

*DREAM Act Introduced in Senate and House*

## Immigration Reform Possible in 2009

The Justice for Immigrants campaign (JFI) of the U. S. Conference of Catholic Bishops sponsored a three day event, March 26 to March 28, which brought nearly 150 persons to the Kings Island Conference Center near Cincinnati Ohio.

This convening was the first of several bringing together clergy, religious and laypersons to teach them coalition building skills, and provide advocacy tools and other materials to help them recruit other Catholics in the effort to pass comprehensive immigration reform legislation as soon as possible.

Twenty persons from Kentucky participated. Other comprehensive immigration reform supporters came from Indiana, West Virginia, Michigan, Pennsylvania and Arizona.



The meeting's organizers emphasized that the long range goal of the JFI campaign is to enact legislative and administrative reforms based on the principles articulated by the bishops over the past several years.

Thursday evening and Friday morning presentations focused on communicating the Catholic message on immigration and organizing in communities, especially parishes.

On Friday afternoon and Saturday morning participants gathered in state delegations to put what they had learned into practice and develop a plan of action to grow the grassroots base needed to advocate for reform.

Kentuckians developed the following plan of action to educate others and invite their participation in advocating for passage of comprehensive immigration reform legislation that reflects the principles of Catholic Social Teaching.

As a sign of solidarity with our immigrant brothers and sisters, the group proposed asking all Kentucky parishes to ring their bells at 10 a.m. on Tuesday, May 12, in memory of the anniversary of the Immigration and Customs Enforcement raid in Postville, Iowa, one year ago. St. Bridget Catholic Church there was a refuge for community members during the aftermath of the raid which ended in the arrest of 389 immigrants. (The Catholic Conference did write each parish and asked for participation in remembering this anniversary.)

Tom Gurucharri, Director of Centro Pastoral in Louisville, and others will work on finding students brought here as young children by their undocumented parents to see if they are willing to speak to the press about the impact passage of the DREAM act would have on their lives in the U.S. If passed, this law would open the doors to college and service in our military to many talented young people who have much to

contribute to the only country they really know.

Each year the Bishops' Conference celebrates a week dedicated to migration. This offers an opportunity to remember our shared immigrant heritage. All agreed that the four Kentucky dioceses should explore celebrating National Migration Week at the same time and will look into doing so for the 2010 event, even though this could be after passage of comprehensive immigration reform legislation.

The group agreed it would be good to use other diocesan and parish events already scheduled as opportunities to speak about the need for reforming the immigration system and recruiting supporters to help achieve this goal.

Rev. Patrick Delahanty, associate director of the Catholic Conference of Kentucky, will help constituents schedule appointments with members of Kentucky's House delegation when Congress is in recess, usually around the Independence Day celebration in July and in August.

Several participants from Kentucky plan to write opinion articles and letters to the editor in conjunction with the Fourth of July holiday to talk about "the America I believe in" as Patti Gutiérrez, JFI Coordinator for the diocese of Owensboro, put it.

Sr. Imelda Quechol, MAG, Hispanic Minister at St. Thomas More Parish, Paducah, captured the sentiment of all those from Kentucky, "The most important thing I learned was how important it is to support our Latino community ... we need to struggle for a just reform and for the well-being of everyone and continue motivating more people, especially in the Anglo community, so that they may support us in becoming citizens of this country."

In remarks welcoming participants Johnny Young, executive director of Migration and Refugee Services for the U.S. Conference of Catholic Bishops, told them that JFI organized this convening to "re-energize our networks" so we are ready to help make passage of comprehensive immigration reform legislation possible by providing the necessary training and education to "grow the grassroots base that seeks humane and compassionate changes to our nation's broken immigration system."

Antonio Cube, JFI Campaign manager, reminded participants that in the 2007 attempt to pass reform legislation opponents "out-called us". He said that now we must "build a movement in the Catholic Church to get [reform legislation passed]." He added, "We know that the majority of Catholics have heard the Bishops' call for immigration reform, but have not felt compelled enough to act. By convening in Cincinnati, the JFI campaign is looking to seize upon the opportunity to

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# Catholic Conference Advocates for Life, Justice and Poor People at Capitol

By Robert J. Castagna  
Executive Director



million.

