

Will Court Decision Restrict Religious Liberty

By Jason Hall



Jason D. Hall

On June 26 the United States Supreme Court issued opinions in the cases of *Hollingsworth v. Perry* and *United States v. Windsor*. In *Hollingsworth*, the Court held that citizens have no legal standing to defend in federal court those initiatives for which they signed petitions, campaigned, and voted. That is troubling enough.

It is *Windsor*, however, which struck down part of the Defense of Marriage Act (DOMA), that is most significant for those concerned about the future of religious liberty in the United States.

As many commentators have noted, Justice Anthony Kennedy, writing for the majority, adopted the language

and assumptions of the most radical homosexual rights activists. He dismissed the notion that there is an ongoing legitimate debate about the very nature of marriage.

For Justice Kennedy, marriage is simply an action of the state to recognize the nobility and dignity of a particular relationship. There is no imaginable rational reason to see marriage as an objective reality. Opposition to expanding the definition of marriage to include any loving, committed sexual relationship can only be motivated by bigotry and a desire to harm those who are attracted to persons of the same gender.

How is this legal “reasoning” likely to affect future cases? Will it inevitably lead to greater threats to religious liberty than we have seen in recent years? In answering these questions, there are certain things we know for sure, others we can reasonably expect, and still others which remain very uncertain.

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Why Don't They Come Here Legally

By Jason Hall

A few weeks ago, I had the pleasant surprise of meeting a very well-known figure in Catholic media. We were attending the same conference, and I practically ran into him on my way back from a break. Excitedly, I introduced myself. He very pleasantly told me his name (as if I didn't know it), and asked, with what appeared to be genuine interest, what I did for a living and what brought me to the conference we were attending. I explained that I represented Kentucky's bishops in public policy matters as a lobbyist. With that, merely two minutes into our acquaintance, we immediately began a heated, half-hour argument about immigration reform.

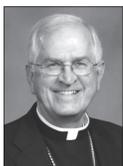
What is it about this issue that gets people so fired up? I think I understand what motivates some Catholic opponents of reform (as promoted by their bishops), but then again, it doesn't completely make sense. My new

friend's main hang-up was that the bishops have declared support for the current Senate bill “practically a matter of dogma.” I explained that my work required me to review the policy documents on immigration from the United States Conference of Catholic Bishops, and their immigration reform advocacy office, Justice For Immigrants. These statements hardly treat the so-called “Gang of Eight” proposal as perfect. My friend rolled his eyes and said, “You know what I mean.” I really didn't.

Another major problem my new friend saw with the USCCB position was that it did not sufficiently take into consideration the “political repercussions.” When I asked what he meant by that, he said that if this bill passes, the political environment for the next generation will be hostile to the issues of life and family. I assumed he meant that new Hispanic voters will overwhelmingly vote for Democrats (an oft-repeated, but

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The Catholic Conference of Kentucky was created in 1984 by the Roman Catholic bishops of Kentucky. Its mission is to represent the Church and the state's four Roman Catholic dioceses in public policy matters on both the state and federal level.

Bringing the Catholic Voice to the Public Square

By Rev. Patrick Delahanty



Each session of the General Assembly has ups and downs, moments of hope and moments of disappointments. Jason Hall captures some of this tension in his article describing the session that ended in March.

Twenty-five years of stalking legislators through the halls in Frankfort teaches you a few things.

There's no perfect bill. You never get everything you want. If you don't show up, you don't get anything. Constituents matter. Legislators know how to count. Persistence pays off.

And so we come back. We stake out positions on legislation that flow from the truths found in our sacred Scriptures and in the living Tradition of our Catholic community.

And "we" doesn't mean simply staff here at the Conference. "We" includes the nearly half-a-million Catholics living in every corner of this Commonwealth.

Even more it means those Catholics who have seized the opportunity to have an impact on the public policies of this state that affect the lives of all of us, but especially of the most poor and vulnerable among us.

In the past year our legislative advocacy list of Faithful Citizens has nearly doubled. And continues to grow.

