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89-41

Network sale fails;
RTVC to continue ACTS

By Al Shackelford & Dan Martin (RTVC)

FORT WORTH, Texas (BP)--Friends of ACTS, Inc. is unable to meet the financial requirements for its proposed purchase of the ACTS television network, the San Antonio, Texas-based organization said March 14.

Center (Chip) Atkins Jr., president of Friends of ACTS, said the group was unable to raise the \$34 million to purchase American Christian Television System from the Southern Baptist Radio and Television Commission, which launched the cable network in June of 1984.

The announcement was made during a closed-door 37-minute called meeting of the RTVC executive committee and followed a meeting of Friends of ACTS and a five-member RTVC committee to direct final negotiations and ensure trustee involvement in each step of the process.

Following the announcement, the executive committee voted "to continue to operate ACTS at its present programming level ... as a mission outreach ministry of the Southern Baptist Convention."

Richard T. McCartney, executive vice president of the RTVC, said the executive committee "instructed us to continue to operate the network. I asked them specifically if the decision closes the door to any other possible sale, and the answer was that it does not, but it does reflect the commitment to run both the commission and the network in a responsible way."

Jimmy R. Allen, president of RTVC and ACTS, said trustees indicated they will consider any other possible sale, but that "any deal that walks in will be considered on its own merits."

McCartney told Baptist Press he is "disappointed," the sale did not go through "because it was the best thing for the commission and the network. However, it is not the end of the world. The RTVC can continue to operate the network and continue to provide access to local churches to the ACTS cable channels."

Allen said he has "mixed feelings. On one hand, I am grateful for the growth and effectiveness of ACTS during this year, but I am frustrated we have been unable to take this step which would have given us a wider opportunity for Southern Baptist witness, more money and a multi-denominational approach."

Allen, who told trustees last year he would resign from the RTVC and would manage ACTS for the new corporation if the sale went through, said he "does not know what the implications are," after the sale fell through.

"I have felt the strategy of an ACTS network is the most effective way to preach the gospel to every person in this country. I will continue to pour my energy into that. I do not know what the future configuration of ACTS will be, but I do know that I have had a sense of vision that centers on this kind of strategy and I want to help this network do what it can do."

The RTVC president has spent much of his time in the last few months meeting with potential donors to Friends of Acts, seeking to help bring about the sale of the network.

"I have been under instruction of my trustees to make myself available to these folks (Friends of Acts) and to help them explain the network. It is a very complex network and they needed our help. Our trustees felt it was in the best interests of the commission and the network to move in this direction and I have given myself to it," he said.

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Baptist Press was unable to contact Atkins for comment on the failure of Friends of Acts to raise the money and to amplify on other details.

Friends of Acts, a Texas for-profit corporation, did not divulge how much money it raised, only that it was unable to meet financial requirements for the purchase. Previously, the group declined to tell the RTVC board how much was raised toward purchase of the network.

The plan for the purchase began in April 1988, when RTVC trustees signed a memorandum of agreement. The purchase agreement was signed June 9, 1988. Friends of Acts were granted three extensions before time ran out at midnight March 14.

In January, Atkins told RTVC trustees his group had spent "more than \$1.2 million in pursuit of the transaction," including transponder lease and contributions to operational expenses by the RTVC to operate the network.

The original agreement was that Friends of ACTS would pay the RTVC \$34 million for the network, including \$11 million at closing and \$2 million per year for 11-and-a-half years. In addition, Friends of ACTS would pay a 3 percent override on "gross receipts" for 30 years.

Friends also was to give the RTVC five hours per day of air time on the network without charge for 30 years and would operate in line with ACTS' originally stated purposes.

At the March 14 called meeting the executive committee adopted a revised budget which will provide for the continued operation of ACTS, including use of a broadcasting transponder on the Galaxy III satellite. During the time the proposed sale was pending, Atkins leased a transponder on the satellite at a cost of \$85,000 per month for use by the network.

Lease on the transponder goes up to \$95,000 per month in April and to \$105,000 in April 1990, McCartney said.

Atkins has offered the transponder to ACTS at his cost until May 31, 1988, and members of the executive committee authorized McCartney "to speedily negotiate an agreement with Friends of Acts to secure continued network access to the transponder at a fair market price."

McCartney said the shift of ACTS from the Spacenet satellite to Galaxy III has increased the number of cable households which can receive the network to about 9.5 million. Allen said the transfer had resulted in "30 percent growth this year, making us one of the fastest growing networks in the country."

McCartney said: "We can stay on this bird (satellite) and are budgeted to do it. They (Friends) want to determine the fair market value and I assume what they are going to do is repay themselves with the difference between their contracted price and the fair market price," estimated at \$110,000 to 115,000 per month.