The shortfall needed to be addressed by February 15 in order to provide time for the proposed increases in tobacco and alcohol taxes to take effect and for revenues to be received by June 30. Once the budget and road construction bills were adopted, most legislation of a controversial nature ultimately died in a politically divided Legislature where the Republicans control the Senate and the Democrats control the House.

During the 2009 Regular Session of the Kentucky Legislature, the Catholic Conference of Kentucky staff tracked in excess of 60 bills and advocated in particular for the following policies and legislation:

### Ultrasound Informed Consent Bills SB 79; HB 241; HB 489

Partisan politics resulted in the failure of the ultrasound informed consent legislation from becoming law. The legislation passed in the Senate on two occasions in two different bills, but the legislation never came to the House floor for a vote.

SB 79 required that a pregnant woman be given an ultrasound exam prior to an abortion and that an in-person informed consent conversation take place with the woman. The woman was not required to view the ultrasound.

SB 79 passed the Senate on March 2 by a vote of 33-4 and on March 6 was referred to the House Health & Welfare Committee, where similar bills had died in past meetings of the General Assembly. This time was no different. At first it appeared there would be no hearing on the bill this year. But, in the end, there was a hearing on the bill. The committee members were sharply divided.

In contrast to 2008, by most observers' reactions, the 2009 Kentucky Legislative Session was marked by a spirit of bipartisan cooperation to resolve the projected budget shortfall of more than \$450

The CCK staff met with representatives whom we thought were undecided and could be swayed to vote yes in order to move the bill to the House floor for a full debate. We shared our compelling reasons for supporting the bill, especially how the abortion industry focused on the African-American community.

Ultimately, even though they said they recognized the importance and difficulty of the issue, those to whom we spoke ended up voting no on the legislation and the bill died in committee on a tie 8-8 committee vote.

With the failure of SB 79 in the House, attempts were made in the Senate to save the ultrasound informed consent bill by amending legislation that had already passed the House so that the bill could go directly to the House floor for a vote.

Senator Elizabeth Tori introduced floor amendments to attach SB 79 to HB 489 relating to medical services; but she ultimately withdrew them.

Senator Tori then introduced floor amendments to attach SB 79 to HB 241. HB 241, as amended on the floor with Senator Tori's amendments, passed on March 13 by a Senate vote of 34-1. The bill was sent to the House and received on March 13, the last legislative day before the veto period.

The House, however, did not take up HB 241 for a motion on concurrence before it adjourned on March 13. When the Legislature returned on March 26, the House decided to follow its rules and refused to consider any legislation other than simple resolutions. Absent any motion on concurrence on the House floor, HB 241 died on March 26 when the Legislature adjourned Sine Die.



Louisville Archbishop Joseph E. Kurtz urges support of prolife legislation during the annual rally for life held in the Capitol rotunda last February.

## Conference Supported Bills to Help Pregnant Women, Ex-Offenders, Other Vulnerable Persons

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### Eastern Kentucky Mobile Health Clinic HB 433, Budget Amendment Bill

St. Joseph Hospital in Lexington sponsors the Eastern Kentucky Mobile Health Clinic. The clinic visits five rural communities in eastern Kentucky's Morgan, Wolfe and Lawrence counties delivering health services with telecommunication and video capabilities enabling personnel to confer on a real-time basis with physicians at the universities.

On February 4 during their visit to the Capitol, Archbishop Kurtz and Bishop Gainer toured the clinic and thanked the team of professionals for their service.

The clinic serves in excess of 2,000 patients annually and has generated more than \$5 million in donated prescription medications over a five year period. For many patients, the mobile health clinic is their only access to health care.

In 2008, the state reduced the mobile health clinic's budget by \$24,000; and in 2009 the clinic was scheduled for a reduction of \$140,000 according to the Governor's proposed budget. On March 10, by a vote of 77-18, the House passed HB 433 with an amendment to restore \$100,000 of the proposed \$140,000 budget cut. On March 13, however, the Senate Committee on Appropriations & Revenue adopted its own version of the bill and deleted the provision of the \$100,000 for the mobile health clinic. Politics was much in evidence as legislators jockeyed over what restorations might find their way into the bill. HB 433 ultimately died when the House refused to consider substantive legislation on the final two days dedicated to overriding vetoes.

