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TEXAS--Texas Foundation, SBC added to lawsuit on gift annuities.  
COLORADO--Annuity Board trustees hear of 6-month record earnings.  
ARGENTINA--Reunion, evangelism highlight World Meeting of Baptist Women.  
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Texas Foundation, SBC added  
to lawsuit on gift annuities

By Toby Druin

Baptist Press  
8/3/95

WICHITA FALLS, Texas (BP)--Attorneys for a woman challenging the right of charities to issue gift annuities have petitioned a federal court to add 29 new defendants to the case, including the Baptist Foundation of Texas and the Southern Baptist Convention.

And a hearing on the case is scheduled in the U.S. District Court in Wichita Falls, Aug. 28, that could have billion dollar ramifications for almost every charitable organization in the United States from churches to the Boy Scouts.

On that date, the attorneys will ask U.S. District Judge Joe Kendall to certify their suit as a class action, including every donor and/or their beneficiaries and heirs who have given charitable gift annuities and every charity that has issued an annuity or acts as a trustee for a charitable trust, including thousands of churches, hospitals, arts organizations and universities throughout the country.

Certification of the suit as a class action could make targets of almost every charity in America simply because they have issued or managed gift annuities. If successful, the class action lawsuit could require the rescission of countless charitable trusts, the return of all charitable gift annuities and could make the charities liable for treble damages.

A charitable gift annuity is an arrangement where a donor gives to a charity a sum of money and receives income in return, usually until the donor dies and a tax break. The donor knows that while the amount he or she will receive usually will be less than could be gotten from investing the money, the institution will also be benefiting from the gift and will receive the residue of the gift at the donor's death.

The American Council on Gift Annuities, a voluntary organization of 1,500 charities and whose chairman is Tal Roberts, executive vice president of the Baptist Foundation of Texas, publishes actuarial tables for reference by charities. The ACCA is also named as a defendant in the suit.

"Every charity in the country is in jeopardy because of the implications of this lawsuit," Roberts said. "This could cripple charities precisely at the time when the federal government is looking to charities to take on more of our needs."

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Gift annuities have been in use for more than 150 years. They were first used by the American Bible Society and since have been commonly implemented by churches, universities, hospitals and various non-profit, charitable organizations such as the Boys Scouts and the Salvation Army. Virtually every Texas Baptist institution has participated in gift annuities with people who wanted to support Baptist causes.

However, a gift annuity entered into by a 90-year-old North Texas woman, Louise Peter, who donated her estate to a Lutheran foundation has been challenged by her grand-niece, Dorothy Ozee of Wichita Falls, who filed suit in federal court. Her attorneys argue the charitable gift annuity is a "commercial" arrangement that should come under state banking and insurance laws.

The suit alleges the distribution of actuarial tables by the American Council on Gift Annuities violated antitrust law -- that it was price-fixing for charities to use the same tables to calculate life-long payments and also alleges that commingling of more than one charity's trust funds in a pooled investment fund is a violation of the Investment Company Act of 1940 and other securities laws.

Judge Kendall agreed in a preliminary ruling that the Lutheran Foundation violated the Texas Insurance Code by issuing charitable gift annuities without being licensed as an insurance company.

However, since that time, the Texas Legislature has unanimously approved and Governor George W. Bush has signed statutes declaring that Texas law affirms the validity of charities issuing charitable gift annuities and charities acting as trustee for charitable trusts. Similar legislation (S.978) has been introduced in Congress by Texas Sen. Kay Bailey Hutchison.

Introducing her bill, Sen. Hutchison said that in entering into a gift annuity, a donor is interested in trying to help the charity, not in getting the best possible return on the investment.

If the lawsuit in Wichita Falls is successful, she noted, it could "financially disable thousands of charities, including hospitals, relief organizations, arts groups, museums, universities and every religious denomination in the country. One of the plaintiff's lawyers in this case has boasted that this is a 'billion-dollar lawsuit' because it will extract huge sums of money from our nation's noblest institutions -- and earn him a big contingency fee."

