



Speech to the JROTC
Regiment at Xavier High School

Spring Awards Ceremony
May 17, 2011

©2011 by Antonin Scalia

Not for distribution or publication without permission

My fellow Sons of Xavier: Many thanks for your warm and generous welcome. It is my great pleasure to be with you this evening to celebrate the Regiment and to recognize the achievements of those being honored with awards. The Regiment, as I remember it, is a place where awards are earned; so I have no doubt you and your families are deservedly proud of what you have accomplished. Congratulations.

Whatever Regimental glory I won when I graduated in 1953 is unrecorded. The one item I can point to is that I rose to the rank of Lt. Colonel, commanding officer of the Marching Band. I count that an honor because traditionally the post had been held by a Major. Xavier's official history—published in 1997 on the occasion of the school's 150th birthday—notes only one achievement of mine: While an underclassman, I represented Xavier on a panel of students from schools throughout the city on a Sunday-morning show called *Mind Your Manners*. It was reported afterwards that my "keen sensible answers, well reasoned with a bit of humor, stole the show." I think that may have been the peak of my favorable press coverage.

My talk tonight is about the legacy to which you are heirs. Fifty-eight years later, it is the Regiment I remember most fondly from my years here. Then as now, military training was the distinctive tradition that set Xavier apart (and set *Xavier men* apart) from the other Jesuit schools in the City—a link to the broader tradition of American military academies. And situated in New York, in the heart of American Catholicism, the Regiment has also been a visible sign of the patriotism of the Catholic citizens of this country.

Let us remember how it all began. Xavier's contribution to the armed forces began even before it became a military school. At the outset of the Civil War, about half the population of the City was made up of Catholics; and in those days, to put it mildly, Catholics were not universally beloved or even trusted by their Protestant brethren. Military service on behalf of the Union did much to dispel that mistrust. In 1861, eight regiments of predominantly Catholic New Yorkers volunteered to fight for the Union. Many of them

were Irish—no surprise there, since the Irish National Anthem begins "Soldiers are we."

Although Xavier was small and young then, she sent a number of her sons to the Union Army, including James Rowan O'Beirne, who won the Medal of Honor for holding a line under withering enemy fire, and later, as Provost Marshal of Washington, led the manhunt for Lincoln's assassins.

Xavier also sent three of her priests to serve as chaplains. One of them—Father Michael Nash, had been a prefect at Xavier and evidently a strict one. Father Nash was assigned to minister to a famously rough company of volunteers called the Wilson Zouaves. When they first met Father Nash, the Wilson Zouaves had less interest in confession than they did in drinking and brawling. But Father Nash stuck it out, and by the time the whole company had sailed to Florida where they were to serve, they carried him ashore on their shoulders. According to an 1897 history of Xavier, thanks to Father Nash, the Zouaves "proved to be true patriots, obedient and brave, a bulwark of the country, the terror of the enemy." If that seems to you a bit much to attribute to a chaplain, you should know the aforementioned history was written by the Alumni Association! But, whatever its motivations, the account properly recognizes that the military service of Xavier's priests was in the best tradition of the Church and the Society of Jesus. It says:

"Called from the professor's chair to bear all the hardships of military life, they showed again and again that the sons of the knightly Loyola have inherited the undaunted soul of their founder... By their faithful work as Christian priests they infused into their men greater and nobler and purer patriotism. On the field of battle, scorning fear and danger, they sought the wounded and dying amidst flying bullets, and were good Samaritans alike to Catholic and non-Catholic, to friend and foe."

A few decades later, Xavier's military tradition began in earnest. By the 1890's, Xavier would become "the Catholic military school." Military training became compulsory for all students; and the Regiment became the public image of the school in New York. Captain John Drum, an Army officer who would later die on San

Juan Hill, organized students into separate companies and taught them military drills. A fife and bugle corps was established, and Xavier's cadets began to assume a place of honor in New York City parades on public holidays like St. Patrick's Day, Decoration Day (what we now call Memorial Day), and Columbus Day. Those honors culminated in 1897, Xavier's golden-jubilee year, when the corps of cadets was honored by participating in the dedication of Grant's Tomb. An account written that year records that "[t]he department of Military Science ha[d] become more and more a part of the life of the College."

