

Senator Kennedy and His Critics

TWO WEEKS AGO under the title "A Catholic for President?" we published our own editorial comment on Senator Kennedy's Church-State position as reported in a recent issue of Look. In view of wide public interest and the importance of the subject, we are here presenting significant excerpts from opinion in the Catholic press on Senator Kennedy's remarks. The full text of his statement as quoted in Look appears on the following page. Further comment by us may be found on page 635.

THE EDITORS.

AMERICA

Article XI, para. 3 of the Constitution serenely declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States." If the Founding Fathers, at a time when the "pretensions" of Rome were vividly present to Protestant minds, saw no reason why a Catholic could not conscientiously serve the public, what has happened since then to change things?

Sen. John F. Kennedy, in his March 3 *Look* interview, submitted himself, in effect, to such a religious test. We hope, not too confidently, that it is the last of its kind. We do not agree with the magazine's statement that, in the forthcoming campaign, "a Catholic candidate would have to give his views on his religion." This kind of cross-examination, directed as it is solely to Catholics, as Catholics, is discriminatory, insulting and without pertinence in terms of the U. S. Constitution.

Our own reaction to the controverted *Look* interview is one of impatience at the earnest Massachusetts Senator's efforts to appease bigots, rather than of disagreement with the positive points he made. A Catholic political candidate, if he must make a profession of his faith, should not seem to give quarter to religious bigotry, even at the risk of having his words distorted. We were somewhat taken aback, for instance, by the unvarnished statement that "whatever one's religion in his private life . . . nothing takes precedence over his oath. . . ." Mr. Kennedy doesn't really believe that. No religious man, be he Catholic, Protestant or Jew, holds such an opinion. A man's conscience has a bearing on his public as well as his private life. . . .

The Democratic Senator from Massachusetts took a carefully formulated stand on the issue of Federal aid to education. But here again, we wish he had thought as much of his fellow Catholics as of his potential non-

Catholic critics. He is against Federal aid to Catholic schools, except for "fringe" benefits. In this, his position is not much different from that of such authoritative churchmen as Cardinal Spellman and Cardinal Cushing. But these prelates' renunciations in the interest of good will cannot and do not erase the inherent inequity of which Catholics feel they are the victims. The issue is not a "religious" one, nor a "socio-economic" one, but rather an elementary question of equal treatment under the law. In the years to come, Catholics are confident that a fair-minded public, and the Supreme Court itself, will finally recognize that the theoretical right of a sizable proportion of U. S. citizens to maintain their own schools is not a right at all when coupled with a denial of the necessary means.

We regret that Senator Kennedy, in his sweeping statement opposing Federal aid, did not think it appropriate to add his tribute to the enormous sacrifices that millions of his fellow Catholic citizens are making for their schools, or to the contribution these sacrifices mean to the moral and spiritual strength of the nation. On the part of one who himself never went to a Catholic school, such a gesture would have been as gracious as it was obviously called for.

AVE MARIA

"Whatever one's religion in his private life may be," says Senator Kennedy, "for the officeholder, nothing takes precedence over his oath to uphold the Constitution and all its parts—including the First Amendment and the strict separation of church and state."

. . . Senator Kennedy is entitled to his opinion, which we believe is shared by many, but in our opinion such thinking contains a serious flaw. Something does indeed take precedence over the obligation to uphold the Constitution—namely, conscience. And this applies whatever the religion of the officeholder. No man may rightfully act against his conscience. To relegate your conscience to your "private life" is not only unrealistic, but dangerous as well.

It is dangerous because it leads to secularism in public life. It is the political version of the belief that religion has nothing to say about the conduct of economic affairs, that you can separate your private religious convictions from everyday life. And this is unrealistic in public life where it is necessary to make all kinds of decisions based on your moral and religious

values. President Truman's decision to drop the atomic bomb on Hiroshima is a classic example. . . .

And it is not beyond the realm of possibility that the President elected in 1960 may well have to decide whether or not to instruct our Air Force to engage in obliteration bombing of a foe which has delivered a sneak attack against us. Can we realistically say that this decision may be reached apart from a President's "private" religious beliefs?

