



March 30, 2011

Representative Mike Chenault
Room 208 Alaska State Capital
Juneau, Alaska 99811

Dear Representative Chenault:

We are writing today to express our concerns on CSHB88, "An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

Within the Roman Catholic Church, we operate under Canon Law which could be considered "foreign law" as the bill is currently written. Passage of CSHB88 would impact decisions made by the bishops and or their canon lawyers on matters important within the church. For example, one of us could make the decision to close a parish within our jurisdiction, completely within the bounds of canon law. However, we could envision a situation where a suit gets filed by parishioners claiming the process that lead to our decision did not afford all of the constitutional protections to members of the congregation. This has happened in St Louis. A second example could be priests who could be canonically required to operate under Canon Law requirements that would have no bearing in a civil court.

However, of a larger concern is our Marriage Tribunals. The tribunals operate within the confines of Canon Law specifically in regards to marriages and divorces. The tribunal process allows for Catholic marriages, once the civil decisions are rendered, to be annulled allowing for remarriage within the Church at a future date. During the tribunal process often very personal information is shared about one person or the other in the marriage. Sometimes these people hold public positions within the community. While we respect civil law, the tribunal has nothing to do with civil law. This legislation could potentially allow for one party or the other to sue in civil court to obtain confidential information shared in the marriage tribunal office that had no bearing on a civil divorce case.

Alaska Catholic Conference of Bishops
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We have contacted Bishops in other regions of the country where similar legislation has been introduced. We thought you might be interested to see the language that Arizona is currently considering within its legislature. That link is: <http://www.azleg.gov/legtext/50leg/1r/adopted/s.2064jud.pdf> We have been assured by our lawyers that this legislation would not effect the Catholic churches ability to operate under the direction of Canon Law. We respectfully ask that you consider this language if this legislation will advance.

Sincerely,



+Roger L. Schwietz, OMI
Archbishop of Anchorage



+Donald Kettler
Bishop of Fairbanks



+Edward J. Burns
Bishop of Juneau

cc: House Judiciary Committee