

**BAPTIST PRESS**

News Service of the Southern Baptist Convention

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78-204

**Court Convicts One, Acquits  
Seven in Church Protest**

By Carol Franklin

WASHINGTON (BP)--A woman who protested at the president's church has been convicted of unlawful entry and remaining on the premises without authority.

On August 6, the anniversary of the dropping of the first atomic bomb on Hiroshima, Japan, several persons attended First Baptist Church, Washington, D.C., to air their views on nuclear weapons. They admitted that they chose that time and place because they knew President Carter would be there and that they would get media coverage.

Some of the protesters were arrested before entering the sanctuary, while others were arrested after entering but before the service began. Alice McCormack, who was convicted, was not arrested until after the sermon. She will be sentenced in early 1979.

Ms. McCormack began to read a statement recalling the events of World War II and the destruction caused by the atomic bomb in Japan just as the pastor, Charles A. Trentham, began the sermon. The statement also called on the president to stop production of the neutron bomb.

Charges against all the defendants, except Ms. McCormack, were dropped. The judge in the Superior Court of the District of Columbia said the arrests were made "prematurely." He said the demonstrators needed time to consider how they should have responded to the request to leave.

The defendants claimed that they had "ambivalent permission to speak" in the service from Charles R. Sanks Jr., associate pastor of the church. Sanks had testified that he had absolutely denied permission for them to have any time in the service. Trentham said that they had been offered a forum at some other time to present their views to the church.

Three of the defendants, Ms. McCormack, Diana Moore, and Tom Faudree, spoke at the Wednesday evening prayer service on the eve of the trial. Trentham said that he had hoped that the forum would be seen as a gesture of the church's good will.

One of the protesters claimed that, as a Baptist, she knew how Baptist services are conducted. She said that Baptist services have "testimony time" and she was simply exercising her right to "testify." First Baptist Church of D.C., noted for the formality of its worship services, has no such specific time.

Trentham said that the church has no apology to make for the action taken though "we would have preferred that the demonstrators not be taken to trial."

He said the church had refused permission in advance for the protesters to speak in the service and that the church had to file a complaint in order for the police to assist with the situation. However, when the church decided to withdraw its complaint, the U.S. attorney's office refused to do so, he said.

"We feel any American has the right to protest anything he disagrees with in his government but he does not have the right to use the church as the instrument for putting his special concerns before the president," Trentham said.

Court to Decide Companies'  
Affirmative Action Rights

By Stan Hasteley

WASHINGTON (BP)--In a case likely to reach far beyond the historic Allan Bakke decision, the U.S. Supreme Court agreed to decide if private companies illegally discriminate against white workers by giving job preference to minorities.

Brian F. Weber, a white worker at a Kaiser Aluminum & Chemical Co. plant in Gramercy, La., claimed nearly four years ago that he was the victim of "reverse discrimination" when Kaiser rejected him for a craft training program calling for at least 50 percent black and female participation.

The high court will be asked to rule if private companies with no history of proven racial discrimination may pass over applicants like Weber in the interest of voluntary "affirmative action" programs such as the one at the Gramercy Plant.

Kaiser attorneys argue that the company should be allowed to engage in such affirmative action programs because minorities and women, through no fault of their own, have not been able to advance satisfactorily, even though the company has had a nondiscriminatory policy.

Two lower federal courts have already ruled against the company plan and in favor of Weber because Kaiser had no proven history of discrimination at the Gramercy plant. The Department of Justice and the Equal Employment Opportunity Commission have asked the high court to send the case back to the Court of Appeals for final disposition. According to the "Washington Post," the federal agencies hoped the court would eventually review a case involving a company with a demonstrated record of racial and sex discrimination.

Numerous civil rights groups, concerned about the potential effect of the court's decision on millions of workers, are asking the justices to uphold the Kaiser plan, which is also supported by the United Steelworkers of America, the union to which Weber belongs.

Earlier this year, in a narrow 5-4 decision, the court ruled that Bakke had been the victim of reverse discrimination by the medical school of the University of California at Davis and ordered him enrolled. While striking down strict numerical quotas in admission standards, the justices nevertheless upheld the principle of affirmative action, saying that schools may take race into account as one of a number of legitimate factors.

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High Court Rejects Appeal  
Of Pair Fired for Adultery

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WASHINGTON (BP)--Despite the objections of two justices, the U.S. Supreme Court announced it will not review the firing of an unmarried Pennsylvania couple for living in open adultery.

In an unusually long six-page dissent, Justice Thurgood Marshall objected strenuously, declaring that the high court's failure to hear the case has the effect of permitting a public employer "to dictate the sexual conduct and family living arrangements of its employees, without a meaningful showing that these private choices have any relationship to job performance."

Marshall and fellow Justice William J. Brennan Jr. voted to hear the case of Rebecca Hollenbaugh and Fred Philburn, both employees of the Carnegie Free Library in Connellsville, Pa. They were discharged in 1972 after Philburn, who was still married, left his wife and moved in with Ms. Hollenbaugh when she learned she was pregnant with his child.

At first, the library's board of trustees attempted to persuade the couple to split after complaints were lodged by members of the community. When Philburn refused to move out, they were both fired.