Then there is the matter of separation of Church and State. Stated as a general principle, it is a sound one. Both the Church and the State are perfect societies capable of achieving their own ends—one natural, the other supernatural. And we know of no priest or Bishop who would want to see our government run by the clergy.

General principles are safe enough and we can sympathize with the harried politician trying to be all things to all men who falls back on them. Senator Kennedy, however, becomes more specific. . . .

We agree with the Senator's careful phrasing about the use of federal funds: "It's unconstitutional under the First Amendment as interpreted by the Supreme Court." But this is not the real issue, for the Supreme Court can—and has—reversed itself. We believe that a legitimate question can be asked of *any* candidate—Do *you* believe that the Supreme Court's decision was a wise and fair one? Does it do justice to those American citizens who, for reasons of conscience, choose to send their children to religious schools? Or are they being unfairly penalized for exercising freedom of religion? . . .

CATHOLIC MESSENGER

Davenport, Iowa

I read with considerable dismay the article on Catholics and the Presidency in *Look* magazine this week. The dismay was occasioned by the statements on Church and State relations attributed to Senator John Kennedy of Massachusetts. But, of course, the trouble with criticizing Senator Kennedy's "strict separation" position is that the critic may, in turn, be accused of wanting a union of Church and State in this country.

I doubt whether very many, if any, Catholics want anything approaching a theocracy in this country. But I do not see why the Senator feels it necessary to go to the other extreme and interpret the First Amendment to the Constitution to mean "strict separation of Church and State." I realize that the usual protective coloring of a political candidate is ambiguity of expression. But in the interest of clarity, if not political expedience, I should like the Senator to define what he means by "strict separation." The only meaning we can place on his language at this moment is that he is in favor of absolute separation, the 'high and impregnable' wall.

Senator Kennedy's Statements

"Whatever one's religion in his private life may be, for the officeholder, nothing takes precedence over his oath to uphold the Constitution and all its parts—including the First Amendment and the strict separation of Church and State. Without reference to the Presidency, I believe as a Senator that the separation of Church and State is fundamental to our American concept and heritage and should remain so.

"I am flatly opposed to appointment of an ambassador to the Vatican. Whatever advantages it might have in Rome—and I'm not convinced of these—they would be more than offset by the divisive effect at home.

"The First Amendment to the Constitution is an infinitely wise one. There can be no question of Federal funds being used for support of parochial or private schools. It's unconstitutional under the First Amendment as interpreted by the Supreme Court. I'm opposed to the Federal Government's extending support to sustain any Church or its schools. As for such fringe matters as buses, lunches, and other services, the issue is primarily social and economic and not religious. Each case must be judged on its merits within the law as interpreted by the courts."

—*Look*, March 3, 1959

Now, despite the fact that people like Paul Blanshard and Glenn Archer and John Mackay insist that absolute separation of Church and State is the meaning and intent of the First Amendment, such separation has never existed in this country. Church and State make contact at many points in American life and the contact is not one of conflict but of collaboration. The State pays chaplains in our armed forces and in our prisons; it provides chapels at taxpayers' expenses; it furnishes tax-supported government surplus foods at below-cost prices on the Federal school lunch program; and negatively it exempts religious institutions from certain property and excise taxes.

These are not concessions grudgingly wrung out of government by any religious pressure groups. They are the common-sense adjustments of Church and State in situations where Church and State have a mutual interest and concern. Obviously this is not "strict separation" of Church and State and it is unpleasant to see a Catholic Senator in the awkward position of bending over backwards as he tries to "prove" his loyalty to the American Constitution.

He is apparently willing to go further in the direc-

tion of "separation" than what non-Catholic Constitutional scholars and the whole American tradition say is necessary or desirable. . . . DONALD McDONALD.

CATHOLIC REVIEW **Baltimore, Maryland**

One of the things which has struck me about the comment on the Kennedy statements is that almost all Catholic and secular writers have accepted the fact that Senator Kennedy needed to express his allegiance to the Constitution of the United States, and that above all else, Protestants must be satisfied.