Catholics@theCapitol

The 16 Catholics@theCapitol events held in the 4 dioceses this past year drew a whole new group of advocates to work on important legislative issues facing Kentucky and our nation.

Already plans for next year's Catholics@the Capitol event are shaping up. Remember, every other year we invite

you to come to Frankfort to visit your State Senators and Representatives.

Dates for 2014 are Monday and Tuesday, Feb. 3 and 4. We will be back at the Capitol Plaza. Please put this on your calendar and recruit five others to come with you. Pastors and members of parish councils and other parish ministries will especially benefit from attendance.

We hope you make a special effort to find ways to introduce young adults and adolescents to this event.

Several high school teachers have worked with the Conference to engage their pupils in public policy advocacy that adheres to principles of Catholic social teaching. We are more than happy to expand these opportunities with students.

Comprehensive Immigration Reform

The Conference has been working hard to promote the Catholic Church's stance on the importance of passing comprehensive immigration reform. A bill has passed the Senate and the issue is now being taken up in the U.S. House of Representatives.

It is important that the Catholic community provide guidance to our lawmakers on this issue.

To help you voice your concerns, the Conference is constantly updating its website (www.ccky.org) and issuing timely alerts through the Faithful Citizen Advocacy network: <http://bit.ly/ccksign>. Please join this network if you are not already a member:

You will receive regular alerts (about this and other issues of importance to the Catholic community) that will make it easy to let elected officials – at both the state and federal level – know of your concerns.

We also encourage you to "like" us on Facebook: <http://bit.ly/CCKFB>; and "follow" us on Twitter: @CCofKY.

Our federal immigration system is bro-

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Green River Asset Building Coalition Helps Families

By Richard Murphy

Kentucky's Catholic Charities agencies, as well as many parishes, receive requests from hundreds of clients each year for financial help to cover the costs of rent, utilities, medicines, and food. Many of these clients have also gotten payday loans and find themselves trapped with high interest rates and the temptation to keep taking out other loans.

Catholic Conference staff and Charities' directors,

Richard Murphy is the Director of the Office of Social Concerns for the Diocese of Owensboro.

while supporting legislation to cap the interest rate on these pernicious loans, have discussed the need to find alternatives for people feeling the need to use these lenders.

All agree that helping people learn to manage their money and build assets could lessen the need for payday lenders.

This report about the Green River Asset Building Coalition provides an example of one way to help low- and moderate-income persons learn money management, increase savings, and experience a higher degree of security in their lives. While continuing to support caps

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Conference Supports Immigration Reform



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ken. It is time for Congress to pass just and compassionate reform that respects the human rights and dignity of migrants who come to the U.S. seeking protection and employment to support their families.

The Catholic Church supports comprehensive immigration reform that provides a *path to citizenship* for deserving undocumented persons; *preserves family unity* as a corner-stone of our national immigration system; *provides legal paths* for unskilled and low-skilled immigrant workers to come to the U.S.; *restores due process* protections to our immigration enforcement policies; and *protects vulnerable populations*, including refugees, asylum-seekers, trafficking victims, the mentally ill, and unaccompanied children.

Conference Welcomes Michael A. Monaghan

The Conference happily announces that Michael Monaghan has accepted the position of policy analyst and will focus his attention on education policy, including a busing subsidy and tax credits to help public and private school students.

He earned a B. A. in Political Science at Thomas More College of Liberal Arts in Merrimack, New Hampshire. He also studied Spanish language and culture at the Catholic University of Avila in Spain.

Before joining the Conference he interned on Capitol Hill for former U.S. Sen. Jim Bunning and former Georgia Congressman Bob Barr. Later, he worked as a legislative correspondent in the Washington D.C. office of Sen. Bunning, where he had some responsibility to train interns and to research issues being considered by the Congress including some involving education policy.

In addition, he brings experience as a teacher and administrator to Frankfort. He has taught in both elementary and high school programs in the Washington D.C. area and recently served as the principal of the high school for Holy Angels Academy in Louisville.

Other accomplishments include tutoring underprivileged children in Washington D.C., volunteering in various political campaigns, and helping out an organic farm in Upper Marlboro, Maryland.

