

**“Challenges of Catholic Lawyers in Serving Two Sovereigns,  
the Church and the State”**  
**Webinar Conversation with the Fellows of the Good Counselor Project  
of the Napal Institute Legal Foundation**

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It is good to be with you for this webinar conversation with the Fellows of the Good Counselor Project of the Napal Institute Legal Foundation. The topic of my presentation is, “Challenges of Catholic Lawyers in Serving Two Sovereigns, the Church and the State.” I speak to you not only as a successor of the Apostles, but as a member of the Illinois bar, where I keep my license to practice law current, so I am sworn by oath to serve these two masters, Church and State.

***Legal Challenges***

I will begin with reference to a new challenge to Catholic lawyers that just took effect this year here in my home state, the Land of Lincoln. New amendments to the Illinois Human Rights Act amended the Act (effective January 1, 2025) to add “reproductive health decisions” as a protected characteristic. The bill defines “reproductive health decisions” to include

employees' decisions regarding abortion, contraception, and fertility treatments like in-vitro fertilization (IVF). Under the amended Act, it is unlawful for an employer to (1) take adverse action against an employee based on their reproductive health decisions, such as fail to hire, discipline, termination, or unequal benefits); (2) engage in "harassment" by making "unwelcome" or "offensive" comments based on an employee's reproductive health decisions; (3) refuse reasonable accommodations related to abortion or other reproductive decisions; (4) retaliate against an employee for opposing such "discrimination;" and/or (5) fail to communicate the Act's obligations to employees by including the information in employee handbooks and posting the information in the workplace. I am confident that you can understand and appreciate how offensive and antithetical these provisions are to the teachings of the Church and the faith of Catholics. Obviously, these amendments to the Illinois Human Rights Act pose serious challenges not only to Catholic lawyers, but to all who believe in the sanctity of human life from conception to natural death.

So what are we to do? How are we going to respond to this challenge?

Well, good lawyers do not wring their hands and moan, “Woe is me. What am I to do?” No, we take action. We do what we were trained to do. We file a lawsuit!

Thanks to the generous offer of *pro bono* representation by the Alliance for Defending Freedom, the Diocese of Springfield in Illinois joined the Pregnancy Resource Center of Rockford, Illinois, in filing a pre-enforcement challenge to the amendments of the Illinois Human Rights Act. There is no doubt in my mind that this law is wrong and needs to be challenged. I am hopeful for a successful outcome given the favorable recent jurisprudence of the courts in matters of religious liberty, especially the United States Supreme Court.

I call your attention to a couple of other pending cases that merit our consideration. This past March 24<sup>th</sup> the Archdiocese of Chicago filed a lawsuit seeking injunctive relief and damages from participants of a wide-ranging racketeering scheme designed to profit from more than a dozen fraudulent claims of priest sexual abuse. The civil filing in Circuit Court of Cook County exposes a racketeering enterprise among a web of connected

individuals – some of whom are convicted felons and known gang members – who took advantage of the archdiocese’s pastoral response to compensate real victims of priest sexual abuse. The materials include more than two dozen individuals who filed claims, recruited false claimants and coached them on how to describe fake allegations of abuse involving former priest Daniel McCormack.

One of the individuals is a convicted murderer currently serving time in prison. The defendant conspirators are associated by gang affiliation, friendship or family. They counseled one another on what to say, how to pursue a false claim, how to embellish purported injuries and how to reach attorneys. In some cases, the co-conspirators exchanged money before achieving a settlement, enabled by litigation-funding loans.

Although participants on Illinois prison calls are warned that they are being recorded, co-conspirators in recorded calls from prison discuss “free money” and how “easy” it is to bring a claim. One past claimant admits he was not involved with McCormack’s church or programs.

The Circuit Court of Cook County has already ruled that two other cases were fraudulent, and several others have been abandoned by the claimants and their lawyers. The filing reflects the breadth of the fraud and seeks to expose the conspiracy that has become a criminal enterprise for those involved.

