



Right Wing Religious McCarthyites and John Roberts

The Radical Right is [overjoyed](#) by the nomination of John Roberts because they believe President Bush kept his promise to his right-wing base and given them exactly what they demanded: a Supreme Court nominee “in the mold of” Scalia and Thomas.

Within minutes of learning of the Roberts nomination, Right Wingers were flooding the press with praise for the nominee. Tony Perkins of the Family Research Council gloated that President Bush had “**promised to nominate someone along the lines of a Scalia or a Thomas, and that is exactly what he has done**” while Pat Robertson bragged that Roberts “**was at the top of the list of candidates** that Jay Sekulow and the ACLJ [an organization founded by Robertson] put together.”

The Right Wing quickly organized a campaign to aggressively promote Roberts’ confirmation that includes petitions, websites, ads and an \$18 million pledge to “defend” the nominee.

Beginning the moment that Roberts was nominated, the Right trotted out its slanderous “opposition to our agenda is rooted in anti-religious bigotry” line and, if the first few days are any measure, 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.

Building on their two-year old campaign to smear those who might oppose Roberts as anti-Catholic bigots, the Committee for Justice has dusted off its “Catholics Need Not Apply” rhetoric. [Talking points](#) posted on its CFJ’s website advocate defending Roberts for the role he played in two abortion-related cases while serving in the Solicitor General’s office by suggesting that:

“[C]ritics who attack Roberts’ unstated views on abortion are simply attempting to impose a religious litmus test on nominees, i.e., practicing religious [sic] (especially Christians) need not apply. The memo continues, “This is the same scurrilous attack on several of the President’s lower court nominees, such as Bill Pryor, and has no place in modern politics.”

A set of nearly identical talking points [reportedly](#) authored by Republican staffers on the Senate Judiciary Committee – typos and all – has now surfaced on the web. It is disappointing, if entirely predictable, that some far-right groups would attempt to misuse religion in this manner. But if these “anti-Christian” talking points are being promoted by Senate Republicans, it is an outrageous and unacceptable attempt to intimidate and dissuade Senate Democrats from asking the tough questions that the American people need answered so they can understand the judicial philosophy of this or any other nominee.

The use of this bullying tactic in the process used to consider judicial nominees as the Senate performs its advice and consent function first surfaced in [2003](#) when accusations of anti-Catholicism were, for the first time, openly leveled in Senate chambers.

In June of that year, during a hearing on the nomination of William Pryor to the 11th Circuit Court of Appeals, Republican Senate Judiciary Chairman Orrin Hatch (UT) inexplicably asked Pryor about his religious affiliation, to which Pryor responded that he is a Roman Catholic. Democratic Senator Pat Leahy (VT) angrily objected to Hatch’s question, but Hatch tried to spin the issue by responding that “**General Pryor’s religious beliefs have been put squarely at issue, and if not directly, indirectly.**” When Leahy said that asking

about a nominee's religious beliefs would set a "terrible precedent," Hatch responded, "Then let's get the outside groups to stop doing that," even though none had done so. Indeed, it was Hatch who raised Pryor's religion -- during his opening statement, before a single Senator had even had the opportunity to ask a question of the nominee.

Shortly thereafter, the campaign to smear those who opposed Pryor's confirmation as "anti-Catholic" reached its culmination when the Committee for Justice began running print and radio ads asking "Why are some in the US Senate playing politics with religion?" and featuring a courthouse with a sign hanging from the door reading "**Catholics Need Not Apply.**"

Two years later, the "Religious McCarthyism" campaign is back. Before a nominee had even been announced, Catholics for the Common Good issued a [press release](#) declaring that Catholics need "to get ready to fight **de facto religious discrimination** during the upcoming Supreme Court confirmation proceedings ... We must not permit qualified Catholics and other people of faith to be rejected for service on the federal bench because of their religious values and beliefs. They might as well put a sign on the Supreme Court – '**Catholics need not apply.**'" Sound familiar?

Just minutes after Roberts' nomination was announced, it was the Right, not progressives, citing Roberts' religion. The Committee for Justice immediately issued a [press release](#) congratulating the president on the nomination and describing Roberts as "married with two children, and a **Roman Catholic.**" The fact was echoed by the [Christian Legal Society](#): "Judge Roberts, 50, is married to Jane and they have two children. They are members of the **Roman Catholic Church.**" A [bio](#) of Roberts that appears on Gary Bauer's "American Values" website states simply "**Religion: Catholic.**"

Father Frank Pavone of [Priests for Life](#), while praising the Roberts nomination, issued a warning: "Senate Democrats, especially those seeking reelection next year, should know that we will be watching them carefully. If they again attempt to **attack a nominee's faith** or pro-life convictions, their constituents will know about it and they will be held accountable."

[Fidelis](#), an organization that had already run [ads](#) calling on Senate Democratic leader Harry Reid to "keep religion out of future Supreme Court confirmation hearings," quickly added its voice to the choir, [warning](#) that Roberts' "confirmation hearings are **ripe for anti-religious bigotry**" and threatening that every statement "about Judge Roberts will be watched. **If any Senator crosses the line and attacks Judge Roberts because of his Catholic faith or family life, they will be held accountable.**"

The Christian Defense Coalition [cautioned](#) "Democratic leadership not to repeat **religious discrimination** against Judge Roberts during confirmation process." The CDC claimed that "religious bigotry still exists in America and harkens back to the dark days of **political witch-hunts and racial discrimination.** It is our prayer that during the confirmation process of Judge Roberts the Democratic leadership will not engage in this kind of discrimination or **religious bigotry** and give Mr. Roberts and fair and dignified hearing."

Ignoring the fact that the Right has been making Roberts' religion a central part of their campaign for confirmation, Catholic League president William Donohue chose to [attack](#) the media instead, claiming that mentions of Roberts' religion "are more than red flags—[they] are the **marks of bigotry**, politely expressed. And these people consider themselves to be tolerant."

Before hearings have even been held and any questions asked, the GOP and its Right Wing base appear to be preparing to "defend" Roberts, not by encouraging him to explain his views, but by claiming that attempts to discover those views are really attacks on Roberts' faith. This cynical use of religion by right wing Senate Republicans and their extreme base to manipulate the American public for political gain is shameful. The American people deserve better.