

A STUDY IN RELIGIOUS PROFILING

On February 10, a lawyer with three suits against the Albany Diocese asked the presiding judge to recuse himself because he is a practicing Catholic. Attorney John Aretakis made the request of State Supreme Court Justice Joseph Teresi, but the judge refused. When Aretakis commented that Teresi often goes to weekday Mass and is a “deeply religious and spiritual person with a great deal of faith in his Catholic Church,” Teresi said this was pure “hyperbole”; he scoffed at the “deeply religious” claim.

Our position was spelled out in the following release to the news media:

“If a judge has a demonstrated inability to render a fair judgment on a particular case—for whatever reason—then he must recuse himself. But to simply hurl a charge of bias against someone because he attends a local house of worship not only fails to meet this test, it itself smacks of bigotry. The Constitution bars any religious test for holding public office, and the contra should hold as well: it is equally unacceptable to bar someone on the basis of religious profiling.

“Nothing Judge Teresi has said or done merits his recusal. The same, however, cannot be said of attorney Aretakis. He should remove himself from this case with dispatch. But before he does, perhaps he can share with the public his rather amazing talent for measuring the depth of someone’s religious faith.”

As bad as attorney Aretakis was, the major newspaper in Albany, the Times Union, was worse. Like Aretakis, it also called for Judge Teresi to recuse himself. But unlike Aretakis, it didn’t have the guts to cite the judge’s

practicing Catholic status. Instead, it trotted out the old canard about an overly-aggressive judge setting tight strictures on the jury and all parties to the lawsuit.

We'd rather not have to deal with bigots. But if we must, give us an honest one to work with over a dishonest one. We sent a letter to the Times Union essentially accusing it of cowardice.