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Court Considers Human Rights, First Amendment

By Stan L. Hasteley

WASHINGTON (BP)--The U. S. Supreme Court began its new term by disposing of 680 cases, including a number dealing with First Amendment and human rights questions.

The high court climaxed its first full week since the summer recess by announcing action in a number of cases which included abortion and other women's rights, religious liberty, free speech, and personal privacy.

Associate Justice William O. Douglas, still recovering from a stroke suffered last Dec. 31, was wheeled into the court room and listened as oral arguments were given in the new term's first cases. He remains partially paralyzed but appears alert. Of the 680 cases handled by the court in its first week of work, Douglas failed to participate in only two or three.

The court's initial actions included:

1) Abortion and Women's rights: The justices agreed to hear a pair of Missouri cases which challenge head-on the tribunal's 1973 decisions permitting abortion during the first six months of pregnancy.

A new Missouri law, drafted in reaction to the court's historic decisions, forbids abortion after "viability," that term being defined as "that stage of fetal development when the life of the unborn child may be continued outside the womb." The statute states also that written consent must be obtained from a woman's husband before an abortion can be performed, and in the case of underage women, consent must be granted by parents. In addition, the law prohibits the saline method of abortion after the first 12 weeks of pregnancy.

Planned Parenthood of Central Missouri is challenging those provisions in the face of a U. S. district court ruling that they do not violate the Constitution.

The state of Missouri is challenging the same district court in a companion case for holding that a provision in the state's abortion law, calling for protection of the fetus at every stage of development, is unconstitutionally overbroad.

In another case relating to women's rights, the high court agreed to hear a Mississippi case involving a local school board regulation that forbids the hiring of unwed mothers as teachers. The Fifth Circuit Court of Appeals has already ruled that such a regulation is unconstitutional. The school board is appealing to the Supreme Court.

The court agreed to hear another sex discrimination case involving the General Electric Company's policy of excluding pregnant women from an employee disability income protection plan. A U. S. district court has ruled that the policy violates the Civil Rights Act of 1964.

In yet another case involving alleged sex discrimination, however, the court refused to hear a Florida woman's appeal that the insurance agency for which she worked discriminated against her by paying her a lower salary than it did men in similar positions. A lower court ruled that although the woman, who headed the agency's accounting department, was in fact paid lower wages than the male heads of the company's fire insurance and claims departments, the latter were required to exercise greater skill in their jobs.

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2) Religious liberty: The high court declined to hear two cases involving First Amendment religious liberty claims.

The justices refused a California man's appeal to reverse a local court's requirement that he disclose to the Los Angeles Board of Education the nature of his religious beliefs.

The plaintiff's action was brought after he protested the religious segments of a Christmas program in the school where his two children attend. The school board denied that the programs violated the First Amendment's prohibition of the establishment of religion and asked the petitioner to state how the programs offended his own religious beliefs.

The father declined, saying such requirements violated his First Amendment rights. His appeal asked the Supreme Court to deny the school board the right to demand that he disclose the specific grounds for his religious protest. The high court disagreed with him and in effect let stand the lower ruling.

The court also refused to hear a case brought by a Washington state woman who wants her husband, from whom she is divorced, to stop calling her his wife. The husband, a Roman Catholic, insists that in the eyes of God he is still married to his former wife. She, in turn, obtained a court order prohibiting her former husband from making such claims.

Washington's state Supreme Court, however, ruled that the blanket injunction against the husband violated his free exercise of religion rights. It further ruled that he may continue to claim that, according to his religious beliefs, his former wife is still his wife. The Supreme Court's refusal to hear his wife's challenge to that ruling allows him to continue claiming her.

3) Free Speech: The high court also declined to hear an Arkansas case challenging a state law which prohibits the use of profane vulgar, violent, abusive, or insulting language in the presence of the targeted person if such language is calculated to arouse anger or cause a breach of the peace.

The case involves the conviction of two Little Rock men, who directed abusive language at a city policeman. The court's action lets stand their conviction.

4) Personal Privacy: The justices took action in four separate privacy cases, agreeing to hear one, sending one back for further action to a lower court, and declining to hear the other two.

The court agreed to hear a Maryland attorney's contention that he should be allowed to invoke the Constitution's provision against self-incrimination in the face of a search of his office which provided the state with documents used against him in a criminal trial. The attorney claims that the Fourth Amendment's protection against "unreasonable searches and seizures" applies in his case.

In another search and seizure case, the high court ordered the Louisiana Supreme Court to reconsider the conviction of a school teacher accused of searching one of his student's wallet in which he found incriminating evidence. The state Supreme Court had ruled against the teacher and in favor of the student's right to privacy.

