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A Catholic President in the White House?, 1959.

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SUNDAY MORNING SERVICE

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DR. ABPA HILLEL SILVER

A CATHOLIC PRESIDENT IN THE WHITE HOUSE?

The question, dear friends: "Should a Catholic be elected to the Presidency of the United States?" always arouses the sharpest controversy. Controversies which involve religion tend to become unrestrained, and sometime venomous. The partisans come to feel that they are somehow defending not only their interests in this world, in the Here - but also their interests in the Hereafter. Soon memories of ancient wrongs and bitter hostilities of the past surge into the arena and bedevil the situation. Before long the actual question at issue is lost sight of and people are fighting in a fine frenzy of flagellation ghosts and goblins which their overheated imaginations have conjured up.

It occurs to me that the simplest answer to the question "Should a Catholic be elected to the Presidency of the United States" might well be "Why not?". There is nothing in the Constitution of the United States which prohibits it. The Constitution of the United States is quite clear on this point. The framers of our Constitution - many of them keen legal minds as well as great patriots - wanted to be very clear and specific on this point. And so they wrote into the Constitution the following: "No religious test shall ever be required as a qualification to any office or public trust under the United States". Words could not be more precise or clearer. Cur Constitution also has as its First Amendment - the first article in the so-called Bill of Rights - the following: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof". It is clear that the framers of our Constitution did not wish the United States to be either a Protestant country, or a Catholic country, or a Christian country. They did not wish to give preference to any one religious body or to prevent the free exercise of any religion. They wanted the new state which they were setting up to be a secular state. They were not unfriendly to religion. Many of them were church members and belonged to various denominations. They believed in God and they sought to build their new state upon the highest ethical and moral ideals of religion. But they also wanted to keep church and state separate and distinct - each free from the interference of the other in its own legitimate sphere. They knew very well, because they were not far removed from the events - the evils, the strife and the bloodshed which were visited upon the old world - its governments and its peoples - when a specific church was officially recognized by government and received privileges denied to others and where the free exercise of religion was either denied or curtailed.

The government which the founding fathers of our republic were setting up was to be different - different in many ways. Because we are so far removed from those days, we sometimes forget how different they aspired to make their new government. It would be a government which would limit its own scope and authority. It would respect certain basic human rights inherent in each citizen as having been bestowed upon him not by government or society but by his Creator. These rights were accordingly inalienable and were subject to no annulment or abridgement by government. They were opposed to political tyranny - even the political tyranny of a majority in a free democracy. A written constitution would safeguard the individual citizen against the encroachment of the state. They wanted their government to be different in other ways. They would set up a system of checks and balances so that neither the legislative branch nor the administrative nor the judicial would be in a position to run away, as it were, with things towards precipitate and ill considered action. Nor did they wish

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this government which they were setting up to be dominated by any other body or organization - ecclestiastic or otherwise. It was to be free from the control of any other organism within the state.

Their profound wisdom has stood the test of time - 170 years - the most turbulent and revolutionary years in the history of mankind. Pecause of that wisdom, our country has prospered - and no religion has suffered because of it. On the contrary, all religious bodies from the extreme liberal to the extreme orthodox, have thrived. What is equally important they have learned to live together and at times to work together for the common good.

From time to time zealous partisans of this or that religious persuasion would challenge mostly indirectly the clear intent and purpose of the First Amendment. They tried to whittle down its scope and meaning. By means of interpretation they hoped to make legal the allocation of public funds to the support of religious educational institutions on a non-preferencial basis of course. Thus, there are many Catholics and perhaps members of other religious bodies who advocate the granting of Federal funds to parochial schools. It is not that these people really desire a union of Church and State. They have officially denied it. In 1948, Archbishop John T. McNicholas, speaking on behalf of all American Catholic bishops, stated: "We deny absolutely and without qualification that the Catholic bishops of the United States are seeking a union of Church and State by any endeavors whatsoever, either proximately or remotely. If tomorrow Catholics constituted a majority in our country, they would not seek a union of Church and State. They would then as now, uphold the Constitution and all its Amendments, recognizing the moral obligation imposed upon all Catholics to observe and defend the Constitution and its Amendments".

