

Session Marred By Broken Promise

By Rev. Patrick Delahanty

In 2011 the Catholic Conference of Kentucky requested a meeting with the majority leadership in the House of Representatives and a time was agreed upon. Archbishop Joseph Kurtz and Bishop Ronald Gainer attended the meeting and presented issues of importance to the Catholic community that required legislative action: informed consent, limits on charges payday lenders could exact, executing severely mentally ill persons and others.

It was an excellent meeting and one of its results was a commitment from all five majority House leaders—Speaker Greg Stumbo, Speaker Pro-Tem Larry Clark, Floor Leader Rocky Adkins, Caucus Chair Bob Damron, and Whip Tommy Thompson—to pass an informed consent bill in the House that was sponsored by a House Democrat and whose text was similar to that of the bill the House passed in 2006. The purpose of the bill is to specify how the phrase "individual, private setting" shall be interpreted in informed consent situations.

At the end of the meeting House leaders agreed we should meet again, before the 2012 legislative session. A meeting was arranged. Bishop William Medley was present that day to present the Conference's legislative agenda. Archbishop Kurtz had to cancel that morning because Archbishop Thomas Kelly, O.P., had died during the night.

Again, a very positive meeting and a commitment on the part of all five majority House leaders to pass informed consent legislation that mirrored the bill passed in 2006.

Conference staff spent nearly seven days asking various pro-life Representatives to sponsor the bill. No takers. Most indicated they did not trust their leaders to move the bill and wondered why one of them would not sponsor it.

Late in the session, two of the leaders said the Bishops needed to meet with them again and press the issue. A time to do that could not be found, so Conference staff did arrange for a meeting late in the session. Speaker Stumbo kept insisting the bill remain in the unfriendly Health and Welfare Committee where a Senate version of the bill, sponsored by a Republican, had already been assigned. He refused to consider placing the bill in a friendly committee.

(State Representative Tom Burch did hold a sham hearing on SB 102 and, of course, it was defeated. The same would have happened to any House Bill.)

Rep. Damron had a bill which had already passed the House and was awaiting a hearing in the Senate. We asked him if he would allow the language of the informed consent bill to be added to HB 274. He agreed.

Staff met with Senate leadership staff and explained the plan and reached agreement. House Bill 274 was amended

and supported in the Senate.

On March 28, HB 274, as amended by the Senate with the informed consent language of SB 102, was received in the House and sent to the Rules Committee. Three days remained in the legislative session, more than enough time to bring the bill to the floor of the House for concurrence.

Only one thing stood in the way of this bill being sent to Governor Beshear for signing: the 5 House Leaders. Our hope ran high. These 5 leaders had all promised the Catholic Conference in two separate meetings to bring this legislation to a vote of the membership. Two days scheduled for concurrence left plenty of time to see this bill pass.

After the two days scheduled for concurring in legislation lapsed without it being passed, the House and Senate adjourned for 10 days. Now only one day remained for this bill to pass.

On the morning of April 12, the very last day of the session, 200 supporters gathered in the Capitol Rotunda to urge these legislators to keep the promise made to the bishops and let their members vote on this bill. Archbishop Joseph Kurtz led those gathered in prayer and expressed the need for passage of this legislation so that women considering an abortion would have access to as much information as possible through a face-to-face meeting with a health care professional prior to agreeing to the procedure.

As the hours of the final day slipped away, hope for passage dwindled. At 11:59 p.m., the House adjourned *sine die* and HB 274 remained in Rules.

Sadly, the promise made to the bishops was not kept.

TEXT OF SENATE BILL 102

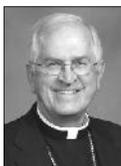
AN ACT relating to full disclosure in public safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

If a section of the Kentucky Revised Statutes uses the phrase "individual, private setting" to describe the conditions under which informed consent must be given to a medical procedure, then the informed consent offered in accordance with that section shall be considered valid only if a physician or a licensed nurse, physician assistant, or social worker to whom the responsibility has been delegated by the physician has a face-to-face meeting with the patient and both parties are physically located in the same room.

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Bringing the Catholic Voice to the Public Square

By Rev. Patrick Delahanty



Mixed results might be the best way to describe this past session of the General Assembly, if not the best way to describe most of them.

Measured by the standards of protecting human life, the temptation is to consider this session a complete loss. And it was if you consider only the defeat of the informed consent bill. (See story, page 1.)

Death Penalty

Yet in another area regarding human life, there was considerable movement. I speak of the issue of the death penalty.