In the cover letter accompanying his résumé, he wrote, "I offer the Catholic Conference of Kentucky an expertise in tracking and analyzing legislation, knowledge of Catholic education and its objectives as well as the single mindedness needed to accomplish clear analysis of political issues."

We agree. Welcome Michael.



Bi-Partisan Majorities Vote in Support of Laws To Protect Religious Liberty, Human Trafficking Victims

By Jason Hall

The 2013 Regular Session of the Kentucky General Assembly was one of the most successful sessions in recent history for the Catholic Conference of Kentucky. There were disappointments, particularly in the area of abortion, but a number of bills passed which are important for protecting religious liberty and advancing the larger Culture of Life. In particular, House Bill 279 and House Bill 3 were both passed and are now law, due in significant part to the efforts of CCK.

HB 279, sponsored by Rep. Bob Damron and known as the Religious Freedom Restoration Act (RFRA), was proposed and supported by a coalition including CCK, the Family Foundation of Kentucky, and the Kentucky Baptist Convention, among others, as a response to a Kentucky Supreme Court decision in October 2012. In that decision, the Court held that the Kentucky Constitution's strong language protecting religious freedom did not provide any protection greater than that guaranteed by the First Amendment to the U.S. Constitution.

This was problematic because the U.S. Supreme Court, as has been discussed in recent issues of this newsletter, has held that the government, provided it does not specifically target religion, need only have a legitimate interest and a rational basis for a law and the First Amendment's free exercise clause provides no protection for religious believers, even if their religious practice is substantially burdened.

Congress acted in 1993 to correct that understanding of federal law with the federal Religious Freedom Restoration Act. The federal RFRA required that all federal laws be subject to "strict scrutiny," meaning that the government must have a compelling interest and have no less restrictive means available. This is a higher legal standard routinely applied by the courts where constitutional rights are involved.

Following the action of the Kentucky Supreme Court, a similar statute was needed at the state level. A number of other states had taken similar action since the late 1990's, either in response to federal litigation or decisions of state courts rejecting the strict scrutiny standard. During the 1990s, neither the federal RFRA nor the complementary state statutes were controversial. In fact, only three members of Congress voted



Photos in this story: Legislative Research Commission Public Information
Rep. Bob Damron, sponsor of HB 279, presents the Religious Freedom Restoration Act on the House floor, March 1, 2013.

against the federal RFRA in 1993.

That was then; this is now. The proposal for a Kentucky version of RFRA drew vocal opposition from a number of organizations and some very outspoken legislators. In particular, the ACLU and a number of gay rights groups charged that applying strict scrutiny to religious liberty cases would be a license for discrimination.

The ACLU supported the federal RFRA in 1993, which HB 279 mirrors, but their position has since changed. This makes little sense in light of experience. Neither the federal RFRA, nor the various state RFRA's have resulted in successful challenges to anti-discrimination laws.

Among legislators, the opposition was small in number but very vocal. A few members took to the floor to criticize the Catholic Church in particular, with one Representative saying that when the Catholic Church wants something, that should "raise a red flag." One claimed HB 279 was simply a ploy to cover up abuse, though it could not possibly have such an effect. Another claimed the whole argument was all about contraception and gave a long discourse attacking *Humanae Vitae*. One assumes this was a reference to the controversy over the HHS insurance mandate, but a state law can never simply trump a federal one. A link to the video of the House floor debate is in the box on page 3.

In the end, however, HB 279 won the support of an overwhelming number of legislators of both parties and both chambers. On March 1, it passed the House 82-7,



Rep. Kelly Flood speaks against HB 279. A video of the complete House floor debate held on Mar 1 is available on the Conference YouTube channel. To see how your

State Senator and State Representative voted on the bill and the veto override use the link below.

- Video of House debate: <http://bit.ly/hb279yt>
- Vote on HB 279: <http://bit.ly/279vote>

and less than a week later the Senate voted 29-6 in favor.

By this point, the opposition had succeeded in focusing a great amount of media attention on the bill, and various editorials were written urging the bill's defeat. Some mocked the very idea that a person's religious liberty could possibly be threatened. Once it passed, there was a great deal of pressure on Governor Steve Beshear from the media and various organizations to use his veto power, which is something that is very rarely done in Kentucky.

