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## **Testimony in Support of HB 2107 – The Community Defense Act**

Michael Schuttloffel, Executive Director  
Kansas Catholic Conference

### **Senate Federal and State Affairs Committee**

March 17, 2011  
10:30 AM

Mr. Chairman and Members of the Committee:

The Kansas Catholic Conference supports HB 2107, the Community Defense Act.

The Community Defense Act should be approved by the Legislature, and just as important to these proceedings, the Community Defense Act *can* be approved by the Legislature. Despite testimony you will hear to the contrary, this proposal is both prudent and constitutional. As others will explain in greater detail, the Community Defense Act is entirely in conformity with the many court decisions that have upheld regulation of sexually oriented businesses on the basis of their negative secondary effects upon communities.

It has been thoroughly documented that sexually oriented businesses generate increased crime, decreased property values, prostitution, drug trafficking – the list goes on and on. The pornography industry speaks of rights; what of the rights of communities to protect themselves against this kind of blight?

The Community Defense Act will prevent sexually oriented businesses from being established within 1,000 feet of churches, schools, homes, libraries, and parks. The Kansas Catholic Conference strongly supports this language. In case there is doubt over whether such a law is needed, look no further than 15 miles away in Jefferson County, where in recent months residents were disturbed to learn of a proposal to build a strip club less than 1,000 feet from a local school.

We believe it is important for the people's elected representatives to ensure that space remains in our society for decency to flourish. If there can be no possible regulation of the establishment of

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so-called “adult entertainment centers” next to our homes, schools, churches, and playgrounds, then what space will be left to the great majority of us that are deeply offended by their presence and wish to avoid their well-documented negative secondary effects?

It strains credulity to believe that our Founding Fathers intended the Constitution to be an instrument of protection for sexually oriented businesses that wish to operate whenever, wherever, and however they like. It would come as a great surprise to Madison, Hamilton, and Adams that the Constitution guarantees pornographers the right to build next to churches and schools, as it also would to the many judges in the present day who have consistently ruled otherwise.

When small towns do attempt to resist the reckless placement of these establishments, the pornography industry all too often uses its near-limitless resources to bully communities into submission. Hence the need for statewide regulation. According to the Catholic principle of subsidiarity, matters should be handled by the least centralized competent authority. Because smaller communities have in so many cases shown themselves to be unable to stand up to the enormous financial resources of the pornography industry, the intervention of a higher, stronger authority is necessary, in this case the state.

If we can and do prohibit prostitution, how can it be said that we cannot or should not place mild regulations on the location and operation of other forms of sexually oriented enterprise? Or does every regulation placed upon the sex industry traduce the Constitution? How long will it be before we are told that even restrictions on the age of employees at adult entertainment facilities are a violation of the fundamental rights of customer and service provider alike?

The Community Defense Act places sensible, constitutional regulations on the operation of sexually oriented businesses. We ask for your support of this legislation and thank you for your consideration.