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Wake Forest May Not Elect
Trustees Legal Opinion Says

By Charles Richardson

WINSTON SALEM, N.C. (BP)--The Baptist State Convention of North Carolina has a legal right to elect trustees of Wake Forest University and cannot be deprived of the task by trustees, according to a legal opinion by a Charlotte law firm.

This viewpoint is presented in a legal study by the firm of Fleming, Robinson, Bradshaw and Hinson, P. A., employed by the Baptist State Convention to study the legal relationship between the convention and Wake Forest.

The legal opinion focuses upon questions arising in the context of unilateral actions taken in December, 1978, by the university's trustees to amend the university's charter in fundamental respects.

Trustees deleted a charter provision empowering the convention to elect trustees and substituted a provision that the trustees shall be elected in the manner provided in the university's bylaws, although no procedure has yet been established in the bylaws for the election of trustees.

The opinion concludes, "We believe that the trustees' action in December, 1978, was taken in good faith and was believed by them to be in the best interests of the great institution which they serve and to which they owe a fiduciary duty. We are constrained to state, however, that insofar as that action now or will purport unilaterally to deprive the convention of the right to elect trustees of the university, such action has no legal efficacy.

"The touchstone of the relationship between the convention and the university is the right of the convention to elect trustees," the opinion further stated. "It is through the election of trustees that the convention may be assured that the Christian and Baptist heritage of the university will be preserved."

The law firm's conclusions are based in part upon the mutual recognition of a contractual and trust relationship between the two entities throughout the entire history of the relationship. One specific example cited is the 1946 agreement between the university and Z. Smith Reynolds Foundation, Inc. One of the conditions of that contract is that control of the university "shall continue unaltered and undiminished in the board of trustees of Wake Forest College, as appointed or elected by the Baptist State Convention." The university receives funds from the foundation.

The opinion also considers the legal effect of other actions taken by the trustees last December, including the deletion of a provision in the university's charter requiring the trustees to obtain the convention's consent prior to encumbering the university's property, and to operate the university as an "agency" of the convention and in accordance with "policies" adopted by the convention. The opinion concludes that the university may legally be required to obtain convention consent prior to mortgaging its property.

With respect to the convention's specific policy that its institutions not accept government funding other than for services rendered, the law firm concludes that such policy has not been consistently applied with respect to Wake Forest University and thus does not empower the convention to exercise control over specific grants of government funds to the university.

The law firm also points out that its conclusions relate only to the relationship between the convention and Wake Forest University, which is unique in several respects, and does not apply specifically to any other institutions supported by the convention.

British Pastor Views
Southern Baptist Values

By Judy Touchton

ATLANTA (BP)--A Baptist pastor visiting the United States from Britain questioned Southern Baptists' seeming materialism, wealth of resources and preoccupation with bigness, while often ignoring a hungry, poor and unsaved world.

Derek Keenan commented on Southern Baptist churches--and those of other denominations which fit the pattern of large, wealthy churches--following a two-month visit in the States.

"When you speak of affluence, obviously, if it's used correctly, it must be of tremendous value," admitted Kennan, pastor of Hawkwell Baptist Church in Rochford, Essex, just east of London.

He praised programs, literature, staffing and financing of U.S. churches, but added: "If we think resources can buy us out of a problem or feel the bigger we get, the better it is going to be, then there are problems."

Keenan quickly explained his visit in the United States was short and included only a few side trips to smaller, rural churches and black or ethnic congregations.

Like many British pastors, he exists on meager salary. He serves without additional pay as executive secretary of the 20-church South End District Baptist Union.

The U.S. visit was part of a sabbatical leave British pastors are encouraged to take every seven to eight years for additional education or mission experience. While in this country, Keenan served on the staff of a large suburban church.

Although admitting his conclusions might be the result of limited exposure, Keenan called many of the physical accessories in U.S. churches "sophisticated toys."

"Some of the great chandeliers and the sophisticated systems for lights, that sort of thing, I expect to see in a theater, but I'm not sure I expect to see them in a sanctuary," he said.

"Buildings put up for \$3, \$4 or \$5 million and used three hours a week I can only see as iniquitous...I see it as a horror, a scar on the landscape. I cannot see how anyone can justify spending that sort of money in this needy world for three hours a week," Keenan added.

He called many of the large, cumbersome buildings housing church congregations "millstones."

"As the paint chips off, we decorate the millstone again. The bigger it is, the heavier it weighs. The buildings are soaking up our resources, our money, our time, and we need to be free of the encumbrance," Keenan said, adding that in Britain, congregations often can no longer afford to keep buildings in repair.

Keenan added that because of the money invested in buildings, churches are locked in place. "As society changes, as population shifts, because we have a great complex, we can't move. But if we had a small building, then we would be far more versatile," he explained.

"By saving the building, we may be damaging the church. It's a millstone around the neck," he declared.

"It's the easiest thing in the world to raise questions, the easiest thing in the world to jump to conclusions," he continued. "The hardest thing is to find valid answers" (the purpose of his trip to the United States).

