

Executions Almost Certain This Year

As this issue of WITNESS goes to the printer the Catholic Conference is bracing itself to respond to a series of executions a recent Associated Press (AP) story predicted for Kentucky.

Last November, Attorney General Jack Conway requested that Governor Steve Beshear sign death warrants authorizing the execution of three death row inmates: Ralph Baze, Jr., Robert Foley, and Gregory Wilson. But, before Governor Beshear could respond, the Kentucky Supreme Court ruled that Kentucky did not have a legal means of execution in place because the executive branch had not complied with Kentucky's regulatory process and allowed the public to comment on its execution protocols.

Kentucky's Department of Justice and Public Safety Cabinet immediately drafted regulations for executions and held a public hearing in January for response. Catholic Conference Executive Director, Robert Castagna, appeared and offered CCK's objections to the proposed regulation. He focused on cost issues related to the regulation and to matters of conscience for those asked to participate.

In his conclusion Castagna said, "Until such time as the Commonwealth of Kentucky abolishes the death penalty, the Conference urges the Governor and the Department of Justice and Public Safety Cabinet to withdraw these rules, wait for the report and review of the ABA Assessment Team and conduct an independent, professional and thorough cost analysis of the death penalty in Kentucky. A period of time for a moratorium on the death penalty in Kentucky may result in the realization that Kentuckians are better off using scarce fiscal resources in a severe economic downturn for life-giving, life-affirming purposes such as schools, health care and the care and housing of the poor, elderly and vulnerable in our communities."

Subsequently, the Cabinet appeared before the General Assembly's Administrative Regulation Review Subcommittee, presented its report of the public hearing, noted changes made to the proposed regulation, and gained unanimous approval of the Subcommittee to proceed. Once the regulation is signed by Governor Beshear, the AP story reported that executions will soon follow.

Kentucky has executed four men in the past 53 years; it is not unreasonable to think that the State could execute the same number before the end of 2010. In addition to the three executions requested by General Conway, death row inmate Shawn Windsor is trying to fire his attorneys, waive his appeals, and get a date from the Court for his execution.

In addition to the moral dimensions of the issue ably described by Fr. Ron Ketteler in his article on page 7, there is the added context of events in Kentucky's courts that should

cause death penalty proponents to question whether its use now is reasonable or prudent.

A review of court actions during the past four years reveals that Kentucky jurors are apparently becoming more cautious when considering whether or not to sentence anyone to death. Between September 2006 and December 2009, juries returned no death sentences in Kentucky. In 2007 alone there were 108 eligible cases. This mirrors the attitudes expressed by Kentuckians in a poll conducted by the University of Kentucky and released in December 2006.

The U. K. Survey Center reported that Kentuckians overwhelmingly choose alternatives over the death penalty as the most appropriate punishment for those convicted of aggravated murder. When asked to select the most appropriate

sentencing option from choices currently available to Kentucky jurors serving in capital murder trials, 67% selected sentences other than the death penalty. The first choice among respondents was life without parole.



Not until March, 2010, did a Kentucky jury sentence anyone to death. Then a jury sentenced Kevin Dunlap to death for the murder of three children and trying to kill their mother.

Then two triple murderers pled guilty in separate cases and were sentenced to life without parole and not death.

On April 14, the Pulaski County Court sentenced Michael Abner to life in prison without parole. The prosecutor told the judge, "His acts are brutal and heinous, speaking to a complete lack of respect for human life." Abner confessed to killing three persons over a 25-year period.

The following week a Judge in Carter County accepted a guilty plea from Robert Drown. Drown admitted killing three persons, a mother and her two daughters. In addition he raped one of the daughters, a 10-year old child whom he bludgeoned to death.

One more recent case drives home the point that who gets sentenced to death is ruled by the laws of chance, rather than the rule of law.

On April 19, 2010 a Boone County circuit court Judge declared a mistrial in the case of Raymond Clutter, accused of raping, killing, and dismembering a woman in Covington. Her body parts were found in three different counties in Ohio. In an opening statement to the jury the prosecutor, an assistant Commonwealth Attorney, introduced inadmissible hearsay

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State Budget Dominates 2010 Legislative Session; Political Paralysis Results in Need for Special Session

By Robert J. Castagna
Executive Director



During the 2010 session of the Kentucky General Assembly, the Catholic Conference of Kentucky saw most of its legislative advocacy efforts frustrated by the political divide between the Republican Senate and Democratic House resulting in a paralysis of action on most issues of concern to the Conference. Advocating a host of issues on a consistent ethic of life basis and rooted in the Gospels and Catholic Social Teaching, the Catholic Conference was able to get bills passed in one chamber or the other; but the Conference's positions on issues fell victim to philosophical and political differences between the two chambers.