For the first time, a bill to abolish the death penalty, Senate Bill 63, received an hour long hearing in the Senate Judiciary Committee.

Most Committee members seemed attentive as two national experts spoke about costs associated with the implementation of the death penalty and the reasons why the American Law Institute (ALI), after a lengthy study, concluded that the capital justice system which it played a large role in creating was irretrievably broken.

The ALI decided in October 2009 to disavow the structure it had created.

In the House, Judiciary Committee members heard testimony from Kentucky legal experts who had recently completed a two-year, rigorous study of Kentucky's death sentencing scheme. Included on that panel were former Supreme Court Justice Martin Johnson, former State Representative Mike Bowling, and law professors from the University of Louisville and Northern Kentucky University, Professors Linda Ewald and Michael Mannheim, respectively.

The House Judiciary Committee also approved HCR 173 for a floor vote. The House voted and sent it to the Senate. This resolution to create a task force to develop a plan to implement the recommendations of the Kentucky ABA assessment did receive a hearing in the Senate Judiciary Committee, but, no vote was taken, and it died there.

Nonetheless, that the death penalty would receive this much discussion is a positive turn of events and gives us momentum to build on in the coming years.

(Since then the state of Connecticut has legislatively abolished the death penalty, bringing the number of abolitionist states to 17, up 5 from just 5 years ago.)

Immigration

Lawmakers filed two troubling bills with negative implications for immigrants and citizens, documented and undocumented. House members voted early in the session to send HB 5, mandating the use of the E-Verify system under certain circumstances, to the Senate for passage. And that is where it usually dies.

But this year, the Senate surprisingly moved SB 118, whose chief purpose was to require all applicants for public benefits to either present a secure and verifiable document verifying United States citizenship or submit an affidavit verifying legal presence in the United States, and sent it to the House.

In the House Local Government Committee SB 118 was given a hearing, and attached to it was HB 5 language mandating the E-Verify program.

The Conference testified against both measures and pointed out the many flaws in these types of bills.

Specifically, we emphasized that, while the bishops are not opposed to an E-Verify system that works, there are still too many errors in the current database which leads to U.S. citizens being denied jobs, as well as immigrants lawfully present being refused work because of a flawed system of record keeping.

The Conference also pointed out mandating E-Verify in Kentucky would discourage economic activity in the state. Unauthorized workers and their family members (who may be lawfully present or even citizens) are critical actors in Kentucky's economy as taxpayers, consumers, and entrepreneurs.

To demonstrate the economic impact further, here are just two additional facts presented to the committee: unauthorized immigrants in Kentucky paid \$85.1 million in state and local taxes in 2010, according to data from the Institute for Taxation and Economic Policy; and if all unauthorized immigrants were removed from Kentucky, the state would lose \$1.7 billion in economic activity, \$756.8 million in gross state product, and approximately 12,059 jobs, even accounting for adequate market adjustment time, according to a report by the Perryman Group.

Continued on page 3.

The Committee also heard testimony from the Kentucky Equal Justice Center.

Members decided to table the measure and that ended any chance of this legislation passing this year.

Religious Liberty

The Conference supported two measures touching on religious liberty. SB 75 ultimately passed and provides for an alternative lighting system for motorless vehicles operated on a highway at night and for an alternative means of marking motorless, slow-moving vehicles with reflective tape rather than using the slow-moving vehicle emblem.

These changes honor the religious beliefs of a small group of Amish living in western Kentucky. The Conference supports religious liberty for all persons and supported this bill.

The Conference also supported SB 158, a proposed constitutional amendment to place in state law what is already available at the federal level as a result of the passage of the Religious Freedom Restoration Act (RFRA): require that the state must show it has a compelling interest in restricting religious freedom before it can do so.

Anthony Picarello, Associate General Secretary & General Counsel, wrote in response to our question about whether or not we should support SB 158, "But because federal RFRA does not apply to the states, having state RFRAs wherever possible is a good thing. They already exist in something like a dozen states, so it would be great to add KY to that count."

One particularly important aspect of SB 158 was its protection of religious institutions as well as individuals. One way the exercise of religion – religious liberty – takes concrete form is in institutions established by people of faith to help members of society. Whether it is education, health care, social charities, worship or another activity, each activity is an expression of faith. Each one has a unique quality flowing from that basis of faith. To deny that underpinning of faith is to change the very character of the institution and of the service it provides. SB 158 met with great success in the Senate; the House allowed it to die in committee without a hearing. It is not unusual for a bill to fail to pass when introduced for the first time. So there will be additional opportunities to seek passage of this legislation.

