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High Court Upholds
Capital Punishment

By Stan L. Haste

WASHINGTON (BP)--In a historic decision in five separate cases, the U. S. Supreme Court ruled, 7-2, here that the death penalty for murder does not violate the Constitution's prohibition of "cruel and unusual punishment."

The decision means that more than 500 inmates on death rows across the nation have lost their final judicial appeal.

Although the high court ruled in all five cases that capital punishment is not cruel and unusual, it did strike down the mandatory death provisions in two of the five cases--North Carolina and Louisiana--by a 5-4 margin.

The decision marked the first time the Supreme Court has faced the argument, head on, that American jurisprudence has come to the point where the death penalty is excessive and therefore violates the Eighth Amendment's cruel and unusual punishment clause.

The decision has been expected since a 1972 high court action declaring that the death penalty, as it was then being applied in many states, was arbitrary and capricious because of selective application.

That decision, *Furman v. Georgia*, led 35 states and the national Congress to adopt new death penalty statutes aimed at eliminating the constitutional defects present in Georgia's law. All the new laws limit application of the death penalty to offenders convicted of certain types of first degree murder.

In its latest action, the high court struck down death penalty laws in North Carolina and Louisiana because those two states had made execution mandatory for conviction in some categories of first degree murder.

The 5-4 ruling on North Carolina and Louisiana actions represented the same margin which struck down Georgia's law in 1972.

Death penalty statutes in three other states, Georgia, Texas, and Florida, were upheld in the latest decisions. Those states have capital punishment laws which the court held meet the tests laid down in *Furman* four years ago.

The primary question facing the court in all five cases, however, was the constitutional validity of the death penalty itself. The 7-2 decision likely indicates that that question has now been settled, at least for the foreseeable future.

By its action upholding capital punishment, the court rejected views it heard in oral arguments three months ago that the death penalty is excessively cruel and that, in spite of the court's 1972 decision, is still being applied unevenly.

During oral arguments, the other side had argued that the high court should abstain from striking down the death penalty and leave any such decision to Congress and the state legislatures.

The court did acknowledge that the argument of whether capital punishment is a deterrent to murder is undecided. It did say, nevertheless, that in some instances of premeditated murder, it may serve as a deterrent factor.

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Although seven of the nine justices agreed with the position that the death penalty is constitutional, the majority split into three sections in announcing the decision.

Justice Potter Stewart, joined by Justices Lewis F. Powell and John Paul Stevens, issued the main opinion upholding the death penalty. Another trio, Byron R. White, William H. Rehnquist, and Chief Justice Warren E. Burger, concurred in the judgment in a separate opinion. Justice Harry A. Blackmun, also agreeing with the decision, issued yet another.

On the other side, two justices dissented. William J. Brennan Jr., who was not present when the decisions were announced, argued that the death penalty should be declared unconstitutional. Justice Thurgood Marshall also dissented, saying that it was "incredible" that the court would hold that the time has not come for capital punishment to be deemed "cruel and unusual punishment."

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CBS Schedules July 11
Show on Virginia Church

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CUMNOR, Va. (BP)--The standing of Virginians and a Virginia Baptist church during the American Revolution (as a Church of England house of worship) will be seen coast to coast July 11 at 10:00 a.m. Eastern time on the CBS network.

Mattapony Baptist Church in Cumnor, in King and Queen County, will be the setting for "Revolutionary Ideas," a Bicentennial musical play by Buryl Red and Grace Hawthorne.

The musical play will be filmed and shown on the CBS network's "Lamp Unto My Feet."

Members of the Mattapony church choir, joined by choir members from Olivet Baptist Church, Bruington Baptist Church, and St. Stephen's Baptist Church, will be featured in the production.

"The CBS crew was looking for an authentic old church as a setting for their special Bicentennial religious production," said James R. Bryant, Mattapony pastor. "Dr. Fred Laughon of the Southern Baptist Radio and Television Commission office in Richmond was instrumental in their selecting this church."

The CBS production will also spotlight "The Buryl Red Singers," 10 members of the young singing group seen in the television series, "Spring Street, USA."

Members of the group are Sandra and Andra Bradley, Jimmy Peak, James Gorin, Mike Fawcett, and Joe Morgan, all of Nashville, Tenn.; Jeannie Enlow of Louisville, Ky., and Betsy Price of Abilene, Tex., Denise Griffith of Waco, Tex., and Sheldon Bolden of Fort Worth, Tex.

"Revolutionary Ideas" is written from the viewpoint of young people changing from British subjects to Americans. As the play progresses and the final battle is won the cast reflects on the cost of freedom deciding that, after all, it was worth the effort.

Mattapony, built around 1690, became a Baptist church in 1785. Early members of the church were the parents of Carter Braxton, one of the signers of the Declaration of Independence. The elder Braxtons are buried beneath the church floor.

Over the pulpit are the words, printed in gilt letters, of the Lord's Prayer, the Ten Commandments, and the Apostle's Creed, placed there by the church's builders. The Bible, given the church in 1733, has been preserved.

Red will direct the show. Alan Harper of CBS will produce it for Pamela Ilott, the network's director of cultural and religious broadcasting. Sharon Bengé of Fort Worth is in charge of choreography and costuming. Jo Darden of the Radio and Television Commission staff is production assistant.

Red was musical director of the television show, "Spring Street, USA," produced by the Southern Baptist Radio and Television Commission and Home Mission Board, and was involved in the musical arrangements for Yul Brynner's "The Odyssey" which opened on Broadway as "Home Sweet Homer."

Hawthorne, who wrote the lyrics, has done lyrics for television's "Sesame Street" and was with Time-Life Books before joining Red in 1972.

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