

**CCK Board
of Directors**

Thomas C. Kelly, O.P.
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John J. McRaith
Bishop of Owensboro

Roger J. Foys
Bishop of Covington

Reverend
Robert H. Nieberding
Administrator of Lexington

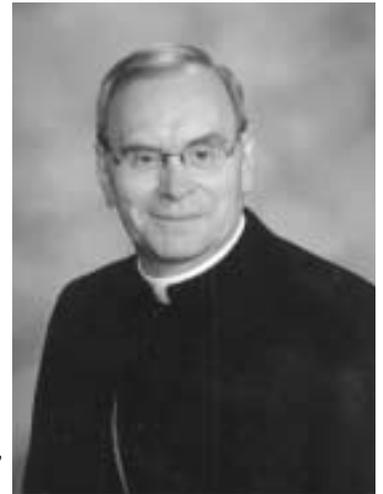
Vincent E. Senior
Executive Director

**FROM THE
EXECUTIVE
DIRECTOR**

CCK staff joined hundreds of other Catholics at the Cathedral Basilica of the Assumption in welcoming Bishop Roger J. Foys at his installation as the tenth bishop of the Diocese of Covington. He replaces Bishop Robert W. Muench who was named bishop of Baton Rouge, Louisiana in December 2001. Bishop Foys now joins Archbishop Kelly, Bishop McRaith and Reverend Robert Nieberding on CCK's Board of Directors.

He is a native of Chicago and was ordained a priest in the diocese of Steubenville in 1973. Prior to being named bishop of Covington, he was assigned as pastor at St. Francis of Assisi Parish in Toronto, Ohio while also serving as Vicar General for the Steubenville diocese. In total, then Fr. Foys, served the diocese for 29 years in a variety of assignments including teaching at the seminary and working for the diocesan tribunal. Judging from the four tour-sized buses from Steubenville and the dozens of well-wishers within, Bishop Foys was much admired and appreciated in the Steubenville diocese.

In his homily before the overflow crowd at the Basilica, Archbishop Kelly, spoke of today's challenges facing the Church and bishops. Archbishop Kelly stated that despite the difficulties now facing bishops, "I would not pick another moment in history to begin the ministry now being entrusted to you."



Roger J. Foys, Bishop of Covington

In closing, Bishop Foys thanked his parents, "...whose love gave me life and whose life gave me faith." He thanked his Catholic education, noting that, "While there may be alternatives to Catholic education, there are no substitutes."

CCK staff looks forward to serving with Bishop Foys and joining him in his mission of living out his newly adopted motto from St. Paul to "Let your light shine."

I N S I D E

- 2002 Legislative Wrap Up
- KLEA Update

**CCK PASTORAL VISIT TO
STATE PENITENTIARY**

One of the first public events for CCK's new Executive Director, Vince Senior, and newly installed Bishop Foys was a trip to Kentucky's maximum security prison, the Kentucky State Penitentiary in Eddyville. CCK's Pro-life and Social Concerns Committees recommended the visit in response to USCCB's 2000 Pastoral letter on criminal justice, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*. The pastoral's focus is: How can our criminal justice system protect and rebuild communities, confront crime without vengeance, and defend life without taking life?

KSP's new Warden, Glenn Haerberlin, made the

August 28th visit possible by coordinating the visit with CCK staff and Sr. Chris Beckett, a Glenmary, from Owensboro. Sr. Chris and Fr. Robert Drury are volunteer Catholic chaplains at the facility.

The purpose of the visit was to reaffirm the work of the chaplains and to emphasize the value of faith formation and spiritual development in prison. Time was set aside to allow for committee members and the bishops to meet with inmates, including those on death row. Bishop McRaith co-celebrated the mass with Archbishop Kelly and Bishop Foys and delivered the homily. He focused on the week's Gospel from Romans which spoke of God's ever present mercy. He added, "Everyone is in need of God's mercy and forgiveness, and that includes we three bishops."

2002 GENERAL ASSEMBLY

History will likely remember Kentucky's 2002 Regular Session of the General Assembly for the failure to enact a state budget. Despite this difficulty, several key pieces of important legislation were enacted.

Prohibition of Human Cloning – HB 138

CCK worked to support passage of one of the Session's most scientifically and ethically challenging issues. HB 138 passed the House early in the session mostly unnoticed and without dissent (99-0). Debate and discussion of the bill intensified when assigned to the Senate Health & Welfare Committee and later reassigned to the Senate Judiciary Committee. Final action on the bill occurred on the Senate floor where amendments to allow "therapeutic cloning" were offered and defeated. CCK and Kentucky Right to Life supported passage of HB 138 as passed by the House. Following emotional and lengthy debate the bill was finally laid upon the Clerk's Desk with further consideration postponed indefinitely.