I have no doubt those first Xavier cadets played a small but important role in reinforcing public perceptions of Catholic loyalty and civic virtue. That contribution should not be slighted. In the nineteenth century, religious tensions were real and had a tendency to flare up. In 1884, Republican presidential candidate James G. Blaine came to New York to attend a morning meeting. Blaine looked good to win the election, which was just days away. But on that fated morning, a Presbyterian minister named Samuel Burchard, rose to give in speech supporting Blaine. Burchard assailed the Democrats as "the party whose antecedents have been rum, Romanism, and rebellion." Blaine failed to rebuke Burchard, and Irish Catholics in this City, as you may imagine, did not care for that at all. They turned out in droves and defeated Blaine in New York by just over 1,000 votes—costing him the election.

That was the era when Xavier's students began to put on the cadet's uniform, and I think it helped public perception. And, for once, the *New York Times* agrees that I am right—even if you have to go back to May 31, 1894, to read about it. The *Times* published a rebuke of an anti-Catholic organization called the American Protective Association and its leader, the Rev. Madison C. Peters. The APA and Peters accused Catholics of "Romanizing the army and navy," and proposed to prevent them from holding public office or command positions in the armed forces, on the grounds I suppose that if given a battalion to command, a Catholic colonel might turn that unit over to the Pope. To its credit the *Times* published a piece entitled "Object Lesson for Bigots: Catholic and Protestant in the Memorial Parade."

The article reminded the reader that the previous day, New York had hosted a parade for the Grand Army of the Republic—a procession of veterans of the Civil War. The procession comprised "men of all creeds and nationalities who had followed the Stars and Stripes together in many a hard fight regardless whether the men in front of them or behind them were Roman Catholics or Protestants, Jews or Gentiles." And the article specifically commended the cadets of Xavier—300 of whom marched in the parade under the command of Captain Drum.

The broader point to be made is one we now take mostly for granted: Catholic citizens of this country do not hold divided loyalties. The *Times* understood this. It wrote:

"It is instructive to turn from these terrible and distorted pictures of the Roman Catholics and their Church, as Mr. Peters draws them, to the reality as witnessed yesterday at St. Francis Xavier's. . . . The great edifice was crowded to the doors with devout worshippers, who were privileged to listen to a sermon that was as full of glowing, broadminded patriotism as are the sermons of Mr. Peters full of prejudice and bigotry."

That sermon was delivered in this church. It reminded those present that obedience to lawful authority is the religious duty of every Catholic, and that Catholics had proved their loyalty on the battlefield.

It is easy for us, more than a century later, to take for granted that no serious person seriously doubts the patriotism of his Catholic neighbors—though the ugly old slanders do occasionally rear their heads. But we should not forget the small debt we owe to the members of this Regiment who were willing to become conspicuous examples of Catholics living their faith by serving their country. Probably the most striking symbol of that union between faith and service was the military mass. One historian reports that by the end of the nineteenth-century (and partly as a protest against the Rev. Peters and his APA), Xavier began holding special military masses to open the Month of May and its special devotions to Mary. At that mass (and I quote) "the cadets processed into church and the officers sat in

the front pews with their swords unsheathed—imitating the crusading knights of the past—during the reading of the Gospel and the profession of the Creed. A trumpet sounded during the Consecration of the bread and wine.” It was ceremonial flair with a purpose. And the tradition was continued, as recall, on First Friday mornings during my years at Xavier.

By the 1930’s, the Regiment had become a part of the pageantry of the City. In 1932, New York held the biggest parade since World War I to celebrate the bicentennial of George Washington’s birthday. The Regiment was the only high school unit to participate—a great honor. The entire Regiment assembled for the parade, stretched out for three or four blocks east of Fifth Avenue. They did draw dreary duty, however: They marched last, so they were stuck where they stood from morning until late afternoon. The whole regiment continued to march in major New York parades during my days here—and its place in the pageant had improved considerably. We used to march right behind what I think was the first military unit in the parade, The Fighting 69th, New York City’s regiment.