"Charities are not harming anyone," she said. "The only harm being done is by this lawsuit to America's charities. We must act now to protect charitable giving from harm, and to protect our laws from being misapplied.

"Returning charitable annuity gifts and opening up endowments to pay treble damages will harm all of us. Every dollar lost is a child unvaccinated, a baby unfed, a sick person with no medical care, a Boy Scout troop that will cease to exist, a house for a poor family that will not be built and a scholarship that will not be granted ... ."

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Annuity Board trustees hear  
of 6-month record earnings

By Thomas E. Miller Jr.

Baptist Press  
8/3/95

COLORADO SPRINGS, Colo. (BP)--Net earnings of \$416 million in six months pushed total assets of the Annuity Board of the Southern Baptist Convention to \$4.797 billion, a 9.4 percent increase over June 30, 1994. The large increase in earnings, an 18.4 percent increase in benefits paid, and notice of an anonymous gift to endowment exceeding \$1 million were highlights of reports to Annuity Board trustees in their summer meeting at Colorado Springs, Colo.

The earnings reflected dramatically improved stock and bond markets in 1995. John R. Jones, senior vice president for investments, reported nonannualized performances of the board's four investment funds in the first half of 1995: 2.74 percent for the International Equity Fund, 18.19 percent for the Variable Fund, 13.33 percent for the Balanced Fund, and 3.07 percent for the Fixed Fund.

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Paul W. Powell, Annuity Board president, told trustees, "God has given to you and me one of the most fulfilling ministries imaginable: to ensure and insure protection, comfort, security and dignity for the people he has called in churches and institutions affiliated with Southern Baptist state conventions and the Southern Baptist Convention." He noted total assets of the board grew at a rate of \$2.18 million a day since Jan. 1, 1995.

Discussing the latest major gift to the Endowment Department of the board, Powell noted a \$1,000,000 gift had been announced in each of the last three years. The latest planned trust has been established by an Austin, Texas couple who wish to remain anonymous. The source of the trust's assets is investments in Colorado ventures, and the gift will be directed to the board's Adopt An Annuitant program.

Harold D. Richardson, treasurer, reported the first two quarters of the year produced "by far the best report of earnings since the inception of the different investment funds." He said contributions to individual accounts totaled another \$123.3 million, an increase of \$4.8 million, or 4.5 percent above the same six months in 1994.

Richardson cited a large increase in benefits paid as an indication of people retiring with larger accumulations in their accounts. A total of \$97 million was paid out in the first six months, compared to \$81.9 million in the first six months of last year.

The actuarial services department reported the annual "valuation" of the fund that pays annuity benefits resulted in a determination that retirement plans are in a solid surplus position.

Relief ministries of the board, bolstered by growth in Cooperative Program receipts, made payments totaling \$576,472 in six months. The Annuity Board receives no Cooperative Program money for operations, but pays its operating budget from earnings on assets. All Cooperative Program money received by the board is used in relief payments to aged ministers, missionaries and their widows who are in desperate financial trouble. More than half of the 505 individuals and couples on relief do not receive any regular annuity benefit because their churches never enrolled them in a retirement plan.

The relief committee of the board considered 61 new relief requests. The committee approved 29 two-year monthly grants, eight two-year expense grants and four one-time grants. Three people received more than one form of grant. Twenty applications were declined for being outside guidelines, and three were returned for additional information.

The Annuity Board's Adopt An Annuitant program, which provides an extra \$50 each month to annuitants with low monthly benefits, was paying the special supplement to 1,608 couples or individuals at the end of June. Funding for this program is by designated gifts from interested individuals or groups. Total paid in the first half of the year was \$457,620. There have been 187 recipients added since Jan. 1, 1995.

In the Annuity Board's on-going preparation for conversion of its investment funds to registered mutual funds, trustees voted to request the Executive Committee of the SBC to approve the Annuity Board's creation of a legal entity appropriate for the proposed mutual funds. Such a legal entity would be structured so the trustees of the Annuity Board, elected by the SBC, remain in ultimate control of the separate boards of directors required by law for registered funds. Bylaw 35 of the SBC requires Executive Committee or SBC approval for establishment of subsidiaries or other legal entities.

