

# We Stand On Constitution in School Aid Issue

Following is the text of the keynote talk given by Bishop James J. Navagh of Ogdensburg at the 57th annual teachers' conference of the Rochester Diocese held this week at Rochester's Community War Memorial.

The past twelve months have probably been as significant as any in the history of the United States of America in the field of Church-State relationships as they apply in the field of education. In New York State, as the state government tackled the problem of aid to higher education, the Rockefeller proposals, after a period of debate, were adopted almost unanimously by both Houses of the Legislature and signed by the Governor.

The principle behind the legislation was most important. The principle was that all students should be aided, because all are citizens of the state and the state would benefit by the education of all. Students at private colleges received consideration, as well as students of public colleges.

The whole matter was a victory for justice and public good will; and the good feeling around New York State is due in no small measure to the honesty with which the members of the Legislature faced the problem, and the truly American way in which they solved it.

In the country at large, the situation was somewhat dif-

ferent. Legislation was proposed which would benefit students at public schools only; and the outraged protest of those whose children were discriminated against was heard from one end of the country to the other.

The complete refusal of the opposition to consider any measure of justice to children who did not attend state schools, resulted in a stalemate, and the apparent erad of any hope of federal aid to education for the coming two years.

The only comment I can make on this is this — "How much wiser was the course of action in New York State."

As we study the events of past months, certain elements appear which are worthy of consideration. The first is that for the first time in the history of the United States, the Catholic laity became vocal and made its voice heard. I know there are those who try to create the impression that the opposition came solely from the Bishops. It certainly is true that the Catholic Bishops, as citizens of the United States, said what they had to say. However, there is no more serious mistake a politician could make than to base his course of action on the opinion that such opposition to federal aid to education as was offered is solely that of the Catholic hierarchy of the United States.

The Catholic schools of the United States are staffed by

the sons and daughters of the Catholic laity. I might also add that the hierarchy of the United States are the sons of Catholic laity. They are not a race apart. The Catholic schools of the United States exist because the Catholic laity, over forty-two million in number, want Catholic education for their children.

One of the greatest problems in the United States for a Bishop and for a parish priest is to try to expand the Catholic system of education rapidly enough to meet the demands of his people for Catholic schools. It is for this reason that the Catholic laity became vocal; and it is for this reason that they will continue to insist that, in any legislation, every American child be treated as an equal.

It might be well to say a word about those who tried to force this legislation through in spite of the opposition to its injustice. It would be a serious mistake, I am sure, to attribute it to all the millions of our fellow Americans who differ from us in religious faith — the mass majority of whom are Protestant. If there is anything that impresses a person who studies American history, it is this: that the American people have a passion to be just and to be fair even to those who differ from them in matters of religion, or social policy, or politics.

If we study the history of

the various waves of anti-Catholicism in the United States, we find that they were ended, not by the action of Catholics, but by the action of decent, God-fearing, law-abiding Protestants, who called their own to account because they wanted justice for all their fellow citizens.

My own dealings with my Protestant neighbors in western and northern New York, and in the South, have given me a very great respect and a great affection for them. I do not agree with them on religion; but I am delighted, and I thank God, that I am a fellow citizen with them in this great country. I do not believe that any considerable part of the American people are bigots or secularists.

Since we have not done enough to explain our position to them, many misunderstand us; but our average fellow citizen, no matter what his religion, wants to be just and fair to us — as we ourselves do to them.

The opposition was confined to rather small but highly organized and vocal groups of secularists and bigots, together with professional "do gooders." The secularists are determined to drive religion completely and entirely from every part of public life, and very particularly from education. The bigots are determined to sacrifice any advantage to anyone, even to themselves, rather than to permit any move which might even re-

motely be a benefit to the Catholic Church.

The complete collapse of the legislative battle for bills which embodied their principle, I think, is a sufficient comment upon their present overall influence.

The "do gooders" take the position — "Mother knows best." They do not trust the average citizen; they do not think he is capable of caring for himself. They do not trust democratic procedure. As in the book "Animal Farm" they think that all men are equal, but some are more equal than others. They are determined to force their will on the American people, no matter what the Constitution says, or what the will of the people is.

In the matter of this constitutional question, if there is need of federal aid, as to whether it is possible to benefit all American children, and not just those whose parents send them to state schools, this discussion was truly an eye-opener. It became rapidly clear, from the interpretation of a great number of responsible authorities on constitutional law, that there is no such prohibition in the Constitution of the United States.