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I have no doubt that this is the position of the Catholic hierarchy of the United States and of Catholic laymen everywhere. Put many of them would like to see a relaxation of the First Amendment which would make it possible for Federal aid to go to Catholic schools. These efforts, which have been made from time to time, have in the main been unsuccessful. Apart from certain fringe assistance given to the children attending parochial schools - and in my opinion wisely given - such as participation in the Federal school lunch program, or school buses - the basic principle of the separation of Church and State has held good in its original intent.

In 1947, the Supreme Court of the United States proceeded to define more fully the intent of the First Amendment. It declared: "Neither a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions or prefer one religion over another....No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall between Church and State."

I believe that many Catholics in the United States fully accept this position. Recently Senator Kennedy, who came quite close two years ago to receiving the nomination for Vice-President on the Democratic ticket, and who today is talked of as a possible Presidential candidate, was questioned on this very issue and he replied very clearly - and of course he is a Catholic - "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.

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I am 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."

It is true that Senator Kennedy has been sharply criticized by some editorial writers in the Catholic press for the views which he expressed. It is such criticism which disturbs some non-Catholics in the United States. It raises doubts in their minds, as does the continued criticism of the Church hierarchy of our Government's failure to aid religious schools.

But even those of us who are opposed to Federal aid to parochial schools - whether they be Catholic or Protestant or Jewish - and there are Protestant as well as Jewish parochial schools - fail to see what all this has to do with the election of a Catholic to the Presidency of the United States. A Catholic President, if elected, takes an oath of office which is prescribed by the Constitution of the United States. This oath of office reads: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States." Now what right have we to assume that a Catholic President would be less faithful to his oath, solemnly sworn, than a Protestant President? Numerous Catholics have in the past been elected or appointed to high office in this nation and in every state of the Union - Governors, Congressmen, Senators - many of them elected in states where the majority of the electorate was Protestant - Supreme Court Justices, Chiefs of the United States Supreme Court - high ranking military chiefs and key diplomats. They served with unimpeachable loyalty and integrity. Their religion in no way caused them to subordinate the interests of their government to the interests of their Church.

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In the midst of this controversy, some have conjured up the so-called question of conscience. Conscience would presumably supersede the oath of office which an elected Catholic President would take. I am unable to follow this line of reasoning. When a man takes an oath to uphold the Constitution of the United States, he is <u>in all conscience</u> committed to it. If there is anything in the Constitution which the candidate finds contravening church dogma which obligates him, he cannot in all conscience either stand for office or take the oath of office if elected. There have been Catholics in high public office who have opposed the Church hierarchy on questions such as that of Federal funds for parochial schools and on such matters as the appointment of an ambassador to the Vatican. They have not considered themselves, because of their position, either poor Catholics or disloyal to their Church. Senator Kennedy is among those who have registered the = opposition to the appointment of an ambassador to the Vatican. Incidentally, President Roosevelt and President Truman, both Protestants, favored representation at the Vatican.

At the moment, it is the question of a <u>Catholic</u> President which disturbs some of our citizens. I recall the time, some years ago, when William Howard Taft was opposed for the Presidency because he was a Unitarian. A Unitarian, it was claimed, was not a Christian and this is a Christian country.

The same religious argument was used against Senator Herbert Lehman when he ran for Governor of the state of New York. How can a Jew hold that office? That office belongs to a Christian. Governor Lehman was elected and twice reelected and subsequently was elected to the Senatorship of the United States. This religious argument is a double-edged sword which can strike in all directions everywhere.

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It has been said that because the Catholic Church claims the only true Church that Catholics should therefore not be elected to the Presidency of the United States. I see no objection to the Catholic Church claiming that it is the one true Church. Most religions claim or claimed the same thing. Just so long as the Church does not employ the power of government to enforce its claim or ask for special privileges on that account - as is the case in some of the countries of Europe, unfortunately. Lovers of religious freedom cannot accept the thesis "that a state which is overwhelmingly Catholic has a duty to protect this religious faith by controlling the public promulgation of non-Catholic dectrines or the public exercise of non-Catholic worship". This will never be accepted by those who believe in true religious freedom. Catholic theologians in this country may still subscribe to this thesis as an abstract proposition even when practice has made it obsolete. In the United States at least this thesis is one of those sleeping dogmas which no responsible Catholic would seriously advocate.