The Catholic Conference has continued the search for funding for the clinic. Conference staff has had discussions and meetings with Rose Rexroat, clinic administrator, Marie Cull, a hospital lobbyist, and state Public Health official, Dr. Steven Davis. Former Governor Brereton Jones communicated his concern about the reduced funding and possible loss of the clinic and has provided a very generous donation in the form of a matching grant of \$70,000 to keep the clinic viable. Fortunately, Mrs. Norma Hogge has matched his grant by her own very generous contribution of \$75,000. The Eastern Kentucky Mobile Health Clinic will continue to travel the roads of Kentucky delivering health care to those in need!

### Payday Loans: HB 444

Consistent with Pope John Paul II's description of usury as: "a scourge that is also a reality in our time and that has a stranglehold on many peoples' lives," the Catholic Conference supported the Kentucky Coalition on Responsible Lending's position of placing a 36% rate cap on payday loans.

The legislation that passed creates a data base for these loans, but does not impose a limit on interest rates.

Catholic parishes, especially in the Archdiocese of Louisville, have advocated on this issue through education and

invitations to parishioners to promote economic justice.

Governor Beshear signed the legislation on March 25. He indicated in his press release that: "...in the 2010 legislative session I will work with my colleagues in the House and Senate on capping the annual interest rate payday lenders can charge in a way that is consistent with the 36 percent cap that the federal government imposes on what can be charged to our military personnel. Today we are taking a strong first step to protect consumers. In the future, I believe we must take the next step of imposing caps on these lenders to afford consumers even stronger protections."

### Restoration of Voting Rights: HB 70

The Catholic Conference continued its advocacy for the passage of a Constitutional Amendment to restore the voting rights of convicted felons automatically, rather than continue the current practice which requires applications to the Governor by those who have completed their court-ordered sentences. Kentucky and Virginia are the only two states that do not allow automatic restoration in one form or another.

This year HB 70 had greater support than it had in 2008. By a vote of 83-14, House members sent the bill to the Senate for the third consecutive year.

The bill was referred to the Senate State & Local Government Committee where it died.

Supporting legislation is only one kind of advocacy. The Catholic Conference also tracks legislation that could be harmful to human life and dignity or lacking in elements to foster the common good and actively opposes it.

### Immigration: HB 441, HB 134, SB 174

The Catholic Conference opposed legislation, consistent with analysis and advice given by CLINIC (Catholic Legal Immigration Network, Inc.), which would have penalized immigrants and others, including current U.S. citizens, by requiring certain Kentucky employers to use a federal employment verification program known as e-Verify. According to CLINIC, e-Verify has a high error rate and a very lengthy adjudication timeframe if a worker is improperly denied the opportunity to work. None of these bills passed the Legislature.

### Paternity: HB 28

At the February 18 Board meeting, the Conference decided to oppose a proposal to change the current statutory presumption that the husband is the father of a child born to a marriage.

HB 28 would have changed the statutory presumption to a rebuttable presumption, thereby inviting court challenges to



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## Conference Supported Bills to Help Pregnant Women, Ex-Offenders, Other Vulnerable Persons

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paternity and effectively casting a legal cloud over marriages with children. The Board had received and discussed a concurring opinion of Kentucky Supreme Court Justice Cunningham in which Justice Cunningham wrote that the statutory presumption was a shield protecting the institution of marriage from interlopers.

House Bill 28 cleared the House Judiciary Committee though one member cast a courtesy vote, stating that he would oppose the bill on the floor. The bill was never called for a House floor vote and died.

### **Charitable Gaming: SB 149, HB 385**

#### **Requirement for CEO, CFO to Attend Trainings**

The Catholic Conference successfully opposed a requirement mandating training for officers and chairpersons of charitable organizations before being issued a license.

While the Conference indicated its support for training personnel, the Conference asked for amendments to be adopted to permit designees to be trained, rather than require pastors to go to charitable gaming training sessions.

HB 385 went to the floor without the amendment requested and passed by a vote of 67-29 on March 3. HB 385 ultimately died in the Senate.

SB 149 provided the amendment the Conference sought so that a designee could substitute for the CEO and CFO in training for charitable gaming. The bill passed in the Senate on March 4, was reported favorably out of the House Licensing and Occupations Committee on March 11, but died without a floor vote. Consequently no legislation passed the session requiring training of personnel in charitable gaming.

#### **Revised Uniform Anatomical Gift Act (UAGA): SB 25**

Senate Bill 25 was the revised Uniform Anatomical Gift

Act (UAGA) proposed by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission) which drafts model laws for the states.