During a legislative session in which the Senate and House leadership rejected the Governor's proposed budget on the night he delivered his budget address to a joint legislative session, political paralysis prevailed in the budget deliberations between the divided chambers which adjourned the regular session without passing a state budget. House Democrats favored bonding a state construction program for schools and infrastructure; Senate Republicans favored controlling spending without assuming additional state indebtedness. The Governor's proposal balancing the biennial 2010-12 budget, with an estimated revenue shortfall of \$1.5 billion, depended largely on raising revenues through an expansion of gambling at racetracks.

In response to the Legislature's adjourning without a budget and as of this writing, the Governor indicated he would call a Special Session in May. The Governor indicated in a strong letter to legislative leadership that he needed a state budget by June 1 to take advantage of savings in the bond markets or, in the absence of a budget, to prepare for a partial shutdown of state government.

The Sanctity of Human Life; The Dignity of the Human Person

Unexpectedly the Conference's public policy achievement in advancing the sanctity of human life came in the context of Senate Bill 4, a bill introduced on February 26, midway through the session.

Senate Bill 4, Kentucky's version of the **Revised Uniform Anatomical Gift Act**, was introduced by Senate President David Williams and Senator Denise Harper Angel at the request of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission. The Commission proposes laws to the states in an effort to make state laws uniform throughout

the country on legal issues crossing state lines and on which there is national interest. The Commission had introduced this issue in the 2009 legislative session; but after an initial hearing and proposed amendments, the bill died in the Senate Judiciary Committee.

The Catholic Conference participated both in 2009 and 2010 in the legislative deliberations on the Revised Uniform Anatomical Gift Act. In 2009, the Catholic Conference had four amendments prepared for consideration by the Senate Judiciary Committee. When Senate Bill 4 was introduced in 2010, the Catholic Conference successfully reasserted its amendments for inclusion by the chief sponsor, Senate President Williams.

The amendments prohibit using an aborted fetus for an anatomical gift, prevent the hastening of death to obtain an anatomical gift, assert the legal priority of a patient's advance directive if there is a legal conflict, and exclude the taking of an ovum or sperm to create an embryo to be used in therapy, research or education.

Excluding "an ovum or sperm for the purpose of creating an embryo to be used in therapy, research, or education," from the bill's definition of "tissue," the amendment introduces in the uniform legislation in a unique way the issue of restricting the production of human embryos. No other state adopting the revised uniform anatomical gift legislation has included any restrictions on producing human embryos, but the issue may be addressed in other state laws or may not be addressed at all.

Identified by the National Catholic Bioethics Center as a legal issue contained within the parameters of the activities permitted under the uniform act, the Catholic Conference of Kentucky drafted its initial amendment in 2009 and proposed that the language be added to the bill's criminal penalties for prohibited activity to provide an enforcement mechanism discouraging the production of human embryos. As introduced by the Senate President in Senate Bill 4, the language of the amendment does not include legal enforcement sanctions in the legislation; but the amendment is inserted in the definition of "tissue" to exclude "an ovum or sperm for the purpose of creating an embryo to be used in therapy, research or education." If there were any violations of producing human embryos to be used in "therapy, research or education," enforcement would depend on the outcome of civil litigation with injunctive relief and civil damages available, instead of criminal penalties.

Kentucky's statutory language on restricting

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the production of human embryos from anatomical gifts is now available for consideration in the public policy deliberations on the uniform act by other states.

On an abortion issue of continuing concern, the legislature continued its multi-session stand-off on the **ultrasound, informed consent** legislation contained in 2010's Senate Bill 38. Introduced by Senator Elizabeth Tori, the legislation requiring an ultrasound exam with in-person informed consent passed the Senate 32-4 on January 25. One month later, on February 25, the Catholic Conference, as it had done before the Senate Judiciary Committee in January, testified in support of Senate Bill 38 before the House Health and Welfare Committee where, as in previous sessions, the bill died in committee—this time on a tie vote of 7-7.

