

Unborn Life and Conscience Protection

Catholic Social Teaching:

“All human beings . . . belong to God who searches them and knows them, who forms them and knits them together with his own hands, who gazes on them when they are tiny shapeless embryos and already sees in them the adults of tomorrow whose days are numbered and whose vocation is even now written in the ‘book of life’ (cf. Psalm 139:1, 13-16).” *Evangelium Vitae, Pope John Paul II, para. 61 (1995).*

“Because all human beings are created by God, all possess an inherent dignity and therefore have certain basic rights, including the right to life and to those things that make life truly human (e.g., food, shelter, clothing, religious freedom, health care, education, and a safe environment). The right to life is the foundation of all others. Without it, no other rights are possible.” *Faithful Citizenship in Virginia, Virginia Catholic Conference (2007).*

2010 Legislation:

The current state budget, which was adopted in 2008 and which governs state spending through July 1, 2010, continues Virginia’s practice of funding abortions beyond the circumstances under which the federal government subsidizes them. Under the Medicaid program, the federal government funds abortions when the life of the eligible woman is at risk and in cases of rape and incest. States are permitted, but not required, to spend their own funds, rather than federal money, for abortions for Medicaid-eligible women in circumstances that fall outside these three categories. Virginia uses state money to finance some abortions that the federal government is not permitted to pay for, including abortions done for “health” reasons. This means that Virginia taxpayers are currently paying for abortions.

The state budget also lacks safeguards to ensure that no state taxpayers’ money will subsidize Planned Parenthood of Virginia (state affiliate of the country’s largest private provider of abortions) or research that requires a human embryo or fetus to be destroyed. In previous fiscal years, the Virginia Department of Health has entered into contracts with Planned Parenthood.

Budget provisions to ensure that state taxpayers would not be forced to finance abortions, Planned Parenthood, and life-destructive research failed during the 2008 and 2009 General Assembly sessions. However, Conference-supported budget amendments have been introduced again this year to address each of these concerns, as state lawmakers craft a budget to guide state spending for the next two fiscal years. **Item 4-5.04 #1h (Delegate R. Marshall)** would ban state funding of abortions; **Item 4-5.04 #2h (Delegate R. Marshall)** and **Item 4-5.04**

#3h (Delegate Athey) would prohibit state funding of Planned Parenthood; **Item 4-0.01 #1h (Delegate Cox)** would prevent state funding of (1) research on stem cells obtained by destroying human embryos and (2) research on cells and tissues derived from induced abortions.

Talking points for Meetings with Legislators:

- As a state taxpayer, I find it unacceptable and offensive for our state government to force me to pay for life-ending practices and providers.
- Virginia is one of only 17 states that funds abortions with its own money.
- During the U.S. House of Representatives' recent debate on federal health reform legislation, the House approved the Stupak Amendment (incorporating the longstanding federal policy against abortion funding into the bill) by an overwhelming margin (240-194) with strong bipartisan support. We need a "state Stupak" policy here in Virginia.
- According to statistics from the Virginia Department of Health and the Virginia Department of Medical Assistance Services, state taxpayers paid for 162 abortions in fiscal year 2006 and 160 abortions in fiscal 2007. That's nearly one abortion every two days! Many of these 322 lives could have been saved had the state not financially encouraged their termination.
- Virginia could save over \$100,000 in its two-year budget if it banned state funding of abortion.
- Planned Parenthood is the largest private provider of abortions in the United States, has a national budget of over \$1 billion (over one-third of which comes from taxpayers), and channels considerable resources into fighting abortion restrictions.
- The Virginia Department of Health currently has a contract with Planned Parenthood of Southeastern Virginia to provide voluntary sterilization procedures under the state-funded voluntary sterilization program.
- Embryonic stem cells have not helped a single human patient despite three decades of research, and stem cells that can be retrieved without ending a human life have already helped hundreds of thousands of patients. Any money spent on ineffective embryonic stem-cell research is money that is not being spent on research that is helping many people, such as research using adult stem cells.

Death Penalty

Catholic Social Teaching:

“[I]f non-lethal means are sufficient to defend and protect people’s safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity with the dignity of the human person. Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm—without definitively taking away from him the possibility of redeeming himself—the cases in which the execution of the offender is an absolute necessity are very rare, if not practically non-existent.” *Catechism of the Catholic Church* (no. 2267).

“The new evangelization calls for followers of Christ who are unconditionally pro-life—who will proclaim, celebrate and serve the Gospel of Life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform. I renew the appeal . . . for a consensus to end the death penalty, which is both cruel and unnecessary.” Pope John Paul II, Mass in St. Louis (1999).

“No matter how heinous the crime, if society can protect itself without ending a human life, it should do so.” *A Culture of Life and the Penalty of Death*, U.S. Conference of Catholic Bishops (2005).

