

braced the supernatural would be meaningless and invidious. The Court, in *Torcaso*, held the provision of the Maryland Constitution there involved unconstitutional because it favored "one particular sort of believers" ("believers," as the Court had noted, including also those who profess nontheistic religions).¹²³

Obviously, under an absolutist interpretation of the first amendment, such value-inculcation must pose serious problems. Again, however, rationality should point to the solution. Value-teaching should not, in principle, be regarded as an evil, to be shouldered out of community life by some deemed necessities of the first amendment. But if such teaching may, *without* first amendment objection, be offered in the public schools which are supported completely by government, then it cannot be said that some compulsive mandate of the first amendment decrees that no government aid whatever can be granted to education in church-related schools because the church-related schools, too, offer a program which inculcates values.

Again, it should be apparent that there is no need for a dilemma seemingly caused by opposed claims of the free exercise clause, on the one hand, and the No Establishment Clause on the other. *It is apparent that the free exercise clause as well as the No Establishment Clause must be recognized as creating limitations upon the spending power of the federal government.* If all governmental spending for education in church-related schools is to be considered ruled out on account of requirements of the No Establishment Clause, governmental spending for education in public schools must also be considered ruled out due to requirements of the free exercise clause. Ours, however, is a Constitution of rationality, not one of absolutes which paralyze social action. And plainly the solution becomes one in which government should be free to make such rational adjustment as best comports with the very real social needs involved.

Apart from the question of precise holdings in cases, constitutional precedent of another sort is available in aid of a solution to the problem here presented: the view often expressed in the more recent Supreme Court decisions respecting freedom of contract, the commerce clause, due process in criminal proceedings, and equal protection, that the Constitution is not static but must be from time to time reinterpreted in view of changed social conditions.¹²⁴ These decisions show a hospitality

¹²³ 367 U.S. at 490.

¹²⁴ *Emspak v. United States*, 349 U.S. 190 (1955); *Brown v. Board of Educ.*, 347