ACTS also will continue to work with Atkins through Actscum, a wholly owned subsidiary of Atkins Advertising, which sells advertising for ACTS, receiving 49 percent of the proceeds. So far in the 1988-89 fiscal year, ACTS has received \$272,000 from Actscum.

The RTVC, McCartney said, "is running about on our receipts right now," although the agency has borrowed operational funds already in the 1988-89 fiscal year, which began Oct. 1. The RTVC has a \$7.7-million annual budget, including about \$5.5 from the Cooperative Program, the SBC's unified plan for funding missionary, educational and evangelistic work around the world.

The network has been in financial trouble since it began. In addition to high operating costs, ACTS has not been successful in fund raising. At one point, the commission had spent about \$600,000 more on fund raising efforts than it had received. The commission has ceased its fund raising efforts but continues to receive payments on outstanding pledges.

For now, McCartney said, "everybody is just going to have to lay back and see what happens. At this point we have had a meeting, acknowledged the fact Friends of Acts were not able to put together the financing, voted for the commission to continue operating and to take the necessary budgetary steps to see that we can."

Mohler elected editor of
Georgia's Christian Index

By Mark Wingfield

N-CC
(Ga.)

ATLANTA (BP)--Fifteen months after ousting the editor of the Christian Index by a 57-54 vote, the executive committee of the Georgia Baptist Convention March 14 unanimously elected a new editor.

Richard Albert Mohler Jr. will succeed Jack Harwell as editor of Georgia's weekly Baptist newspaper June 1. Mohler, 29, currently is director of capital funding/assistant to the president at Southern Baptist Theological Seminary in Louisville, Ky. He also is associate director of the Southern Seminary Foundation.

Harwell, currently editor of SBC Today, an independent, autonomous publication in Decatur, Ga., left the Index Dec. 31, 1987, after the executive committee voted not to ask him to reconsider his plans for early retirement.

Harwell was under fire for several years by convention conservatives who accused him of favoring moderates and abusing conservatives in the on-going Southern Baptist controversy. His initial decision was prompted by a special review committee set up to monitor his work.

He resigned in October 1987, saying he could no longer continue with editorial freedom and integrity. Messengers to the 1987 annual meeting of the Georgia Baptist Convention, however, expressed "profound gratitude and appreciation" to Harwell and asked him to reconsider his plans for early retirement.

Although Harwell said he would, members of the GBC executive committee, after an hour-long closed door meeting, voted 54-57 with one abstention, against a motion asking him to continue, thus closing the door on his return.

After Harwell's ouster, Jack Lowndes, director of church-minister relations for the GBC, was named interim editor.

Following his election, Mohler declined to identify his stance related to the denominational conflict but said, "I will let my ministry stand for itself." He did say he hopes to assume a "mediating position" among fighting factions within the convention.

Mohler said he is not a biblical inerrantist, but affirms inerrancy. "Inerrancy is one important thing to be said about Scripture, but it is not the only thing. The most important things to be said about Scripture are its authority and inspiration."

Mohler pledged "a renewed commitment to fairness, representation and conviction in the context of the controversy in the SBC. We will not ignore the controversy," he said. "We look for the paper to exhibit a very open biblical evangelicalism."

W. Ches Smith, pastor of First Baptist Church in Tifton, Ga., and chairman of the Christian Index board, presented Mohler to the executive committee with a unanimous recommendation from the 11-member search committee. The executive committee elected Mohler without discussion.

"It has been a long, tough road, but we have come to an oasis," Smith told the executive committee. "If you had asked me 12 months ago, I would have said we couldn't have a unanimous recommendation."

Smith said the search committee had received 16 recommendations for the position, which they had narrowed down to two finalists by the end of 1988. However, the committee could not agree on either of those candidates and did not want to come to the executive committee with a closely split vote, he said.

By January 1989, the Index committee reopened the search and began to consider Mohler, who had been recommended by Rodger Murchison, associate pastor of First Baptist Church in Augusta, Ga., Smith said.

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Smith said he hopes the Christian Index has overcome its recent controversies. "I think any state Baptist paper will have controversy around it," he explained. "But what we're seeing today is a new person coming who is not identified with any faction and who will lead us in a new direction."

Although Mohler will assume editorship just prior to the annual meeting of the Southern Baptist Convention in Las Vegas, he declined to forecast any editorial opinions he might present at that time. Harwell's resignation as editor was precipitated by criticism from the Index review board of an editorial about the 1987 Southern Baptist Convention meeting in St. Louis.

When asked about the nomination of Jerry Vines for a second term as SBC president and the formation of a new Religious Liberty Commission -- two hot topics for this year's meeting -- Mohler declined comment. "I have strong convictions, but I will not comment at this time," he said.

