

Judicial posts: For justice or just us?

by [John Dart](#) in the [May 17, 2005](#) issue

When some leading Christian conservatives threw their weight behind Republican efforts recently to speed Senate approval of judicial nominees of President Bush, they subtitled their widely viewed “Justice Sunday” rally at a Kentucky church “Stopping the Filibuster Against People of Faith.”

The rally, at a 6,000-member church in Louisville, might not have caused such a fuss in America’s ongoing culture wars except that Senate Majority Leader Bill Frist spoke via videotape—thus enlisting Christian right heavy-hitters for his political threat to undercut the filibuster tactics used by Democrats to block ten of Bush’s most controversial nominees.

The outrage expressed by liberal-to-moderate church leaders in news conferences and a counterrally in Louisville seemed partly stirred by the implication that “people of faith” include only judges, clergy and activists on the ideological right.

A few days before the April 24 rally, Bob Edgar, general secretary of the National Council of Churches, said the event should have been called “Just Us Sunday” instead. “Their attempt to impose on the entire country a narrow, exclusivist, private view of truth is a dangerous, divisive tactic,” said Edgar, adding that it “demonizes good people of faith who hold political beliefs that differ from theirs.”

About 2,000 people packed Highview Baptist Church for speeches televised to hundreds of churches by satellite and seen by others on the Internet. The sponsors were Focus on the Family and the Family Research Council.

A counterrally the same day at Louisville’s Central Presbyterian Church was attended by hundreds, who heard socially liberal evangelical Jim Wallis protest the “declaration of a religious war.”

Joe Phelps, pastor of Central Presbyterian, said the claim by the Family Research Council that the ten Bush-nominated judges were being blocked because of their religious beliefs was “deceptive” in framing “political strategy in terms of religious liberty.”

Frist and other GOP leaders, frustrated that they have not always achieved full Senate votes on all nominees because of filibustering strategies, have threatened to change the Senate rules and permit ending filibusters by a majority vote rather than the three-fifths now required. The talkathon tactic is defended by some Republicans and most Democrats as necessary to prevent a strong majority from overriding minority views at will.

Regardless of how the latest legislative fight develops, liberal church representatives have been somewhat taken aback by the fierce rhetoric of Christian right leaders and Republicans—and even one of the judicial nominees.

California Supreme Court Justice Janice Rogers Brown, one of two women appellate court nominees approved April 21 by the Senate Judiciary Committee for full Senate consideration, told a meeting of Catholic legal professionals on April 24—the same day as “Justice Sunday”—that these are “perilous times for people of faith.”

Brown, quoted by the *Stamford Advocate* newspaper in Connecticut, said that “it will cost you something if you are a person of faith who stands up for what you believe in and say those things out loud.” She characterized the opposition as atheists and secularists battling religious traditions.

However, at a press conference four days later, April 28, Bush disagreed with conservatives who said that attacks on his judicial nominees targeted their faith. “I think people oppose my nominees because of judicial philosophy of the people I’ve nominated,” adding that he didn’t think it was “an issue of faith.”

Back in Louisville, the lineup of “Justice Sunday” speakers included the Family Research Council’s Tony Perkins, the Catholic League’s Bill Donohue, Judge Charles Pickering of Mississippi and Al Mohler, president of Southern Baptist Theological Seminary in that city. But some of the harshest language came from Focus on the Family founder James C. Dobson, who seemed to challenge the U.S. balance of power between executive, legislative and judicial branches.

Elaborating on earlier remarks in his organization’s newsletter about “a handful of unelected, unaccountable, arrogant and often godless judges,” Dobson told the rally that a particular threat to believers comes from certain Supreme Court justices. “There is a majority on the Supreme Court that is . . . unaccountable and arrogant and imperious and determined to redesign the culture according to [its] own biases and values, and [it’s] out of control,” Dobson said.

The broadcaster-psychologist, a longtime Church of the Nazarene layman, also lambasted unnamed “squishy Republicans” in the Senate and declared that “judicial tyranny to people of faith . . . has to stop.” His remarks have been compared to the “judiciary run amok” comment by House Majority Leader Tom DeLay (R., Tex.) in attacking judicial decisions with ethical or religious dimensions deemed wrong by the political right.

However, the videotaped comments by Frist took a temperate tone. He declined to support the idea of punishing justices for unwanted rulings.

“When we think judicial decisions are outside mainstream American values, we will say so,” said Frist, a medical doctor from Tennessee who attends Presbyterian churches. “But we must also be clear that the balance of power among all three branches requires respect—not retaliation. I won’t go along with that.”

Frist, considered a possible Republican presidential primary candidate for 2008, also said the high emotions over judicial appointments “reveals once again our country’s desperate need for more civility in political life.”

Prior to the Louisville rally, however, some religious leaders warned Frist that by addressing the event he would fuel the fire. “His presence is giving credibility to people who have made a stark political issue a litmus test for judging religion,” said Baptist pastor C. Welton Gaddy, president of the Interfaith Alliance.

Presiding Bishop Mark Hanson of the Evangelical Lutheran Church in America told an April 22 news conference that “the tragic irony” of the rally was that it perpetrated further injustice. “To imply that some people because of their political convictions are not persons of faith is an injustice,” he said.

Top Presbyterian executive Clifton Kirkpatrick, whose office is in Louisville, added that while he respects freedom of speech, “we must have an environment where [other] people of faith are not denigrated.”