Given the multi-session struggle to advance the ultrasound, informed consent legislation, what happened next came as no surprise to legislative observers; but the number of attempts to attach Senate Bill 38 or its companion bill, House Bill 373, to other bills kept legislators busy explaining their activities. No less than amendments to 11 other pieces of legislation were filed attempting to attach or substitute the ultrasound, informed consent legislation to other bills headed to the House floor. A discharge petition, a direct challenge to House leadership, was filed on March 17 to attempt to bring SB 38 directly to the House floor, but the petition was unsuccessful.

As part of the Catholic Conference's life issues' agenda, the Catholic Conference has been a steadfast opponent to the **death penalty** in Kentucky. During the legislative session, the Catholic Conference submitted testimony in opposition to Kentucky's **administrative rules to implement the procedures and protocols for capital punishment** by lethal injection and electrocution. Although the Department of Justice and Public Safety Cabinet did not provide for a conscience clause for state employees opposed to capital punishment as requested by the Catholic Conference, the state responded to the Catholic Conference's concern by asserting that the department's employees were "volunteers." During the legislative session, House Bill 45 was introduced to repeal the death penalty, but it died in the House Judiciary Committee without a public hearing.

Criminal Justice

In a mental health bill related to the death penalty, House Bill 16 was introduced by Rep. David Floyd to exclude persons who are found to be **severely mentally ill** from capital punishment. Caught in the polarized political dynamic in the legislature, the bill did not receive a hearing.

In another continuing legislative effort to advance criminal justice, House Bill 70, a **constitutional amendment providing for the restoration of voting rights** of felons who have served their sentences fully and paid their debt to society, was introduced by Rep. Crenshaw. As in past sessions, the bill passed the House overwhelmingly, 83-16, but did not receive a hearing in the Senate State and Local Government Committee.

Business Tax Credits for Financial Aid for Students; Transportation for Non-Public School Students

In a significant development for advocates of private education, including students attending Catholic schools, newly elected Rep. Terry Mills introduced House Bill 582 on March 2 to provide **business tax credits for financial aid to students**. With an "information only" hearing held on March 16, Father Joseph Atcher, Chief Education Officer of the Archdiocese of Louisville, Mr. Donald J. Kelly, attorney and Catholic Education Foundation of Louisville Board member, and Mr. Harry Borders, Executive Director of the Kentucky League for Educational Alternatives, testified before the House Appropriations and Revenue Committee on the benefits of providing business tax credits for financial aid. Legislators hearing the testimony were interested in the issue and seek more information to continue the conversation during the interim.

Given the state budget constraints, it was an accomplishment to see any line item increased; but the House increased the funding for transportation for non-public school students \$200,000 per year or \$400,000 for the two-year budget. The Senate trimmed that figure by \$120,000 for the biennium before the budget talks collapsed. As of this writing, the Special Session will finalize the general fund appropriation for transportation of non-public school students.

Economic Justice

The Catholic Conference participated in the Kentucky Coalition for Responsible Lending's (KCRL) advocacy for House Bill 381, sponsored by Rep. Darryl Owens, imposing an **interest rate cap of 36% on payday loans** in the state. Confronting a vigorous and daily lobbying presence by the payday loan industry, KCRL learned early in the session that the chair of the House Banking and Insurance Committee, Rep. Jeff Greer of Brandenburg, would not give the bill a public hearing. One representative was dissuaded from introducing the bill when he



Tammy Taylor, a victim of the payday loan industry, describes her experience during a press conference announcing introduction of HB 381. To her left is Rep. Darryl Owens, sponsor of HB 381, and to his left is Rev. Dick Sullivan, an active leader in C.L.O.U.T., a church-based community organizing group centered in Louisville. The Catholic Conference is a member of the Kentucky Coalition for Responsible Lending which is seeking to rein in payday lenders for their mistreatment of poor persons and others needing loans.

learned he had an opponent in his contest for re-election. With an industry lobbyist inquiring who the Republican sponsors would be and with industry pressure on legislators to refuse to introduce a rate cap, merely getting the bill introduced in the House became a major hurdle to overcome. With 22 Democratic legislative sponsors and more than 60 organizations across the state advocating for the rate cap of 36%, the issue will return in 2011 after the statewide database on payday loans became effective on April 30.