The governor, in justifying the extraordinary action of vetoing a bill that had received such overwhelming support in the legislature, argued that HB 279 was untested and could lead to a great deal of litigation. Again, the experience of other states and the federal government has been the exact opposite. Litigation has been very infrequent; in fact, some states have had RFRAs for over a decade and have yet to see a case decided on the basis of that statute.

Thankfully, this story does not end with the governor's veto. Thanks to the efforts of the bill's sponsor, Rep. Damron, and calls from Catholics and other people of faith and good will from across the state, the House Democratic caucus voted (in a closed meeting and in what was, by all accounts, a very close vote) to override the veto. When the floor vote was taken at the end of session, the full House voted 79-15 to override. Later that night, the Senate followed suit with a vote of 32-6.

Kentucky Human Trafficking Law Strengthened

The effort to pass HB 3 was a much different story. Rep. Sannie Overly, a Democrat, and Rep. Addia Wuchner, a Republican, were sponsors of the bill. A broad coalition of groups, from the Right and the Left

and everywhere in between, came together to support this bill that built upon a 2007 law that gave law enforcement personnel more authority to combat human trafficking.

Ultimately, HB 3 passed both chambers unanimously and was signed by the governor. Despite the lack of controversy, this is a very significant bill.

Perhaps the most significant effect that HB 3 will have is a radical change in how the criminal justice system, particularly in the case of juveniles, treats victims of human trafficking. For years, under Kentucky law, victims of trafficking have been charged with prostitution, drug offenses (drugs are often used as a means to control victims of trafficking), status offenses such as truancy, and a number of other crimes. This is in spite of the fact that these are victims who did not voluntarily choose these things.

HB 3 creates a safe harbor for victims of trafficking. Now, instead of incarcerating someone who has been trafficked, the victim will be freed from their exploitative environment and provided with the treatment they need. This treats these individuals, often teenage girls, as the vulnerable persons they are instead of as criminals. It also will save the taxpayers money, since treatment costs less than incarceration.

Informed Consent Dies

in House Health and Welfare Committee Again

Once again, the 2013 session saw the defeat of all legislation related to abortion, including the fix for Kentucky's Informed Consent statute, which is CCK's priority pro-life bill. Rep. David Watkins of Henderson, who has supported the bill in the past, changed his vote in committee to ensure it did not make it to the floor. We will be back in 2014, continuing to fight for this bill's passage.

Though no session is perfect, the passage of HB 279 and HB 3, among a handful of other positive bills, made 2013 incredibly successful.

Both these bills were included in the 2013 Catholic@theCapitol events which played out across the state. Contact from constituents helped achieve such strong bi-partisan support for these measure. More about the 2014 Catholic@theCapitol event is found on page 2.

Please pray for continued success and join with us in our efforts to build upon these victories in 2014 and beyond as we work to create a legal environment that respects human life and dignity and protects the most vulnerable among us.

Why Don't They Come Here Legally

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somewhat questionable, expectation) and explained that the U.S. bishops had strongly supported President Bush's immigration reform effort in 2007 (Justice For Immigrants was created during that effort), but that failed primarily because of opposition among Republicans.

How can Catholic bishops change their position on a substantive issue simply because the party it is likely to help has changed? And, with all due respect to my employers, does anyone think the bishops are competent to predict the impact of the passage of a major piece of legislation in 2013 on the presidential elections of 2020, 2024, or 2028?

Then we came to the truly contentious aspect of the immigration issue. Why haven't all these "illegals" come here legally? My new media-trained friend assured me that he has relatives who have applied for visas, waited for a few years, and then been approved. There is no reason anyone else can't do the same.

I have no doubt my friend is correct about his relatives. But this is where things get complicated. Our immigration system is not simply a line that you get into that is currently 8 years, 10 months long. It treats people radically differently for no rational reason. It keeps families separated for decades. It punishes those who simply want to work hard and try to support their families, but can't do so in their home countries.

