the alleged disproportionate benefits to parents of parochial school children was the assertion that, "whatever unequal effect may be attributed to the statutory classification can fairly be regarded as a rough return for the benefits . . . provided to the State and all taxpayers by parents sending their children to parochial schools."[131]

A second factor important in *Mueller*, which had been present but not controlling in *Nyquist*, was that the financial aid was provided to the parents of schoolchildren rather than to the school. In the Court's view, therefore, the aid was "attenuated" rather than direct; because it was "available only as a result of decisions of individual parents," there was no "imprimatur of state approval." The Court noted that, with the exception of *Nyquist*, "all . . . of our recent cases invalidating state aid to parochial schools have involved the direct transmission of assistance from the State to the schools themselves."[132] Thus, *Mueller* apparently stands for the proposition that state subsidies of tuition expenses at sectarian schools are permissible if contained in a facially neutral scheme providing benefits, at least nominally, to parents of public and private schoolchildren alike.

The Court confirmed this proposition three years later in *Witters v. Washington Department of Social Services for the Blind*.[133] At issue was the constitutionality of a grant made by a state vocational rehabilitation program to a blind person who wanted to use the grant to attend a religious school and train for a religious ministry. Again, the Court emphasized that, in the vocational rehabilitation program "any aid provided is 'made available without regard to the sectarian-nonsectarian, or public-nonpublic nature of the institution benefited'" and "ultimately flows to religious institutions . . . only as a result of the genuinely independent and private choices of aid recipients."[134] The program, the Court stated, did not have the purpose of providing support for nonpublic, sectarian institutions; created no financial incentive for students to undertake religious education; and gave recipients "full opportunity to expend vocational rehabiiltation aid on wholly secular education." "In this case," the Court found, "the fact that the aid goes to individuals means that the decision to support religious education is made by

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were sectarian in nature; and Widmar v. Vincent, 454 U.S. 263, 275 (1981), holding that a college's open forum policy had no primary effect of advancing religion "[a]t least in the absence of evidence that religious groups will dominate [the] forum." *But cf.* Bowen v. Kendrick, 487 U.S. 589 (1988), permitting religious institutions to be recipients under a "facially neutral" direct grant program.

[131] 463 U.S. at 402.

[132] 463 U.S. at 399.

[133] 474 U.S. 481 (1986).

[134] 474 U.S. at 487.