Tax reform was pre-session filed and introduced in House Bill 13 by Rep. Jim Wayne last September. During the session, a meeting was held with House leadership, legislators and advocates for revenue reform concerned about the state's regressive tax system and

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Abortion Funding in the New Health Care Reform Act

Congress and the public agree that the federal government should not fund elective abortions. For over three decades this policy has been reflected in the Hyde amendment to the Labor/HHS appropriations bill and many similar laws.

In key respects the newly enacted "Patient Protection and Affordable Care Act" (henceforth "the Act") does not follow this longstanding policy. CCK presents this very brief summary of some key issues as examples of how deficient the Act is in protecting human life in the womb.

This material incorporates an analysis by the legal counsel of the United States Conference of Catholic Bishops. The Bishops' lawyers also examined the executive order issued by President Barack Obama after the legislation was signed into law.

For a fuller, more in-depth analysis of the Act on these issues, and of President Obama's executive order issued after its enactment, see www.usccb.org/healthcare/03-25-10Memo-re-Executive-Order-Final.pdf. This analysis, only nine pages in length, is excellent, but too long for our newsletter. CCK urges readers to spend some time with the complete analysis to become well-informed on this complex issue.

Federal funds in the Act can be used for elective abortions. For example, the Act authorizes and appropriates \$7 billion over five years (increased to \$9.5 billion by the Health Care and Education Reconciliation Act of 2010) for services at Community Health Centers. These funds are not covered by the Hyde amendment (as they are not appropriated through the Labor/HHS appropriations bill governed by that amendment), or by the Act's own abortion limitation in Sec. 1303 (as that provision relates only to tax credits or cost-sharing reductions for qualified health plans, and does not govern all funds in the bill). So the funds can be used directly for elective abortions.

The Act uses federal funds to subsidize health plans that cover abortions. Sec. 1303 limits only the direct use of a federal tax credit specifically to fund abortion coverage; it tries to segregate funds within health plans, to keep federal funds distinct from funds directly used for abortions. But the credits are still used to

pay overall premiums for health plans covering elective abortions. This violates the policy of current federal laws on abortion funding, including the Hyde amendment, which forbid use of federal funds for any part of a health

benefits package that covers elective abortions. By subsidizing plans that cover abortion, the federal government will expand abortion coverage and make abortions more accessible.

The Act uses federal power to force Americans to pay for other people's abortions even if they are morally opposed. The Act mandates that insurance companies deciding to cover elective abortions in a health plan "shall... collect from each enrollee in the plan (without regard to the enrollee's age, sex, or family status) a separate payment" for such abortions. While the Act says that one plan in each exchange will not cover elective abortions, every other plan may cover them – and everyone purchasing those plans, because they best meet his or her family's needs, will be required by federal law to fund abortions. No accommodation is permitted for people morally opposed to abortion. This creates a more overt threat to conscience than insurers engage in now, because in many plans receiving federal subsidies everyone will have to make separate payments solely and specifically for other people's abortions. Saying that this payment is not a "tax dollar" is no help if it is required by government.

The solution is to follow current law. The Stupak/Pitts provision in the House-passed health bill (also offered but rejected in the Senate as the Nelson/Hatch/Casey amendment) would have solved these problems by following longstanding current laws such as the Hyde amendment: No funds authorized or appropriated in the entire bill may be used for elective abortions or health plans that cover them. People would not be forced to pay for other people's abortions, and those who want abortion coverage could buy it separately without using federal funds. Legislation to maintain this longstanding federal precedent is still needed, to ensure that health care reform will truly expand life-affirming health care and not abortion.



Bishops Ask Faithful Citizens to Contact U.S. Senators and Urge Ratification of New Strategic Arms Reduction Treaty (START)

Passages from a USCCB Letter to President Obama

Our 1983 pastoral letter, *The Challenge of Peace*, made a “definitive and decisive” moral judgment to say “no” to nuclear war. In 1993 in *The Harvest of Justice is Sown in Peace*, we argued: “The eventual elimination of nuclear weapons is more than a moral ideal; it should be a policy goal.”...

