

Paddling by teachers ruled constitutional

WASHINGTON (AP) — Corporal punishment in public schools, no matter how severe, does not violate constitutional protections against cruel and unusual punishment, the Supreme Court ruled today.

In a 5-4 decision, the court said schoolchildren have no legal recourse when spanked or paddled by teachers and school administrators, even when the punishment is proven to be excessive.

The court majority said the Constitution's Eighth Amendment protection against cruel and unusual punish-

ment applies only to those persons convicted of a crime.

"The prisoner and the schoolchild stand in wholly different circumstances, separated by the harsh facts of criminal conviction and incarceration," the majority opinion written by Justice Lewis F. Powell Jr. said.

"We adhere to this long-standing limitation and hold that the Eighth Amendment does not apply to the paddling of children as a means of maintaining discipline in public schools," Powell said.

Powell was joined by Chief Justice Warren E. Burger and Justices Potter Stewart, Harry A. Blackmun and William H. Rehnquist.

Justices Byron R. White, William J. Brennan Jr., Thurgood Marshall and John Paul Stevens dissented.

The court's decision upheld a ruling by the 5th U.S. Circuit Court of Appeals which handed a legal defeat to two Miami schoolboys who claimed their rights were violated during a "reign of terror" by school officials.

The court's ruling is also a setback for groups such as the National Education Association and American Psychological Association which had backed the claims of the Miami students.

James Ingraham and Roosevelt Andrews, both 14-year-old students at Miami's Drew Junior High School in 1970, sued school officials after being spanked with a two-foot-long wooden paddle.

Ingraham weighed about 100 pounds when paddled for disobeying a teacher's order. "They beat me so bad I had fever and couldn't sit right for two weeks," he said in an interview last year.

Ingraham now stands 6 foot 2 and weighs 225 pounds. He is employed by a Miami hospital.