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November 13, 1974

Supreme Court Will Not Hear
N.Y. Baptist Church Dispute

74-80

By Stan Hasteay

WASHINGTON (BP)--The U.S. Supreme Court let stand a New York ruling requiring a Baptist church in that state to exercise due process in seeking to dismiss its pastor.

The case, *Riley v. Howell*, was brought to the nation's highest court by members of the Bethesda Baptist Church, Port Chester, N.Y., who had unsuccessfully sought the removal of the church's pastor on grounds that "he no longer represented the religious views of the majority of the congregation."

In refusing to schedule the case for oral argument, the high court left intact a decision of the appellate division of the New York Supreme Court that the pastor was entitled to due process within the congregation before being forced to vacate his position.

The congregational dispute arose when a group disillusioned with the pastor sought to call a church business meeting to consider terminating the services of James H. Howell. Supporters of the pastor allegedly prevented his opponents from entering the church building to conduct the meeting.

A local court then scheduled a second meeting two weeks later to allow the congregation to decide the matter. Although a majority voted to remove the pastor, the church's constitution required a three-fourths vote.

When the pastor refused to step down, his opponents brought suit to force his removal.

In their brief before the U.S. Supreme Court, the pastor's opponents argued that the state court had been guilty of "interpreting Baptist theology inconsistent with the congregation's interpretation."

The group argued further that the Baptist concept of local church independence is a "religious doctrine" which no court has a right to challenge. When a majority within a congregation acts, the argument continued, the will of the majority prevails.

Supporters of the pastor insisted that the congregation had standard procedures through which the dissidents should have gone in their effort. The key failure of the pastor's opponents, his supporters charged, was their attempt to call a business meeting on their own rather than seeking approval from the church's deacons. That action, they said, was "in contravention of Baptist custom, practice and tradition."

The supporters argued further that all persons officiating at the business meeting were opposed to the pastor. The meeting "was tantamount to a 'rump' session," they said.

The New York Supreme Court's appellate division held that the opponents of Howell must follow due process procedures in seeking his removal, and the U.S. Supreme Court's refusal to hear the case leaves that decision in force.

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High Court Declines to Hear
Religious Broadcaster's Case

11/13/74

WASHINGTON (BP)--In a dispute between a religious broadcasting corporation and the Federal Communication Commission (FCC), the U.S. Supreme Court unanimously refused to decide whether the company has a constitutional right to employ only persons who hold to certain religious beliefs.

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The practical effect of the high court's action in *King's Garden, Inc. v. FCC* was to let stand a lower court ruling that the FCC can require religious broadcasting companies to hire individuals without discriminating on religious grounds.

The FCC is a federal regulatory agency charged with exercising control over the nation's airwaves. An important part of its work involves the licensing of radio and television stations and the setting of policy related to broadcasting.

King's Garden owns and operates two radio stations in Edmonds, Wash. In appealing to the Supreme Court, the corporation argued that religious organizations have the legal right to hire only persons of a particular religious persuasion. The argument was based on a 1972 congressional action exempting religious groups from provisions contained in the Civil Rights Act of 1964 related to employment policies.

King's Garden, Inc. also challenged the FCC's authority to require religious organizations to hire persons unsympathetic with their views, claiming that such action violates the free exercise of religion clause of the First Amendment.

The FCC maintained that the only relevant question in the case was whether it was exercising its "public interest responsibility" by requiring all broadcasters to employ personnel without regard to their religion.

The federal agency further argued that its authority comes not from the 1964 Civil Rights Act, but from the Communications Act of 1934, under which it has always operated.

Responding to the stations' charge that its action violated the free exercise clause, the FCC said, "to argue that this evaluation procedure may result in excessive entanglement of church and state ignores the fact that (King's Garden's) relationship with the FCC arises not from its status as a church but from its status as a federally regulated broadcast licensee, which also happens to be a religious organization."

The FCC's brief before the Supreme Court did acknowledge that its policy allows religious broadcasting companies to discriminate on religious grounds in the employment of key personnel, including persons who are heard on the air or seen on the television screen.

The case originally arose in 1971 when a man who applied for employment at one of the King's Garden stations was turned down on religious grounds. The applicant then took his complaint to the FCC.

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OK Baptists Oppose Woman
Ordination and Charismatics

11/13/74

TULSA, Okla. (BP)--Registered "messengers" to the Baptist General Convention of Oklahoma went on record in their annual session here opposing both the charismatic movement and the ordination of women as deacons and ministers.

The motion that ordination of women in unscriptural was presented by Ross Geyer of First Baptist Church, Helena, Okla. Messengers voted down a move to refer the subject to the convention's Christian Life Committee.

In the resolution on the charismatic movement, the messengers expressed "firm opposition to anything which divides the fellowship of our churches and our convention" and encouraged Southern Baptist churches in Oklahoma, "in the spirit of reconciliation. . .to practice (the Apostle) Paul's 'more excellent way'" in relationships "with those who differ in doctrine or practice."

The resolution referred to the charismatic movement as "a new extremism which, with its exclusive interest in the person and work of the Holy Spirit, has diminished the significance of the person and the work of the Son and the person and work of the Father."

It further noted that "this new pentecostalism, with its focusing on a second work of grace and on the experience of speaking in tongues as the normative sign of the presence of the Holy Spirit in the Christian's life, is divisive. . .and doctrinally erroneous."

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Several Southern Baptist associations of churches in and outside Oklahoma have passed resolutions in recent months expressing opposition to the charismatic expression of spiritual gifts, such as glossolalia (speaking in tongues), faith healing and exorcism.

In other action, messengers opposed showing of X- and R-rated movies on television, approved a record Cooperative Program unified budget of \$5.35 million and elected Warren Hultgren, pastor of First Baptist Church, Tulsa, as president.

The basic Cooperative Program budget was set at nearly \$5.2 million, with a challenge portion of the budget set at \$168,594. Percentage division of the budget will send 41 per cent of both figures for use in worldwide missions through the national Southern Baptist Convention Cooperative Program.

Hultgren won the president's post in an election in which three Oklahoma City pastors nominated three Tulsa pastors for the office. One of two vice president elected was Lloyd Jones, director of missions for the Mullins Baptist Association of churches in southern Oklahoma. It represented the first time in the knowledge of messengers that an associational missionary has been elected to a top convention office in Oklahoma.

Oklahoma's Democratic Governor-elect David Boren paid a surprise visit to the convention. Boren, a Methodist, who has taken a leave of absence from Oklahoma Baptist University, Shawnee, where he served for five years as associate professor of political science, read scripture and led in prayer.

He asked messengers to pray for him and told them he regards the governor's office as "a trust for the Lord and the people."

Next year's annual meeting will be Nov. 10-12, First Baptist Church, Oklahoma City.