

MINUTE ON THE PROPOSAL TO SEPARATE MOSES BROWN SCHOOL FROM THE YEARLY MEETING

Forwarded to Salem Quarterly Meeting and New England Yearly Meeting Advanced Documents
June 2009

Over the past several years, Lawrence Monthly Meeting has been studying the numerous restructuring proposals coming from Permanent Board. In an effort to understand these proposals, we have contacted numerous Friends inside and outside of the Yearly Meeting with knowledge of this issue. We have contacted attorneys, Permanent Board members, Monthly Meeting Clerks, Moses Brown personnel, Trustees and personnel of other Friends' schools, a professor of Quakerism, a historian, an archivist, and dissenters within Yearly Meeting, among others. Our discussions and study of this issue have resulted in the following areas of concern:

1) Is restructuring or separating the School from the YM really needed?

The most recent letter from the Permanent Board dated May, 2009 seems to cast doubt on whether the separation of the School and Yearly Meeting is really justified. PB writes that separation is "probably needed" and this is not a convincing basis for making such a major decision.

Throughout our years of studying this issue, we have never seen a detailed analysis of the reasons for separation, although the liability issue is often mentioned. We are unclear whether the mention of liability is a real issue or merely a tactic to motivate change. One Quaker lawyer reports that the liability issue is a "false issue" since the school property is held in trust by the YM. We are told that the School does not need to fear that a claim against the YM will be satisfied using the School real estate. Property held in trust, we understand, cannot be used as compensation for a judgment against the YM.

Along with many Friends, we request a detailed account of the reasons for separation so that we can make an independent evaluation.

2) Does the separation of the School from the YM help to "continue and deepen the relationship of NEYM and Moses Brown School"?

Paul Anderson, Professor of Bible and Quakerism at George Fox University, has researched the separation of many schools from their founding religious organizations. He has summarized his research by saying that any school separated from its founding religious organization develops in ways "unintended by its founders." He has found that there is a decided correlation "between the distancing of an educational institution from its founding religious body and the eventual demise of the larger religious mission".

Renewed interest in Quakerism at Moses Brown has come about only in the last number of years. Based on Paul Anderson's research, we are very much concerned that separation would bring about an end to Quakerism at the School and an end to the ministry of the Yearly Meeting. It appears that the only thing keeping us in dialogue with the School at the moment is the YM ownership of the property and the desire for separation.

3) Has the complete proposal for separation been made available to Friends?

The restructuring proposal and Bylaws, approved by the Permanent Board in May, 2009, make no mention of the disposition of the School property, which is worth in excess of the \$31 million dollars as

listed in the MB financial statements. The only legal representation that we know of in the writing of the Bylaws was Moses Brown attorneys from the Board.

We have been told privately that the PB intends to lease the property for 99 years, and we are puzzled as to why the lease of the property---clearly YM's largest asset--- is not mentioned in the proposal.

We request that the complete proposal for separation be made available to all Friends so that a proper evaluation can be made.

4) Is the School required to serve the educational needs of Friends?

According to the 1826 Deed of Gift from Moses Brown, the School property is given "forever" for the "use, intent, and purpose of instruction.... of the rising generation of Friends and such others as they might think it best to admit."

5) Is the School serving the educational needs of Friends?

Based on information available from the Head of School, the Director of Admissions, School personnel, School publications and the School website, the following information was developed concerning numbers of Friends in the life of the School:

- a. Of approximately 180 students on financial aid in the school, only seven Friends have received financial help in the last 4 years.
- b. Out of a financial aid budget of \$3.15 million, only a very small proportion goes to Friends.
- c. Out of a School population of 775 students, only 16 are Friends (2%).
- d. Out of a faculty of 99, only 4 are Friends---one in the Lower School, one in the Middle School, and two in the Upper School, plus Galen McNemar, Director of Friends Education and Service Learning.
- e. The School provides no boarding facilities, despite restrictions in Moses Brown's bequest that the property be used exclusively for a boarding school.

We find that the School no longer serves Friends, although all through the 1950's, 60's and 70's, our Meeting was able to send most of its Young Friends to MB and each family received financial aid. We are concerned that the proposed Bylaws do not include a provision to guarantee the admission, financing, and housing for Young Friends who may wish to attend the School.

We are also concerned that the proposed Bylaws do not include the requirement in Moses Brown's Deed of Gift to use the property as a boarding school. The 2007 Report of the Project Committee gives assurance that "the proposed conveyance to a new School corporation would be subject to the ... (Moses Brown deed and) trust." Failure to include the deed in the Bylaws of the new Corporation places YM in the untenable position of leasing the property for a Day school while being legally required to use the property exclusively for a boarding school. This discrepancy is a serious legal liability for the YM which must be resolved.

6) Could an alternate corporate model have been chosen which is more consistent with the MB Deed of Gift?

There are many models in the Quaker world of schools which function as fully independent corporations, but are still owned and governed by their founding religious organizations. One example would be the Cambridge Friends School, which is an independent corporation but still connected to Friends Meeting at Cambridge through membership in the Corporation. The School and the Meeting are still linked because the members of the Corporation are defined as the current membership of the Friends Meeting. In a somewhat similar way, the membership in the Haverford College Corporation is limited largely to members of the Religious Society of Friends, mostly alumni(ae) of the College.

We are concerned that the Bylaws committee appears not to have considered one of the existing corporate models from the Quaker world for the new MB Corporation. A Corporation with membership drawn from NEYM would be much closer to the original intent of the founders than the current proposal.

7) Do Friends trust the leadership of Moses Brown School?

The issue of trust has been raised in virtually every meeting held about the School. Many Friends agree that the laying down of the boarding school in the early 80's without the approval of YM has led to considerable mistrust of the School. The discovery by a member of the Board of Overseers a few years ago that some of the investments of the School did not meet the YM approved Social Responsibility Criteria and violated the restriction on "companies principally engaged in the manufacturing or servicing of weapons".... has only exacerbated this mistrust.

Conclusion: Seeking a Way Forward

We continue to have concern about each of these questions. Lawrence Monthly Meeting would need the following issues addressed in any proposal to incorporate Moses Brown.

- The separation must be absolutely necessary, given the legal realities of today.
- The separation would need to be structured in a way which is consistent with the intent of the Moses Brown Bequest.
- The 1826 Deed of Gift would need to be included in the lease and the Bylaws.
- The YM must be represented by its own counsel in order to avoid the legal deficiencies present in the current proposal.
- One of the existing corporate models from the Quaker world would need to be used as a framework for the new corporation. A corporate structure such as the Cambridge Friends School would be 1) consistent with the intent of the Moses Brown Deed and Trust, 2) provide MB with the corporate status it is seeking, and 3) help to assure that the ministry of Friends on the campus will not come to a close.
- The revisions to the Bylaws would need to formalize the admission, financing, and housing for Young Quakers so that Moses Brown's core mission to educate the "rising generation of Friends" is guaranteed in perpetuity.
- Most of all, new ways must be found to sustain, help and strengthen MB, so that the causes which gave rise to separation can never occur again.

Approved by Lawrence Monthly Meeting - Sixth Month 14, 2009.