

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-00210-RBJ

LIST INTERACTIVE, LTD. D/B/A UKNIGHT INTERACTIVE,
Plaintiff,

v.

KNIGHTS OF COLUMBUS,
DAVID J. KAUTTER, IN HIS OFFICIAL CAPACITY AS (ACTING)
COMMISSIONER OF
THE INTERNAL REVENUE SERVICE
Defendants.

KNIGHTS OF COLUMBUS,
Counterclaim Plaintiff,

v.

LIST INTERACTIVE, LTD. D/B/A UKNIGHT INTERACTIVE,
LEONARD S. LABRIOLA, WEBSINC.COM, INC., STEPHEN S. MICHLIK,
JONATHAN S.
MICHLIK, AND TERRY A. CLARK,
Counterclaim Defendants.

AFFIDAVIT OF ALTON J. PELOWSKI

I, Alton J. Pelowski, first being sworn, state from my personal knowledge:

1. I serve as Editor of *Columbia* magazine, the official magazine of the Knights of Columbus since 1921. My duties include planning and editing content and overseeing the layout of the publication, which serves to chronicle the events and history of the Order and seeks to strengthen the Catholic faith of the Order's members and their families. *Columbia* is published monthly in three languages and currently has a circulation of 1.7 million.

2. The Knights of Columbus (“Order”) has, throughout its history, advocated for laws and public policy consistent with Catholic values, including laws respecting religious freedom and the rights of parents, immigrants, the unborn, victims of genocide, those facing death, and other vulnerable individuals. Articles describing some of the Order’s advocacy are in the footnote below.¹

3. In the early 20th century, the Order defended Catholic immigrants from the Ku Klux Klan. It fought for the rights of parents to educate their children in public or private schools of their choice and contributed to the support of the litigation resulting in the U.S. Supreme Court case *Pierce v. Society of Sisters*.

4. The Order also supports sound public policy related to religious liberty, human life and the family. *See, e.g.*, <http://www.kofc.org/en/liberty-life-family/public-policy.html>.

5. Some of the Order’s policy positions are controversial. Because the Order is so well known as a Catholic institution, attacks on the Catholic Church often become attacks on the Order.

6. The Catholic Church is subject to regular attacks from both ends of the political spectrum. In recent months, Steve Bannon excoriated Catholic bishops for their

¹ *See, e.g.*, “Liberty Life Family: Culture of Life,” <http://www.kofc.org/un/en/liberty-life-family/culture-of-life.html>; “Life Liberty Family: Religious Liberty,” <http://www.kofc.org/un/en/liberty-life-family/religious-liberty.html>; Kevin Jones, “Knights of Columbus celebrate history of breaking down racial barriers,” *Cath. News Agency*, Feb. 8, 2013, <https://www.catholicnewsagency.com/news/knights-of-columbus-celebrate-history-of-breaking-down-racial-barriers>; “Resolution on U.S. Immigration Policy,” Apr. 11, 2006, <http://www.kofc.org/en/news/releases/59087.html>; Kevin Di Camillo, “Coming to America,” *Nat’l Cath. Reg.*, Aug. 24, 2016 <http://www.ncregister.com/blog/dicamillo/coming-to-america-thanks-to-the-knights-of-columbus>.

support of immigration reform,² and Democratic senators attacked Seventh Circuit nominee Amy Barrett because she is an “orthodox Catholic” who believes Catholic “dogma” too “loudly.”³

7. Some protesters have associated Christopher Columbus — the Order’s namesake — with white nationalism and racism, even though the Order has fought these from its inception. The articles in the footnote below describe recent instances in which Columbus statues were defaced or removed.⁴

8. The Order’s members include Catholic men from all stations in life. Some are prominent politicians, government leaders, and judges. Some are professional athletes. Many prefer that their membership not be disclosed to avoid possible reprisals in today’s highly charged political environment.

9. Paragraph three of the Knights of Columbus Charter states:

Said corporation shall have perpetual succession. It shall have a common seal. It may sue and be sued. It may hold, receive, lease and purchase such real estate and personal property as may be requisite and expedient for its purposes, and may sell, lease, encumber, and dispose of such property. It may adopt a constitution, bylaws, rules and regulations for its own government, the management of its affairs, the protection of its property and funds and the advancement of its own well-being; for the government, suspension, expulsion and punishment of its members; for the election and appointment of its officers and agents and the defining of their duties, and it may alter and repeal the same. It shall have all other powers granted to corporations by the general laws of this state.