There is almost no easy way to migrate legally and quickly to the United States (provided you aren't a star athlete). To illustrate this, let's assume you were born in Mexico. Unlike most of your countrymen, you not only have a college degree, but also a PhD. A major American corporation believes you are the only person who can head up their new division that is going to revolutionize American industry. You can't wait to come to the U.S. and get started. You also hope you can bring your brother along, who isn't educated but is the hardest worker you know and has no opportunities in your home town.

You are very lucky, because there is a clear legal path for you to immi-

grate. Your potential employer only needs to complete a mountain of paperwork and spend over \$10,000 in legal fees, and you will be awarded a green card. Well, six to ten years from now, that is.

Obviously, your new employer isn't going to wait years for you to start work. So, they will likely help you apply for an H1-B temporary worker visa. But those are capped by statute, so maybe you'll get one and maybe you won't. Let's say you do. Congrats! You can come to the U.S. and start work.

You talk to your employers and they are more than willing to give your brother a low-level job, if he is able to work legally in the U.S. You look into it and learn that there is no legal means for an unskilled worker from Mexico to enter the U.S. legally without family legally residing in the country already. So, he does some odd jobs when he can and you send him some of your salary each month and he gets by until you become a permanent resident. After eight years, you finally do!

Unfortunately, even though you are now a legal permanent resident (LPR) of the U. S., there is no family visa category for brothers and sisters of LPR's. So, he has to wait another five or six years (at least) for you to become a U.S. citizen. But, glorious day, after 13 years of waiting, you finally take your citizenship oath and your brother applies for an F4 Visa (Brothers and Sisters of Adult U.S. Citizens)! It won't be long now! According to the most recent U.S. visa bulletin, applications are currently being processed for those added to the waiting list prior to....**September 22, 1996.**

So yeah, why don't they all just come here legally?

http://www.travel.state.gov/visa/bulletin/bulletin_5993.html	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JUN06	01JUN06	01JUN06	22AUG93	01JUL00
F2A	08OCT11	08OCT11	08OCT11	01SEP11	08OCT11
F2B	01NOV05	01NOV05	01NOV05	01NOV93	22DEC02
F3	01OCT02	01OCT02	01OCT02	22APR93	22NOV92
F4	22MAY01	22MAY01	22MAY01	22SEP96	15DEC89

Supreme Court Marriage Decisions Troubling

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Here is what we know for sure. The old arguments for homosexual “marriage,” heard during the 1990’s and early 2000’s, are mostly dead. By “old arguments,” I mean those pleas which have persuaded many Americans to support same-sex “marriage:” many same-sex couples are in loving, committed relationships, but are unable to inherit from one another, enjoy hospital visitation rights, and other things to which married couples are entitled. These arguments, very understandably, are seen as justice issues by many Americans and it is hard to imagine how extending such benefits to same-sex couples could possibly affect marriage in a negative way. Let them live their lives in peace, with the rights that everyone else enjoys, the argument goes. How could that possibly affect anyone else in a negative way?

Surely there are many Americans, including many who experience same-sex attraction, who still see the issue in those terms. But, in the political and legal worlds, we have moved far beyond that.

Homosexuality is now in the mainstream and is celebrated every day in our popular culture. The goal now, as is evident in Justice Kennedy’s opinion, is to force the acceptance and celebration of same-sex “marriage” upon everyone as a condition of participation in the economy and our national life.

Already, major legal battles are less about the rights of homosexual couples (which are increasingly taken for granted) and more about the rights of florists, photographers, caterers and others who choose not to participate in homosexual “weddings.”

Though there is a small chance the following might not happen, it is reasonable to presume that Justice Kennedy’s opinion will now be cited as the legal basis to challenge every state marriage law in the nation that doesn’t recognize homosexual “marriage.”

Even laws that do not bear directly on constitutional rights must still have a rational purpose and seek that purpose in a rational way. Kennedy declares, with the full authority of the Supreme Court, that the only possible motives for believing in marriage as an objective institution oriented toward the procreation and rearing of children are malice, hatred, and a desire to deny people their basic rights.

