

“THE DOGMA WITHIN US” THE GRAND INQUISITORS OF 2017

I am neither an attorney, nor do I play one on television. I never studied Political Science and my familiarity with the Constitution, while developing of late, has never particularly been a strong suit of mine. That is beginning to change, as I have taken notice. Our nation’s founding documents were carefully crafted, and only after much debate and forethought. The **U.S. Constitution**, signed 230 years ago earlier this month (17 September 1787), is a prime example of what a measured approach to limited government looks like. President George Washington said, “The Constitution is a guide which I will never abandon.” Thirty-nine men (yes, all were men) gathered at the **Constitutional Convention** over which they had labored since May of that year. When their work was complete, they published the document and forwarded it to Congress, thus beginning the process for ratification by at least nine of the thirteen states. As we learned in high school history (do they still teach this?), Delaware was the first to ratify on December 7, 1787.

Article VI of the Constitution deals with debts, supremacy oaths and religious tests. Okay, not exactly riveting reading, but you may wish to reconsider. If you wonder why I write this, all you need do is watch on YouTube the Senate Judiciary Committee Hearing for a law professor nominated to the federal bench by the name of **Professor Amy Barrett**. In watching the line of questioning by Senators Diane Feinstein (D-CA) and Dick Durbin (D-IL), the Catholicism of the nominee took center stage, as I mentioned in last week’s column. “The dogma lives loudly within you,” said Feinstein of Barrett’s Catholicism. But you really need to watch the video to get the full sense. Spoiler alert– it ought to make your blood boil! Article VI stipulates that while Senators, House Representatives, Federal and State, as well as all Executive and Judicial Officers “shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” After watching the video clips, I am left to wonder whether these senators are familiar with this provision.

There are not many **unanimous** Supreme Court decisions, but in the 1961 case of *Torcaso v. Watkins*, the Court ruled 9-0 affirming that the U.S. Constitution prohibits states and the federal government from requiring any kind of religious test for public office. Ironically, the case dealt with an atheist by the name of Roy Torcaso, who was appointed the Notary Public in Maryland. At the time, the state constitution required “a declaration of belief in the existence of God” in order for a person to hold “any office or profit or trust in this State.” He refused and his appointment was rescinded. He took the state to court and won. Even though he approached Article VI from a completely different angle, namely that of a non-believer, the principle upon which he argued holds for all. The Court’s unanimous decision was spot-on, and makes for good reading. To follow the link see <https://berkleycenter.georgetown.edu/cases/torcaso-v-watkins>.

But if you think that the criticism of the senatorial “inquisitors” was limited to high ranking clerics, think again. **Princeton University President Christopher Eisgruber** wrote a powerful letter—diplomatically worded to be sure—nevertheless scathing in its own right. He wrote in part: “Because religious belief is constitutionally irrelevant to the qualifications for a federal judgeship, the Senate should not interrogate any nominee about those beliefs. I believe, more specifically, that the questions directed to Professor Barrett about her faith were **not consistent** with the principle set forth in the Constitution’s ‘no religious test’ clause.” She had been asked about an article she had co-authored in 1998 entitled “Catholic Judges in Capital Cases.” Without getting into the weeds, the Princeton president saw nothing in the article that ought to concern the senators who are tasked with assessing one’s judicial philosophy, but not to inquire about one’s personal religious beliefs.

Though the *Torcaso v. Watkins* case zeroed in on an individual who wished to exercise his right as a non-believer in a government job, the ruling went much deeper. The court cited in its opinion the case of George Calvert, (the first Lord Baltimore) who was one of the founders of the colony of Maryland. The court cited his case: “He was a Catholic and had, for this reason, felt compelled by his conscience to refuse to take the **Oath of Supremacy** in England at the cost of resigning from high governmental office. He again refused to take that oath when it was demanded by the Council of the Colony of Virginia, and as a result he was

denied settlement in that colony.” Sound familiar? **Saint Thomas More** did exactly the same more than four centuries earlier. Some principles equally apply, both to believers and non-believers, in the exercise of their constitutional rights.

What I witnessed on video was a partisan power-play, a blatant attempt to bludgeon into silence those who would dare to allow their religious convictions to serve as foundational principles for their actions in public life. And yet we are to presume that the senators never allow their own personal beliefs to inform their decisions or their political philosophy? It just does not pass the smell test. Our nation was founded upon the principle that we may exercise (or not exercise) our religion. We mustn’t check our deeply held beliefs at the church door. As loyal Americans, we **neither impose** particular religious views upon others, **nor require** confessional beliefs of others. This is a critically important distinction and one that appears to be losing ground with an alarming rapidity. Some Judiciary Committee members would benefit from a refresher course in the U.S. Constitution.

- I am not alone in my disappointment at the protests on display during the **National Anthem** at NFL games, though the President’s tweets surely only made matters worse. The National Anthem first appeared at a sporting event during the 1918 World Series between the Chicago Cubs and the Boston Red Sox. (Babe Ruth played for Boston in those days!) The country was embroiled in World War I, the mood was glum and only 19,000 attended that game. The Anthem was inserted spontaneously during the 7th inning stretch to boost spirits. Our spirits need a boost today!
- We are proud to host the **Archdiocesan Children’s Rosary** this Friday, October 6th at 10:00 a.m. It is always an uplifting event to see the Cathedral filled with a colorful array of school uniforms that accompanies them. Archbishop Hebda leads the rosary this year.
- Twelve people, including a three-month-old baby, were killed last week during an earthquake in Atzala, Mexico during the celebration of the baby’s baptism. The city is 100 miles from Mexico City. The tragedies of the recent natural disasters will continue long after the television crews return home.
- Being wrong never felt so right! No one is happier to have been wrong about this year’s **Minnesota Twins**. They are the first team in MLB history to make the postseason the season immediately following a 100+ loss season (103 to be exact). Congratulations!

Sincerely in Christ,

Fr. John L. Ubel,
Rector