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News Service of the Southern Baptist Convention

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84-98

Supreme Court WrapupMoon, Prayer, Aid  
Come Before Court

By Stan Hastey

(EDITOR'S NOTE: This is the second of a two-part series on the recently completed term of the U.S. Supreme Court.)

WASHINGTON (BP)--In addition to decisions in five cases bearing on U.S. church-state relations (see Part 1 in BP 7/10/84), the Supreme Court also declined to review some 20 others in its recent term.

The high court also put three church-state cases on its 1984-85 calendar for argument and decision.

**MOON CONVICTION:** Perhaps the most widely publicized of the rejected cases involved Unification Church founder Sun Myung Moon's unsuccessful appeal for a review of his conviction for tax evasion and conspiracy to file false income tax returns.

Moon, under an 18-month prison sentence for failing to report sizable sums earned on investments in a New York bank, failed to convince the high court to review his conviction on grounds the funds at issue were held in trust for his church.

Moon's legal problems brought together an unlikely coalition of religious leaders who joined him in asking for high court review, a group that included former Southern Baptist Convention President James T. Draper Jr., and new SBC President Charles Stanley. (83-1242, Sun Myung Moon v. U.S.)

**RELIGION IN PUBLIC SCHOOLS:** Highlighting the church-state docket in the term scheduled to begin on the first Monday in October is a dispute over an Alabama law providing for a moment of silent prayer or meditation at the beginning of the school day. While agreeing to decide if the practice passes First Amendment muster, the high court summarily affirmed a lower tribunal in striking down a separate Alabama law authorizing classroom teachers to lead their students in oral prayers. (83-812, Wallace v. Jaffree; 83-804, Board of School Commissioners of Mobile County, Ala. v. Jaffree; 83-929, Smith v. Jaffree)

Earlier in the past term, the court had refused to review a similar "silence" statute, this one in New Mexico. Lower federal courts have differed on the issue, a situation that often leads to a high court review. (83-9, New Mexico v. Burciaga)

**AID TO PAROCHIAL SCHOOLS:** Also set for review next term is a policy of the Grand Rapids, Mich., public schools of leasing classroom space from parochial schools to provide special education programs to pupils in church-related institutions. Under the policy, public school teachers go into the leased parochial schools, bearing with them signs reading "Public School," which are then posted on the doors of classrooms. In addition, religious artifacts and symbols are removed, thereby, "desanctifying" the classrooms. Two lower federal courts have already ruled against the policy. (83-990, School District of Grand Rapids v. Ball)

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In its only other parochial aid actions, the high court let stand a Rhode Island law and a South Bend, Ind., policy denying publicly financed bus transportation to some students in church-related schools. (83-158, Members of Jamestown School Committee v. Schmidt; 82-1713, Frame v. South Bend Community School Corp.)

**OTHER SCHOOL MATTERS:** Other educational disputes saw the justices refuse to intervene in the case of a Pentecostalist couple from North Carolina who wanted to educate their children at home in defiance of the state's compulsory school attendance law and decline to review a lower decision upholding a Utah law that exempts religious schools in their hiring practices. (83-719, Duro v. District Attorney, Second Judicial District of North Carolina; 83-92, Larsen v. Kirkham)

**INTERNAL CHURCH MATTERS:** Half a dozen internal church disputes also reached the high court during the term, but in each the court deferred to lower rulings as well. One of these involved a dispute in a Miami, Fla., Church of Christ between two elders who wanted to fire the minister in defiance of a congregational majority wishing to retain him. (83-1434, Williams v. Wyche)

In a case that received national publicity, the court turned aside the appeal of the Church of Christ in Collinsville, Okla., that it should not have to go to court in a damage suit brought by a woman dismissed for adultery. The woman later won a lower court award of more than \$300,000 in her suit against church elders who announced her adulterous activities during church. (82-1950, Church of Christ of Collinsville, Okla. v. Graham)

Other internal church disputes included the high court's refusal to review the complaint of a congregation of dissident Baltimore, Md., Presbyterians who withdrew from the Presbyterian Church (USA) and sought unsuccessfully to keep their property. In a pair of cases involving Roman Catholic congregations, the court rejected the appeal of unhappy parishioners in Freeburg, Mo., over the priest's placement of altars in the sanctuary, and also turned aside a Valparaiso, Ind., parish cemetery association who feuded with their priest regarding his authority over the group. (83-1051, Babcock Memorial Presbyterian Church v. Presbytery of Baltimore; 83-1645, Struempff v. McAuliffe; 83-736, Clifford v. Grutka)

And in a dispute involving a Jewish couple in New York, the high court let stand the ruling of a state court ordering a divorced man to appear before a rabbinical tribunal. His wife sought a religious, as well as civil divorce. (82-1854, Avitzur v. Avitzur)

