



BAPTIST PRESS

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EDITOR'S NOTE: The U. S. Supreme Court took far-reaching actions in its recently-concluded term on a number of issues involving church-state relations and human rights, which were reported by Baptist Press. The following is a wrapup on the human rights opinions--last in a series of two Baptist Press wrapups on court action.

Wrapup

High Court Rules
On Human Rights

By Stan L. Hasteley

WASHINGTON (BP)--A series of significant actions relating to First Amendment freedom and human rights marked the recently concluded term of the U. S. Supreme Court.

Besides several cases dealing with the First Amendment's religion clauses, the high court also ruled that judges may not forbid the press from covering the pretrial portions of a criminal case, held that military base officials may prohibit political candidates from making campaign speeches, and upheld Illinois' flag desecration law.

The justices also took significant actions dealing with capital punishment, abortion, privacy, sex discrimination, and obscenity.

In the free press case, the court unanimously decided that a gag rule imposed on the press by a Nebraska state judge in 1975, following a widely publicized mass murder, violates the free press provision of the First Amendment.

Considered a major test by the news media, the case was an example of a classic confrontation of two constitutionally guaranteed rights--freedom of the press and the right to a fair trial.

What the high court decided was that the free press right takes precedence over a judge's decision to bar newsmen from covering the crucial pretrial stage of a criminal case. Chief Justice Warren E. Burger, however, did allow for the possibility of criminal cases where judges might, in extreme circumstances, impose a gag order.

The free speech case involved four candidates for President and vice president, including Dr. Benjamin Spock, who were denied permission in 1972 to make campaign speeches and distribute literature at Fort Dix, N. J., a military base. Two lower federal courts had earlier ruled on their behalf. The Supreme Court overturned those decisions in a 7-2 ruling, holding that military officials have no obligation to provide a political forum for candidates.

In the Illinois flag desecration case, the high court declined to hear an appeal for three women convicted in Rock Island, Ill. of burning an American flag near the federal building there. They were protesting American involvement in Vietnam and the deaths of four students at Kent State University in 1970.

Easily the most publicized decision by the court in its past term was its holding that the death penalty does not constitute "cruel and unusual punishment" in violation of the Constitution's Eighth Amendment.

In a complex series of opinions, the justices, by a 7-2 margin, declared that capital punishment is still desired by a majority of the American people, as evidenced by the fact that 35 state legislatures and Congress have written new death penalty laws since 1972. That year, the high court ruled that the death penalty, as it was then being imposed, was "arbitrary" and "capricious" and therefore involved cruel and unusual punishment.

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Three state laws were upheld entirely by the court's latest actions. Georgia, Texas and Florida were said to have met the court's 1972 requirements. But two other states, North Carolina and Louisiana, had their mandatory death penalty statutes invalidated by a slim 5-4 margin.

What the decision means is that those states which give juries and judges no options for mercy must enact new laws which include such provisions. But those states which pass the newest constitutional guidelines may now proceed to execute convicted first degree murderers in those categories covered by their laws. A majority of the 592 inmates on death row before the new decision have now lost their final appeal.

In another major decision announced during the court's last week of the term, the justices broadened their 1973 abortion ruling by holding that neither husbands nor parents may be given veto power over the decision of a woman in consultation with her physician to have an abortion.

The Missouri case involved a sweeping state law enacted in the wake of the 1973 action which held that states may not forbid a woman from obtaining an abortion within the first three months of pregnancy but may impose certain regulations over the last six months.

The new decision is really a logical extension of the earlier actions in that the court has now reaffirmed that government has only a limited interest in the matter. The justices continued to avoid deciding the question most often raised by anti-abortionists of when life begins, saying again that such a question is medical and theological rather than legal.

The court did uphold portions of the Missouri law, including a written consent requirement by the woman and certain record keeping regulations for physicians and hospitals. But the key portions of Missouri's anti-abortion law were struck down.

