

“THE DOGMA LIVES LOUDLY”: RELIGION AND THE LAW

The late 1960’s won’t go down as among the best eras for Church music– it may just go down as the worst. Many hymns emerging in the immediate aftermath of Vatican II were **vapid tunes** sung at “folk Masses” that struck a **dissonant chord** with the people forced to endure singing them. I recall a hymn entitled “We Are One in the Spirit” that included the lines, “And they’ll know we are Christians by our love, by our love/Yes they’ll know we are Christians by our love.” We sang it *ad nauseam*. True, it was lifted from John 13:35, in which Jesus says: “This is how all will know that you are my disciples, if you have love for one another.” But still, shifting from Gregorian Chant to “We will walk with each other, we will walk hand in hand” was quite a stretch! Still, I was challenged to reflect– would others know of my faith, merely by **observing my actions**? What do my actions reveal about my beliefs?

In 2017, when **Amy Coney Barrett** was being grilled by the Senate Judiciary Committee for a position on the U.S. Circuit Court of Appeals (the level right below the Supreme Court), Senator Diane Feinstein (D- CA) said this about Barrett’s Catholic faith: “In your case, Professor, when you read your speeches, the conclusion one draws is that **the dogma lives loudly within you**. And that’s of concern...” I neither consider myself naïve nor do I believe for a millisecond that the same members of the Judiciary Committee feel differently today. I suspect that they will frame their objections differently this time around, if they even appear for questioning. They may well boycott it. Instead, Barrett’s interlocutors will use phrases such as “deeply held convictions” or “core beliefs” while insisting those have no place in the application of justice. They’ll likely avoid using “Catholic” or “Christian” due to the 2017 backlash.

I recently re-read the **U.S. Constitution** in its entirety. I heartily recommend you do the same. You may access it [here](#), along with some helpful commentary (optional) wherever you see the ⓘ. After mentioning that elected and appointed government officials “shall be bound by Oath or Affirmation,” Article VI goes on to add “but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” As long as we’re using legal terms, *prima facie* it appears prejudicial to construe another’s writings as being indicative of a “dogma within”. One could logically infer that her Catholic belief itself is a **disqualification** for holding an office. Is it **even possible** for our convictions not to inform our intellect in the exercise of our duties? Convictions about character, justice, ethics and morality. “Wait Father– you are misunderstanding. The senator was merely saying that Barrett’s beliefs should not influence her **judicial** decisions. Surely you cannot disagree with that, right?”

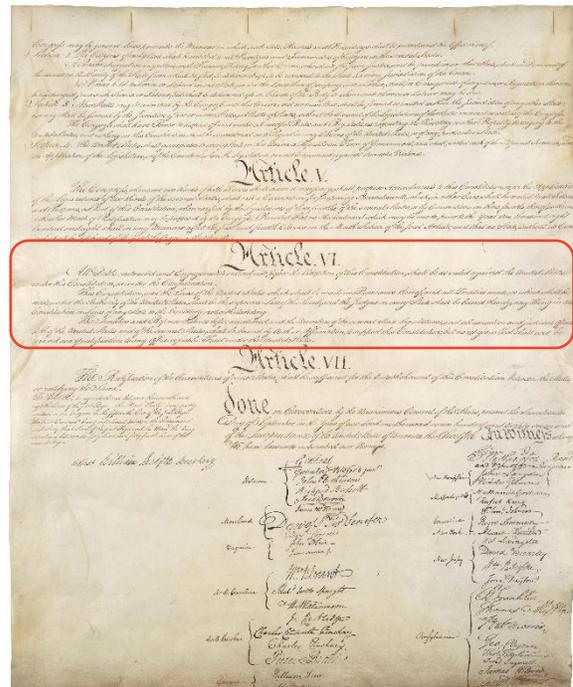
Well, not so fast. In a delightful book entitled “Antonin Scalia: Lessons from an American Believer,” editors compiled speeches of the late jurist on several key issues related to his Catholic faith and life as an American. The phrase “American Believer” was deliberate, a juxtaposition that some believe (pun intended) creates an immediate **conflict of interest** with respect to the exercise of a federal government role, especially in the Supreme Court. In a 1989 speech in Rome, and with his characteristic wit, Scalia recalled his conversation with a prominent French judge who noted: “France has two religions and three hundred cheeses; the United States has two cheeses and three hundred religions.” While the Constitution was surely framed with **religious pluralism** in mind, it never sought to squelch religion from the public square. It ensured that **no single** religion would **exercise** undue influence over another or over those with no religion.

Our nation has legislated on issues of public morality– consider laws against bigamy as an example. Would not the existence of such a law indicate that our nation’s “dogma” was deeply enshrined in law? For years, I had argued (hypothetically then) that should the government recognize same-sex unions, it would have a difficult time defending the outlawing of bigamy. In 2015 (*Obergefell v. Hodges*) the Supreme Court ruled that the **Fourteenth Amendment** required states to recognize these unions as marriages. One could posit the only reason the court has not proceeded further is because the populace is not ready for it–yet! Indeed, Church and State are **separate**. And this serves a **valuable and necessary** purpose in our pluralistic society. But this separation is **not** the same as a **brick wall**. For Feinstein, it appears one’s religious convictions ought both to be private and in no way be a factor in the exercise of duty. What Feinstein does not explain is how such a conceptualization could work in practice.

Ironically, it was *Torcaso v. Watkins* (1961) that codified in law how **religious tests** for office violated the First Amendment. “[N]either a State nor the Federal Government can constitutionally force a person ‘to profess a belief or disbelief in any religion,’” the Court declared **unanimously**. You see, Torcaso was an **atheist**, denied his position as Notary Public because **he refused to take an oath** declaring his belief in God. Nearly **sixty years later**, politicians are dancing around the edges— one might say lurking amidst the penumbra, the shadows of a **religious test**, demanding that foundational aspects of one’s core being and character must be **turned off** like a backyard garden hose **spigot**. It simply doesn’t work that way.
 (Next Week: Religion and Public Elected Office)

- They say, “You can’t teach an old dog new tricks.” Nevertheless, I have very much enjoyed trying to learn the game of **Bridge**, largely due to the patience of my family members. Utilizing livestream and the computer, we can play from four different locations. Okay— I lose and lose a lot— but I am getting over my fear of this great and multifaceted card game.
- I am deeply grateful for the positive feedback when preaching about **anxiety and fear** last weekend. Perhaps we all learned that we are **not alone**. Fear paralyzes, and as Scripture notes, perfect love casts out fear. (1 John 4:18) In the weeks ahead, confront your anxieties, turn them over to the Lord. Move forward in hope and trust and believe that all will be well. This too shall pass.
- I feel for our school children, entering yet another month of **“remote” learning**. Playing an occasional game of cards remotely is one thing, but academic learning **demand**s much more. It is predicated upon **consistent personal interaction** between teachers and students, allowing a relationship of trust to develop. I applaud the efforts of our Catholic schools to maintain in-person learning.
- “For happily the Government of the United States, which gives bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.” President **George Washington**, in a 1789 letter to a Jewish Congregation in Newport, R.I.

Sincerely in Christ,
 Fr. John L. Ubel,
 Rector



U.S. Constitution (17 Sep. 1787) - Articles V - VII