



REMARKS BY SECRETARY EUGENE SCALIA
COLUMBUS DAY AND OUR AMERICAN HERITAGE
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Thank you, Dr. Kempton, for that introduction and thank you for the important work Franciscan University does to educate young people and inform and fortify their faith.

I'm here today to celebrate Columbus Day, but I'd remiss if I didn't say a word about another extraordinary Italian, for whom this school is named. Nearly eight hundred years later, St. Francis's holiness, courage, and the sheer range of what he did and stands for are still breathtaking. His influence is even more apparent today than it was then; his example is no less powerful.

This day, Columbus Day, has been part of our American heritage for more than a century. There are some now who would like to do away with that commemoration. My message is that would be a mistake. Columbus Day stands for ideals and principles that are woven into the fabric of our nation, and which are as important today as they were on the first Columbus Day in 1892. They are ideals and principles that underlie some of the programs we administer at the Department of Labor. And they are ideals and principles that Columbus Day's critics actually claim to share. So I want to spend a few minutes with you today exploring—pardon the pun—why Columbus Day remains an important and fundamentally American holiday.

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The Book of Proverbs tells us, "The human heart plans the way, but the Lord directs the steps." That verse must have occurred to Christopher Columbus when he reflected on his journey to the New World. For one, he nearly never made it. On his first voyage west into the unknown, his crew mutinied more than once, frightened of the lands that lay—or maybe didn't lie—ahead. Columbus's geography was of course hopelessly wrong, landing him on the edge of—for him—a new continent, instead of India, China, or Japan. Today we can be grateful that the mutinies and Columbus's plans failed. He opened the way to a New World, and to a nation that remains a beacon of freedom to the whole world.

But although Columbus survived a 15th century mutiny, he wasn't so lucky this past summer. On the 4th of July, a mob in Baltimore toppled a statue of Columbus, dragged him to the harbor, and thrust him in the bay. When the deed was done, one of the mob shouted, "This is the only way we can stop hatred." Across the country, more than 30 statues of Columbus have been or are scheduled to be removed, according to press accounts. Just a couple hours from here, in the capital city of this great State, two Columbus statues have been removed.

Obviously that's not going to fully solve the problem, since you still have the city's name. But a plan's been proposed for that, too: changing Columbus, Ohio to Flavortown, Ohio—in honor, I'm told, of a celebrity chef. After safely crossing the Atlantic eight times, this is how deep Columbus has sunk.

I hasten to add that this year, Columbus is not alone. In fact he's in what you'd think is pretty good company. Back home in the nation's capital—the District of Columbia—a committee appointed by the mayor recently recommended that the city “remove, relocate, or contextualize” not just a statue of Columbus, but the Washington Monument and Jefferson Memorial, too. A famous statue of Abraham Lincoln, paid for by freed slaves, in which he holds the Emancipation Proclamation and stands beside a young black man who is crouching and beginning to rise from his shackles of slavery—activists want that one ripped out, too. In San Francisco, statues of Francis Scott Key, Ulysses Grant, and Father, now Saint, Junipero Serra have been wrenched from the ground.

A visitor from another era might ask, who would do such things? Revanchist loyalists of King George III? The ghost of Jefferson Davis? No: Activists who want to fundamentally redefine how we view our nation's character and legacy.

These revisionists want us to see America, from the arrival of the earliest settlers, as oppressive and discriminatory at its core. Hence the “1619 Project,” published last year by our self-styled newspaper of record, *The New York Times*. The *Times* explained that 1619 was the year chattel slavery was “inaugurated” in the North America colonies, and said the 1619 Project would “reframe American history by considering what it would mean to regard 1619 as our nation's birth year.” The project's creator wrote, “Anti-black racism runs in the very DNA of this country,” and “[o]ne of the primary reasons some of the colonists decided to declare their independence from Britain,” she said, “was because they wanted to protect the institution of slavery.”

