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News Service of the Southern Baptist Convention

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May 26, 1978

78-84

**Court Excludes Children  
From Obscenity Standards**

By Stan Hastey

WASHINGTON (BP)--In another effort to clarify its position on obscenity and pornography, the U. S. Supreme Court ruled that children may not be included in the determination by juries of what constitutes "community standards."

The high court ruled 8-1 that William Pinkus is entitled to further review of his case and new sentencing because the presiding judge at his trial erred by instructing the jury to include children in determining community standards for obscenity.

Pinkus, a California man, was twice convicted on 11 counts of violating a federal law forbidding use of the mail to send out obscene materials. Conviction carried with it a sentence of four years in prison and \$5,500 in fines.

He was convicted in 1971 under obscenity guidelines established by the high court in cases dating to 1957 and 1966. Two years after his conviction, the court established new guidelines for determining obscenity in *Miller v. California*. That case set forth the rule that materials may be found obscene if they go beyond "contemporary community standards."

The jury at Pinkus' trial was instructed "to consider the community as a whole, young and old, educated and uneducated, the religious and the irreligious, men, women and children, from all walks of life."

Pinkus argued before the high court that the inclusion of children to arrive at an obscenity standard for the entire community was improper because the materials were not mailed to nor were they intended for children.

Although the high court majority agreed with Pinkus on that question, it rejected three other contentions.

The jury instruction to include "sensitive persons" in arriving at a definition of community was proper, the court held, because "the community includes all adults who comprise it."

The court also rejected Pinkus' claim that the judge's charge to the jury should have included so-called "deviant" sexual groups, such as sado-masochists and fetishists of various kinds. A majority of the justices also agreed that obscene advertisements sent to potential customers could be used as evidence against Pinkus.

The court's main finding, however, excluded children as part of the community standard to judge obscenity. Only one justice, Lewis F. Powell Jr., dissented, saying in a two-sentence statement that he viewed the judge's error in including children in his charge to the jury as "harmless."

Three other justices indicated they felt the court did not go far enough. Speaking for fellow justices Potter Stewart and Thurgood Marshall, Justice William J. Brennan Jr. declared that while he agreed with the court's main finding relating to children, he would have preferred that the court declare the anti-obscenity law in question "clearly overbroad and unconstitutional on its face."

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Although those three justices, along with Justice John Paul Stevens, would like to see the court scrap the "community standards" doctrine in favor of a more open standard in judging obscenity cases, the other five justices, led by Chief Justice Warren E. Burger, continue to believe that local communities should determine what is obscene within their own jurisdictions.

As long as the high court majority prevails in that viewpoint, the justices can expect a continuing stream of cases caused by the nebulous standard.

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S. C. Legislators  
Defeat Parimutuels

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5/26/78

COLUMBIA, S.C. (BP)--A proposal urging a constitutional amendment which would permit parimutuel betting on horse racing in South Carolina was killed 66 to 31 without debate by the South Carolina House of Representatives.

Baptist leaders were among those who led the fight against the proposal which would have set aside any parimutuel revenues to primary and secondary education. Opponents declared evidence proves legalized gambling increases crime and corruption and does not produce economic benefits.

State Representative David McInnis, D-Sumpter, S.C., sponsor of the resolution, promises to reintroduce the proposal next session.

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Fire Damages Unoccupied  
Vietnamese Orphans Dorm

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DALLAS (BP)--An early morning fire at Buckner Baptist Children's Home in Dallas heavily damaged an unoccupied dormitory which had earlier housed 95 residents of a Vietnamese orphanage who fled the communist takeover in 1975.

From 1975 until September, 1977, the building housed 69 orphans and 26 staff personnel of a Vietnamese orphanage who escaped from Camranh City just ahead of invading communists. They put out to sea on an old boat and were picked up by Americans just as their limited provisions gave out.

Last year the Vietnamese orphanage director, Nguyen Xuan Ha, was named catalytic missionary to Vietnamese for the Texas Baptist Language Missions Section.

About half of the children he brought from Vietnam have been adopted into homes in Texas and other states or integrated into the Buckner dormitories.

Buckner President R. C. Campbell estimated the loss at about \$300,000. The building was insured. Residents had moved out of the building while it was being renovated. No one was injured.

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Power Struggles Top  
Church Conflict List

By Jim Lowry

Baptist Press  
5/26/78

NASHVILLE, Tenn. (BP)--Power struggles and interpersonal conflict are two major causes of conflict in Southern Baptist churches, according to a list compiled during a meeting of ministers-church relations consultants.