Justice Kennedy also writes at great length about the

notion that states have the authority to define marriage. Some have argued that this protects states that choose to define marriage to be between one man and one woman.

A straightforward reading of the opinion, however, at least implies that this only works one way. States can bestow dignity upon same-sex couples, Kennedy argues, and no one can take that away. This is why DOMA is unconstitutional. By this logic, states that

don’t recognize same-sex “marriage” are denying people of this dignity. The Court didn’t universalize homosexual “marriage” with this decision, but it paved the way to do that in the very near future.

Much still remains uncertain. In this uncertainty lies our hope. As noted above, the growing support for homosexual “marriage” in recent years is largely because of what is good in the American people. Though the logic may at times be misguided, Americans see people who love each other being denied what seem to be basic rights enjoyed by legally-recognized families. But as those concerns are replaced by frequent legal action against private business and even religiously-affiliated organizations for failure to participate in “marriage” ceremonies which violate sincerely-held beliefs, will public opinion continue to support the cause?

Vigilance to protect religious liberty is more important now than ever before so that newly invented “rights” do not prevail over the right most central to human dignity: freedom of conscience.

Kentucky’s four Catholic bishops invite all to join them in proclaiming that true marriage is the lifelong union of one man and one woman.

I urge all Catholics and all people who share our beliefs in the sanctity of marriage to pray that the consciences of our lawmakers and of all Americans can be influenced to see the truth about marriage.

Bishop Roger Foy
Diocese of Covington



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Green River Asset Building Coalition Helps Families

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on interest rates, finding other ways to help people escape from the grasp of those who would exploit poor persons in need to increase their own wealth.

The Green River Asset Building Coalition (GRABC) is a collaboration of 50 businesses, government and non-profit organizations in the North Western Kentucky area. It was started in 2005 with the three fold mission to increase awareness and utilization of the Earned Income Tax Credit (EITC), provide free income tax preparation to low and moderate income families, and to promote practices and policies which foster asset accumulation.

This year, more than 130 volunteers received training from the Internal Revenue Services to become site coordinators, tax preparers, screeners and greeters at 13 different sites in Davies, Hancock, Henderson, Meade, McLean, and Ohio Counties. The team completed 3,943 income tax returns – more than 12 times the 305 returns that were prepared when the program was launched in 2005.

These returns produced nearly \$2.1 million in EITC, \$245,000 in child tax credits, \$161,000 in education tax credits, and more than \$5.4 million in total refunds. Since its inception, the program has generated \$26.6 million in total refunds and \$10.3 million in EITC dollars.

The Coalition has enabled low income individuals and families to reduce their financial pressures and debts, make down payments on a car or an apartment, or contribute to a college fund. Conservatively the Coalition has saved over \$3 million in tax preparation fees, and avoid rapid refund loans. The refunds and savings have also produced an infusion of \$26.6 million into

area economies.

GRABC helped start the Bank on Owensboro initiatives two years ago to help those who are unbanked and under banked to get back to the financial mainstream and to avoid excessive charges for check cashing and other services. Coalition members also work with low and moderate groups to help them learn financial concepts so as to develop financial capability and turn knowledge about financial services to money savings advantage. To learn more about the Coalition, go to www.GRABC.org.

GRABC is a part of a greater coalition called the Kentucky Asset Success Initiative (KASI), started by the Kentucky Domestic Violence Association, which is a coalition of six groups. They are: GRABC, Purchase Area Asset Building Coalition, Barren River Asset Building Coalition, Eastern Kentucky Asset Building Coalition, Central Kentucky Economic Empowerment Project, and Northern Kentucky Asset Building Coalition. Together in 2012, these coalitions served 11,471 low and moderate income families with 481 volunteers providing 22,228 hours of service, total refunds returned were \$16.9 million. There were 4,106 families that claimed the EITC. The median adjusted gross income of KASI filers was \$14,949. To learn more about this initiatives and to see what counties are served go to www.kdva.org and click on the KASI report.

To learn more about the thousands of free tax preparation sites, including the Louisville Asset Building Coalition, go to www.irs.gov/individuals/IRS-free-tax-return-preparation-programs.