

No Catholics Need Apply? - Judicial Confirmation and Freedom of Religion



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["viewpoint test". Difference btw Conservative and Liberal judiciary is explored.
Founding Father's solution] American History - 1700s

No Catholics Need Apply? - Judicial Confirmation and Freedom of Religion

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<http://www.breakpoint.org/Breakpoint/ChannelRoot/FeaturesGroup/BreakPointCommentaries/No+Catholics+Need+Apply.htm>

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When President Bush nominated Bill Pryor, Alabama's attorney general, to the Eleventh Circuit Court of Appeals, he probably didn't expect U.S. Senators to post a "No Faithful Catholics Need Apply" sign on the door of the U.S. courthouse.

Pryor, a friend of mine who is a dedicated Catholic, has **publicly stated that Roe was wrongly decided and that abortion is always wrong, even in cases of rape and incest.**

[Was Roe decided wrong? True, False, or opinion?

Abortion always wrong? True, False, or opinion?

Does rape or incest make a difference?

Can you believe in the truth of any of these statements and still in the judiciary?

Yes? Why?

No? Why?]

These positions earned Pryor's nomination the unremitting hostility of the **abortion-rights lobby**. Accordingly, every Democrat on the Judiciary Committee in lock-step declared opposition to Pryor, and his **nomination was defeated on the floor of the Senate by a filibuster**.

[What would be the difference between abortion-rights lobby and abortion-rights advocate?

Do our inalienable rights need a lobby?

Why would the ACLU not be more than enough?

Have we not witnessed how the threat of lawsuit removes or over provides for various rights?

Did the founding fathers believe they had put in ambiguous language so we would struggle so much on what our basic freedoms are?

How are judges appointed to the bench?

What is a filibuster?

The Republicans are crying foul! Has there been a foul or is everything fair in politics?]

This turn of events prompts an obvious question. Pryor's position on abortion clearly reflects Catholic teaching. And this is the offense: So, can any faithful Catholic be confirmed to the federal bench?

[Do we agree the Pope and all the Archbishops and Bishops that Catholic leadership is very united on this abortion thing? Abortion is WRONG!

Can we agree if you are a Catholic and in the Catholic way, you are also going to believe Abortion is wrong?

Can we agree there are many Catholics who may not even know, or don't care WHAT where the Catholic Church is on this issue, they are pro-abortion?

If you are going to be called upon to decide if Abortion is right or wrong on the Supreme Court, should you be excluded from the judiciary if you are a faithful Catholic?

Have you ever heard of "prejudice the Jury"? Know what it means?

How might that be relevant?

If you are going to be called upon to decide if Abortion is right or wrong on the Supreme Court, should you be excluded from the judiciary if you are a faithful Humanist or faithful Feminist?

Is there a conflict in these standards?

Did the founding fathers have in mind anyone who believed in something would be excluded from the federal bench?

Why is this issue of judiciary prejudices more an issue for liberals than it is for conservatives?

Why can't the liberals see that?]

The suggestion of anti-Catholic bias outraged some senators. Patrick Leahy (D-Vt.), who was baptized a Catholic, called it "despicable" and "contemptible."

[Do you think anti-Catholic bias is accurate if they only objected to his Anti-Abortion beliefs?]

Senator Durbin of Illinois (D), who describes himself as a "practicing Catholic," did his best Mario Cuomo imitation. He said that "many Catholics who oppose abortion personally do not believe the laws of the land should prohibit abortion for all others in extreme cases involving rape, incest, and the life and health of the mother."

This bit of Catechesis was too much for Archbishop Chaput of Denver. He wrote that while Durbin's comments would "make the abortion lobby proud . . . it should humiliate any serious Catholic." He suggested that Senator Durbin and others should pray and study Catholic doctrine "before they explain the Catholic faith to anyone."

[You like the Archbishop's comments?]

Aside from mangling Catholic doctrine, Durbin's comments still left the main question

unanswered: Can faithful Catholics be confirmed to the federal bench?

In our current political climate, the answer, shockingly, is "no." As Ramesh Ponnuru of the National Review put it, Pryor's opponents have adopted "a viewpoint test . . . that has the effect of screening out all Catholics faithful to their church's teachings on abortion."

The only way a Catholic can pass it is by "ceasing, on the decisive issue, to be Catholic -- by breaking from his church's teaching." Or, as Father Richard John Neuhaus once put it, for the liberal elites, the only "good" Catholic is a bad Catholic.

[Can a conservative judge who believes Abortion is wrong, approve of Abortion if they find the Constitution provides for this?

Can a liberal judge who believes Abortion is preferred, disallow Abortion if they find the Constitution provides no basis for it?

Now we are at the crux of the problem, aren't we?

What did the founding fathers have in mind we found ourselves committed to doing something Constitutionally we did not believe in?

What doesn't that happen today?]

What's more, as Ponnuru writes, the "viewpoint test" that excludes faithful Catholics "screens out a lot of Protestants, too." Left unchallenged, the result is an end-run around the Constitution's provision that "no religious test shall ever be required as a qualification to any office or public trust." Ironically, that provision was prompted by the founders' experience with English laws that required Catholics to renounce their church's teaching before holding public office.

[This "viewpoint test". Is it legal?

Why would English laws require Catholics to renounce their Church teachings before holding public office?]

The only way to prevent history from repeating itself is to make the political price paid for this kind of discrimination intolerably high. Congress and the public need to hear our outrage.



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