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Marshall pointed out in his dissent that the Pennsylvania Legislature repealed its law prohibiting adultery and fornication in 1972, the same year Philburn and Hollenbaugh began living together.

He criticized the trustees' apparent willingness to allow employees to live in adultery secretly, thereby seeking to force upon workers a "standard of hypocrisy." Marshall described the trustees' posture as a "particularly invidious" form of discrimination.

Marshall also criticized the trustees' position of imposing separate living arrangements "as a condition of employment" for damaging the interests of the child "in having a two-parent home." He argued without success that in other cases involving personal rights, the high court has extended constitutional protection in matters of marriage and family relationships.

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Court Will Not Review  
Nevada Era Referendum

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WASHINGTON (BP)--A Nevada law that required the state's voters to approve the Equal Rights Amendment (ERA) before the state legislature can act on it will not be reviewed by the U.S. Supreme Court.

Opponents of the law claimed that it was ploy on the part of ERA foes to keep the legislature from exercising its constitutional duty under the Fifth Amendment of the U.S. Constitution, either to ratify or reject the controversial proposal. Nevada voters rejected ERA on Nov. 8 by a margin of 2-1.

Nevada is one of 15 states which have yet to ratify the amendment. Thirty-five have done so and three more state legislatures must approve the proposal by June, 1982, before it becomes part of the Constitution.

The Nevada law requiring an "advisory" vote by the electorate before ERA is acted on by the legislature was attacked more specifically for providing for citizen participation in the amendment process when the Constitution calls for state legislatures to make the ratifying decision.

In addition, opponents claimed unsuccessfully, the law violated the Constitution by requiring the legislature to defer any action on ERA until the referendum is held.

The Nevada Supreme Court ruled in September that the law calls for no more than an advisory vote by the people which is not binding on state legislators' own votes on ERA. In declining to review that decision, the nation's high court said only that no "substantial federal question" was involved.

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State ERAs Help Women, Says  
U. S. Civil Rights Agency

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WASHINGTON (BP)--Equal Rights Amendments at the state level are "having a positive impact" in the 14 states which have adopted them, according to the U.S. Commission on Civil Rights.

The commission urged ratification of the national Equal Rights Amendment at the same time it issued its report. The national ERA has been ratified by 35 states--three short of the required number. "Although reform of the laws is possible on a state-by-state basis, such a route is both plodding and haphazard," the commission stressed.

In its report, the commission cited numerous public benefits in employment and education, as well as criminal and civil law, which have been realized in the states which have added ERA amendments to their state constitutions.

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Some ERA states, it said, have "sex-neutralized" workers' compensation benefits. In the past, these were awarded to survivors or dependents of a male worker, but survivors or dependents of a female worker usually had to present proof that they were reliant on her income.

In Texas, female university students gained the right to live in off-campus housing while on-campus facilities were made available to male students.

More job rights have opened up to women and girls, including in Pennsylvania the right to cut men's hair and work as newspaper carriers. The Pennsylvania Supreme Court has ruled that not only should the earning capabilities of each spouse in a child support case be considered, but so should the economic value of the services provided by the homemaker spouse.

In New Mexico a married woman may now advertise the family washing machine for sale without her husband's consent.

The report points out that no ERA state has legalized prostitution. All but Alaska confront prostitutes and patrons with the same criminal penalties.

The states which have state constitutional amendments which guarantee equal rights to women are Illinois, Pennsylvania, Virginia, Alaska, Hawaii, Maryland, Texas, Washington, Colorado, New Mexico, Connecticut, New Hampshire, Massachusetts, and Montana. All of those guarantees have been passed in this decade.

Utah and Wyoming adopted constitutional provisions regarding sex equality at the turn of the century. The commission noted that these have not been applied in recent years to challenge sex-discriminatory statutes or actions.

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Jesus' World Revealed  
In Christmas Special

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FORT WORTH, Texas (BP)--One of the very few Christmas specials with an overriding religious message will be aired over ABC-TV at 1 p.m. eastern time Dec. 24.

"The World of Jesus Christ--A Christmas Celebration" outlines the prophecy concerning Jesus' birth and contains specific facts about his life.

Ernest Pendrell, religious free-lance producer and writer of the program, said "Through the film we show the universality of the Christian message and what it was like in Jerusalem when Jesus lived. We feature the path theologians think Mary and Joseph took from Nazareth to Jerusalem and the site near the Jordan River where Jesus was baptized by John."

The Southern Baptist Radio and Television Commission acted as script consultant for the special, along with the North American Catholic Conference and the National Council of Churches.

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Carter Gets  
Peace Award

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VALLEY FORGE, Pa. (BP)--President Jimmy Carter has been named 1979 recipient of the Dahlberg Peace Award from the American Baptist Churches in the U.S.A.

The award goes biennially to an American Baptist individual or group that has made a significant contribution to peace. First Baptist Church of Washington, where Carter is a member, is dually aligned with American Baptist Churches and the Southern Baptist Convention. Carter, a former trustee of the SBC Brotherhood Commission, is an active Southern Baptist layman.

Carter was named winner of the award "for his positive efforts to help build solid foundations for peace in the Middle East."

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