**CHURCH ZONING:** Three churches or religious groups failed to convince the high court to review zoning and building code problems they had with local governments. They included an independent Baptist congregation in Solon, Ohio, a congregation of Jehovah's Witnesses in Lakewood, Ohio and a Hare Krishna group in Honolulu. But a group of orthodox Jews in Evanston, Ill., managed to keep a house that doubled as a place of worship in a residential neighborhood. (83-44, Solon Baptist Temple v. City of Solon; 82-1769, Lakewood, Ohio Congregation of Jehovah's Witnesses v. City of Lakewood; 82-2070, International Society for Krishna Consciousness v. Marsland; 83-325, Evanston v. Lubavitch Chabad House of Illinois)

**INDIAN RELIGIOUS RITES:** Indian tribes objecting to the development of recreational facilities on land they considered sacred lost their legal battles when the Supreme Court declined to review their challenges to development of a state park in South Dakota and a ski resort in Arizona. (83-434, Fools Crow v. Gullet; 83-589, Hopi Indian Tribe v. Block; 83-669, Navajo Medicinemen's Association v. Block)

**SABBATH LAW:** And in a case the justices agreed to hear next term, the state of Connecticut will ask the high court to uphold its statute ordering employers to give their workers a day off each week for religious observances. In a decision rendered last year, the Connecticut Supreme Court ruled the law violates the First Amendment by establishing religion. (83-1158, Thornton v. Caldor, Inc.)

Social Security, Audit  
Changes Set For Churches

By Larry Chesser

BTC-N

WASHINGTON (BP)—A new Social Security option and greater protections from Internal Revenue Service investigations would be provided churches under legislation now awaiting President Reagan's signature.

One section of the Deficit Reduction Act of 1984 enacted by Congress would permit churches to make a one-time, irrevocable decision not to participate in Social Security on behalf of their non-ministerial employees. The legislation also significantly tightens the conditions and procedures IRS must follow in auditing churches and further delays for some ministers a 1983 IRS ruling on clergy housing benefits.

Congress included the Social Security option for churches after some church leaders complained that the 1983 change which made participation in the nation's retirement system mandatory for all non-profit organizations, including churches, violated their religious liberty. Under the 1983 Social Security Amendments, churches would have been responsible for paying the employer's share of Social Security taxes and withholding the employee's portion.

Under the 1984 compromise passed by Congress, churches, including conventions and associations, church schools and church-controlled organizations would be permitted a one-time election not to participate in Social Security on behalf of their non-ministerial employees. (By law, ministers participate in Social Security as self-employed persons.) In cases where the election is made, employees would then be liable for self-employment tax which roughly equals the combined employer-employee rate.

In order to make the election, the church or organization must state that it "is opposed for religious reasons" to payment of Social Security taxes. The legislation provides a time limit for churches and church organizations to make the elections, which would be effective beginning Jan. 1, 1984.

The bill's church audit provision would make it more difficult for IRS to investigate churches. It precludes IRS from initiating a church tax inquiry unless an IRS regional commissioner has written materials supporting a "reasonable belief" that the church may not be qualified for tax-exempt status or has income from an unrelated trade or business. Under the bill, written notice to churches would be required to initiate an inquiry.

Additionally, the new measure would require IRS to notify a church and an IRS regional counsel before examining church records. Such records may be examined only to the extent necessary to determine tax liability. The provisions would permit IRS to examine the religious activities of any organization claiming to be a church only to the extent necessary to determine if the organization is actually a church. Generally, IRS would be required to make a final determination on any examination within two years and on any inquiry not followed by an examination within 90 days.

The deficit reduction package would also extend for one year to Jan. 1, 1986, the effective date for IRS Rev. Rul. 83-3 which disallowed ministers tax deductions for mortgage interest and real estate taxes to the extent these expenses were attributable to a tax-exempt housing allowance. The extension would apply only to clergy who owned or had a contract to purchase their residence as of Jan. 3, 1983. For other clergy, the revenue ruling took effect July 1, 1983.

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CORRECTION--In (BP) story, "Recognize Drug Problem, Southern Baptists Urged," mailed 7/5/84, third graf, line 3 should read "...indicate 48 percent of Baptist adults drink."

Thanks,  
Baptist Press

Atlanta Association Adopts  
Motion Opposing Resolution

By Jim Newton

HMB-N

ATLANTA (BP)--Insisting that ordination is purely a local church matter, the executive committee of the Atlanta Baptist Association adopted a motion opposing "the resolution against women adopted in haste at the Southern Baptist Convention" in Kansas City.

The brief Atlanta motion affirmed the equality of women in the church, that "we are all one in Christ," that "women have equal responsibility in servanthood and discipleship," and that ordination is a local church matter.

Action on the motion came during the monthly meeting of the 225-member executive committee the day after the Atlanta Constitution-Journal had published an opinion article written by Southern Baptist Convention President Charles Stanley opposing ordination of women, and espousing views consistent with the SBC-adopted resolution.

Stanley, pastor of the largest church in the association--the 8,500-member First Baptist Church of Atlanta--was leading a Bible conference in New Hampshire and did not attend the associational executive committee meeting. A spokesperson in Stanley's office said he was not aware the issue was to be discussed, although the association office reportedly sent out special notices indicating such a motion was on the agenda.

