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**High Court Lets Abortion
Rule Apply Retroactively**

By Stan Hasteay

WASHINGTON (BP)--The U. S. Supreme Court declined to review the case of a New York physician whose 1966 conviction for manslaughter after a young woman died following an abortion was overturned by a federal district court.

The high court's refusal to hear oral arguments in the case in effect lets stand a ruling of the U. S. District Court for the Southern District of New York. That court stated that the Supreme Court's historic 1973 decisions permitting most abortions must be applied retroactively to persons convicted under state abortion laws in force prior to the 1973 acti n.

Dr. Jesse Williams, the convicted physician, performed an abortion in 1966 on a young unmarried woman named Sara Carr, who died of cardiovascular collapse after going into shock during the operation.

The prosecution contended that at no time was an ambulance or a hospital called and that Dr. Williams waited 12 hours before reporting the woman's death to New York City's medical examiner.

In December 1966, Williams was sentenced to a term of 5 to 10 years in prison. After an appeal to an appellate division court in New York failed, Williams asked the U. S. District Court to review his case, claiming that New York's old abortion law was unconstitutional.

The district court refused to speak to the constitutional question, but did recommend that the case be retried in light of New York's own newly-passed 1970 abortion law.

In July 1971, the U. S. Court of Appeals for the Second Circuit issued a ruling stating that Williams had exhausted his legal remedies in New York courts and instructed the federal district court to hear the case.

By the time Williams' case was heard before the district court, the U. S. Supreme Court had handed down its landmark ruling that states may not prohibit abortion during the first trimester of a woman's pregnancy. That decision also provided that states may regulate abortion in some instances during the second trimester of pregnancy and may forbid abortion during the final trimester except when the life or health of the woman is at stake.

In light of the 1973 high court ruling, the federal district court declared "null, void and of no effect" Williams' manslaughter conviction. The court of appeals then affirmed that decision.

In appealing the case to the Supreme Court, the State of New York argued that the tribunal's 1973 ruling "did not address itself, either directly or by implication, to the retro-active effect of its holding."

New York argued further that neither the federal district court nor the court of appeals considered "that a girl had died as a result of an illegal operation, that seven years had passed since the illegal act, and that any further prosecution might be practically as well as statutorily barred."

None of the arguments was sufficiently persuasive, however, to cause the high court to agree to hear the case.

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Foreign Missionary Count
Tops 2,600 Mark; New High

12/11/74

RICHMOND (BP)--The appointment of 23 missionaries during the December meeting of the Southern Baptist Foreign Mission Board here pushed the total number of missionaries

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over the 2,600 mark for the first time in history and brought the number of appointments during 1974 to 250, the second highest in the board's history.

The board also appropriated an additional \$36,253 for relief and rehabilitation needs in Honduras, Mozambique and Bangladesh and heard a report from the treasurer that gifts totaling over \$242,000 designated for relief had been received from individuals and churches from January through November in addition to relief funds appropriated by the board.

The appointment during 1974 of 133 career missionaries coupled with the employment of 26 missionary associates, 77 missionary journeymen, two special project missionaries and 12 reappointments, brings the total missionary count to 2,609.

Citing his gratitude for the large number of appointments for 1974, Baker J. Cauthen, executive secretary, also added a word of caution.

"When we reach the year 1980, we will enter into the period of escalating retirements," he explained. "By the time we get to the mid-point of the decade we will find an avalanche of retirements upon us. The time will come when we must appoint 300 missionaries annually to replace those who reach retirement in order to assure some moderate advance."

Everett L. Deane, the board's treasurer, reported that with about \$51,000 of relief contributions in October and \$55,396 in November, a total of over \$242,000 was recorded for the first 11 months of 1974, about \$176,000 more than the same months last year. He said that \$48,000 of that total was designated for relief in Honduras.

In December, the board appropriated \$5,000 from donations for relief needs in Honduras, \$21,253 from funds designated for emergency relief to be used for food and rehabilitation in Mozambique, and \$10,000 from relief funds for relief and rehabilitation in Bangladesh.

The 23 new missionaries will serve in 10 countries. Among those appointed were Mr. and Mrs. Tollie M. Bibb Jr., of Texas and Oklahoma, assigned to Ghana; Mr. and Mrs. E. L. (Buddy) Copeland of Tennessee and North Carolina, to Colombia; Miss Roberta Ann (Robbie) Crissey of Florida, to South America; Mr. and Mrs. Rollie E. Ennis of Oklahoma and Arizona, to East Africa.

Also, Mr. and Mrs. C. K. (Chuck) Gardner of North Carolina, to Taiwan; Mr. and Mrs. Thomas M. McEachin of Georgia and Florida, to Taiwan; Mr. and Mrs. O. Errol Simmons of Louisiana and Mississippi, to Spain; Mr. and Mrs. Jerry B. White of Mississippi, to Korea; and Mr. and Mrs. J. Luther Williams of Virginia and Alabama, to Brazil.

Employed as missionary associates were Mrs. Gordon Wayne Cagle of Arkansas, to East Africa; Mr. and Mrs. Paul D. Early of North Carolina and Georgia, to the Bahamas; and Miss Jolyne Wallace of Texas, to Gaza.

Dr. and Mrs. Clarence A. Jernigan of Texas were employed as special project missionaries to Gaza for a one-year term.

Medical receptorships, an arrangement in which the board provides short-term overseas opportunities for qualified medical students, were awarded to Mark Neuenschwander, University of Tennessee Medical School, Memphis, and Mack Shotts Jr., University of Arkansas Medical Center, Little Rock.