CCK valued the debate as an important educational opportunity on a complex human life issue. Rev. Tony Smith of the Archdiocese of Louisville prepared and delivered CCK's testimony before a special meeting of the Senate Judiciary. Fr. Smith's testimony is available at CCK's website.

Abandoned Infants – SB 76

CCK supported similar legislation in the 2001 General Assembly, but the proposal failed to pass. In the 2002 Session a bi-partisan compromise was reached on a similar House version and SB 76. The law allows parents to surrender unwanted newborns to state custody without fear of being identified or prosecuted.

The baby given up was thought to be the first such case covered by the law.

In August, an infant from the Maysville area was handed over to authorities in the first such case under the Kentucky Safe Infants Act. The baby given up was thought to be the first such case covered by the law.

Informed Consent – SB 151

In the 1998 General Assembly, CCK supported passage of HB 85 which required a medical provider to inform a woman of the nature of an abortion at least 24 hours prior to the procedure. Senator Katie Stine (R-24) filed SB 151 to clarify that a medical consultation was to take place in the physical presence of the medical provider. In December 2000, a Louisville District Court ruling

upheld the constitutionality of the law, but failed to directly address the manner in which the medical provider delivered the information. Abortion right advocates had successfully lobbied that the consultation may take place over the telephone and were supported by a Jefferson County Appeals Court judge. SB 151 passed the Senate, but failed to receive a hearing in the House Judiciary Committee.



Death Penalty – HB 407, HB 447, HB 630, and SB 127

Prior to the 2002 Session, Governor Paul Patton bolstered the hopes of CCK staff and a large coalition of abolitionists and youth advocates when he stated his support for legislation prohibiting the execution of children under the age of 18. Death penalty opponents also found support

Governor Paul Patton bolstered hopes... when he stated his support for legislation prohibiting the execution of children under the age of 18.

in polling data conducted by the University of Kentucky's Research Center's *Spring 2000 Survey*. The data showed 79.5% preferred a sentence other than death for 16 and 17 year old children who committed capital murder.

Rep. Robin Webb (D-96) filed HB 447 which drew 18 House co-sponsors and sparked a companion bill filed by Senator Gerald Neal (SB 127). Neither of the bills received a hearing in committee, but much discussion and debate was generated when Rep. Jim Wayne (D-47) offered a floor amendment to the state budget prohibiting state dollars for execution of minors. Rep. Wayne's amendment failed on a procedural vote but not before the issue was debated at length on the floor. The issue now has a human face in that of Kevin Stanford who faces execution in the fall for a crime he was convicted of at the age of 17.

CCK joined with other abolition coalitions in supporting HB 630 filed by Rep. Tom Burch (D-30) and HB 407 filed by Rep. Jim Wayne. HB 630 sought to abolish the death penalty and in its place use life in prison without parole. HB 407 did not receive a hearing, but the June 2002 US

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Supreme Court decision (6-3) in *Atkins v. Virginia* held that it is cruel and unusual, therefore, unconstitutional, to execute mentally retarded persons. Kentucky's General Assembly outlawed the practice in 1990, but Rep. Wayne sought to make the prohibition retroactive and apply to those already on death row prior to 1990 who may be mentally retarded.

Tax Reforms – HB 354

Repeated studies have demonstrated that Kentucky's tax code is regressive, outdated and in need of comprehensive restructuring. As a coalition member in the Tax Fairness Coalition, CCK sought passage of HB 354 introduced by Rep. Jim Wayne (D-47). HB 354 would create a state refundable earned income tax credit to offset the disproportionate share of personal income paid in state taxes for the state's working poor. The State's budget deficit woes were cited as the reason for not allowing a hearing on the bill.

Individual Development Accounts - HB 454

Even with bi-partisan support, HB 454 failed to receive a hearing in committee. The bill sought to create a tax credit for individuals and corporations contributing to non-profit organizations operating an Individual Development Account Programs. The primary sponsors Rep.s Jeff Hoover (R-83) and Rob Wilkey (D-22) are committed to bringing the bill back in coming sessions. HB 454 collected 14 House co-sponsors.

Affordable Housing – HB 140

Kentucky's Affordable Housing Trust Fund will continue to receive funding from the Kentucky Lottery's unclaimed lottery prize account following reauthorization by the General Assembly.

