



BAPTIST PRESS

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May 26, 1976

High Court Faces Variety
Of Civil Rights Issues

76-91

By Stan L. Hasteley

WASHINGTON (BP)--The U. S. Supreme Court agreed here to schedule for argument a case challenging corporal punishment in public schools, affirmed a lower court ruling which held that minors may obtain information about contraception without parental consent, and decided to reargue an important sex discrimination case.

In other actions, the high court also announced it will not hear cases dealing with disclosure by a magazine of truthful but private facts about an individual or with a challenge by women in Louisville, Ky., that they were discriminated against by the Ford Motor Co.

The corporal punishment case came to the high court from Dade County (Miami), Fla., and involves a challenge to school officials' right to inflict "severe bodily punishment."

The suit was first brought in 1971 by the parents of two boys who alleged that school officials at a Miami junior high school had beaten their sons and other pupils. A federal district court dismissed the charges.

A three-judge court of appeals later reversed the district court, however, ruling in favor of the parents. But in a subsequent action, the 5th U. S. Circuit Court of Appeals reversed its own three-judge panel, setting the stage for the appeal to the Supreme Court.

The parents insist that corporal punishment, without "notice of the charges for which punishment is to be inflicted and an opportunity to be heard," violates the equal protection clause of the 14th Amendment.

They also claim that indiscriminate bodily punishment by school officials amounts to "cruel and unusual punishment" in violation of the Constitution's eighth amendment.

Last year, the Supreme Court ruled unconstitutional an Ohio law which authorized suspension of pupils for up to 10 days without notice of their alleged offenses and an opportunity to be heard. The due process argument in the Miami case is similar.

The high court also ruled last year, however, that a North Carolina law permitting "reasonable" punishment is constitutional.

The contraception case came to the court from Utah, where a state law saying that minors must obtain parental approval before receiving contraception information was invalidated by a federal district court.

The Utah law applied specifically to federal Medicaid and aid to families with dependent children (AFDC) programs. The district court held that information about contraceptives must be provided upon request to minors on a confidential basis.

According to the district court, Congress designed the programs in question so as "to stem the rising number of births out of wedlock and consequent increase in number of welfare recipients."

In affirming the district court ruling, the Supreme Court indicated it was not ruling on the constitutional question of privacy rights, but more narrowly on the challenged Utah regulation.

In another action, the high court decided to hold over for its next term a potential landmark case involving sex discrimination. The justices heard oral arguments challenging the General Electric Company's (GE) policy of excluding pregnant women from an employee disability income protection plan last fall.

Court observers are speculating that the tribunal is evenly split, 4-4, with new Justice John Paul Stevens' views on the matter unknown. Stevens took his place on the bench in January, after the case had been argued.

The women argue that GE's policy of excluding pregnant women from its income disability protection plan violates Title VII of the Civil Rights Act of 1964. That provision in the historic law prohibits discrimination in employment against women.

They have also argued that pregnancy is the only physical disability which the company excludes from its income protection plan.

GE argues that "sound business considerations" underlie the plan and that its exclusion of pregnant women is "reasonable, justifiable, and not a mere pretext for sex discrimination."

The company further argues that pregnancy is not a disease or sickness, but is "voluntarily induced and maintained."

Two lower courts have already ruled against GE's plan, however, and women's rights activists had hoped for a favorable decision. They must now wait until next year.

In another case involving alleged sexual discrimination, the high court announced it will not hear a case in which women sought back pay and retroactive seniority from the Ford Motor Co.

Women denied employment by Ford at its Louisville truck plant when it opened in 1969 have won limited verdicts in two lower federal courts. A U. S. district court ruled in 1973 that the women had been discriminated against when the company hired nearly 1,000 men for production line jobs, while denying similar jobs to women because of a weight requirement. At the same time, the court denied the women back pay and retroactive seniority.

On appeal, a federal circuit court also ruled for the women, awarding them back pay, but also declining to grant them retroactive seniority.

The Supreme Court's refusal to take on the case still leaves the seniority question unresolved, although another case awaiting high court action may settle it.

The high court also declined to review a case stemming from an article in Sports Illustrated dealing with a body surfer from Newport Beach, Calif. After the article appeared in the magazine's Feb. 22, 1971 issue, the young man who was the primary subject of the story complained that the description of him included accounts of his personal life which amounted to an invasion of privacy.

Two lower federal courts agreed, ruling that the magazine had gone too far in its description of the surfer's personal character.

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J. H. Buchanan, 89,
Dies After Illness

Baptist Press
5/26/76

BIRMINGHAM (BP)--Funeral services were held here for John Hall Buchanan, 89, longtime Southern Baptist pastor, denominational leader, and father of U. S. Rep. John H. Buchanan Jr. (R-Ala.). The senior Buchanan died here May 17 after an extended illness. Burial was in Elmwood Cemetery, Birmingham.

The pastor emeritus of Southside Baptist Church here, was a former chairman of the Southern Baptist Executive Committee and former president of both the denomination's Foreign Mission Board and of the Alabama Baptist Convention. He had been a member of the denomination's Home Mission Board, of the Baptist Annuity Board and took a "leading part" in efforts to successfully pay the Southern Baptist Convention's debts in 1943, a friend said.

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Buchanan, who also served on the executive boards of the Tennessee and Arkansas Baptist conventions, was a native of Blue Mountain, Miss. He held pastorates in Mississippi, Texas, Kentucky, Tennessee, Arkansas, Virginia, and Alabama. Following his retirement as Southside Baptist Church's pastor in 1956, he served as chaplain of Birmingham Baptist Hospital.

Buchanan was a trustee of Ouachita Baptist College (now University), Arkadelphia, Ark.; Samford University, Birmingham; Union University in Jackson, Tenn.; Averett College, Danville, Va.; and of Tennessee College (which later was merged into Belmont College, Nashville). He was Birmingham's Man of the Year in 1956, and had a long list of local honors to his credit.

He spent his boyhood days in Texas and was graduated from Mississippi College in Clinton, where he played football. He later coached high school football. Buchanan earned the master of theology degree from The Southern Baptist Theological Seminary, Louisville, then entered the U. S. Army as a chaplain during World War I.

He was awarded doctor of divinity degrees from Ouachita College and from Howard College (now Samford University) and the doctor of laws degree from William Jewell College, Liberty, Mo.

Among survivors are his widow, Mrs. Ruby Lowrey Buchanan of Birmingham, three daughters, a brother and sister.

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CORRECTION

In the BP story of 5-25-76, headlined, 'Emergency--Call The Baptist Preacher,' 12th graph, 4th line, change to read--with positive results-- (instead of possible).

THANKS,
Baptist Press

EDITOR'S NOTE:

Baptist Press will send a story on Thursday, May 26, about a proposed resolution to the Southern Baptist Convention in Norfolk, June 15-17, which will urge changes in the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Service Code to prevent interference with the right of a denominational agency to participate in church retirement plans through the Annuity Board.