In a statement on behalf of the Archdiocese, General Counsel Jim Geoly said, "We trust and believe people when they come forward with abuse claims. These individuals have violated that trust and have attempted to take advantage of it. We have a duty to oppose claims we know are false to protect and stand up for real survivors of abuse who ultimately are the ones harmed by fraud. ... False claims make it necessary to investigate all claims more aggressively, which places a greater burden on true survivors."<sup>1</sup>

In a closely watched case decided this past June 5<sup>th</sup>, the United States Supreme Court decided the case of *Catholic Charities Bureau v. Wisconsin Labor Review Commission*, in which the Court overturned a decision of the Wisconsin Supreme Court denying the Catholic Charities Bureau of the Diocese of Superior an exemption from paying into the state's

unemployment insurance fund despite the fact that the state statute offers an exemption for “an organization operated primarily for religious purposes.”<sup>2</sup> A state agency had said that Catholic Charities did not qualify and the Wisconsin Supreme Court agreed, issuing a decision in March 2024 finding that, even though Catholic Charities and related entities act from religious motivations, “their activities are secular in nature.”<sup>3</sup>

Writing the opinion for a unanimous Supreme Court of the United States, Justice Sotomayor wrote that the “First Amendment mandates government neutrality between religions and subjects any state-sponsored denominational preference to strict scrutiny. The Wisconsin Supreme Court . . . imposed a denominational preference by differentiating between religions based on theological lines. Because the law’s application does not survive strict scrutiny, it cannot stand.”<sup>4</sup>

My objective today is not to review cases and litigation strategies for how to win religious liberty lawsuits. There are others who are experts in such matters, such as the attorneys for the Alliance Defending Freedom, the Becket Fund, and the Thomas More Law Center in Chicago. We are fortunate

to be beneficiaries of their expertise, which they provide so generously. You are also very smart and can read cases and analyze the jurisprudence of religious liberty lawsuits. Rather, I wish to offer the example of two very influential role models to inspire you to be staunch defenders of our natural law right to the free exercise of religion, as protected by the First Amendment to the Constitution of the United States of America. These two inspirational and influential role models happen to be my personal patron saints, Saints Thomas More and John Fisher.

### *Conscience in the Lives of Saints Thomas More and John Fisher*

Given my patron saints, you might not be surprised to learn that my favorite movie of all time is the 1966 classic, "A Man for All Seasons," which won the Academy Award for Best Picture, about the life of Saint Thomas More, played by the British actor Paul Scofield. The screenplay was written by Robert Bolt. In one particularly pertinent scene as it relates to the theme of my topic for this conversation today, Thomas More is having a conversation with his predecessor as Lord High Chancellor, His Eminence Thomas Cardinal Wolsey, the Archbishop of York. Cardinal Wolsey is

seeking More's help in drafting a letter to the Holy See regarding the desire of King Henry VIII to divorce the Queen, Catherine of Aragon, so that he could marry Anne Boleyn.

Challenging More's reluctance to help, Wolsey says, "You're a constant regret to me, Thomas. If you could just see facts flat on, without that horrible moral squint, with just a little common sense, you could have been a statesman. . . . Now explain how you as Councilor of England can obstruct those measures for the sake of your own, private, conscience."

Thomas responds, "Well . . . I believe, when statesmen forsake their own private conscience for the sake of their public duties . . . they lead their country by a short route to chaos."<sup>5</sup> The implication is that conscience, by contrast, will save the world!

In another scene from "A Man for All Seasons," the author Robert Bolt has Sir Thomas More describing the inviolability of one's personal conscience by telling the Duke of Norfolk, "What matters is not that it's true, but that I believe it; or no, not that I *believe* it, but that *I* believe it."

According to Judge Robert J. Conrad, Jr., in his outstanding book entitled, *John Fisher and Thomas More: Keeping Their Souls While Losing Their Heads*, Bolt is portraying conscience as a “possession of self,” quoting Bolt as saying that More was a “hero of selfhood” who had an adamant sense of his own self.”<sup>6</sup> Conrad disagrees. He says, “I see More (and Fisher) differently. They were not self-confident but ‘Christ-confident.’ They were not adamant followers of self-will but servants of the one true God who spoke through his Word and his Church. Their strength of conviction was rooted in their shared belief that God was truth and that his Church was a truth-telling institution.”<sup>7</sup>

Returning to the scene in which the Duke of Norfolk is trying to persuade Sir Thomas More to sign the Succession to the Crown Act of 1534, Norfolk says, “Oh, confound all this. ... I’m not a scholar, as Master Cromwell never tires of pointing out, and frankly, I don’t know whether the [King’s] marriage was lawful or not. But damn it, Thomas, look at those names. ... You know those men! Can’t you do what I did, and come with us, for fellowship?”