After consulting with USCCB, the National Catholic Bioethics Center (NCBC) and the Maryland Catholic Conference, CCK staff proposed four amendments to SB 25. The Senate Judiciary Committee Chair, Senator Robert Stivers, had the legislative staff prepare the first three of the CCK amendments for potential introduction and consideration.

These first three amendments to the Uniform Act were negotiated and agreed to by the NCBC, the Maryland Catholic Conference and the Chair of Uniform Law Commission's Committee proposing the revised UAGA. The first amendment prohibited the donation of aborted body parts. The second amendment prohibited taking measures to hasten the death of a donor. The third amendment clarified that if there were a legal issue as to what document or decision were controlling, then an advance directive would have legal priority.

The CCK staff prepared the fourth amendment, concerning the production of human embryos and gave the amendment to Senator Stivers. The fourth amendment stated: "No person is permitted to take or use a part of an anatomical gift to make, produce or effectuate a human embryo."

At the time the Chair may have already decided the bill would not advance given the opposition of Senator Katie Stine, some in the medical and hospital community, Kentucky Right to Life and the amendments sought by the Catholic Conference.

As with many proposals, bills that fail in one session survive as ideas and are reintroduced in future sessions. The Catholic Conference of Kentucky will be present to maintain its vigilance and advocacy for human life and dignity, justice and the poor people of this Commonwealth.

## ***U. S. Bishops Call For Reform of Broken Immigration System; Restore the Rule of Law***

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educate the region's many Catholics about the church's position on immigration reform and urge them to act on it." He added that these five states comprised a "target-rich" region because of the number of Catholics who could get the message to their members of Congress.

Thursday evening Jill Gerschutz, Migration Policy Director for the U. S. Jesuit Conference, presented an overview of Catholic Social Teaching and connected it to present immigration discussion. She spoke about how important it is to frame this debate by asking, as does Pope Benedict XVI, "how can newcomers and natives – for lack of a better word – live together in right relationship." This will allow Catholics to see immigrants as human persons, rather than objects the media encourages people to fear. She then demonstrated how the various themes of Catholic Social Teaching apply to reforming the broken immigration system.

Kevin Appleby, Director of Migration and Refugee Policy for the U. S. Bishops' conference, provided an overview of immigration reform efforts. He emphasized that, though opponents were able to defeat past attempts to fix the system,

they still do not offer an effective solution to the problem. To explain why the Church gets involved in this issue, he described how long the Catholic Church has worked with immigrants – for centuries – and how active the Catholic Church is in their lives by providing pastoral care and services. "Immigrants," he said, "are us."

Because of this history, the Catholic Church is uniquely qualified to offer an effective solution to the broken system and the U. S. Bishops have done so by calling for legislation that is humane and includes a way for people to be here legally. The bishops have and will continue to support legislation that embraces family values and keeps families together. The bishops believe that the majority of Catholics and Americans will support a bill that recognizes how hard immigrants work and provides the means for them to be legally present in the country.

Polling results reported in November 2008 indicated that about 69 percent of Catholics polled supported a path to citizenship for undocumented immigrants, provided they register with the government; 62 percent supported the concept if they were required to learn English. The U. S. Bishops have

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## St Francis Pledge – An Opportunity to Protect Life and Dignity



By Sr. Mary Schmuck, R.S.M.  
Parish Social Ministry Coordinator  
Catholic Charities of Louisville

In 2006, the Catholic Coalition on Climate Change was launched with the support of both the U.S. Conference of Catholic Bishops and the National Religious Partnership for the Environment.

The Catholic Coalition on Climate Change supports and complements USCCB's Department of Justice, Peace and Human Development and the bishops' Environmental Justice Program.

The Coalition, whose participants include a dozen national Catholic organizations, launched The Catholic Climate Covenant: The St. Francis Pledge to Care for Creation and the Poor to encourage greater personal and shared engagement by the Catholic community to respond to the impacts of climate change.

"Who's under your carbon footprint?" is a question that highlights the theme of the "St Francis Pledge to Care for Creation and the Poor." This pledge forms the essence of the Catholic Climate Covenant, which calls individuals, families, parishes, schools and communities to reduce our carbon footprint, to care for "the least of these" (Mt 25), and to raise our voice on behalf of God's creation and especially persons who are poor and vulnerable.

