

# Voices: Point/Counterpoint: Catholics and the Court

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*EDITOR'S NOTE: A contrasting viewpoint can be [read here](#).*

Many of my Baptist friends have asked me how it has developed that Catholics make up a strong majority on the U.S. Supreme Court.

My explanation: First, in recent decades, there was an individual who rose to the forefront of the religious legal battles with the objective of changing the composition of the U.S. Supreme Court. His name was Leonard Leo, a prominent Catholic lawyer and political activist.

Leo was a leader in groups named the Heritage Foundation and the Federalist Society. He campaigned to get several Catholics on the U.S. Supreme Court: Clarence Thomas, John Roberts, Samuel Alito, Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett.

Second, there was the role of Donald Trump. Leo and many social conservatives supported him for U.S. president. Leo was able to convince the president to turn to the Federalist Society for advice about judicial nominations.

Trump, a transactional decision-maker operated on the premise, "You help me do what I want, and I will help you do what you want."

Many people agreed to support Trump, since he said he would oppose abortions and the so-called "homosexual agenda."

# Implications

There are many significant implications for a U.S. Supreme Court that favors Catholics.

First, there is the issue of the separation of church and state and private school funding. The U.S. Constitution states there shall be no establishment of religion, and there shall exist the free exercise of religion.

Under the Supreme Court of recent decades, there has been a breach of the wall of separation. The Supreme Court has upheld a variety of uses of public funds to support private schools, including private religious schools.

Second, there is the issue of presidential power. In the 2024 case [\*Trump v. United States\*](#), the Supreme Court held a sitting president cannot be prosecuted for any action done as “official” presidential business.

## Catholic vs. congregational

Numerous individuals have asked me how the composition of the Court, with a strong majority of Catholics, could have shifted so much power to the presidency and away from the other two branches of government. Following is my personal view.

The basic structure of many non-Catholic churches is what commonly is called “congregational,” where stress is placed upon the autonomy of each local congregation.

Each church uses some form of democratic voting in the selection of pastors. Each uses individuals who assist in the administration and practices of the congregation.

Most Southern Baptist churches maintain membership in a large

association of churches known as the Southern Baptist Convention. The organization is the largest Protestant religious group in the United States.

The SBC helps the larger fellowship develop and use religious and educational materials based upon commonly held beliefs and practices. It also assists local churches in mission outreach and service.

The Catholic structure contrasts with the congregational structure. A priest for a local congregation is chosen primarily through the actions of a local or area bishop. The process is not diffused. It is hierarchical in structure. It is a pyramid of power. In the Catholic Church, there is the local priest, the area bishop, an archbishop, a cardinal and the pope in Vatican City.

The local pastor is not selected by popular vote of the congregation. The pastor usually is selected by a bishop and ultimately approved by the pope.

Church authority demands conformity. At all levels, the leaders are required to wear attire that symbolically represents certain religious elements. In any setting, enforced clothing conformity is an outward sign of institutionalized authoritarianism. That contrasts with many non-Catholic churches, which do not require specific clothing for worship leaders.

There also is a great deal of conformity in prayers led by religious leaders in the Catholic Church.

## **Shift in viewpoint**

For most of American history, most members of the Supreme Court did not come from religious hierarchical structures of decision-making. Most did not view the U.S. president as possessing all power, and especially not the right to do anything and then justify it as “official business.”

They did not believe in a “unitary” theory of leadership based upon a pyramid of power. They believed in a system of checks and balances and a

working relationship between three branches of government.

The majority of those who wrote the *Trump v. United States* decision grew up with a mindset that reflected a belief in hierarchical exercises of power. They leaned in the direction of authoritarianism in religion, which I believe flowed into their decision in the Trump case.

The Catholic justices belong to a very formal religious institution headquartered in a small religio-political state led by a single powerful leader—the pope. The pope exercises executive, legislative and judicial power. There is no separation of powers in the Catholic Church.

## **The current Court**

The current majority of six Catholics on the U.S. Supreme Court admit they took an oath to defend the U.S. Constitution. They have decided some major cases that have shifted a great deal of power away from the U.S. Congress to the U.S. president and shifted some power from the judicial branch to the presidency.

They know their national loyalty is to the United States, not to the pope in Vatican City. However, their mindset is more accepting of extremely strong leadership in the American presidency than previous Supreme Courts.

We never should forget the mindset factor in the selection of judges, executives, legislators and even marriage partners. Catholic lobbying has given us a pro-authoritarian body.

Other religious groups also could have organized to shape the composition of the U.S. Supreme Court. It is called “politics” and “lobbying.” Leonard Leo, an ardent Catholic, is a master of the process.

The people of the United States have a future ahead of them that will be shaped by a man most Americans never heard of. As the English playwright

William Shakespeare wrote in *The Tempest*, "What's past is prologue."

*Leon Blevins is a retired professor of government and former Baptist pastor. The views expressed in this opinion article are those of the author.*