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Civil Courts May Decide Church Property Disputes

By Stan Haste

WASHINGTON (BP)--The U. S. Supreme Court ruled here that civil courts are not always obligated to defer to the decisions of church courts in settling local church property disputes.

By the narrowest 5-4 margin, the high court concluded that Georgia state courts may decide which faction of a divided Presbyterian congregation in Macon may lay claim to the disputed property rights.

The court fell short, however, of awarding the property in dispute to the majority faction of the Vineville Presbyterian Church, holding that the Georgia courts must now determine if Presbyterian church polity mandates that the property go instead to its "loyal" minority.

More than six years ago, at a duly constituted meeting of the congregation, 164 of Vineville's members voted to withdraw from the Presbyterian Church in the United States (PCUS), while 94 voted to remain.

The majority informed the denomination of its action and proceeded to unite with another group, the Presbyterian Church in America, a new denomination composed of congregations unhappy with what they perceive as "liberalism" in the PCUS.

Consistent with Presbyterian Church polity, the Augusta-Macon Presbytery appointed a commission to investigate the schism. That panel concluded that the "loyal" minority remained the true congregation and was thus entitled to the church property.

After appealing unsuccessfully in federal court to reclaim the property, the minority took its case to a state trial court, which ruled that under Georgia property laws the majority owned the property. The Georgia Supreme Court affirmed that decision.

"There can be little doubt about the general authority of civil courts to resolve this question," declared Justice Harry A. Blackmun for the high court majority. "The state has an obvious and legitimate interest in the peaceful resolution of property disputes," he continued.

At the same time, Blackmun acknowledged that the First Amendment to the U. S. Constitution "severely circumscribes" the role of civil courts in such cases. Civil courts must "defer to the resolution of issues of religious doctrine or polity by the highest court of a hierarchical church organization," he said.

The court majority based the decision on its finding that the Vineville property dispute involved no such doctrinal or polity question and expressed the view that so-called "neutral principles of law" may be applied to church property disputes.

The court nevertheless left open the possibility that church property fights may be settled by the churches themselves if a hierarchical denomination indicates in its corporate charter or constitution that in cases of schism in local congregations, the property will always revert to the denomination.

In sending the case back for further action, the high court hinted that the Georgia courts may find it necessary to rule for the PCUS, thereby reversing their previous decisions. That would happen, the court said, if the PCUS can prove that its polity requires that disputed property go to the denomination. The Georgia courts earlier failed to address that question, holding simply that under state law in any such dispute the property in question belongs to the majority of church members.

In a dissenting opinion, Justice Lewis F. Powell Jr. argued that the high court was in effect reversing its position on such disputes in cases dating to 1871, when the court ruled that civil courts must give way to church tribunals.

The court's new stance "inevitably will increase the involvement of civil courts in church controversies," Powell protested. Church documents, he said, "tend to be drawn in terms of religious precepts," and the court's view that they can be read "in purely secular terms" in property disputes "is more likely to promote confusion than understanding."

Powell went on to argue that what occasioned the division in the Vineville congregation were disagreements over questions of doctrine and church practice. By granting the property rights to the congregational majority, Georgia courts in effect "reversed the doctrinal decision of the church courts," Powell concluded.

Interestingly, the 5-4 split among the justices did not occur along perceptible ideological lines. Blackmun, who wrote the court's opinion, was joined by Justices William J. Brennan Jr., Thurgood Marshall, William H. Rehnquist, and John Paul Stevens. Siding with Powell as dissenters were Chief Justice Warren E. Burger and Justices Potter Stewart and Byron R. White.

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Midwestern Seminary
Elects Johnson and Meigs

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7/3/79

KANSAS CITY, Mo. (BP)--Five persons, including two recently elected professors, will join the faculty at Midwestern Baptist Theological Seminary here for the 1979-80 school year.

Bob I. Johnson, 45, and J. Thomas Meigs, 41, were elected as assistant professors of religious education and church administration and of Old Testament and Hebrew respectively.

Visiting professors in missions, comparative religions, and an instructor in Hebrew for 1979-80 round out the faculty additions.

Johnson, currently associate director for extension centers of the Southern Baptist Seminary Extension Department, Nashville, is a graduate of East Texas Baptist College. He also earned bachelor of divinity, master of religious education and doctor of education degrees from Southwestern Baptist Theological Seminary, Fort Worth, Texas.

Before joining Seminary Extension in 1976, Johnson was associate pastor in charge of Christian education at North Side Baptist Church, Weatherford, Texas, while completing doctoral studies. He has also served as a pastor in Scottsdale, Ariz., and Cooper, Texas, and as director of missions of an association of Baptist churches in east Texas.

Johnson's position is one of the six professorships sponsored by the SBC Sunday School Board, in cooperation with the six SBC seminaries, to help SBC leaders become more aware of the resources, services, material and support of the denomination. Each such professor is employed, assigned and supervised by the seminary. The board reimburses the seminary for salary and fringe benefits on the same scale as other faculty members.

Meigs, currently college chaplain and assistant professor of religion at Georgetown College, Georgetown, Ky., is a graduate of Carson Newman College, Jefferson City, Tenn. He also graduated from Southern Baptist Theological Seminary, Louisville, Ky., with master of divinity and doctor of philosophy degrees.

A former teacher and athletic coach in the Duval County Public Schools in Jacksonville, Fla., Meigs has served as pastor of churches in Florida, Kentucky, and Virginia. In 1970 he was assistant chaplain at Kentucky Baptist Hospital, Louisville.

