

exercises great and perhaps controlling influence over the management of the hospital."⁴⁰ The Court also noted that the stockholders of the corporation were all nuns. Thus the Court (1) did not rule that a direct appropriation to a sectarian institution would be unconstitutional; (2) did hold that a direct appropriation might be made, for the performance of a public function, to an institution conducted under the auspices of a church which exercised "perhaps controlling influence" over it. Most significant in the *Bradfield* decision is the Court's direct disavowal of the point of view which had been advanced by those who brought the suit, that religious institutions performing public functions cannot, on account of the No Establishment Clause, be aided by government. The Court stated that the plaintiffs had said that Congress has no power to make "a law respecting a religious establishment," and then pointedly noted that "a law respecting a religious establishment" was "not synonymous with that [language] used in the Constitution," namely, "a law respecting an establishment of religion."⁴¹

*Cochran v. Board of Educ.*⁴² established that the use of government funds to provide secular textbooks for parochial school students is constitutionally justifiable as an expenditure for a public purpose. Under Louisiana statutes, boards of education were directed to provide "school books for school children free of cost to such children," and appropriations were made accordingly. The plaintiffs contended that they were being taxed to support a private purpose, contrary to the provisions of the fourteenth amendment. They stated the purpose of the acts to be "to aid private, religious, sectarian and other schools not embraced in the public educational system of the state by furnishing textbooks free to the children attending such private schools."⁴³ The Supreme Court held the appropriations and the program of providing textbooks constitutional, in spite of the fact that children receiving textbooks under the program were enrolled in sectarian schools, noting that the textbooks involved were not religious books but books relating to secular subjects.

Again, in *Cochran*, the Court refused to hold that, because an institution was under religious auspices, its educational program could not receive governmental aid proportioned to the public function which such program involved. The Court was able clearly to distinguish the

⁴⁰ *Id.* at 298.

⁴¹ *Id.* at 297.

⁴² 281 U.S. 370 (1930).

⁴³ *Id.* at 374.