"I'm glad I haven't got to handle your affluence. I don't envy your task. Putting it another way, I think it's much easier to live a Christ-like life in Eastern Europe than to live (as a Christian) in the United States.

"For a Christian trying to live a Christ-like life, it's hard to cope with the subtleties of affluence."

High Court Bars Deductions For Parochial School Costs

WASHINGTON (BP)--Despite the objection of three justices, the U. S. Supreme Court ruled that New Jersey's tax deduction provision for parents of students enrolled in nonpublic schools violates the "no establishment of religion clause" of the First Amendment.

With Chief Justice Warren E. Burger and associate justices Byron R. White and William H. Rehnquist calling for the high court to give a full hearing to the case, the other six justices summarily affirmed two lower federal courts which held earlier that New Jersey's plan had the primary effect of advancing religion contrary to the Constitution.

The New Jersey law, which included a \$1,000 tax deduction for each dependent child attending a nonpublic elementary or secondary school, was challenged in U. S. District Court for New Jersey by a number of individual taxpayers and several organizations. They include the American Civil Liberties Union, Americans for Democratic Action, the American Jewish Congress, the Union of American Hebrew Congregations, the Society of Separationists, and Americans United for Separation of Church and State.

Both the district court and the Third Circuit Court of Appeals ruled the law unconstitutional. U. S. District Court Judge H. Curtis Meanor declared that the law had "the direct effect of aiding religion and is...in violation of the 'establishment clause.'"

Judge Meanor went on to say, "One need not be clairvoyant to know that if this New Jersey statute continues there will be increasing pressure to enhance it." That "would enmesh New Jersey in continuing political strife over aid to religion, thereby engaging the government of New Jersey in excessive entanglement with religion," Meanor concluded.

On Jan. 12, 1979, the Third Circuit Court of Appeals affirmed the district court ruling, declaring that the New Jersey law presented "an insurmountable obstacle" to the Supreme Court's 1973 ruling that the principal or primary effect of such a law must neither enhance nor inhibit religion.

"We hold that the exemption has a primary effect of advancing religion and therefore violates the First Amendment," the court declared.

Of New Jersey's 753 nonpublic schools, 714 are religiously affiliated, and of those, 575 are Catholic parochial schools.

In appealing the lower decisions to the nation's high court, New Jersey officials argued that "the meager amount of tax relief...is nothing more than a recognition that taxpayers whose dependents attend elementary or secondary schools that are not funded by public monies have an added financial burden deserving of some form of tax relief..."

They further maintained that "the benefits, if any...upon organized religion are incidental."

New Jersey Attorney General John J. Degnan also argued that the tax exemption provisions "are not part of a comprehensive aid package" such as a New York plan struck down six years ago by the Supreme Court.

Degnan pointed out that the provision was but one of several identical \$1,000 deductions for dependency, old age, blindness, and disability, among others. He also noted that a separate provision of the law allows for a \$1,000 deduction for each college student enrolled at any college or university, private or public, in the state.

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Carter Says Dissidents' Families Will Be Released

WASHINGTON (BP)--President Carter said he is optimistic that the Soviet Union will live up to its commitment to release the families of five Soviet dissidents released last month, including that of Baptist pastor Georgi Vins.

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Pressed by a reporter at his nationally broadcast news conference May 29, the president acknowledged that some dissident family members had been harassed by Soviet officials and that their release from the Soviet Union had been unexpectedly delayed.

Carter reasserted that part of the agreement with the Russians, which involved the exchange of the five dissidents for two convicted Soviet spies, called for release of the families "without delay and without harassment."

"There was some delay and there was some harassment of the families in my opinion," Carter declared. "Whether that was imposed by the government officials or whether it was part of the unwieldy Soviet bureaucracy, I can't judge, but I'm thankful that the families will be released."

The president was also asked to comment on published reports that the Soviet government is considering releasing 12 additional dissidents, including Anatoly Shcharansky, perhaps the most widely publicized of all the dissidents. Carter said that while he has no direct information on the reports "except what I have read in the news...I hope the report is true."

During an earlier briefing, State Department spokesman Thomas Reston also expressed optimism over the release of the dissidents' families. "We expect that, under the agreement worked out with the Soviets, they will all be able to leave in a reasonably short period of time," he said.

Reston went on to say that his optimism over the release extends to Lydia Vins, Georgi's mother, and a niece. According to a report in the New York Times, one reason for the delay may be the questionable status of the women in the eyes of Soviet officials, as well as that of an adopted son of Aleksandr Ginzburg, another of the released dissidents.

"In each case we trust that the matter will be resolved positively, since those who left consider these persons members of their immediate families," Reston said.

According to the New York Times report, one U. S. official said there appeared to be some foot-dragging on the part of Soviet bureaucrats and that some family members either did not wish to come to the United States or had asked Soviet officials for sufficient time to put their personal affairs in order before leaving.