Payday Lending

Hopes of advancing payday lending legislation, HB 332, increased when Rep. Ron Crimm, who serves on the House Banking and Industry Committee and had voted no in 2011, decided to support the bill and co-sponsor it this year.

In addition, during conversations with other B&I Committee members CCK and others sensed movement in favor of the legislation.

However, Chairman of the committee, Rep. Jeff Greer, dashed those hopes when he announced that he would not hear the bill this year because of the "overwhelming" defeat in committee in 2011. The measure died on a vote of 13 Nays and 10 Yeas to send it to the floor with several abstaining and others not present. His assessment is not accurate.

Prior to session he did not speak to any of the supporters suggesting he would not hear the bill. This year Speaker Greg Stumbo also co-sponsored the bill.

Nonetheless, Rep. Greer told CCK to start the bill in the

Senate next session. When asked how that would change things, he was non-committal. When pressed to commit to hearing it, if the Senate passed it, he said he would.

In 2011 he said he heard the bill because his constituents asked him to do so. It is time for them to ask again.

Health Care

The Conference supported HB 388 which was needed to permit a continuing care retirement community to provide home health services to on campus residents and to do so without having to go through the process of obtaining a certificate of need. Seniors living at Taylor Manor in Versailles and other adult living communities sponsored by Catholic health care providers benefited from the passage of this bill.

Loose Ends

A proposal to strengthen Kentucky's human trafficking law, House Bill 350, had a large number of co-sponsors, passed the House overwhelmingly, cleared a Senate committee and was scheduled for passage in the Senate. In the last hours of the session it was suddenly sent back to the S. Judiciary committee and remained there as the clock struck midnight.

On the last day we learned someone had a language problem and so we will work with others during the interim to clear up the problem and hope to see this pass next session.

An effort to pass House Bill 70 and see former felons have access to the ballot box automatically failed again in the Senate. CCK will continue to press for this change in Kentucky's constitution that prevents more than 100,000 Kentuckians from voting and fully participating in society after completion of their court-imposed sentences.

Senate Bill 151, another proposed change to the Kentucky Constitution, also failed. The Conference welcomed this outcome because it proposed to allow the expansion of gambling as a means of helping fund state government.

Kentucky needs a stable stream of revenue that is progressive in nature, a reformed tax law that requires taxpayers to pay their fair share. The state should not depend on an unreliable, regressive source of funding like professional gambling to meet the needs of its residents.

Some good news. The General Assembly increased the funding that provides school bus service to students in non-public schools by \$100,000 over the next two years, i.e., \$2.95 million per year. Twenty-two counties receive funds from this subsidy. For the past six years lawmakers had cut this budget line item. The Kentucky League for Educational Alternatives, housed at the Catholic Conference, worked to keep these dollars for students' safety in this year's budget. Though still underfunded, we are grateful for this increase.

A Word of Thanks

In closing, a word of thanks to all our Faithful Citizens who attended Catholics@the Capitol and contacted legislators through email, phone calls, letters, and visits throughout the session on these and other issues. Your willingness to live your faith by taking action in the public life of the Commonwealth is a blessing from God. Know you are in our prayers and that we thank God for your participation in this sometimes frustrating, but necessary, process.

We will continue to need you to raise your voice on behalf of those whose voices go unheard.

Catholics Called To Shape Political Discourse

By Jason Hall



Jason Hall

“When the real revolution happens, it won’t be mentioned in the newspapers.”

G.K. Chesterton

The history of Catholic involvement in American political life is complex. Being largely descended from immigrants, American Catholics have long been predominantly committed to the Democratic Party, which in the 19th and early 20th Century was the party of the immigrant. Even today, the Democratic Party is usually seen as the more “pro-immigrant” party. In recent decades, however, as secularism has grown in influence within society at large, and within the Democratic Party, many Catholics have been drawn to the social conservatism found within the Republican Party. The “Catholic vote” is often seen as a key swing vote in national elections, and is courted by both parties in various ways. Elections, particularly presidential ones, can be a source of great division within the Church as partisans for either side make the case for why their preferred candidate is the correct “Catholic choice.”

