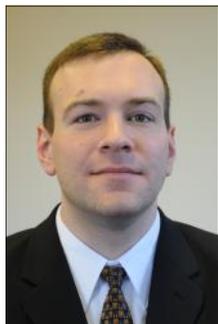


## Protecting Religious Liberty

By Jason D. Hall



Jason D. Hall

**O**ver the past few years, there has been increasing interest in and discussion of religious liberty. Challenges such as the federal HHS Mandate and restrictions on charitable activity under state immigration laws have brought the need to protect religious freedom into sharper focus. The Catholic Conference, in partnership with other groups, continues to support an amendment to the Kentucky Constitution to provide clear safeguards

against state-level encroachments. To put these recent hot-button issues in their proper context, and to gain a greater understanding of what can be done to clearly delineate the scope of legal protections for religious liberty, a brief, and somewhat technical, historical survey is necessary.

Your help is needed. After reading this, contact your state legislators and urge them to support placing an amendment

to the Kentucky Constitution on the ballot to guarantee religious freedom in the Commonwealth.

The First Amendment to the U.S. Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." Unlike other clauses within the Bill of Rights (freedom of speech, the press, search and seizure) the "free exercise clause" has received comparably little attention from the courts. In the 19th Century, there were only a few significant cases interpreting that clause. The courts adopted a fairly restrictive interpretation, but the cases typically involved historically unusual religious practices.

In recent years, perhaps the most significant precedent is the 1990 decision in *Employment Division v. Smith*. The majority opinion, written by Justice Scalia, departed from other more recent religion-friendly cases and relied on the precedent of the Mormon cases in holding that laws of general applicability were not to be judged by a heightened constitutional standard under the free exercise clause. In the case of

*Continued on page 8.*

### States Abandoning Use of Death Penalty

## Kentucky's System Broken; Only Real Fix Is Repeal

By Rev. Patrick Delahanty

**I**n 1984 Kentucky's Catholic Bishops issued their first pastoral letter as a Catholic Conference. In *Choose Life*, the bishops wrote: "In this pastoral letter we share the results of our exploration of the issue of capital punishment, which have led us to serious questions regarding the morality of the use of the death penalty. We conclude that it should be abolished."

In 1995 the penalty remained. Concerned because defendants had exhausted appeals and Gov. Paul Patton was clear about not using his clemency powers, they reissued *Choose Life*. In its new introduction they stated:

We are thus compelled to again spread the Church's continued teaching of opposition to the death penalty.... We have been inspired by the example and teachings of the Holy Father, Pope John Paul II's call to reject our growing culture of death, in his 1995 Papal Encyclical, *Evangelium Vitae* (*The Gospel of Life*).

We remain hopeful that through our teachings and re-issuing this pastoral letter that all Kentuckians will reflect on this issue and join with us in our call to end

the violence and stop the killing.

A great deal has changed since 1995. However, as the rest of the nation moves away from the use of the death penalty, Kentucky prepares to resume execu-

tions. It is possible that in a state that has executed four men in the past fifty years, two of whom volunteered, Kentucky could kill as many as seven in just a few months time.

Now is the time to reflect again on the *Choose Life* pastoral and join our four bishops in calling upon legislators and Governor Steve Beshear to "end the violence and stop the killing."

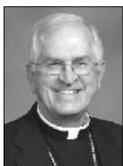
In *Choose Life* the bishops acknowledge that "Catholic teaching has always recognized the right of the state to inflict

**SINCE 2007, FIVE STATES  
HAVE REJECTED THE  
DEATH PENALTY**

- NEW YORK—2007
- NEW JERSEY—2007
- NEW MEXICO—2009
- ILLINOIS—2011
- CONNECTICUT—2012

*Continued on page 4.*

### Catholic Conference Board of Directors



Joseph E. Kurtz  
Archbishop of Louisville



William F. Medley  
Bishop of Owensboro



Roger J. Foys  
Bishop of Covington



Ronald W. Gainer  
Bishop of Lexington

### Staff

Executive Director  
Rev. Patrick Delahanty

Jason D. Hall  
Policy Analyst

Karen Chambers  
Administrative Assistant

502-875-4345  
Fax: 502-875-2841  
cckstaff@ccky.org

**WITNESS** is published  
four times each calendar  
year.

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

## Bringing the Catholic Voice to the Public Square

By Rev. Patrick Delahanty



Legislators returning to Frankfort in January for a 30-day session have a lot of important work ahead of them. News articles and columns by political writers have rightfully pointed out that finding a resolution to the "state's massive unfunded pension liability" must be a priority. Hopefully haggling over a resolution will not result in a failure to attend to other important matters.