“With Virginia’s life-without-parole sentence and modern incarceration system, that protection is provided. The life-sentence alternative is unique in its ability to protect state residents while upholding the dignity of every person, even the one convicted of a brutal crime. Accordingly, we are convinced that—in our time and place—the death penalty is unnecessary and inappropriate, and that death sentences should no longer be imposed or carried out in Virginia.” *Virginia Catholic Bishops* (2007).

2010 Legislation:

This year, many legislative initiatives – involving bills in both the House and Senate – threaten to expand the circumstances under which the death penalty can be imposed. These bills, opposed by the Conference, are as follows:

Legislation which eliminates the “triggerman rule”

Currently, with few exceptions, only the actual perpetrator of a capital murder (the “triggerman”) is eligible for the death penalty. **Senate Bill 7 (Senator Obenshain, currently in the Senate Courts of Justice Committee)** and **House Bill 502 (Delegate Gilbert, currently in the House Courts of Justice Committee)** would eliminate this “triggerman rule,” so that accomplices could be sentenced to death under a much wider range of circumstances.

Other Expansions

House Bill 166 (Delegate Pogge, currently in the House Courts of Justice Committee) would add auxiliary law-enforcement officers, fire marshals and assistant fire marshals with law-enforcement powers to the capital murder statute so that a death sentence could be imposed for their murder.

House Bill 934 (Delegate Bell, currently in the House Courts of Justice Committee) and **Senate Bill 520 (Senator Norment, currently in the Senate Courts of Justice Committee)** seek to add auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that a death sentence could be imposed for the murder of such an officer.

Senate Bill 54 (Senator Martin, currently in the Senate Courts of Justice Committee) would add the following personnel to the capital murder statute so that a death sentence could be imposed for the murder of such a person in the performance of the person's official duties: fire marshals and assistant fire marshals with law-enforcement powers, firefighters, special forest wardens, emergency medical technicians, lifesaving and rescue squad members, arson investigators, volunteer firefighters and lifesaving or rescue squad members (if the governing body has adopted a resolution acknowledging the volunteers as employees for the purposes of workers' compensation), and persons certified as emergency medical service providers.

Talking Points for Meetings with Legislators:

- Use of the death penalty is unnecessary and unjustified in our time and place, especially with the availability of life-without-parole sentences and maximum-security prisons.
- A society that can protect itself without ending a human life should do so.
- Human dignity belongs equally to every person, even one who has committed a heinous crime.
- Other states, including, most recently, New Mexico and New Jersey, have ended their use of the death penalty. Virginia – second only to Texas in its use of the death penalty – should be reducing and eventually eliminating its use of capital punishment, not expanding the list of offenses for which it can be imposed.
- Last November, Virginia executed two people in an eight-day period.

Assistance for Catholic Schools and Students

Catholic Social Teaching:

“A particularly important contribution many families make to the common good of society is the education of children. Parents – the first and most important educators – have a fundamental right to choose the education best suited to their children’s needs, including public, private, and religious schools. Governments should help provide the resources required for all parents to exercise this basic right without discrimination, and for all children to access the educational opportunities most suitable to their needs.” *Faithful Citizenship in Virginia, Virginia Catholic Conference (2007).*

2010 Legislation:

Legislation (**HB 599, Delegate Massie**) currently under consideration in the **House Committee on Finance** would establish income tax credits for businesses and individuals who contribute to public-school foundations or to foundations that provide scholarships to students in lower-income families who desire to attend nonpublic schools. A very similar measure (**SB 133, Senator Obenshain**) is being considered in the **Senate Committee on Finance**.

The Virginia Catholic Conference endorses both bills because they would increase educational options and opportunities for more families with limited economic means, and would also assist Catholic-school families in general by boosting enrollments and helping to keep tuitions lower.

Talking Points for Meetings with Legislators:

- All parents with school-aged children contribute to Virginia’s education system—regardless of what schools their children attend.
- **HB 599** and **SB 133** provide advantages for both the public- and nonpublic-school communities.
- **HB 599** and **SB 133** would increase the range of options available for more children whose parents cannot afford to pay tuitions.
- Preventing declines in nonpublic-school enrollment is in the state’s best economic interest. The more that students move from nonpublic schools to public schools, the greater the cost to state and local governments.

- A report by the Friedman Foundation on polling of 1,200 likely Virginia voters (conducted in October 2009) found that 65% of those surveyed were in favor of tax credits for donations to scholarship organizations. Only 23% of those surveyed opposed this proposed policy.
- The Friedman polling report showed high support for these tax credits among Democrats (64%), Republicans (68%), and Independents (66%).

Immigrants/Health

Catholic Social Teaching:

“Life and physical health are precious gifts entrusted to us by God. We must take reasonable care of them, taking into account the needs of others and the common good.

