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**Supreme Court Prohibits
Doctrinal Dispute Cases**

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By W. Barry Garrett

WASHINGTON (BP)--Civil Courts are prohibited by the First Amendment of the United States Constitution from interpreting "particular church doctrines and the importance of those doctrines," according to the Supreme Court of the United States.

Therefore, a civil court may not "award church property on the basis of the interpretation and significance the civil court assigns to aspects of church doctrine," the Supreme Court said.

Further, the civil courts have "no role in determining ecclesiastical questions in the process of resolving property disputes," the court concluded.

On the basis of the above views, the United States Supreme Court reversed Georgia Superior Court and Georgia Supreme Court decisions in a case involving two local Presbyterian churches versus the Presbyterian Church in the United States.

The Georgia courts awarded church property to the Hull Memorial Presbyterian Church and the Eastern Heights Presbyterian Church, both in Savannah, on the ground that the Presbyterian Church in the United States had departed from its original faith.

The Supreme Court remanded the case back for Georgia courts to settle the property dispute if there is evidence of "fraud, collusion or arbitrariness," or on other grounds than religious differences.

In 1966 the Hull Memorial and Eastern Heights churches withdrew from the Presbyterian Church in the United States on grounds that the denomination had departed from its original faith.

The Presbytery of Savannah, after failing to achieve reconciliation with the two churches, took over the churches' property until new local leadership could be appointed. The churches took their case to the Georgia courts and retained possession of the property.

The two churches won in the Georgia courts but lost in the United States Supreme Court, because their case was built on alleged departure from the original faith by the denomination.

Specifically, it was charged that the denomination had departed from the faith by:

* Ordaining women as ministers and ruling elders;

* Making pronouncements and recommendations on civil economic, social and political matters;

* Supporting removal of the Bible and prayers from public schools;

* Adopting Sunday School literature that taught contrary to the confession of faith and catechisms;

* Maintaining membership in and accepting the practices of the National Council of Churches; and

* Advocating the doctrine of civil disobedience.

The U. S. Supreme Court reversed the Georgia decisions because it claimed they violated the first amendment provisions against "establishment" and for "free exercise" of religion.

"First amendment values are plainly jeopardized when church property litigation is made to turn on the resolution by civil courts of controversies over religious doctrine and practice," the court said.

It continued: "If civil courts undertake to resolve such controversies in order to adjudicate the property dispute, the hazards are ever present of inhibiting the free development of religious doctrine and of implicating secular interests in matters of purely ecclesiastical concern."

The Supreme Court pointed out that if the "departure-from-doctrine" theory is applied to church property disputes in civil courts, two determinations must be reached.

First, the civil court must decide whether the challenged actions of the general church depart substantially from prior doctrine. "In reaching such a decision, the court must of necessity make its own interpretation of the meaning of church doctrines," the court said.

Second, "if the court should decide that a substantial departure has occurred, it must then go on to determine whether the issue on which the general church has departed holds a place of such importance in the traditional theology as to require that the trust be terminated," it said.

"A civil court can make this determination only after assessing the relative significance to the religion of the tenets from which departure was found," the court concluded.

"Thus, the departure-from-doctrine element of the Georgia implied trust theory requires the civil court to determine matters at the very core of religion--the interpretation of particular church doctrines and the importance of those doctrines to the religion. Plainly, the first amendment forbids civil courts from playing such a role."

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Illinois Board Names
Staffer, Architect

(1-29-69)

CARBONDALE, Ill. (BP)--The board of directors of the Illinois Baptist State Association meeting here elected a new state Sunday School secretary, and employed an architect to design the new Baptist Building to be erected in Springfield, Ill.

John W. Perkins, associate in the convention's Sunday School department for the past 2½ years, was promoted to department secretary, succeeding Ernest Adams who resigned to join the staff of the Baptist Sunday School Board, Nashville.

The firm of Ferry and Henderson of Springfield was named to design the new state convention office building in that city. Tentative plans call for completion of the new building by the summer of 1971 when the headquarters will be moved from the present building in Carbondale to the more centrally-located city of Springfield.

Ferry and Henderson is the firm which designed the renovation of the Old State Capitol Building in Springfield, where Abraham Lincoln tried more than 200 cases before the Supreme Court. The building was taken apart stone by stone, and rebuilt to include an underground garage and space for the State Historical Library.

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St. Amant Resigns As Dean
To Teach More At Southern

(1-29-69)

LOUISVILLE (BP)--C. Penrose St. Amant, dean of the school of theology at the Southern Baptist Theological Seminary here since 1959, has requested the school's trustees to allow him to relinquish his administrative duties to return to teaching.

The change would take place on July 31, 1969, ten years from the date he became dean. He will continue, however, to serve as the David T. Porter Professor of Church History, an endowed chair.

He plans to assume a full teaching load in the fall semester. The administrative duties of dean allowed him to teach only one course last semester, seminary officials said.

St. Amant holds five earned degrees, including the doctor of philosophy degree from the University of Edinburg, Scotland, plus two honorary doctor of divinity degrees from Louisiana College, Pineville, La., and Mercer University, Macon, Ga.

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Houston Man Wins Award
For Work With Mexicans

SAN FRANCISCO (BP)--A Baptist layman from Houston has been awarded a community service award by the Ampex Corp., for his work in helping disadvantaged Mexican-Americans through a summer missions tour sponsored by his church.

Wilbur R. Gould, an employee of Mandrel Industries, Inc., an Ampex subsidiary, was one of eight national award winners. He was nominated by his co-workers in the Houston plant.

Gould was recognized for the contribution he, and members of the First Baptist Church of Bellaire, a Houston suburb, made through conducting Vacation Bible Schools for two successive summers among Mexican-Americans in Central Texas.

Gould was superintendent of one of the four Vacation Bible Schools sponsored among the Mexican-Americans in San Marcos, New Braunfels, and Fentress, Tex.

With modesty, Gould said he really couldn't take credit for the idea, but he just happened to work for a company that gave recognition to its employees involved in community service.

"We were really surprised that the company would give this recognition for a Christian endeavor," he said.

There were about 90 people, most of them teenagers, who worked in the four Vacation Bible Schools last summer, he added. Included was the youth choir of the church, and two nurses. The previous year two doctors and four nurses set up a free clinic in the Del Rio--Brackettville area.

Last summer, Gould was superintendent of the Vacation Bible School at First Mexican Baptist Church in San Marcos, Tex., coordinating the teaching of 12 young people and seven adults.

The gold medal commending Gould's community service was presented by the founder and board chairman of Ampex, Alexander M. Poniatoff, during a banquet in San Francisco.

"As a company," Poniatoff said, "Ampex lends support to vital community projects in every city in which we operate major plants. However, our employees contribute even more... This nation vitally needs the efforts of people like Wilbur R. Gould to maintain and strengthen our society. I am proud to honor him."

Gould is a technical writer for the engineering department of Mandrel, which manufactures technical equipment for petroleum exploration. He and his family reside at 7231 Sandpiper in Houston.



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