The recent election outcome answered the doubt about the future of the Affordable Care Act (ACA). Health care reform is here to stay. Kentucky can take advantage of that and provide health insurance to residents who have not had access in the past.

First of all a point of clarification is in order. The U. S. Conference of Catholic Bishops **does not** support repeal of ACA. The bishops **do strongly oppose certain provisions of the bill**. They support amendments that would guarantee that we are not forced to pay for abortions; that there is respect for the consciences of health care providers and employers who provide health insurance to employees; and that legally present immigrants have access to health insurance coverage.

Using all the avenues available to them the bishops will press on to bring about the changes necessary to create a public policy that comports with our beliefs.

To participate in this campaign and help the bishops, text the word "Freedom" to 377377 and receive updates and actions you can take to help.

What the bishops are seeking is life-affirming health care reform. At their June meeting in 1993, the bishops of the United States adopted a resolution titled *A Framework for Comprehensive Health Care Reform: Protecting Human Life, Promoting Human Dignity, Pursuing the Common Good*. For more than 75 years the bishops had been calling for national action to assure decent health care for all Americans.

"Health care reform," they wrote, "represents an effort ... to reshape our society's response to a basic human need. It is

not only an economic challenge, it is a moral imperative."

"Health care is more than a commodity; it is a basic human right, an essential safeguard of human life and dignity," they wrote. "We believe our people's health care should not depend on where they work, how much their parents earn, or where they live."

As passed, the ACA and its mandate that states expand Medicaid to those with incomes under 138% of the Federal Poverty level (FPL) reflected one of the principal priorities found in the bishops' document: "reform must especially focus on the basic health needs of the poor."

Now, however, the U. S. Supreme Court struck down this provision of the law and states must now choose whether or not to expand Medicaid. The Catholic Conference is working with others to encourage the Governor and state lawmakers to expand access to Medicaid for this uninsured population.

The U.S. Census Bureau reports that 621,000 Kentuckians, 14.4% of our total state population had no health insurance coverage in 2011.

*The Case for Medicaid Expansion*, an issue brief published by Kentucky Voices for Health (KVH), of which CCK is a partner, reports the following problems faced by uninsured Kentuckians needing health care:

Kentuckians without health insurance were more than three times more likely to skip needed medical care than insured Kentuckians.

More than half of uninsured Kentuckians did not fill a prescription for medicine.

More than 40% of uninsured Kentuckians did not see a specialist when needed.

Almost one-third of the uninsured reported using all or most of their savings to pay medical bills in the previous year.

Kentucky has an unprecedented opportunity to cover low-income uninsured persons by expanding Medicaid. The Kaiser Commission on Medicaid and the Uninsured estimated that up to 329,000 uninsured Kentuckians would become eligible for insurance. In fact, Kentucky benefits more than any other state since more than half (57%) of our uninsured population could receive coverage.

Continued on page 3.

Not only is expanding Medicaid good for those who would then be insured, but it is good for all Kentuckians. For the first three years the Federal government will pay 100% of the state's expansion costs. After that, on a sliding scale, the state will have to cover some costs: in 2017, 5% and increasing to a maximum of 10% in 2020 and beyond.

Estimates regarding the cost to Kentucky vary, but all of them report a relatively small increase in cost. Considering that expansion would help more than 300,000 Kentuckians gain access to affordable, quality health care that cost is reasonable and doable.

There will be some savings from a reduction in the uninsured, but not necessarily a net savings as some reports have indicated. A recent report from the Kaiser Commission estimates that Kentucky's Medicaid cost will increase 5% through 2022 under the expansion, still very reasonable for the chance to insure so many low-income uninsured.

Expanding Medicaid may also save lives. Kentucky has one of the highest mortality rates in the country, primarily due to cancer and cardiovascular disease. There is no question that those without health insurance put off visits to health care providers and end up depending on hospital emergency rooms or whatever else can be found when an illness reaches a critical stage.

