

Justice Scalia was more Catholic than the Pope

On Saturday night, a lunatic by the name of Jason Brian Dalton went on a weekend killing spree in Michigan. The next day, contradicting the official Catholic Catechism, Pope Francis called for the worldwide abolition of the death penalty.

The pope doesn't have to worry about Dalton getting the electric chair or a lethal injection. Michigan does not have the death penalty, which means Dalton, even if convicted of murder, will be entitled to a life at taxpayers' expense—complete with three meals a day, free health care and cable TV.

On the same day that the pope spoke out against capital punishment, the late Justice Antonin Scalia, a Catholic, was laid to rest. Scalia had said that judges who oppose capital punishment should resign. But that's not a contradiction of church teaching. Article 2267 of the Catholic catechism, an authoritative compendium of church teaching, says the church "does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives" against criminals.

Scalia said the death penalty is not immoral and noted that support for it has been part of Christian and Catholic tradition in the old and new testaments.

The pope said, "The commandment 'You shall not kill,' has absolute value and applies to both the innocent and the guilty."

But that's not what Christianity or Catholicism teaches. As noted by Cardinal Avery Dulles in the April 2001 issue of *First Things*, "Turning to Christian tradition, we may note that the Fathers and Doctors of the Church are virtually

unanimous in their support for capital punishment, even though some of them such as St. Ambrose exhort members of the clergy not to pronounce capital sentences or serve as executioners.” He noted that St. Augustine wrote in The City of God:

“The same divine law which forbids the killing of a human being allows certain exceptions, as when God authorizes killing by a general law or when He gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, ‘Thou shalt not kill’ to wage war at God’s bidding, or for the representatives of the State’s authority to put criminals to death, according to law or the rule of rational justice.”

The pope’s comments were widely covered, but news outlets failed to point out that the pope’s position is definitely anti-Catholic and anti-Christian.

The pope appealed “to the consciences of government leaders” that they might join the “international consensus for the abolition of the death penalty.” The official Vatican Radio Network said he “spoke directly to Catholic leaders,” asking them, as a “courageous and exemplary act,” not to carry out any death sentences during the Holy Year of Mercy.

Scalia would have disagreed. In fact, Scalia’s final order was to deny the stay of execution of a Texas man, Gustavo Garcia, who was sentenced to death. The loony-left site ironically named “Think Progress” ran a story headlined, “Scalia’s Final Order Was To Let This Texas Man Die.” It was as if Scalia had failed to save the life of an innocent man. Garcia was executed by the state of Texas on February 16.

Who was this man? CBS News reported, “Court documents show Garcia shot [Craig] Turski in the abdomen on Dec. 9, 1990, then reloaded and shot the man in the back of the head. A

month later, Garcia and [Christopher] Vargas entered a Plano convenience store armed with a sawed-off shotgun and carried out a holdup in which another clerk, 18-year-old Gregory Martin, was fatally shot in the head."

The so-called "Think Progress" website fretted that "a commonly used lethal injection cocktail causes the sensation of being burned alive."

It had no comment on the sensation of being shot in the head by a criminal.

In another recent case, the Supreme Court ruled 8 to 1 that death sentences handed down against three men, in what became known as the "Wichita Massacre" in 2000, should not have been tossed out by Kansas' highest court. Scalia wrote the decision. The sole dissenting opinion came from Supreme Court Justice Sonia Sotomayor, an Obama appointee who was confirmed by the Senate in 2009 in a largely party-line vote, 68 to 31.

The case involved what the court called a "notorious Wichita crime spree [which] culminated in the brutal rape, robbery, kidnaping, and execution-style shooting of five young men and women." The victims were white and the Carr brothers are black.

Hearing the case last year, Justice Samuel Alito said it involved "some of the most horrendous murders that I have ever seen in my 10 years here. And we see practically every death penalty case that comes up anywhere in the country. These have to rank as among the worst."

The Wichita Eagle reported:

"Underscoring the court's apparent tilt, Justice Antonin Scalia took the unusual step of reading, at length, a detailed account of the Carrs' December 2000 crimes: The brothers broke into a Wichita home on Dec. 15, where they forced the three men and two women inside to have sex with each other while

they watched, then repeatedly raped the women over about three hours.

“The brothers then forced the victims to withdraw money from ATMs before taking them to a soccer field at 29th Street North and Greenwich, making them kneel and shooting each one in the head.

“Four of the victims died, but one woman survived a gunshot wound to the head because a plastic clip in her hair deflected the bullet. She ran naked through the snow for help and later testified against the brothers at trial.”

Sedgwick County, Kansas, District Attorney Marc Bennett commented, “More than one family member from the Carr case commented as to how much it meant to them when Justice Scalia cut through all the legalese and recited the litany of brutal acts back to one of the attorneys for the defendants.”

By contrast, Reuters reported that Pope Francis made his comments “to throw his weight behind an international conference against the death penalty starting Monday in Rome and organized by the Sant’Egidio Community, a worldwide Catholic peace and justice group.”

You know that when you hear the words “peace and justice,” you’re dealing with the far-left.

This constitutes nothing less than an attempt to impose what has been called a “new global legal order” on the United States. It’s an insidious campaign to replace U.S. law with “international law” and United Nations treaties.

In a 1999 case, *Knight v. Florida*, Clinton-appointed U.S. Supreme Court Justice Stephen Breyer voted to give a stay of execution to a convicted killer scheduled for execution on death row in Virginia. He cited several foreign court rulings as justification for his decision.

Breyer has actually written a book, *The Court and the World: American Law and the New Global Realities*, which *The New York Times* noted had raised the question, “Does foreign law have a place in interpreting the American Constitution?”

Calling the book “lucid,” the paper said that “Breyer contends that events in the world have effectively resolved the foreign law controversy. Playing the judge as enlightened modern technocrat, he offers a reasoned elaboration of the mounting costs that judicial isolationism would entail in our increasingly interconnected world. Globalization, he argues, has made engagement with foreign law and international affairs simply unavoidable.”

The *Times* forgot to mention that a Supreme Court justice takes an oath swearing allegiance to the U.S. Constitution. So why aren’t Breyer’s views grounds for removal from office?

That oath is:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

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