Arguments made by Catholics on both sides are familiar to us all. Catholic Republicans argue that the primary moral issues of our time, such as abortion and the promotion of traditional marriage, are of such great moral import that Catholics should vote for the party that more clearly aligns with Church teaching on those matters. Catholic Democrats counter with the Church’s teachings on social justice, concern for the poor, health care, etc., and argue that a consistent ethic of life and the overall promotion of the common good often require Catholics to vote for candidates who might not agree with the Church on important, but single, issues like abortion. Many Catholics are convinced that their party is clearly the correct choice,

and are not open to being challenged to consider the other side. Others are confused by what seem to be two compelling arguments and do not wish to get involved in what appear to be purely political discussions. What is a faithful Catholic, who is trying to step back from the political fray and make an informed choice, to make of this?

Catholics are called to look beyond the surface. We must overcome the temptation to vote based on our loyalty to a particular party or our narrow self-interest. As the U.S. Bishops have stated in *Forming Consciences for Faithful Citizenship*, “As Catholics, we are led to raise questions for political life other than ‘Are you better off than you were two or four years ago?’ Our focus is not on party affiliation, ideology, economics, or even competence and capacity to perform duties, as important as such issues are. Rather, we focus on what protects or threatens human life and dignity.” (n. 89) We must look beyond not only party, but also political slogans, self-serving rhetoric, and negative advertising. We have a responsibility to educate ourselves on what the candidates stand for, by looking at what they say and what they have done in the past.

As more of us begin to separate ourselves from party loyalty and start evaluating candidates based on key issues, then our voices will have a greater influence on public policy. The key to the survival of any democratic system is an informed electorate and Catholics, who are called to be the salt of the earth, have a special obligation to rise above the fray. As Archbishop Charles Chaput writes in *Render Unto Caesar: Serving the Nation by Living Our Catholic Beliefs in Political Life*,

Both major U.S. political parties have plenty of good people in their ranks. Neither party fully represents a Catholic way of thinking about social issues. One of the lessons we need to learn from the last fifty years is that a preferred American “Catholic” party doesn’t exist. The sooner Catholics feel at home in any political party, the sooner that party begins to take them for granted and then to ignore their concerns. Party loyalty is a dead end. It’s a lethal form of laziness. Issues matter. Character matters. Acting on principle matters. The sound

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Continued on page 5.

bite and the slogan do not matter. They belong to a vocabulary of the herd, and human beings deserve better. Real freedom demands an ability to think, and a great deal of modern life seems deliberately designed to discourage that. (p. 4, emphasis in original)

Engagement in a representative democracy is not meant to be easy. We don't have to become experts on the nuances of public policy, but we do have to understand important principles

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and learn how to judge a candidate's commitment to those principles by their words and actions. The Church's job is not to tell us how to vote, but to form our consciences. Our job is to allow our consciences to be formed. It is far too easy to say, "Well, neither party is perfect so I might as well vote for the party I've always

voted for." That is not an expression of principle; it is an abandonment of principle.

What does a truly Catholic political perspective look like? To gain a complete understanding, it is necessary to read and reflect upon documents such as *Faithful Citizenship* (cited above) and *Living the Gospel of Life*. But, the starting point is simple. A Catholic perspective is grounded, first of all, in a firm commitment to the dignity of each and every human person.

Let us take, for example, a young girl growing up in a poor family and neighborhood. How does the contemporary political environment view that human being? Some view her as a drain on public resources, or a potential "illegal" who shouldn't receive any public funds. Perhaps she is an "anchor baby" being used by her parents to circumvent immigration laws. To others, she is "unwanted" and should never have been allowed to be born. To others, she is nothing more than a carbon footprint. Some would seem to view her as little more than an animal who cannot be taught to live a life of virtue, but should simply be given free contraception and access to abortion and "comprehensive sex education" so she doesn't produce another poor and "unwanted" child.

Read any newspaper or watch any political debate and you will see at least some of the above viewpoints

being expressed. The focus is how to solve the "problem" that certain people cause for the larger society.

Catholic Social Teaching, however, does not look at the human person as a problem to be dealt with, but as the end toward which all public policy should be directed. As G.K. Chesterton wrote in *What's Wrong With the World?*,