Over the years, it became commonplace to see Xavier cadets in their ROTC uniforms, or in dress blues on Fridays, on the subways, on the trains from New Jersey, and even from as far up the Hudson as Verplank (one of my classmates was from there). I was a member of the JV rifle team, so I occasionally had to bring my .22 carbine on the subway from Queens to school, or to the gunsmith in Brooklyn. (Imagine that today.) On the First Friday of every month, the police would stop traffic on 16th Street while the whole Regiment marched, along with the band, from the school to the Church of St. Francis Xavier for devotions; afterward we would process back—all in dress blues.

But the Regiment’s most important legacy, of course, was not pageantry; it was discipline, and duty, and sacrifice. Nearly 1,000 of Xavier’s sons served in the First World War—including Captain Drum’s son, Hugh, a Xavier man who eventually rose to the rank of Lieutenant General. World War II saw nearly 1,500 Xavier men fight for their country, fifty-four of whom gave their lives. Like Father Nash in the Civil War, ten Jesuit teachers and

nine lay faculty left the school to serve. Historian Helen McNulty writes that Xavier was “one of the few high schools in the country which had thoroughly prepared students to participate in modern military warfare. . . . It is believed that no high school in the United States made a greater contribution in manpower and effort during WWII than Xavier High School.” I believe it. And at a military mass in 1947, with the war over, Cardinal Spellman—who was Archbishop of both New York and the military—read aloud Pope Pius XII’s handwritten letter to Xavier’s president, Father Tynan. The letter offered the Holy Father’s “prayerful remembrance . . . of those whose courage and self-sacrifices made the proud present possible.”

But as you know, the tradition of Xavier as a thoroughly military academy did not survive the antimilitary sentiment of the Vietnam War. I lamented when the school announced that the Regiment would no longer be compulsory, and I continue to think that was a mistake.

This country has a rich tradition of military schools. It was born partly of necessity—since with independence from Britain came the need to have an army and to run it competently—but it was also born partly of democratic theory. Congress first authorized the creation of the United States Military Academy at West Point in 1802. But that academy, of course, could not educate the whole country in military matters—and in those days, the whole country might well be called upon to serve as militia. Following the War of 1812, the Committee on Militia of the House of Representatives reported to Congress its belief that:

“The safety of a republic depends as much upon the equality in the use of arms amongst its citizens, as upon the equality of rights. Nothing can be more dangerous in such a government than to have a knowledge of the military art confined to a part of the people; for sooner or later that part will govern.”

Military schools followed different paths in the North and South. In the South, it became common for States to establish and fund public military academies. Two of them—the Virginia Military Institute and South Carolina’s Citadel—were resurrected after the Civil

War, and went on to establish illustrious traditions. But in the North, States took a more laissez-faire approach. Private military schools sprang up, including many run by religious denominations. Xavier was one of many Catholic schools that established military corps in the nineteenth century—including Gonzaga, St. Louis University, and All Hallows College in Utah. It was, as I have said, part of a long connection between Catholics and the armed forces. West Point has had a disproportionate share of Roman Catholics, enough to justify a separate chapel since 1899.

Xavier at its finest has hewed closely to that tradition. Catholicism, of course, has never had that aversion to and contempt for the soldier that came to the fore in Vietnam-era America. The Roman centurion at the crucifixion who said “Truly this was the son of God” was not one of the villains. Nor the centurion who asked Jesus to heal his son without the necessity of his going there (the famous line “Lord, I am not worthy that you should enter under my roof, but only say the word and my son will be healed.”) Of him, Jesus said he had not seen such faith in Palestine. And while Jesus said that he who lives by the sword will die by the sword, He did not regard soldiers as men who lived by the sword. His advice to them was not “Throw down your arms,” but be content with your wages. Two of the earliest and most venerated of Christian martyrs, St. Sebastian and St. George, were soldiers of Diocletian. And come to think of it, Ignatius Loyola was a soldier, and his successors are still called Generals.

