

ALITO HIT WITH BOGUS CHARGES

A report by Americans United for Separation of Church and State on Supreme Court nominee Samuel Alito was the subject of commentary today by Catholic League president Bill Donohue:

“Americans United has just released a report on Samuel Alito that is rife with bogus charges. In the first paragraph, the report suggests that the First Amendment pits the Free Exercise clause against the Establishment Clause. But as Judge John Noonan has written, ‘There are no clauses in the constitutional provision. Clauses have a subject and a predicate. This provision has a single subject, a single verb, and two prepositional phrases.’ Noonan is correct. ‘Congress shall pass no law respecting the establishment of religion, or prohibiting the free exercise thereof’ is one clause, and both references to religion were meant to safeguard religion from the state, not society from religious expression.

“The report assumes that if Alito departs from rulings held by Sandra Day O’Connor that this is somehow unfair, thus implying that Alito should be placed in O’Connor’s jurisprudential straitjacket. Even more absurd is the spectacle of an organization that is ostensibly interested in religious liberty going bonkers whenever it discovers that Alito values religious speech as much as secular speech (e.g., see the section on the *Pinetetter* ruling on p. 7). Similarly, the report faults Alito for ruling that a first-grade child has a right to draw a picture of Jesus and have it displayed in school (Alito is also hammered for not wanting to censor the same kid from reading a selection from the Bible in class). And Alito is criticized for ruling that religious symbols like the crèche and menorah may be placed outside city hall if accompanied by secular symbols.

“If Americans United had its way, censorship would reign

supreme: there would be virtually no public expression of religion allowed, save for instances when religion is the subject of obscene attacks (e.g., dunking a crucifix in a jar of urine is not only fine by Americans United—the guardians of liberty think the artist is deserving of a federal grant).

“President Bush made an outstanding choice in selecting Sam Alito. I look forward to debating his nomination with his critics.”