This portrayal of American history has been vigorously denounced by some of our most prominent historians. And in truth our nation's origin is straightforward and encapsulated by Abraham Lincoln: We are a nation conceived in liberty, and dedicated to the proposition that all men are created equal. That is what Thomas Jefferson declared for the Continental Congress, when breaking from England to pursue our unalienable, God-given rights. “The establishment of Civil and Religious Liberty,” George Washington said of the Revolutionary War, “was the Motive which induced me to the Field.” Charles Carroll, a Catholic signer of

the Declaration, called the principles in the document the “best earthly inheritance” he could leave future generations.

Of course, we know that the Founders did not fully live according to the ideals they espoused. They were sinners; they were fallen—in that respect, they were like all of us here. And they lacked the vision to fully see the implications and promise of what they wrote. But they supplied the vision and principles for generations of Americans to forge the freest nation on earth—and they had the genius to craft a Constitution that made fulfilling those ideals possible. When Lincoln appealed to the better angels of our nature, he appealed to the ideals in those founding documents. His great contemporary, Frederick Douglass, said the Constitution wasn’t a “proslavery instrument” but a “glorious liberty document.” And a century later, on the steps of the Lincoln Memorial, Martin Luther King called us to account by invoking the words of the Founders: “When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence,” he said, “they were signing a promissory note.” King was there to collect payment. He is a hero of mine both for his courageous fight against inhumanity, and for the patriotic way he did so, calling on America to be even more American—to be ever truer to the Founders’ vision.

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Well, I’ve been speaking of America, when you came to hear about Columbus. But the two are closely linked—so much so that some early Americans wanted to name the nation Columbia. What did earlier generations of Americans see in Columbus, and what should we see now?

History has not been very forthcoming about Columbus—key facts about his life remain uncertain, and the mythology that surrounded him obscured realities that recently have received more attention. Sometimes, admittedly, that makes for the best heroes—more symbol than person, more an idea than a tally of individual virtues and vices.

Columbus had grave faults. He participated in the slave trade—as did others in his day—and was a harsh, at times inhumane ruler of indigenous people he subjugated.

Many of the men and women we admire from centuries ago had grave failings. Washington and Jefferson held slaves. Lincoln made statements about Blacks that we would never countenance today. Reaching farther back in time, St.

Thomas More sanctioned practices toward Protestants that we strongly condemn—so did Queen Elizabeth toward Catholics. But these men are our forebears, they achieved and stand for great things, and it is for *those* things—not for their errors—that we admire and hold them as examples today. (Leaders of the Confederacy present a separate question, for this reason.) The failings of great men and women should remind us of human frailty—and of our own. Their failings counsel our own humility. They do not counsel condemning, today, people of another era who—in their imperfect, fallibly human way—built the extraordinary land of freedom and opportunity that we are fortunate to enjoy.

So if we love this country—and we do—we are right to credit Columbus for opening the way to a New World. And that was of course a large part of what made him a fitting hero for a new nation. For 18th century American revolutionaries, Columbus was a widely-known forbear, and he was not British—few people could check both those boxes. He had displayed great courage—no one in his world knew what lay West, and it was an act of daring and vision to sail that direction toward Asia, with limited provisions and a huge expanse of ocean behind him. What Columbus found at the edge of that expanse was—for Europeans—a New World with boundless possibilities. Those possibilities allowed a break from the Old World, something that Washington, Jefferson, and their contemporaries were now striving to achieve. The New World was already being called “Columbia,” personified by a statuesque female figure who could stand shoulder-to-shoulder with “Britannia.” This gave us the District of Columbia, the Columbia River, and Columbia, South Carolina. King’s College in New York City—named for George II—was renamed Columbia University.

Through the centuries, Columbus came to represent the spirit of adventure and discovery that we associate with America—our faith in our capacity to seek and find something new and better. We have many heroes who personify our political ideals, but no figure so associated with the questing, the entrepreneurialism, the hope in the new that is part of the American spirit. No other figure so represents our aspiration to make, here in this country, something new and better than the oppression and rigidity associated with that Old World.

