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REPORT



The Newsletter of the
Wisconsin Catholic Conference

Bishops Urge Action on Preventive Services Mandate

The leaders of Wisconsin's five Roman Catholic dioceses have written the Obama administration to express opposition to the mandated full coverage of sterilization, contraception, and related counseling services by private health plans as required under new federal health care reform regulations. The bishops asked that the mandate be rescinded completely or at least modified to include a broader protection for religious groups opposed to abortion, contraception, and sterilization coverage.

In their letter sent to United States Department of Health and Human Services (HHS) Secretary Kathleen Sebelius, the bishops wrote that the regulations do not adequately protect the religious liberty of institutions, employers, insurance providers, and others.

"Such a mandate undermines our teaching that human fertility is not a disease. It is a gift, which exercised responsibly, allows humanity to prosper," the bishops wrote. "Further, in its current form the rule employs a much too narrow definition of religious employer. Its effect is to so constrain religious activity as to diminish the religious liberty of

Catholics in Wisconsin and the United States."

The mandate contains a very narrow conscience exemption that will not apply to Catholic universities, hospitals, and charitable organizations that serve the general public. The bishops note this fails to respect the Church's ability to function in society.

"[F]or Catholics, religion is a matter of personal conviction with social consequences. Ministry in the Catholic tradition is not limited to houses of worship. It finds full expression in service to others. The faith we profess and celebrate in the parish is taken into the world through our public ministries."

"That is why Catholics in the United States, from the time they arrived, have contributed to the common good by serving the poor and vulnerable – irrespective of their faith – in our many schools, hospitals, and charities. America is the richer for this faith-inspired witness and its many contributions to the general welfare."

"Yet, our witness – and the public good that flows from it – is

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Director's Corner

John Huebscher, Executive Director

Religion is important to Americans. It is so important, the nation's founders inserted into the Constitution a guarantee that the government may not interfere with the free exercise of religion.

Of course we will argue from time to time over just what that means. Since the Constitution also bars the creation of a state church, no single religion defines the scope of religious liberty. Thus, we accept diversity in how people express their religious identity.

Inherent in religious liberty is the right to "go against the grain." Over the years, people of faith have opted out of policies that asked them to violate their religious tenets. Recently Catholic bishops have asserted this in two different areas of public policy.

Here in Wisconsin, the bishops joined the national conference of bishops in asking the federal government to exempt religious organizations from a federal mandate to purchase health insurance that includes coverage for services that violate Catholic teaching (see page 1). In Alabama, the bishops are suing that state over the provisions of a new anti-immigrant law. In both cases, the bishops argue that the law interferes with the right of Catholics to serve those in need.

In doing so our bishops remind us that religious liberty is neither a liberal nor conservative value. For it is fair to say that many on the political left will argue that religious liberty should give way to personal choices in reproductive matters. It is also fair to say that many on the political right will hold that churches should not stand in the way of enforcing laws against undocumented immigrants.

These positions also remind us that religious liberty means little if it is limited to personal belief and excludes actions consistent with those beliefs. Nor does it have much value if faith must give way to every popular policy. Rather, religious values matter when they are more important than our politics. And our religious liberty depends on our willingness to affirm that liberty, even when it isn't popular.

Choice Comes to Racine

The 2011-13 state budget, known as 2011 Wisconsin Act 32, expanded the parental choice program beyond the City of Milwaukee starting in the 2011-12 academic year. The new program allows students in eligible public school districts to receive a voucher payment up to \$6,442 to pay for the cost of education at a participating private school. To participate in the program, the school district must meet certain criteria, but currently only the Racine Unified School District (RUSD) can satisfy the requirements. Therefore, only students that reside in the RUSD are eligible to participate in the new program this year.

In addition to being a resident of the school district, a pupil can only participate in the program if he or she has a family income that does not exceed 300 percent of federal poverty level (\$66,747 for a family of four). Married couples may reduce their income by \$7,000 prior to applying this income eligibility test. Once a student is income eligible to participate in the program they continue to remain eligible even if their family income changes.

For this initial year in Racine, enrollment in the program is limited to 250 full-time pupils, with priority given to those eligible for free and reduced lunch in the prior school year. Applications did exceed this 250 student limit. Next year the limit will expand to 500 pupils, with no limitation on participation in following years.

Any private school that wishes to participate in the program may do so, as long as they comply with certain fiscal standards and accountability measures. Eight Racine private schools have opted to participate this year, including three Milwaukee Archdiocesan schools.

For students in kindergarten through eighth grade, participating schools are not allowed to charge students tuition or education-related fees above the voucher payment amount. However, under Act 32, participating parental choice high schools (in the Milwaukee and Racine programs) may charge tuition and fees above the voucher payment for students whose family income is greater than 220 percent of the federal poverty level (\$48,948 for a family of four).

Immigration Bills Introduced

As in recent sessions, in the face of the federal stalemate on immigration reform, state lawmakers have introduced several bills aimed at addressing the presence of immigrants who reside in Wisconsin without legal authorization.