A request by Annuity Board trustees for a February 1996 vote by the SBC Executive Committee is designed to provide adequate time for Executive Committee consideration and necessary lead time for federal regulatory procedures. Final action by Annuity Board trustees to register the funds would not occur before 1997.

Trustees heard a report of growth in number of medical coverage participants, the first increase in several years. Increased participation was credited to stable rates and multiple options. Rates have not risen since July 1992 for the Comprehensive Medical Plan that covers individuals and families in church employment or in seminaries. During the past two years, benefits for maternity claims and prescription drugs have been increased, and deductibles and co-payments have been reduced. It was reported audits determine 90 percent of medical claims are paid within 15 days of receipt.

The next scheduled meeting of the Annuity Board trustees will be Nov. 6-7, 1995 in Dallas.

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Reunion, evangelism highlight  
World Meeting of Baptist Women By Teresa Dickens

Baptist Press  
8/3/95

BUENOS AIRES, Argentina (BP)--Celebration was the dominate mood of the World Meeting of Baptist Women, July 28-Aug. 1 in Buenos Aires.

The leadership conference, sponsored by the Baptist World Alliance Women's Department, drew 390 delegates from 90 countries and geographic regions. Approximately 40 guests also attended the meeting.

In a business session, Mercy Jeyaraja Rao of India was elected president and Irene Haase of Germany as secretary-treasurer, both for five-year terms.

In keeping with its theme, "In Christ We Celebrate Life," the meeting's 10 sessions celebrated the relationship women have with Christ and each other through worship, testimonies, Bible study and prayer.

The climax of the women's season of celebration occurred Monday afternoon and evening when 3,000 guests joined the delegates for the World Reunion of Baptist Women at Buenos Aires' Grand Rex Theatre.

The reunion featured a pageant of colorful, spectacular folklore from around the world. Along with cultural presentations by delegates from the Women's Department's six continental regions, other guests performers included musicians, singers and dancers from Argentina and Brazil; a Christian troupe of Indonesian dancers; an 11-member women's choir from Korea; and a quartet of musicians and singers from Moldova.

Between the sessions of the reunion, Argentine Baptist women led the delegates in an evangelistic rally at Buenos Aires' famous landmark, the Obelisk. The rally included special music by the Korean Women's Choir and a message by Gloria Humeniuk, a women's leader and pastor's wife from Balua Polauca, Argentina.

During earlier sessions of the meeting, the delegates heard highlights of work being done by women around the world. Led by the Women's Department six continental vice presidents and women from the respective geographic areas, the reports featured testimonies, drama, traditional music and dress, and a prayer time.

One of the more stirring moments came with the introduction of delegates from 17 new women's organizations formed since the Women's Department's meeting in 1990. Organizations and countries represented by the new groups are Belarus, Bulgaria, Cambodia, Central Asia Republics, Croatia, Estonia, Euro-Asiatic Evangelical Christians-Baptists Women's Department, Fiji, Latvia, Pakistan, Philippine Southern Baptist Women's Assembly, Moldova, Nepal, Russia, Ukraine, Vietnam and Georgia.

Among other highlights of the meeting were two Bible study periods led by William E. Hull, provost at Samford University, Birmingham, Ala.

In his first period, Hull spoke on "The Place of Women in the Christian Faith."

Baptists have low red the barrier between men and women in the church, but they have not yet leveled it to the ground, said Hull, adding the cross is a place of equal standing before God for men and wom n.

Baptists should celebrate progress in which women take certain leadership roles and make "independent religious decisions." At the same time, he said Christians must admit that they have not yet fully utilized the spiritual gifts of women.

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"Our concern here is not so much with the legal rights of women in the world as with their spiritual responsibilities in the church," Hull said. Because God gave women spiritual gifts (Acts 2), the church should provide an outlet for service, he said.

Hull said Jesus is the model for how women should be recognized in the church.

