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Good News

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"Darkness cannot drive out
darkness;
Only light can do that.
Hate cannot drive out hate;
only love can do that."

*Dr. Martin Luther King Jr.,
1963*

The Child is Not a Mere Creature of the State

By John James

In our current financial climate, families and governments alike are asking what is critically important, where do we spend our money, and where might we make necessary cuts. Would it shock you if I told you that the State of Missouri is violating a fundamental right of parents and is spending more money than is necessary on a policy that disproportionately impacts the poor?

The education of our youth is critically important and the State's role in education is vital not only for our children, but for the future of our country and our republican form of government. However, what is the interest of government in education? The interest of government in education is to ensure a literate population that may participate in our republican form of government as

productive members of society. The role of government is to further its interest in partnership with parents who are the primary custodians of their children. This is a fact of natural law, is found in the earliest laws of this continent, is taught by the Catechism and Canon Law, and is enshrined in a 9-0 U.S. Supreme Court precedent.

Since time immemorial, parents have directed the upbringing and education of their children; the first education law on this continent, enacted in 1642 in the Massachusetts Bay Colony, required parents and masters to see to it that their children knew the principles of religion and the capital laws of the commonwealth. Only later, presumably due to parental negligence and as a matter of public policy (as well as the fear of Satan), did they enact the Old *continued on page 3*

Legislation Affirms Parental Rights in Education

State Rep. Jay Barnes (R-Jefferson City) wants to amend the Missouri Constitution to offer parents a stipend for educating their children at an accredited K-12 school of their choice.

The proposed amendment (HJR 10) would also repeal current language in the state constitution that prohibits assistance to any activities that support a religious creed or religious school.

Rep. Barnes said it is important for parents to have the option to choose the best education for their child. "By repealing the Blaine Amendment and replacing it with a constitutional mandate for parental freedom, we would ensure that every child would have the financial means to attend the school of their own choosing regardless of their parent's income, race or economic class," Barnes said.

Bipartisanship is not Dead

Political pundits lament the polarization in modern-day American politics, but in the Missouri House of Representatives bipartisan efforts are underway. Normally, the Speaker of the House, appoints legislators from his own party to serve as chairpersons of all legislative committees. However, newly elected Speaker of the House Steve Tilley (R-Perryville) has named Columbia Democrat Chris Kelly to chair the House Appropriations Committee for Public Safety and Corrections.

In naming Rep. Kelly, Speaker Tilley is calling on someone who previously served as chairman of the House Budget Committee when Democrats controlled the Missouri House. In his first committee hearing, Kelly divided

committee members into pairs, with each pair responsible for evaluating the budget needs of the various divisions of the departments of corrections and public safety. He is challenging new legislators to learn the details of their assigned divisions so they can recommend to the full committee what funds can be cut and what funds should be retained.

In the current economic hard times, it is encouraging to see Republicans and Democrats working together to solve problems.



State Rep.
Chris Kelly

Missouri Poverty Indicators

Gov. Nixon's summary of the proposed state budget for 2012 observes: "The 'Great Recession' ended in June of 2009, but the recovery from that economic storm has been agonizingly slow." A sign that the hard times are not over is reflected in rising enrollment for both food stamps and Medicaid health coverage.

Since fiscal year 2007, over 155,000 Missourians have been added to the

food stamp program. By later this year, food stamp participation is expected to reach 455,000.

Since June 2007, Medicaid enrollment has risen by almost 120,000. By later this year, it is projected that 923,000 will be receiving Medicaid. Medicaid is jointly funded by the state and federal government and provides health coverage to the poor, the elderly and those with disabilities.



MCC Outlines 2011 Legislative Priorities

The Public Policy Committee of the Missouri Catholic Conference has adopted priorities for the 2011 legislative session. The Public Policy Committee is advisory to the bishops on legislation.

- Advocate for a state budget that will protect essential services for Missouri's most vulnerable citizens, including the poor, the homeless, those with serious physical or mental disabilities, the elderly, and unborn children.
- Call for a tax system that is just and oppose the so-called "fair tax," which places too much

of the tax burden on modest-income families; fails to generate sufficient revenue to maintain essential public services; and, unjustly taxes churches, K-12 private school parents and charities.

