

Aware

A quarterly publication of Garrett-Evangelical Theological Seminary

Spring 2005

- 2 Presidential Perspective
- 3 Cutting Edges
- 4 Sharon Rader Becomes Bishop-in-Residence
- 4 Seminary Graduate Influences Supreme Court Decision
- 6 Sandy and Bill Rose Fund Leadership Scholarship
- 7 Monthly Giving
- 10 Class Notes
- 11 Dewey Sanders: Coast-to-Coast Walker
- 13 Nominations for 2006 Distinguished Alums
- 14 CBE Reunion Conference Highlights
- 15 Save the Dates
- 15 Poling to Offer Pastoral Care at International Conference
- 16 Calendar of Events

Are viewpoints from theologians relevant to secular real-world issues? A court case decision based on the research of a seminary graduate shouts a resounding, “Yes.”

By Kristin Aasmundstad Walsh

Eight months before the Supreme Court ruled that mandatory sentencing guidelines are unconstitutional on January 12, Judge William G. Young, Chief Judge of the U.S. District Court for the District of Massachusetts, declared them unconstitutional in the case *United States v. Green*. And the foundation of his argument had humble beginnings in the research of one of his interns, Elizabeth Agnew, a 2004 graduate of Garrett-Evangelical Theological Seminary in Evanston, Illinois.

While judges' chambers across the nation buzz with law school students serving as interns and clerks, seminary students aren't your usual fixtures there. Young got the idea to have a seminary intern by example; the bishop of the Episcopal diocese in Massachusetts had gone to Washington to be a Congressional intern, to learn more about government. Young liked the concept so much it inspired him to seek a seminary intern for his chambers. He contacted Mark Fowler, director of field education at Garrett-Evangelical and former pastor of his church.

Though a longtime worshipper at Carter Memorial United Methodist Church in Needham, Massachusetts, Young is clear that enlisting an intern with a specific religious viewpoint was not part of his agenda. "This is a secular operation here, and under the Constitution it must be, and I intend that it continue to be," he said. "But saying that it is a completely secular operation does not mean that it is not properly informed by all sorts of views."

In fact, to Young, almost more important than Agnew's being a seminary student was that she was not a law student. "It's helpful to have another voice at the table when discussing what are essentially issues of justice and fairness," said Young, who has had two more seminary interns since Agnew's internship in the summer of 2001. "Elizabeth brought the scholarly and interpretive approach of a respected seminary." She, in turn, gained a direct view of the inner workings of the judicial branch of government.

At one point having considered law school and harboring a continued interest in the intersection of theology and law, Agnew jumped at the opportunity. Still, she was burdened with doubts. "Would I be entering a world where everyone thinks theology is irrelevant? Would people care what I had to say?" were just a few. Agnew was



Elizabeth Agnew

pleasantly surprised. "I felt an openness in the other interns and the Judge to hearing my voice," she said.

Young invited Agnew to participate in weekly discussions he held with his interns to review cases, as well as to sit in on trials in the courtroom. She quickly proved her value. "She's bright, intelligent, committed," said Young. "She rapidly found that she could hold her own with my law interns in any discussion, and these are the cream of the legal crop coming out of law school."

The discussions were both technical and philosophical in nature, and that's where Agnew came in. "We ask a lot of questions. I can spin off a dozen technical questions that you need legal training to deal with," said Young. "But at the bottom, you're then saying, 'Is this fair? Is this just?' And those questions don't have an answer, and I think it's shallow to even pretend they do. What they have are means of analysis, and procedural safeguards to prevent special interests. The concept of justice always exceeds the human grasp. I'm trying to extend our grasp as far as we can, and I welcomed her voice. It was a wonderful voice."

Not only was she heard, Agnew ended up having a lasting voice in a way she never imagined. Her internship research was on sentencing guidelines, a topic she selected, given several options by Young, who says sentences are "in a way, small morality plays." Agnew's resulting paper made powerful arguments about why the sentencing guidelines are inherently flawed. So powerful, in fact, that Young found himself not only sharing the paper with his judge colleagues, but also using it as the basis of a 2004 ruling, when he was the first U.S. judge to declare sentencing guidelines unconstitutional in the case *United States v. Green*.

"Elizabeth made an extraordinary insight that I've used in opinions since then: that the sentencing guidelines put a premium on sentences being equal, but don't pay much attention to making the actual sentence commensurate with the offense," said Young.

The second half of Agnew's research paper related sen-

tencing guidelines to the scholarship of theologian John Wesley, though this section was unusable by Young due to its specifically religious references.

Young gives high praise to Agnew's insights. "She is without a doubt one of the nation's leading non-lawyer and non-judge commentators on federal sentencing policy, no doubt about it," he said.

Young claims he received no criticism from colleagues about his decision to have a seminarian intern. Known as a broad-gauged person who considers all sides of issues, this seemed just another manifestation of his approach. Young says he would accept a qualified seminary intern from any religious tradition as long as their seminary funded it (government money cannot be used to pay seminary interns).

Agnew's views were ultimately welcomed because they represented a broad perspective outside the confines of "the law." "The law is not something that is cabined off from life," said Young. "I live in the law; we all live in the law. A judge's major duty is to teach publicly held values. You can't be a good teacher unless you are viewing anything from every possible aspect. So I don't think these are separate at all."

While unsure what to expect, Agnew found the internship provided insight and direction. "The internship clinched for me that I wanted to study theology enough to make it through a PhD program," she said. "It helped clarify my specific interests in topics related to law, government and ethics." She is now a PhD student in theology at the University of Notre Dame and plans to teach either in a seminary or department of religious studies.

Somewhat paradoxically, the secular nature of the internship showed Agnew a clearer understanding of God and society. "I got a positive sense that God created us as a people who can have an ordered society, a government that can achieve some degree of justice," she noted.

This was her conclusion, despite glimpses of the imperfect nature of human justice. But Agnew sees it differently. "I believe God is justice itself. Since God created the world and redeemed it in Christ, the civil justice that takes place here should be able to mirror divine justice," she explained. "When it doesn't, it's not because faith is irrelevant to politics, but because justice on earth inevitably falls short of divine justice at times."

Though more than three years have passed since her internship with Judge Young, Agnew says it is nice to know that her work had an impact. "If sentences are being made more mercifully and more carefully because of an argument that I wrote, even in an indirect way, that would be powerful and amazing," she says. "To think that an academic paper would actually have an effect on people's lives."

Agnew is a member at Clay United Methodist Church in South Bend, Indiana, and is pursuing ordination as a deacon in the North Indiana Conference. She is a John Wesley Fellow and a Civitas Scholar. †