can society into a society in which uniformitarianism would be certain and freedom therefore doubtful. It is indeed true that governmental spending may effect transformations of society; and in no instance is this potential in government spending programs to be more carefully examined than where such programs are directed—as in the case of subsidies for education—toward the formation of the minds of citizens.

Massive spending solely for public schools would in time result in a critical weakening of church-related schools, presaging the ultimate closing of many of them. This, taken in conjunction with the compulsory attendance laws, would mean that most children would be forced to acquire their education in the public schools. *De facto*, parents would no longer enjoy the freedom to send their children to church-related schools. Practically speaking, therefore, the freedom of parent and child protected by the *Pierce* decision would have been rendered meaningless.[113]

Further difficulties appear. The Supreme Court observed in *West Virginia State Bd. of Educ. v. Barnette*: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion . . . ."[114] Yet an "orthodoxy" is expressed—inescapably so—even in a curriculum from which religious "orthodoxies" are absent. Removal, through government spending programs, of practical alternatives[115] to public school education would mean that those

113 Although economic coercion through governmental action is not to be classified, constitutionally speaking, with statutory coercion such as was considered in the *Pierce* case, the observation made in 1955 by Alanson W. Willcox, presently General Counsel of the Department of Health, Education, and Welfare, should be borne carefully in mind: "Whenever a state imposes a choice between . . . receiving a public benefit, on the one hand, and exercising one's constitutional freedoms, on the other, the state burdens each course to the extent that abandonment of the other is unpalatable. The deterrent to exercise of first amendment freedoms when public benefits are at stake is a real one . . . . Infringement of constitutional rights is nonetheless infringement because accomplished through a conditioning of a privilege." 41 Cornell L.Q. 12, 43-44 (1955).

114 319 U.S. 624, 642 (1943).

115 The Supreme Court has made note of the absence of alternatives as a standard for judging the coercive effect of given governmental action. The Court pointed out that in the *McCollum* case "the only alternative available to the nonattending students was to remain in their classrooms"; while with respect to the Maryland Sunday laws (which the Court upheld) "the alternatives open to nonlaboring persons . . . are far more diverse." McGowan v. Maryland, 366 U.S. 420, 452 (1961). The absence (in the case of closing of church-related schools, caused by a program of massive governmental support of public schools) of any alternative opportunity to receive a form of education to which