBC Bylaw 18 specifies the Public Affairs Committee shall have 15 members including the president of the convention and the executive secretary-treasurer of the Executive Committee. Other mandated members include "executive officers or staff representatives" of the Foreign Mission Board, Home Mission Board, Christian Life Commission, Sunday School Board, Brotherhood Commission and Woman's Missionary Union.

Also included are the "president or executive officers" of two other agencies, and five at-large members.

Those signing the letter include Dilday, Harold C. Bennett, Executive Committee; and agency executives R. Keith Parks, FMB; William G. Tanner, HMB; Foy Valentine, CLC; Cothen, BSSB; Carolyn Weatherford, WMU; Jimmy R. Allen, Radio and Television Commission, and James H. Smith, Brotherhood.

At-large members signing the document are R. G. Puckett, editor of the Biblical Recorder, newsjournal of the Baptist State Convention of North Carolina, and chairman of the Baptist Joint Committee on Public Affairs; Donald R. Brewer, an attorney from Chicago, Ill., and Donald P. Aiesi, a professor at Furman University, Greenville, S.C.

SBC President James T. Draper Jr., pastor of First Baptist Church of Euless, Texas, declined to sign the letter. Albert Lee Smith, a layman and former one-term congressman from Birmingham, Ala., who was elected during the 1983 meeting as an atlarge member, was unavailable when members of the committee attempted to contact him.

Draper told Baptist Press he declined to sign the letter "because I don't have enough information. I am not trying to avoid anything, I just don't have enough information." He added he has not seen a copy of the Currin letter, nor a copy of the Dilday draft.

He added he is "against state composed prayer," and noted the White House paper prepared as background information on Reagan's proposed amendment "indicated someone would have the authority to compose the prayers. I cannot agree to that. However, the amendment does not say that, just the White House explanation."

He noted the Supreme Court decision "has been interpreted as outlawing prayer" and said he wishes "the court had the courage to clarify their ruling."

He added he believes the Baptist Joint Committee and its executive director, James M. Dunn, have been "cast in the role of being against prayer. They are not against voluntary prayer, but against state mandated and written prayer. I am not for state composed prayer, either, but I want voluntary prayer in schools."

Draper added he believes Currin "an outstanding young man, who is just not familiar with the ins and outs of Southern Baptist life. I am quite sure Sen. Thurmond or the White House contacted him about making some statement about prayer in the public schools. I don't think he was being malicious; I just don't think he realized he needed to check with the committee before writing the letter."

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ANALYSIS

High Court Ruling Opens
Parochial Aid Floodgates

By Stan Hastey

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WASHINGTON (BP)--If past Supreme Court decisions permitting certain limited forms of government assistance to parochial schools can be seen as holes in a dike, the June 29 ruling upholding tuition tax deductions amounted to the opening of the floodgates.

In its watershed 5-4 decision upholding a Minnesota law allowing tax deductions of \$500 and \$700 for each child enrolled in private elementary and secondary schools, the high court in effect invited every other state in the union to imitate Minnesota. Many of them no doubt will.

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Justice William H. Rehnquist, who is increasingly emerging as the dominant philosophical force on a court nominally headed by Chief Justice Warren E. Burger, brushed aside 36 years of recent constitutional history in an opinion termed editorially by the Washington Post as "a result in search of a rationalization."

Rehnquist, writing also for Burger and justices Byron R. White, Lewis F. Powell Jr. and Sandra Day O'Connor, held that the Minnesota law does not have the "primary effect" of advancing religion in violation of the First Amendment's ban on an establishment of religion by the state. The statute met that critically important test, Rehnquist reasoned, because the tax deduction was available to parents of public--as well as private--school children, because parochial schools relieve public schools from the fiscal burden of educating all children, because a tuition tax deduction is no different from the tax benefit of deducting contributions to charitable groups, and because tuition tax deductions provide indirect--rather than direct--aid to sectarian schools.