The previously cited issue brief published by KVH reports the following:

A recent study published in the *New England Journal of Medicine* presents a strong argument for expanding Medicaid in Kentucky. The study, conducted by researchers at the Harvard School of Public Health, analyzed data from three states that expanded their Medicaid programs in the last decade to cover low income adults with children or disabilities and found that death rates declined just over 6%.<sup>11</sup> This finding suggests that Kentucky, which has the highest death rate in the nation, could benefit greatly from expanding Medicaid.

Not only will individuals be healthier, but expanding Medicaid will improve Kentucky's economic health. A population unhealthy as Kentucky's is a significant liability to Kentucky's capacity to realize economic development and prosperity.

In 2007 the Kentucky Institute of Medicine issued an assessment of the health of Kentuckians county-by-county. In the executive summary it states:

The unnecessary costs incurred by unhealthy individuals are borne by their community as economic losses. Advancing the health status of Kentuckians will improve productivity and the economic viability of the state. Kentucky cannot realize economic gains nor improve quality of life without a healthy populace.

Currently hospitals that treat a large number of low-income patients receive special payments through the Medicaid program to help them provide this uncompensated care. In 2011 Kentucky hospitals banked \$145 million of these Disproportionate Share Hospital (DSH) payments.

Because the ACA, before the U. S. Supreme Court decision, required states to expand Medicaid to persons with incomes up to 138% of the FPL, these DSH funds will be reduced. The assumption was that there would be fewer uninsured patients

being treated at these hospitals.

If Kentucky does not expand Medicaid, this reduction in DSH funding means hospitals will not receive reimbursement for the treatment provided to those without insurance.

The failure to expand Medicaid and the elimination of DSH payments would be a significant financial blow to Kentucky hospitals.

This will lead to higher costs to others through increased costs for care for those insured, which will result in increased insurance premiums; and/or denial of care for those in need. This is avoidable.

Expanding Medicaid will help families currently without access to Medicaid. Now families earning more than 62% of the FPL are ineligible for Medicaid insurance in Kentucky. Without expanding Medicaid those families earning 63% of the FPL and less than 100% of the FPL will still have no coverage when the ACA goes into effect. Families earning between 100% and 400% of the FPL will qualify for subsidies to help them afford insurance.

Leaving families without access to needed health care, especially when it is possible to provide at a very low cost to the state, is simply immoral.

When the U. S. Supreme Court ruled that this expansion could not be mandated, some Kentucky lawmakers urged Governor Steve Beshear to opt out of the program because it would lead to additional budget cuts or increased taxes.

The Conference urges the opposite. Opting in to Medicaid expansion will ensure that low-income and poor Kentuckians have access to health care. A recent Kaiser at a reasonable and affordable cost to the state.

In addition, by pumping an estimated \$11 billion into Kentucky's economy, by supporting hospitals about to lose DSH payments, and by including those families who earn too much for regular Medicaid and too little to qualify for subsidies, we fail to see how Kentucky can afford not to opt in. Helping people stay healthy is not only the moral thing to do, it is the smart thing to do.

We encourage you to contact Gov. Beshear and urge him to opt in to Medicaid expansion. And please contact your state legislators and urge them to see the moral and practical value in supporting access to better health care for Kentuckians.

## Stay in Touch With Your State Legislators

During the 2013 session of the General Assembly we encourage you to be in frequent contact with your State legislators. The Legislative Research Commission provides easy access to them. Online you can email your legislators and also get up-to-date information about the status of bills you are following. The special phone numbers below also help you to stay in touch with them.

### LRC Website

[www.lrc.ky.gov](http://www.lrc.ky.gov)

### Legislative Message Line

1.800.372.7181

### En Español

1.866.840.6574

### TTY Message Line

1.800.896.0305

### Bill Status Line

1.866.840.2835

### Calendar for Committee and other Meetings

1.800.633.9650

*Continued from page 1.*

punishment. There is a difference in the possession of a right and its use. Given the circumstances of today, we question whether the use of capital punishment is morally justified.”

In this context they then raise serious concerns about several “practical problems” with capital punishment: the risk of executing the innocent; its apparent “random application;” and its unfair and discriminatory application.

