

# RELIGIOUS TEST FOR CATHOLIC JUDGES REMAINS

Catholic League president William Donohue addressed today remarks by Senator Richard Durbin claiming that the Senate Judiciary Committee does not discriminate against Catholics:

“It was reported in the *Washington Times* on August 1 that Senator Richard Durbin ‘listed three Catholics active in pro-life and Catholic causes who have been confirmed for circuit and district court positions.’ Durbin was quoted saying, ‘For colleagues to stand before us and say we discriminate against Catholics, the record doesn’t show it.’

“After several phone calls to Durbin’s office seeking to verify this claim, we finally received a message instructing us to consult the Congressional Record. In the Congressional Record of July 30, Durbin lists the three as follows: Michael Melloy, member of the Knights of Columbus; Jay Zainey, member of St. Thomas More Society and Lawyers for Life; and Joy Flowers Conti, former president of Catholic Charities in Pittsburgh and a member of the Catholic League. For the record, only one of the associations listed by Durbin is a prolife group, Lawyers for Life.

“No one has ever said that the Senate Judiciary Committee is bigoted against *all* Catholic nominees for the federal bench. Indeed, to the extent that the nominees reject the Church’s teachings on abortion, as Senators Durbin, Kennedy and Leahy do, they will be welcomed. What has been said, by the Catholic League et al., is that a *de facto* religious test is being applied to Catholic candidates who accept the Church’s teachings on abortion. Now with regard to the one Catholic nominee who was self-identified in his resume as being prolife, namely Jay Zainey, not one newspaper in the nation ever flagged his prolife status before he was confirmed. It

is not surprising, then, that he was not subjected to the same kinds of invidious questions about his 'deeply held beliefs' that Bill Pryor was.

"In short, the more open a Catholic nominee is about his prolife views, the more likely he will be defeated. Ergo, the litmus test remains."