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CHESTERFIELD CIRCUIT COURT

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**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD**

J.W.C., C.R.B., S.M.O., E.S.D., T.W.B., )  
C.M.H., J.L.S. (by and through his Next Friend )  
and Mother, J.S.), J.S., Individually, T.L.S. (by )  
and through his Next Friend and Mother M.S.) )  
and M.S., Individually, )

Plaintiffs, )

v. )

Case No.: CL18001505-00

IMMANUEL BAPTIST CHURCH, SOUTHERN )  
BAPTIST CONVENTION, BAPTIST GENERAL )  
ASSOCIATION OF VIRGINIA, PETERSBURG )  
BAPTIST ASSOCIATION, ALVIN "TED" )  
CLARK, PASTOR FRED K. ADKINS, JR. and )  
JEFFREY DALE CLARK, )

Defendants. )

**AFFIDAVIT IN SUPPORT OF AMENDED MOTION TO DISMISS OF  
SPECIALLY APPEARING DEFENDANT,  
SOUTHERN BAPTIST CONVENTION**

**WILLIAM E. TOWNES**, being duly sworn, deposes and says:

1. I, William E. Townes, as Chief Financial Officer of the Executive Committee of the Southern Baptist Convention ("SBC"), make this declaration based on my personal knowledge and upon information regularly and routinely available to me in my capacity as Chief Financial Officer and relied upon by me as true in the discharge of my official duties. I am authorized to make this affidavit on behalf of SBC.

2. SBC is a religious organization. It has no members. No church, association, or state convention is a member of the SBC. SBC declares itself to be "independent and sovereign in its own sphere." It simultaneously insists "the Convention does not claim and will never

attempt to exercise any authority over any other Baptist body, whether church, auxiliary organizations, associations, or convention.” (SBC Constitution, Article IV.) It is constituted and controlled by messengers from churches who voluntarily choose to, and who are deemed by the SBC to, cooperate with the SBC. Article III of the SBC Constitution (its highest governing document) provides: “The Convention shall consist of messengers who are members of Baptist churches in cooperation with the Convention.” The messenger concept is a mechanism born out of Southern Baptist religious beliefs which insist on the autonomy of the local church. This mechanism serves as an insulator which enables two autonomous bodies, an autonomous church and an autonomous SBC, to relate.

3. These messengers, unlike delegates in that they are not instructed by their churches on how to vote, convene in convention two days each year and constitute and control the SBC. That is the time when the SBC does actually exist. Between conventions, the affairs of the SBC are managed by an executive committee, a separate Tennessee nonprofit corporation headquartered in Nashville.

4. SBC has no right to, and does not, sanction, oversee, monitor or supervise any Baptist church. In the Southern Baptist system, each local church is an independent, autonomous congregation over which no general Baptist body, including SBC, has any control.

5. SBC believes and insists on the autonomy of the local church and affirmatively disavows any right to exercise any element of control over the local church. Rather, a local church is responsible for the hiring, supervision, and control of its own ministers and employees, and of its selection, retention, supervision, control and discipline of members, volunteers and deacons. Likewise, SBC has no right to control any facet of the finances of a church, neither its expenditures nor its income, nor the use with the church makes of its income and properties.

6. SBC has no authority to require a church to contribute money, services or anything of value to the SBC or to any other entity.

7. The Cooperative Program is not the SBC. SBC has no bank accounts. It neither receives nor disburses funds. It sells no product or service. It engages in no business activity.

8. Any funds contributed to the Cooperative Program from local churches go to fund mission ministries. These ministries are performed by separate incorporated legal entities and not by SBC.

9. SBC is not registered to do business in Virginia and does not do any business there.

10. SBC does not own or lease property in Virginia.

11. SBC does not have offices in Virginia.

12. SBC has no agents or employees in Virginia.

13. SBC does not solicit any business in Virginia. Rather, the relationship with cooperating Baptist organizations is "bottom-up," not "top-down."

14. SBC does not have an agent for service of process or an authorized agent/representative in Virginia. Indeed, Plaintiffs attempted to gain service over SBC by serving the International Mission Board. Failing to gain service through that device, Plaintiffs served SBC through its registered agent in Georgia. Likewise, Plaintiffs served the three members of the executive committee who reside in Virginia, purporting this to be service on SBC (which it had earlier obtained by serving the SBC Georgia registered agent).

15. SBC does not advertise in Virginia or have any telephone listings or mailing addresses there.

16. SBC has no bank accounts, loans, or property in Virginia.

17. Any interactions with Virginia-based churches or associations would flow through Tennessee and are not specifically targeted at Virginia.
18. Other than occasional trips by SBC officers into Virginia, SBC has no physical presence in Virginia.
19. Since SBC began having annual conventions in 1845, SBC has met in Virginia about fourteen times, the most recent two being in 1976 and 1938.
20. SBC did not organize any local church board in Virginia.
21. SBC does have a Virginia affiliate, the International Mission Board of the Southern Baptist Convention, which operates separately from SBC with a mission-based focus. It is a separate civil corporation with a separate Board.
22. SBC does not provide any goods or services in Virginia from which it derives revenue.
23. SBC operates out of its offices in Tennessee.
24. SBC's missionary work is engaged in by ministries which are incorporated apart from SBC.
25. SBC had no contract with Plaintiffs or any of the other defendants in this action.
26. Furthermore, SBC has no contracts with any Virginia-based individuals or entities.

I declare under penalty of perjury that the foregoing is true and correct.

*William S. Towns*

Sworn to before me this 11 day  
of Feb., 2020.

Notary Public

My commission expires: 05.03.2021

*Rebecca R. Chandler*

