

## **Wisconsin v. Yoder (1972)**

**Argued:** December 8, 1971

**Decided:** May 15, 1972

### **Background**

The First Amendment protects the right of people to exercise their religion freely. This means that the government cannot outlaw any religious beliefs. Sometimes, however, conduct related to those beliefs conflicts with government laws and regulations. In these cases, courts are asked to rule on whether the government is allowed to forbid some conduct required by someone's religious belief or compel conduct that is forbidden by that belief. This is a case about the free exercise of the religious beliefs of Amish and Mennonite communities.

The Amish and Mennonite sects of Christianity view individualism, competition, and self-promotion as vices that separate members from God, one another, and their own salvation. In order to preserve these values, each rural community seeks to become largely self-sufficient, providing for its members' needs with minimal support from those outside the community. These beliefs led many communities to stop formal education, in the form of public, private, or home schooling, for their children after the age of 14. For generations that approach aligned with state and local laws related to the number of years children were required to be in school. In the mid-20<sup>th</sup> century, however, many U.S. states raised the age to which children must attend school, and that created conflict with Old Order Amish and Mennonite practices.

### **Facts**

The state of Wisconsin convicted three members of Old Order Amish and Mennonite communities for violating the state's compulsory education law, which requires attendance at school until the age of 16. Frieda Yoder and two other students had stopped attending school at the end of eighth grade. The Amish claimed that their religious faith and their mode of life are inseparable and interdependent. They sincerely believe that exposure to competitive pressures of formal schooling, the content of higher learning, and removal from their religiously-infused practices of daily life will endanger children's salvation, the parents' own salvation, and the continuation of the Amish community itself. The Amish community provides an alternative education that adequately prepares children for their adult roles within their community. This alternative education also prepares them to be law abiding and self-sufficient.

Mr. Yoder and the other parents were convicted in Wisconsin Circuit Court for their students' truancy (failure to attend compulsory schooling). They were required to pay a five dollar fine, which they refused to do as a matter of conscience. The Yoders appealed to the Wisconsin Supreme Court on the grounds that their families' First Amendment free exercise rights were violated. The state Supreme Court agreed and reversed the Circuit Court's decision, ruling in favor of Yoder. The state of Wisconsin sought review by the U.S. Supreme Court, which agreed to hear the case.

**Issue**

Under what conditions does the state's interest in promoting compulsory education override parents' First Amendment right to free exercise of religion?

**Constitutional Amendments and Supreme Court Precedents****– First Amendment to the U.S. Constitution**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

**– 14<sup>th</sup> Amendment to the U.S. Constitution**

“...nor shall any State deprive any person of life, liberty, or property, without due process of law...”

**– *Pierce v. Society of Sisters* (1925)**

Oregon had banned private school attendance in an effort to eliminate religious schools, and required parents or guardians to send children to local public schools between the ages of eight and 16. The Society of Sisters, an order of nuns that cared for orphans and provided Catholic schooling, sued the state, arguing that the requirement to attend public schools violated the First Amendment's protection for free exercise of religion. The Supreme Court ruled that the Oregon law was unconstitutional under the Due Process Clause of the 14th Amendment, implicitly incorporating the right to religious liberty. The Court explained that, while the state has an important interest in providing public education, even that important objective must be balanced against the interests of parents in the free exercise of religion. As long as privately-provided education would adequately prepare students, the state could not prevent religious parents or communities from educating students in private schools.

**– *Prince v. Massachusetts* (1944)**

Sarah Prince challenged her conviction under Massachusetts child labor laws that prevented boys under the age of 12 and girls under the age of 18 from selling any publications or other forms of merchandise in public places. Sarah Prince was a member of a religious sect, the Jehovah's Witnesses, and the aunt and guardian for Betty Simmons, age nine. While under Ms. Prince's care, and with her knowledge, young Betty distributed religious literature on the street and accepted donations. The Supreme Court upheld the state law prohibiting the distribution of religious literature in a public place by a minor. The Court reasoned that a state's generally applicable regulation to protect child welfare (a prohibition against child labor) could override the parents' free exercise of religion, if there was a demonstrated threat to the child's physical or mental health or to the public order.