"The emphasis of Jesus on faith instead of circumcision as the basis of one's standing before God had the effect of placing men and women on equal religious footing. For faith, unlike circumcision, is, by its very nature, no respecter of gender," Hull said.

"The deepest tragedy of building back the barriers that Christ died to tear down is that it condemns the church to a futile effort of trying to fulfill its mission by utilizing only half of its available resources."

Hull's second topic was "The Winning of Women to the Christian Faith," part of an emphasis on women evangelizing women, which also included testimonies from delegates involved in evangelizing women who are members of various world religions and unreached people groups.

Like the woman in Mark 5:24-34 with an issue of blood, many women do not feel welcome in churches because of the stigmas attached to their lives, Hull said. Therefore, Christian women must be willing to reach out to them and reveal the message of the gospel through friendship and a personal witness.

"This woman broke the cultural taboos of her day out of desperation, but Jesus honored her impulse as the basis for a transforming relationship," Hull said. "So must we bring people to Jesus, not because of their qualifications and accomplishments, but because of their hungers and hopes."

In other actions, the delegates:

- welcomed Willene Pierce as the new executive director of the BWA Women's Department. Pierce assumed the position Feb. 22 after serving 13 years with the Woman's Missionary Union of Maryland/Delaware.

- recognized Beth H. MacClaren upon her retirement as executive director of the Women's Department. She held the position for seven years.

- recognized outgoing president Catherine Allen of Birmingham, Ala., and secretary-treasurer Aduke Akinola of Ibadan, Nigeria. Both had served since 1990.

- approved four routine bylaw changes designed to enhance membership participation by increasing ways organizations can be affiliated with the group and to expedite administrative functions, such as investments and financial audits.

- postponed action on another proposal to change the leadership conference meeting time for five years to allow women the opportunity to discuss it with their regional organizations. The proposal specifies that the meeting time would be held every five years at least one year before the BWA Congress.

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Pam Parry and Brenda Sanders contributed to this story.

Confronting racism requires  
individual action, King says

By Sarah Zimmerman

Baptist Press  
8/3/95

BUENOS AIRES, Argentina (BP)--Confronting racism must be each Christian's individual obligation, Bernice King said during a Baptist World Congress workshop Aug. 2 in Buenos Aires, Argentina.

"Jesus did not send anybody else to handle his personal responsibility," said King, daughter of slain civil rights leader Martin Luther King Jr. "He did not call together a commission to study the problem. He opened the dialogue himself," she said, referring to Jesus' encounter with the Samaritan woman at the well.

"That one encounter made all the difference because it was personal," said King, associate minister of the Greater Rising Star Baptist Church in Atlanta. "You cannot do everything, but you can do something, and what you can do you ought to do, and what you ought to do, by God's grace, you must do."

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Differences between people are inevitable, but they should not be used to justify ethnic cleansing, excessive police force or exploitation, King said.

"We will speak different languages, we will be born into different races, we will be raised in different cultural backgrounds. But we can change the way we react. We need a major overhaul in our attitude toward our differences . . . . It is not the differences we are against but the divisiveness."

To change attitudes, King said, "we must put aside our personal hang-ups and embrace the example Jesus set . . . . Jesus was courageous, bold and daring. He challenged the legal, social and economic systems of his time, even when it was unpopular to do so."

After the workshop, King was asked for reaction to a resolution Southern Baptists passed in June, which voiced repentance and asked for forgiveness for the slavery in their history and pledged to work toward racial reconciliation.

King said the resolution "was a good first step," but the true test of Southern Baptists' commitment to ending racism will be in their actions and attitudes.

King and other workshop speakers stressed a relationship with Christ is necessary for racial reconciliation.

Terry Rae, general secretary of the Baptist Union of Southern Africa, said he visited government officials in 1985 to ask for apartheid laws to be abolished.

"When we left, we felt we had been laughed at and that we had no hope. Now we praise God for what he has done," Rae said, then added: "The laws are gone, but it will take the mighty power of God to take racism out of the hearts of people."