Thirty years ago, a Catholic ran for the Presidency of the United States on the Democratic ticket - a great and good man - Alfred E. Smith, Governo of the state of New York. Bigotry and religious intolerance combined with other factors to defeat him. Some of the Democratic states of the South for the first time in their history broke rank and deserted their party because of its Catholic candidate. Some of the very insues talked about today were raised then, in even louder and more outspoken terms than now. I recall an open letter which was addressed to Governor Smith by Charles L. Marshall which appeared in the Atlanti. Monthly. MMr. Marshall, who was a member of the Episcopal Church and an authority on canon law, summarized all the arguments against Governor Smith's candidacy because of his religion. Governor Smith replied in great detail in the same magazine in the issue of May, 1927. I re-read both letters in preparation for my lecture this morning. Mr. Marshall had quoted in his letter Papal encyclicals and church encyclopaediae and built up a case for the inevitable conflict

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between religious loyalty to the Catholic Church and patriotic loyalty to the United States. Governor Smith's reply was made, as he writes in his letter, after consultation with his friend, Father Francis P. Duffy, a priest schooled in Church law. I was struck very much in the letter of Governor Smith by the following statement. "By what right do you ask me to assume responsibility for every statement that may be made in any encyclical letter?....These encyclicals are not articles of faith....You seem to think that Catholics must be all alike in mind and in heart, as though they had been poured into and taken out of the same mould."

This is a mistake which people frequently make not alone about Catholics but about Jews. All Jews must act alike, think alike, and react alike to any given situation. They never did and do not do so now. There are sharp divisions of opinion among them. Governor Smith, who was a very loyal Catholic and a product of its parochial schools, challenged that prevalent conception and this challenge has been subscribed to by many Catholics.

I was also deeply impressed by the last paragraph of Governor Smith's letter, wherein he summarized his creed as an American Catholic. He says: "I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institution of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land. I believe in absolute freedom of conscience for all men and in equality of all churches, all sects and all beliefs before the law as a matter of right and not as a matter of favor. I believe in absolute separation of Church and State and in strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. I believe that ho tribunal of any church has any power to make any decree of any force in the law of the land, other than to establish the status of its own communicants within its own church.

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I believe in the support of the public school as one of the cornerstones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in public school or in a religious school supported by those of his own faith. I believe in the principle of non-interference by this country in the internal affairs of other nations and that we should stand steadfastly against any such interference by whosoever it may be urged. And I believe in the common brotherhood of man under the common fatherhood of God.

In this spirit I join with fellow Americans of all creeds in a fervent prayer that never again in this land will any public servant be challenged because of the faith in which he has tried to walk humbly with his God."

This hope of course has not been realized. Men in our country are still being challenged because of their faith. Bigotry and intolerance have not completely disappeared either from the ranks of the Protestants or from the ranks of the Catholics, the Ku Ylux Klan, Gerald K. Smith or Father Caughlin. Intolerance dies hard. It is hidden away in some dark corner in the souls of people. Given an opportunity, it will come to the surface, surge forward and create serious and unhappy situations. I pray that it will not happen now.

A man should be elected to office because of his character, his ability, and the issues which he represents - not because of his religion - and no man should be defeated for office because of his religion.

We have a long way to go. In this gracious land we have been given the opportunity to live our own lives and to worship God as we wish - Catholic, Protectant, Jew - each according to his own conviction. Let us not endanger that bleese right and freedom which we all enjoy by seeking monopolistic privileges, majority domination or arrogating to ourselves what the law of the land has granted to all. We have a long way to go. But if we follow the clear light of our Constitution and the Declaration of Independence and the example of the fine men of all faiths who have faithfully and loyally lived up to the principles embodied in them, all of us whatever our religion or race - will be able to move into an even more spacious and beautiful day when as brothers we shall eagerly cooperate for the common good of all.

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I summarize my creed as an American Catholic. I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institution of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land. I believe in absolute freedom of conscience for all men and in equality of all churches, all sects, and all beliefs before the law as right and not as a watter of faraa matter of favor, I believe in the absolute separation of Church and State and in the strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. I believe that no tribunal of any church has any power to make any decree of any force in the law of the land, other than to establish the status of its own communicants within its own church. I believe in the support of the public school as one of the corner stones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in public school or in a religious school supported by those of his own faith. I believe in the principle of noninterference by in the interior officing of the hation any such interference by whosoever it may be urged. And I believe in the common brotherhood of man under the common fatherhood of God.

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