The Supreme Court declined to schedule for argument the case of an Oregon school teacher dismissed for practicing homosexuality. She appealed for reinstatement after a lower court declared that the law used by the school board to dismiss her was unconstitutionally vague. The Ninth Circuit Court of Appeals ruled, however, that while the school board was obligated to pay damages, it did not have to reinstate her.

The high court also refused a case from Louisiana in which the state affiliate of the National Organization for Reform of Marijuana Laws argued that adult possession of the drug is a matter of personal privacy protected by the Constitution. The action, in effect, lets stand a lower court decision that the Louisiana statute forbidding possession of marijuana is not a matter to be settled by Federal Courts.

Proper Information; Moral
View Help Sexual Problems

By Mike Creswell

COLUMBIA, S. C. (BP)--Sex researchers Masters and Johnson and a Southern Baptist minister, addressing 1,000 persons at a workshop on human sexuality at South Carolina Baptist Hospital here, blamed misinformation and the lack of morality for sexual problems.

"Sexual information is the one thing we need the most but have the least of," William H. Masters, M. D., told ministers and other professional workers who counsel people with sexual problems.

He said one-fifth of the couples who come to their reproductive biology research foundation in St. Louis, Mo., with sexual problems are helped by receiving accurate information.

Harry N. Hollis, Jr., director of family and special moral concerns of the Southern Baptist Christian Life Commission, agreed that sexuality must be stripped of the myths which afflict marital relationships but said that just passing out information is not enough.

"It is our task to seek to communicate the biblical good news about sex to a jaded, fearful society," declared Hollis, author of books on a Christian view of sex. "It is not that we have tried a Christian approach which has failed; our society has not really tried a Christian sex ethic at all."

Although Virginia E. Johnson, Masters' wife and co-worker, took the role of a scientist, not a moralist, she said research does indicate that sexual disfunctions arise when people are untrue to their own personal values.

She said society has often established harmful control to sexual functioning because, until recently, such functioning has been so mysterious. So often, she added, "We equated that which was bad with that which was responsible for our existence."

Bill Hartley, chaplain at South Carolina Baptist Hospital, said he hoped the workshop would serve as "a bridge between the churches and science"--to say Christians do care, to raise the level of expertise in workers dealing with sexual problems and to help the professionals know better when to refer persons and to know their limitations.

Speaking on "A Theological Understanding of Sexuality," Hollis said, "There is no area of life that is beyond Christ's truth." In spite of clear biblical teachings that sexuality is good, we have succeeded in demonizing sexuality, he continued.

"No doubt this goes back to misunderstanding of Genesis and the nature of the fall." He said many have misunderstood the fall of man to be a sexual act and cited teachings of some early church fathers to support the mistaken belief.

"We have changed God's good gift to us into something that is dirty and evil," he said. "Then, on the way to the 20th Century, something else happened. People reacted to the demonizing of sexuality by deifying sexuality," he said. "Sex cannot stand the burden of being either a demon or a deity."

"We don't spend time praying about sexuality. Think about it. When was the last time you heard a prayer in church thanking God for sexuality?" he asked.

Our bodies, he said, are part of God's good creation of the entire world. "Don't blame sex on the devil--God is responsible for sexuality." The only time God said "not good" about creation was when he saw Adam was alone, Hollis continued.

Hollis warned that when sex is misused judgment comes because God has built penalties for sex misuse into the very nature of things, but that he always leaves room for repentance.

Striking out at certain "girly" magazines, which display pin-up pictures, Hollis said the problem is not just that such magazines show too much and tell too much, but that such "paper fantasies" show and tell too little. "They represent a partial picture of what real human beings are really like," he said.

Johnson listed three conditions which cause sexual problems. The first is a conditioning which suggests that sex "is not quite nice, not quite acceptable." This idea is more prevalent among females, she said.

Too little teaching takes place between father and son and mother and daughter on a healthy outlook towards sex, she continued, adding that not even accurate information received outside the home can overcome negative teachings towards sex which children receive from parents.

A slapped hand or a rejected question or a feeling of embarrassment on the part of the parents are teachings most difficult for children to forget, she said.

The second idea that causes problems is the belief that sex can be fulfilling when it is used for its own sake, she said, and a third problem is that sex is seen only as performance.

Master's said sexual functioning is a way of reproducing, a way of relieving sexual tensions. "We happen to think that sexuality, or sex, is one of the best modes of communication between a man and a woman, a committed couple."

He said sexual functioning is natural, just as respiratory functioning is natural, but said our culture has prevented us from seeing it that way.

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Mike Creswell is news writer in the office of public relations, South Carolina Baptist Convention.

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