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Gas Shortage Causes Some
Mission Trip Cancellations

By Jim Newton

MEMPHIS, Tenn. (BP)--Despite complaints of inconvenience and delays, the gas shortage does not appear to have a critical effect on Southern Baptist mission efforts so far this summer.

Almost a score of Southern Baptist Convention home missionaries, associational directors of missions, state convention and Home Mission Board staff members agreed in a series of telephone interviews with World Mission Journal that the gas shortage caused no major disruptions to Baptist mission efforts, even in the areas hardest hit.

But it did have some adverse effect.

At least 20 mission tour groups and youth choirs cancelled summer mission projects, fearful that they could not get gas, or the cost would be prohibitive.

Home missionaries and pastors in 20 states experienced annoying delays as they waited sometimes for hours in gas lines trying to get fuel for their work.

In some cases, home missionaries had to postpone trips to mission points until they could find gas, especially in the eight states with the odd-even system and numerous weekend closings of service stations.

States hit hardest by the gas shortage in late June and early July included Maine, New Hampshire, Connecticut, Rhode Island, Vermont, Massachusetts, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, northern Virginia, Minnesota, Texas, Louisiana, Florida, and California.

About 50 summer mission project groups, most of them scheduled to do door-to-door canvassing and mission Vacation Bible School work, cancelled their plans during the summer, but only about a dozen indicated the gas shortage was the reason, said Mike Robertson, assistant director of the special mission ministries department for the SBC Home Mission Board.

Robertson pointed out that the Home Mission Board coordinated about 500 such groups this summer, a larger than average number, but that the cancellations were not much greater this summer than in previous years.

Henry Chiles, associational director of missions for South Dakota who uses about 40 teams each summer for mission projects, estimated that about six to eight teams had cancelled plans to come to South Dakota this summer because of the gas shortage.

"But we haven't had any problem at all getting gas up here," Chiles said. "Last week I talked to the area directors of missions for associations in Wyoming, Montana and North Dakota, and not one of them had any problem getting gas." But the cost is high, he lamented. "That's one of our major concerns."

Chiles pointed out that because of long distances between Southern Baptist churches in the state, some church members had to drive 75 to 100 miles each Sunday to attend church. "But our people out here are so accustomed to driving long distances, they just grit their teeth, pay the price, and go on," he said.

Tom Biles, director of missions for two associations covering Rhode Island and Connecticut, two of the states hardest hit, said the major effect of the gas shortage has been cancellation by about a half-dozen youth choirs that had planned mission trips to the Northeast. Gas in early July was costing 98 cents a gallon he said.

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Unlike the vast expanse of the Great Plains area, Biles said his two associations are relatively small, and he could drive to any church in the association and be back home on one tank of gas. "We haven't had too much trouble getting gas except on weekends," he added.

With the odd-even system in effect there, Biles said he just had to carefully gauge how far he could travel on Saturdays and Sundays before he could fill up on Monday.

Everywhere, the home missionaries and pastors experienced frustrating delays in their ministries because of long lines at gasoline pumps. In some cases, they reported it took up to three hours to buy gas.

Dan Brown, director of missions for the Union Bridge Baptist Association in central Maryland, had to postpone a trip to Hagerstown, Md., to set up a new ministry with migrants in 13 migrant camps because of the gas shortage.

In New York, a training clinic for leaders involved in discipleship training scheduled in Endicott, N. Y., was moved to New York City where most of the leaders could attend using public transportation when gas was difficult to get, reported Quentin Pugh, director of Metropolitan Missions for New York City.

In Houston, where mile-long lines were reported at some gas stations, Baptist pastors anxious to make hospital visits in the city's huge medical centers waited hours for gas starting at 7 a.m.

The gas shortage hit Houston the week more than 16,000 Southern Baptists were in town to attend the Southern Baptist Convention. The next week the gas lines were even longer and the odd-even system was imposed, both in Houston and the Dallas-Fort Worth metroplex area.

Houston's Union Baptist Association is 53 miles wide, said Wilson Brumley, director of missions, noting that he expects the gas shortage to affect associational work more than it does local churches. He told of plans to consolidate several meetings, and the possibility of going to quarterly associational executive board and committee meetings instead of monthly meetings.

Mexican Baptist Bible Institute, which has a branch in Houston, decided to shorten its summer program for 14 weeks to 12 weeks, and to lengthen study periods from 2½ hours to 3, in order to cut down on the number of trips Mexican Baptist pastors would have to make to attend classes, Brumley said.

Houston Baptist pastors were scheduled to participate in an "Energy Saving Conference" in August sponsored by the Houston Metro Ministers Association to study ways to conserve energy in the local church.

Westminster Baptist Church in Westminster, Md., consolidated all their services for the last Sunday of each month during the summer, holding Sunday School and morning worship followed by a lunch served in the church, and then immediately holding Church Training and "evening" worship in mid-afternoon.

The Ridgcrest and Glorieta conference centers do not seem to be adversely affected by the gas shortage. Attendance, and the number of cancellations, at Ridgcrest was about the same as last year and Glorieta had about 150 "no shows" during Sunday School week, June 23-29, when the gas shortage was worst. But there was no way to know whether these cancellations were directly caused by the gas shortage.

Bill Guess, director of church extension for the Florida Baptist Convention, another state hit hard by the shortage, said he believes the crisis is real. "We've got a shortage, and we've just got to face up to it, and reevaluate our lifestyles," he said.