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ST. THOMAS MORE SOCIETY OF ORANGE COUNTY

JUNE 2015

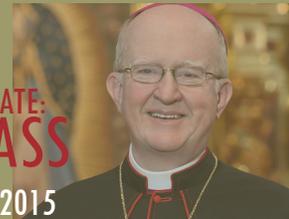
VOLUME 20 ISSUE 5

The Government  
Campaign to  
Weaken Religion  
RONALD D. ROTUNDA



SAVE THE DATE:  
**RED MASS**

OCTOBER 5, 2015



New Evening  
Speaker Series  
DR. AARON KHERIATY



7 Questions  
JUDGE ANDREW J.  
GUILFORD



# EVENING SPEAKER SERIES



## Speaker: Dr. Aaron Kheriaty, M.D.

**Topic:** Problems with Legalizing Physician Assisted Suicide  
**Day:** Wednesday, July 15  
**Time:** 6:00 p.m.  
**Location:** Advanced Depositions  
 17752 Sky Park Circle, Ste. 100 • Irvine, CA 92614  
 (855-811-3376)

Aaron Kheriaty is an Associate Professor of Psychiatry and Director of the Program in Medical Ethics at the University of California Irvine School of Medicine. He serves as chairman of the clinical ethics committee at UCI Medical Center. Dr. Kheriaty graduated from the University of Notre Dame in philosophy and pre-medical sciences, and earned his MD degree from Georgetown University. On the issue of assisted suicide and SB 128, he has published articles in the Wall Street Journal, the Orange County Register, and First Things, and has conducted televised debates and radio interviews on NPR, NBC, CBS, and Fusion. Dr. Kheriaty was invited to speak on this issue to the California Medical Association. He testified before the Senate Health Committee on SB 128, and his work was cited on the Senate floor during the debates.

Light appetizers and refreshments will be served at this first evening event.

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The St. Thomas More Society of Orange County is an independent organization sponsored by lawyers and judges who are practicing members of the Roman Catholic Church.

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#### IDEALS OF ST. THOMAS MORE

The legal profession is a high calling with corresponding responsibilities to society. The principal objective of every lawyer is to promote and seek justice. Catholic Lawyers pursue the truth in both their spiritual and professional lives. The duty of a Catholic lawyer is to remain faithful to Jesus Christ, His Church and its teachings at all times despite the personal consequences.

#### THE OBJECTIVES OF STMS

- encouraging its members to live a Christian life and apply the principles and ideals exemplified by St. Thomas More in their lives and encourage same in the legal profession.
- promoting and foster high ethical principals in the legal profession generally and, in particular, in the community of Catholic lawyers.
- assisting in the spiritual growth of its members.
- encouraging interfaith understanding and brotherhood.
- sponsoring the annual Red Mass for elected and appointed officials and members of the legal profession.

#### MEMBERSHIP IN STMS

Each member of the Society is committed to:

- strive to live an exemplary Christian life and apply the principles and ideals exemplified by St. Thomas More in their daily lives and encourage same in the legal profession.
- attend monthly meeting of the Society and provide personal support to the St. Thomas More Society.
- attend and support the Red Mass.

#### LAWYER'S PRAYER

Give me the grace, Good Lord,  
 to set the world at naught;  
 to set my mind fast upon thee  
 and not to hang upon the blast of men's mouths;  
 to be content to be solitary;  
 not to long for worldly company  
 but utterly to cast off the world  
 and rid my mind of the business thereof.

- ST. THOMAS MORE

EDITOR@STTHOMASMORE.NET



# THE GOVERNMENT CAMPAIGN TO WEAKEN RELIGION

**RONALD D. ROTUNDA**

*By The U.S. Army (Young patriot) [Public domain], via Wikimedia Commons*

A major city seriously proposes enacting a law that prohibits parents from allowing the circumcision of their boys under the age of 18. However, the city has no problem with parents who choose to pierce the ears of their little girls so they can wear earrings. The city also allows the mother to abort up to the day before birth (so-called partial birth abortions). Doctors often say that circumcision is healthy and makes it harder to contract certain diseases, which is why Christians often circumcise their baby boys. Jews circumcise for religious reasons, a sign of the Covenant between God and man. Yet, this proposed city law will forbid all circumcision, and it will grant no

religious waiver. This law would impose a year in jail and a \$1,000 fine per violation.