Mohler is a candidate for the doctor of philosophy degree from Southern Seminary. He holds the master of divinity degree from Southern Seminary and a bachelor of arts degree in religion from Samford University in Birmingham, Ala.

He has been in his current position with Southern Seminary since 1987 and previously served four years as coordinator of foundation support there. Mohler also was pastor of Union Grove Baptist Church in Bedford, Ky., from 1982-1987.

Although not a trained journalist, Mohler said he believes there is a valid role for the editor as theologian and statesman. "Journalism is one very important way for a theologian to function in the denomination."

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N-BJC

Appeals courts differ
on equal access cases

By Kathy Palen

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WASHINGTON (BP)--Two federal appeals courts have issued contradictory decisions in cases involving equal access.

The 8th Circuit Court of Appeals held high school members of a Bible study club had the same right to meet as any of the school's other non-academic groups. But the 9th Circuit Court of Appeals denied that right to a similar student religious group.

Both cases involve the 1984 Equal Access Act, which prohibits any public secondary school that receives federal funding and has a "limited open forum" from denying equal access to or otherwise discriminating against students who wish to conduct a meeting based on the "religious, political, philosophical or other content of the speech at such meetings." A limited open forum, according to the law, exists whenever non-curriculum related student groups are provided an opportunity to meet on school grounds before or after the school day.

In *Mergens v. Board of Education of the Westside Community Schools*, the 8th Circuit Court rejected a claim by the Westside Board of Education in Omaha, Neb., that all non-religious clubs -- including a chess club, scuba club and two service clubs -- were curriculum related and, therefore, that no limited open forum existed.

Instead, the court held Congress intended the term "non-curriculum related" to be interpreted to include any clubs only peripherally related to the curriculum.

"Allowing such a broad interpretation of 'curriculum related' would make the Equal Access Act meaningless," wrote the appeals court. "This is exactly the result that Congress sought to prohibit by enacting the EAA. A public secondary school cannot simply declare that it maintains a closed forum and then discriminate against a particular student group on the basis of the content of the speech of that group."

"Congress did not intend for the EAA to be easily circumvented by administrative decree."

Just a few weeks earlier, however, the 9th Circuit ruled in an opposite manner in *Garnett v. Renton School District No. 403*.

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Although the school in Renton, Wash., had at least 15 other non-academic student clubs -- including a bowling club, dance squad and ski club -- the court held no limited open forum had been created. In addition, the court ruled equal access would violate the Washington state constitution and neither the free speech clause nor the free exercise clause of the U.S. Constitution required the recognition of a religious club.

Equal access might violate a state constitution that prohibits the appropriation of public money or property for any religious worship, exercise or instruction or that mandates all schools maintained by public funds be free from sectarian control or influence, said Oliver S. Thomas, general counsel for the Baptist Joint Committee on Public Affairs. But, Thomas added, the U.S. Constitution -- not a state constitution -- is the "supreme law of the land."

"Religious free speech advocates can take consolation in the fact that the U.S. Supreme Court is almost certain to uphold their claim," Thomas said. "Several justices have filed individual opinions in support of the equal access concept, and Justice Sandra Day O'Connor stated in her concurring opinion in *Wallace v. Jaffree* that by creating a forum 'a state does not necessarily endorse any activity that might occur during the period.' More recently, Justices William J. Brennan Jr., Thurgood Marshall and Harry A. Blackmun noted their dissent when the court refused to hear the appeal of an equal-access-type case arising out of California.

"All of this is to say that the equal access concept, when addressed by the Supreme Court, is likely to pass with flying colors. And well it should. Discriminating against speech solely on the basis of its religious content smacks of an unconstitutional hostility toward religion," Thomas said.

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Larry High leaves
Biblical Recorder

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(N.C.)

Baptist Press
3/15/89

RALEIGH, N.C. (BP)--Lawrence E. (Larry) High, managing editor of the Biblical Recorder, newsjournal of North Carolina Baptists, since 1982, has resigned effective April 15.

High, 38, has accepted a position with a Raleigh, N.C., firm for landscape design and implementation. High has maintained a hobby interest in landscape design and has taken professional training in the field.

He is a graduate of the University of Maryland and Southern Baptist Theological Seminary in Louisville, Ky. Prior to joining the Recorder, High was editor of the Maryland Baptist, now called the Baptist True Union. While at Southern Seminary, he was news director, first on a part-time basis and, following graduation, full-time.

While a seminary student, High became the first intern at the Western Recorder, newsjournal of Kentucky Baptists. In 1983, he started a similar program for college and seminary students at the Biblical Recorder, and five students have studied writing, layout, design and newsgathering in the program.

High's wife, Jan, is with the Woman's Missionary Union department of the Baptist State Convention of North Carolina.

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