

STUDENT HANDOUT 9

Case Study: *Wisconsin v. Yoder* (1972)

Wisconsin's compulsory education law required that all children attend public or private school until age 16. The Supreme Court held that this law violated the Free Exercise Clause when applied to members of the Amish faith.

CHIEF JUSTICE BURGER delivered the opinion of the Court.

Respondents Jonas Yoder and Adin Yutzy are members of the Old Order Amish Religion, and respondent Wallace Miller is a member of the Conservative Amish Mennonite Church. They and their families are residents of Green County, Wisconsin. Wisconsin's compulsory school attendance law required them to cause their children to attend public or private school until reaching age 16 but the respondents declined to send their children, ages 14 and 15, to public school after completing the eighth grade. The children were not enrolled in any private school, or within any recognized exception to the compulsory attendance law, and they are conceded to be subject to the Wisconsin statute.

. . . The trial testimony showed that respondents believed, in accordance with the tenets of Old Order Amish communities generally, that their children's attendance at high school, public or private, was contrary to the Amish religion and way of life. They believed that by sending their children to high school, they would not only expose themselves to the danger of the censure of the church community, but . . . endanger their own salvation and that of their children. . . .

Amish . . . object to the high school and higher education generally because the values it teaches are in marked variance with Amish values and the Amish way of life; they view secondary school education as an impermissible exposure of their children to a "worldly" influence in conflict with their beliefs. The high school tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students. Amish society emphasizes informal learning-through-doing, a life of "goodness" rather than a life of intellect, wisdom rather than technical knowledge, community welfare rather than competition, and separation rather than integration with contemporary worldly society. . . .

The Amish do not object to elementary education through the first eight grades as a general proposition because they agree that their children must have basic skills in the "three R's" in order to read the Bible, to be good farmers and citizens, and to be able to deal with non-Amish people when necessary in the course of daily affairs. . . .

The state advances two primary arguments in support of its system of compulsory education. It notes, as Thomas Jefferson pointed out early in our history, that some degree of education is necessary to prepare citizens to par-

ticipate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society. We accept these propositions.

However, the evidence [presented] by the Amish in this case is persuasively to the effect that an additional one or two years of formal high school for Amish children in place of their long-established program of informal vocational education would do little to serve those interests. . . . It is one thing to say that compulsory education for a year or two beyond the eighth grade may be necessary when its goal is the preparation of the child for life in modern society as the majority live, but it is quite another if the goal of education be viewed as the preparation of the child for life in the separated agrarian community that is the keystone of Amish faith. . . .

The State attacks respondents' position as one fostering "ignorance" from which the child must be protected by the State. No one can question the state's duty to protect children from ignorance, but this argument does not square with the facts. . . . Whatever their idiosyncracies as seen by the majority, this record strongly shows that the Amish community has been a highly successful social unit within our society even if apart from the conventional "mainstream." Its members are productive and very law-abiding members of society; they reject public welfare in any of its usual modern forms. . . .

There can be no assumption that today's majority is "right" and the Amish and others like them are "wrong." A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.

Using the information in the case you have just read, answer the following questions.

1. Why did Jonas Yoder refuse to send his children to the public high school?
2. What Amish beliefs did not allow Yoder to send his children to high school?
3. Why did he send them to school through the eighth grade, but no further?
4. What did the state contend in its case against Yoder?

5. What was the Court's decision about this case and the Free Exercise Clause?

6. What did Chief Justice Burger mean when he said, "A way of life . . . is not to be condemned because it is different"?

7. Do you agree with the Court's decision? Why or why not?

8. What would you have done if you had been in Yoder's shoes?

9. What would you have done if you had been one of Yoder's high-school-aged children?

10. Justice William Douglas dissented in this case, saying that the Amish children should be asked about *their* religious beliefs and whether *they* wanted to stay in school. Do you agree?

11. How is this case related to tolerance? Was the state of Wisconsin tolerant of Jonas Yoder and his family? Was Yoder tolerant of his children?