



January 16, 2019

The Honorable Mitch McConnell
United States Senator
317 Russell Senate Office Building
Washington DC 20510

The Honorable Charles E. Schumer
United States Senator
322 Hart Senate Office Building
Washington DC 20510

Dear Senators McConnell and Schumer:

From its inception, the United States Constitution expressed a commitment to religious freedom, both in the religion provisions of the First Amendment and in Article VI's ban on religious tests for public office.

The task facing each generation, and each of America's political and civil rights leaders, has been to extend religious freedom to all, without qualification. We are therefore both surprised and alarmed by statements from Senators that seek to disqualify candidates like Amy Coney Barrett and Nebraska attorney Brian Buescher from service as federal judges on the basis of their religious beliefs.

Our nation's first employment discrimination law is the ban on religious tests for public office found in Article VI. Religious tests were also eliminated by the Qualifications Clauses for president and Members of Congress and in the exemption for religious dissenters created by the Oath or Affirmation Clause of Article VI. The Establishment and Free Exercise Clauses of the First Amendment and the Equal Protection Clause of the Fourteenth reaffirm and extend the principle. All public servants, including Senators who are called upon to Advise and Consent to executive nominations, are bound by these obligations – and are sworn to uphold them.

That Senators otherwise supportive of civil rights have sought to question the qualifications of nominees on the basis of their religion is profoundly troubling. Senator Dianne Feinstein scolded Notre Dame Law Professor and federal judiciary nominee, Amy Coney Barrett, using these words: "The dogma lives loudly within you, and that's of concern." Such a statement indicates an unconstitutional religious test.

More recently, Senators Kamala Harris and Mazie Hirono targeted Nebraska attorney Brian Buescher, a candidate to be a United States District Judge in Nebraska, over their distress that a Catholic organization to which he belongs, the Knights of Columbus, holds the Catholic Church's views on the right to life and on the nature and sanctity of marriage. This too is a

religious test, made worse by the fact that the Knights of Columbus itself is not only an integral part of the Catholic Church in this country, but also has a long history of speaking out on civil rights issues. A number of other nominees have likewise seen their religious beliefs or membership in particular churches and religious organizations questioned in recent months.

Political rhetoric that questions the loyalty and fitness of candidates for public office based on their religious beliefs is always wrong. Our country has made great strides in ensuring that religious freedom is a right guaranteed for everyone. Our laws have protected Americans from religious bigotry, an achievement that requires a sustained commitment as majority populations and popular bias change over time. The overt attacks on the Catholic faith of Democrats Al Smith and John F. Kennedy, both also members of the Knights of Columbus, were unfortunate chapters in American politics. So too was the anti-Semitic rhetoric during the 125-day Senate confirmation process for Louis D. Brandeis, the first Jewish nominee to the Supreme Court. Such episodes should not be replayed. As a nation, we must remain vigilant to such religious discrimination and hold one another accountable to the highest standard of our Constitution.

Today, our country celebrates Religious Freedom Day, not for those of one faith, but for those of all faiths. On this day, in the interest of civility, freedom, and in the interest of the protections religious people are guaranteed in the Constitution and Bill of Rights, we respectfully request that you and each of your Senate colleagues pledge never to suggest that a nominee's religious beliefs render her or him unfit for public office, or otherwise impose a religious test for office in violation of the Constitution.

Sincerely,

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President, National Association of Evangelicals

Kit Bigelow
Former Director External Affairs
National Spiritual Assembly of the Baha'is of the U.S.

Sister Mary Christine Cremin, RSM
Executive Director
Council of Major Superiors of Women Religious

Anuttama Dasa
International Director of Communications
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Cardinal Daniel N. DiNardo
Archbishop of Galveston-Houston
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