Justice Thurgood Marshall, who throughout his stint on the court has been just as opposed to parochial aid as Rehnquist has favored it, stated in a strong dissent for himself and fellow justices William J. Brennan Jr., Harry A. Blackmun and John Paul Stevens, that the majority decision "is flatly at odds with the fundamental principle that a State may provide no financial support whatsoever to promote religion."

Both Rehnquist and Marshall pointed to the tortured history over more than three decades of what kind of and how much public assistance may flow to parochial schools. The first hole in the dike came in 1947, when in *Everson v. Board of Education* the court narrowly upheld New Jersey's law reimbursing parents for expenses incurred in transporting their children to and from parochial schools.

The late Justice William O. Douglas, usually maligned as a court "liberal" in spite of his literalistic view that "the First Amendment means what it says and says what it means," nevertheless cast one of the deciding votes in *Everson* upholding the New Jersey plan. Later he was to call that vote a mistake.

In 1968, fully 21 years after *Everson*, a second exception was allowed in aid to parochial schools in the form of free textbooks in secular subjects (*Board of Education v. Allen*).

But in its only previous test of a plan reimbursing parents for tuition expenses, the court in 1973 struck down a New York law calling for direct grants to parochial schools and tuition tax credits for parents of parochial school children (*Committee for Public Education v. Nyquist*). One of the grounds for the *Nyquist* decision was that the law's primary effect was to advance religion in violation of the First Amendment.

It is the June 29 reversal of that rationale that most disturbs advocates of separation of church and state. As Marshall noted in his dissent, "For the first time, the Court has upheld financial support for religious schools without any reason at all to assume that the support will be restricted to the secular functions of those schools and will not be used to support religious instruction."

Particularly grievous to hardline separationists is the Rehnquist notion that a deduction for tuition tax expenses is no different that a general deduction for contributions to charitable organizations. Not only did Rehnquist cite the deductibility matter in the Minnesota case, but on May 23 declared flatly in another decision that "Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system" (*Reagan v. Taxation with Representation*).

That reasoning, separationists note, has already been used in both the Minnesota tuition tax deduction case and in the May 24 ruling upholding the revocation of tax exemption to schools that engage in racial bias (*Bob Jones University v. U.S.*).

Of more immediate concern is the likelihood that many states, perhaps as many as two dozen, will now enact new laws patterned after Minnesota's. Debate over the issue of tuition assistance thus shifts from Washington to a myriad of state capitals where national organizations opposing parochial aid, most of them based in Washington, have much less impact.

At the federal level, a consensus appears to be growing that President Reagan's tuition tax credit proposal is still in trouble. The obvious reason is that despite the removal of First Amendment arguments against the concept of tuition assistance, plenty of convincing public policy arguments remain to defeat the tuition tax credit bill. Among these is the drain on the federal treasury inherent in such a plan at a time when budget deficits are soaring into the stratosphere.

But also going against the Reagan plan is its design to benefit exclusively parents of parochial school children. The Minnesota plan, providing nominal deductions to parents of public school children for such items as pencils, notebooks and gym clothes, does not pose much of a fiscal challenge to a single state. A similar federal law would literally multiply the cost to the treasury.

Yet what is most discouraging to advocates of separation of church and state is the constitutional underpinnings they have leaned on for nearly 40 years in this debate have now been cut out from under them.

So instead of plugging holes in a leaking dike, they now face the infinitely harder job of stemming a flood.

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ACTS Gets First Three
Stations For TV Network

By Greg Warner

Baptist Press
7/1/83

FORT WORTH, Texas (BP)--Three new television stations, to be built in Greenville, N.C., Paragould, Ark., and Tyler, Texas, are the first stations to become a part of the American Christian Television Station (ACTS), Southern Baptist national TV network scheduled to begin next May.

During one week in June, contracts were signed with applicants in each location, launching ACTS toward its initial goal of finding 23 broadcasting outlets and 200 cable TV outlets for its family and Christian entertainment programming.

