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Office of the President

October 11, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

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Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of the American Indian Bible College (the "College"), to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R., section 106.12, which provides:

- (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
- (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.



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This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is controlled by the Arizona, Arkansas, New Mexico, North Texas, Northern California-Nevada, Oklahoma, Rocky Mountain, South Texas, Southern California, and West Texas District Councils of the Assemblies of God ("District Councils"). The District Councils are associations of churches in the states of Arizona, Arkansas, California, Colorado, Nevada, New Mexico, Oklahoma, Texas, and Utah. The Districts are members of The General Council of the Assemblies of God ("General Council") -- an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c) (3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District councils are religious organizations.

Further, the Constitution and Bylaws (enclosure 4) of the College demonstrate that the College is controlled by a religious organization (the District Councils). Article II, Section 1 of the College's constitution and bylaws provides in relevant part, that:

The American Indian Bible College of the Assemblies of God, Inc. shall be sponsored by the following entities which shall exercise complete control of the Corporation through a Board of Directors:

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- a. The General Council of the Assemblies of God through its Division of Home Missions
 - b. The six founding District Councils: Arizona, West Texas, New Mexico, Rocky Mountain, Northern California-Nevada, and Southern California
 - c. Other District Councils, concerned with American Indian missions, which may become members in the future.
2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths" -- a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.

Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."

Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R., sections 106.20(c), 106.40(b), and 106.57, would conflict

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106.21(c)

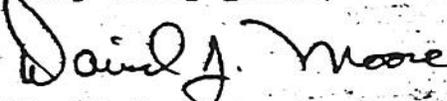
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with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) an unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,



David J. Moore
President

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Enclosures

cc: Ms. Maye Miller-Bozeman
Richard R. Hammar, Esq.