Now the whole parable and purpose of these last pages, and indeed of all these pages, is this: to assert that we must instantly begin all over again, and begin at the other end. I begin with a little girl's hair. That I know is a good thing at any rate. Whatever else is evil, the pride of a good mother in the beauty of her daughter is good. It is one of those adamant-tendernesses which are the touchstones of every age and race. If other things are against it, other things must go down. If landlords and laws and sciences are against it, landlords and laws and sciences must go down. With the red hair of one she-urchin in the gutter I will set fire to all modern civilization. Because a girl should have long hair, she should have clean hair; because she should have clean hair, she should not have an unclean home: because she should not have an unclean home, she should have a free and leisured mother; because she should have a free mother, she should not have an usurious landlord; because there should not be an usurious landlord, there should be a redistribution of property; because there should be a redistribution of property, there shall be a revolution. That little urchin with the gold-red hair, whom I have just watched toddling past my house, she shall not be lopped and lamed and altered; her hair shall not be cut short like a convict's; no, all the kingdoms of the earth shall be hacked about and mutilated to suit her. She is the human and sacred image; all around her the social fabric shall sway and split and fall; the pillars of society shall be shaken, and the roofs of ages come rushing down, and not one hair of her head shall be harmed.

Now *that* sounds like a revolution worth having.

Establishing a Niche in Challenging Times

By Tim Weaver



Tim Weaver

The tradition of educating children in America is currently under attack from many different fronts. Many more parents are searching for the best education for their children, either public, charter or private. The federal government is trying to establish more stringent accountability for public schools to force change, and most state legislatures

are becoming open to innovative new strategies for educating children, even the political strength of teacher unions is being diminished in several states in order to improve instruction. Several states have offered corporate tax credits to allow students to attend private and parochial schools. Many states now offer a variety of charter schools to parents and in many states there is so much demand they are forced to utilize lotteries for the available seats. In the last few years, some states have added educational vouchers that can be applied for by interested parents for their children. These vouchers provide the majority of the cost of tuition to allow students to attend parochial and private schools.

The tough economy in most states has forced cuts in school funding which means teacher layoffs and increased class sizes. Many public schools are beginning to consolidate facilities, which leave productive buildings sitting vacant or being leased or sold to charter schools. Parents are outraged over low test scores and over-crowded classes. There seems to be a general distrust and disgust on the part of the American people with the current educational processes throughout our country.

Global Economy Causing Turmoil

This turmoil is a result of many issues, but predominately they can be linked directly to the ever changing global economy. The new world leaders such as China and India are providing overwhelming competition for every American graduate. Last year China alone produced twice as many high school honors graduates as we had high school graduates total. In these countries, students go to school for 200+ days as compared to our average of 175 days. This equates to well over one

extra year of schooling for each graduate. Science and Math are required during each of the four years of high school in many of our competing countries and their vocational schools stress the same level of educational challenge as the college preparatory schools.

Amidst all of these constant challenges and forced changes in practices, there exist opportunities for our Catholic Schools to make significant growth and assist our country in meeting this difficult foreign competition. We must differentiate ourselves from the public schools in several areas. We must become more “child-centered” and we must enable our students to compete in a digital world. Our facilities must be up-dated and clean. We need to be “Catholic” and not apologize for being so. Wear the Catholic brand with great pride, keep the sacred traditions of our faith. Catholic identity sets us apart from all of the other schools. Lastly, we must provide adequate professional training for teachers and our administrators and we must produce critical thinking students to be competitive.

Child-Centered

Through the effective use of technology we can now test all of our students, K-12 three times per year. These on-line assessments provide comprehensive measures of actual growth for each student. Tests are administered at the beginning of the school year, in the middle and near the end which provide a clear map of progress. Following each testing session, schools hold parent teacher conferences to discuss the actual growth each student is making. Using this data, schools are able to begin to make decisions about both student and teacher placements relative to positive academic growth. As a result, the school can easily create an IEP (Individual Educational Plan) for each student. Students can be challenged where they presently are at the time of the test and each teacher can be assigned to classes based entirely on their own instructional success.

This plan clearly illustrates how any Catholic school can begin to focus on each individual student, promote the differentiation of instruction and insure academic growth for every student. There are strong professional development classes that are part of the testing program. They enable the administrators and the teachers to understand and effectively utilize the data. The cost of the three different testing sessions and all of the sup-

Continued on page 7.

porting data runs from \$12.50-\$18.00 per student per year. This program takes a small investment but provides huge results for students, parents and the overall marketing of the school.

Facilities

The overall façade of the building is important. Most Dioceses have available funds for remodeling, retrofits and upgrades. To many prospective parents, small teacher/student ratios are the number one item of interest when looking at a Catholic school, but nonetheless your buildings must be clean and

in good repair for that first walk through. By working closely with parents and other community members, painting, flooring and cabling for technology can become low cost upgrades. Much effort must be put into the curb appeal of the school. On many occasions, the community views the dedication of the school within, by the outward appearance of the facility.

