

It is, of course, this precise holding of *McCullum* which today survives as the law of that case. Sweeping dicta in the case which justifiably gave rise to fears that the No Establishment Clause should be interpreted to create cleavage, if not hostility, between government and religion were given strongly moderating limitation by the Court in *Zorach*.

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It may be concluded from the *McCullum* and *Zorach* decisions that (1) they do not constitute precedent against the kinds of possible aid to church-related education here under discussion; (2) the Court has specifically rejected the view that the Constitution requires an absolute separation of church and state and instead makes it clear that government and religion may in various ways cooperate. So far as an absolutist concept of the "separation" principle may be derived from the *McCullum* case, that concept is today constitutionally dead.

By its broad and eminently practical view of the No Establishment Clause—a view which expressly recognizes governmental accommodations to the religious interests of the people—the *Zorach* case goes some distance to argue in favor of, rather than against, such governmental aid to education in church-related schools as is herein discussed.

C. THE MEYER AND PIERCE DECISIONS

Meyer v. Nebraska and *Pierce v. Society of Sisters* form the third relevant group of cases. They relate, in differing ways, to rights of free choice in selecting educational institutions. In a more profound sense they stand as constitutional barriers against the imposition by the state of an exclusive educational pattern aimed at creating an official *Kultur*.

*Meyer v. Nebraska*⁷⁵ involved a state statute which made it a crime for any teacher to teach any subject in any elementary school in any language other than English. Meyer, a teacher in a parochial school maintained by the Zion Evangelical Lutheran Congregation, was convicted under the statute of teaching the reading in the German language of Bible stories to a child. The statute was enacted just after the close of World War I, and it recited the existence of an emergency. The Supreme Court of Nebraska in upholding the conviction, considered that to have children become acquainted with any foreign language was

⁷⁵ 262 U.S. 390 (1923).