I need not review the various statements — I am sure you are all acquainted with them as well as I am. I gave all of us who read them, however, an increased appreciation of our fellow citizens as well as of the Constitution, when we found that so

many of these comments came from lawyers, not of the Catholic faith, but sturdy men who follow the tradition of our great country in interpreting the Constitution in a completely objective fashion.

When the attorney for Cardinal Spellman appeared at the congressional hearing, he was able to outline to the Committee four ways perfectly in accord with the Constitution in which they could, if they wished, aid children who attended private as well as public schools. It is sincerely to be regretted that these suggestions were ignored.

What are our aims in this matter?

I think the first thing to set down is this: we stand with and on the Constitution of the United States. In the pluralistic society in which we live, it is the best, and as far as can be seen, the only possible way to promote what we are all in conscience obliged to promote: the temporal good of ALL of our people.

Secondly, we want, however, that which the Constitution guarantees — complete equality for all Americans, including youth and children, before the law. It is clear that, under the Constitution, aid can be given to all American children. If there is to be aid, and if all Americans are taxed to provide the same, we want the aid given to ALL American children — not just to a part of them.

Thirdly, great research has gone into the question of "separation of Church and State," a phrase, by the way, which does not appear in the Constitution of the United States. What we want is equal research into the freedom-of-religion clause. How can there be complete freedom of religion where a parent is told that, if he exercises his Constitutional privilege to select a private school for his child, he thereby cuts the child off from all the aids that the State and Federal Government provide for children who attend the public schools? We insist that the freedom-of-religion clause means that no child is to be handicapped because his parents select for him a school of their own choice. We want equal benefits for every American child.

Fourth — We do not look upon public schools or other private schools as rivals of the Catholic school system. We look upon all schools as partners in the great task of educating American citizens. We oppose any measure that gives the federal government control of American education. We oppose absolutely any State monopoly in the field of education as detrimental to the common good, contrary to the Constitution of the United States, and as totalitarian in effect if not in intention.

I hope we make progress in two directions. First, I hope for a thorough study of all phases of this problem. There must be a solution which will be constitutional, and fair to all. Let us have it. The whole question, and the fine new books and articles on the subject — such as those of Father Murray, Father Blum, and Father McCluskey of the Society of Jesus, should be known to the children of the upper grades, should be studied in Home-School Association meetings, and in all parish societies.

And we must let our neighbors, our fellow citizens,

know where we stand and why.

Secondly, I hope that the nation faces up to the real problem — the question of the need of religion in education. There are few parents in this country who would oppose it. Most favor it. How is it to be brought in constitutionally? That is NOT a question which defies an answer.

Time magazine of this week gives this quotation from Captain Jim Glavas of the Los Angeles Police Department Juvenile Division. He was commenting on the conduct of two teen-agers, who, in a 1951 sedan, drove up on the sidewalk and knocked down a gentleman of the age of 87, and an invalid lady of the age of 70, whom the gentleman was pushing in a three-wheeled electric cart.

"This is typical of what we're up against — a complete disregard for everything. You can't give a reason for it. It seems to be a national malady. The standards seem to have disappeared, and we have kids without standards."

We have "kids without standards" because we have so many kids who are robbed of their birthright: the religious education that tells them what is right and what is wrong, why it is right, why it is wrong, and which gives them the reasons for adhering to the right and avoiding the wrong. The United States juvenile delinquency rate was up 6% last year, over 1959; and it has been more than doubled during the last twelve years. It is going to increase, and it is going to double and double again until we give the children of the United States some standards by which to live.

In our Catholic schools we are giving that right now. May the day come when every child in the United States may have the advantages of a religious education.

## Continued Generosity Asked For Seminaries

My dear People:

This month our diocesan seminaries reopened. St. Andrew's for its ninety-first, and St. Bernard's for its sixty-eighth consecutive year. Once again I ask for your support in maintaining these seminaries, an essential to the spiritual health and progress of this diocese.

Recently I sent to the Sacred Congregation of Seminaries in Rome the regular report on the condition of our two seminaries. In reply, Cardinal Pizzardo wrote that the report was "very satisfactory and encouraging," and he requested that I convey the congratulations and thanks of the Holy Father "to all who in any way helped to educate our young men for the priesthood."

It is you, the faithful of the diocese, who most deserve this tribute. From the beginning, and in considerable sacrifice, you have steadily supported our seminaries. Without such generosity, there would have been no St. Andrew's or St. Bernard's; without your continued generosity we shall be unable to maintain these same seminaries.