- Call for comprehensive immigration reform that facilitates an orderly immigration process while responding to the humanity of all people regardless of legal status.
- Promote the sanctity and dignity of human life through legislation, including: incremental steps

Human Trafficking Concerns Addressed

Missouri House Representative Ann Zerr (R-St. Charles) has filed a bill enhancing Missouri's Human Trafficking laws. The bill seeks to expand the scope of the present law by criminalizing the trafficking of human beings for labor and commercial sexual acts, including the production of pornography and sexual performances.

The legislation requires those guilty of trafficking to pay restitution to the victim of at least \$100,000 and to pay for medical and psychological treatment for the victim. The bill also allows the victim to sue for damages resulting from the trafficking offense.

The United States Conference of Catholic Bishops (USCCB) works closely with the federal government to provide services to victims of human trafficking. Read about it at <http://www.usccb.org/mrs/reflections-letter-20101024-KP.pdf>.

to ban all abortions; adequate funding of the Alternatives to Abortion program; assistance to victims of human trafficking; and re-evaluation of the death penalty.

- Seek amendments to the federal health care reform law to prohibit support or funding for abortion or other activities that attack the sanctity of human life. Defend existing provisions of the current law that expand health care to the poor and urge the state of Missouri to implement these provisions.

The Child is Not a Mere Creature of the State ... continued

Deluder Satan Act of 1647, which required townships of greater than 50 families to hire a schoolteacher.

The Catechism of the Catholic Church (#1653) teaches that "parents are the principal and first educators of their children," and Canon law (#797) stipulates, "It is necessary that parents enjoy true freedom in selecting schools; The Christian faithful must therefore be concerned that civil society acknowledge this freedom for parents and also safeguard it with its resources in accord to distributive justice."

In response to a 1922 Oregon law sponsored by the Ku Klux Klan and the Scottish Rite Masons that required parents to send their children to public schools, the U.S. Supreme Court in a 9-0 ruling stated that: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

If parents, not the state, are the primary educators, and if the state's interest is to ensure a literate population that may participate in our republican form of government as productive members of society, then the state ought not care one iota about whether this education is supplied by a Catholic, Baptist, Jewish, Islamic, secular or atheist school; a system that fully funds only secular public schools, and through fiscal policy effectively precludes parents from choosing any other school that

meets the state's interest, represents a violation of parental rights. The cost of educating a student

"A system that fully funds only secular public schools, and through fiscal policy effectively precludes parents from choosing any other school that meets the state's interest, represents a violation of parental rights."

in Missouri in our public schools is \$9,751, far more than the national average in Catholic schools, which is \$6,880. The indisputable fact, recounted in countless studies, is that Catholic schools in poor urban settings are closing at a rapid rate. These students presumably then enter public schools. In essence, the State of Missouri's de facto education policy is to fully fund only public schools by local, state and limited federal funds, and as parochial schools are eliminated in mostly poorer areas, the state will open wide its coffers to educate these kids at \$9,751 a head who were previously educated for "free" in accordance with their parents' wishes. This policy is required and ought not change because it would hurt "education."

This system works because as parochial schools close, the local district has a rationale for raising property tax rates (necessitated by a larger number of students on a fixed property base), and the state is required to dole out more money

because it distributes funds based primarily on the head count in public schools (more students equals more money). While it may not be the intent, a system designed to systematically close down parochial schools for the poor while providing a rationale for more taxes to educate them couldn't be designed any better.

An alternative would be to join the growing number of states, including our contiguous states of Iowa and Illinois, which have recognized the fiscal responsibility and justice in creating tax credits for education. These education tax credits have no constitutional impediments. The Iowa system provides a tax credit (not merely a tax deduction) that is currently available for contributions to a Student Tuition Organization (STO). The STO serves as a fiscal agent for both receiving contributions and distributing aid to students from poorer families choosing a parochial education in accordance with established criteria. Such a system saves the taxpayer money and effectively keeps students from poorer families in schools of their parents' choice for a fraction of the cost of educating these students in the public schools (a \$1,000 tuition tax credit to a family versus a \$9,751 taxpayer bill). This makes sense if the state has limited resources and the child is not the mere creature of the state.

John James is an associate professor in the department of educational leadership and higher education at St. Louis University.

