



Wisconsin V. Yoder 1972

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Overview

- Jonas Yoder, Wallace Miller and Adin Yutzy were all prosecuted for not sending their children to school for religious reasons (Amish).
- The state of Wisconsin requires all kids under 16 to attend school.
- All three people in question argued this law infringed on their 1st amendment right.
- Evidence showed Amish education was not up to standards of normal Wisconsin students.



Background of the Amish

- The Amish are a group of traditional Christian church fellowships with the Swiss German and Alsatian Anabaptist origins
- They are closely related to, but are a branch off of the Mennonite Church
- The Amish are known for their simple dressing and their plain living, as well as their lack to adopt many of today's technological conveniences
- Often when people refer to the amish today they are referring to the Old Order Amish



Law in Question

- Wisconsin's compulsory school attendance law
- This law required anyone with the control of a child from age 6 to 18 to send them to school, with the exception of holidays and some exclusions
- These exceptions would include, being graduated, a physical or mental disorder that renders you incapable, being home-schooled or attending a private school, or at the age of 16 attending a technical school towards their high school graduation
- After *Wisconsin v. Yoder* the Amish were exempt from this law



Why do the Amish not send kids to high school?

- The majority of Amish learning is in apprenticeships and hands-on learning. Knowing how to find sine and cosine does not help with plowing a field or keeping livestock.
- Higher education will conflict with Amish teachings and not be conducive to Christian values.



Did court case impose on the Amish lives ?

- Jonas Yoder; a member of the Old Order Amish saw education past eighth grade was as a threat to their way of life and endanger the salvation of families.
- In later years there were court cases surrounding minority religion rights and protecting them.



Final Verdict

- The Court ruled unanimously that the 1st Amendment protected the individual's rights in this situation.
- The Wisconsin Supreme Court ruled that it was unconstitutional to force students to attend school in disregard for religious reasons.
- 2 Judges, Judge Rehnquist and Judge Powell, did not vote regarding this matter, rendering the vote to 7-0 rather than 9-0.



The base for the court's decision



- The case of *Pierce V Society of Sisters* (1925) dealt with the same issue
- *Pierce V Society of Sisters* state that the guardians have the choice to follow the state's educational mandate
- Oregon's mandate however was only focused on public schools and not going to school in general
- This case was not argued with the 1st amendment, rather the 14th
- The decision did set the precedent that parents' choice outweighed the states' law of forcing children to go to school
- *Wisconsin V Yoder* only added the religious aspect into the parent's' decision

Similar cases regarding the 1st Amendment

- *Minersville School District v. Gobitis*(1940): obligatory salutes in the morning to the flag was not in violation of the 1st and 14th Amendments.
- *Everson v. Board of Education*(1947): it was ruled that the buses public and private school used was not indirect aid, as it was provided for every school.
- *Epperson v. Arkansas*(1968): not teaching students about evolution was a violation of the Establishment Clause of the 1st Amendment.

Other Court Case

- During President Nixon's presidency the year prior to *Wisconsin v. Yoder*, *Lemon v. Kurtzman* established the Lemon test for religious establishment. This included every law having a secular legislative purpose, primary effect that doesn't prohibit or advance religion and no excessive entanglement of church and state.

Significance

- Wisconsin compulsory school attendance ruled unconstitutional when applied to the Amish (Old Order of Mennonite Church)
- This case signifies the amendments have priority over laws
- It showed that parents had more control over the students education than the state.

Which Part of the first amendment is being argued

- The Amish Feel they are being violated of the First Amendment, Specifically the Freedom of Religion
- Their Religion feels that School should stop at 8th grade, And Court doesn't like the idea of it.
- Free exercise clause

Sources

Cornell Law Citation

- State of WISCONSIN, Petitioner, v. Jonas YODER et al. (n.d.). Retrieved October 29, 2020, from <https://www.law.cornell.edu/supremecourt/text/406/205>
- “Pierce v. Society of Sisters, 268 U.S. 510 (1925).” Justia Law, supreme.justia.com/cases/federal/us/268/510/.
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