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News Service of the Southern Baptist Convention

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75-59

**Court Schedules Privacy,
Freedom of Speech Cases**

WASHINGTON (BP)--The U. S. Supreme Court decided to hear cases involving the right to privacy and freedom of speech in actions announced here.

The privacy case relates to the authority of police departments to circulate warning information about suspects not yet convicted in court.

In the freedom of speech case, the court will hear the arguments of Dr. Benjamin Spock that political candidates should be allowed to campaign for office on military bases.

The privacy case, *Paul v. Davis*, was brought to the Supreme Court by the chiefs of police of Louisville and Jefferson County, Ky. (metropolitan Louisville). They maintain that a U. S. court of appeals erred in holding that the distribution of a flyer containing information about "active shoplifters," at least one of whom had not yet been convicted, amounted to a violation of the suspect's right to privacy.

The court of appeals reversed a U. S. district court which had held in favor of the police action.

The case results from legal action originally undertaken by Edward Charles Davis III, who was arrested in June 1971 by security officers in a Louisville store and accused of shoplifting. Three months later, his case was temporarily filed away. More than a year then elapsed before the case came to trial in police court, at which time the charges were dismissed.

Less than a week before the dismissal action, however, the Louisville Police Department began distributing some 800 copies of a flyer which contained the names and photographs of "active shoplifters" to area merchants in anticipation of the Christmas shopping rush.

Davis immediately took his case to the U. S. District Court for the Western District of Kentucky, where it was dismissed. The U. S. court of appeals in turn reversed the district court, setting the stage for a final appeal by the Louisville Police to the U. S. Supreme Court.

The police argue that invasion of privacy is not itself protected by the Constitution except in cases specified by the high court, such as abortion and contraception, two areas where constitutional privacy guarantees have been applied in recent years.

Further, the police argue, invasion of privacy and defamation of character suits should be brought in state civil suits, not in the federal courts. To decide in favor of Davis, their argument continues, "would open the proverbial floodgates of litigation" in such suits.

Attorneys for Davis, including an American Civil Liberties Union lawyer, argued in a brief that the police "have advanced no plausible reasons why this court should" hear the case. Davis' attorneys have yet to file a legal brief addressing the constitutional issues.

In another action, the high court also agreed to hear a freedom of speech case brought by the commanding general of the U. S. Army base at Fort Dix, N. J., seeking to deny political candidates the right to speak on the base (*David v. Spock*).

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In September 1972, Dr. Benjamin Spock, the controversial pediatrician and political activist, informed the general that he and three other candidates of the People's Party intended to visit Fort Dix to hold a rally.

The general denied them permission but they went anyway and were turned away from the base. Spock and the others then took the matter to a U. S. district court, charging that the U. S. laws and Army regulations invoked by the commanding officer in denying them permission to speak violated the First and Fifth Amendments to the Constitution. They asked the court to issue a preliminary injunction forcing Fort Dix authorities to allow them to hold the rally.

The district court denied their request, but on appeal, a circuit court directed that the injunction be issued. Army authorities then took the matter to the Supreme Court, where the injunction was allowed to stand.

Under the court order, Spock and the other candidates were told they could conduct a rally at Fort Dix, making speeches and handing out campaign literature under certain restrictions.

In mid-1973 the district court, acting on orders of the court of appeals, issued a permanent injunction prohibiting the Army from interfering with political campaigning or distribution of literature in unrestricted, or civilian, areas of the base. The order gave the Army permission to restrict certain areas on the base to military personnel and to regulate the time, place, and number of candidates or pamphleteers.

In their legal brief, the commanding officer and Secretary of Defense James R. Schlesinger argue that the court order "encroached upon both the unquestioned authority which commanding officers of military installations have exercised throughout . . . history and the maintenance of political neutrality vital to the preservation of the Army's independence and integrity."

On the other side, Spock's attorneys argue that "in government controlled areas to which the public is granted free and open access, the Government may not prohibit all First Amendment activities or selectively prohibit such activities based on content."

Both cases will likely be argued before the Supreme Court next Fall, with no final decisions expected until next Spring.

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Baptist-Sponsored Freighter
Diverted From Original Plan

Baptist Press
4/15/75

By William T. Roberson
Southern Baptist Missionary to Vietnam

SAIGON, Vietnam (BP)--The Vietnamese freighter, Long Ho, leased by Southern Baptist missionaries to help evacuate refugees from Danang, never accomplished its intended mission but did successfully evacuate 900 refugees at Nhatrang.

