

Tax benefits are in the unique position of having been almost universally accorded since the foundation of the country by both the state and the federal governments to all nonprofit educational institutions, church-related as well as nondenominational and public. If history means anything, such a tradition cannot be unconstitutional.¹¹²

Long-term loans, matching grants, scholarships, tuition payments, and tax benefits are only some of the possible forms of aid to education. Others will doubtless be conceived. What is important here is not a complete catalog, but the conclusion that the major forms of aid in current discussion are constitutional as applied to education in church-related schools. The form is important only as it safeguards the national purpose.

CONCLUSIONS

From the foregoing certain conclusions may be clearly drawn:

1. Education in church-related schools is a public function which, by its nature, is deserving of governmental support.
2. There exists no constitutional bar to aid to education in church-related schools in a degree proportionate to the value of the public function it performs. Such aid to the secular function may take the form of matching grants or long-term loans to institutions, or of scholarships, tuition payments or tax benefits.
3. The parent and child have a constitutional right to choose a church-related educational institution meeting reasonable state requirements as the institution in which the child's education shall be acquired.
4. Government in the United States is without power to impose upon the people a single educational system in which all must participate.

The foregoing conclusions, drawn from the relevant Supreme Court decisions, represent only a part of the justification for aid to education in church-related schools. What must further be considered are results which would flow from a denial of such aid in the face of long-term programs of massive support exclusively to the public schools.

Some of these results would raise serious constitutional problems, while others would render meaningless certain constitutional protections presently enjoyed. These results should be carefully pondered when any program of major federal aid to education is being considered, because they would plainly entail a transformation of a free and pluralist Ameri-

¹¹² Cf. *Heisy v. County of Alameda*, 46 Cal. 2d 644, 298 P.2d 1, cert. denied, 352 U.S. 921 (1956).