The expense of operating these two schools increases with each passing year. Since last year more fireproof stairways have been constructed at St. Bernard's to replace hazardous open stairways. The refurbishing of the seminarians' rooms has been completed this summer. The buildings, especially at St. Bernard's, have required extensive repairs this past year. Much more remains to be done, not as a matter of choice, but of sheer necessity to keep aging buildings in a reasonable state of repair.

To meet our seminary budget, may I ask that every wage-earner contribute a gift of \$25.00 for each seminary, a total donation of \$50.00. Such a gift will help your parish reach the minimum quota we have asked each parish to accept if our seminaries are to continue their mission.

Your gift to the annual Seminary Collection next Sunday will bring rich blessings from God because no other institutions in the diocese play such an important part in the salvation of souls. Each day the future priests of the diocese pray for their benefactors. To their prayers, I add my own for the welfare of my people.

With a blessing, I am  
Your devoted Shepherd in Christ,  
*James J. Navagh*  
Bishop of Rochester

The Seminary Collection will be taken up at all the Masses on Sunday, September 24, 1961.

## Daily Mass Calendar

Sunday, Sept. 24 — Eighteenth Sunday after Pentecost (green), Gloria, Creed, Trinity Preface. 1920 — Rev. Patrick Sullivan.

Monday, Sept. 25 — Mass as yesterday except no Gloria, no Creed, common preface.

Tuesday, Sept. 26 — St. Isaac Jogues and Companions, martyrs (red), Gloria, 2nd prayer of St. Cyprian and St. Justina. 1900 — Rev. W. A. Morrison. 1931 — Rev. John Nelligan.

Wednesday, Sept. 27 — St. Cosmas and St. Damian, martyrs (red), Gloria.

Thursday, Sept. 28 — St. Wenceslaus, martyr (red), Gloria.

Friday, Sept. 29 — St. Michael, archangel (white), Gloria, Creed. 1941 — Msgr. John Schellhorn.

Saturday, Sept. 30 — St. Jerome (white), Gloria. Priests listed above died on the date indicated. Please pray for them.

**Courier Journal**  
OFFICIAL NEWSPAPER OF THE ROCHESTER DIOCESE

Friday, September 22, 1961  
Vol. 72 No. 51

MUST R.V.  
JAMES E. KHARNEY, D.D.,  
President.