² Michael J. O’Loughlin, “Steve Bannon says Catholics ‘need illegal aliens to fill the churches,’” *America*, Sep. 8, 2017 at <https://www.americamagazine.org/politics-society/2017/09/07/steve-bannon-says-catholics-need-illegal-aliens-fill-churches>

³ “JFK, Amy Coney Barrett and Anti-Catholicism,” *Nat’l Catholic Register*, Sep. 22, 2017, <http://www.ncregister.com/daily-news/jfk-amy-coney-barrett-and-anti-catholicism>.

⁴ Julia Manchester, “Christopher Columbus statue smashed in Baltimore,” *The Hill*, Aug. 21, 2017, <http://thehill.com/blogs/blog-briefing-room/news/347341-christopher-columbus-statue-in-baltimore-smashed>; Edward Helmore, “New York mayor considers Christopher Columbus statue removal,” *The Guardian*, Aug. 25, 2017, <https://www.theguardian.com/us-news/2017/aug/25/new-york-christopher-columbus-statue-de-blasio>.

10. Section 118 of the Knights of Columbus Laws, titled "Amount of Fees,"

states:

SEC. 118. (a) The initiation fee shall be fixed by the council, provided however, no initiation fee shall be required of any priest or member of a religious community who applies for membership. For members entering under 26 years of age entering under 26 years of age, the initiation fee shall not exceed \$10. Before initiation, each applicant shall pay his initiation fee and the council dues for the month of his entrance and any later months in the quarter of his entrance and each applicant for insurance membership shall pay such initial amount of contribution as shall be prescribed by the Board of Directors, upon the certificate to be issued. Fees for medical examinations in connection with applications for insurance shall be payable by the Supreme Council except as prescribed in Section 152. In case an applicant is illegally admitted, all moneys collected prior to initiation shall be refunded by the council, and if a medical fee for the case has been paid by the Supreme Council, it shall be refunded by the council to the Supreme Council. The fee of the medical examiner for examination in connection with the reinstatement shall be paid by the member.

(b) Dues payable by each member shall be levied annually in advance in an amount as fixed by the council. The dues for all associate and insurance members hereafter admitted shall be the same and they shall not be less than \$5 per year; except that councils may fix a different rate of dues for insured members under 26 years of age, but the same shall not be less than \$3 per year.

(c) Members who have attained the actual age of sixty-five years and who have been members of the Order twenty-five consecutive years, shall be designated as honorary members and on due request in writing they shall be exempt from general fund charges, except payment of the sum of State and Supreme Council per capita charges and levies.

(d) Members who have attained the actual age of 70 years and who have been members of the Order for twenty-five consecutive years, and those who have been members of the Order for fifty years regardless of age, shall be designated as Honorary Life members, and on due request in writing they shall be exempt from further payment of dues, per capita charges and assessments. All priests and members of religious communities, upon taking the First Degree of the Order, shall automatically be designated as Honorary Life members and thereafter shall be exempt from further payment of dues, per capita charges and assessments.

(e) Any member who is disabled by bodily injuries or disease and is thereby prevented from engaging in any occupation or employment for

remuneration or profit and shall have been so prevented for a period of no less than six consecutive months may, on due request in writing to the Supreme Council and upon certification by evidence satisfactory to the Supreme Council of such disability, be relieved from the payment of all council dues and Supreme and State per capita taxes as of the date of approval of said request and any suspension of such member for non-payment of such dues and tax shall cease as of the date of such approval.

11. Section 164 of the Knights of Columbus Laws, titled "Financial

Secretary's Duties in Ipso Facto Forfeiture," states:

SEC. 164. Where a member ipso facto forfeits his membership the Grand Knight and Financial Secretary shall immediately notify the Supreme Secretary of such forfeiture and shall immediately send notice in writing to the member; but failure to send such notice shall not affect such forfeiture. Provided, however, that in those cases relating to ipso facto forfeiture for failure to pay council dues, such notice shall not be sent to the Supreme Secretary or to the member until an officer or a member of the conservation committee shall contact the member and endeavor to have him retain his membership.

Alton Pelowski
Alton J. Pelowski

STATE OF CONNECTICUT)
) ss.
COUNTY OF New Haven)

Subscribed and sworn to before me on January 23, 2018, by Alton J. Pelowski.

WITNESS MY HAND AND OFFICIAL SEAL
Maureen F. Vets
Notary Public

My Commission expires: Aug. 31, 2018