

RIPPING ROBERTS ON RELIGION

Many critics of John Roberts have posited that it is legitimate for senators to question him on the relationship between his religion and his position on various constitutional issues. Others have said that his wife's religious beliefs or associations should also be weighed. Neither of these areas of inquiry were ever pursued by senators when Ruth Bader Ginsburg and Steven Breyer were nominated; both Ginsburg and Breyer are Jewish.

The following remarks shed light on the different standard that is being applied to John Roberts:

Christopher D. Morris, Vermont writer and critic: "Asking the bishops to testify would be healthy." Writing about those bishops who threatened to withhold the Eucharist from John Kerry, Morris wrote, "If the bishops repeated or confirmed their threats, the Senate Judiciary Committee should draft legislation calling for the automatic recusal of Catholic judges from cases citing *Roe v. Wade* as a precedent." [*Boston Globe*, August 9]

Mario Cuomo: Regarding questions that Cuomo would like to see the senators ask Roberts, he said: "Are you going to impose a religious test on the Constitution? Are you going to say that because the pope says this or the Church says that, you will do it no matter what?" ["Meet the Press," August 7]

Larry King: "Anyone have a problem on him being a devout Catholic?" [CNN, "Larry King Live," August 4]

John MacArthur, publisher of *Harper's Magazine*: "The Roberts couple seem to be very well-educated; I wonder whether in their high-minded socializing with Clarence and Virginia Thomas (at the College of the Holy Cross) and Robert and Mary Ellen Bork (at the lay Catholic John Carroll Society), they find time for informal book chat..." [*Providence Journal*,

August 2]

Dahlia Lithwick, legal analyst for *Slate*: “And I wouldn’t underestimate the influence of his religion, that Scalia and Thomas, one of the very reasons they may not have drifted leftward has a lot to do with very, very strong religious views that pull them to the right. And I think that probably John Roberts will fall into that camp in that sense.” [NPR, August 2]

E.J. Dionne: “If Roberts’s religious views are important to him, why should they be off-limits to honest discussion?” Dionne also said that “it would be helpful if Roberts gave an account of how (and whether) his religious convictions would affect his decisions as a justice.” [*Washington Post*, August 2]

James Ridgeway: “Possible conflicts involving wife’s work” he notes, includes the fact that “She is currently legal counsel to the anti-abortion group Feminists for Life of America.” Curiously, Ridgeway says that Roberts and his wife belong to the Church of the Little Flower in Bethesda, Maryland, “whose members include L. Paul Bremer III.” [*Village Voice*, August 2]

Frances Kissling: “If this pope will intervene in the ways he has already in Europe, it certainly raises questions for us in the immediate sense of whether he thinks he can tell Roberts how to vote when he gets on the Supreme Court.” [NPR, August 1]

Christopher Hitchens: “Why should this question [about Roberts’ faith and the way he might rule] be asked only of Catholics? Well, that’s easy. The Roman Catholic Church claims the right to legislate on morals for all its members and to excommunicate them if they don’t conform. The church is also a foreign state, which has diplomatic relations with Washington.” Hitchens went on to say that “If Roberts is confirmed there will be quite a bloc of Catholics on the

court. Scalia, Kennedy, and Thomas are strong in the faith. Is it kosher to mention these things?" [*Slate*, August 1]

Bill Press: "It is absolutely essential to explore Roberts' religious beliefs as part of the confirmation process." He added, "Fair to question Roberts about his faith? Of course it is. And those who suggest otherwise should not be taken seriously." [*Tribune Media Services*, July 29]

Victor Kamber: "But isn't the faith question, don't we need to know where he puts his faith against the law?" [CNN, "Inside Politics," July 28]

Senator Dick Durbin: According to law professor Jonathan Turley, "Roberts was asked by Sen. Richard Durbin what he would do if the law required a ruling that his church considers immoral." [*Los Angeles Times*, July 25]. Durbin then disputed that he made this remark and Turley responded by saying Durbin made the comment in the NBC makeup room on July 24; Turley also said that he cleared Durbin's quip with the senator's press secretary, Joe Shoemaker. [*Washington Times*, July 26]

Senator Dick Durbin: CNN correspondent Ed Henry, "Now, Senator Durbin, who is Catholic himself, told me today that he believes he needs to look at everything, including the nominee's faith, as he takes a measure of the man, in this case, Judge Roberts." [CNN, "Inside Politics," July 26]

Tony Harris, CNN Anchor: "Roberts is a Roman Catholic and a political conservative. This week on our 'Faces of Faith' segment we're going to examine how his faith might influence his profession." [CNN, "Sunday Morning," July 24].

