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News Analysis

High Court Holds Abortion  
To Be 'A right of Privacy'

By W. Barry Garrett

WASHINGTON (BP)--The U.S. Supreme Court, in a 7-2 decision that overturned a Texas law which denied a woman the right of abortion except to save her life, has advanced the cause of religious liberty, human equality and justice.

At the same time the court struck down a Georgia law that imposed unconstitutional procedures in getting medical approval for an abortion.

The Texas decision in all probability invalidated similar laws in 30 other states.

For the next several years lower courts and state legislatures will be trying to answer the questions posed by the abortion decisions. At present it is not possible to know all the questions that may emerge, much less all the answers. Nevertheless, some questions and some answers are clear.

First, we must understand the precise questions that were before the court and what disposition was made of them. Then we can take a look at subsidiary questions.

The Texas case questioned constitutionality of a criminal abortion law enacted in 1854 and shortly thereafter modified, which has remained almost unchanged to the present time. In summary, the Texas law forbade the procuring or attempting of an abortion except on medical advice for the purpose of saving the mother's life.

Such a law, the Supreme Court said, violates the due process clause of the fourteenth amendment which protects "the right to privacy, including a woman's qualified right to terminate her pregnancy."

The Supreme Court then outlined an abortion regulation formula for future laws that recognize a woman's right to an abortion and at the same time provide for the state's interest in the health of the mother and the potential human life in an unborn fetus. This formula encompasses three stages of pregnancy.

First, during the first three months of pregnancy the decision to have an abortion must be left to the woman and the medical judgment of her physician.

Second, the same right to an abortion continues through the second three months of pregnancy, but in this period the interest of the state emerges in the form of concern for the health of the mother. Hence, a state may, if it chooses, "regulate the abortion procedure" in ways related to the mother's health.

Third, in the last three months of pregnancy, the fetus develops "the potentiality of human life," that is, it may have the ability to remain alive apart from the mother's body. Therefore, the state may regulate or even prohibit abortion, except where necessary to preserve the health or life of the mother.

The Georgia abortion law was much more complex than the Texas law and was different enough to merit separate treatment by the court. While the question in the Texas law had to do

with the constitutionality of denying the right of abortion, the question in the Georgia law had to do with the constitutionality of "procedures" required for an abortion.

The Georgia law prohibited abortion except for four reasons: danger to the pregnant woman's life, probable injury to her health, the possibility of birth with serious defects, and pregnancy as the result of rape.

Three procedures were required for an abortion in Georgia: (1) it must be performed in a hospital accredited by the Joint Committee on Accreditation of Hospitals, a non-governmental agency; (2) the hospital staff abortion committee must approve the procedure; and (3) the attending physician's judgment must be confirmed by two other licensed physicians.

These procedures were ruled unconstitutional by the Supreme Court.

The two decisions raise numerous other questions which Baptists and others should seek to understand. Among them:

Question: Was this a Warren type or "liberal" Supreme Court that rendered the decision?

Answer: No. This was a "strict constructionist" court, most of whose members have been appointed by President Nixon. It is important to note that the court's decision was read by Justice Harry A. Blackmun and concurred in by Chief Justice Warren E. Burger, and Justices William O. Douglas, William J. Brennan, Potter Stewart, Thurgood Marshall and Lewis F. Powell.

Only Justice William H. Rehnquist, a Nixon appointee, and Justice Byron R. White dissented.

Question: Did the Supreme Court violate religious propriety by its abortion decision?

Answer: The Roman Catholic hierarchy insists that the Supreme Court blundered by making an immoral, anti-religious and unjustified decision. It has vowed to continue the fight against relaxed abortion laws.

However, most other religious bodies and leaders, who have expressed themselves, approve the decision. Social, welfare and civil rights workers hailed the decision with enthusiasm.

The Supreme Court itself recognized "the sensitive and emotional nature of the abortion controversy." It said, however, that "we need not resolve the difficult question of when life begins."

"When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus," the court continued, "the judiciary at this point in the development of man's knowledge, is not in a position to speculate as to the answer."

Thus, it appears to be the view of the court that it decided a constitutional question without attempting answers to the medical, philosophical or theological problems in abortion.

Question: What is the Southern Baptist position on abortion?

Answer: There is no official Southern Baptist position on abortion, or any other such question. Among 12 million Southern Baptists, there are probably 12 million different opinions.

Messengers to the Southern Baptist Convention, meeting in St. Louis in 1971, adopted a resolution acknowledging differing viewpoints on the question of abortion, and expressing "the belief that society has a responsibility to affirm through the laws of the state a high view of the sanctity of human life, including fetal life, in order to protect those who cannot protect themselves."

The resolution further called on Southern Baptists "to work for legislation that will allow the possibility of abortion under such conditions as rape, incest, clear evidence of severe fetal deformity, and carefully ascertained evidence of the likelihood of damage to the emotional, mental, and physical health of the mother."

In 1972, however, at least three Baptist state conventions opposed liberalization of abortion laws in Illinois, Arkansas and Michigan, especially laws permitting "abortion on demand." The District of Columbia convention tabled an anti-abortion resolution.

