faith."[61] The Court stressed that the fact that the program was upon a nonpreferential basis did not relieve it from the force of first amendment objections;[62] the state's tax-supported public schools could not constitutionally be used for the dissemination of religious doctrine. The state could not, without violating the first amendment, use its compulsory attendance machinery to provide religious classes for sectarian groups.[63] This was the opinion of the Court. Justice Frankfurter concurred, offering various grounds for objection to the school program which were not stated in that opinion. He was joined by Justices Jackson, Burton and Rutledge. Justice Reed wrote a lengthy dissent.

The case, of course, is not in point with respect to programs of grants, loans, tax rebates, etc. What precedent value it may be considered to have with respect to the instant problem lies in analogy, but the factual analogy is at best remote. The case does present a re-emphasis of the statements of Justice Black in *Everson* respecting the scope of the No Establishment Clause, and supplies this as its *ratio decidendi.* This, coupled with Justice Black's three times employing the phrase "wall of separation between church and state," led many commentators to conclude that the Court had now stated a doctrine of *absolute* separation of church and state and that the ground had now been judicially prepared for the liquidation of fruitful relationships between government and religion which had been the American experience of one hundred sixty years. These commentators were proved incorrect by the decision of the Supreme Court in 1951 in *Zorach v. Clauson.*[64]

*Zorach*, like *McCollum*, involved a "released time" program, the program considered in *Zorach*, however, being one which took place off the school premises. As in *McCollum*, however, the student not participating in the program was to remain in the classroom. As in *McCollum*, the administrative machinery of the public school system was employed in the running of the program. Here, as in *McCollum*, the program was attacked upon the basis of first-fourteenth amendment objections. The Supreme Court held the program constitutionally unobjectionable.

So far as the problems presented for consideration by this study are concerned, there are two points especially to be noted with respect to the *Zorach* decision: (1) the case is not, upon its facts, in point with

[61] Id. at 210.
[62] Id. at 211.
[63] Id. at 212.
[64] 343 U.S. 306 (1952).