“We fail to see the justice in a system where it is impossible to determine why one convicted murderer gets the death penalty while another gets life imprisonment or even a lesser sentence,” they write. “We conclude that under the circumstances prevailing in society today, the death penalty as punishment for reasons of deterrence, retribution, or the protection of society cannot be justified.”

First published in 1984, their assessment of the situation can now be called prescient.

After nearly 40 years of death sentencing experience, two years of research by some of Kentucky’s finest legal scholars and practitioners reveals that the concerns raised by the bishops in 1984 were valid. The results of this research on Kentucky’s system of death sentencing supports the bishops’ conclusion that the death penalty cannot be justified and should be abolished.

The American Bar Association (ABA) has as one of its chief concerns the credibility and fairness of our justice system. Concerned about problems associated with the administration of capital punishment, it created the Death Penalty Moratorium Implementation Project (Project) through which it encourages states to

take a comprehensive look at their death penalty laws and processes with the goal of finding and eliminating flaws in their systems. The ABA takes no position regarding the use of this punishment. The Project identifies local legal experts, scholars, and practitioners to take on the evaluation and provides staff assistance to them. Kentucky was the ninth state to undergo an evaluation.

The Kentucky Death Penalty Assessment Team (see column on the left) spent two years evaluating the system and issued its report last December. (<http://bit.ly/uIEfv1>)

At that time ABA President William T. Robinson III, a native of Kentucky said,

The assessment team in Kentucky is an esteemed group of highly dedicated individuals who are committed to ensuring justice. The report provides a thorough analysis of the death penalty system, and identifies many areas that need reform.

The team identified several serious flaws in Kentucky’s system of imposing the death penalty. These included:

- inadequate protections to guard against wrongful convictions;
- inconsistent and disproportionate numbers of capital charges and sentences;
- inadequate funding of the capital defender system; inadequacies in post-conviction review to correct error;
- capital juror confusion;
- imposition of a death sentence on people with mental retardation and severe mental disability; and
- overall lack of data keeping on capital charging and sentencing practices.

One finding should cause reasonable people to question if those under a death sentence should be executed:

The Kentucky Assessment Team examined all death sentences imposed in the Commonwealth since 1976. As of November 2011, seventy-eight people have been sentenced to death. Fifty-two of these individuals have had a death sentence overturned on appeal by Kentucky or federal courts, or been granted clemency. This is an error rate of approximately sixty percent. Furthermore, capital prosecutions occur in far more cases than result in death sentences. This places a significant judicial and financial burden on Commonwealth courts, prosecutors, defenders, and the criminal justice system at large, to treat many cases as death penalty cases, despite the fact that cases often result in acquittal, conviction on a lesser charge, or a last minute agreement to a sentence less than death.

This calls into serious question whether the Commonwealth’s resources are well-spent on the current error-prone nature of the death penalty in Kentucky.

This high error rate of nearly 60% confirms that the bishops’ fears in 1984 were justified: possible execution of the innocent, random, unfair and discriminatory application of the penalty, and the impossibility of knowing why one person is selected for death and another isn’t.

### MEMBERS OF THE KENTUCKY DEATH PENALTY ASSESSMENT TEAM

**Professor Linda Sorenson Ewald**, Co-Chair, is a Professor of Law at the University of Louisville Louis D. Brandeis School of Law.

**Professor Michael J. Zydney Mannheimer**, Co-Chair, is a Professor of Law at the Northern Kentucky University Salmon P. Chase College of Law.

**Michael D. Bowling** is Of Counsel to the law firm Steptoe & Johnson P.L.L.C.

**Professor Allison Connelly** is an associate professor of law at the University of Kentucky College of Law.

**Justice Martin E. Johnstone** is a retired Kentucky Supreme Court Justice who served from November 1996 until his retirement in 2006.

**Justice James E. Keller** is a retired Associate Justice of the Kentucky Supreme Court.

**Frank Hampton Moore Jr.** is a partner with the Bowling Green firm Cole & Moore, P.S.C.

**Marcia Milby Ridings** is a partner in the firm Hamm, Milby & Ridings, P.S.C.

The affiliations of each member are listed for identification purposes only. Each Team member has acted in his/her personal capacity. The content and views expressed in this Report do not necessarily reflect those of any listed affiliations.