More responds pointedly: “And when we stand before God, and you are sent to Paradise for doing according to your conscience, and I am damned for not doing according to mine, will you come with me – for ‘fellowship’?”

“Conscience” is a word that means different things to different people. To some, following one’s conscience means to do as one pleases, as one sees fit; to others, following one’s conscience is to have the moral and political freedom to please God by what he or she does in life, to oneself and one’s neighbors, not simply as one might like or as one would prefer, but as one ought to do.

The word “conscience” comes from two Latin words, “co-” (which means “together” or “with”) and “science” (which means to have knowledge about something). Conscience means to share knowledge with someone else about what is right or wrong. Conscience does not act in isolation on some sort of personal or individual intuition disconnected from someone or something else. For a Catholic, a properly formed conscience means to share God’s knowledge and the Church’s teaching about right or wrong. So those

who invoke “conscience” to justify their rejection of the natural moral law or divine law as taught by the Catholic Church are saying that they have chosen to follow the thinking, knowledge and values of someone or something other than the Pope or the Catholic Church.

Like Thomas More, John Fisher lived and died during England’s changeover from Catholicism to Protestantism. He served as the Bishop of Rochester, where I celebrated Mass in the summer of 2019 at his old Cathedral during a trip to England for some lectures that I was asked to give at the University of Oxford. Like Thomas More, John Fisher refused to assent to Henry VIII’s divorce and declaration of himself as the head of the Church. He stayed true to the One, Holy, Catholic, and Apostolic Church.

The most striking demonstration of standing up for the truth of one’s conscience in the face not only of enormous peer pressure but also the whole weight of civil authority is recounted by Judge Conrad in his book where he describes this scene which took place in 1529 in the Great Hall of the Blackfriars in London. The occasion was the convening of a papal commission authorized to conduct an inquiry and come to a decision based

on the evidence submitted on the question of the King's marriage. The papal legates were Cardinal Lorenzo Campeggio and Cardinal Thomas Wolsey. Seated to the legates' right were King Henry VIII and Queen Catherine. The Queen's counsel, Bishop Fisher, sat nearby. The Archbishop of Canterbury was also present along with the other bishops of the realm. Conrad's narration of the scene is riveting, and so is worth quoting at length:

King Henry told the legates that he had placed his doubts before all the bishops of the realm. And you know what? Not one of them disagreed. The king: "And so I did of all of you, my lords, to the which you have all granted by writing under all your seals, the which I have here to show [holding up the affidavits]." The archbishop of Canterbury responds, "That is truth if it pleases your highness. I doubt not but all my brethren here present will affirm the same."

There was a pause while the king waited for the unspoken assent of the bishops. In the silence, however, one voice rang out clearly from the queen's benches: "No sir, not I. You have not my consent thereto."

The king turned on Bishop Fisher in anger and showed him an affidavit with seals. "Look here upon this. Is not this your hand and seal?"

"No, forsooth, sir, it is not my hand nor seal," Fisher answered confidently.

The king then wheeled around on the archbishop of Canterbury. "Sir, how say you? Is this not his hand and seal?"

The archbishop looks down hesitatingly, then confirms the king's speculation, only to be confronted by Bishop Fisher. "That is not so, for indeed you were in hand with me to have both my hand and seal, as other of my lords had already done, but then I said to you that I would never consent to no such act for it were much against my conscience, nor my hand and seal should never be seen at any such instrument (God willing)."

The archbishop, looking for a way out, counters, "You say truth, such words as you had unto me, but at the last you were fully persuaded that I should for you subscribe your name and put to a seal myself, and you would allow the same."

But Fisher confronts all the power in the room assembled against him and without flinching says, "All which words and matter under your correction, my lord, and supportation of this noble audience, there is nothing more untrue."

