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Cardinal and President

President Nixon has responded to an ardent appeal by Cardinal Cooke for Federal support of parochial schools with an impromptu pledge, "You can count on my support. . . ." The President deplored the closing of parochial schools as a result of fiscal pressures, and vowed his help "to stop that trend and turn it around."

Unfortunately, the public dialogue between the Cardinal and the President obscured the essential issue by ignoring basic constitutional principles. There can be no quarrel with the claim that religious schools have made a valuable contribution both to the perpetuation of religious freedom and to diversity in education. The legitimacy of these schools has been upheld by the Supreme Court in the historic case of *Pierce v. Society of Sisters.*

The issue is not whether—as Cardinal Cooke put it—the parochial schools, by educating 4.5 million children, save American taxpayers over a billion dollars annually. It is the task of the public schools to educate as many children as are sent to them by their parents, whatever the cost. No matter how unpalatable that obligation may be to taxpayers, it provides no warrant for erasing the necessary dividing lines between church and state.

When the President says, "We must see to it that our children are provided with the moral and spiritual and religious values so necessary to a great people in great times," he moves the question of government support for parochial schools into a danger zone. And when he tells Cardinal Cooke, "I hope the Supreme Court was listening to your speech," Mr. Nixon introduces an astonishing element of White House lobbying into the Court's interpretation of the Constitution.

It simply is not a legitimate concern of Federal educational policy whether the nation's children are being provided adequately with religious values. This is a matter for the home, the churches and, if the parents so desire, the religious schools. Surely, the President is aware that it is the essence of church-state separation, under the First Amendment, not to turn over to government the establishment and support of religious teaching.

Children enrolled in parochial schools today enjoy, properly and legitimately, a wide variety of state-supported benefits which have been held by the Supreme Court to be constitutional. Indeed, they are entitled to a much more extensive sharing of public school instruction than the parochial school leadership has, in most instances, chosen to explore and accept.

But religious schools are not, as the President had put it earlier, "an integral part of the nation's educational establishment" if this implies public responsibility for basic financing. Such a course would entail precisely the kind of "entanglement" which Chief Justice Warren Burger held to be unconstitutional in last month's unanimous ruling invalidating a Pennsylvania parochial school aid law. A similar Rhode Island law was knocked out in an 8-to-1 decision.

It is doubly unfortunate that Mr. Nixon, on the morning after his public statement, apparently sought additional advice on the parochial school support question from Governor Rockefeller. Mr. Rockefeller's fudging of the issue contributed to the passage in the last session of the State Legislature of an aid bill for nonpublic schools, which appears in direct conflict with the latest Supreme Court ruling and is itself about to be challenged in court.

Cardinal Cooke buttressed his appeal for aid by recalling that "in the very first days of this nation there is ample evidence of state aid to church-related educational institutions." Yet it was the unconscionable early subsidy of Protestantism in the public schools, with its imposition of sectarian dogma and its oppressive anti-Catholicism, that helped drive home the importance of church-state separation to the protection of religious liberty and true pluralism.