



**Remarks given at the Red Mass Dinner, Lafayette Diocese  
Carmel, Indiana – October 2, 2017**

Thank you very much. I get invited to speak publicly on a fairly regular basis, and it's nothing I get too nervous about anymore. Three decades ago, I worked my way through night law school writing speeches for Governor Orr that I would have been terrified to deliver. But over time, becoming a practicing lawyer and prosecutor, standing in front of juries, trying to tell the best story and imploring them to follow the evidence to conviction, running for public office, and ultimately serving on our Court for five-and-a-half years, you lose your fear, and perhaps come to enjoy the sound of your own voice more than you'd care to admit. I guess it wouldn't be the worst thing at a Catholic event to begin by confessing the sin of pride.

But tonight's invitation has caused much anxiety. Would it be inappropriate, Your Excellency, to say it scares the daylights out of me? (I said it more crudely in my first draft, but I thought I should avoid the public vulgarity we see from some speakers these days). For while I grew up in a heavily Catholic suburb outside Milwaukee, and while my father, my children, my wife and I all attended Catholic schools (and in most cases, Catholic universities), I still harbor grave doubts about my suitability to be your speaker tonight.

I recall Mitch Daniels when he was governor, addressing a large gathering of Protestant ministers. With sincere humility, he described himself that day as a "fallen Presbyterian." Those are my humble sentiments tonight, as well; a fallen Catholic still trying to get it right, a sinner like everyone else in this room. Other than the office I am privileged to hold, I wonder what standing have I to address this gathering, and to speak publicly on matters concerning faith? I am outside my comfort zone, well over my skis. So, I apologize in advance if my words fail to pass muster as a matter of theology or doctrine. Still, I will try to share some wisdom – not mine, mind you, but the thoughts of others I have gathered in preparation for the assignment. As Archbishop Tobin, now the Cardinal of Newark, said at last year's event downtown, "All wisdom is plagiarism; only stupidity is original."

We are here tonight to celebrate an ancient custom that dates to the 13<sup>th</sup> Century, to gather those from the noble legal profession for the purpose of seeking divine guidance and strength for the coming judicial year, which began this morning with the opening session of the Supreme Court of the United States in Washington, D.C. The Red Mass there was celebrated yesterday, with others around the country this week, including here tonight and Thursday in downtown Indianapolis. It is a wonderful custom that in my mind provides an opportunity for Catholic lawyers to contemplate gratefully our special gifts and serious responsibilities.

We gather tonight, as well, in the memory of St. Thomas More, Lawyer of the Millennium, and “heavenly Patron of Statesmen and Politicians,” as declared by St. John Paul the Great in the year 2000. Recall that St. Thomas More was Chancellor of England, one of the most powerful men in the Realm, but when his King, Henry the 8<sup>th</sup>, broke from Rome to start his own Church, divorce and remarry, Thomas More’s conscience and devotion to the Church would not allow him to swear allegiance. He was beheaded; his last words were said to be, “I die the King’s good servant and God’s first.” He was canonized by Pope Pius the 11<sup>th</sup> in 1935.

(By the way, if you think we haven’t come a long way in terms of due process, check out the jury that convicted him: More refused to attend the coronation of Anne Boleyn, the woman for whom Henry left his queen, precipitating the split from Rome. At More’s trial for treason, Anne’s father, brother and uncle all served on the jury! No challenges for cause, I guess, back then.)

Thomas More’s example is loyalty and devotion in the extreme, and one from which I would hope we can all draw sustenance. My prayer tonight is that it inspires us to stand tall in the ring as Catholics, proud of our faith, proud of our church – admitting its human corruptions but remembering, too, its virtues and the force it continues to be for good in the world -- and that those virtues might make us better lawyers and better leaders in our communities.

These are challenging times for people of faith. In the Western world, atheism and a crushing intolerant secularism march on unrelentingly. Twenty years ago, my pastor returned from sabbatical in Europe to tell us the Continent is full of stunningly beautiful churches, most of which are empty. Since then, it has only gotten worse. I read a newspaper story last year about a famous cathedral in the Netherlands that has been turned into an indoor skateboard park. In the United Kingdom, more than half the population – 53 percent – describe themselves now as having “no religion at all.” Among British subjects between the ages of 18 and 25, the proportion is even higher, at 71 percent. Only 15% of all Brits now belong to the Church of England, according to the BBC. (That couldn’t have been what King Henry had in mind).