Hence, President Franklin Roosevelt described Columbus’s discovery as the promise of “a new beginning in the march of human progress.” President Reagan called him a “dreamer, a man of vision and courage,” whose “adventurous spirit lives on among us.” President Benjamin Harrison, in the first national Columbus Day proclamation, called him “the pioneer of progress and enlightenment.” In his celebrated biography of Frederick Douglass, the historian David Blight recounts

how a book called *The Columbian Orator* “changed [Douglass’s] life.” The *Columbian Orator* was a collection of patriotic—and anti-slavery—writings that Douglass used to teach himself to read, to deliver speeches, and Blight says, to develop a “vocabulary of liberation.”

The first national recognition of Columbus Day was in 1892, the 400th anniversary of the explorer’s arrival in the New World. Benjamin Harrison presented it as a unifying, patriotic day—here, not so long after the end of the Civil War, was a national hero who was neither North nor South, not Virginian and not New Englander; a hero who predated and transcended all that. In proclaiming Columbus Day, Harrison called for exercises at every schoolhouse to “impress upon our youth the patriotic duties of American citizenship.” One of those exercises would be a new Pledge of Allegiance, a statement of loyalty to the nation’s flag and founding ideals.

You know the words. Students pledged allegiance to the *Republic*—not the authoritarian regimes of the Old World. They pledged to *one nation, indivisible*—a reference to the divisions that had nearly torn the nation apart in the Civil War. And they pledged *liberty and justice for all*.

This brings us to another crucial—and for some of us, more personal—significance to Columbus and Columbus Day. The mid-to-late 19th century had seen swelling numbers of Catholic immigrants to America from Ireland, Germany, and Italy. These men and women were subjected to systemic discrimination and derision. They were accused of divided loyalties—of being agents of the Pope. As Catholics set up their own schools, more than 35 States adopted “Blaine Amendments,” to bar government funds from ever aiding those schools. In a Supreme Court decision last Term, Justice Alito called the federal legislation on which these amendments were modeled an act of “virulent prejudice against immigrants, particularly Catholic immigrants.” The Ku Klux Klan was an active supporter.

Immigrants from Italy were subject to particularly severe attack. In New Orleans in 1891—a year before that first Columbus Day proclamation—a mob broke into a jail and killed 11 Italian immigrants, who had just been acquitted of murdering the city’s police chief. *The New York Times* noted with satisfaction the death of these “sneaky and cowardly Sicilians... a pest without mitigations.”

Nearly 100 years after the first Columbus Day, when my father was appointed to the Supreme Court, he was surprised and moved by what it meant—

how important it was—to Italian-Americans to have an Italian-American sit on the nation's highest court, a riposte and rebuke to those who, even to that day, mocked Italian-Americans as gangsters and mobsters.

Back in the 19th century, in the face of sharp hostility associated with religion and national origin, Columbus became a powerful symbol of the claim of Italian, Irish, and other Catholic immigrants that they were fully American. The nation's Protestant elite proudly claimed forebears among the sons and daughters of the Revolution; Columbus was an equally proud answer that Italians and Catholics, also, had roots in the nation's founding and a claim to be fully American. Many American Indians would make a similar point a century later, when they asked to be recognized as Native Americans.

Ten years earlier—in 1882—the Knights of Columbus had been founded, a Catholic fraternal organization dedicated to charitable work, particularly toward families that had lost a breadwinner. One historian has explained that for the Knights, “Columbus was a world hero against American nativism, a symbol providing ‘social legitimacy and patriotic loyalty.’” I'm honored the Knights of Columbus are with us this evening.

The Knights were leading proponents of that first national Columbus Day celebration, in 1892. But that celebration held meaning for more than Catholics and Italians. More than 15,000 schoolchildren marched in a Columbus Day parade in New York City. A leading historian of Italian-Americans, Dr. William Connell, tells us the participants included students from public schools, Catholic schools, the Hebrew Orphanage Asylum, and a Native American marching band. And Connell suggests that the Italians murdered in New Orleans may not have been the only massacre on Harrison's mind when he signed that first Columbus Day proclamation—just a year before that, the U.S. Army had killed as many as 300 Lakota Sioux at Wounded Knee. The first Columbus Day, Connell tells us, “was supposed to recognize the greatness of all of America's people, but especially Italians and Native Americans.” The celebration, he writes, marked “the first encounter that brought together the original Americans and the future ones.”