**Question 1: Where is this city, in the United States or in China? (Answers are at the end of this column. No fair peeking.)**

Another question for this pop quiz: A different jurisdiction plans to enact a law that will force Pregnancy Care Centers to discuss the benefits of abortion and refer their patients to abortion clinics, no matter what religious objections they may have. This law will also require doctors—despite whatever conscientious and professional objections they may have—to facilitate

abortions for any reason, and at any stage of pregnancy.

**Question 2: Is this jurisdiction in the United States or China?**

The government requires a religious order of celibates to pay for abortifacients or face ruinous fines that will destroy its charitable work—they run an elder-care facility. This religious order has conscientious objections paying for abortions and abortifacients, and it considers the workaround that the government offered an accounting gimmick. This celibate order makes no effort to prevent anyone from obtaining an abortion; it just does not

**(CONTINUED ON PAGE 4)**

## THE GOVERNMENT CAMPAIGN TO WEAKEN RELIGION

(CONTINUED FROM PAGE 3)

want to facilitate them. The government could, itself, pay for the abortifacients, and in fact it already does in some instances. However the government insists that the private employer must pay in this case.

### Question 3: Is this jurisdiction in the United States or China?

The government insists its power to regulate the employment relationship between a church and its ministers is as broad as its power to regulate the employment relationship in a labor union. The government rejects the church's argument that it has the "right to choose its spiritual leaders," because the government's interest in "prohibiting discrimination" generally "outweighs any burden on the freedom of association that anti-discrimination laws impose." The newspaper that often supports the government position readily agreed because it is "unwise" to give "sweeping deference to churches."

### Question 4: Is this jurisdiction in the United States or China?

Another jurisdiction will require shopkeepers to sell alcohol and promote its purchase with "eye-catching displays." There will be no religious exemption, which means that Muslim shopkeepers must also promote and sell the alcohol despite the fact that doing so conflicts with their religion. People can buy alcohol in other stores down the block, but that will not excuse those with religious objections from selling alcohol and from promoting it.

### Question 5: Is this jurisdiction in the

### United States or China?

For questions 1 through 4, the answer is the United States, not China.

The city in Question 1 is San Francisco, which we think of as one of the most liberal in the United States. It issued same-sex marriage licenses over a decade ago; it has no problem with its citizens smoking pot; and its minimum wage is over \$12 per hour. On this issue, however, what prohibited a circumcision ban was a state law, enacted specifically to prevent cities like San Francisco and Santa Monica from enacting these prohibitions.

For Question 2, the jurisdiction is Illinois. It is not enough that the State of Illinois already pays for many abortions, now it wants to eliminate the conscience protections by requiring doctors to facilitate abortions even if they have conscientious objections from doing so. A bipartisan group of Members of Congress have protested this proposed statute because it will "gut" current Illinois law "by forcing objecting physicians and providers to assist and participate in the very treatments precluded by their conscientious or religious objections."

For Question 3, the answer is the United States. The Order is the Little Sisters of the Poor. The Supreme Court will decide that issue later this year. For now, we know that the Solicitor General has argued that the federal government can force the Little Sisters to pay for medical services regarding abortion even though the United States government does not pay for these services. The United States could offer free abortifacients in vending machines on every street corner, if it so desired. The problem here is that the United States is forcing a private group to



supply the abortifacients. That is not the way the government normally operates. For example, it does not require grocers to give away their food to the poor. Instead, the government itself provides food stamps.

For Question 4, the answer is also the United States. The Solicitor General argued that the government's power to regulate the employment relationship between the church and its ministers is the same as its power to regulate any other employment relationship. What's next: the government tells churches it cannot discriminate on the basis of marriage in hiring its ministers? For example, the Catholic Church allows some priests to marry and others not. Could the government forbid this discrimination based on marriage? The Supreme Court unanimously rejected the government position, and the New York Times expressed its deeply felt concern that the unanimous Court actually thought that the government should defer to the churches when they hire and fire their ministers.

China is the correct answer only for Question 5. Why is China insistent that Muslim storekeepers sell alcohol? Adil Sulayman, a Communist Party Official explained, "We have a campaign to weaken religion here, and this is part of that campaign."

