

ACB vs. 'Know-Nothing' Democrats

Republicans are almost certain to confirm an outstanding judge. But a simmering anti-Catholicism threatens to break through.

by Conrad Black



The Democrats have essentially given up on blocking the confirmation of Judge Amy Coney Barrett to the Supreme Court. This does not imply, however, that they will fail to turn her hearings into a nasty farce of smears of the nominee as an adherent to a voodoo-like religious devotion, and a passionate seeker of an America with no assisted healthcare and back-alley abortions.

The strategy mirrors the malicious fiction then-Senators Joe Biden and Teddy Kennedy threw at Robert Bork in 1987. Barrett,

like Bork, is obviously a person of outstanding character and intelligence with impeccable credentials as a law professor and judge. It will not be easy for Democrats to portray such an accomplished and attractive person and personality, who departed for Washington with her husband and family of seven in a minivan, as the slaving primitivist that is their preferred caricature.

Despite Justice Brett Kavanaugh's wholesomeness when he was nominated to the high court two years ago, the fact that he was a man and that the United States was plunged in the tenebrous thickets of the #MeToo movement where the careers of everyone from Charlie Rose to Al Franken were terminated instantly on rather slender evidence of at worst tawdry but not aggressive behavior to women years before, made Kavanaugh a sitting duck for the sort of assault that he endured.

The attack upon Kavanaugh was based on the defamation of his character as a high school student more than 30 years before and was produced by a reluctant and flaky accuser who cited witnesses who couldn't recall the incident alleged, and instead professed to believe that it had not occurred.

In this case, there can be no serious challenge to Barrett's character—not that the challenge to Kavanaugh was serious in terms of evidence, just that the villainous charge and hysteria of the time rattled the weaker Republicans on the Judiciary committee. There are more than 70 million Roman Catholics in the United States, and approximately half of them take the religion quite seriously (including Joe Biden and Nancy Pelosi).

Take Care With Questioning

As the great majority of all Americans object to sectarian prejudice, the Democrats will have to be a good deal more careful questioning Barrett than they were three years ago at her hearings as a Circuit Court of Appeals nominee.

On that occasion, the ranking Senator Dianne Feinstein (D-Calif.), who also produced the principal assailant on Kavanaugh's character, had the effrontery to express concern to Barrett that "the dogma lives loudly within you." Feinstein is scarcely qualified to inflict theological opinions on witnesses before the Senate Judiciary Committee.

Further, the implication of Feinstein's remark is that the world's original and largest Christian religion—the largest single religious denomination in the United States—is an irrational and authoritarian organization that effectively brainwashes its communicants and requires them in their professional occupations to adopt positions inimical to the public interest or policy of the United States. This is the oldest and shabbiest form of bigotry in the country, except for slavery and its legacy.

There will of course be an attempt to disguise the Democrats' inquisition behind a secular curiosity about the candidate's open-minded consideration of the legal status of abortion. Whatever views they may suspect her of harboring on the Affordable Care Act, that has nothing practically to do with her faith.

On her previous appearance before the Judiciary Committee, Barrett was able to manage the abortion question by stating that whatever her views on the subject, precedents from the Supreme Court were the law and none of her opinions, religious or otherwise, would impede her from applying the law. Since she is now a candidate for a court that can alter or repeal, or even up to a point rewrite legislation, the question becomes more complicated.

The Abortion Dilemma

The core of the problem is that the militant advocates of abortion, feminists who regard it as the litmus test of their status as citizens, and the wealthy and politically assertive

abortion industry represented by Planned Parenthood and others, are rightly fearful of the vulnerability of the *Roe v. Wade* decision (1973). But instead of proposing a new and less fragile legal basis for abortion they have for decades been conducting a rearguard action and a desperate defense on the ramparts of a poorly motivated judgment.

Roe v. Wade was based on a presumed right to privacy extended to a woman's right to absolute control over what goes on within her own body. This was a fatuous perspective; the real issue is when the unborn attain the rights of people, an issue about which there is a wide-ranging debate and all positions, from conception to delivery at term can be cogently argued as the time that fetuses become people.

The only solution, as has occurred in other advanced countries, is a compromise, usually around five months, which satisfies neither the pro-abortion (most of them aren't much interested in choice) nor pro-life factions of approximately equal political strength. Presumably, Barrett will repeat that her own views will not color her interpretation of the law and that she will not express an opinion on the hypothesis of a *Roe* challenge.

Return of the "Know-Nothings"?

Try as they will to profess respect for Barrett's faith and church, the Democrats are almost certain to leave the country with the uneasy feeling that they are intellectually persecuting Catholicism, insulting its membership, and are offending the permanent tolerant majority of Americans.

Despite George Washington's promise to the Roman Catholics of America that they would not be persecuted, there was ample anti-Catholic prejudice in the country for many decades. In 1856, former President Millard Fillmore received 22 percent of the popular vote as the presidential candidate of the American Party, which wished to disqualify Roman Catholics and

immigrants from public office, and which was popularly and appropriately known as the "Know-Nothing" party.

Many readers will remember then-Senator John F. Kennedy's address to Protestant clergymen in Houston in 1960 deploring the implications of any widely held view that scores of millions of Americans were disqualified from the nation's highest office on the day of their baptism.

The fact of being a Roman Catholic is no longer a political handicap. But the entire American state federally and in many of the individual states has been moving determinedly towards a fiscal and cultural oppression of religion, and the Roman Catholic religion in particular.

Flirting with Dangerous Fallacies

Catholic schools and institutions are fiscally and otherwise discriminated against and under the spurious guise of separating church and state, something that has never remotely been a problem in the United States, perversely authoritarian legislation has been passed in many places requiring Roman Catholic institutions to pay for activities that it conscientiously opposes, including most forms of birth control, sterilization, and abortion ("reproductive rights" is the misnomer). No church, nor all faiths combined, are any threat to the authority of secular government in the United States.

The antagonism of the political system is intellectual and psychological. If the existence of spiritual forces and of any divine or supernatural intelligence is officially denied, a vacuum is created that will ultimately be occupied by mere mortals. That is the road to the fallacies about the perfectibility of man, the absolute rule of reason, and the elevation of leaders to pagan eminence.

This is the issue that, ignorant though they may be of it,

Democratic Senators may be scratching at in the Barrett confirmation process. It will not be thoroughly dealt with in these hearings, but it may break the surface. In this profound sense, it is an issue that could ultimately imperil our civilization.

For the moment, however, the Republicans are almost certain to confirm an outstanding judge.

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