Information accumulated by a subcommittee of the group listed 10 major causes of church conflict. Other reasons cited include diverse leadership styles, unrealistic role expectations, communications problems, diverse theological concepts, membership decline, immorality, and unbending tradition and cultural incompatibility.

The group discussed possible problem solving methods applicable in many situations, such as negotiation, use of a neutral mediator, counseling for the pastor or church staff member, and use of open dialogue to clearly define and document the problem.

Interim ministries, assistance for search committees and oversupply in the ministry were other topics of concern discussed by the state Baptist convention consultants at the meeting at the Southern Baptist Sunday School Board.

Churches needing interim ministers were advised of several groups likely to serve as interim pastors: retired pastors, teachers (college and seminary professors), denominational workers, chaplains and qualified student ministers.

The group, citing past experiences related to the problem, advised against a church calling an interim pastor who may be a candidate for the pulpit of that church.

The consultants of church-minister relations also agreed that there should be a specific agreement--written if possible--between the church and the interim pastor listing duties and responsibilities.

In the area of search committee assistance, the consultants discussed suggestions for organization and procedures to help churches locate a pastor as quickly as possible.

Jackson W. Carroll, of Hartford (Conn.) Theological Seminary, in a presentation of his research project of oversupply of ministers, said Southern Baptists had an oversupply, but less than other denominations. One possible reason cited was that Southern Baptists encourage people to go into other church staff positions besides pastor.

He suggested that the present oversupply probably should lead to a more formal placement or referral system among all denominations to help ministers get in touch with churches with openings.

He said the congregational autonomy would be preserved in denominations like Southern Baptists, however, because the present informal system of word-of-mouth referral would not cease, but continue to augment the more formalized system.

Carroll predicted that some denominations will face a shortage of clergy in the next few years, even though an oversupply exists now, because retirements will far out number young ministers entering the clergy.

SBC leaders also expect the denomination's Bold Mission Thrust goal to launch new congregations and evangelize the world in this century to create new opportunities for ministry.

Brooks Faulkner, supervisor of the career guidance section in the church administration department at the Southern Baptist Sunday School Board, also met with the state consultants of minister-church relations.

Faulkner and the career guidance section are seeking to expand and improve the board's efforts in the field of counseling and guidance to pastors and church staff members experiencing problems in their ministry.

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SBC Research Fellowship  
Schedules Atlanta Meet

Baptist Press  
5/26/78

ATLANTA (BP)--A discussion of research needs of Southern Baptists and election of officers will highlight the meeting of the Southern Baptist Research Fellowship on June 10 in Atlanta.

President Leonard Irwin said members of the fellowship also will review the purpose of the new organization, adopt a constitution and bylaws, and share what various Southern Baptists are doing in the research field.

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A three-man panel will open the discussion of Southern Baptist research needs. They are Albert McClellan of Nashville, associate executive secretary and director of program planning for the SBC Executive Committee; Martin Bradley of Nashville, manager of the research services department of the Baptist Sunday School Board; and Orrin Morris of Atlanta, regional coordinator for the Home Mission Board.

The three-hour opening session starts at 1 p.m. at the Home Mission Board with a night session planned around a meal at the Riviera Hyatt House Motel.

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Did God  
Say That?

Baptist Press

5/26/78

JEFFERSON CITY, Mo. (BP)--Missouri Baptist Convention Stewardship director Billy Hargrove was preaching in a small church recently when he decided to encourage audience participation.

He asked the congregation, "What did God say when He parted the darkness from the light and found dry land amidst the water?" The congregation hesitantly replied, "God said it was good."

Hargrove again asked, "What did God say when He made the plants to grow and the flowers to bloom and the trees to bear fruit?" More enthusiastically, the congregation replied, "God said it was good."

Again he asked, "What did God say when He made the birds and the fish and the animals and told them to multiply and fill up the waters and the earth?" Heartily came the answer, "God said it was good."

Then Hargrove asked, "What did God say after He made man and put him in the garden and gave him dominion over all living things?"

He expected to hear the congregation respond, "God said it was very good," but instead a whisper came from the back of the church which penetrated every ear. In a tone evidently meant for her neighbor only, a lady said, "That wasn't so good, let's take a rib and make a woman."

So much for audience participation.

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