Radical Change

One additional remedy to differentiate the Catholic school is to adopt a completely new/old process to educate the students. This involves the implementation of a Classical Catholic Education, based on the study of Latin and classical literature. In the 60' and 70's when the religious orders could no longer maintain staffing for Catholic schools, we lay persons slowly began to assume the leadership of the schools. During that process, we brought with us the new Math and all of the new programs we were accustomed to using in the pub-



Students at Lexington Catholic High School gather for a presentation by Vicki Schieber who lost Shannon, her daughter, to murder. Schieber is Treasurer of Murder Victims' Families for Human Rights, an international, non-governmental organization of family members of murder victims and family members of the executed, all of whom oppose the death penalty in all cases.

lic schools. Most of these programs remain in our schools today, however some very brave schools are beginning to return to the Classical Catholic Education model with tremendous success. Five years ago, St. Jerome Catholic School in Hyattsville, Maryland was faced with declining enrollment and imminent closing. They decided to move into Classical education. Now they have a waiting list and are thriving. Recently, I had the opportunity to spend a day in a Classical school. I spent time at every grade level from Kindergarten through seniors. I was amazed at the enthusiasm and ability of the students. Critical thinking skills were easily identified starting in the second grade. Students readily demonstrated the ability to take newly acquired facts and make connections to multiple situations.

Future

I believe there is definitely a place in the future of America for our Catholic Schools, but to remain viable we must continually evaluate what and how we are serving our customers and ultimately reinvent ourselves to make sure we are meeting the needs of the faithful.

Tim Weaver is the Superintendent of Catholic schools for the Diocese of Lexington.

"Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and the building of community."

—To Teach as Jesus Did, 1972, #13



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A “Right Way” to Citizenship

By Donna Durham

There are many conversations today about immigration but too few contain any real information or leave a participant with any new insights or understanding about what potential immigrants face when considering coming to this country. The determination of the number of years it will take to be accepted as a new resident depends upon the country in which they are citizens. For example, applicants from Mexico now have to wait 18 years. The system that determines the waiting period has always been biased and subjective but at least it is no longer racially motivated.

In 1790 the first naturalization law allowed only free white persons to naturalize. In 1870 the law was broadened to allow African Americans to be naturalized. The same law excluded Asians from naturalization but persons of that race could live in the U.S. Racist expressions like “Turban Tide, Hindoo Invasion, and Yellow Peril” were often found in legislation. In 1923 the U. S Supreme Court stripped Indians of U. S. citizenship because it was determined that they were non-white. It wasn’t until 1952 that racial distinctions were omitted.

Today, decisions of eligibility for naturalization are based on the country of birth or, more often, on the family preference system. This system is also referred to as chain immigration since family members legally residing in the U.S can petition for certain other relatives. Problems still abound, however, because there is pervasive poverty and desperation in many countries and wealth and opportunity in the U.S. Those that choose to come illegally are usually too desperate for a sustainable way of life to wait the required years for a visa and are not related closely enough to someone who can petition for them. The following describes a current law that

differs greatly from any previous legislation.

The U.S. Immigration system has many facets, some cold and harsh, but others prompted by the deepest of concern for the well-being of human beings. This concern has opened a door of opportunity for some to live permanently in the U.S.

Persons who have been victims of violent crime while living in the U.S. may qualify for a U Visa. The law lists 26 such crimes, including domestic violence, rape, abusive sexual contact, blackmail, and felony assault. Besides being a victim of a qualifying crime, persons applying for U Status must have also suffered substantial physical or mental harm due to the crime. They must also cooperate with legal authorities investigating who are investigating the crime. There are evidentiary requirements and several forms that must be submitted. Filing fees for the application are often waived when the unfortunate circumstances of the applicants require it. Applicants must be of good moral character and must not have a felony record. Their unlawful presence in the U.S., however, will not be held against them

The benefits of obtaining U visa are many. The applicant and family members included in the petition will be given U Status for four years only and in the fourth year they must apply for permanent residency in order to remain in the U.S. During these years, they are eligible for work permits and receive Social Security numbers with which to get driver’s licenses.

Congress created the U visa to strengthen the ability of law enforcement agencies to prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes while, at the same time, offer protection to victims of such crimes. The legislation also helps law enforcement agencies to serve victims of crimes better. Because the purpose of the law is humanitarian and involves the well being of petitioners, there is no petition fee.

Donna Durham is a member of the Hispanic Committee from the Covington Diocese.