The report captured the attention of some legislators during the 2012 session of the General Assembly. House Judiciary Committee members had an opportunity to hear a presentation from some of the Kentucky Assessment Team and later passed a resolution urging further study. In the Senate, the Judiciary Committee chair allowed a 75-minute hearing on a bill to abolish the death penalty. Professor Michael Mannheimer provided testimony from the Kentucky Assessment team report. However, the House resolution mentioned above failed to get a vote in the Senate.

In October the Kentucky Commission on Human Rights, the state agency responsible for enforcement of the Kentucky and U. S. civil rights acts, unanimously adopted a resolution calling for the repeal of the death penalty in Kentucky. The resolution cites a letter signed by Justice Martin E. Johnstone and Justice James E. Keller and published in the *Courier-Journal* last December:

The list of problematic cases is staggering, and review of the system is deeply troubling. Fairness, impartiality, and effectiveness of counsel have been undermined by serious flaws that reveal systemic problems in administration of the death penalty in the Commonwealth.

In August 2010, Attorney General Jack Conway requested that Governor Beshear sign three death warrants, but the state had only enough sodium thiopental to kill one inmate. Two were white; one was African-American, Gregory Wilson.

Governor Beshear signed the death warrant ordering Wilson to die on Sep. 16, even though Wilson still had matters pending before a circuit court that, if resolved in his favor, would result in his death sentence being vacated, adding yet another error to the known 60%. Nonetheless the state pressed on for his execution.

For reasons unrelated to his case, a circuit court judge halted the machinery of death in Kentucky until the State adopted an execution protocol that this judge would accept. After two years, it appears that a newly proposed protocol may meet the standards the court seeks. But, Wilson will no longer be an immediate target.

During the two years Wilson's attorneys have continued to work on his case and on Nov. 21 the Kentucky Supreme Court has ruled in this matter and Wilson will now receive a hearing. In an AP report that was published in the *Courier-Journal*, it states, "Wilson's case now moves back to Kenton Circuit Court, where Wilson's attorneys can attempt to show a mental disability, which would exclude a death sentence as a possible punishment for Wilson in [Deborah] Pooley's death."

In 2006, 67% of those polled by the University of Kentucky said they preferred sentences other than death for those who commit capital murder. Last December polling of likely voters by Lake Research Partners found that 62 percent of Kentuckians support a temporary halt to executions.

That this is a true reflection of how Kentuckians are viewing this issue is borne out in current practice. No jury or judge has sentenced anyone to death since Carlos Ordway in October 2010. And his claim of self-defense has raised serious

issues in this case and may lead to the death sentenced being vacated.

So, have there been no heinous murders in the past two years? Hardly. The box on the right gives just a brief glimpse of who is not sitting on death row. Cases like Wilson's and those in this list make clear the random nature of this whole process and how foolish it is of government to be in the business of taking a human life.

For both moral and practical reasons the Conference calls upon Catholics and others of good will to work for repeal of the death penalty.

Five states have abandoned it in the past five years and others are poised to do so in 2013.

Until that time, the goal is to stop future executions. Given the flawed nature of the system that put them there, no one can know who is rightfully there.

The Kentucky Coalition to Abolish the Death Penalty (KCADP), of which the Conference is a member, has begun a post-card campaign that asks Governor Beshear to refrain from signing any more death warrants.

We certainly encourage readers to participate in this campaign by contacting KCADP for post-cards: 502.636.1330 or [staff@kcadp.org](mailto:staff@kcadp.org). Use of these at parish programs and events is an excellent way to teach others about the sanctity of human life and dignity.

**Choose Life** is available online: <http://bit.ly/T9S3T1>.

#### RECENT CAPITAL MURDERS AND THE SENTENCES

Robert Drown, Jr.—Double Child Killer, Rapist. Pled Guilty. Life in Prison.

Raymond Clutter—Murderer, Rapist, Dismembered His Victim. A jury sentenced him to life in prison.

Michael Abner—Serial Killer. Pled guilty and received a life sentence.

Lloyd Hammond—Triple Murderer. Jury sentenced him to life without parole.

Raymond Harris—Hitman. Killed for \$1000. Sentenced to life without parole for 25 years.

Clayton Jackson—Triple Child Killer. Jury sentenced him to life.

