

## The Rights of Religious Groups

### *Wisconsin v. Yoder, 1972*

#### \*\*\*\*\* **Background of the Case** \*\*\*\*\*

The First Amendment to the Constitution, which states that Congress may pass no law respecting the establishment of religion or prohibit the exercise of any religion, builds a wall between the government and religious groups. According to legal scholars who have interpreted the amendment, neither the national government nor state governments may pass laws that violate the beliefs of a religious group. Just how far does the First Amendment go in protecting people's religious rights? The case of *Wisconsin v. Yoder* illustrates how the Supreme Court has extended the protection of the amendment to a particular religious group.

The Amish, a Protestant sect that originated in Switzerland in the 1690s, immigrated to North America in the 1700s, settling first in Pennsylvania and later in several Midwestern states. They established farms, and even today most Amish are farmers who separate themselves from the modern world. They do not use motor-driven farm machinery or drive automobiles. They wear simple clothing, often homemade, fastened with common pins because the Amish believe that buttons and zippers are vain. Many Amish homes are lighted with kerosene lamps instead of electric lights. When travel is necessary, the Amish use horse-drawn, covered buggies. The

Amish belief system and their rules, called *Ordnung*, forbid them to hold public offices, go to war, or swear oaths. To maintain their beliefs, tight-knit Amish communities operate their own elementary schools. Formal education ends when students finish the eighth grade. Amish beliefs and customs brought them into conflict with Wisconsin state law. The case, however, had wider implications, not only because it affected Amish communities in 23 states, but also because the case tested the limits of the First Amendment. Wisconsin state law requires that all elementary school graduates attend high school until they are 16 years old. The Amish feared that attending a public high school might threaten the beliefs of their young people, and therefore refused to obey this law. Wisconsin brought suit, and a Wisconsin court convicted the Amish of violating the state education law. The Amish appealed the case to the Supreme Court.

#### **C**onstitutional Issue \*\*\*\*\*

Does the First Amendment protect a group of people from being forced to send their children to public high schools if such attendance is contrary to their religious beliefs?

#### \*\*\*\*\* **The Supreme Court's Decision** \*\*\*\*\*

The court ruled 6-to-3 that the Amish, as a long-established religious group, may not be forced by the Wisconsin law to send their children to public high schools once they have completed the

eighth grade. The Court based its decision on the religious rights provision of the First Amendment to the national government by the Bill of Rights.

The Court reasoned that although a state has the power to impose reasonable regulations for the education of all children, a state's interest in universal education must be balanced against the freedom of religion provided for in the First Amendment, as well as the traditional interest of parents with respect to their religious convictions. The Court held that no matter how strong a state's interest in universal compulsory education may be, it is by no means absolute to the exclusion of all other factors.

The Court distinguished between members of legitimate religious groups and parents who held purely secular beliefs. The latter group, the Court held, did not have the right to interfere with a state's regulation of education. The Court described the Amish, on the other hand, as an identifiable religious sect with a long history of demonstrated, sincerely held religious beliefs. In addition the Court found that the Amish had introduced convincing evidence to show that sending Amish children to public high schools might impair their physical or mental health and make them less likely to discharge their duties and responsibilities in the Amish community.

\*\*\*\*\* **Dissenting Opinion** \*\*\*\*\*

In his dissent Justice William O. Douglas agreed that the religious beliefs of the Amish are in conflict with compulsory high school education. He took issue with the majority opinion, however, on the grounds that parents' beliefs about education should not be imposed on their children. He stated that religion is an individual experience, and that, without knowing the position of the children involved, he could not agree with the majority decision.

**DIRECTIONS: Answer the following questions on a separate sheet of paper.**

1. Do you agree with the Supreme Court's majority opinion or with Justice Douglas's dissenting opinion? Explain.
2. Suppose a small religious group formed in the United States about five years ago. One of its beliefs was that children should not be educated beyond the sixth grade, so it operated religious schools from grades one through six. The laws of your state, however, require that children must attend school until they are 18 years old. The group refuses to obey this law. What would be the effect of the Court's decision on this group? Explain.
3. Orthodox Jews operate their own school systems that include high schools. Do you think Orthodox Jews would be affected by the Supreme Court's *Wisconsin v. Yoder* decision? Explain.
4. When the Supreme Court handed down its ruling in *Wisconsin v. Yoder*, some experts in constitutional law criticized it because the decision yielded too much authority to a religious group and weakened the state's power to regulate important educational matters. Do you agree or disagree with this criticism? Explain.