Russell Barker, executive director of missions for the association, in response to a question, said in the two years he has been with the association Stanley has not attended a single meeting of the executive committee. He added he has only seen Stanley two times during those two years, one of which was at a fast-food restaurant.

Although an official vote count was not taken, association leaders said there were about 15 votes against the motion out of the 125 persons (including non-voting guests) attending the meeting at Georgia Baptist Medical Center.

Barker said at least four pastors in the association had telephoned him following the convention, suggesting response by the association to the SBC-adopted resolution.

The motion, made by C. Kenny Cooper, pastor of Emory Baptist Church, Atlanta, was worded during a meeting of about 10 Atlanta pastors and church staff members the week before the associational meeting. About 15 members of the executive committee, most of them pastors, debated the motion.

Bill Crowley, pastor of Woodlawn Baptist Church, Decatur, said he saw nothing in the SBC-adopted resolution that was unscriptural and argued the resolution was not against women, but against ordination of women.

Peter Rhea Jones, pastor of First Baptist Church, Decatur, and a former professor at Southern Baptist Theological Seminary, Louisville, Ky., agreed that evaluation of the resolution should be based on scripture, but that proof texts in the Bible could be used to support either side of the women's ordination issue. Jones said the time has come for a healthy debate within the SBC on women's role in the church and women's ordination.

Jones said the scriptures quoted in the SBC resolution were taken out of context and all hinged on a pivotal passage in I Timothy 2:14 which says nothing about ordination, but was a temporary message to a local situation.

Jones said the pivotal issue is the right (Christian) attitude toward women based on the Apostle Paul's teaching that there is no difference between men and women, Jews and gentiles, slaves and free men, but all are one in Christ (Galations 3:28). Jones said he knew of two women so upset by the SBC resolution that they had resigned their local church membership.

During the debate, R.L. O'Brien, retired pastor of Donaldson Drive Baptist Church, opposed use of the phrase "in haste" to describe the SBC resolution's adoption.

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Spurgeon Hays, pastor of Morningside Baptist Church, disagreed, pointing out debate on the resolution was limited to eight minutes at the SBC, and much of that time was spent dealing with parliamentary procedure problems.

Cooper, who made the motion, said he was deeply disturbed by the negative publicity on the convention's resolution which he feels has given the SBC a bad image, especially among women. In an interview, Cooper said he thinks the SBC resolution not only presented a negative view of women, but was unbiblical because it inaccurately and incompletely used scripture.

Although the Atlanta Association motion was brief, Cooper said he feels it was significant that one of the largest associations in the 14 million-member denomination had gone on record saying the SBC resolution was not a complete representation of Southern Baptist thought on women's role in the church.

The lengthy resolution adopted by the convention stated the Scriptures attest to "God's delegated authority" in which "God is the head of Christ, Christ the head of man, and man the head of woman." The resolution also said the Scriptures teach "women are not in public worship to assume a role of authority over men lest confusion reign in the local church."

Adopted by a vote of 4,793 to 3,466, the SBC resolution said that the Apostle Paul excluded women from pastoral leadership to preserve "a submission God requires." The resolution argued God requires submission of women to men because man was created first (in the account of creation in Genesis) and because woman was the first to "sin" in the Garden of Eden.

Both the SBC resolution and the motion adopted by the Atlanta Association stressed ordination is a matter to be decided only by the local church, but the SBC resolution recognized "the authority of Scripture in all matters of faith and practice, including the autonomy of the local church."

An amendment from the floor of the Atlanta Association meeting by Hays of Morningside Church and Harold Zwald, associate pastor of Druid Hills Baptist Church, added to the motion the phrase "that ordination is purely a local church matter."

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Humility Is Key For Christian  
According To Church Historian

By Jack Chiles

Baptist Press  
7/11/84

RIDGECREST, N.C. (BP)--In this day of specialization in both secular and religious professions, the highest calling for any minister is to permit himself to be a vehicle of word, according to Bill Leonard, professor of church history at Southern Baptist Theological Seminary, Louisville, Ky.

Speaking in a conference on "the call" at the National Brotherhood Leadership Conference at Ridgecrest Baptist Conference Center, Leonard told a mixed group of pastors and laymen that "humility is the key to becoming the vehicle of God, because this form of ministry demands servanthood." The word of God is not just spoken through you, it is acted out and upon.

"If someone comes to you for a word of encouragement, in humility you might have to say for God, 'you are forgiven' not because you speak as God but because you are a vehicle of the word," Leonard said.

"Humility permits us to recognize no one calling as primary except that which declares the word, and when one becomes a vehicle of the word, he is not locked into one profession. We must live in humility," Leonard continued, "because we can be wrong about the will of God. We are ever learning with other Christians. No one ever has the full gospel. "The basic nature of the gospel is wholeness, but we are never whole. We are always on the way."

In their first national meeting at Ridgecrest which ran concurrently with the Foreign Missions Conference, the Baptist Men also were involved in a series of leadership skills conferences and a daily convocation on "Strengthening Families Through Missions" which was conducted by Brotherhood Commission President James H. Smith.

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