Pledge signers agree to pray, learn, assess, act and advocate.

While some of the current public debate is still divided between efforts to save plant and animal life on one side and a growing demand for fossil fuel energy on the other, the Catholic community is making an important contribution by offering a distinctly religious and moral perspective.

Weather patterns and their effect on climate entails complex scientific, economic and political discussions, but deliberation on it all must be guided by moral principles. There must be a real concern for those persons most impacted by these changes and by any solutions offered to correct the problems that are raised. All of creation is God's gift and so deserves our respectful care.

Reports from numerous scientific groups indicate that poor people and poor countries are already being negatively impacted by changes like the rise in the ocean levels. Given their poverty, they have contributed the least to producing gases in the atmosphere that contribute to this warming and weather pattern changes. Thus this Catholic call to deal con-

structively with this question: "Who's under your carbon footprint?"

Catholic audience analysis after an April 21, 2009 Zogby poll reveals that

- The vast majority of Catholics in the US believe climate change is a serious moral issue; and
- Nearly all of us agree that our faith calls us to be good stewards of the gift of creation.
- Almost two-thirds believe our faith calls us to be especially concerned about the impact climate change has on vulnerable people at home and abroad.

A packet of information about this major national Catholic campaign was mailed during Holy Week to each of 17,000 Catholic Parishes and our 6300 Catholic schools. A 2-page ad about the St. Francis Pledge that appeared in national newspapers and bulletin inserts are included in the packet. Extensive information is also available on the website at <http://catholicclimatecovenant.org/>.

This website's offerings include: Catholic Teaching, the St Francis Pledge, Real Stories, News, Resources, a list of all Coalition Members and About us.

The broader Catholic Coalition on Climate Change also has a website: [www.catholicsandclimatechange.org/](http://www.catholicsandclimatechange.org/).

Offerings there include these pages: Church Teaching, Coalition Activities, Take Action, Resources, Partners, and Contact Us.

This U.S. effort builds on the calls of Pope Benedict XVI and Pope John Paul II, as well as our own Catholic Bishops.

Pope Benedict XVI noted in August 2006, "Environmental pollution is making particularly unsustainable the lives of the poor of the world. In dialogue with Christians of various confessions, we must pledge ourselves to take care of creation and to share its resources in solidarity."

Pope John Paul II in 1990 noted, "We cannot interfere in one area of the ecosystem without paying due attention to both the consequences of such interference in other areas and to the well-being of future generations."

In their 2001 document, "Global Climate Change: A Plea for Dialogue, Prudence and the Common Good" the U.S. Bishops taught, "Because of the blessings God has bestowed on our nation and the power it possesses, the United States bears a special responsibility in its stewardship of God's creation to shape responses that serve the entire human family."

This St Francis Pledge will help us step up together to meet our responsibilities.

### The St. Francis Pledge

I/We Pledge to:

- **PRAY** and reflect on the duty to care for God's Creation and protect the poor and vulnerable.
- **LEARN** about and educate others on the causes and moral dimensions of climate change.
- **ASSESS** how we-as individuals and in our families, parishes and other affiliations-contribute to climate change by our own energy use, consumption, waste, etc.
- **ACT** to change our choices and behaviors to reduce the ways we contribute to climate change.
- **ADVOCATE** for Catholic principles and priorities in climate change discussions and decisions, especially as they impact those who are poor and vulnerable.

# A Matter of Safety for Non-Public School Students

By Harry Borders

One of the most shameful episodes in our history occurred when states, under the guise of maintaining an alleged "separation of church and state," added "Blaine Amendments" to state constitutions. The real cause for this action was the anti-Catholic bigotry prevalent in many places throughout the 1800's.

The name comes from the efforts in the mid-1870's of Congressman James Blaine of Maine. Blaine was born in Pennsylvania in 1830 and taught school in Kentucky for a brief time before moving to Maine which served as the base for his political career. He was Speaker of the House at both the state and federal level, and was nearly elected President of the United States in 1884.

Responding to the commonly accepted practice at the time of giving public aid to religious schools, Blaine, now the Speaker of the U.S. House, proposed his infamous amendment to ban the practice. Congress rejected the idea, but anti-Catholic bigotry was so strong at the time that many states put the proposal in their constitutions, where it remains to this day in various forms, some more stringent than others.