Cecil New—Pedophile, Child Killer, Rapist. Sentenced by judge to life in prison without parole.

Said Biyad—Quadruple Child Murderer. Killed His Four children. Sentenced to life.

Miguel Angel Velázquez—Triple Murder with Gun, Baseball Bat and Choking. Sentenced to life by the judge.

Nicholas Salfi—Murderer. Judge in case stated: "This is one of the most serious crimes this court has ever seen." And the prosecutor said: "[O]ne of the most brutal crimes I've ever seen...." The jury recommended and the judge imposed a 55 year sentence.

Robin Maple—Murderer, Kidnapper. At the request of the victim's family the prosecutor did not seek death. Serving a life sentence.

# Who's Going to Pay the Bills?

By Deacon Bob Joyce



Deacon Bob Joyce

In recent decades we have become such a credit oriented society. We had many years in the U.S. with lots of jobs, beneficial housing price appreciation, and the disposable income to buy iPods, iPads and most anything we wanted. But we are now realizing that too much of that money came from car loans, credit card debt or refinancing the mortgage.

We spent more than we earned and as long as we had good jobs with a growing income it all seemed to work

out until the recent recession.

But even before the recession, this view through rose-colored glasses was a middle- and upper-middle class view. Others bore the brunt of housing inflation, higher gas prices and higher food costs. Although most everyone seemed to get cable tv and instant access to facebook, not everyone got the latest I-phone or the 52 inch plasma tv.

As I write this we are in the midst of a presidential campaign where candidates at times claim to be very concerned about our burdensome debt and our unbalanced budget. Whether the expense is warfare or welfare and the purpose is pork or recovery, both Republicans and Democrats have ended up spending more money than comes in for most of the last 80 years. We want most of what government provides for us and we want our taxes low. But who is going to pay?

Looking out from Lexington, our diocese is a mission diocese. I have come to find out that many define a mission diocese as one where the majority of the parishes or missions spend more money than they bring in from parishioners' donations and parish fund raising. Given the nature of missionary activity, we probably shouldn't expect it to financially pay for itself; we must be willing to fund that activity from other sources. But in the Lexington Diocese, it appears that parishes in the mission areas are not the only ones having trouble paying the bills. Every parish in Lexington-Fayette County appears to have trouble paying all their bills recently, particularly those with Catholic Schools or recent building campaigns or other massive fund drives (which means all parishes right now.)

Balancing the family budget, the government budget and the church budget have a few issues in common. Controlling expenses is important in all three, but we must have family, government and church expenditures, whatever they are, however they are determined. Whether it is a decision of two

parents or hundreds of congressmen, one pastor or hundreds of hungry or homeless persons, eventually expenses occur with or without full agreement. But who is going to pay?

In our society one big part of economizing is to try to do more with less, or get more for your money. We think we have done well when we buy something worth \$100 for \$79 or better yet for \$49. Every year we do our tax returns and look carefully for deductions (those of us in the middle and upper middle class, fortunate enough to have sufficient income to justify itemizing deductions.) We almost consider it our duty to pay the lowest taxes we can – to pay all that is required by the law but nothing more. And heaven forbid that anyone would raise taxes and require us to pay more!

Even within the church we want donations to be free will donations, and we don't like hearing homilies bring up the need for money for the church. (Although occasionally we are glad to hear of a specific mission or other specific local cause that merits our financial attention.) We are even reluctant to pledge a specific amount or percentage of our income as a tithe to the church. But the expenses continue and currently neither the government collecting tax payments or the church relying on good will donations appears to be working very well to cover all the expenses.

So who is going to pay? Will the current generation pay or will we pass large burdens on to our grandchildren? We probably need to expect more of everyone now, but are any groups of persons willing to give more?

I will stand up and say that with faith and within reason, my wife and I are willing to pay more. In fact we are currently paying much more than we did 20 years ago, and it's not just inflation. Twenty years ago we had five young children to support; and to care for them while they were home after school or home full-time, my wife did not work many hours outside the home for pay. We had little money, but we did provide some support for the church and paid taxes. Today our income has increased, even while she works part time for the church and I work for the public school system. All kids are out of the house; and except for a few special expenses, they are financially on their own. We pay more in taxes, in church support and in other donations, both in actual dollars and in percentage of income. It is only fair and reasonable. We are clearly more willing and more able to do this now than when we were younger with more responsibilities and less resources.

