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The Honorable Chuck Grassley
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The Honorable Lindsey Graham
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The Honorable John Cornyn
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RE: No Religious Test For The Supreme Court

Dear Ranking Member Grassley, Senator Graham, and Senator Cornyn,

As people who come from different faith traditions and backgrounds, we are united by our belief in true religious freedom, protecting people of all faiths and none. Our nation was built on the promise that any citizen, regardless of their religious beliefs, has the opportunity to hold public office, and it is this promise that has allowed our nation to be a leader in innovation, freedom, and equality.

We also believe that religious freedom and equality are complementary - not contradictory - values, and that the Supreme Court's 2015 decision in *Obergefell v. Hodges* establishing marriage equality is both settled law and one of the most consequential civil rights victories in a generation.

It is for these reasons that we raise our concerns about Senator Graham's and Senator Cornyn's line of questioning during the hearing of Judge Ketanji Brown Jackson.

During the hearing, Senator Graham questioned Judge Brown about her faith at length and attempted to use faithfulness as a metric to determine judicial fitness, even asking, "On a scale of 1 to 10, how faithful would you say you are, in terms of religion?" Article VI of the United States Constitution clearly states:

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.



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Good faith questions about the role a person's personal beliefs may play in influencing their judicial decisions are not off limits by any means – religious freedom grants us both freedom of religion, and freedom from coercion by public officials – but asking a nominee to rate their religiosity is clearly not a question that would lead to any determination about a person's ability to uphold the Constitution. More appropriate questions could include:

1. What role, if any, does your personal faith or philosophy play in your judicial philosophy?
2. How do you think justices should approach instances where their personal faith conflicts with their obligations to the Constitution?
3. How do you understand the Establishment Clause?
4. Do you believe that the Free Exercise Clause supersedes the rights of others?
5. Should taxpayer dollars be permitted to fund the mission of religious institutions, and, if so, should the government be allowed to regulate the use of those dollars?

Additionally, Senator Cornyn launched a broadside against marriage equality during the hearing, making clear that he's in favor of taking our nation back in time and weaponizing religion as a license to discriminate against same-sex couples. In his questioning, the Senator inappropriately pressed Judge Jackson to agree that *Obergefell v. Hodges* represented judicial overreach and a violation of religious freedom.

In fact, as Justice Kennedy memorably wrote, the Court's decision affirmed that the constitution grants LGBTQ+ people "equal dignity in the eyes of the law." While individual faith traditions approach LGBTQ+ issues differently, the constitution prohibits discrimination against those who identify differently on the basis of religious doctrine.

Religion can and should be part of the national conversation about our public officials, but it should never be a weapon for political battle. When you took your own oath of office, you made a promise to your constituents to protect and serve the American people, regardless of who they are and what they believe. Religious Americans across the nation are calling on you to uphold that oath.

Respectfully,

Rabbi Jack Moline

President, Interfaith Alliance

Rev. Dr. David R. Currie

Former executive director, Texas Baptists Committed