Desmond Hoffmeister, general secretary of the Baptist Convention of South Africa, said when he attended the Baptist World Congress in 1990, "I was a second-class citizen in the country of my birth. I was a victim of a brutal system of racism.

"Today I stand here recognized as a human being in the land of my birth. I give glory to Jesus Christ," Hoffmeister said.

Despite legal changes in South Africa, much needs to be done to heal the country divided by violence, poverty and prejudice, the Baptist leaders said.

"Unfortunately, as Baptists we are still divided," Hoffmeister said. South Africa's Baptist Convention is a predominantly black group and the Baptist Union is predominantly white. "Pray for us that the political divisions might be overcome," Hoffmeister said.

"We meet regularly to try to build a future together," Rae said. "We have a way to go, but with the power of God, we will walk together. We will show the world how races can stand together as one."

Racism is a worldwide problem, said Denton Lotz, Baptist World Alliance general secretary.

"In the United States there are more Baptists than any other country, and more people of race in Baptist churches than any other (denomination) in America," Lotz said. "Yet racism is a curse and a tyranny over our country."

The Baptist World Alliance declared racism a sin in its Harare Declaration, but Lotz said taking action is more important than making a statement.

According to the declaration, racism is evident when people:

-- assert that by heredity and by nature they are superior to the rest of humanity.

-- oppress others through economic and political means to find security and self-acceptance, privilege and power.

-- project onto others their anger, hostility, hatred and failures in order to rationalize feelings of superiority.

The declaration calls for Baptists to "respond to God's intention of wholeness for all, seeking to bring people together, as brothers and sisters in Jesus Christ, whatever may be their ethnic identity."

World War II veteran  
remembers Hiroshima

By Keith Currey

JACKSON, Tenn. (BP)--August 6, 1945.

As the war in the Pacific rages on, Allied forces brace for a bloody ground invasion of Japan. Shortly after midnight, three B-29 bombers take flight from Tinian, a tiny air base in the South Pacific.

Gil Nicely and eight other airmen aboard the Straight Flush lead the way to the still-sleeping city of Hiroshima. Behind them, a five-ton mystery weapon nicknamed Little Boy lies in the darkness of another B-29, the Enola Gay. At 7:25 a.m., the Straight Flush, cruising 31,000 feet above Hiroshima, radios a message to the Enola Gay: "Cloud cover less than three-tenths at all altitudes. Advice: bomb primary."

Nicely recalled his experiences as the 50th anniversary of the most devastating event in the history of modern warfare drew near. The former tailgunner, now a businessman and a men's Bible class teacher for 50 years at Severns Valley Baptist Church, Elizabethtown, Ky., revealed how the history-making event changed his life.

"I can see Hiroshima below me now," Nicely says. "After seeing that weather conditions were suitable for a visual drop, Buck (Major Claude "Buck" Eatherly) gave clearance to the Enola Gay to proceed with bombing. Around 8:16 a.m., we saw a tremendous flash and felt vibrations in the air. The vibrations were not only earth-rattling, they came with extreme heat."

Seconds later, Nicely snapped photos of the 40,000 foot mushroom-shaped cloud towering over the wreckage of Hiroshima.

"It's impossible to describe," Nicely says of the scene that unfolded beneath him. "I'd never seen anything like it."

Fifty years ago, Nicely departed Tinian on what he believed was a routine bombing mission. Upon returning, however, he learned this history-making mission had effectively brought an end to World War II.

"At debriefing, we were told we'd been a part of the first atomic bomb mission in history," he recalls. "But we still didn't fully grasp what had happened, because none of us knew what an atomic bomb was or what it did. I don't think anyone in our outfit realized the significance of the mission until we got back to the States, when we began reading about the bombing and the press started calling us."

Although they didn't know it at the time, Nicely and 134 other members of the 509th Composite Group were selected specifically for the atomic bomb project. The group trained in utmost secrecy for almost two years prior to the Hiroshima bombing, conducting gruelling flights over land and water to drop single bombs on small target areas.

