

## YOU KNOW IT, YOU LOVE IT, YOU DON'T WANT IT: ANOTHER COURT CASE

*Wisconsin v. Yoder (1972)*

In the 1970s, WI required parents of children of 16 or less to send their children to a formal school that the state approved of in some way.

One day, a number of parents did not send their children to public school, citing religious reasons, and amongst those parents was Yoder. They were charged and fined, but they then appealed to the state supreme court, and their argument was accepted. The state then appealed to the SC (which is how they are the petitioner in this case), hoping to have the court overturn the state supreme court ruling.

The exact details are as follows:

1. The respondents in the SC case were Amish. It was their belief to give the students useful skills through trade and experience instead of dumb shit that they would never use.
2. The respondents (Yoder) argued that the free exercise clause allowed them to do this.
3. The establishment and free exercise clause reads as follows: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...*
4. The petitioners (WI) argued that it was in the public interest and in fact their duty to educate and preserve public health, and educating the children counted under those responsibilities. The book also mentions specifically the fact that "kids who skipped this education would become burdens on society."

The question was: Does the WI and thus states' compulsory education requirements violate the First Amendment's religion clauses (the ESTC and FEXC)?

The answer was overwhelmingly, "YES. Such requirements do violate the ESTC and the FEXC."

The reasoning was that

1. Forcing compulsory education drew people away from their communities and that schools were not equipped to Amish beliefs.
2. Continuing informal vocational education after primary school did not make students into burdens on society, meaning that they were not serving any interest by requiring compulsory education.

## OTHER ISSUES CONCERNING RELIGION

1. State actions that result in funds being given to religious-educational institutions. Most of these are deemed unacceptable except under certain circumstances, such as "it's secular and for higher education, and the fact that adults entering college are less impressionable"

2. Some people have argued that because private schooling parents pay equal taxes but don't end up using the educational services that those taxes pay for, the government should issue vouchers to help pay for private schools. These have been upheld mostly because:
  - a. The states don't differentiate between religious and nonreligious private schools, and
  - b. the funds are not being routed directly into the educational institutions.
3. Prayers in all schools. Ever since *Engel* and a number of other landmark decisions, any standardized prayer or religious practice (including a moment of silence) were considered to be violating the ESTC, as these have found to often be denominational and mandatory at the same time. There have also been instances of student led prayers in school sponsored events being shut down.