Let me say a word about Native Americans, who of course found the New World before Columbus, who suffered terribly as this nation grew, and who in their own way stand for a spirit of freedom that we hail as American. There is a movement to re-designate Columbus Day in honor of Native Americans. But to honor Native Americans, you need not dis-honor Italian-Americans and Catholics and denigrate a day that for millions of Catholics represents an early turning away

from the nativism and Know-Nothing-ism that buffeted them in 19th century America. That first Columbus Day welcomed Catholics and recent immigrants as equal sharers in the American dream, and acknowledged—if only for a day—Native Americans as rightful participants in our national heritage. Maligned by progressives today, Columbus Day was an early celebration of something progressives purport to value—diversity and inclusion.

In fact, Columbus Day is a more meaningful reflection on American diversity and inclusion than what masquerades as diversity training in some workplaces today.

Recently we learned of so-called diversity training given to employees of the U.S. Department of the Treasury, who were taught that “virtually all White people, regardless of how ‘woke’ they are, contribute to racism.” Workers at one federal laboratory were given materials telling them that racism “is interwoven into every fabric of America.” At another federal lab, workers were told that an emphasis on “rationality over emotionality” is a characteristic of white males. The Smithsonian Institution was shamed into removing from its website a graphic which taught that hard work and believing in one God are “aspects and assumptions of whiteness.”

These blunderbuss assertions are false. My father was the son of an Italian immigrant who—my father once wrote—“came to this country when he was a teenager,” and “never profited from the sweat of any black man’s brow.” There are “many white ethnic groups,” my father wrote, “that came to this country in great numbers relatively late in its history” and “not only took no part in . . . the major historical oppression” of Blacks and others, but instead were “themselves the object of discrimination.”

So no, harboring racist views is not the shared heritage of white Americans. For many it’s quite the opposite, as Columbus Day reminds us: Catholics, Irish, Italians, Poles, Jews, and others had their own struggles gaining acceptance in American society. Columbus Day is a day about overcoming that; it’s a day that was first set aside to embrace this country’s diversity and welcome all citizens into the American polity, regardless of creed or national origin. Our nation did not establish Columbus Day to commemorate oppression or discrimination, we established Columbus Day to overcome it.

Because training like I described a moment ago is false and offensive and even injurious, President Trump signed an Order last month that bars race and sex stereotyping and scapegoating in training programs at federal workplaces and of

federal contractors. By this we mean workplace training programs that attribute particular traits or status to someone because of his or her race or sex, as well as training programs that assign blame or bias to someone just because, again, of that person's race or sex. The Order makes clear that ascribing racist or sexist intentions to a worker just because of his race or sex is not only hurtful but a violation of law, which requires—in the case of federal employees, for example—that all “receive fair and equitable treatment in all aspects of personnel management without regard to’ race or sex.”

Under the President's Order, the Department of Labor's Office of Federal Contract Compliance Programs will implement the requirement that federal contractors not engage in race or sex stereotyping or scapegoating. We've already set up a hotline to receive complaints from concerned employees, and we'll soon be issuing a public request for information to learn more about the types of training and workshops provided to employees of federal contractors.

I should be clear about what the President's new Order does not do. It does not prohibit workplace training about non-discrimination and equal opportunity—that training is important, the Labor Department encourages it, and in some instances we require it. Nor does the Order prohibit the diversity training offered by countless American employers; training that, like my remarks today, emphasizes the importance of recognizing the value and worth of people of all races and creeds. American employers should value diversity and take extra strides to assure opportunity for those who in the past have been denied it—although they must do so in a way that does not discriminate against others based on race, ethnicity, or other protected characteristics. Finally, the President's Order does not prohibit trainings about pre-conceptions or biases that people may have—regardless of their race or sex—about people who are different, and which could cause slights or even discrimination that's not intended. What the Order does prohibit, though, is instruction in which federal contractors tell workers that because of their particular race or sex, they are racist, morally culpable, or less worthy of being heard.

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My remarks to this point have focused on Columbus Day's origins as a day about what today is called diversity and inclusion. Let me say a few words about a particular kind of inclusiveness—and a particular kind of discrimination—that were on people's minds that first Columbus Day, and which remain a subject worthy of reflection today. That is respect for people of different faiths, including

Catholics' right to live their faith while participating fully and equally in American civic life.