As the 509th trained diligently at Wendover Field, Utah, a related project took place in Los Alamos, N.M., Hanford, Wash., and Oak Ridge, Tenn., each site playing a vital role in the best kept secret in U.S. military history -- the Manhattan Project. Under the leadership of General Leslie R. Groves and German physicist J. Robert Oppenheimer, the Manhattan Project produced the world's first operational nuclear weapons. Ironically, Nicely's wife, Jean, worked at the U.S. Carbide plant in Oak Ridge, developing technology for the bomb her future husband would help escort to its target.

"We were told not to talk about anything we were doing, so as time went by I began to suspect we were in the middle of something very big," Nicely says. "It's almost impossible to be in an outfit as long as we'd been without knowing why we were training."

After the 509th Composite Group departed Wendover for the South Pacific, their assignments grew in difficulty. Flying for long intervals over water, the virtually armorless crafts flew solo mission, dropping 100-pound TNT "blockbusters" from high altitudes at various Japanese targets.

Finally, on the evening of August 5, 1945, the veil of mystery was about to be lifted. Crews from three planes, the Straight Flush, the Enola Gay and the Necessary Evil, were summoned for preflight briefing around 11:00 p.m., an unusual time to begin a routine bombing mission.

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"Most of our missions were flown by single planes beginning in the early morning; never three planes that late at night," Nicely recalls. "We began to feel as if something was going on; that maybe we were about to learn the real reason behind all our training."

Several key Manhattan Project figures were present before the mission, including Oppenheimer, General Groves, and Navy Captain William S. Parsons, the bomb's ordnance specialist. Colonel Paul W. Tibbetts Jr., commander of the 509th Composite Group, was slated to pilot the Enola Gay on the upcoming mission.

"After seeing who attended the briefing, I was sure this mission was very important, otherwise all of the top brass wouldn't be interested in us," Nicely says.

Tibbetts began briefing the crews on the significance of their mission.

"The moment has arrived," he said. "Very recently the weapon we are about to deliver was successfully tested in the States. We have received orders to drop it on the enemy."

Parsons, who later assembled Little Boy en route to Hiroshima, then took the floor.

"The bomb you are going to drop," Parsons said, "is something new in the history of warfare. It is the most destructive weapon ever produced. We think it will knock out everything in a three-mile area."

Even this late in the mission, the word "atom" had not been used, and the crews present could not fathom Little Boy's destructive potential.

"We didn't understand the full power of the bomb until we flew over Hiroshima seven weeks after the mission," Nicely remembers. "It looked like a wheat field that had been combined."

Since his return from the war, Nicely has been the subject of numerous television, newspaper and magazine interviews; he most recently hosted a Dutch television crew filming documentary footage at his Elizabethtown, Ky., home.

"People call all the time, but my military experience doesn't make me a celebrity," he insists. "Serving your country was the patriotic thing to do back then, and I was just one of several million who enlisted."

Nicely has fond memories of the 509th Composite Group and his home is brimming with mementos of his wartime experiences, but he hopes his story serves a more significant purpose than mere nostalgia.

"Witnessing that kind of destruction and loss of life changed my spiritual outlook quite a bit," he says. "The war taught me a lot about the power of prayer. We'd flown so many missions and survived when so many others didn't; it was like having a guardian angel watching over my shoulder."

In the 50 years since he flew on the historic mission over Hiroshima, Nicely has become better known as a businessman, husband and Sunday school teacher than as a war hero. Looking back on his World War II experiences today, he sees the Hiroshima bombing with a much different point of view.

"My experience over Hiroshima was a triumphant moment for America at the time," Nicely says, "but I realize the bombing should serve as a warning to future generations. I hope my account of Hiroshima will remind us of the great loss of life that took place and, in some small way, deter the use of atomic weapons in the future."

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Currey is a writer in the office of public relations, Union University, Jackson, Tenn.

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**CORRECTION:**

In (BP) story titled "Procter & Gamble rumor again; still not truth," dated 8/2/95, please change the spelling of Procter to Proctor throughout the story.

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