(CONTINUED ON PAGE 5)

## THE GOVERNMENT CAMPAIGN TO WEAKEN RELIGION

(CONTINUED FROM PAGE 4)

That rationale, so refreshingly candid, may also explain the reasons for the government's positions in Questions 1 through 4.

Our government used to be more accommodating. In *Runyon v. McCrary* (1976), the Court approved a federal law that forbade racial discrimination in making contracts but specifically noted that it was not interpreting that statute to apply to private schools "that practice racial exclusion on religious grounds." Earlier, in *Heart of Atlanta Motel, Inc. v. United States* (1964), the Court upheld federal commerce power to prohibit racial discrimination in places of public accommodation, but noted that the law exempted landlords who lived in the building and offered "not more than five rooms for rent." This statutory exemption exists to this day.

If the Supreme Court embraces a constitutional right to same-sex marriage, will it be accommodating as it was in *Runyon* and *Heart of Atlanta*, or will it be like the answers to Questions 1 through 4? ♦



*Ronald D. Rotunda is The Doy & Dee Henley Chair and Distinguished Professor of Jurisprudence, Chapman University, The Dale E. Fowler School of Law. He is coauthor of six-volume Treatise on Constitutional Law: Substance and Procedure (5th ed., Thomson-West, St. Paul, Minn. 2012-2013), and Legal Ethics: The Lawyer's Deskbook on Professional*

*Responsibility (ABA Thomson-West & ABA, 11th ed. 2013), a one-volume treatise on Legal Ethics.*

*You are  
invited.*

# RED MASS

Join us  
**October 5, 2015**



We are honored to welcome Bishop Kevin Vann to his third Red Mass in Orange County and seek his blessing on the dedication and mission of our local legal community.

Red Mass begins at 6:00 p.m.  
The complimentary dinner reception is at 7:00 p.m.

**Holy Family Cathedral**  
566 S. Glassell St  
Orange, CA 92866  
(714) 639-2900

Questions about Red Mass should be directed to Bill Malecki at [bmalecki@yahoo.com](mailto:bmalecki@yahoo.com)

Sponsorship opportunities for Red Mass should be directed to Fabio Cabezas at [fabiocabezas@cox.net](mailto:fabiocabezas@cox.net)

### 1. How did you come to the Legal profession?

Providence? When I asked my Economics Professor whether the results predicted by economic theory were moral, he advised I'd need to go to seminary or law school for such answers. He also said I should know that the market for Econ PhD's was not strong. So I went to law school, rather clueless about what awaited me.

### 2. Who had the most profound impact on the development of your Christian faith?

My parents for their strong and silent faith, and Father John Macquarrie for reconciling modern thought with traditional theology.

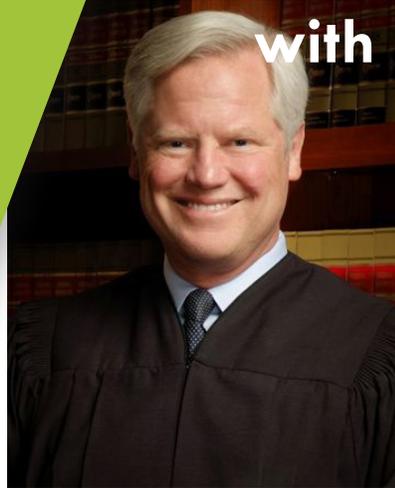
### 3. What is your favorite book?

John for its majesty, and James for its pragmatic call to help others.

### 4. Who is your favorite saint?

St. Thomas More, the Anglican Lawyer, of course.

# 7 QUESTIONS



## Judge Andrew J. Guilford

### 5. Do you have a favorite verse or story from scripture?

Many, but a timely favorite from the Lectionary is John 20:29 -- "Because thou hast seen me, thou hast believed: blessed are they that have not seen, yet have believed." It highlights the blessing of uncertainty and the importance of faith.

### 6. What do you appreciate most about the faith?

It saves me from who I am and the consequences.

### 7. What advice can you give to a young lawyer on living the Catholic faith in the legal profession?

Nice guys and gals and Christians can finish first, not last, in the legal profession... ♦

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