Question: Does the Supreme Court decision on abortion intrude on the religious life of the people?

Answer: No. Religious bodies and religious persons can continue to teach their own particular views to their constituents with all the vigor they desire. People whose conscience forbids abortion are not compelled by law to have abortions. They are free to practice their religion according to the tenets of their personal or corporate faith.

The reverse is also now true since the Supreme Court decision. Those whose conscience or religious convictions are not violated by abortion may not now be forbidden by a religious law to obtain an abortion if they so choose.

In short, if the state laws are now made to conform to the Supreme Court ruling, the decision to obtain an abortion or to bring pregnancy to full term can now be a matter of conscience and deliberate choice rather than one compelled by law.

Religious liberty, human equality and justice are advanced by the Supreme Court abortion decision.

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Indiana Board Promotes Staffer,  
Recommends 22 Percent Budget Hike

1/31/73

INDIANAPOLIS, Ind. (BP)--The Executive Board of the Baptist State Convention in Indiana voted to recommend a record \$884,957 budget for 1974, an increase of 22 per cent, and approved promotion of its director of missions to associate executive secretary-treasurer.

The record budget would include a statewide Cooperative Program goal of \$646,400, an increase of 32 per cent; and would allocate 29.4 per cent to world mission causes through the Southern Baptist Cooperative Program unified budget. SBC Cooperative Program allocations would be increased by one per cent over the 1973 budget.

Basis of the big increase, said convention officials, is the current "Strengthen Our Witness" campaign led by the convention staff and the SBC Stewardship Commission.

In other action, the board designated R.V. Haygood, currently director of missions and stewardship for the convention, as associate executive secretary-treasurer and director of missions. E. Harmon Moore is executive secretary-treasurer.

The board also named Alvin C. Shackelford, editor of the Indiana Baptist and director of public relations, to handle additional responsibilities as Christian life consultant for the convention.

By vote the board, date of the 1973 convention session was changed from Nov. 7-9 to Nov. 6-8.

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Brannon Becomes Baptist  
Book Store Manager

1/31/73

NASHVILLE (BP)--Kenneth J. Brannon, typing and transcribing section supervisor, management services division of the Southern Baptist Sunday School Board, has been named manager of the Baptist Book Store at Greenville, S.C.

A native of Great Falls, S.C., Brannon was graduated from Furman University, Greenville, in 1971, with a bachelor of arts degree in business administration and a minor in psychology.

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In 1967 he became office supervisor in the board's Training Union department, and in 1968 became typing and transcription section supervisor for the board's typing pool.

The Greenville book store is one of 55 store across the United States strategically located for the distribution of Bibles, books, audiovisuals, music, church supplies and other appropriate products to assist churches and individuals in their Christian growth.

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BP PHOTO to be mailed to Baptist state papers.

Arizona Convention Slates  
\$2 1/4 Million Fund Campaign

1/31/73

PHOENIX, Ariz. (BP)--In a called convention session, the Arizona Southern Baptist Convention voted to launch a campaign to raise \$2,250,000 in gifts and pledges over a five year period for Grand Canyon College here.

The campaign, divided into three phases, will have a four-fold purpose: debt retirement, construction of a new science building, campus improvement and endowment.

It will be led by the Stewardship Commission of the Southern Baptist Convention and its endowment and capital giving service.

Phase one of the campaign will be an effort to raise \$1.5 million in cash and pledges from Southern Baptists in Arizona.

Phase two will seek to raise \$500,000 from the Phoenix area business community.

Phase three will be directed toward national granting agencies, foundations and individuals outside Arizona, seeking an additional \$250,000.

Fred Chapman, consultant in endowment and capital giving for the SBC Stewardship Commission who will head the campaign organization, said that the commission's feasibility study on the campaign indicated that the goals were well within the capabilities of the groups to be solicited.

The executive secretary-treasurer of the Arizona Southern Baptist Convention, Roy F. Sutton, said he felt the goal for phase one seeking \$1.5 million was well within the abilities of the 282 churches and missions comprising the convention.

Sutton pointed out that the convention, in a called session 25 years ago, voted to establish the college, putting it into debt from the very beginning by issuing nearly \$250,000 in bonds.

Sutton stated it is time for Arizona Southern Baptists to give liberally to pay off the indebtedness of the Phoenix college, the only private, accredited college in Arizona.

In an address to the Convention, William R. Hintze, interim president of Grand Canyon College, said the school would continue to operate on the principles laid down by its organizers when it was founded 24 years ago.

Hintze, who is acting president while a committee seeks a successor to former President Arthur K. Tyson who resigned to accept a position with Dallas Baptist College, pledged continuing efforts by the school to improve the efficiency of its fiscal operations.

Grand Canyon College has a capital and bonded indebtedness of about \$400,000, plus almost \$300,000 indebtedness on trade accounts and current obligations.

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Gill Resigns Fund Raising  
Post for Private Business

NASHVILLE (BP)--Ben Gill, director of endowment and capital giving service for the Southern Baptist Stewardship Commission, has resigned to enter private business with Resource Services of Nashville, a private fund raising firm Gill has organized.

