

WASHINGTON (AP) — The Supreme Court ruled 5 to 4 today that states may make direct financial grants to church-related colleges without violating the constitutional separation of church and state.

The justices in the majority split 3 to 2 as to the reasons for their decision.

The court upheld a Maryland program adopted in 1971 granting state money to private colleges and universities. Funds may not go to institutions which primarily award seminarian or theological degrees.

Before receiving a grant, the president of a college must verify that it will not be used for sectarian purposes. After a year, he is required to report on the use to which the money was put.

A three-judge federal court in Baltimore upheld the program by a 2 to 1 vote in 1974.

Seventeen college receive money under the program. Three of them — Notre Dame and Loyola in Baltimore and Mount Saint Mary's in Emmitsburg, Md. — are affiliated with the Roman Catholic Church.

The Supreme Court was asked whether the program amounts to a law "respecting an establishment of religion" and consequently forbidden by the First Amendment.

Justice Harry A. Blackmun, in an opinion in which Chief Justice Warren E. Burger and Justice Lewis F. Powell Jr. joined, said the Maryland program met a three-fold test of the constitutionality of state aid to church-related institutions, as outlined in a 1971 case.

In the 1971 ruling, the court said the aid must have a secular purpose, must not have

the primary effect of advancing religion, and must not foster an excessive government entanglement with religion.

The Supreme Court's opinion said the first part of the test was not an issue because it

was agreed that the purpose of the Maryland program was the secular one of supporting private higher education generally.

The justices also said the program does not have the primary effect of advancing religion.

They said the colleges were similar to those involved in another 1971 case in which the court upheld a federal law providing construction grants for both public and private colleges. The same 1971 ruling barred the use of federal money for any facility when the funds were to be used for secretarian instruction or religious worship or as part of a school or department of divinity.

The three justices also agreed with the lower court that the program did not excessively entangle the government with religion.

They said that although the state might have occasion to audit the church-related schools to see if they are using the money properly, this kind of audit was not likely to lead to any greater entanglement than the audits already made for purposes of college accreditation.

Justices Byron R. White and William H. Rehnquist also voted to uphold the program but said they did so only on the basis that it had a secular purpose and that its primary

effect was "neither to advance nor inhibit religion."

White and Rehnquist maintained that the third part of the threefold test — whether the program fostered excessive entanglement — was superfluous.

Dissenting Justices William J. Brennan Jr. and Thurgood Marshall said they agreed with the dissenter in the lower court, U.S. Judge Albert V. Bryan Jr. of Alexandria, Va., that the Maryland program "'does in truth offend the Constitution by its provision

of funds, in that it exposes state money for use in advancing religion, no matter the vigilance to avoid it.''

Justices Potter Stewart and John Paul Stevens dissented in separate opinions.