

'Herald' Says Justice Scalia Makes 'Obscene Gesture'

By E&P Staff

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NEW YORK Emerging from mass in Boston on Sunday, U.S. Supreme Court Justice Antonin Scalia made an "obscene gesture" in responding to a question from a reporter, according to Monday's Boston Herald.

A Herald reporter outside the Cathedral of the Holy Cross had asked Scalia, 70, if he faces much questioning over impartiality when it comes to issues separating church and state. "You know what I say to those people?" Scalia replied, making the "obscene gesture, flicking his hand under his chin," the Herald reported. He explained, "That's Sicilian."

A photographer with The Pilot, the Archdiocese of Boston's newspaper, caught the moment. "Don't publish that," Scalia told the photographer, the Herald said.

The Herald today called it "conduct unbecoming a 20-year veteran of the country's highest court - and just feet from the Mother Church's altar."

Later Monday, however, the Associated Press reported that Scalia had merely used an Italian hand gesture. "It was a hand off the chin gesture that was meant to be dismissive," Supreme Court spokeswoman Kathy Arberg said.

According to AP: "The sign he used in Boston is frequently used by Italians to express displeasure with someone - from mild to deep irritation. It is done by cupping the hand under the chin and flicking the fingers like a backward wave."

The controversy came on the same day that Newsweek reported on a tape recording of a March 8 lecture by Justice Scalia in which he ridiculed legal claims by detainees of Guantanamo Bay as "crazy." The Supreme Court is now hearing a challenge to the legality of special military tribunals for suspects held at the U.S. prison camp in Cuba.

"War is war, and it has never been the case that when you captured a combatant you have to give them a jury trial in your civil courts," Judge Scalia said, during the talk at the University of Freiburg in Switzerland, according to Newsweek. "Foreigners, in foreign countries, have no rights under the American Constitution... Nobody has ever thought otherwise."

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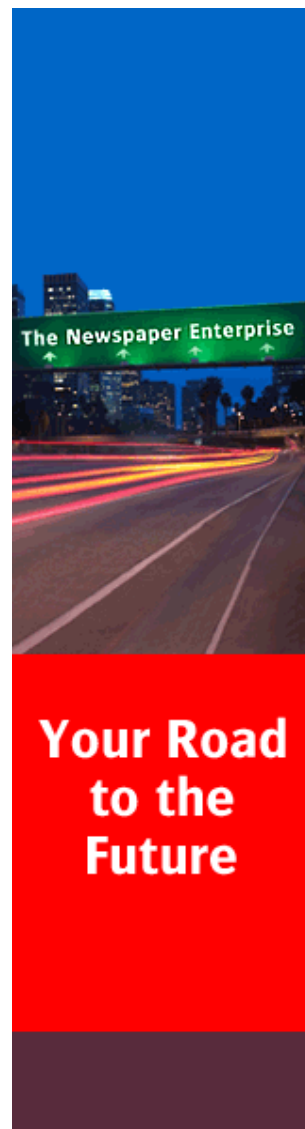
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