

Our next witness is Dr. Susan Thistlethwaite, President of the Chicago Theological Seminary, a Ph.D. from Duke University, a master's of divinity summa cum laude, undergraduate degree from Smith, the author of several books and op-ed pieces in various newspapers.

Thank you for joining us, Dr. Thistlethwaite, and we look forward to your testimony.

**STATEMENT OF SUSAN THISTLETHWAITE, PRESIDENT,  
CHICAGO THEOLOGICAL SEMINAR, CHICAGO, ILLINOIS**

Ms. THISTLETHWAITE. Thank you, Chairman Specter, and members of the Committee. My name is Susan Brooks Thistlethwaite. I am president and professor of theology at Chicago Theological Seminary. My academic training is in historical theology. My teaching and writing have emphasized contemporary religious life, with particular attention to religion and social justice. It is an honor to be asked to give testimony before the Senate Judiciary Committee, and with your permission, I will submit it for the record.

Our Constitution's promises, such as the right to live free of tyranny and be able to worship freely, are generous, even extravagant promises. They are promises made after freedom had been won from tyranny—a tyranny both political and ecclesiastical. They are promises made to the best of the human spirit as created by God.

In the limited documents available to discern John Roberts's views, there is evidence—and I have cited detail in my written testimony—that his judicial posture is more toward permissiveness in religious establishment and is less than vigorous in the defense of religious minorities and their freedoms. He refers to the so-called right to privacy, has objected to affirmative action, but has favored expanding both the authority of law enforcement and Presidential authority. Very disturbing to me is the view, and I quote, "The Geneva Convention is unenforceable in U.S. courts and, in any case, does not apply to detainees labeled 'enemy combatants.'" I submit to you the threat to the moral health of the Nation of this view is extremely grave.

A Supreme Court Justice entrusted to interpret the Constitution must embrace the fundamental element of our democracy. We will strive to be a body politic rooted in justice and fairness for all citizens. A Justice entrusted to interpret the Constitution must understand that the protection of the free exercise of religion and the prohibition of any establishment of religion are particularly critical to the way in which in this Constitution promises to establish justice.

Few Americans have understood the promises inherent in our Constitution better than Dr. Martin Luther King, Jr. Dr. King in his "I Have A Dream" speech was able, as few before or since, to reach into our constitutional past and proclaim the deep sense of the words that the Constitution was a promissory note to which every American was to fall heir. King argued that so far this promissory note to African-Americans had been returned: insufficient funds. But the promise held. The promise for King was a dream, but not a fantasy.

Dr. King's vision, as is well known, was a deeply theological vision. It is perhaps less well known that the Framers of the Con-

stitution also drew on a theological vision and that their prohibition of the establishment of any religion and their insistence on the protection of the free exercise of religion was made for religious reasons. The thought of John Locke on whose work the Founding Fathers such as Thomas Jefferson drew is instructive. Locke, like others in the 17th century, had seen the terrible results of religious wars, as Catholics and Protestants struggled for power in England. His own faith finally led him to believe that it is only in the absolute protection of human civil society from any control by religious authorities that people are enabled to come to have faith in God. It was for a theological reason, not a secular one, that both Locke and Thomas Jefferson separated church and state and prohibited establishing one religion over any other. In that way, they protected religious freedom.

In Jefferson's "A Bill for Establishing Religious Freedom," he argues, "The plan of our holy author of our religion is not to propagate it by coercion." They made this simple point: God does not need the help of the state for there to be faith.

From our vantage point in the 21st century, we can see the Framers were right. They did not just protect political freedom. They protected religious freedom. It is no accident that the United States through all of its history so far has been free from the terrible effects of religious war. The Framers of the Constitution knew what they were about.

As retiring Justice Sandra Day O'Connor wrote in an opinion last term, "Those who would renegotiate the boundaries between church and state must, therefore, answer a difficult question: Why would we trade a system that has served us so well for one that has served us so poorly?"

What has become evidence in the last half of the 20th century and into the 21st is that our society is becoming more genuinely religiously diverse. The Harvard Pluralism Project has documented that the United States is rapidly becoming the most religiously diverse nation in the world. Such increasing religion pluralism calls for even greater vigilance both in protecting religious minorities and clearly avoiding even the appearance of the establishment of any particular religion. The Constitution is a document that seeks to implement a vision of fundamental human rights, a vision of a society such as none in history has seen before, a vision that would establish justice, promote the general welfare, and secure the blessings of liberty.

I have been impressed with the incisive mind of John Roberts. That is a necessary but not a sufficient credential for Chief Justice. I am not as convinced that he believes in the dream that is the United States of America.

Thank you.

[The prepared statement of Ms. Thistlethwaite appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Dr. Thistlethwaite.

We now turn to Governor John Engler, President of the National Association of Manufacturers, the largest industry trade group in the United States, served as Governor of Michigan for three terms, and before that, had extensive experience in the Michigan State Legislature; Chairman of the National Governors Association, a