



This Religion column is a regular feature written for the Gallup Independent by Gallup area residents, representing different faith communities, who share their ideas about bringing a spiritual perspective into our daily lives and community issues. For information about contributing a guest column, contact Elizabeth Hardin-Burrola at The Independent: (505) 863-6811 ext. 218 or lizreligion01@yahoo.com.

Ron Polinder is the executive director of Rehoboth Christian School. He can be contacted at rpolinder@rcsnm.org or (505) 863-4412

Keeping Our Balance

One of the most vexing issues in all of human history is finding a proper relationship between issues of religion and politics. Wars have been fought, churches burned, and kings excommunicated over the subject. Even now as the politicians of Iraq draft a new constitution, the issue of religion's role is central to their discussion.

The American experiment with its first amendment "prohibiting the establishment of religion" and "guaranteeing the free exercise thereof" was a huge step forward in clarifying the role of "church" and "state," but it by no means settled all the arguments. The nomination of Judge John Roberts raises again that lingering debate.

The article below is the most sensible, clearly written statement I have read on the Judge Roberts nomination. I knew I could not have done as well, so I got permission to reprint it. The author, Steve Monsma, is a life-long Democrat, a former state senator and a professor at Pepperdine University. At last, some one rises above the partisanship.

Monsma is also a fellow with The Center for Public Justice, which in my judgment is the best outfit in the world addressing issues of faith and politics. CPJ strenuously resists the knee-jerk tendency of most Christians to align too closely with one party or other. Their place in the "radical middle" helps us "keep our balance" on a host of political issues. Check out their website after soaking up the wisdom of Monsma.

CAPITAL COMMENTARY
A Publication of The Center for Public Justice

Will John Roberts Judge Faithfully?

In the coming days, Judge John Roberts, President Bush's nominee for Chief Justice of the Supreme Court, will come before the Senate Judiciary Committee, raise his right hand, swear to tell the truth, and answer a seemingly endless number of questions.

Among the questions he almost certainly will be asked is whether or not his Roman Catholic faith will bias his decisions as a Supreme Court justice.

Article VI of the Constitution requires all public officials to be "bound by oath or affirmation to support" the Constitution as the supreme law of the land. But what if the teachings of the Catholic Church or the Pope clash with the Constitution? Will a



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Catholic such as Judge Roberts follow the Constitution or side with his Church? That is the question troubling some commentators.

Some think such a question poses an inescapable dilemma for Judge Roberts. He could declare his faith to be a purely private matter that will in no way affect his judgments as a Supreme Court justice. But such a response would ring false. It is unlikely that a deeply committed, thoughtful Catholic such as Judge Roberts could or would simply abandon his faith at the door when he enters the judicial chambers.

But if Judge Roberts responds that his Catholic faith will indeed affect his rulings as a Supreme Court justice, won't he be caught on the opposite horn of the dilemma? Critics will argue that he is unfit for service on the Court if he might put the teachings of his church ahead of the Constitution he will have sworn to uphold.

But the dilemma is a false one. It ignores the reality that all of us—Protestant or Catholic, Christian or Jew, believer or nonbeliever—have been led by our life experiences and the teachings we have received to adopt certain moral beliefs and values as our own. None of us lives a value-free life; all of us possess a framework of presuppositions and values, a set of convictions, that undergirds and shapes our view of life and human society.

Thus, Judge Roberts, as a Christian believer in the Catholic tradition, is not somehow in a different position than anyone else President Bush might have nominated to the high Court. Any nominee would come with a background that has shaped his or her outlook on life and with values and beliefs relevant to how he or she views issues to come before the Court.

If he is confirmed, Judge Roberts will be called upon to interpret and apply the Constitution and law in many conflicted areas, where precedents are unclear and the relevant legal standards less than obvious. He will be guided, as all judges are, by his understanding of the law, legal precedents, and the facts in the case—and also by his sense of values, his understanding of human society, and his insights into the meaning of a just order. In doing so, Judge Roberts will no doubt be influenced by his Catholic faith, but he will be no more or no less influenced by his belief system than any of the other justices who have ever sat on the Supreme Court have been influenced by their belief systems.

Thus, in his upcoming hearings before the Judiciary Committee, Judge Roberts should freely acknowledge his Catholic faith and even give some examples of how it has shaped his approach to the law and legal issues. At the same time, he can and should insist that



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his situation is no different than that of any other nominee to the Court.

*—Stephen V. Monsma, Fellow of the Center for Public Justice [Dr. Monsma is co-editor of *Equal Treatment of Religion in a Pluralistic Society* (1998) and editor of *Church-State Relations in Crisis: Debating Neutrality* (2002).]*

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