I don't mention our family as a shining example, just a regular example of why those who have more can and should expect to give more. For the government and the church, when one receives more in treasure one should give more in actual dollars and percentage of income. Whether the percentage is 10, 20, or whatever, the percentage to the government should be legislated to be progressive, which means

*Deacon Bob Joyce is a member of the CCK Social Concerns Committee for the Diocese of Lexington. He also serves in the parish of St. Elizabeth Ann Seton.*

*Continued on page 7.*

# Hispanic Priests' Gathering Inspires Latino Community

By Deacon Frank Villalobos

**T**he National Association of Hispanic Priests of the United States held their annual convention in the city of Louisville on October 8 thru the 11 of 2012. The association convenes every year in different cities throughout the United States; this year was Louisville's turn to host the convention. Its purpose is to offer continued education, promote fellowship among Hispanic priests in the U.S. and share their joys and struggles of their ministry with each other.

The convention was held at the Galt House and its staff did an outstanding job hosting the event. They provided meeting rooms, a chapel for mass and prayer, as well as a wonderful banquet. They were always there to help when needed.

The priests who attended concelebrated Holy Mass at St. Joseph Parish in the Butchertown neighborhood on Monday October 8. The parishioners of St. Joseph and Holy Name, two communities with a sizeable Hispanic population, provided the priests a warm welcome and a beautiful gift. In appreciation for their commitment to their ministry each priest received a handmade stole from the ladies of St. Joseph.

Cardinal Juan Sandoval Iniguez, Archbishop Emeritus of the Archdiocese of Guadalajara, Mexico, was the principal celebrant for this joyful liturgy. He offered encouraging words during his homily to the priests and to all who were present. He said "Priests should preach more often, not only during mass but also during prayer meetings and catechetical

*Deacon Frank Villalobos is a member of CCK Hispanic Committee and works in the Archdiocese of Louisville's Office of Multicultural Ministry and focuses on ministry to the Latino community.*

## Who's Going to Pay the Bills

*Continued from page 6.*

higher rates for those with higher incomes. I wouldn't call this a redistribution of wealth. It is just securing enough money to pay expenses with reasonable burden on those who can afford it today, so we do not leave an unreasonable burden on those of the future.

As you read this the 2012 elections are over, and I hope our government leaders will work together more constructively in 2013 to provide and pay for the needs we want our government to address. Changes in tax laws are not just important at the federal level, but also in the state of Kentucky. There has been talk of moving toward a broader tax structure and changing income tax rates.

As I have been giving a personal witness and sharing my experience, I will note that as

classes. The faithful should encourage their children to live out their vocation and promote an environment that will give fruit to vocations."

In addition to the many workshops offered during the three days, there was free time during the convention to allow attendees a chance to enjoy what Louisville has to offer.

At the request of Father David Sanchez, pastor of St. Joseph and Holy Name parishes, I was able to arrange a special tour for Cardinal Juan Sandoval, Bishop Peña of Brownsville, Texas, and Bishop Ramirez of Las Cruces, New Mexico. It was an honor and privilege to spend a full afternoon in the presence of these three holy men on a visit to Gethsemani near Bardstown to view the grave of the Trappist monk, Thomas Merton.

Bishop Peña of Brownsville, Texas celebrated the closing liturgy of the Convention with a Holy Mass at the Cathedral of the Assumption. The Hispanic community came out to support the priests. Nearly every seat was taken as people braved traffic and, for the many who are undocumented, possible arrest. For many it was their first time in the Cathedral. These appeared awestruck as they entered this simple, but beautiful, structure.

As the priests paraded in during the Entrance Procession, tears filled the eyes of many in attendance. They were overwhelmed when they realized they stood in the pews next to so many holy men who have dedicated their lives to Christ.

This gathering of Hispanic priests was truly a blessing for our community. The seeds that were planted by them will now have to be cared for and nourished to give fruit. Let us all celebrate and thank the Lord for all that we have received and ask the Lord for vocations in all languages.

my income, my federal taxes and my charitable contributions increased significantly over the past twenty years, my state taxes did not go up proportionately. Studies of Kentucky have shown and our experience substantiates that state and local taxes have a more significant impact on Kentucky's low and moderate income families than it does on those with higher incomes. It is regressive rather than progressive in its end result.