**Arguments for Wisconsin (petitioner)**

- Compulsory education up to the age of 16 is a “compelling governmental interest” that benefits the larger society. That compelling interest should override the Amish community's claims that school attendance negatively affects the practice of their religion.

- The final years of high school prepare students for employment and civic participation. The government has a compelling interest in requiring all students to complete secondary education in order to participate effectively in the American political system and become self-sufficient.
- At some point in the future, students may choose to leave the Amish community. In order to avoid being a burden to society, students need to have a full and proper education to be successful outside of the religious community.
- Mandatory school attendance laws apply neutrally and equally to everyone regardless of their religion and do not discriminate in favor of or against any particular religion. Therefore, they are beyond protection of the First Amendment.

### **Arguments for Yoder (respondent)**

- The Amish and Mennonite communities' beliefs about the danger of formal education to their religion are sincere. They should not be forced to violate their own religious beliefs.
- The Amish community provides an alternative vocational education that prepares children for their adult roles in the Amish community, so they do not need to send their children to school past eighth grade. That alternative education prepares the Amish to become self-sufficient.
- Additional years of compulsory schooling would not better prepare Amish students for their lives of agrarian and manual labor, even if they choose to leave Amish life.
- The Amish and Mennonite communities are law-abiding and have been for centuries. That is evidence that the requirements of citizenship had been met by the Amish without the required additional years of secondary education.
- Leaving school after eighth grade does not create physical or mental harm to the students and does not disrupt the school or the community.

### **Decision**

The Court decided the case unanimously, 7–0, in favor of Yoder. Chief Justice Burger delivered the opinion of the court. Justices Powell and Rehnquist did not take part in the case. Justice Douglas delivered a partial dissent.

### **Majority**

The Supreme Court held that the Free Exercise Clause of the First Amendment, as incorporated by the 14th Amendment, prevented the state of Wisconsin from compelling the respondents to send their children to formal secondary school beyond the age of 14.

The Court ruled that the families' religious beliefs and practices outweighed the state's interests in making the children attend school beyond the eighth grade. The Court first satisfied itself that, according to expert testimony in the record, the requirement to send their children to school beyond the eighth grade would actually interfere with well-established and deeply held religious convictions:

“In sum, the unchallenged testimony of acknowledged experts in education and religious history, almost 300 years of consistent practice, and strong evidence of a sustained faith pervading and regulating respondents' entire mode of life support the claim that enforcement of the State's requirement of compulsory formal education after the eighth grade would gravely endanger, if not destroy, the free exercise of respondents' religious beliefs.”

The Court then rejected the state's arguments for overriding the parents' religious beliefs. The Court commented that an additional one or two years of high school (until the required age of 16) would not produce enough educational benefits for the Amish to constitute a “compelling government interest.” The Court cited the endurance of their law-abiding community for centuries as evidence that the Amish meet the responsibilities of citizenship without the required additional years of secondary education.

The justices also noted that nothing in their decision undermined general state compulsory school attendance laws for non-Amish people and emphasized that states may still set reasonable standards for church-sponsored schools, including for Amish agricultural vocational education, as long as those rules do not impair the free exercise of religion.

### **Dissent, in part**

Justice Douglas joined the majority decision as applied to Mr. Yoder but disagreed with the majority's ruling regarding some of the other families. Because the majority opinion focused only on the free exercise claims of the parents (the ones who were charged with a crime) and not the children, Justice Douglas would have sent the cases of the other children back to lower courts to learn whether or not the children wanted to attend school past eighth grade. Mr. Yoder's daughter had testified in lower court that she wished to be educated at home.