The high court also ruled on several other privacy questions. Another 7-2 decision declared that the conviction of a Maryland attorney for defrauding a client in the purchase of a piece of real estate is valid despite the fact that some of the evidence used against him at his trial had been seized by police who entered his office without a warrant for all the items taken.

That means police must be given wider discretion than in the past to search for evidence and may seize documents not directly related to the charge without violating the Constitution's ban on "unreasonable searches and seizures."

Another privacy case, this one from Louisville, Ky., was also decided in favor of police power and against individual rights. By 6-3, the high court rejected the appeal of an accused shoplifter who complained that publication of his photograph on a police flyer warning merchants of active shoplifters before he had been convicted violated due process of law. The court ruled, however, that since the accused could not demonstrate sufficient "liberty" or "property" interests, his claim was invalid.

The justices declined to hear a case from Louisiana brought by an affiliate of the National Organization for Reform of Marijuana Laws which argued that adult possession of the drug is a matter of personal privacy protected by the Constitution.

The high court was active also in the field of sex discrimination, although it decided to hold over until its next term the key current case in the field. Despite hearing oral arguments last fall that the General Electric Co. discriminates against women by excluding pregnant women from an employee disability income protection plan, the court announced without explanation that the case will be reargued next term.

The court likewise reversed its field by announcing that it will not hear a Mississippi school board's argument that it should be allowed to deny employment to unwed mothers. The court had earlier said the case would be given a full hearing. The action means that all women, including unwed mothers, must be given equal consideration by school boards in compliance with Title IX of the education amendments of 1972 passed by Congress.

In other sex discrimination actions, the court let stand a lower ruling that an insurance company may pay women accountants less than men in similar positions but also upheld another lower court's decision that a Houston, Tex., firm violated women custodians' rights by paying them less than their male counterparts.

In another area where litigation has flourished, the high court by and large stood by its 1973 decision to allow local communities to define standards of obscenity. The tribunal's newest justice, John Paul Stevens, announced that he would not join three of his colleagues on the court who want the court to restudy the whole obscenity field. Four of the nine justices must agree before any case can be heard.

The court, in other cases relating to sexual questions, upheld the right of states to prohibit sodomy, said that states may not prevent underage youth from obtaining birth control information without parental approval, upheld the federal Mann Act forbidding transportation of women across state lines for immoral purposes, refused to review California's sex education program for public schools, and declined to hear an Oregon school teacher's appeal that her dismissal for being a homosexual violated her civil rights.

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Lee Porter Named
To Consultant Post

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NASHVILLE (BP)--Lee Porter, a former Southern Baptist Convention (SBC) vice president, has been named senior adult consultant in the adult section of the Sunday School department of the Southern Baptist Sunday School Board here.

Porter, former director of organization with the Southern Baptist Christian Life Commission, is a native of Missouri and has served as pastor of churches in Texas, Arizona and Louisiana.

He holds the A. A. degree from Hannibal LaGrange College, Hannibal, Mo.; the B.A. degree from William Jewell College, Liberty, Mo., and the B.D. and Th.D. degrees from Southwestern Baptist Theological Seminary, Fort Worth.

Porter has served in several positions in the SBC, including the first and second vice presidencies of the convention and chairmanship of the SBC's committee on order of business.

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Ford Honors Baptist National
Farm Family of the Year

Baptist Press
7/16/76

WASHINGTON (BP)--While the Democratic Party was in the process of nominating Jimmy Carter, a Southern Baptist deacon and peanut farmer from Georgia for the presidency of the U. S., President Gerald R. Ford met here with another Southern Baptist deacon and his family from Louisiana to congratulate them on being selected as the "1975 National Farm Family of the Year."

Mr. and Mrs. Wilmer Powell, who operate a diversified farm in Coushatta, La., are active in the First Baptist Church there and Mr. Powell serves as a deacon, a White House spokesman said. Their farm includes a dairy herd, soy beans, cotton and corn.

