

# PLEDGE CASES STRIPPED FROM COURTS

Catholic League president William Donohue commented on today's decision by the House of Representatives to prevent the federal courts from ruling on whether the words "under God" should be deleted from the Pledge of Allegiance:

"Given the reckless disregard that so many judges have shown for the plain language of the Constitution, it is entirely understandable that the House would move to prohibit the federal courts, including the Supreme Court, from hearing cases involving the Pledge. But this is the wrong remedy: much more drastic action is needed.

"Court stripping is too tame a remedy given the undemocratic nature of today's courts. What is needed is a constitutional amendment that would prohibit the Supreme Court from nullifying congressional legislation unless the opinion were unanimous. The Congress should then be allowed to override a unanimous high court veto by a two-thirds vote in both houses.

"A version of this position was first broached by Chief Justice John Marshall, and was more recently proposed by the former-Marxist political philosopher Sidney Hook. Writing in the early 1960s, Hook argued that the powers exercised by the federal courts were profoundly undemocratic and were in need of being curbed. That the courts have become even more undemocratic since is indisputable.

"Those who doubt the necessity of implementing this change should read the intellectual arrogance that colors today's decision by the Florida Supreme Court striking down a law that

the Florida legislature had passed regarding the case of Terri Schiavo. 'It is without question an invasion of the authority of the judicial branch for the Legislature to pass a law that allows the executive branch to interfere with the final judicial determination in a case,' wrote Chief Justice Barbara Pariente. Such hubris is not uncommon among judges these days, and that is why a constitutional amendment along the lines advanced by Marshall and Hook is urgently needed."