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July 16, 1979

79-119

**Law Firm Says Wake
Forest Legally Correct**

WINSTON-SALEM, N.C. (BP)--A second opinion from a Winston-Salem, N.C., law firm says Wake Forest University trustees were legally correct when they took from their charter a provision which allowed the Baptist State Convention of North Carolina to elect new trustees.

The opinion, from the firm of Womble, Carlyle, Sandridge and Rice, is in direct contrast to an opinion from a Charlotte, N.C., law firm which said the trustee action had "no legal efficacy" and would not stand up in court.

The Charlotte law firm of Fleming, Robinson, Bradshaw and Hinson released its report in late May at a meeting of the General Board of the convention. It was hired by the convention to study trustee action of last Dec. 8 which removed the election-right clause from the university charter and also removed references to the university as an "agency" of the convention.

A spokesman for the North Carolina convention said, "Nothing in the new opinion changes or shakes our confidence in the opinion of our attorneys. Their initial reaction is that the second opinion by the Wake Forest firm will have no material effect on their conclusion that the convention has the right to elect all the trustees of Wake Forest University."

The Winston-Salem firm, which does the university's legal work, issued its first opinion in January 1978, saying the trustees had the right to change their charter if they so chose.

The second opinion, released by the university July 9, addresses itself almost solely to the Charlotte firm's conclusion that the trustees broke a contract with the convention when they changed the charter in 1978.

The second opinion says that the "original charter of Wake Forest contained no reference to the Baptist State Convention and gave to the trustees the power to choose their successors." In intervening years, the opinion says, there were several changes in the method of electing trustees but they were always granted by the board.

The trustees changed the charter in 1927 giving the convention the right to elect new trustees. The most recent opinion said the trustees made this change "acting freely, unilaterally and subject to no legal compulsion. No one would have contended at the time that the trustees needed the consent of the convention to amend the charter." The opinion further contends that if the trustees had a legal right to make a unilateral change in 1927, that same right existed when they made the 1978 charter change.

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The opinion also says that a convention committee report in 1958, which was adopted by the convention, said the trustees had the power "to so change the charter that the institution would no longer be affiliated with the convention."

A university spokesman said the second opinion had been requested by the board and that the copies were being sent to convention officials for distribution as they saw fit.

Both opinions suggest strongly that the matter be settled out of court. Committees from the convention and trustees have been working on a new relationship since the trustee action of December 1978.

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House Moves To Block IRS Private School Regulation

WASHINGTON (BP)--By a margin of nearly 5-1, the U.S. House of Representatives passed an amendment to the Treasury-Postal Service Appropriations bill which would have the effect of stopping an Internal Revenue Service (IRS) procedure threatening private school tax exemption because of alleged racial discrimination.

The IRS issued a proposed revenue procedure Aug. 22, 1978, which aroused the anger of private and religious elementary and secondary schools because it called for quotas of minority students and staff. Four days of hearings before the IRS in December were followed by hearings in both the House and Senate this year.

Fifteen bills and resolutions blocking the procedure were introduced in the House while five were introduced in the Senate.

The amendment accepted by the House would "prohibit the use of appropriated funds to formulate or carry out any rule or policy which would cause the loss of tax-exempt status to private, religious, or church-operated schools unless in effect prior to Aug. 22, 1978." The vote was 297-63.

The appropriations bill itself has not yet been voted on. Completion of work on the bill and a vote are expected soon.

The Southern Baptist Convention, meeting in annual session in Houston last month, voted to oppose the IRS procedure. The SBC also instructed the Washington-based Baptist Joint Committee on Public Affairs to continue to work against it.

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--FEATURES

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Gatlin: Picking His
Way to the Top

By Mike Livingston

NASHVILLE, Tenn. (BP)--From New York, Billboard magazine calls him, "The superstar of the future." In Hollywood, Johnny Mathis calls him, "The best singer I've heard in 20 years." And closer to home--and heart--in Nashville, Johnny Cash calls him, "Everything a picker ought to want to be."

All the praise is for singer, songwriter Larry Gatlin, who since 1971 has written hit songs for Johnny Cash, Kris Kristofferson, Elvis Presley, Johnny Rodriguez, and many others. And within the last two years he's become one of the country's fastest rising singing stars.

Gatlin shared his music and Christian background with 2,300 teenage Royal Ambassadors in Nashville at the 6th National Royal Ambassador Congress.

"I've been a Baptist for about a year. . . and I like it pretty good," quipped Gatlin, a member of Nashville's Woodmont Baptist Church.

He told the Royal Ambassadors that fellowship with members of his Sunday School class at Woodmont is one of the joys of his hectic performer's life.

Now, in the midst of one of his most successful years, Gatlin is looking ahead to a project he predicts will be one of the highlights of his career.

"Penny Annie," one of his best-known songs, is being made into a film and Gatlin will not only supervise the script, but will also write the musical score and make his acting debut in the male lead.

The song, written in 1973, is one of Gatlin's more somber tunes. It is the story of a "rag-tag little girl with big blue eyes and yellow hair," who begins by dancing for pennies at the county fair, and ends as a drug addict, "dancing to a different tune." Gatlin will play the part of the young man who meets Annie as a child and narrates her story.

