**WISCONSIN Versus YODER (1972)**

***(Compulsory School / Religion)***

**Background:**

Three Amish students from three different families stopped attending the New Glarus High School in the [New Glarus](https://en.wikipedia.org/wiki/New_Glarus,_Wisconsin), Wisconsin, school district at the end of the eighth grade because of their parents' religious beliefs. The three families were represented by Jonas Yoder (one of the fathers involved in the case) when the case went to trial. They were convicted in the [Green County](https://en.wikipedia.org/wiki/Green_County,_Wisconsin) Court. Each defendant was fined the nominal sum of $5. Thereafter the [Wisconsin Supreme Court](https://en.wikipedia.org/wiki/Wisconsin_Supreme_Court) found in Yoder's favor. Thereupon, Wisconsin appealed that ruling in the US Supreme Court.

The Amish did not believe in going to court to settle disputes but instead follow the [biblical](https://en.wikipedia.org/wiki/Christian_Bible) command to "turn the other cheek." Thus, the Amish are at a disadvantage when it comes to defending themselves in courts or before legislative committees. However, a [Lutheran](https://en.wikipedia.org/wiki/Lutheranism) minister, Reverend William C. Lindholm, took an interest in Amish legal difficulties from a religious freedom perspective and founded The National Committee for Amish Religious Freedom (partly as a result of this case) and then provided them with legal counsel.

Under Amish church standards, higher education was deemed not only unnecessary for their simple way of life, but also endangering to their salvation. These men appealed for exemption from compulsory education on the basis of these religious convictions. They sincerely held to the belief that the values their children would learn at home would surpass the worldly knowledge taught in school.

**Majority Opinion:**

The U.S. Supreme Court ruled in favor of *Yoder* in its decision. Justice [William O. Douglas](https://en.wikipedia.org/wiki/William_O._Douglas) filed a partial dissent, but voted with the court regarding Yoder's case. Justices [Lewis F. Powell, Jr.](https://en.wikipedia.org/wiki/Lewis_F._Powell,_Jr.) and [William H. Rehnquist](https://en.wikipedia.org/wiki/William_H._Rehnquist) took no part in the consideration or decision of the case.

The Wisconsin Supreme Court "sustained respondents' claim that application of the compulsory school-attendance law to them violated their rights under the [Free Exercise Clause](https://en.wikipedia.org/wiki/Free_Exercise_Clause) of the [First Amendment](https://en.wikipedia.org/wiki/First_Amendment_to_the_United_States_Constitution), made applicable to the States by the [Fourteenth Amendment](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution)."

The U.S. Supreme Court held as follows:

1. States cannot force individuals to attend school when it infringes on their First Amendment rights. In this case, the state of Wisconsin interfered with the practice of a legitimate religious belief.
2. Not all beliefs rise to the demands of the religious clause of the First Amendment. There needs to be evidence of true and objective religious practices, instead of an individual making his or her standards on such matters. The Amish way of life is one of deep religious convictions that stems from the Bible. It is determined by their religion, which involves their rejection of worldly goods and their living in the Biblical simplicity. The modern compulsory secondary education is in sharp conflict with their way of life.
3. With respect to the State of Wisconsin’s argument that additional modern education beyond 8th grade is necessary to prepare citizens to participate effectively and productively in America’s political system, the Court disagreed. It argued that the State provided no evidence showing any great benefit to having two extra years in the public schools. Furthermore, the Court contended that the Amish community was a very successful social unit in American society, a self-sufficient, law-abiding member of society, which paid all of the required taxes and rejected any type of public welfare. The Amish children, upon leaving the public school system, continued their education in the form of vocational training.
4. The Court found no evidence that by leaving the Amish community without two additional years of schooling, young Amish children would become burdens on society. To the contrary, the Court argued that they had good vocational background to rely upon. It was the State’s mistaken assumption that Amish children were ignorant. Compulsory education after elementary school was a recent movement that developed in the early 20th century in order to prevent child labor and keep children of certain ages in school. The State of Wisconsin’s arguments about compelling the school attendance were therefore less substantial.
5. Responding to Justice Douglas's dissent, the Court argued that the question before it was about the interests of the parents to exercise free religion, and did not relate to the child's First Amendment's rights. As such, the argument pertaining to the child's right to exercise free religion was irrelevant in this case.

**Dissenting Opinion:**

Justice [William O. Douglas](https://en.wikipedia.org/wiki/William_O._Douglas), who dissented in part, wrote:

I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court's analysis assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children....

On this important and vital matter of education, I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so he will have to break from the Amish tradition.

It is the future of the students, not the future of the parents, that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today. The child may decide that that is the preferred course, or he may rebel. It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today.