Criminal Background Investigations – HB 595

Before passage of HB 595 Catholic and other non-public schools could not access the FBI's federal databases to conduct background investigations on newly hired teachers. Rep. John Draud (R-63), filed the bill and argued in support of it before the House and Senate Education Committees. The new law guarantees access to federal records for new teachers.

Non-public School Athletics – SB 210

CCK worked closely with Senator David Boswell (D-8) and Athletic Directors from non-public schools across the state to resolve a decades old situation. Prior to enacting SB 210, non-public schools' athletic programs had no representation on the KHSAA's Board of Control.

Non-public schools sought to have representatives elected from their regions serving on the Board of Control. CCK coordinated efforts to change the status quo by changing KHSAA bylaws. Working together, CCK and non-public school athletic directors helped SB 210 make its way to Governor Patton's desk. The new law guarantees two non-public school representatives will be elected to the KHSAA's Board of Control.

KLEA – SUPREME COURT VICTORY

Supreme Court Chief Justice William Rehnquist wrote the

Majority Opinion for the Court in its June 5-4 decision in *Zelman v. Simmons-Harris* upholding Cleveland's voucher program. The Majority Opinion states, "Our decisions have drawn a consistent distinction between government programs that provide aid directly to religious schools and programs of true private choice in which government aid reaches religious schools only as a result of the genuine and independent choices of private individuals."

Harry Borders, KLEA's Director, stated, "The ruling in *Zelman* reaffirms KLEA's belief that the future success of education must focus on the learner and not where the child attends school." *Zelman* is not the "magic bullet" that will persuade Kentucky lawmakers overnight to support choice in education, however, it is a critical precedent in moving the state closer to a new vision of education.

Borders quickly notes that the Court's decision resolves the constitutional question, but in no way

diminishes KLEA's support of public education where the majority of Catholic children attend school. "*Zelman* is a major victory for choice in education and for parental rights," said Borders. The Court noted that it "[has] never found a program of true private choice to offend the Establishment Clause." Rehnquist wrote that the Cleveland program does not violate the First Amendment because, "...a broad class of citizens ...direct government aid to religious schools wholly as a result of their own genuine and independent private choice..."

Much work remains before real alternatives in education exist in Kentucky. KLEA is committed to that purpose and will work to empower parents to exercise their rights as the primary educators of their children. One need only to look to other states to see the future of education where public and nonpublic schools coexist to best serve the educational needs of students regardless of where they are educated.

Chief Justice Rehnquist was joined by Justices O'Connor, Scalia, Kennedy, and Thomas.

**CCK WELCOMES
NEW DIRECTOR** Archbishop Kelly announced the appointment of Vincent E. Senior as CCK's new Executive Director on July 15, 2002.

A native of Philadelphia, Mr. Senior holds a B. A. degree from Bellarmine University in Louisville and a MBA from the University of Louisville. He is a graduate of the Harvard University Program for Senior Executives in State and Local Government, the University of Richmond's Executive Management Program and Duke University's Strategic Leadership Program for Senior Executives. Senior is retired from the Reynolds Metals Company where he was employed for 37 years. He is a former plant manager of the Reynolds packaging operations in Louisville and Richmond, Virginia. Mr. Senior served as Corporate Director, Public Affairs managing Reynolds' state and local



Vincent E. Senior, Executive Director, CCK

government relations across the U.S. Since leaving Reynolds, he has served in executive positions with Greater Louisville, Inc. and the Associated Industries of Kentucky. He is active in Leadership Louisville and the Rotary Club of Louisville. Vince and his wife, the former Alice Thomas of Elizabethtown, reside in Prospect, Ky and are the proud parents of three grown daughters and four grandchildren.

**CCK BIDS
FAREWELL**

Jane's announcement that her doctors had finally coerced her in to retirement in order to focus on restoring her health was a sad moment for Ky's bishops and CCK staff. For nearly a decade, Jane Chiles faithfully led CCK through many challenging issues and trying legislative sessions. She personified the mission of CCK and embodied the Gospel's call to work for justice and peace.



Jane Chiles, former Executive Director, CCK

Even in retirement, Jane continues to answer the Gospel call to be "salt of the earth" and "light of the world" (Mt 5:13-16). She has accepted a volunteer appointment to the United States Conference of Catholic Bishops' National Review Board. The Board will assist and monitor the USCCB's office for Child and Youth Protection.

When she is not in Washington, D.C., Jane is also busy preparing for her eldest son's wedding in Lexington.

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