Gatlin has been performing in public for nearly 20 years. When he was 6, he and younger brothers, Steve and Rudy, 4 and 2, formed a gospel trio that appeared at family and church gatherings. His brothers are still an integral part of the act.

The son of an itinerant Texas oil driller, Gatlin was born in Seminole (pop. 5,009), but wound up in Odessa (pop. 78,380). He went to the University of Houston on a football-baseball scholarship based, he now jokes, on "my deceptive speed: I was slower than they thought."

After a semester of law school, Gatlin split for Las Vegas to try out his rich baritone voice with Elvis' backup group. Instead, he wound up back in Texas as a lonely solo act making countless one-nighters.

But now that's all changed: His records are selling. . . his price is up. . . he has more booking offers than he can possibly fill. He's been doing some prime TV shots and
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fans of country music last year named him their favorite male vocalist of the year, songwriter of the year, and named his group band of the year.

Gatlin's songs--which include "Broken Lady," "I Don't Wanna Cry," "Statues Without Hearts," and "I Just Wish You Were Someone I Loved"--are products of his mind as well as his vocal abilities. Long considered one of the more sensitive songwriters in the business, Gatlin records his own material almost exclusively and although he seldom "pitches" his songs to other artists, there is a constant demand for "Larry Gatlin" songs.

"I've been fortunate for the last couple of years," Gatlin confesses. "The fans are starting to accept my music and I feel my number one obligation is to get onstage and sing better tonight than I did last night. I have made a vow to them that I'll walk up there sober. I will not be taking drugs. I'll have my hair combed, my teeth brushed, and my armpits dusted real good with some kind of spray. The clothes'll be clean, and the band'll have the same thing.

"My life is very simple, very comfortable. I'm not into rhinestones and turquoise suits. I don't like flash. The music is the most important thing.

"So if someone sees me in the midst of committing a human error. . . a human frailty . . . would they please try to realize that I'm committing that error because I am what I am--a natural born, 30-year-old, flesh and blood human being! Not a robot, not a machine, not a god! Dear God, please, I ain't no dreamboat. I'm Larry Wayne Gatlin from Odessa, Texas, and I want to sing for 'ya. That's all!"

"I want my music to reach as many people as it can," Gatlin said recently in a telephone interview from his home. "I love country music, but I believe all kinds of people can relate to my songs."

Home is the Nashville suburb of Antioch, where Gatlin relaxes with his wife Janis, their daughter Kristen, 6, and son Joshua, 3.

"I know this is not vogue for a 30-year-old man to say," he ventures, "but I was meant by God to write and sing with my brothers. Not just to entertain, but to move and touch people's hearts."

"I believe God gave me a gift for writing. Again, I'm not sure how well I do, but I know that I have this overwhelming desire to share these things with people. I've been doing this for 24 years and it's not only what I do. . . it's what I am," he says, displaying the serious side of Larry Gatlin.

But he also has an offbeat sense of humor and appears to be basically easygoing. His boots, he scoffs, are "the best thing in the act."

When the Gatlins joined Woodmont Baptist Church in Nashville two years ago, pastor Bill Sherman didn't know who the singer was or what he did for a living. "The Sunday he joined my wife said to me, 'Don't you know that guy's one of the hottest numbers on the Grand Ole Opry?' and I told her I never heard of him. We still just treat him like everybody else and I think Larry appreciates that," Sherman says.

"Larry is a fine Christian gentleman and he is an active church member. He is active in attendance, in contributions, and in interest," says Sherman. "Because of his schedule,

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we obviously can't give him a Sunday School class, but when he's in town, he's in church. He's a tither; he attends church on Sundays and Wednesdays, and he takes an active part in the Bible discussions."

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Livingston is associate editor of Probe magazine.

Age No Bar
To Training

GLORIETA, N.M. (BP)--At 98, Mrs. Mittie Newberry sews only two quilts a year "for the boys" at Texas Boys' Home and she's almost apologetic.

And the half-century worker in Woman's Missionary Union at First Baptist Church of Childers, Texas, still visits the residence at the "old folks" home as part of her mission action effort.

Despite her age and all of that activity, Mrs. Newberry felt she still needed some WMU training and traveled more than 400 miles to Glorieta Baptist Conference Center to get it.

Mrs. Newberry earned the distinction of being the oldest of 2,000 conferees at the Bold Mission Leadership Conference sponsored by WMU and the Brotherhood Commission.

Although approaching 100, Mrs. Newberry travels more than most women half her age. She toured Israel at 84 and "walked the younger women down." She's also scheduled flights to Austin, Texas, and North Flat, Neb., later this year to visit relatives.

When she's not on the move, Mrs. Newberry, who has lived most of her life in Texas, is growing Texas Bluebonnets, making quilts and "going to WMU meetings" at her church. At 96 she was secretary of her WMU.

Mrs. Newberry vows those two quilts she's made from scraps since Christmas are her last, but she acknowledges she gets quilting fever as the weather turns cold.

For the present the Texas Bluebonnets are getting her attention. Mrs. Newberry insists she isn't ignoring her housework, "but I can spot a weed quicker than a speck of dust."

As for Bold Mission Thrust, the Southern Baptist goal to present the gospel to every person by the year 2000, Mrs. Newberry believes it can be done if "everyone does their part."

Mrs. Newberry said "three young women from her church" brought her to the conference. They included Mrs. Alma Decker, who claims she is only 89.

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