Concern for the health of its citizens requires that society help in the attainment of living-conditions that allow them to grow and reach maturity: food and clothing, housing, health care, basic education, employment, and social assistance.” *Catechism of the Catholic Church*, 2288.

“The Gospel mandate to ‘welcome the stranger’ requires Catholics to care for and stand with immigrants, both documented and undocumented, including immigrant children.” *Forming Consciences for Faithful Citizenship*, U.S. Catholic Bishops ¶ 83 (2007).

“Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance.” *Caritas in Veritate*, Pope Benedict XVI, ¶ 142 (2009).

2010 Legislation:

Immigrant Health Care. This year, budget amendments in both the House and Senate will seek to ensure that legal immigrant children and pregnant women have access to health care through Medicaid (the federal/state program which provides health insurance to certain impoverished and very low-income individuals) and Family Access to Medical Insurance Security (FAMIS), the state program which provides insurance for uninsured children who are not poor enough to qualify for Medicaid. These amendments, supported by the Conference, are as follows:

Item ____ #__ (Delegate _____, to be considered by **House Appropriations) and **Item 296 #1s (Senator Whipple, to be considered by **Senate Finance**)** would provide access to FAMIS for lawfully residing immigrant children who meet the income eligibility requirements (up to 200% of the federal poverty level).**

Item 297 #13h (Delegate O’Bannon, to be considered by **House Appropriations) and **Item 297 #3s (Senator Barker, to be considered by **Senate Finance**)** would provide Medicaid access for lawfully residing pregnant immigrants who meet the income eligibility requirements.**

Item 296 #2h (Delegate Brink, to be considered by **House Appropriations) and **Item 296 #3s (Senator Barker, to be considered by **Senate Finance**)** would provide access to FAMIS for lawfully residing pregnant immigrants who meet the income eligibility requirements (up to 200% of the federal poverty level).**

Additional Note: Virginia is one of only 7 states currently imposing additional Medicaid access restrictions on legal immigrants (who are not yet U.S. citizens) beyond the federally-mandated five-year bar. Although legislation to address this is not before the General Assembly this year, conforming this aspect of state law to existing federal law in future years would be an important step in providing better access to health care for immigrants in the Commonwealth.

Talking Points for Meetings with Legislators:

- The Medicaid and FAMIS expansions to pregnant immigrants reflect recommendations made by the Joint Commission on Health Care.
- Prenatal care for low-income women is essential for reducing maternal death rates, miscarriages, birth defects, low birth weights, and other preventable problems.

- The uninsured rate among the Hispanic/Latino population in Virginia is 39% (Kaiser Family Foundation), and approximately 20% of Virginia's Hispanic/Latino population is legal permanent residents (Pew Hispanic Center). Greater access to these programs will help address a major public policy problem facing Virginia.
- Virginia receives a 65% federal match for its FAMIS Program.

Intellectual Disabilities. The introduced budget proposes an enrollment freeze for Intellectual Disability Waivers (formerly "MR Waivers") and the elimination of 1,000 waivers. In speaking with legislators, please ask that the freeze be lifted and the waivers be restored. The Virginia Catholic Conference supports the following budget items:

Item 297 #1h (Delegate Cox, to be considered by House Appropriations) would restore annual funding for 400 new ID waiver slots and 67 Developmental Disability waiver slots – doing so would implement 2009 legislation intended to eliminate the waiting list for home and community based services for individuals with intellectual and developmental disabilities.

Item 297 #2h (Delegate Cox, to be considered by House Appropriations) and Item 297 #25s (Senator Reynolds, to be considered by Senate Finance) would restore funding for 200 home and community-based ID waiver slots removed in the proposed budget.

Item 297 #3h (Delegate Cox, to be considered by House Appropriations), Item 297 #4h (Delegate Phillips, to be considered by House Appropriations) and Item 297 #4s (Senator Howell, to be considered by Senate Finance) would lift the proposed budget's freeze on new enrollments in the home and community based waiver programs, and would restore funding for 200 home and community based ID waiver slots.

Item 297 # 20s (Senator Barker, to be considered by Senate Finance) would partially restore funding (100 ID waivers and 17 DD waivers in Fiscal Year 2010-11) and fully restore funding (400 ID waivers and 67 DD waivers) in Fiscal Year 2011-12.

Talking Points for Meetings with Legislators:

- One in 10 families in Virginia is directly affected by developmental disability.
- Despite being ranked in the top 10 in the country for per capita income (US Census Bureau), Virginia is ranked 46th in the country for its funding of community-based services for people with disabilities (Coleman Institute).
- Intellectual Disability slots assist families who are otherwise faced with the high costs of caring for family members – support that is even more crucial during this period of financial hardship.