The Kentucky version of the Blaine amendment is as follows: "no portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school". This is Section 189 of our Constitution as amended in 1890 and approved by voters in 1891. It is important to remember that Section 189 did not exist in Kentucky's original Constitution of 1792, nor the second or third Constitutions of 1799 and 1850.

The mission of the Kentucky League for Educational Alternatives (KLEA) is to secure financial support for children and parents in our non-public schools. The Blaine Amendment makes that mission difficult to achieve but not impossible.

Two of our long term goals are securing transportation for our students and a business tax credit. The busing of Catholic students has a long history dating to the late 1930's. The original source of funding for this important program was



Harry Borders  
Director, KLEA

county general funds and later the inclusion of state general funds as we know the program today.

Although there were challenges in court to the expenditure of these funds to transport private school students, a series of decisions validated the use of both county and state funds for this purpose. In short, these funds were general fund transportation dollars and not education dollars, therefore avoiding any violation of the Blaine Amendment under Section 189 of the Constitution.

Even though there were these court victories, there remains no guarantee of appropriate funding levels from the state or county in any given year.

There are 22 counties that participate and they, like all of us, have revenue problems. That prompts them to want the state to appropriate more money for private student transportation to reduce costs to the counties. Yet, when asked for more money, legislators insist that the majority of the funding is a county responsibility and their share should be viewed as supplemental.

In fairness, most legislators assume the \$2.95 Million currently available per year is sufficient. But parents, county judges and fiscal court members know better. Responding to a request from legislators, the Transportation Cabinet produced a study that indicates how underfunded this program really is. The Cabinet reported that it needs \$5 million per year or \$10 million per biennial budget to make busing a sound investment for our children's safety.

Another way to bypass the prohibitions of the Blaine amendment is to enact legislation establishing a business tax credit, such as that already approved and working well in Pennsylvania and several other states.

A business tax credit will reward businesses with a generous state tax credit for donating part of its tax liability to a public or non-public school which possesses 501(c)3 certification from the Internal Revenue Service. Since funds collected from these donations are not part of state revenue, their use does not violate the State constitution.

KLEA and the Catholic Conference of Kentucky supported a bill introduced in 2008 that would establish this credit with income from the credit benefitting both public and non-public students. KLEA and the Conference will continue to support efforts to improve the educational opportunities for all of Kentucky's school children.

## Social Justice ... 'another name for the love that does justice'

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basic needs of the poor and the importance of increasing the level of participation by all members of society in the economic life of the nation." Such moral principles ground "a strong presumption against extreme inequality of income and wealth as long as there are poor, hungry, and homeless people in our midst." (EJ n.185)

In accord with these principles, Church social teaching establishes a moral exigency that is incumbent on society to respond to the unmet needs of the truly disadvantaged. Nevertheless, the proportionality between ability and need in the abstract does not dictate concrete solutions. Policies or applications of moral principles stem from judgments

of political prudence.

The *Compendium of the Social Doctrine of the Church* sums up the significance of Church social doctrine as a sign of solidarity, respect, and love for humanity: "The Church, the sign in history of God's love for mankind and of the vocation of the whole human race to unity as the children of the one Father [LG n. 1], intends with this document on her social doctrine to propose to all men and women a humanism that is up to the standards of God's plan of love in history, an integral and solidary humanism capable of creating a new social, economic, and political order, founded on the dignity and freedom of every human person, to be brought about in peace, justice and solidarity. ..." (CSDC n. 19)

## Social Justice ... 'another name for the love that does justice'

By Rev. Ron Ketteler

On February 1, 2009, Zenit News reported that Pope Benedict XVI would release his third encyclical entitled *Caritas in Veritate* ("Love in Truth") in the near future.

In anticipation of its publication, Bishop Giampaolo Crepaldi, the secretary of the Pontifical Council for Justice and Peace, stated that the Holy Father would issue this new social encyclical "precisely in order for a teaching dating back centuries to continue to be ever timely, alive, and at work in history."

In the words of Bishop Crepaldi, *Caritas in Veritate* will be rooted in "the historicity of the Church's social doctrine, which is always an updating of tradition in order to render it once again fecund and hence timely and present."

Earlier in a 2008 press interview, Cardinal Tarcisio Bertone, the Vatican secretary of state, had disclosed that this third encyclical of the Holy Father would treat "international social problems, with special thought to developing countries."