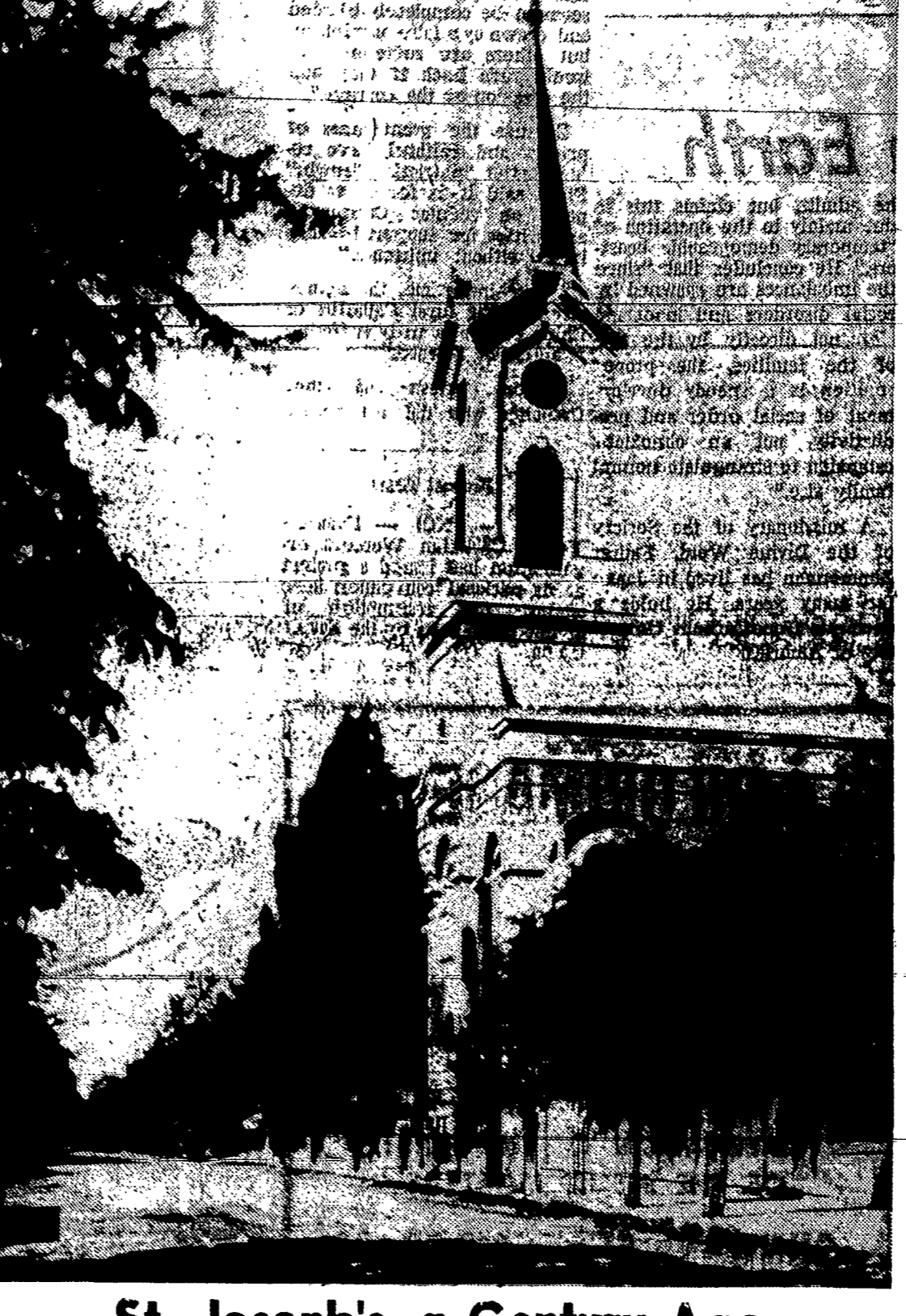
Member of the Audit Bureau of Circulations and the Catholic Press Association. Subscriber to National Catholic Welfare Conference News Service, Religious News Service. Published every Friday by the Rochester Catholic Press Association.

MAIN OFFICE—35 Seligman-Baker Bldg., Rochester, N. Y.  
ELMIRA OFFICE—117 Robinson Bldg., Lake St. Rt., 1-4688 or RR. 1-3423

AUBURN OFFICE—76 Capital St., AL 1-9833

Entered as second class matter in the Post Office at Rochester, N. Y., as required under the Act of Congress of March 3, 1959.

Single copy 15¢; 1 year subscription in U. S. \$4.00; (Canada \$5.00; Foreign Countries \$8.00)



### St. Joseph's, a Century Ago

St. Joseph's Church, Rochester, will mark its 125th anniversary Sunday, Oct. 8. Long a landmark of downtown Rochester, the church is shown here in an historic picture of a century ago from the stereograph collection of Dr. Guy L. Howe of the George Eastman House of Photography. Franklin Street at the turn of the century was a tree-shaded lane, a far cry from its present traffic-choked condition.

## Classroom TV Aids Teachers

(This is the last of three articles on educational TV programs.)

By RUSSELL SHAW  
(N.C.W.C. News Service)

Educational television has moved from the future tense into the present tense.

Technology has presented American education with a fait accompli, an accomplished fact, a reality with which it must deal. That reality is educational television.

By 1960 half a million U.S. students were receiving regular instruction by television. There were 569 school districts across the nation using ETV regularly; 117 colleges and universities offered TV courses for credit; 144 closed-circuit systems were operating in educational institutions.

But these figures pale beside statistics connected with the newly begun Midwest Program on Airborne Television Instruction. Under this dramatic project a converted DC-6 is beaming recorded lessons into classrooms in six midwestern states four days a week.

Officials estimate the instruction is reaching half a million students now. Its potential student audience is five million.

At their most idyllic, the prospects for educational television are attractive by anybody's standards. One study paints this picture:

"Immediate reports of current news events as they happen; field trips to any location in the country or the world; detailed laboratory experiments for the school without laboratory facilities — these are just a few of the possible educational uses of television, with immediacy a distinct plus. Stored on video tape, such programs could be on tap for any teacher at will."

But the problems connected with making the best use of ETV are pressing, and nowhere more so than in the Catholic school system.

How to deal with them? Bishop James A. McNulty of Paterson, N.J., has urged that as a "first step" each diocese train at least one individual to serve as its ETV consultant.