The 1,200 ton freighter, estimated to carry about 600 persons, departed Saigon on Saturday morning, March 29, attempting to reach Danang on Monday afternoon, March 31.

Reports from sources close to the Danang situation, however, advised that the ship was too late. Danang had fallen.

The ship was diverted to Nhatrang, the nearest port, to await further orders. Baptist refugees at Camranh were contacted. The ship was instructed to pick up refugees there.

Nevertheless, the vessel was commandeered at Nhatrang by local authorities and was forced to take about 900 aboard, bound for Vung-tau, a port at the mouth of the Saigon River.

The Baptists at Camranh were left with no exit.

Meanwhile, contact was lost with the Christians waiting in Danang. Only a few were able to obtain air passage to Saigon. -more-

One of the leaders of the Hope Baptist Church in Danang saw his family off to Saigon but decided to stay with his congregation. He stayed behind to help evacuate the remaining Christians. He assisted some of the group in getting passage by ship. But he, along with most of the congregation, was caught behind Communist lines.

The last contact the missionaries in Saigon had with the Christians in Danang was on Sunday, March 30. The associate pastor of the Hope church plead for immediate assistance and indicated that the city was in a state of utter confusion and mass hysteria. Missionary Sam Longbottom, treasurer of the mission in Saigon, told the church leaders that the freighter had been diverted.

A few of the Christians from the Danang and Hue area, mostly the young and strong, have trickled into Saigon after many days of hazardous travel through jungle and over sea.

One young man from the Danang church, who survived five days of jungle and sea, explained that he fled when the city fell because he knew he was marked for death by the Communists.

He had committed several "crimes," any one of which could mean death in a Communist take-over: He had worked for the American government, was an officer in the Vietnamese air force, had studied in America and was a student preparing for the Baptist ministry.

The young man successfully made his way to Saigon. The full story of those who never made the journey of escape may never be told.

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(BP) Photo mailed to Baptist state papers.

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Japanese School Honors
Baker James Cauthen

Baptist Press
4/15/75

FUKUOKA, Japan (BP)--Seinan Gakuin University here honored Baker James Cauthen, executive secretary of the Southern Baptist Foreign Mission Board, for his years as a pastor, foreign missionary, secretary for foreign mission work in the Orient and executive secretary.

Seinan Gakuin, an educational complex which grew out of Baptist work in Japan, has a combined enrolment of 10,000 and is the largest Baptist school in the world. Fifteen Southern Baptist missionaries serve on its faculty with 225 other teachers.

Cauthen, who received an honorary doctorate, reminded a 1,774-member graduating class of the words of their founder: "Seinan"--"be true to Christ."

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(BP) Photo will be mailed to Baptist state papers.

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Golden Gate Seminary Sets
Budget; Elects Professor

Baptist Press
4/15/75

MILL VALLEY, Calif. (BP)--Trustees of Golden Gate Baptist Theological Seminary, one of six Southern Baptist Convention seminaries, adopted a record budget of more than \$1.1 million, elected a new professor and heard a report from the seminary's long range planning committee.

The budget of \$1,139,485 for 1975-76 represents a \$68,839 increase over 1974-75. School officials said the 6.4 percent increase reflects only about one-half of the actual cost of living increase in the San Francisco Bay area. A small cost of living increase was voted for seminary personnel.

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President Harold K. Graves said the funds from the Southern Baptist Convention's Cooperative Program unified budget, as they are now being distributed, are inadequate to meet the seminary's expense needs.

The seminary is also projecting plans for the building of 16 additional one-bedroom apartments "as funds are available." Some \$400,000 for this purpose will come from the capital grants section of the Cooperative Program during the next four years, a seminary spokesman said.

G. William Schweer, pastor of First Baptist Church, Palatine, Ill., was elected associate professor of evangelism. A native of Independence, Mo., he is a graduate of the University of Missouri and holds bachelor of divinity, master of theology and doctor of theology degrees from Central Baptist Seminary, Kansas City, Mo. He is a former professor and president of the Indonesian Baptist Seminary, Semarang, Indonesia.

Graves, in his 23rd annual address to the trustees, emphasized the school is approaching a crossroads in its life and growth and pointed out that in the years, 1975-77, it faces the prospect of replacement of the president, dean of the faculty and several professors.

The long range planning committee will bring in a five-year program proposal in 1976 and an "end of the century" proposal in 1977.

The committee will secure data from the churches, denomination, seminary, secular fields and Golden Gate alumni. One of its first steps will be to define the needs of the constituency as a guide in determining ways the seminary can best serve churches.

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