They were accompanied to the White House by a daughter, Suzanne, and Secretary of Agriculture Earl Butz, who introduced them to President Ford. Another daughter, Dianne, was unable to make the trip to the White House.

The family's visit to the White House culminated a national contest sponsored by the Farmer's Home Association, which the White House spokesman said involved thousands of contestants from 31 states.

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Cruz and Golonka Recall
Carter 'Back When'

Baptist Press
7/16/76

By Robert O'Brien

NEW YORK (BP)--Two immigrants--one Cuban and the other Polish--watched their television sets with a mixture of awe and excitement as Jimmy Carter, a man they first met in 1968 during a Southern Baptist evangelistic crusade to ethnics in New England, accepted the Democratic presidential nomination here.

Carter is believed to be the second Southern Baptist to win a U. S. presidential nomination. The other, Harry S. Truman, was less active in church and denominational affairs. The former Georgia governor is a deacon, part-time Sunday School teacher and serves as a trustee of a national Southern Baptist Convention agency, the Brotherhood Commission in Memphis, Tenn.

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In November, he and his runningmate, U. S. Sen. Walter F. Mondale (D.-Minn.), the son of a Methodist minister, may run against a Republican ticket including President Gerald R. Ford, an Episcopalian, and/or Ronald Reagan, a Presbyterian.

Eloy Cruz, pastor of Iglesia Bautista El Calvario (Calvary Baptist Church), Brooklyn, said in a telephone interview that the nomination of his fellow Southern Baptist evoked especially strong impressions.

Cruz, who came from Cuba 19 years ago, and Carter were among a group of men who took part in a multilingual evangelistic effort in Springfield, Mass., in November, 1968. Different teams went to different ethnic communities to discuss their faith with the residents. Carter, who speaks Spanish, and Cruz were teamed together.

When the two-week evangelistic effort ended, Cruz, recalls, Carter personally drove him back to his home in Brooklyn, where Carter, then a Georgia state senator, planned to spend the night before returning to his home in Plains, Ga.

"We arrived in Brooklyn about 1 a.m.," Cruz said, speaking through an interpreter. "Before he went to bed, Jimmy went into the bedrooms of each of my three children and kissed them. That's when my heart really went out to Jimmy Carter."

Elias Golonka, now a Southern Baptist missionary to the United Nations, organized the Springfield crusade while he was assistant secretary of language missions for the Southern Baptist Home Mission Board in Atlanta.

Based on his observations of Carter in Springfield, and during his term as Georgia governor, when both men lived in Atlanta, Golonka, who immigrated 26 years ago from Poland, commented in another telephone interview:

"The Jimmy Carter I saw on television during the Democratic Convention is the same Jimmy Carter I have always known. He has always impressed me with his concern for people, his honesty, his intellect and his ability to cross social, cultural, economic and racial barriers.

"He has shown increasing maturity and personal and spiritual growth over the years, but he is still a down-to-earth individual from the grass roots of American life."

Both Golonka and Cruz rate Carter highly as a Christian.

Cruz, who is mentioned in Carter's book, "Why Not the Best?," and has maintained fairly close contact over the years, says: "He is a man of God--a great Christian. He has a very high concept of the gospel of Jesus Christ and is not ashamed to admit he is a Christian."

Golonka noted that many in the media have seemed puzzled about the compatibility of Carter's political toughness and his stance as a Christian who believes in love and compassion.

"Anyone who thinks a Christian must be weak is operating under a stereotype," Golonka said. "His toughness can be explained in that he is a man of principle, convictions and discipline. And he comes from a farmer's background. In a farmer's life there is self discipline."

"He is a man with empathy--an ability to listen and identify with needs," adds Golonka. "I have already heard favorable response from representatives of several United Nations delegations about Carter as a man."

"They are impressed by his directness . . . that he is an ordinary man of the soil from a place called Plains, Ga.," added Golonka, who is fluent in seven languages and can communicate in five others. "The people in socialist countries will have a special interest that a man from such a background--a peanut farmer from Georgia--could be president of our 'capitalistic' country."