In America, the trend isn’t as severe, but suffice to say, the Pew Research Center has found America becoming less religious, with the percentages who say they believe in God, pray daily and regularly go to the church all in decline.

More troubling, in my judgment, is a jarring change in tone against, and a lack of tolerance for, those who simply and quietly believe and observe. Almost daily, now, you find yourselves ridiculed, caricatured as intolerant, bigoted, hateful. A married couple with a hit show on HGTV is bullied on social media for attending a mainline Protestant church because that church’s pastor hasn’t evolved beyond President Obama’s 2012 position on marriage. Bill Maher sneers at you on HBO and makes fun of you for talking to your “imaginary friend.” You’re dismissed as “superstitious.” An attitude prevails that “smart people don’t believe any of that stuff anymore.” Your betters describe themselves as members of the “reality based community,” holding you in contempt as they bound from one cause to another, bringing to mind the famous Chesterton quote that “if you don’t believe in God, you’ll believe in anything.”

I have a good friend who is a PhD history professor, and he commented in a recent email that “since the appearance of Jerusalem and Athens, civilization in the West has flourished when faith and reason fused favorably.” To that I responded indeed, and pointed to the American Experiment as Exhibit A. But today, faith and reason don’t always fuse so favorably.

In England, the leader of the Liberal Democrat party was forced to resign from his post for the crime of being a working class evangelical Christian. Tim Farron thought his progressive opinions on big issues like climate change, the European Union, even same-sex marriage, would protect him, but he was wrong. Sohrab Amari wrote in the Wall Street Journal this summer that soon after taking the party reins in 2015, Mr. Farron was hounded to repudiate his church’s traditional views on sin. He gave the quintessential Christian reply – “we’re all sinners.” Not good enough. All but frog-walked at the point of a bayonet, he relented in the House of Commons. Then the Guardian newspaper revealed that back in 2007 he suggested abortion might be wrong. As far as I can discover, Mr. Farron never advocated any change in law; he merely expressed a personal moral qualm. And for that he was sacked, ironically by people for whom tolerance is the highest of all virtues.

In his resignation statement, Mr. Farron wrote, “To be a political leader... in 2017, and to live as a committed Christian, to hold faithfully to the Bible’s teaching, has felt impossible. I seem to have been the subject of suspicion because of what I believe and who my faith is in.”

That bears repeating, and carries a warning from abroad like a canary in a coal mine. “I seem to have been the subject of suspicion because of what I believe and who my faith is in.” As the TV commercials for movies used to say when I was a kid, “coming soon to a theater near you.”

I couldn’t help thinking of poor Mr. Farron when I saw the treatment of Notre Dame law professor Amy Barrett by the Senate Judiciary Committee three weeks ago. Professor Barrett, a distinguished scholar and former law clerk to Justice Scalia, has been nominated to serve on the United States Court of Appeals for the Seventh Circuit in Chicago. Senator Durbin of Illinois actually asked her, “Do you consider yourself an orthodox Catholic?” Senator Feinstein of California said she was concerned that “dogma lives loudly within” Professor Barret. I had thought Catholic presidential candidate John Kennedy put this kind of inquiry to rest – and all that it slanderously implies -- when he went before the Protestant ministers of Houston in 1960, a year before I was even born, nearly six decades ago. One might reasonably ask, are certain Court precedents so precious to certain constituencies that Catholic judicial nominees are now suggested to be too dangerous to confirm?

The Reverend Jenkins, President of Notre Dame, answered forcefully and beautifully in a letter to the ranking member. Its final paragraph is especially strong: “It is chilling,” he wrote, “to hear from a United States Senator that this might now disqualify someone from service as a federal judge. I ask you and your colleagues to respect those in whom “dogma lives loudly,” which is a condition we call faith. For the attempt to live such faith while one upholds the law should command respect, not evoke concern.”