The tension in the great hall was palpable. The archbishop did not attempt to answer. Nor did the king attempt to defend him. Instead, he passed the matter over with what amounted to an admission of the truth of what Fisher had said: “It shall make no matter. We will not stand with you in argument herein, for you are but one man.”

*“For you are but one man.”<sup>8</sup>*

We can learn much from three key phrases in this narrative. First, when the king asserts that he has the assent of all the bishops, the easy thing to do would have been for Bishop John Fisher to remain silent. Just imagine the courage, fortitude, and strength of conviction for Bishop Fisher to stand up before his king and all his brother bishops, including the Archbishop of Canterbury, and proclaim, “No sir, not I. You have not my consent thereto.”

Then, Bishop Fisher states clearly and succinctly why he cannot give his consent to the king’s demands: “For it was much against my conscience.”

The king’s pithy response is also worth noting: “You are but one man.”

How often do we talk ourselves out of doing the right things by telling ourselves, “I am just one person. What difference could I make?” Indeed,

Bishop Fisher's heroic stance did not prevent the king from doing what he wanted, and the Church of England with the monarch as its head persists to this day. But long after the Church of England disappears what will last is the truth to which Bishop John Fisher gave witness. The power of this witness can be seen in the fact that the name of John Fisher is remembered and venerated today as a saint, while the names of his fellow bishops who wavered out of fickleness have long been forgotten in ignominy.

Both Thomas More and John Fisher lost their lives for holding fast to the truth. They joined the company of saints through the martyr's door because they remained steadfast in the truth that Our Lord taught about the indissolubility of marriage. Why does that matter? Why did they not simply vacillate under pressure and disregard this vexing matter of the truth as Pontius Pilate found it so easy to do?

Saint Thomas More explained why very succinctly when he was summoned to Lambeth Palace to take the oath attendant to the Act of Succession. Refusing to take the oath, Thomas More said, "My purpose is not to put any fault in the Act or any man that made it, or the oath or any

man that swears it, nor to condemn the conscience of any other man. But as for myself in good faith my conscience so moves me in the matter, that though I will not deny to swear to the succession, yet unto the oath that is here offered to me, I cannot swear without the jeopardizing of my soul to perpetual damnation.”<sup>9</sup>

There you have it: the choice in the way we lead our lives is between perpetual damnation and eternal salvation. It was this clarity of vision and confidence of conviction that led John Fisher on the day of his execution to dress up in his finest clothes and tell his servant that this was his marriage day and “it behooves us therefore to dress for the solemnity of that marriage.”<sup>10</sup> Similarly, to the very end, Thomas More keeps his priorities straight, as attested by his famous last words before his beheading, “I die the King’s good servant, and God’s first.”<sup>11</sup>

### *Challenges of Secular Society*

Now I have spent so much time on Fisher and More because I would argue that we are living through a kind of *re-formation* of society – how we think about politics and law, legitimate authority and the human person –

that is not so remote from what they faced. The historical circumstances are very different, but the social confusion and some of the key issues of belief and conscience might have struck them as very familiar.

More refused to sign the Oath of Supremacy, but all of his family and friends did. Today, we are often faced with the temptation to deny the truth in order to avoid confrontations. I think we can imagine that we would like to serve a bishop like John Fisher, but serving a man who accepts death rather than making a small statement against conscience is hard. But when someone asks for our counsel, we should have the courage to encourage them to speak the Truth. Both More and Fisher were serving their two sovereigns faithfully, even as they were executed. It was faithful service to King and country to proclaim the truth. No one should accept the lie that we believe certain things only because we are Catholic—we believe them because they are true, and advocate for those truths in our legal work because they are necessary for human flourishing.