I ask others to join me and provide progressive rates of support to our parishes, our charities and our governments. Those who have or receive more from God should be willing to give more to the common good. And help politicians work constructively to solve our budgetary problems using this guideline. It will benefit our children greatly and it is the right thing to do.

### Let's Stay in Touch

**D**uring the 2013 session of the General Assembly we will be using several tools to keep you informed about important legislation and action you can take to foster Gospel values.

Visit our website: [www.ccky.org](http://www.ccky.org);  
Like us on Facebook;  
Sign up to follow us on Twitter;  
Become a Faithful Citizen Advocate and;  
Subscribe to our RSS feed.

You can do all these things by visiting the home page of the website today: [www.ccky.org](http://www.ccky.org).



Archdiocese of Louisville  
PO BOX 1073  
Louisville Kentucky 40201

Non-Profit Org.  
U.S. Postage  
PAID  
Louisville, KY  
Permit No. 1279

## *Support Needed for State Restoration of Freedom Act*

*Continued from page 1.*

other First Amendment clauses (such as the freedom of speech), the courts have required the government to demonstrate a compelling interest in addressing the problem which gave rise to the law in question, as well as showing that no less restrictive means were available to accomplish the intended goal, in order for the law to be upheld. In *Smith*, the Court said that the free exercise clause did not require such heightened scrutiny as long as the law did not specifically target religion but was of general applicability.

The immediate effect of *Smith* was bipartisan horror at what such a diminished view of religious liberty could mean. In 1993, Congress passed (with a unanimous vote in the House and 97-3 in the Senate) and President Clinton signed the Religious Freedom Restoration Act (RFRA). RFRA restored the compelling interest standard to free exercise cases through what is effectively a blanket exemption to all federal law. Originally, the law was intended as a limit on state law as well, but in *City of Boerne v. Flores* (1997), the Supreme Court held that application to state law exceeded Congress' authority under the 14th Amendment. However, RFRA remained in effect as a limitation on federal law and is the basis for much of the current litigation over the HHS Mandate.

Following the *Flores* decision, numerous states enacted RFRA's of their own, so that the compelling interest standard will be applied to First Amendment claims against state action as well as federal action. Also, a number of states have religious freedom clauses in their constitutions that are stronger than that found in the U.S. Constitution. However, as religious liberty has become a more contentious issue, a number of groups have openly opposed state RFRA's and have spent millions of dollars to defeat efforts to enact them, especially when they are placed on the ballot for popular approval. Efforts to adopt RFRA's failed by large margins in North Dakota in 2010 and Florida in 2012.

Unfortunately, we no longer see the widespread, bipartisan support for a broad understanding of religious liberty that was present in the early 1990's, when the federal RFRA was adopted with very little opposition. In fact, at that time, much of the opposition was from religious organizations who disagreed over the best means to protect religious liberty, not from organized opponents of any such protection.

To further complicate matters, the issue of religious liberty is receiving increased interest because of new threats instead of a renewed desire to protect it. As a result, attempts to adopt a state RFRA can often be seen as a purely political move motivated by opposition to a certain party or politician instead of a principled position held independent of partisan considerations.

Because of these threats, however, having a state RFRA is more important than ever. For this reason, the Conference has joined an effort to support an amendment to the Kentucky Constitution incorporating the core language of the federal RFRA. Hopefully, with the presidential election behind us, this effort will not be seen as a partisan one, which it most certainly is not. We have not yet seen any such direct threats to religious liberty in Kentucky, and experience has shown that it is important to have RFRA in place before any such threats arise. Once the threat is real, it becomes a partisan political matter and the likelihood of effectively advocating for greater legal protection is significantly diminished.

Please call your state representative and state senator. Encourage them to support putting a state Religious Freedom Restoration Act on the ballot as a proposed constitutional amendment. Also explain the importance of this effort to your friends, family, and fellow parishioners to offset opponents who will spend millions of dollars on misleading advertisements to defeat it. If people of faith, and people of good will stand together in defense of religious liberty, no amount of negative advertising can defeat this very important effort to protect our first and most important freedom.