

## Mixing Abortion, Health Reform Could Be Perilous

With all the problems facing his health-care reform plan, President Clinton doesn't need any new ones. Yet Robert Casey stands as a reminder of how the president could stumble across a whopper.

Mr. Casey is the governor of Pennsylvania. He's also one of those rare creatures, a Democrat who is ardently opposed to abortion rights. And for more than a month, Gov. Casey has been quietly yet openly defying the Clinton administration's position on publicly financed abortions. "We're dead serious about this," he says. "My sense is that they've got to back off."

Pennsylvania's standoff with the White House might appear to be an



arcane lawyers' dispute, with little relation to the nation's much broader health-care debate. But in fact, the Pennsylvania case is a cautionary tale for those who might want to use health-care reform as a vehicle for expanding access to taxpayer-funded abortions.

The saga began last year, when Congress changed the "Hyde Amendment," which restricts use of federal funds for abortions. The law, named for Illinois Republican Rep. Henry Hyde, had allowed the federal government to reimburse states for costs of Medicaid abortions for poor women when the life of the mother was in jeopardy. Lawmakers expanded that to allow abortion funding in cases of rape and incest, a compromise offered by Rep. Hyde to keep abortion-rights forces from killing his amendment.

As it happens, Pennsylvania passed legislation several years ago agreeing to pay for just such abortions. But Pennsylvania's lawmakers also decided they would fund the abortions only when the rape and incest had been reported to law-enforcement agencies.

In the wake of the new Hyde Amendment, the federal government's Health Care Financing Administration arrived on the scene with its interpretation of the new law and shook up this finely tuned balance. The feds declared that state-reporting requirements such as Pennsylvania's have to be waived, and Medicaid abortions financed, if a doctor certifies that a patient was unable for physical or psychological reasons to report to law-enforcement agencies.

GOV. CASEY PUT his foot down. In a remarkably blunt letter to fellow Democrat Bill Clinton, Mr. Casey said Pennsylvania had no intention of following the federal interpretation. "Implementing this directive would require me to disregard a validly enacted state statute, serving important public policy goals, based solely on the unfounded legal interpretation of a federal official," Gov. Casey wrote. "This I cannot and will not do . . ."

Legally, Pennsylvania argues that the administration's directive doesn't reflect the intentions of members of Congress, who didn't want to override state-reporting requirements. In this, it is supported by Rep. Hyde himself. Moreover, Pennsylvania argues that the guidelines never should have been implemented without first allowing states a period to comment on them.

Politically, Gov. Casey argues that the administration's abortion maneuver has simply put Bill Clinton, a former governor, in an embarrassing position. "It flies in the face of the continued assurances of the president that he would consult with, give deference to, states," Gov. Casey says. "This is not his style."

BY ALL ACCOUNTS, President Clinton agrees. He hit the White House roof when he found out, belatedly, about the abortion directive. But now he has to live with it. The administration could cut off Medicaid funding to Pennsylvania and other states taking similar stands, though nobody is talking of that. Instead, administration aides, who insist their interpretation is on solid legal ground, are holding quiet discussions in hopes of working work out a compromise. They stress that they don't want to overturn Pennsylvania's reporting requirement, but simply allow for waivers in selected cases. Still, there's little reason to expect a cave-in from Gov. Casey, who just survived a heart-liver transplant and presumably doesn't scare easily.

So what does this standoff have to do with health reform? Strictly speaking, not much, as Clinton administration aides hasten to point out. But indirectly, Gov. Casey says it should send the administration a powerful warning: "The same fate awaits any attempt to include abortion in the health-care plan."

President Clinton and Hillary Rodham Clinton are trying hard to keep abortion from creeping into the health debate. The Clinton health bill skirts the issue: Its section describing the services to be provided under a basic health-benefits package, extravagantly detailed in other areas, calls simply for "services for pregnant women," leaving others to define that term.

Yet there's no doubt that some will try to use health reform to expand abortion coverage. If nothing else, Gov. Casey has demonstrated peril for the administration down that path.