As an example of the current secular challenges of our time, recently I received a call from a doctoral student at a prestigious university which I

shall not name. Although I had never met him before, I could tell after just a short while on our video call that he was a devout Catholic. He said that he was looking for some academic as well as spiritual advice regarding his dissertation topic. As he explained, he wanted to do his doctoral research on a topic related to the Catholic Church. When he told this to his academic advisor, the professor was appalled and asked, “Why do you want to study the Catholic Church? Thirty years from now there won’t be anything left of the Catholic Church!” Unfortunately, that attitude is a challenge that many students face in academia, and not just in secular universities. But it is instructive about the difficulties we now face as a religious community in this country. Of course, faithful Catholics believe what Jesus said when He told Saint Peter, “You are Peter, and upon this rock I will build my church, and the gates of hell shall not prevail against it” (Matthew 16:18). And over the last eighty or so years, but especially since the Kennedy presidency, we have grown accustomed to a positive Catholic place in our nation’s public life. We Catholics have done very well in America; maybe too well for our own good.

The great Jesuit scholar of American life, John Courtney Murray, had exactly that worry. Murray argued that Catholics could make a real home for themselves in this country, despite its Protestant and Enlightenment roots. They could flourish and make a powerful difference by enriching the nation's public life with their faith. But he was very much a realist. In 1940, he gave a series of lectures on "The Construction of a Christian Culture."

This is what he said:

American culture, as it exists, is actually the quintessence of all that is decadent in the culture of the Western Christian world. It would seem to be erected on the triple denial that has corrupted Christian culture at its roots, the denial of metaphysical reality; [the denial of] the primacy of the spiritual over the material; [and the denial] of the social over the individual. . . . Its most striking characteristic is its profound materialism. . . . It has given citizens everything to live for and nothing to die for. And its achievement may be summed up thus: It has gained a continent and lost its own soul.

He added that, "in view of the fact that American culture is built on the negation of all that Christianity stands for, it would seem that our first

step toward the construction of a Christian culture should be the destruction of the existing one. In the presence of a Frankenstein, one does not reach for baptismal water, but for a bludgeon."<sup>12</sup>

Those are hard words, but not untrue. Instead of converting American culture, too many Catholics have too often been absorbed and digested by it, with their faith bleached into a collection of vanilla pieties. In effect, we are living in the most successful materialist culture in history, shaped by an implicit, very practical atheism; a culture where religion is not so much attacked, as buried and rendered irrelevant under an avalanche of distractions and appetites. In the end, what results is a society of more or less permanent unrest; a leadership class of opportunity and power; and a majority underclass who might live in relative comfort but are removed from any real personal agency or sense of higher purpose. Human beings cannot thrive without a belief in some larger meaning to their lives. This accounts for today's epidemic of despair in our country, especially among the less educated, as tracked by Harvard University's Brendan Case and his colleagues in Harvard's Human Flourishing Program.<sup>13</sup>

Drug use, anxiety, and alcohol poisoning have all increased over the last three decades. Marriage rates have declined. So has religious practice. The nation's manufacturing base that employed so much of the working and middle classes, and provided the less educated with dignity, has shrunk. The result is fundamentally a *spiritual* crisis, especially among men, with a sharp spike in what Case describes as "deaths from despair."

Fortunately, there is good news as well. Recent data from the Pew Research Center show that the religious decline of the last few decades seems to be stabilizing.<sup>14</sup> Moreover, hard times produce strong people. In my own ministry I have been surprised and encouraged by the quality of the young priests and lay apostolates I routinely encounter. They have energy. They have confidence. They are not afraid of the world they face. We need a lot more of them, but little seeds can produce big results. That is how any renewal starts.

My point here is simply this: We cannot hide from public life and its issues. We have the duty of courage; to be seeds of holiness in the time and place given to us; the duty to be witnesses of the Gospel.

## *Conclusion*

In conclusion, I have described some of the legal challenges that Catholic lawyers are facing these days, I have summarized some of the challenges posed by our secular society, and I have offered the example of Saints Thomas More and John Fisher with the hope that they will inspire and encourage you to be strong in facing the challenges of Catholic Lawyers in serving two sovereigns, the Church and the State.

John Fisher and Thomas More stood for the truth when it was hardest. They did so when the criticism was greatest. We know, of course, that it cost them their lives. Yet they gladly took that path because they knew it was the right one.

You are called to follow in their footsteps. No, you will not necessarily have to *give up* your life. But Christ still demands that you *give of* your life. To be a Christian is to serve and sacrifice in your daily walk of life. It means standing up to the winds and whims of the present age. It means living intentionally, rooted in the faith.

