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## **Senate Republican Caucus Unanimously Opposes SB 1098**

### **Statement by Senate Minority Leader John McKinney (R-Fairfield):**

“The Senate Republican Caucus unanimously opposes Senate Bill 1098, An Act Modifying Corporate Laws Relating To Certain Religious Corporations. This bill is an unconstitutional assault on religious freedoms. Specifically, it represents a clear violation of the Establishment Clause and Free Exercise of Religion Clause contained in the First Amendment. The right of a church to govern itself, free from governmental intrusion, has been repeatedly upheld by our highest courts, providing that ‘religious freedom encompasses the power [of religious bodies] to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.’<sup>1</sup>

“The state has long supported the right of the Roman Catholic Church to organize and incorporate itself as it sees fit, first codifying such self governing legislation in 1866. Senate Bill 1098 proposes to dictate the way the Catholic Church organizes and operates, replacing the control of the Bishops and pastors with that of a board of directors consisting of lay people elected from the parish. Once in place, this board would have administrative and financial powers, strategic planning authority, and control of the outreach and community services provided by the church.

“Proponents of the bill site the embezzlement of funds by a pastor in Darien as the rationale for this unwarranted governmental intrusion into the affairs of the church. But, the priest in this case has already been arrested and imprisoned for his offenses. Criminal laws currently in place have done as they were designed to do – punish those who willingly misappropriate funds.

“Equally troubling is the fact that this bill singles out the Roman Catholic Church. The bill does not simply stop at ordering the Catholic Church how to organize itself. It also includes a provision that allows any person who believes money donated to any religious corporation has been used for a purpose other than that for which it was donated, to report their belief to the Attorney General, who must investigate the claim and take any action he deems necessary. How exactly does one determine the ‘intended purpose’ of private donations given to the church? Under this provision, any person, whether or not they are a member of the parish, may challenge any donation made to the church, whether its \$5 placed in the offertory basket, or \$5,000 donated to the Bishop’s appeal, subjecting the free speech rights of the Catholic Church to be challenged by the unfettered actions of the Attorney General.

“For these reasons, the Senate Republican Caucus will vigorously oppose SB 1098 in the Judiciary Committee and on the floor of the Senate.”

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<sup>1</sup> Serbian Orthodox Diocese v. Milivojevich, 466 U.S. 696, 721-22 (1976).