Not long ago, a nominee to the federal courts was subjected to pointed questions by two U.S. Senators for being a member of the Knights of Columbus. One Senator noted that the head of the Knights had described abortion as “a legal regime that has resulted in more than 40 million deaths”; the Senator asked the judicial nominee if he was “aware that the Knights of Columbus opposed a woman’s right to choose when you joined the organization?” The Senator also asked, “Were you aware that the Knights of Columbus opposed marriage equality when you joined the organization?” A second Senator accused the Knights of taking “a number of extreme positions,” and asked the nominee if he would resign his membership, “to avoid any appearance of bias.”

As this audience well knows, this nominee was being attacked for belonging to a Catholic organization that is active in thousands of parishes throughout the country, and which espouses the teachings of the Catholic Church. His Catholicism was being used to question his fitness for office, a form of discrimination to which the Knights of Columbus—and Columbus Day itself—stand opposed.

This suspicious treatment of active participation in the Catholic community is apparent, too, in statements about President Trump’s inspiring nominee to the Supreme Court, Amy Coney Barrett. As we saw today, Judge Barrett is an accomplished scholar and judge and the mother of seven. She has been active in a charismatic Christian group in South Bend known as People of Praise. Her vibrant faith caused one Senator to caution at the Judge’s hearing for a court of appeals position three years ago, “the dogma lives loudly within you, and that’s of concern.”

Allow me to suggest this: Let’s not cancel Columbus Day while some in high office are still internalizing its message of religious inclusiveness.

The “fastidious disdain toward religion” I’ve been describing—to quote William Bennett—is also reflected in a rule adopted several years ago, which we at the Labor Department recently proposed eliminating. One of the great gifts of people of faith to this country, and to humanity, is care of the poor and needy—a calling exemplified by Christ, and by St. Francis. But in 2016, the federal government adopted a rule saying that when religious organizations receive federal funds in connection with providing charitable services, they have to warn the people they help about their religious character. If the aid recipient objects, the

organization has to give him the name of a non-religious organization he can go to instead. Additionally, a religious group has to tell aid recipients how to file a complaint with the federal government if the group's religious activities infiltrate the services it's providing.

These federal requirements single out religious organizations for special burdens that are not placed on others; they cast suspicion on people of faith providing services that they feel called to offer, and which they have performed marvelously for millennia. As I said, we are in the process of a regulatory proposal to remove these rules, so religious grantees are treated equally. But the rules' adoption reflects, I believe, the same new, bold challenge to religion that we have seen in recent treatment of judicial nominees.

This defies a respect for religion deeply rooted in our Constitution and national tradition. "Of all the dispositions and habits which lead to political prosperity," George Washington counseled in his Farewell Address, "Religion and morality are indispensable supports." The Framers believed that by fortifying our faith, we fortified our country. And they believed passionately in religious freedom and permitting people of all faiths to participate fully in American political life.

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So today, Columbus Day, we reflect on the thrill of discovery of a New World, and the opportunity it presented to "make the world anew," freed from the religious wars, hereditary monarchies, and class restrictions that burdened the Old World. The hope, the optimism, the capacity for change in a New World are part of our heritage as Americans. When Columbus set sail to that New World, he set us all on course to a better world. We should never forget that.

Columbus Day is a reminder, too, of the challenges and ostracism faced by earlier generations of Americans on account of religion and ethnicity. Encountering that skeptical resistance—and surmounting it—is part of our shared patrimony as Americans. This day, Columbus Day, began as a day to bring us together, regardless of religion or ethnicity. The Americans to whom we extend this invitation is broader now than in the 19th century. Some of the late-comers to that invitation—I'm thinking particularly of African-Americans—are those who suffered most, by far. But we do not continue on the path the Founding Fathers charted by abandoning Columbus Day. Rather, we become better Americans by using this day to recall the newness, novelty, and promise of this great nation, and

how welcoming those different from us has not always come easily in America, but has been one of our greatest sources of strength.