Assembly Bill 173 would require law enforcement to act when they suspect a law has been broken and the perpetrator may be here illegally. The proposed bill would require the following: 1) Those suspected, arrested, or charged with a crime would have to show a legal document demonstrating that they are legally in Wisconsin; 2) they could be held in jail for up to 48 hours and be turned over to federal immigration authorities if they cannot provide evidence of legal status; 3) citizens could sue municipalities and counties for failure to enforce this state law; 4) communities could be fined \$500 a day for noncompliance; and 5) no local government could prevent enforcement of this law.

Assembly Bill 222 would require that persons applying for public benefits provide documentary evidence of citizenship or legal immigration status. The bill would also require that welfare workers or others processing the application for benefits certify that they have seen the documentary evidence. Any worker certifying

falsely would be subject to a monetary fine.

Finally, Senate Bill 137 would penalize companies that hire persons who are not legally in the country. For a period of seven years, such companies would be ineligible for any state or local government grants, loans, tax credits, or contracts.

The Wisconsin Catholic Conference (WCC) opposes the first two bills, but has taken no position on the third bill. To date, none of these bills has received a public hearing.

Following the lead of the United States Conference of Catholic Bishops (USCCB), the WCC urges citizens and lawmakers to work for comprehensive immigration reform at the federal level. The Catholic Church supports a multi-pronged approach that protects national security, respects the human and legal rights of all immigrants, provides a guest worker program and a pathway to legalization for immigrants who wish to live in the U.S., and addresses some of the root causes of migration in sending countries.

For more information and resources, please visit the website of the USCCB immigration campaign: www.justiceforimmigrants.org.

Fall Floor Session Spread Over Five Weeks

The Legislature will meet in floor sessions over five weeks between mid-September and early November before recessing until 2012. The first "floor period" will begin on September 13 and conclude on September 22. The lawmakers will return on October 18 for a floor period that will recess on November 3. Lawmakers don't meet every day during these times. In fact, they are slated to meet only one day during the September 13-22 period.

The fall sessions will focus on legislation to foster job creation in Wisconsin, where the unemployment rate

persists at around 8 percent. Legislators may also consider proposals related to implementing the federal health care reform legislation. A variety of other bills will also be on the agenda.

Session days are the times when bills are debated and voted on. However, legislative committees will meet regularly in public hearings between now and the end of the year. WCC's electronic *Capitol Update* will report regularly on hearings of interest. Anyone interested in these updates can contact the WCC at office@wisconsincatholic.org.

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Wisconsin Catholic Conference

131 W. Wilson Street, Suite 1105
Madison, WI 53703
Phone: 608/257-0004 Fax: 608/257-0376
E-mail: office@wisconsincatholic.org
Website: www.wisconsincatholic.org

WCC Staff

John Huebscher, Executive Director
Cathy Coyle-Kaufmann, Administrative Assistant
Barbara Sella, Associate Director for Respect Life/Social Concerns
Kim Wadas, Associate Director for Education/Health Care

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compromised when we are compelled to act in ways inconsistent with our values. This mandate does just that," the bishops explained.

"As written, the mandate compels our institutions to either act in ways inconsistent with our values or forces them to retreat from serving the most vulnerable. Further, the mandate is also contrary to the very natural law to which our nation's founders appealed in declaring our nation's independence. That declaration recognized that our inalienable human rights come from our Creator, not the state. This includes the freedom to worship and to live according to one's religious convictions."

The bishops pointed out that the mandate nullifies a forty-year bipartisan consensus of respect for rights of religious liberty and conscience in matters of health care. These rights, recognized in the Church Amendment of 1973, the law governing Federal Employees Health Benefits Program, and federal legislation for combating AIDS in developing nations, are denied in this mandate.

The bishops acknowledged that many do not share Catholic beliefs regarding contraception, sterilization, and abortion, but that does not negate the right to religious liberty.

"...[O]ur nation's founders did not define the free exercise of religion by the number of believers who claim it. On the contrary, they promised it to all people, whether they are members of a large majority or of a

small minority who hold a sincere conviction as to what their faith asks of them."

"Health care reform should expand, not restrict, the ability of employers and providers to offer the best possible care. It should provide Americans with real health care options that support and do not undermine their most cherished values. The Administration promised us nothing less before. It should deliver nothing less now," they concluded.

The Department is accepting public comments on the exemption from the mandate for religious employers through September 30, 2011. The bishops urge Catholics and others to join them in asking for federal health care reform that protects the religious liberty of individuals and institutions, and does not force them to act in a manner contrary to their values.

Comments may be submitted to HHS until 11:59pm (Eastern Time) on September 30, 2011, and may be directed to HHS in one of two ways:

- Electronically at <http://www.regulations.gov/#!documentDetail;D=HHS-OS-2011-0023-0002>; or
- By mailing written comments to: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-9992-IFC2, P.O. Box 8010, Baltimore, MD 21244-8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.