The horribly destructive capacity of nuclear arms makes them disproportionate and indiscriminate weapons that endanger human life and dignity like no other armaments. Their use as a weapon of war is rejected in Church teaching based on just war norms. Although we cannot anticipate every step on the path humanity must walk, we can point with moral clarity to a destination that moves beyond deterrence to a world free of the nuclear threat. ...

Based on a moral imperative to rid the world of nuclear weapons, the Conference of Bishops will be a steadfast supporter of strong and bipartisan action on the new START Treaty as an important and essential step toward a nuclear-weapons-free future.

Francis Cardinal George, OMI,
USCCB President,
April 8, 2010

ACT NOW

Contact Senators McConnell and Bunning and urge them to give bi-partisan support to the new START Treaty.

The Capitol switchboard number is 202-224-3121.

Or visit the Catholic Conference website, www.ccky.org, and use the Take Action button to urge support through the email message.

“Justice, right reason, and the recognition of man's dignity cry out insistently for a cessation to the arms race. The stockpiles of armaments which have been built up in various countries must be reduced all round and simultaneously by the parties concerned. Nuclear weapons must be banned. ... Everyone must sincerely cooperate....”

But this requires that the fundamental principles upon which peace is based in today's world be replaced by an altogether different one, namely, the realization that true and lasting peace among nations cannot consist in the possession of an equal supply of armaments but only in mutual trust.”

Pope John XXIII,
Peace on Earth, nos. 112, 113

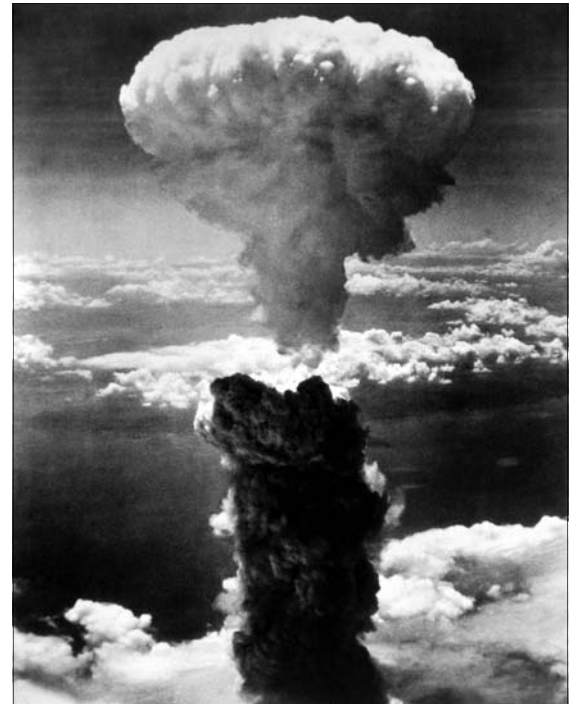
Summary: President Obama and President Medvedev signed a new Strategic Arms Reduction Treaty (START) on April 8, 2010. The new START Treaty: reduces deployed strategic warheads to 1,550, 30 percent below the existing ceiling; limits the United States and Russia to no more than 700 delivery vehicles; and includes new verification requirements. The Treaty needs ratification by the U.S. Senate. USCCB supports strong, bipartisan action to ratify the new START Treaty.

Background: Originally proposed by President Ronald Reagan, the United States and Soviet Union signed the original START Treaty in 1991. This treaty limited the number of nuclear warheads and delivery vehicles (missiles and bombers) that each country could deploy.

Today the United States and Russia still hold about 95% of all nuclear weapons, large arsenals left over from the Cold War. Many of these weapons are on immediate alert status.

Ratification of the new START Treaty is critical because verification ensures transparency and these reductions in the number of weapons can set the stage for future reductions. The new START Treaty is also important to international efforts to address nonproliferation. With fewer nuclear weapons in the world the likelihood of one falling into terrorist hands is reduced and countries are more likely to cooperate in enforcing nonproliferation demands and controlling the supply of nuclear materials. Strong support for the new START Treaty will also help build momentum for eventual ratification of the Comprehensive Test Ban Treaty.

The possession and maintenance of nuclear weapons are a grave threat to human life and



dignity. Consistent with Catholic teaching, the bishops have long supported securing nuclear materials from terrorists and reducing the number of nuclear armaments. For decades they have promoted the policy goals of preventing proliferation of these horrific weapons and ultimately eliminating them.

