Finally, in the first case since *Bradfield v. Roberts* [150] to challenge the constitutionality of public aid to non-educational religious institutions, the Court in *Bowen v. Kendrick*,[151] by a 5–4 vote, upheld the Adolescent Family Life Act (AFLA) [152] against facial challenge. The Act permits direct grants to religious organizations for the provision of health care and for counseling of adolescents on matters of pregnancy prevention and abortion alternatives, and requires grantees to involve other community groups, including religious organizations, in the delivery of services. All the Justices agreed that AFLA had valid secular purposes; their disagreement related to application of the effects and entanglement tests. The Court relied on analogy to the higher education cases rather than to the cases involving aid to elementary and secondary schools.[153] The case presented conflicting factual considerations. On the one hand, the class of beneficiaries was broad, with religious groups not predominant among the wide range of eligible community organizations. On the other hand, there were analogies to the parochial school aid cases: secular and religious teachings might easily be mixed, and the age of the targeted group (adolescents) suggested susceptibility. The Court resolved these conflicts by holding that AFLA is facially valid, there being insufficient indication that a significant proportion of the AFLA funds would be disbursed to "pervasively sectarian" institutions, but by remanding to the district court to determine whether particular grants to pervasively sectarian institutions were invalid. The Court emphasized in both parts of its opinion that the fact that "views espoused [during counseling] on matters of premarital sex, abortion, and the like happen to coincide with the religious views of the AFLA grantee would not be sufficient to show [an Establishment Clause violation]." [154]

At the time it was rendered, *Bowen* differed from the Court's decisions concerning direct aid to sectarian elementary and secondary schools primarily in that it refused to presume that religiously affiliated social welfare entities are pervasively sectarian. That difference had the effect of giving greater constitutional latitude to public aid to such entities than was afforded direct aid to religious elementary and secondary schools. As noted above, the Court in its

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clude a student religious publication from a program subsidizing the printing costs of all other student publications. The Court said the fund was essentially a religiously neutral subsidy promoting private student speech without regard to content.

[150] 175 U.S. 291 (1899).

[151] 487 U.S. 589 (1988).

[152] Pub. L. 97–35, 95 Stat. 578 (1981), codified at 42 U.S.C. §§ 300z *et seq*.

[153] The Court also noted that the 1899 case of Bradfield v. Roberts had established that religious organizations may receive direct aid for support of secular social-welfare cases.

[154] 487 U.S. at 621.