Drafting of *Caritas in Veritate* followed the 40<sup>th</sup> anniversary of Pope Paul VI's encyclical *Populorum Progressio* ("The Development of Peoples," 1967)

In his inaugural encyclical *Deus Caritas Est* ("God is love") published in 2005, Pope Benedict XVI carefully distinguishes the Church's commitment to justice in the social order from the essential ecclesial ministry of charity. (DCE nn. 26-29)

After presenting a brief overview of the Church's social justice tradition, the Holy Father had focused the substance of his first encyclical on the distinctive theme of the constitutive nature of the Church's ministry of charity.

Pope Benedict XVI conceives the pursuit of just structures in society as a matter for the world of politics and as a mission proper to the laity. Referring to the Catechism of the Catholic Church, the encyclical affirms the primacy of charity as animating "the entire lives of the lay faithful and therefore their political activity, lived as 'social charity'." (DCE n. 29. Cf. CCC n. 1939)

The cardinal virtue of justice is defined as "rendering each person his or her due." The *Compendium of the Social Doctrine of the Church* (2004) defines justice as "a value that accompanies the exercise of the corresponding cardinal moral virtue. According to its most classic formulation, it 'consists in the constant and firm will to give their due to God and neighbor.'" (CSDC n. 201)

Since human relationships are multifaceted, a single criterion for measuring "what is due" cannot adequately evaluate the demands of "fairness."

"What is due to persons" in societal interactions cannot be measured by standards of strict equality; the question falls within the scope of distributive justice and social justice. The concept of distributive justice takes human need as a primary criterion; social justice adopts participation as a primary criterion.

The *Catechism of the Catholic Church* explains the inherent ordering of social justice to the common good of society: "Society ensures social justice when it provides the conditions that allow associations or individuals to obtain what is their due, according to their nature and vocation. Social justice is linked to the common good and the exercise of authority." (CCC n. 1928)

The *Compendium of the Social Doctrine of the Church* understands the concept of social justice as "a requirement related to the social question which today is worldwide in scope, concerns the social, political and economic aspects and, above all, the structural dimension of problems and their respective solutions." (CSDC n. 201)

More specifically, *Economic Justice for All*, the U. S. Conference of Catholic Bishops' 1986 pastoral letter on the U.S. economy, has provided succinct definitions of the principal categories of justice.

Distributive justice requires that "the allocation of income, wealth, and power in society be evaluated in the light of its effects on persons



Rev. Ronald Ketteler

whose basic material needs are unmet." (EJ n.70)

Distributive justice calls for proportionality, i.e., the balancing of burdens and benefits. On the one hand, members of society endowed with greater resources will have greater responsibility for working towards alleviating societal burdens. On the other hand, those who are truly disadvantaged will enjoy greater claims for assistance in attaining what is necessary for a decent human existence.

Social justice broadly indicates that "persons have an obligation to be active and productive participants in the life of society and that society has a duty to enable them to participate in this way." (EJ n.71)

The writings of Pope Pius XI introduced the term social justice. A representative grouping of experts in Catholic social teaching regards this contemporary category as a modern, expanded version of the ancient notion of legal justice.

In reference to the concept of social justice, Jesuit Father Philip S. Land, a former member of the Vatican's Pontifical Commission for Justice and Peace, observed that it is more common usage today to omit the modifier and simply refer to justice. Since social justice "must be informed by love," social justice is "only another name for the love that does justice."

Franciscan Father Kenneth R. Himes, a professor of moral theology at Boston College, writes: "Social justice is an essential dimension to the moral life since it makes other forms of justice feasible to obey."

In effect, social justice moves citizens towards achieving the demands of distributive justice. As a concept, it serves as a template guiding the implementation of the goals of distributive justice in the light of moral criteria.

The economic pastoral suggests that it might be appropriate to call social justice "contributive," for it "stresses the duty of all who are able to help create goods, services, and other nonmaterial or spiritual values necessary for the welfare of the whole community." (EJ n. 71) So-called "contributive justice" sets forth what citizens "owe" to their community.

Social justice regulates the relationship of the individual citizen to society and the common good. It represents fairness "from the bottom up." It is concerned with the ethical assessment of social structures, policies, and institutions. It is a recognition that injustice can be structural, embedded in "structures of sin" or "social sin." (EJ nn. 77- 78)

Conversely, if social justice focuses on the relationship of "the part to the whole," distributive justice is concerned with the relationship of "the whole to the part." By contrast, then, distributive justice regulates the relationship of society or government toward its individual members and denotes fairness "from the top down."

