Scalia Attacks Church-State Court Rulings

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FREDERICKSBURG, Va., Jan. 12 (AP) — Justice Antonin Scalia of the United States Supreme Court said today that the courts had gone overboard in keeping God out of government.

Justice Scalia, speaking at a religious event, said the constitutional wall between church and state had been misinterpreted by the Supreme Court and lower courts.

As an example, he pointed to a ruling last year in California that barred students from saying the Pledge of Allegiance with the phrase "one nation under God." That appeals court decision has not taken effect, pending further consideration by the same court, but the Supreme Court could eventually be asked to review the case.

Justice Scalia, the main speaker at an event for Religious Freedom Day, said that past rulings by his own court gave the judges in the Pledge of Allegiance case "some plausible support" to reach their conclusion. The justice, however, said he believed such decisions should be made legislatively, not by courts.

The rally-style event drew a lone protester, who silently held a sign promoting the separation of church and state.

"The sign back here which says `Get religion out of government,' can be imposed on the whole country," Justice Scalia said. "I have no problem with that philosophy being adopted democratically.

"If the gentleman holding the sign would persuade all of you of that, then we could eliminate `under God' from the Pledge of Allegiance. That could be democratically done."

The rest of the crowd repeatedly cheered Justice Scalia, whose son Paul is a priest at a nearby Roman Catholic church. Several hundred people joined him in singing "God Bless America" after a brief Knights of Columbus Parade through downtown.

"He's the voice of reason on the Supreme Court," said Jim McFall, a retired Federal Bureau of Investigation agent who organized the parade. "His remarks were right on the money. The pendulum has swung too far and people have said `enough is
enough.' We'll see it swing back."

Justice Scalia used the event to repeat criticisms that the Constitution is being interpreted liberally. "It is a Constitution that morphs while you look at it like Plasticman," he said.

Though the Constitution says the government cannot establish or promote religion, Justice Scalia said, the framers had not intended for God to be stripped from public life.

"That is contrary to our whole tradition," he said, mentioning as examples the words `in God we trust' that appear on currency, presidential Thanksgiving proclamations, Congressional chaplains and tax exemption for places of worship.