The three affiliates--two low power and one full power--are in various stages of licensing or construction, but all three are expected to be ready for start up of the network next year.

A construction permit for channel 14, a full power station in Greenville, was issued by the Federal Communications Commission (FCC) May 28 to ELCOM, a North Carolina corporation. But when ELCOM's plans for a Christian television station failed to materialize, the company decided to give the permit away.

Tommy Joe Payne, a Greenville resident and trustee of the Southern Baptist Radio and Television Commission, convinced ELCOM's owners to sell the construction permit to Southern Baptists. Payne led in the forming of ACTS of Eastern North Carolina, a non-profit organization operated by a 14-member board of trustees, all of whom are Baptist laymen or pastors in eastern North Carolina.

In a ceremony in Greenville June 8, ELCOM signed over the FCC construction permit to the North Carolina group, which will allow the Baptists to build the station and affiliate with the national network. Payne said the \$3.5 million to build the station will come from individuals and Baptist churches in the area.

Once built, channel 14 will broadcast with up to 5 million watts, reaching an area 50 miles in radius that includes almost 2 million TV viewers between Raleigh and the Atlantic coast.

The stations in Paragould and Tyler will be licensed for the FCC's new low power service operating on a maximum 1,000 watts and reaching an area 10-15 miles wide. They will cost between \$100,000 and \$200,000 to build.

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Both of the low power stations will be owned by ACTS. In each case ACTS benefited by decisions by other low power applicants to withdraw from competition for the stations.

"We have signed contractual agreements with competitors in each location that frees the FCC to grant us construction permits for the stations," said Jimmy R. Allen, president of ACTS and the Southern Baptist Radio and Television Commission.

In Tyler, the agreement was signed June 15 with Carter Broadcasting Co., which had filed a competing application against ACTS for channel 45. By agreeing to withdraw its application, Carter left ACTS as the only applicant for channel 45. The FCC is now obligated to grant a license to ACTS, Allen said. He expects that to happen within a month.

As part of the agreement, Carter Broadcasting will have a chance to buy back into the Tyler station after three years if the company desires. It will not be involved in operation of the station, however.

ACTS had not filed an application in Paragould, a town of 15,000 in northeast Arkansas. But, in a contract signed June 14, Local Power Television Inc., (LPTI) agreed to put its application for channel 51 in ACTS' name. In exchange ACTS will withdraw one of its applications in another location where it is in competition with LPTI.

In cases where two applicants have filed for the same station, the FCC will use a lottery to randomly choose one of the applicants.

The two new low power stations are the first of 20 Allen expects to acquire before ACTS goes on the air next year. With the Greenville station, he expects to have three full power stations ready. Full power applications have been filed in Fort Worth, Houston and San Francisco, with 8-10 others under consideration.

Meanwhile, ACTS planners are negotiating with cable television systems around the country to carry the network 16 hours of daily programming. Allen said the goal of 200 cable affiliates by May is reachable.

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Baptists Honest
But Unspectacular

Baptist Press
7/1/83

PITTSBURGH (BP)--Southern Baptists are very honest, but unspectacular, if the Lost and Found items at the recent Southern Baptist Convention are any evidence.

Among the items turned in and returned to the owners were cash and travelers checks worth \$1,600, numerous credit cards, six sets of ballots, an expensive gold wristwatch and a number of Bibles and notebooks.

Still unclaimed are six pairs of prescription eyeglasses. Spectacles, if you will.

"We returned the cash and travelers checks to the four messengers who had lost them," said Lee Porter, registration secretary, who handles the lost and found booth at the convention.

"In a couple of the cases, the messengers got their money back even before they knew they had lost it," he said.

Porter said any unseeing Baptist can contact him at 127 Ninth Ave. North, Nashville, Tenn., 37234, and he will return the eyeglasses.

He said if Doug will get in touch, he can have his car keys back, as can the woman who lost her belt.

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