NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

I don't care what religion Supreme Court justices follow

Bill Tammeus | May. 19, 2010 A small c catholic

Here's what know-nothing Protestants are tempted to say these days: "What's the deal with Catholics holding most of the seats on the U.S. Supreme Court? John Paul Stevens is the only Protestant left [1] -- and if Elena Kagan joins the bench, the new court would have six Catholics and three Jews."

And Catholics have to acknowledge that the court?s current makeup, when considered from the perspective of religious affiliation, is not representative of the country?s population. America is nowhere near two-thirds Catholic.

But here?s a word on behalf of us know-something Protestants:

So what? I don?t care what religion the justices follow (well, as long as they?re not bin Ladenists, say). Rather, I care that they are careful justices who will protect the Constitution by interpreting it in a reasonable, thoughtful way.

Besides, if we wind up with six Catholics and three Jews on the court it says something remarkable about how America eventually brings former outcasts into the mainstream.

The Constitution forbids any religious test for public office. So even if the president or the Senate wanted to make sure that the bench accurately reflects religious America, that can?t be accomplished constitutionally. Thank heavens.

Indeed, if one takes the long view of history and figures out how many members of this or that religion have served on the court, the results aren?t surprising. It?s been dominated by Christians, and mostly by us Protestants. As religious scholar Martin E. Marty noted recently [2], Geoffrey R. Stone of the University of Chicago Law School calculated that if we want eventually to achieve accurate religious representation on the court, ?none of the next 22 justices should be Christian.?

Uneasiness about a religiously unbalanced court is indicative of a deeper issue in our society. The reality is that the American religious landscape [3] is changing, and has been since Lyndon Johnson signed immigration reform into law in 1965. That means Americans now must accommodate themselves to a new religious reality.

For instance, just a few decades ago Protestants made up a huge majority of the population. Today, Protestants are right at or just below 50 percent. If we?ve fallen below half, it means that no branch of any faith has any kind of privileged majority position in our historically Judeo-Christian culture, which is becoming a Judeo-Christian-Islamic culture as it moves toward being a culture in which not even the Abrahamic faiths combined will be able, without challenge, to set social boundaries and agendas.

This kind of change can be unsettling. I grew up in a small Illinois town that was a landslide for Protestants and the Reader?s Digest. Oh, there were Catholics in town -- even, eventually, a large Catholic high school. And there was one Jewish family and a station-wagon full of Christian Scientists. But everyone knew that

Methodists, Lutherans, Presbyterians, Episcopalians and Baptists ran things.

Today there are fewer and fewer such communities, and we are having to figure out how to live in harmony with Loa Baptists, Korean Methodists, Hindus, Sikhs, Muslims, Jains, Buddhists, atheists galore and even your occasional Zoroastrian.

So what I worry about when it comes to our Supreme Court and religion is not the religious affiliation of the justices but, rather, whether each justice understands why Americans cherish religious liberty and whether each can make sensible rulings that will help us live together without killing each other -- especially over differences of faith.

The religious landscape changes we?ve already seen in recent decades will only accelerate. It?s even possible that by the end of this century Christians no longer will make up a majority of Americans. Our task as we move down this road will be to do so carefully and respectfully.

A Supreme Court with wise justices who understand the importance of faith to Americans and to our history -- whether they are believers or committed secularists -- will help to create the atmosphere in which we can make this journey successfully.

Bill Tammeus, a Presbyterian elder and former award-winning Faith columnist for The Kansas City Star, writes the daily ?Faith Matters [4]? blog for The Star?s Web site and a monthly column for The Presbyterian Outlook. His latest book, co-authored with Rabbi Jacques Cukierkorn, is They Were Just People: Stories of Rescue in Poland During the Holocaust [5]. E-mail him at wtammeus@kc.rr.com [6].

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