Gill has been instrumental in developing both a consultant-led, and a do-it-yourself fund raising service available to Southern Baptist churches and institutions through the SBC Stewardship Commission, according to James V. Lackey, executive director of the commission.

More than \$11 million has been raised for church and institutional capital needs projects through the service, Lackey said. Gill has held the position for nearly four years.

"Gill has been largely responsible for the fantastic growth of the only fund-raising service provided Southern Baptist churches and institutions by the denomination," Lackey said. "He has served with great effectiveness."

Lackey said each of the assistant directors in the endowment and capital giving service will assume additional responsibilities until a new director is elected. Lackey is serving as interim director of the service.

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Indian Officials Praise  
New Baptist Hospital

1/31/73

BANGALORE, India (BP)--The dedication of Bangalore Baptist Hospital here, the first Southern Baptist-supported medical institution in India, has brought praise from the chief minister of Mysore State and his minister of health.

Both expressed gratitude for the hospital before some 1,200 persons, among them Southern Baptist Convention President Owen Cooper and the SBC Foreign Mission Board's executive secretary, Baker J. Cauthen.

D. Devaraj Urs, Chief minister, declared that he was pleased to see that the primary purpose of the hospital was to serve the poor and needy. He added that this ministry would strengthen government efforts to provide medical care to the lower strata of society.

The cement, brick and granite structure will accommodate 78 beds, 75 per cent of which will be reserved for indigent patients.

"Our young doctors owe a duty to the poor," Urs said, "and the people have a right to demand their services in the rural parts when the government spends so much on their (the physicians') education."

He explained that often physicians shunned rural service, but he hoped that they would see the example set by missionaries in their dedicated and selfless work. He also extended the hope that the missionaries would help bridge the gap in the sagging relationship between India and the United States.

Minister of Health H. Siddaveerappa, also expressing his gratitude, congratulated the Indian Baptist Mission on its "vision in establishing this institution." Siddaveerappa also appealed to the Southern Baptist Convention for aid to his people who are in areas hard hit by drought.

Owen Cooper of Yazoo City, Miss., presented the hospital to the people of India, calling it "an act of love of one people toward another."

"This hospital," he said, "does come from the hearts of Southern Baptists for the heart is the source and the seed of love and it is the love we have for you that prompts us to make the service of this hospital available."

Cooper led a tour group of approximately 20 Southern Baptists who were present for the dedication.

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Baker J. Cauthen of the SBC Foreign Mission Board, the agency which has worked since 1964 to make the hospital a reality, delivered the dedicatory address.

Cauthen stated the purpose of the hospital ministry saying, "an objective here that is commendable is to provide high quality medical care for people when they are in need of it.

"The doctors who have come to serve in this hospital are doctors of distinction who have stepped out of medical professions in our land and have come just because of their hearts being motivated by the love of Jesus for mankind.

"The basic motivation is the example of the Lord Jesus Christ, for he came and went about doing good. And we who love him would like to be as he was. We would like to follow his example."

According to Dr. Franklin T. Fowler, medical consultant of the Foreign Mission Board who was on hand to deliver the dedicatory prayer, there is much work remaining on the hospital before it can begin full operation this summer.

At that time, facilities on the first floor will include wards, maternity section, operation theatres and intensive care units. The ground floor will house an outpatient department which can handle about 200 persons daily, a minor surgery, laboratories, X-ray department, physical therapy and pharmacy. A kitchen and laundry will also be on the ground floor.

Because Bangalore already has many top-notch medical institutions, but few which reach into the poverty areas, the Baptist hospital must attempt not only to minister to these people, but also serve as a teaching facility, sponsoring internship and residency programs and later and outreach program in community health and a nursing school.

Credentials of physicians are necessarily scrutinized closely and qualifications steep. Already on the staff are Dr. Richard H. Hellinger and Dr. John H. Widman Jr.

Dr. Hellinger is a diplomate of the American Board of Internal Medicine with special studies in cardiology and allergy. Dr. Wikman is a diplomate of the American Board of Surgery and a fellow of the American College of Surgeons.

It was through another specialist, former missionary physician Jasper L. McPhail, that the invitation for Southern Baptists to begin medical work in India was extended. In 1964, Dr. McPhail was head of the department of thoracic surgery at Christian medical college and hospital in Vellore, India. Until Dr. McPhail joined that staff in 1962, there had been no Southern Baptist witness in India.

Soon after the central ministry of health extended the invitation, the State of Mysore asked Southern Baptists to locate their medical work in Bangalore.

Construction began in February 1971 shortly after suitable land had been secured. During the building period outpatient clinics have been held on the premises, and mobile clinics have visited adjoining low income neighborhoods.

Bangalore Baptist Hospital is the 19th medical institution in 18 countries supported by Southern Baptists outside the U.S. It is the only such facility in India.

Another work sponsored by Southern Baptists there is an outreach library in Bangalore which houses approximately 8,000 books and periodicals. They include reference material in medicine, agriculture and religion as well as general interest books and novels.

Through the medical and library ministries several churches have been established.