

More on JFK and the Issue of Church and State

By Robert John Araujo, SJ

Not quite a month ago I mentioned that I have been pursuing research on the subject of John F. Kennedy's position regarding the relation, if any, between the Church and State. [Here] At that time, I made several observations about then-Senator Kennedy's address to the Houston Ministerial Association and the question-and-answer session that followed the address. Since the nucleus of my project is to identify the views of the Senator and President on "the separation of Church and State," it is essential to understand that some major points of the September 12, 1960 speech were based on the September 8, 1960 Background Memorandum prepared by the Democratic National Committee (DNC) before the Houston speech. This memo stressed Senator Kennedy's "support of the constitutional [sic] provision of the separation of church and state." The DNC memorandum referred to and relied on the 1948 Statement of the Catholic Bishops of the United States by indicating that,

"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."

This is not quite what the bishops said, but more on what they did say later. These words were likely those of Archbishop John T. McNicholas of Cincinnati who was a member of the board that prepared the text of the bishops, but they did not appear in the 1948 statement of the bishops itself.

During the September 12 Houston speech, Senator Kennedy reiterated his opposition to a U.S. ambassador to the Vatican and "against unconstitutional aid to parochial schools." This formulation begs the question of whether there might be Constitutional aid to parochial schools. He reminded the Protestant ministers of "the statement of the American Bishops in 1948 which strongly endorsed church-state separation, and which more nearly reflects the views of almost every American Catholic." Furthermore, during the question-and-answer session that followed the address, the Senator reiterated the significance of the 1948 statement when he stated that there is a "happy relationship which exists between church and state" and that, in Kennedy's judgment, Cardinal Cushing would approve of Kennedy's position "in the same way that he approved of the 1948 statement of the Bishops."

Since Senator Kennedy and the DNC relied on the 1948 Bishops' Statement (entitled "The Christian in Action"), it is essential to take stock of what the bishops did say and what they did not say.

In their paper, the American bishops discussed four topics: (1) religion in the home; (2) religion in education; (3) religion in economic life; and, (4) religion and citizenship. It was in the fourth topic that the bishops elaborated upon the Church-State question. The bishops began tackling the last topic by recalling that there is an essential nexus between religion and good citizenship in the U.S. that is evidenced by the "American tradition" that "religion and morality are the strong supports of national well-being." They drew attention to the fact of the importance of religion and morality on the Framers' support of "national well-being" as was evidenced by early legislation when Congress reenacted the Northwest Ordinance.

The Framers also testified to the inextricable connection between the natural law (which the bishops concluded reflects the moral law of God and is comprehensible by human reason and conscience) and human law. The bishops also noted that the natural law process that relies on objective reasoning is the accepted philosophy of law in the American tradition, not the dictate of the will.

The bishops also spoke at length about the growth of secularism in America and its “corrosive influence” that banned religion in tax-supported education and that was advancing the destruction of “all cooperation between government and organized religion in the training of our future citizens.” In short, the bishops saw the strong emergence of a “legalistic tyranny of the omnipotent state.” Yet they recognized the merits of the First Amendment as the antidote to secularism in the United States. In this acknowledgment, they understood that the religious pluralism of America did not prohibit the cooperation between religious communities and the state. The separation and the ability to cooperate were both consistent with “[a]uthoritative Catholic teaching on the relations between Church and state.”

For the bishops, the clear import of the First Amendment meant that the prohibition of an established church or religion did not preclude the collaboration between God and Caesar. The phrase “a wall of separation between church and state” was but a “loose metaphor” that had to be understood in the American context. Otherwise a false reading of the metaphor “would be an utter distortion of American history and law to make that practical policy involve the indifference to religion and the exclusion of cooperation between religion and government.” This indifference and exclusion were the shibboleths of “doctrinaire secularism.” The bishops also noted that recent Supreme Court decisions relying on the metaphor’s unintended implications, including *McCormack*, were “entirely novel and ominously extensive” interpretations of the First Amendment. They relied on the understanding of the phrase “separation of church and state” offered by Justice Stanley Reed that “a rule of law cannot be drawn from a figure of speech.”

The bishops also recalled the views of Thomas Jefferson and James Madison regarding the ability for religion and the state to collaborate in the state-sponsored University of Virginia. As individuals who played major roles in the founding of the United States, the thoughts and views of Madison and Jefferson reflected the legislative intent underpinning the First Amendment: it proscribes an established religion but does not preclude the role of religion in public life. Like John Courtney Murray, the bishops saw the First Amendment as articles of peace for a pluralist society rather than articles of faith.

The bishops concluded the 1948 Statement by presenting the case for the “reaffirmation of our original American tradition of free cooperation between government and religious bodies.” The bishops “solemnly” disclaimed any plan or aspiration “to alter this prudent and fair American policy of government in dealing with the delicate problems that have their source in the divided religious allegiance of our citizens.” The bishops pledged their cooperation “in fairness and charity” to all who were concerned about the “establishment of secularism” which, in their estimation, threatened “the religious foundations of our national life” and would prepare “the way for the advent of the omnipotent state.”

Although he did not directly adopt the bishops’ Statement, Senator Kennedy and the DNC relied upon it. Would that not mean that there was a common denominator on the meaning of the separation of Church and State held by the successors of the Apostles, the Senator, and his party in 1960?