Last summer saw a move in this direction; when Fordham University offered three-week credit courses in ETV designed especially for Catholic school personnel. The courses were conducted by Father John M. Culkin, S.J., educational TV consultant to the National Catholic Educational Association, and Bishop James McNulty, N.J. arch-

## Reapings at Random

By GERARD E. SHERRY  
Editor, Central California Register

The case of Maj. Gen. Edwin A. Walker, who was relieved of his command in Germany for alleged "politicizing," is an interesting study in the double standards applied by some anti-Communists.

A front page story in one of the openly conservative Catholic weekly newspapers last week said the general was muzzled because he was too patriotic. It said the general felt "he owed his country the duty of pointing out the evils of Communism and the virtues of our own system of government."

The Department of Defense has issued documentation on the investigation by the Army's Inspector General. It discloses, among other things, that General Walker is a member of the Birch Society, the extreme conservative organization. Anyone taking an objective reading of the Birch Society Manifesto must doubt that it extols "the virtues of our own system of government."

Readers will recall the number of Communists and Left Wingers who appeared before the various Congressional committees studying the Communist menace. Many of them took the Fifth Amendment and were

rightly castigated for doing so. We never thought that the greatest critics of Fifth Amendment taking would ever have one of their followers resort to the same tactics.

Alas, the official record of testimony shows General Walker invoked the military version of the Fifth Amendment on a question in the Army investigation which led to his being admonished last April and relieved of his command.

Article 31 of the uniform code of military justice allows a witness to refuse in military proceedings to answer a question if the answer might be self-incriminating — equivalent to the Fifth Amendment protection provided in civilian proceedings.

The transcript quotes Walker as invoking Article 31 when asked whether, as commander of the 24th Division in Germany, he had acted contrary to an Army regulation by advising his men on political matters through an article published in the division's weekly newspaper, "Taro Leaf."

It is also interesting to note in a summary the following from the Department of Defense report:

"The two principal allegations and the con-

clusions reached by the acting inspector general were:

"Allegation: General Walker conducted a personal troop information and indoctrination effort that failed to comply with criteria established in Army Regulation A. R. 355-5, by making speeches containing remarks that were inflammatory and derogatory to past public officials, quoting and recommending material which was in varying degree non-factual, biased and inflammatory speeches."

"Conclusions: That the allegation is true."

"Allegations: Maj. Gen. Walker, acting in an official capacity, attempted to influence the members of the division and its dependents, in their selection of Senatorial and Congressional candidates by recommending the use of voting materials not obtained through military sources."

"Conclusion: That the allegation is true."

No one is challenging the patriotism of General Walker. Indeed, the Defense Department report says that Walker is a patriotic, sincere, dedicated anti-Communist, and a deeply religious man. Why then all the fuss?

It seems obvious that General Walker allowed his extreme conservative convictions

to be expressed in a manner and in areas where he had no right to air them. Every American, be he in Government, in military, or just plain citizen has a perfect right to hold conservative or liberal views. The only thing is that the United States Army has always been above politics. Officers' personal views are not permitted to be imposed on the troops under their command. In the case in question General Walker had a captive audience, and little could be done by the troops to oppose his political views.

Let's face it: General Walker overstepped the boundaries when he meddled in politics. Instead of lamenting the findings of the Army's inspector general we should take pride in the fact that our military officials are being kept in their place.

No one objects to General Walker's membership in the Birch Society. That's his business. But his imposition of his views on the soldiers under his command is the nation's business. We have examples of military dictatorship all over the globe.

In other words — if the military doesn't like political views of a government, it is tempted to overthrow the government, and this often leads to the end of democracy, it's as simple as that.

More than teaching techniques are involved in planning for ETV. One of the most important areas of television impact — and one of the most disastrous to neglect — is school design.

Father Culkin underlines the point this way: "Every school built today is meant to serve the needs of learning for at least the next 40 years. Unless the school planners realize that new opportunities will modify the school, there is every danger that great amounts of money, steel and bricks will be used to construct clean, sanitary but obsolete buildings."

Above all Father Culkin, like the others who have given thought and study to ETV, is anxious for educators — to make the readjustment in their thinking needed to accommodate television.

Television in education, he says, is a "means," just like books, lectures, school buildings, class size, class schedules, radio, films — "and the teacher."

"All of these means have something to contribute to learning," he says. "None of them has a monopoly on the best approach. The opportunity we now have — and we have never had it before — is to coordinate all of these valid instruments in the service of learning."