CNN: The network flashed two responses to its e-mail question, "What would you ask Supreme Court nominee John Roberts?" They were as follows: a) "If being a devout Catholic would have an influence on any *Roe versus Wade* decisions, this is very important," and b) "I hope I would ask Roberts if he believes

in the separation of church and state.” [CNN, July 23]

Nina Totenberg: “Don’t forget his wife was an officer, a high officer of a pro-life organization. He’s got adopted children. I mean, he’s a conservative Catholic.” [NPR, July 23]

Senator Tom Coburn: “I had a couple of questions that he ducked.”

As reported, the news story said, “Coburn said he and the nominee discussed issues ranging from Roberts’ faith and his relationship with his wife... He said Roberts declined to answer a question about how his Catholic faith influences his life and work.” [Associated Press, July 23]

Brian Mitchell: “The left has other reasons to fear Roberts. Roberts is a Catholic. His wife Jane is a former executive vice president of Feminists for Life.” [*Investor’s Business Daily*, July 21]

Jonathan Mann, CNN Anchor: “He is a Catholic. His wife...is involved with a group called Feminists for Life, it’s an anti-abortion group.” [CNN, “Insight,” July 20]

Barbara Walters: “John Roberts is a, a Roman Catholic. How important to him is his religion? Do you think that it might affect him as a Supreme Court justice?” [ABC, “Good Morning America,” July 20]

People for the American Way: “It looks as if a full-scale ‘Religious McCarthyism’ campaign has been launched. The Right’s win-at-all-costs advocacy disguised as ‘defense’ now routinely includes slanderous attempts to intimidate Senate Democrats and their political allies by trying to paint opposition to the nominee—or even questions about his views on the right to privacy—as being rooted in anti-Catholic or anti-Christian bigotry.” [July]

Adele M. Stan: In a section of her article entitled, “Playing

the Catholic card,” Stan wrote, “In choosing a Roman Catholic, Bush is betting he’s bought himself some insulation—any opposition to Roberts, particularly because of his anti-abortion record, will likely be countered with accusations of anti-Catholicism. A timely pitch, one must say, to conservative Catholic voters prior to the midterm elections.” [The American Prospect, July 20]

Adele M. Stan: In her blog, Stan wrote, “Rome must be smiling.” Calling it “a brilliant move” by Bush to select a Catholic, she advised that “senators who challenge Roberts [on abortion] are likely to be tarred with the anti-Catholic smear. That’s why it’s imperative that Catholic senators take the lead in the hard questioning.” [AddieStan, July 20]

Lynn Neary: “And he is a Roman Catholic, and that might affect the way he views an issue like abortion, for instance.” To which American University law professor Stephen Wermiel said, “It could make a difference. It could also make a difference in church-state separation issues.” [NPR, July 20]

Suzanne Malveaux: “We’ve learned a lot more about him in the last 12 hours. We know he’s Roman Catholic. We know his wife is a part of a group, a pro-life organization here. What does that say about the candidate? How important is that going to be in this confirmation?” To which Donna Brazile responded, “I think it’s going to be one of the many issues that gets scrutinized when members of the Senate Judiciary Committee sit and talk to him about his views.” [CNN, “Inside Politics,” July 20]

Nancy Skinner: “And we don’t know exactly what he’s going to do [about Roe v. Wade], because he was an advocate in the Bush administration when he said that. But his wife is associated with an anti-abortion group.” [CNN, “Showbiz Tonight,” July 20]

Nina Totenberg: “Pro-choice advocates noted, too, that

Roberts' lawyer wife is a former top officer of an anti-abortion group called Feminists for Life." [NPR, "Morning Edition," July 20]

Rachel Maddow: "I think the abortion stuff is going to be a big deal. I think the fact that he said we want to get rid of Roe v. Wade, the fact that his wife is the executive vice president of Feminists for Life. I mean, that stuff is going to matter." When challenged by Tucker Carlson why it was necessary to bring his wife into the debate, Maddow said, "The fact is, that tells you something about his politics on choice, and that is going to matter." [CNN, "The Situation with Tucker Carlson," July 19]