

N.Y. court rules care must include abortion

By David Scott
Catholic News Service

ALBANY — Pro-life efforts in New York were dealt a setback by a court ruling which declared the state's prenatal care program for the working poor to be unconstitutional because it does not fund abortions.

New York Supreme Court Justice Carmen Ciparick ruled that the state's Prenatal Care Assistance Program "abridges an eligible woman's constitutional right to obtain an abortion free from government intrusion." The program extends Medicaid benefits to women who earn up to \$421 a month more than the limits for Medicaid coverage.

New York Gov. Mario Cuomo labeled the ruling a "really significant one" that could set "a huge precedent."

At a news conference in Albany, the Democratic governor said the decision affirmed that New York's Constitution "is more aggressive, more advanced than the federal government's" in protecting individual civil liberties.

Although he did not formally announce a decision to appeal the case, which had been brought by the New York Civil Liberties Union and Planned Parenthood, Gov. Cuomo predicted that the case would eventually wind up in the Court of Appeals, the state's highest court.

In her opinion, Ciparick said that "to remedy the constitutional defect inherent"

in the prenatal care program, it would have to be "expanded to include funds for medically necessary abortions." Although the Supreme Court of New York cannot order such an expansion in a program created by the Legislature, the Court of Appeals can set down such an order.

Catholic analysts took issue with Ciparick's finding that the prenatal program "cannot fulfill its stated objective to combat infant mortality and promote healthier babies" unless access to abortion is provided when "medically necessary" to protect the "woman's life and/or health."

"It is absurd to suggest that abortion combats infant mortality and promotes healthier babies," said J. Alan Davitt, executive director of the New York State Catholic Conference, which represents the state's bishops. He challenged the court's reasoning, saying that the overwhelming number of abortions are not performed out of medical necessity.

Mary Ellen Ladouceur, coordinator of pro-life programs for the Albany Diocese, expressed concern that Gov. Cuomo, who has said he is personally opposed to abortion, seemed to be taking the viewpoint that "the state's constitution should guarantee the right to an abortion."

Davitt called on Abrams to appeal the April 15 decision to the Court of Appeals and to vigorously defend the prenatal care program. He reiterated the conference's contention that pro-abortion advocates should not seek to advance their goals at the expense of a worthwhile health care program designed to benefit poor women and children in the state.

"We have argued all along ... that this is not the proper arena for debating whether or not abortion should be legal in New York," he said. "If this program is ultimately scrapped, the so-called 'pro-choice' side will have succeeded in actually denying poor women in the state the right to choose to have healthy pregnancies and healthy babies."



AP/Wide World Photos
PONDERING PLIGHT — A young Kurdish girl standing next to her mother holds a piece of bread in their temporary home in the village of Kani Masi, Iraq, on April 21. Some of the refugees sought shelter in the village, which was destroyed by Iraqi forces in 1986.

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Postal hike

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February, a gap remained between the amount that could have been raised by charging these groups for-profit rates and the federal subsidy that enables the Postal Service to offer the non-profit discount.

The Board of Governors could raise non-profit rates between 10 and 25 percent to cover the gap, a postal economist said. Or, in light of the financial effects of February's 30-percent increase in non-profit second- and third-class postage, the governors could decide to absorb the \$97 million and wait to see what happens to next year's subsidy, the economist said.

The Postal Service's unique financial status as a quasi-federal agency is behind the

possibility of another increase. The only tax monies the Postal Service receives are "revenue foregone" funds, which subsidize the differences between standard and non-profit postage rates.

As Congress is forced to trim spending, the Bush administration has proposed reducing the subsidy from the \$649 million the Postal Service requested to \$331 million. Various other proposals would put the subsidy at anywhere between \$183 million and \$491 million.

The administration recommends making up the difference by raising non-profit rates 33 percent and by disqualifying religious publishers and many charitable activities from certain non-profit rates. The proposal also would severely restrict the type and amount of advertising that could be carried in publications using some lower-rate mail classes, according to Independent Sector, a coalition of non-profit organizations.

A letter to Catholic publishers was being prepared to advise them of the twin dangers of the subsidy cut and the proposed changes in eligibility, according to Owen McGovern, executive director of the Catholic Press Association, which represents Catholic newspapers, magazines and newsletters.

According to Independent Sector, the proposed eligibility changes included recommendations to cut off third-class, non-profit mail for:

- Mass "advocacy" mailings.
- Educational material not sent by a school.
- Religious publishers.
- Much of the traditional charitable fundraising activity.
- Non-profit mail with advertising that does not relate directly to the primary purpose of the organization. The proposal did not define "relate directly" or "primary purpose."

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