Mitchell v. Helms (2000) - Justice Thomas - 6/3. [In _Meek v. Pittenger_ (1975)[1], Pennsylvania tried for a 3rd time (after losing in _Lemon v Kurtzman_[2] & _Sloan v Lemon_[3]) to somehow get aid to parochial schools. That Act (1) authorized the State to lend secular textbooks to children attending nonpublic sectarian schools and (2) authorized the State to lend "instructional materials and equipment" including films, projection equipment, maps, etc., to nonpublic schools and (3) allowed the provision of "auxiliary services" including staff from the public school system to aid in nonpublic schools in areas of counseling, testing, psychological services and speech therapy. The Court said the textbook loan program was ok (_Board v Allen_[4]), but the instructional materials and auxiliary service programs fell because "they have the primary effect of advancing religion. It would be impossible to separate the secular from the religious when it comes to the use of this equipment and the auxiliary service program portends of excessive entanglement and the potential for loaned staff to stray to sectarian themes." **As to the "instructional materials" issue in _Meek_, this case overrules _Meek_.]**

Issue: An Act of Congress allowed public and private school acquisition of "instructional and educational materials as long as the services, materials and equipment provided to the private schools were secular, neutral and nonideological." Does the Act respect an Establishment of religion?

Held: No. Reversed. The Act is constitutional.

Reasoning: Because the benefits of supplies and equipment are secular, neutral and nonideological and are made equally available to public and private schools, the Act does not transgress the Establishment Clause. The benefits do not necessarily encourage students to enroll in

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[1]Case 1A-R-051 on this website.

[2]Case 1A-R-042 on this website.

[3]Case 1A-R-049on this website.

[4]Case 1A-R-037 on this website.

parochial schools, so the school district cannot be said to be promoting religion.

Dissent: Not provided.

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