The defining virtue of a soldier is courage. What chastity is to a nun, or humility to a monk, courage is to a soldier. In *The Screwtape Letters*, C.S. Lewis imagines a senior demon, Screwtape, sending advice to his nephew Wormwood on how to ensnare the soul of an Englishman living on the brink of World War II. Screwtape tells Wormwood that the demons have managed to fool mankind into believing that many virtues are vices—that chastity is prudishness, for example. But that has not worked for the virtue of courage.

“We have made men proud of most vices, but not of cowardice. Whenever we have almost succeeded in doing so, the Enemy [that is, God] permits a war or

an earthquake or some other calamity, and at once courage becomes so obviously lovely and important even in human eyes that all our work is undone, and there is still at least one vice of which they feel genuine shame. . . .”

I believe, therefore, that military service is not only appropriate for Christians; it is conducive to Christian virtue. It is hard to imagine any other profession where one commits to laying down his life for his friends. I have nine children, whom I have sent to many different colleges, including two Jesuit colleges. I can say in all honesty that the school which took most seriously the task of moral formation—of developing character, and instilling fidelity to duty, honor, country—was West Point. And training oneself to be a soldier—and preparing oneself to make that sacrifice if needed—is not just one more interchangeable way for a Christian to develop good character. Let no one demean it. It is a high vocation indeed.

Let me leave you with this illustration: There was a Xavier man in the class above me, named Donald Cook. On New Years Eve, 1964, Marine Captain Donald Cook became a prisoner of the Viet Cong—as he stayed until his death. For his conduct as a prisoner of war, Cook was posthumously promoted to Colonel and awarded the Medal of Honor. His citation for conspicuous gallantry reads in part:

“Despite the fact that by doing so he would bring about harsher treatment for himself, [Cook] established himself as the senior prisoner, even though in actuality he was not. Repeatedly assuming more than his share of responsibility for their health, Colonel Cook willingly and unselfishly put the interests of his comrades before that of his own wellbeing and, eventually, his life. Giving more needy men his medicine and drug allowance while constantly nursing them, he risked infection from contagious diseases while in a rapidly deteriorating state of health. This unselfish and exemplary conduct, coupled with his refusal to stray even the slightest from the Code of Conduct, earned him the deepest respect from not only his fellow prisoners, but his captors as well. Rather than negotiate for his own

release or better treatment, he steadfastly frustrated attempts by the Viet Cong to break his indomitable spirit and passed this same resolve on to the men with whose well-being he so closely associated himself. Knowing his refusals would prevent his release prior to the end of the war, and also knowing his chances for prolonged survival would be small in the event of continued refusal, he chose nevertheless to adhere to a Code of Conduct far above that which could be expected. His personal valor and exceptional spirit of loyalty in the face of almost certain death reflected the highest credit upon Colonel Cook, the Marine Corps, and the United States Naval Service."

It also reflects great credit on the Regiment. To return to CS Lewis (I can't resist): Screwtape warns Wormwood that a war can be dangerous for their Satanic cause, because it awakens men from their moral stupor. He says:

"This, indeed, is probably one of the Enemy's motives for creating a dangerous world—a world in which moral issues really come to a point. He sees as well as you do that courage is not simply one of the virtues, but the form of every virtue at the testing point, which means, at the point of highest reality. A chastity, or honesty, or mercy, which yields to danger will be chaste or honest or merciful only on conditions. Pilate was merciful until it became risky."

That lesson—that our choices really matter, and that everything depends on them—is in some ways easier for the soldier to remember when life hangs in the balance. It is harder in the layman's endless days of peace, where moral courage rarely requires the sacrifice of one's life. But for most of us, that is the long fight we are in for—putting things right in the world God has created, starting with ourselves. That habit of courage is not obtained by study (though study is important). It is forged by practice. And there is no better practice than the Regiment. By teaching physical courage in service of others, it teaches moral courage—which, in the Last Accounting we must give—is the kind that matters. That is why military training is not, and never will be, just one more interchangeable way for young Christians

to develop good character or learn to serve others. It is one of the noblest ways, and never let anyone tell you otherwise.

Thank you for inviting me to be with you tonight. I am tremendously proud to be a part of the tradition of the Regiment, and I commend you for safeguarding it so well.