Rev. Jenkins' reply inspires pride – and reminds that it is something we Catholics could use a little more of in these times. Not the sinful pride that C.S. Lewis wrote of, calling it the deadliest of the seven sins because it leads to all the others – but the good kind, the kind of pride that brings confidence and gratitude. You can take pride tonight in a church that kept civilization and the written word alive in a world lit only by fire, a church that today is the largest non-governmental provider of health care services in the world, a church that provides the largest non-governmental school system in the world, a church that built great universities in our country in the 19<sup>th</sup> century – Georgetown, Boston College, St. John's, Villanova, Notre Dame, Marquette, Loyola, St. Louis, Dayton and countless others – that enabled millions of immigrants and their children (like my own father) to assimilate and begin to fully share in the American Dream. Think about that – when those schools began, Catholics really lived as a people apart in a majority Protestant nation. Within a century, one was elected President, and we have seen five Catholic justices serving at one time on the Supreme Court of the United States.

Rabbi Jonathan Sacks, a member of the House of Lords in the United Kingdom and the country's chief rabbi, observes from the research that if you are a regular goer to church, synagogue or other place of worship, you are more likely to help a stranger in need, give a meal to the hungry, shelter someone who's homeless, find somebody a job, give to charity (whether the cause is religious or secular), get involved in voluntary work. The best predictor is not class, ethnicity, or education. The best indicator is: do you or don't you go regularly to a house of worship. If you only remember one thing from my comments tonight, let it be this: go home this evening and google "Lord Sacks – that's S-A-C-K-S cultural climate change." You will find his profound lecture delivered this past summer in Western New York. A full text can be found at the Catholic Education Resource Center's website, [catholiceducation.org](http://catholiceducation.org). I commend its reading to you in its entirety.

Lord Sacks surveys the world, its demographic and cultural trends, and warns, "You lose your religion, you begin to lose your families and the will and sacrifice to have children. You begin to lose strong communities and you begin to lose the covenantal bond of society itself, this society of "We the People."

We lawyers, especially we Catholic lawyers, have a special obligation to nurture and maintain that covenantal bond of society, this society of "We the People," as Rabbi Sacks calls it. The Gospel of John says "By this everyone will know that you are my disciples, if you love one another." If you practice law that way, with civility, honesty and patience, if you instill in younger lawyers a respect for the nobility of our profession, if you protect our Constitution, its personal guarantees, and a system of separation of powers that has maintained liberty for two centuries, if you stand for free speech and against the heckler's veto on campuses and the public square, if you give of yourselves in pro bono service and in ways that build stronger families and stronger communities, by this everyone will know you are disciples.

In his recent sobering and provocative book, “Out of the Ashes, Rebuilding American Culture,” Catholic professor Anthony Esolen of Providence College closes with some spine-stiffening advice. “Our betters, our managers, our keepers, our tax-masters, would like to exchange ‘freedom of religion’ for ‘freedom of worship,’ with worship confined to the walls of a building, in self-imposed catacombs, to die out for want of brave witnesses. To hell with that,” he writes. “Let the churches come out. Let pastors and congregations decide: for every single offense against the vigorous liberty of the church, we will walk and pray in two outdoor processions with the Sacrament, host two lectures, organize two summer picnics with Mass outdoors, march to the cemetery on Memorial Day, and in general be so merry and open, so solemn and cheerful, so rich in the beauty and depth of our faith, that despite themselves people will look our way and want to share in the wine we are drinking.” Push back, says the author, against the prevailing norms of our coarsening culture, built on, in his words, “a mountain of lies.” And do it with confidence and joy in celebrating the truth, wherever it leads you.

I think what he’s saying is let dogma live loudly within you.

St. John Paul’s proclamation of Thomas More as Patron of Statesmen in 2000 brings us to a fitting end. Said the Pope, “He lived his intense public life with a simple humility marked by good humor, even at the moment of his execution. This was the height to which he was led by his passion for the truth. What enlightened his conscience was the sense that man cannot be sundered from God, nor politics from morality...And it was precisely in defense of the rights of conscience that the example of Thomas More shone brightly.”

May we tonight all walk proudly in that light, confidently living our faith “in the Holy Spirit, the holy catholic Church, the communion of saints, the forgiveness of sins, the resurrection of the body, and life everlasting,” Amen.