Nuclear war is rejected in Church teaching because the use of nuclear weapons cannot insure noncombatant immunity and their destructive potential and lingering radiation cannot be meaningfully proportionate. Pope Benedict XVI said in a January 2006 statement, “In a nuclear war there would be no victors, only victims.”

Capital Punishment and the Culture of Life

By Rev. Ronald Ketteler

Evangelium Vitae (The Gospel of Life, 1995), the “signature” encyclical of Pope John Paul II, emphatically places abortion and euthanasia at the center of the struggle between the “culture of life” and the “culture of death.” These preeminent moral evils, however, are interlocked within a framework of all threats to human life, including poverty, malnutrition, hunger, and social injustice.



Rev. Ronald Ketteler

The late Holy Father’s condemnation of “the culture of death” echoes a seminal passage from the Second Vatican Council’s Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*): “Whatever is opposed to life itself ... whatever violates the integrity of the human person ... whatever insults human dignity” (GS n. 27)

Yet, at the same time, The Gospel of Life also takes note of new signs of hope in movements that are dedicated to heightening social awareness in defense of life. In particular, the “growing public opposition to the death penalty” pays witness to that “new sensitivity.” (EV n. 27)

The **Compendium of the Social Doctrine of the Church** (2004) confirms this “new sensitivity” concerning the ethics of the death penalty: “The growing aversion of public opinion towards the death penalty and the various provisions aimed at abolishing it or suspending its application constitute visible manifestations of a heightened moral awareness.” (CSDC n. 405)

The Compendium’s synthesis of Church social teaching on the morality of the death penalty is drawn from *Evangelium Vitae* and the **Catechism of the Catholic Church**.

Pope John Paul II judged that it is no longer necessary for lawful public authority to have recourse to capital punishment since there now exist effective means to suppress crime and to protect society without definitively eliminating the chance for criminals to reform. (EV n. 27)

Therefore, the encyclical urges society not to resort to the “extreme of executing the offender except in the case of absolute necessity.” The text limits the meaning of “absolute necessity” to situations “when it would not be possible otherwise to defend society.” Nevertheless, such cases in the modern developed nations would be “rare, if not practically non-existent.” (EV n. 56)

The encyclical’s teaching was incorporated into the revised edition of the Catechism of the Catholic Church (1997). (CCC n.2267)

In a homily preached in St. Louis on January 27, 1999, Pope John Paul II summoned American Catholics as believers and citizens “to be unconditionally pro-life.” The new evangelization should inspire disciples of Jesus to “proclaim, celebrate, and serve the Gospel of life.” He appealed to Catholics

to form a societal consensus “to end the death penalty which is both cruel and unnecessary.”

A few months later on April 2, 1999, the Administrative Board of the United States Catholic Conference of Bishops issued “A Good Friday Appeal to End the Death Penalty.” The statement presented a précis of Pope John Paul II’s prophetic charge for a renewed urgency to end the death penalty: “Through his powerful encyclical, The Gospel of Life (*Evangelium Vitae*) Pope John Paul has asked that governments stop using the death penalty as the ultimate penalty.” (EV n. 56)

The USCCB’s 1999 Good Friday statement accentuated a key ethical principle for suppressing the use of the death penalty: “We oppose capital punishment not just for what it does to those guilty of horrible crimes but for what it does to all of us as a society.” Besides “perpetuating a cycle of violence,” the increasing rate of executions stands as “a sign of growing disrespect for human life” and propagates a myth, namely, “the tragic illusion that we can defend life by taking life.”

In the words of *Confronting the Culture of Violence: A Catholic Framework for Action* (1994), the bishops’ reaffirm that “[w]e cannot teach that killing is wrong by killing.”

For more than thirty years the Catholic Bishops of the United States have called for the suspension of the use of the death penalty.

More recently, *A Culture of Life and the Penalty of Death*, their 2005 statement on the issue, summons Catholics to face the issue of capital punishment as “an unavoidable moral challenge” and to advocate the end to the use of the death penalty.

The USCCB’s Catholic Campaign to End the Use of the Death Penalty is established as “part of the Church’s broad commitment to defend human life from conception to natural death whenever and wherever it is threatened.”

