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TEXAS DOES NOT HAVE TO FUND ABORTIONS

AUSTIN, Texas (CNS) — The Texas Supreme Court ruled Dec. 31 that the state does not have to fund abortions for women with health complications who receive Medicaid.

The court rejected a lawsuit filed by doctors and abortion advocates who said Texas should pay for "medically necessary abortions" — for pregnant women with heart disease, cancer and other health complications.

"The U.S. Supreme Court has defined 'health' so broadly that the term 'medically necessary' would include women who are suffering from stress, who are simply having an overly emotional day, or who have limited budgets, not just women whose health or life is actually threatened by a pregnancy," said Denise Burke, staff counsel of Americans United for Life, in a statement.

DELEGATION URGES

REFUGEE RELOCATION

WASHINGTON (CNS) — Refugees stranded for years in camps should be resettled to third countries if they cannot live safely in their home nations, said members of a U.S. bishops' delegation that visited Africa late in 2002.

"Many of the refugees we visited had been in these deplorable camps for a decade and longer," said Bishop John F. Kinney of St. Cloud, Minn.

Bishop Kinney, Bernadette P. Cisse, policy adviser on migration for the U.S. Conference of Catholic Bishops, New York Auxiliary Bishop Robert A. Brucato and Migration and Refugee Services Executive Director Mark Franken visited camps in Kenya, Tanzania and Guinea.

POPE ORDAINS BISHOPS AT EPIPHANY SERVICE

VATICAN CITY (CNS) — All Christians are called to become lights to guide individuals and nations out of the "darkness and clouds" that threaten them, Pope John Paul II said before ordaining 12 new bishops, including four Vatican diplomats.

Celebrating the feast of the Epiphany in St. Peter's Basilica Jan. 6, the pope ordained the new bishops from Italy, Slovakia, South Korea, Vietnam, Iraq, Benin, Ireland and Spain.

Church sues over new law

Rob Cullivan/Catholic Courier

With the support of New York's bishops, several Catholic organizations and three Baptist churches have sued the state of New York over a new law forcing them to pay for employee group-health plans that include coverage for contraceptives and abortifacients.

In a Dec. 30 statement the state's bishops, including Bishop Matthew H. Clark, announced the lawsuit, which seeks an injunction against the law.

Filed in New York state Supreme Court in Albany, the lawsuit targets the Women's Health and Wellness Act, which was passed last year and mandates that all employers offering employee health plans include coverage for contraception and abortifacients. The law did contain a provision exempting religious employers, but the exemption was so narrowly drawn that it excluded such entities as Catholic Charities, Catholic health institutions and some schools.

"Confronted with no other means of defending our religious freedom against a governmental assault, ... Catholic and Protestant entities today have taken the necessary step of initiating legal action against the State of New York," according to the statement. "This action seeks to overturn a mandate passed by the Legislature and signed by (Gov. George Pataki) that forces religious health, education and human services agencies to violate the teachings of their faith by providing prescription contraception. This law rejects the traditional understanding of religion and puts the state, for the first time, in the position of defining religious faith and practice."

Indeed, one of the harshest criticisms of the Wellness Act made by the bishops last year related to its provision defining what is and is not a religious institution. The act stipulated that only entities primarily made up of people of the same faith who, in turn, primarily serve people of the same faith, would be considered "religious." According to the law, the entities' primary purpose also must be to "inculcate" religious values. Critics said this definition covers only parishes, and flies in the face of Catholic teaching, which considers such ministries as hospitals to be part of its overall ministry.

"In our judgment, abortion and contraception advocates have been given free reign to dictate public policy in New York state at the expense of religious freedom," the



bishops' statement said. Furthermore, the bishops noted that the church had supported most of the Wellness Act, which called for coverage of disease screenings for women, and had simply asked for an exemption from the law's contraceptive portion. "However, our pleas for tolerance were ignored," the bishops said.

The state attorney general's office will defend the state against the lawsuit. Marc Violette, spokesman for the attorney general's office, said his office was in the process of determining how it would defend the state.

"We will defend the lawsuit, and we will defend the constitutionality of the law vigorously," he said.

Meanwhile, although the new law already has taken effect, Catholic Charities of the Diocese of Rochester will not offer contraceptive coverage in its group-health plans for at least one more year, according to Michael Tedesco, diocesan spokesman. The diocese renegotiated its group-health plans prior to Jan. 1, and did not include contraceptive coverage in the negotiations, he said.

Tedesco added that the diocesan Pastoral Center in Gates, as well as the diocese's schools and its parishes are exempt from providing contraceptive coverage under the new law. He pointed out that while some Catholic elementary schools serve primarily non-Catholic student bodies, the schools are exempt under the law because they are a part of a

system that primarily serves Catholic children.

However, Dennis Poust, spokesman for the New York state bishops, said that other Catholic schools, including two of the lawsuit's plaintiffs, are unsure as to whether they are exempt from the law. In fact, he said, the law's legislative sponsors have contradicted each other on this point, with some saying Catholic schools are exempt and others saying they are not.

"The exemption is still unclear," Poust said. "That's why we claim it's arbitrary."

First Bible Baptist Church in Greece is among the churches that joined the Catholic Church in the lawsuit. The independent Baptist congregation also operates a school, Northstar Christian Academy in Gates. The lawsuit's other plaintiffs include Catholic Charities of the dioceses of Albany and Ogdensburg as well as a number of Catholic schools, health-care centers, religious congregations and a housing corporation operating throughout the state.

The Rev. George P. Grace, pastor of First Bible Baptist Church, said his church is opposed to abortifacient forms of contraception as well as abortion, and believes the Wellness Act unduly assaults his congregation's right to practice its beliefs.

"Everyone wants the church to stay out of the government's business, but I want the state to stay out of the church's business," he said.