This is no easy task. The challenges we face are growing, not shrinking. The culture around us, including Presidents, governors, legislatures, judges—to say nothing of opposing counsel—all are urging us to abandon what we believe. Heroic courage is the antidote. It springs from our trust in God, and it is strengthened when we turn to God's grace. I know that I need that courage in my own position. I have no doubt that you do, too.

Nearly four hundred years after the deaths of Sir Thomas More and Bishop John Fisher and five years before their canonization, G.K. Chesterton remarked prophetically, "Blessed Thomas More is more important at this moment than at any moment since his death, even perhaps the great moment of his dying; but he is not quite so important as he will be in a hundred years."<sup>15</sup> He said that in 1929. One hundred years from then is less than four years from now! Yes, we need the example, inspiration, and saintly intercession of Saint Thomas More now more than ever!

Saint John Fisher once said, "A good man is not a perfect man; a good man is an honest man, faithful and unhesitatingly responsive to the voice of God in his life." These words describe what all of you can be. They are what

all of you must be. And I trust that they are what all of you will be, as Catholic lawyers, whether in the Church or in the world.

You carry a burden on your shoulders, but you do not carry it alone. Your burden is the cross, and you share it with the Lord. The Triune God, our Blessed Mother, and all the Saints are there to guide you, and help you serve as the faithful Catholic lawyer you were born to be.

May God give us this grace. Amen.

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<sup>1</sup> Statement on Counterclaim Filing by the Archdiocese of Chicago, March 24, 2025, <https://www.archchicago.org/en/statement/-/article/2025/03/25/statement-on-counterclaim-filing-by-the-archdiocese-of-chicago>

<sup>2</sup> <https://docs.legis.wisconsin.gov/statutes/statutes/108/02/15/h/2>.

<sup>3</sup> <https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=777152>.

<sup>4</sup> *Catholic Charities Bureau v. Wisconsin Labor Review Commission*, 605 U. S. \_\_\_\_ (2025) at 3.

<sup>5</sup> Robert Bolt, *A Man for All Seasons* (New York: Vintage Books, A Division of Random House, 1960), pp. 11 and 13.

<sup>6</sup> Robert J. Conrad, Jr., *John Fisher and Thomas More: Keeping Their Souls While Losing Their Heads* (Gastonia, North Carolina: TAN Books, 2021), p. 18, quoting Bolt, *A Man for All Seasons*, p. vii.

<sup>7</sup> Robert J. Conrad, Jr., *John Fisher and Thomas More*, p. 18.

<sup>8</sup> Robert J. Conrad, Jr., *John Fisher and Thomas More*, pp. 13-14.

<sup>9</sup> William Roper, *The Mirror of Vertue in Worldly Greatness or the Life of Sir Thomas More* (San Francisco: Ignatius Press, 2002), pp. 105-106; quoted in Robert J. Conrad, Jr., *John Fisher and Thomas More*, p. 17.

<sup>10</sup> Robert J. Conrad, Jr., *John Fisher and Thomas More*, pp. 42 and 132.

<sup>11</sup> Robert J. Conrad, Jr., *John Fisher and Thomas More*, p. 131.

<sup>12</sup> John Courtney Murray, S.J., “*The Construction of a Christian Culture*,” talks given at St. Joseph’s College, February 1940; accessed online April 21, 2025, at <https://library.georgetown.edu/woodstock/murray/1940a>.

<sup>13</sup> Brendan W. Case, “The Toll of Unbelief,” *First Things*, December 1, 2021; accessed online at <https://firstthings.com/the-toll-of-unbelief/>.

<sup>14</sup> Pew Research Center, “Decline of Christianity in the U.S. Has Slowed, May Have Leveled Off: Findings from the 2023-24 Religious Landscape Study,” February 26, 2025; accessed online at <https://www.pewresearch.org/religion/2025/02/26/decline-of-christianity-in-the-us-has-slowed-may-have-leveled-off/>.

<sup>15</sup> G.K. Chesterton, *The Fame of Blessed Thomas More* (London: Sheed & Ward, 1929), p. 63; quoted in Robert J. Conrad, Jr., *John Fisher and Thomas More*, p. 4.