While social justice warrants participation in order to promote the common good, distributive justice demands a necessary minimum of material resources presupposed for the flourishing of human life. It responds to the question — to whom does the good society "owe" assistance?

According to *Economic Justice for All*, basic justice becomes an umbrella concept which "calls for the establishment of a floor of material well-being on which all can stand." The pastoral letter views this obligation in conscience as "a duty of the whole of society and it creates particular obligations for those with greater resources." Hence, the duty entailed with basic justice "calls into question extreme inequalities of income and consumption when so many lack basic necessities." (EJ n. 74)

At the same time, however, the criterion of proportionality does not argue for sameness, i.e., "a flat, arithmetic sameness of income and wealth" but rather promotes proportional equity in terms of the basic minimum due to all citizens for their well-being.

The concept of basic justice was explicitly invoked in the pastoral's analysis of economic inequality: "Catholic social teaching does not require absolute equality in the distribution of income and wealth. Some degree of inequality not only is acceptable, but might be considered desirable for economic and social reasons." (EJ n.185)

In this context, that evaluation of inequities in the distribution of income and wealth should be grounded in "the priority of meeting the

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## ***U. S. Bishops Call For Reform of Broken Immigration System; Restore the Rule of Law***

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consistently supported legislation that contained these conditions. Supporters of comprehensive immigration reform far outnumber its opponents who offer no effective solution to fix the system.

Miguelina Sunderland, who attends St. Thomas More parish in Paducah, said that the best part of the conference for her was learning that there were so many people working to build up the common good by reforming immigration laws. "I knew that there was an effort underway," she added, "but now I am able to see a work of true love of neighbor."

Echoing this sentiment, Kay Frazier, an employee of the Office of Multicultural Ministry in the Archdiocese of Louisville, remarked on "the knowledge and passion of the presenters and the simple way they conveyed their information about the Catholic Church's position on justice for immigrants. I have a much clearer understanding of why we have to speak and be vocal about this issue."

It is not too early to begin writing letters to members of Kentucky's Congressional delegation asking them to repair a broken immigration system that is outdated and ill-equipped to serve the needs of both immigrants and the nation effectively. Letters should urge that any comprehensive immigration reform include the following elements:

1. a path to citizenship for the 12 million undocumented persons in our country;
2. reform of our employment-based immigration system, so that migrant workers can enter the United States and work in a safe, controlled, and humane manner;
3. reform of the family-based immigration system, so that waiting times for family unity are reduced significantly;
4. restoration of due process protections for immigrants, including judicial discretion in removal proceedings, reform of our detention policies, and elimination of the 3 and 10-year bars to re-entry; and
5. policies to address the root causes of migration, such as economic development in poor nations.

In a related matter, Senators and members of the House of Representatives have introduced legislation called the Development, Relief, and Education for Alien Minors Act (DREAM Act). This permits certain immigrant students who have grown up in the United States to adjust to temporary legal status and eventually obtain permanent resident status if they attend college or enter the U.S. military.

This bill would apply to students in public and private schools, including Catholic schools. The premise of DREAM is that immigrant youth should not be hindered from working towards a more promising future solely because they were brought to the United States by their parents at a young age without legal status. DREAM seeks to provide these students a fair chance to earn citizenship and to contribute to the country they call home. Republicans and Democrats in both chambers support this bill, as does President Barack Obama.

However, significant grassroots momentum is needed in the coming months to overcome opposition and ensure that DREAM becomes law. Now is the time to write your representative and senators and ask them to co-sponsor the DREAM Act (S.729 / H.R.1751). Here are some talking points:

- The DREAM Act would permit immigrant youth who have graduated high school, are at least fifteen years of age, and have lived in the United States five years, to apply for permanent residence, if they complete two years of college or serve two years in the military. It also would permit states to offer these young persons in-state tuition without restriction.
- These young persons came to the United States as children with their parents, so did not enter the United States illegally on their own accord. They know no other homeland than the United States, and want the opportunity to offer their skills and leadership to our nation. We would be foolhardy not to give them that opportunity.
- I urge you to cosponsor this legislation, which could help 65,000 students per year come out of the shadows and pursue their futures.



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