But the obvious question to be asked is "why?" We do not ask the Baptist President or the Presbyterian President, or the Episcopalian President, a Lutheran President, or a Mormon President, to declare his stand on the Constitution or the First Amendment to it.

The Protestants and Other Americans United for the Separation of Church and State (P.O.A.U.) have not requested a statement of loyalty to the Constitution from Agricultural Secretary Ezra Taft Benson, who is also a Mormon bishop. . . . Unfortunately, despite lessening of tensions in many areas, a Catholic President is something quite a number of bigots still can't stomach. These bigots question the loyalty of a Catholic Presidential candidate, solely on religious grounds, and with a belligerency unbecoming of any professed believers in God.

The P.O.A.U. never seems to be worried about the dangers of subversion or disloyalty from Catholics in the Armed Forces. They reason that Catholics can loyally die for their country in Korea, Europe, or Timbuktu. They don't mind Catholics paying taxes, but they do mind Catholic children getting free school bus rides, free lunches or health services out of State or Federal taxation. . . . They reason that an American Catholic owes allegiance to a foreign power, i.e. the Vatican. It is a lot of poppycock, of course, and the argument has been demolished time and time again. However, the P.O.A.U. persists in resurrecting the bogey every time it possibly can. . . . One of the things that bothers me in relation to Mr. Kennedy is that he appears to have gone overboard, in an effort to placate the bigots. . . .

GERARD E. SHERRY.

KANSAS CITY—ST. JOSEPH REGISTER **Kansas City, Missouri**

. . . The Senator's statement [" . . . nothing takes precedence over his oath . . ."] suggests that a man who accepts office in the United States is no longer the keeper of his own conscience. If this is American doctrine, I'm leaving for Tahiti.

For, as another critic has pointed out, the Kennedy

statement expresses fundamentally the same doctrine as the one used by Nazi torturers and assassins in the Nuremberg trials. They argued that they could not be convicted of any crimes because they had acted in obedience to duly constituted superiors and the "law of the land."

It is conceivable, if not likely, that an American Congress might pass a law over the President's veto which would require him to do something he regards as seriously evil. This could happen to any President, Catholic, Protestant or Jewish; and the Constitution would require him to carry out the will of Congress. Should he obey, Mr. Kennedy? I know how most Protestants and Jews—and agnostics, for that matter—would answer that, and how a Catholic should. . . .

There are several things to be said about [the statement on federal aid to private or parochial schools]:

1. There is no Catholic "dogma" on the Constitutional aspects of tax aid to religious schools. If a Catholic believes that such aid is imprudent or illegal, he is not therefore less Catholic.

2. There is, however, a position widely held among Catholics which differs from Senator Kennedy's. . . . As things now stand, Catholics, besides contributing to the support of public schools, simultaneously support a separate system which serves the public interest but without receiving public support. And it seems that a right is substantially denied if it can be exercised only by paying a severe penalty. . . .

3. In the light of these circumstances, the objection to Senator Kennedy's statement is that it simply ignores the complexity of the issue. Reading it, one would suppose that Catholics who argue for tax aid do so out of contempt for the Constitution. Senator Kennedy's statement of the issue is so one-sided that you don't even get a hint that other sides exist.

Now, this is not typical of Mr. Kennedy's usual style in political debate. He is fully capable of stating an issue in all its complexity without weakening his final conclusion. Hence, in this case one gets the distinct impression that he is not so much trying to weigh the question fairly as he is using the question to demonstrate his independence. . . .

4. A minor point, but I think a significant one: To say that the issue of "fringe benefits" is "primarily social and economic and not religious" is sloppy in logic and language. The *benefits* are social and economic, but the issue is obviously political. That is, it has to do with justice: Should children who attend Catholic schools be therefore disqualified from receiving health and welfare services supplied by the government to all other children? . . .

Some people believe—or say they believe—that a Catholic ought not to be elected President because his religion might conflict with his duties. On the assumption that Mr. Kennedy does want to be President, he

has to try to persuade such people that this fear has no basis.

