

The rule of *Everson v. Board of Educ.* is plainly this: (1) Government may support the education of citizens in various ways. (2) "Education of citizens" may take place in church-related schools. (3) Government may not support a religion or church, as such, but so long as its program confers directly and substantially a benefit to citizen education, that program is constitutionally unobjectionable, although benefit is at the same time incidentally conferred upon a religion or a church.

*Bradfield, Cochran, and Everson are therefore decisions which not only do not constitute precedent against aid, as discussed herein; they—and especially Everson—are clear precedent for aid, as discussed herein. And they are the only decisions of the Supreme Court of the United States which pronounce upon the financial aid-providing function of government in the sense raised by the questions herein presented.*⁵⁹

B. THE MCCOLLUM AND ZORACH DECISIONS

The *McCollum* and *Zorach* decisions form the next grouping of cases here of interest. Perhaps the first thing to be noted about the two cases is that they did not involve any programs of financial aid-providing by government—no grants, no loans of money or property, no rebates, credits or reimbursements. That is to say, they are not in point with respect to any such programs save insofar as they may have involved the concept of "aid" in some far less tangible or nonmaterial sense or save insofar as they contained pronouncements upon the meaning of the first amendment relevant to the problems involved *instantly*.

*McCollum v. Board of Educ.*⁶⁰ involved an education program imposed by a local board of education in Illinois whereby pupils in the public schools were permitted to attend classes in religious instruction conducted during regular school hours upon the school premises by outside teachers representing the various faiths. Pupils not attending these classes were required to utilize the periods involved in pursuing their regular nonreligious studies. The petitioner charged that the program violated the first and fourteenth amendments. The Court held the program unconstitutional, as "a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their

⁵⁹ *Quick Bear v. Leupp*, 210 U.S. 50 (1908), is not in point, because it dealt with tribal funds, not public funds.

⁶⁰ 333 U.S. 203 (1948).