



## RED MASS 2014 - FINAL REMARKS

### Justice Ming W. Chin

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I am honored to join you for today's 32nd Annual Red Mass. The Red Mass is an ecumenical recognition of the services of the judiciary, public officials, and members of the bar in our community. As you all may recall, it was first celebrated in Europe in the 13th century — a long time ago.

It is altogether fitting that the St. Thomas More Society of Los Angeles be the sponsor of the Red Mass. As Pope John Paul II said when he proclaimed Thomas More our Patron Saint, "[p]recisely because of the witness which he bore, even at the price of his life, to the primacy of truth over power, St. Thomas More is venerated as an imperishable example of moral integrity." For lawyers and judges, he is revered for his uncompromising dedication to the rule of law.

As a young man, Thomas More considered becoming a priest. But he fell in love and decided, as he put it, to be "a good husband rather than a bad priest." Thomas More's lifestyle, however, suggests that he would have been a very good priest had he so chosen. He committed himself to serving his community. He never indulged himself at the expense of others. He even wore a hair shirt against his skin as a constant reminder to live his life, not in the pursuit of personal pleasure, but in the service of others. Thomas More's commitment to serve others is consistent with the Jesuit philosophy (as well as that of Pope Francis) of educating men and women for others.

As a lawyer, Thomas More rapidly earned a reputation for intelligence and personal integrity. He was popular with King Henry VIII and rose to the high position of Lord Chancellor. During this period, he wrote *Utopia*, a classic description of a society modeled on reason and social justice.

The sixteenth century was a time when some members of the clergy were corrupt, and Martin Luther was openly challenging the authority of the Church. Henry VIII took advantage of this instability to defy the authority of the Pope and augment his personal power. Parliament supported Henry VIII's actions with the Act of Supremacy. It declared Henry the head of the Church in England and validated Henry's marriage to Anne Boleyn.

Thomas More no doubt opposed Henry's actions on religious grounds, but he also believed, as a principle of law, that Parliament lacked the power to legislate concerning matters of the Church. He resigned from his position as Lord Chancellor and, for speaking against the Act of Supremacy, was jailed in the Tower of London, stripped of his personal property and wealth, and placed on trial for treason. The court, dominated by the King's supporters, found More guilty and sentenced him to death. More wrote a number of devotional works while in jail, and accepted his death bravely.

St. Thomas More serves as the finest, and perhaps most extreme, example of a judge adhering to a position independently and as a matter of principle, however unpopular it may be. He knew all too well the fate that awaited him should he refuse the King's demands, yet he stood his ground. His steadfast adherence to what he believed the law required reminds us that judges must

sometimes make decisions that are politically unpopular. Judges must follow the law, despite the personal consequences, because the alternative is arbitrary state power. Thomas More gave up his life in service to the principle that the rule of law is for everyone, even kings. As Pope John Paul II said, More "distinguished himself by his constant fidelity to legitimate authority and institutions precisely in his intention to serve not power but the supreme ideal of justice."

The qualities Thomas More exemplifies are, of course, no less important to judges today, almost 500 years after his death. It is becoming increasingly popular for judges to be targeted for unpopular decisions. As former Supreme Court Justice Sandra Day O'Connor has said, judges "have become central villains on today's domestic political landscape." "[T]he breadth and intensity of rage currently being leveled at the judiciary may be unmatched in American history."

It is therefore important to remind ourselves why an independent judiciary is so important: to protect against internal threats to liberty. In trying to convince New Yorkers to ratify the Constitution, Alexander Hamilton said, " 'there is no liberty, if the power of judging be not separated from the legislative and executive powers.' " President Washington, in appointment letters to our nation's first Supreme Court justices, described the judiciary as "the chief pillar upon which our national government must rest" and "the keystone of our political fabric." Former Chief Justice Rehnquist said "it is not enough to have an impressive catalogue of individual rights in the Constitution if the judges who are called upon to enforce these rights are not truly independent . . . ." Thus, judicial independence "is every bit as important in securing the recognition of" the rights the Constitution grants "as is the declaration of those rights themselves."

Because an independent judiciary is the bedrock on which our liberty rests, we must, in the words of Justice O'Connor, "recommit ourselves to maintaining the independent judiciary the Framers sought to establish." We must follow the example of St. Thomas More and dedicate ourselves to the rule of law. Do we really want our judges to raise their hands to test the political winds each time they are called upon to make tough decisions? Or do we want judges to be fair, impartial, and independent? Let us choose the latter. Let us choose to follow the stellar example of St. Thomas More, so that the liberty we cherish will be preserved for all of us.