There are two ways of doing this. One way would be to show that the Catholic religion in no way conflicts with the Constitution and does not subordinate political leaders to ecclesiastical control. This is difficult because it is always difficult to prove a negative statement. But it can be done. . . .

The other way of allaying these alleged fears is to publicly subordinate one's religious faith to the requirements of political office; to assert that, although there may be conflict between an officeholder's convictions and his constitutional duties, he should place the duties of office above the obligations of his religious commitment.

Such groveling is not required of Baptists, Presbyterians, Christian Scientists, or Quakers, all of whom hold religious convictions which might easily affect their political activities. I don't believe it is required of Catholics either.

Nevertheless, it would appear—though not with absolute clarity—that Senator Kennedy has chosen this second course. . . .

ROBERT HOYT.

INDIANA CATHOLIC AND RECORD **Indianapolis, Ind.**

Young Senator Kennedy had better watch his language. His much publicized statements in *Look* magazine have set Catholics to fighting among themselves. This is not good—in this instance at least—for it could confirm some folks in their fears that a Catholic can not in conscience uphold the Constitution. . . .

Quite rightly Catholic editors took exception to Senator Kennedy's unhappy phrasing. When a man starts making a distinction between religion in "private life" and as an "officeholder," he seems to be thinking like a secularist who wants religion totally separated from life. *Ave Maria*, the well-edited Catholic weekly published by the Holy Cross Fathers at Notre Dame, picked up Mr. Kennedy's words immediately. "Something does indeed take precedence over the obligation to uphold the Constitution — namely, conscience," the editors write. "To relegate your conscience to your 'private life' is not only unrealistic, but dangerous as well."

The *Ave Maria* editors were not so happy in their own phrasing. A Catholic who swears to uphold the Constitution, like anyone else, is bound by his conscience to uphold it. Therefore to say "Something does indeed take precedence over the obligation to uphold the Constitution—namely, conscience," makes nonsense. . . .

Ave Maria very correctly points out that the President elected in 1960 may have to make decisions af-

fecting hundreds of thousands of lives and that some of these decisions will involve moral questions. But, it is misleading to imply that such a man will be torn between two opposed duties—a duty to uphold the Constitution and a duty to make his decisions conform to his religious principles.

Ave Maria is justly critical of some other parts of Mr. Kennedy's statements. The Senator is perfectly free to advocate whatever policies he chooses in regard to Federal aid to private schools and fringe benefits for parochial students, like bus rides, text books, etc. It is hardly fair, however, to say that an oath to uphold the Constitution would oblige a Catholic to maintain the extreme secularist interpretation of the First Amendment. A theory about the Constitution is not the Constitution. . . .

ST. LOUIS REVIEW **St. Louis, Missouri**

Whether quoted correctly or not, whether quoted as fully as he would like to be or not, Senator John F. Kennedy is reported to have said in the *Look* article, "Whatever one's religion in his private life may be, for the officeholder, nothing takes precedence over his oath to uphold the Constitution and all its parts—including the first Amendment and the strict separation of Church and state."

It seems to us that the element so vocal in its suspicion of a Catholic candidate for a major office welcomes much more a statement of this kind than it does a direct answer to the questions it proposed to Catholic candidates some months ago.

Nothing could be more acceptable to their crusade to cast a cloud of sinister doubt about the Catholic candidate than the inference that he is willing to keep his religious convictions in his back pocket while he is in public office—the further inference being that his Catholicism and the Constitution are at odds. If this were true, no Catholic candidate would deserve the vote of anyone, Catholic included.

The Catholic does not have to put his religion aside if he runs for or holds public office. He does not have to assure anyone that he will not let it interfere with his duty to his government because it never will. If he doesn't favor federal grants in certain areas that is his privilege; if he doesn't favor appointing an ambassador to the Vatican for cogent reasons of his own that is his privilege, and it doesn't make him any more or any less a Catholic. But when he infers that his religion which teaches him to know, love and serve God above all things and to love his neighbor as himself will not be allowed to interfere with his oath to the Constitution, it is the Constitution that ought to be examined, not his religion. . . .