

# JUSTICE SCALIA'S CATHOLICISM COMES UNDER FIRE

Michael Newdow, the atheist who wants the courts to ban the words "under God" from the Pledge of Allegiance, is now seeking to bar U.S. Supreme Court Justice Antonin Scalia from having any say in this case. Newdow's court filing maintains that Scalia's public remarks on religion disqualify him from objectively ruling on this case. The high court will soon decide whether to hear the case.

Catholic League president William Donohue sized up the issue this way:

"Atheist Michael Newdow is not satisfied to censor the words 'under God' from the Pledge of Allegiance. Now he wants to censor Justice Scalia. While the case before the court is a non-sectarian one, the attack on Justice Scalia smacks of anti-Catholicism.

"A disturbing trend is under way to remove practicing Catholics from the judiciary. Over the summer, U.S. Senators on the Judiciary Committee sought to employ a *de facto* religious test against circuit-court hopeful Bill Pryor. Then we had the spectacle last week of Cleveland attorney Jay Milano contending that no Catholic judge should be allowed to sit on a case he is bringing against the Catholic Church. Now we have Newdow trying to silence Justice Scalia for expressing his Catholic views on religion.

"Justice Ruth Bader Ginsburg wasn't in office a few months before she gave an impassioned address on women's rights at Columbia Law School. Twenty months into her tenure as a Justice of the Supreme Court the *Washington Post* wrote a lengthy front-page story on how vocal she is about her convictions. But no one then, or now, has ever said she is

unfit to hear cases that touch on sex or sexuality. If such a rule were operative, then she would have been denied the chance to rule on the recent sodomy decision: at an ACLU board meeting in 1975, she addressed the ACLU's policy on homosexuality by arguing against laws that criminalize sex between adults and minors! Statutory rape laws, she said, were suspect.

"Ginsburg is safe because her critics are not despotic. Pryor, Cleveland Catholic judges and Scalia are not because their critics are."