

RELIGIOUS LITMUS TEST FOR ROBERTS?

Catholic League president William Donohue wrote the following remarks today on the prospects of creating a religious litmus test for John Roberts:

“The Senate Judiciary Committee will not hold its hearings on President Bush’s nomination of John Roberts for the Supreme Court for some time, but already there are signs that he will be asked to submit to a religious litmus test. The informal discussions Roberts has had with some senators last week are cause for alarm.

“To be specific, Senator Tom Coburn complained last week that Roberts was reticent when asked to explain how his Catholic religion affects his views; the senator said he intends to ask Roberts about this again at their next meeting. Also, in today’s *Los Angeles Times*, George Washington University law professor Jonathan Turley says that he has learned that Roberts was uneasy when Senator Dick Durbin pressed him on a related matter: when asked what he would do if the law required a decision that conflicted with his religion, Roberts reportedly said he would probably have to recuse himself.

“The Catholic League is angry at Coburn and Durbin for asking these questions, and at Roberts for his replies. On June 15, 1993, the *Boston Globe* ran a story on Supreme Court nominee Ruth Bader Ginsburg, wherein it printed a description of Ginsburg that was offered by a Georgetown law professor friend, Wendy Williams: she said Ginsburg had a strong ‘Jewish cultural identity,’ but was ‘not devout.’

“Ginsburg was never asked to explain why her identity as a Jew was mostly cultural. Nor was she asked how her secular identity might affect her rulings on abortion and church-state

issues. Indeed, it would have been outrageous had anyone attempted to pursue such a line of inquiry. Why it is not seen as equally outrageous for Coburn and Durbin to go down this road is testimony to the double standard: Ginsburg was not asked to submit to a religious litmus test and neither should Roberts.

“If Roberts doesn’t defend himself on this matter, he will only feed the sharks. Playing it too safe isn’t cute: he’d better show some gumption.”