After *Evangelium Vitae* the Catholic bishops of Kentucky reissued their 1984 pastoral letter, “Choose Life: Reflections on the Death Penalty.” In their introduction, our bishops expressed the hope that “through our teachings and re-issuing of this pastoral letter that all Kentuckians will reflect on this issue and join us in our call to end violence and stop the killing.”

Their message is still timely for promoting the Gospel of life.

The Catholic Conference of Kentucky website has many resources related to life issues including capital punishment. In addition to two pastoral letters that specifically touch on this issue, there is a Vigil at the Time of an Execution in the Prayers for Life booklet published by the Conference, <http://ccky.org/PDF%20Files/Prayers%20for%20Life/The%20Whole%20Booklet.pdf>.

Another excellent resource is the fact-filled website of the Death Penalty Information Center: www.deathpenaltyinfo.org.

The Catholic Conference of Kentucky is a member of the Kentucky Coalition to Abolish the Death Penalty and its website — www.kcadp.org — has timely information and links to YouTube videos it produces featuring Kentuckians, including family members of victims and of those condemned to die.

Sweet Morsels of Grace

By Dr. Todd Butler

Just as the first peas and onions are popping up in gardens across the Commonwealth, it also seems that this long economic winter may finally be sprouting new life. I believe there are similarities between gardening and the way God has worked in this recession. Perhaps the poet Walt Whitman can best explain what every gardener knows and every faithful person hopes. In his poem, "This Compost," Whitman considers the foul commodities with which we fertilize the soil only to watch it, "...grow such sweet things out of such corruptions."

No doubt most of us could tell tales of watching our 401K being plowed under by a corrupt economy. Yet, if we pause to reflect more deeply we may also be able to give witness to the way God, even in the midst of these foul economic indicators, has managed to bear such sweet fruits within our families and within our faith communities. Early on in this financial meltdown, I saw an interesting statistic that began my search for how God has been working on the underside of these painful economic times.

Even as spending plummeted like a thermometer in the dead of winter, one sector of the entertainment economy was growing by more than 40%—board games! With less money for movies and meals out, families everywhere were rediscovering the pleasures of purchasing Park Place or yelling, "You sunk my battleship!" From this simple stat, I began asking people I encountered while leading parish workshops and preaching parish missions how the negative economy had impacted them in *positive* ways.

A man in South Carolina shared the difficulties resulting from the downturn in his own small business while his wife was simultaneously downsized by her employer—forcing them to live and work in two different states. Then a smile broke across his face as he proclaimed that while this has been difficult, the two of them had never been closer. He said, "We talk every evening on Skype. And we really talk. We talk about our day, about our relationship, our dreams...even about

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EXECUTIONS ON HORIZON

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evidence to the jury. Boone County Commonwealth Attorney Linda Tally Smith, announced that the Commonwealth would retry the case, but would not seek the death penalty.

After the Abner decision, Donald Vish, Director of Outreach, Education, and Advocacy for Kentucky Coalition to Abolish the Death Penalty, wrote Governor Beshear a letter asking, "Can we be sure that the thirty-four death sentences awaiting execution on Kentucky's death row are the result of a uniform system of justice equitably and proportionally applied to all offenders throughout Kentucky? The rarity of executions in Kentucky, four over the last fifty-three years, along



God." He concluded, "In fact, two years ago I would not have been here (meaning the parish function at which I was speaking). I was so busy I barely found time to attend Mass."

A woman in another parish said that she and her husband faced a chorus of complaints from their children as they cut eating out and shopping from their monthly budget, that is until they relocated the bicycles buried in the back of their garage. "Now," she said, "we take long bike rides as a family where we share priceless but cheap soft serve ice cream cones and then pedal off the calories on the trip home."

While many parishes have had to deal with a dip in their collections, I have also heard from pastors and parishioners about a renewed sense of stewardship and the common good. The Great Recession has taught us how vulnerable we all are and how connected we all need to be. Time and again in these sacred stories I have heard from people who encountered authentic pain and loss, but through it have also reclaimed intimacy, returned to faith, and were surprised by joy.

To be clear, God does not wish such calamities upon us — as a family or as a nation. But it should come as no surprise that the same God who could bring everlasting life from the brutality of the cross would also be able to take the greed of Wall Street and an addiction to debt on Main Street and turn these corruptions into such sweet morsels of grace.

with cases like Abner's and Cutter's suggests we cannot.