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Baptists Plan Visits
to Eastern Europe

12/11/74

WASHINGTON (BP)--Several thousand Americans who attend the Baptist World Congress in Stockholm in July 1975 are expected to extend their travel to include visits to other countries of Europe.

Robert S. Denny, general secretary of the Baptist World Alliance which sponsors the congress said an estimated 10,000 persons are expected at the congress, about 8,000 from America.

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He said 250 tour directors have announced itineraries which include other European cities as well as Stockholm. About half of them will go into Eastern Europe.

Interest is especially keen for visits to the U. S. S. R., Denny said. Moscow and Leningrad are the cities most frequently listed on the tour itineraries for Eastern Europe, he noted.

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Foundation Reports Record
Earnings for Fiscal '74

12/11/74

NASHVILLE (BP)-- good news and some bad news were the fare for the Southern Baptist Foundation meeting here.

The good news, according to Kendall Berry, executive secretary-treasurer of the Foundation, is that in a year when rampant inflation and signals of falling investments were evident, the Foundation enjoyed record earnings (collective earnings) totaling \$956,338, up 26 per cent from last year.

Berry noted that as "Southern Baptists have reached new peaks in giving and growth in membership," the Foundation has "reached all-time highs" in participation as well as earnings.

"New resources," he said, added in fiscal 1974 amounted to \$1,999,799 less withdrawals of \$642,941, compared to \$1,796,873, less withdrawals of \$1,067,395 for fiscal 1973. (The Foundation's fiscal year ends September 30.)

The bad news, according to Berry, is that the Foundation has seen a decrease in the market value of "many of its investments." Nevertheless, relatively speaking, Southern Baptist Foundation shows better performance with less drop than most similar funds," Berry noted.

He cited as a reason for the better performance, the Foundation's "conservative approach" taken throughout its existence as an investment agency of the Southern Baptist Convention (SBC).

Total corpus value for fiscal '74 for the benefit of Southern Baptist causes and annuitants was \$12,785,437, which is down \$1,431,517 from fiscal 1973, Berry noted. But, he added, "With many funds down more than 50 per cent, the unit value of the General Investment Fund of Southern Baptist Foundation is down only 25 per cent during the past year." And the Foundation is "down about 35.84 per cent from previous highs compared to an average of over 70 per cent for all listed stocks from their highs to the end of September, 1974," he added.

In spite of economic trends, Berry continued, the Foundation's net assets only decreased by "approximately 10 per cent."

"Continuous supervision on all available cash in short-term certificates of deposit and commercial paper enabled the (Foundation's) General Fund to reflect an average return rate of 5.94 per cent. The Annuity Fund produced 7.34 per cent, with income adequate to meet all commitments to annuitants with an excess of more than \$10,000."

Berry said the return on earnings still "gives little consolation to the average investor, especially with the paradox of inflation eating away at the purchasing power of the dollar during the same time. The old axiom that common stocks are a hedge against inflation has not held true during these perilous times."

Sounding a note of optimism, Berry said "even though nearly all securities have gone down during 1974, we believe the quality investments found in Southern Baptist Foundation portfolios will bounce back in the foreseeable future, as confidence in the American way of life through free enterprise is regained by investors."

Mrs. Christine Bess, administrative assistant for the Foundation, gave a financial review of fiscal '74 in which she noted that the General Fund totaled \$7.5 million, constituted

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from various trusts, will bequests, and convention agency reserves. Total funds added to the account during the fiscal year were \$281,181, she said.

The Annuity Fund increased \$52,250, Mrs. Bess continued, by issuance of gift annuities without any form of promotion, which brought that account to about \$750,000. This was an 8 per cent growth during fiscal '74.

The Agency Account, of national agencies and institutions of Southern Baptists, had funds admitted during the fiscal year of more than \$1.5 million on both short-term and long-term bases. Mrs. Bess said earnings on short-term investments returned more than 10 per cent to the agencies for the year.

Since the beginning of fiscal 1975 an Irrevocable Living Charitable Trust has been created of more than \$41,000, in which the income is to be paid to two individuals for life, then divided into 25 per cent each for foreign missions, home missions, the Radio and Television Commission, and the final 25 per cent to the six Southern Baptist seminaries.

Also, a Charitable Remainder Unitrust is being established for \$500,000 dollars, in which the donors will receive income equal to six per cent of the marketable value of the trust estate so long as they live. The balance of the trust is to be distributed to Southern Baptist causes, Mrs. Bess said.

Reelected as Foundation president and chairman of its executive committee was Stirton Oman, a Nashville construction company executive. Also reelected were G. Frank Cole, vice president and John O. Ellis, recording secretary. Ellis and Cole are Nashville bankers.

Walton N. Smith, a Clarksville, Tenn. businessman, was named to the Foundation's board of directors and executive committee to fill an unexpired term.

In other action, Berry and Mrs. Bess were reelected by the Foundation's board for an additional year. And members paid tribute to a late member, William Hamilton Rowan of Nashville. He died May 18, 1974.

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Sydney First Choice
For Youth Conference

12/11/74

WASHINGTON (BP)--Sydney, Australia has been named as the first choice site of the 9th Baptist Youth World Conference in 1978.

Hong Kong was listed as an alternative choice, according to Karl-Heinz Walter of Germany, chairman of the Baptist World Alliance Youth Committee.

If the conference meets in Sydney, Walter said, it will be the first time the Baptist youth have met outside the Western Hemisphere.

The 9th conference may be preceded by three "satellite" meetings in Africa, India, and the Orient, Theo Patnaik, BWA youth secretary said. The final selection of Sydney depends on whether "satisfactory arrangements can be made," Walter noted.

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