Medicaid Reductions. In addition to cuts to community services, the proposed budget reduces Medicaid provider reimbursement rates \$286 million in Fiscal Year 2011 and \$347 million in Fiscal Year 2012 (an 8% cut over a 2-year span). These reductions will place a greater burden on organizations – including Catholic hospitals – that provide health care services to impoverished residents. In speaking with legislators, please urge their opposition to these cuts.

Talking Points for Meetings with Legislators:

- Forty-seven other states spend more per capita on Medicaid than Virginia does.
- Every Medicaid dollar Virginia funds is matched by the federal government. Therefore, every dollar cut results in a \$2 loss for health systems.

Economic Justice

Catholic Social Teaching:

“[T]he common good requires the social well-being and development of the group itself. . . . Certainly, it is the proper function of authority to arbitrate, in the name of the common good, between various particular interests; but it should make accessible to each what is needed to lead a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so on.” *Catechism of the Catholic Church* (no. 1908).

These principles of Catholic social teaching (*i.e.*, respect for human life and dignity, solidarity, and preferential option for the poor and vulnerable) mean that economic choices and institutions must be judged by whether they protect life and dignity, support the family, and serve the common good. In other words, an essential moral measure of any economy is how the poor and vulnerable are faring. Society has a moral obligation, including governmental action where necessary, to ensure opportunity, meet basic needs, and pursue justice in economic life. *A Catholic Framework for Economic Life*, U.S. Catholic Bishops (1996).

2010 Legislation:

Predatory Lending. In Virginia, an open-end credit loophole allows unregulated lending. Car-title lenders have been exploiting this loophole to operate unregulated open-end programs (*i.e.*, that have no specified pay-off date) that charge rates that can be well in excess of 300 percent (annual percentage rate), often to customers who can least afford them. [A car-title loan is a secured personal loan in which the borrower’s car is used as the collateral. The borrower gives the lender a lien on the title and a set of keys to a vehicle they own outright. The lender then provides a loan for up to 50% of the wholesale value of the car. For example, if a car’s wholesale value is \$1,600, the maximum amount that can usually be borrowed is \$800.]

Most small loans in Virginia are generally regulated by the Consumer Finance Act, which caps their annual percentage rates (APRs) at 36%. The Virginia Catholic Conference supports requiring the Commonwealth’s car-title and payday lending industries to operate under the same 36% annual interest cap as other small-loan lenders operating in Virginia. [Payday lenders offer short-term loans (with high fees) secured by a personal check from the borrower.]

Numerous bills introduced in 2010 seek to cap the annual interest that car-title and payday lenders can charge at 36%. The House bills are before the **House Committee on Commerce and Labor**, and the Senate Bills are before the **Senate Committee on Commerce and Labor**. The Conference supports these bills; please encourage legislators to establish a 36% cap on these industries.

If the proposed 36% cap on car-title loans does not succeed, the Conference believes **HB 414 (Delegate Oder**, currently in the **House Committee on Commerce and Labor**) would still set a helpful limit on interest. HB 414 specifies that interest on car-title loans may not exceed a monthly rate of 10 percent for the first two months and three percent per month thereafter. HB 414 also contains other very important consumer protections, including: requiring car-title lenders to be licensed by the State Corporation Commission;

capping the maximum amount for a car-title loan at 50% of the vehicle's value, not to exceed \$2,500; and setting the maximum term for a loan at one year.

Talking Points for Meetings with Legislators:

- Despite the fact that a car-title loan is a secure loan with little risk involved, some car-title lenders still charge interest rates of 25-30 percent per month (an APR of 300-360 percent).
- Most users of payday loans are people who have low incomes and/or are facing unexpected financial challenges. These people often end up trapped in a cycle of debt caused by repeated payday loans while still facing unpaid debt. As a result, families suffer!

TANF Benefits. Payments under Virginia's Temporary Assistance for Needy Families (TANF) program have not kept pace with inflation. The Commonwealth's TANF benefits (typically \$320 for a parent with two children) are at only 20% of the federal poverty level, and there has only been one benefit increase since 1985. The Conference supports indexing future TANF benefits consistent with Foster Care rate increases. Indexing would prevent further erosion of recipients' ability to meet their basic needs.

Budget Item 327 #1s (Senator Howell, to be considered by the Senate Finance Committee) and Budget Item 327 #1h (Delegate James Scott, to be considered by the House Appropriations Committee) seek to implement TANF indexing.

Talking Points for Meetings with Legislators:

- Benefits for Virginia households on Temporary Assistance for Needy Families (TANF) are at only one-fifth of the federal poverty level and have increased only one time since 1985 (a 10% increase in 2000), while inflation over that time has exceeded 100%.
- Although the state's budget situation is quite challenging, times of economic distress are the most important times to preserve and strengthen the safety net.