This letter requests that you decline to sign any death warrants in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment."

CCK is a member of the Kentucky Coalition to Abolish the Death Penalty and is participating in the development of a plan of action to respond publicly to announced executions. CCK already has a prayer vigil for executions on the website as part of the Prayers For Life booklet. The schedule for vigils and suggestions for action will be posted on the websites of the Conference, www.ccky.org and KCADP, www.kcadp.org. Please visit often for up-to-date information about what you can do to proclaim the value of human life and object to Kentucky's use of the death penalty.



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2010 Session Disappointing; Ends Without a Budget

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the state's structural revenue imbalance. Given the legislators' unwillingness to increase revenues during the recession and an election year, the issue has been postponed for future consideration.

Charitable Gaming

A number of bills were introduced touching on charitable gaming in the Commonwealth of Kentucky.

Deacon Bill Wakefield of the Diocese of Lexington attended a meeting of the House Licensing and Occupations Committee in March, but House Bill 515 was pulled from the agenda after the Catholic Conference expressed opposition to **paying compensation to persons conducting and administering the games**. House Bill 388 would have provided an automated charity game ticket dispenser but did not advance. A meeting was held by the Catholic Conference and diocesan finance officers with the representatives of Video Gaming Technologies, Inc., a company seeking to lease electronic gambling devices to charitable entities, at a cost of up to 30 percent of gross proceeds to the charitable organization. Video Gaming Technologies' legislative proposal for electronic gambling was not introduced.

Finally the Department of Charitable Gaming will issue a Request for Proposals to attempt to automate record keeping and to provide electronic gambling opportunities to charitable organizations. The Department's RFP process last year did not result in legislation during 2010, but the Department appears ready to make another run at computerizing charitable gambling in the state.

Other Legislation

Citing a few examples, the Catholic Conference was involved in communications on other bills: defending religious freedom by supporting House Bill 440 creating a constitutional amendment to protect religious freedom absent a compelling state interest; advocating treatment for pregnant women with substance abuse problems instead of imposing criminal penalties by opposing House Bills 136 and 430; and opposing HB 399, the weakening of marriage through repealing the statutory presumption of paternity.

An educated and involved Catholic Conference of Kentucky Faithful Citizenship Network and constituency are vitally important

and absolutely necessary for the Catholic Conference to advance its legislative agenda in the halls of the Kentucky General Assembly.

On February 22-23, with grateful appreciation to pastor Fr. Charles Howell and parishioners for marvelous hospitality and facilities, the Catholic Conference hosted its Catholics at the Capitol event at the architecturally stunning Good Shepherd Catholic Church in Frankfort. More than 100 participants from throughout the Commonwealth were in attendance, including students from St. Bernard's Catholic school in Louisville led by principal, Mr. Fred Klausling, and pastoral associate, Ms. Mary Fusting.

These Faithful Citizenship advocates studied legislation the Catholic Conference was concerned about; heard from the state Budget Director, Secretary Mary Lassiter; focused on poverty and the state earned income tax credit with presentations from Dr. Sheila Schuster and Dr. James Ziliak, and prayed, dined and discussed the pressing issues confronting the people of Kentucky and the Legislature. After worshipping together at a Mass presided over by Archbishop Kurtz, during which Bishop Gainer preached an inspiring homily, the advocates proceeded to the Capitol the next morning to meet with individual legislators to convey the message that people from the legislative district where they live care about what happens at the Capitol.

As demonstrated by the political paralysis in Frankfort, it is essential for legislators to hear from their constituents, especially regarding issues where the political parties are philosophically opposed to each other. A practical example of such constituent advocacy and effect occurred this session in the House Health and Welfare Committee where one of the Democratic legislators voted in favor of the ultrasound, informed consent bill citing the calls from constituents as the rationale for voting for the bill.

The challenge and the mission to live our faith in the time and circumstances we encounter are our responsibilities as baptized Catholics. Will you consider accepting the invitation to join in the advocacy effort for the common good of all Kentuckians? The Catholic Conference extends an invitation to all Catholic households in the Commonwealth of Kentucky to join in our common effort for the common good. God bless!