

4.3: WISCONSIN v. YODER

SAMPLE CASES AND CASE BRIEFS:

The following is the second of two landmark First Amendment cases. It is edited for easier reading, which is called a case syllabus. The original texts of this case is much longer and more difficult to read. Following is a sample case brief.

Wisconsin v. Yoder

406 U.S. 205 (1972)

(Case Syllabus edited by the Author)

Respondents, members of the Old Order Amish religion and the Conservative Amish Mennonite Church, were convicted of violating Wisconsin's compulsory school attendance law which requires a child's school attendance until age 16. They did so by declining to send their children to public or private school after they had graduated from the eighth grade.

The evidence showed that the Amish provide continuing informal vocational education to their children designed to prepare them for life in the rural Amish community. The evidence also showed that respondents sincerely believed that high school attendance was contrary to the Amish religion and way of life, and that they would endanger their own salvation and that of their children by complying with the law.

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 of the First Amendment, made applicable to the States by the Fourteenth Amendment.

Held:

The State's interest in universal education is not totally free from a balancing process when it impinges on other fundamental rights, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children.

Respondents have amply supported their claim that enforcement of the compulsory formal education requirement after the eighth grade would gravely endanger if not destroy the free exercise of their religious beliefs.

Aided by a history of three centuries as an identifiable religious sect, and a long history as a successful and self-sufficient segment of American society, the Amish have demonstrated the sincerity of their religious beliefs, the interrelationship of belief with their mode of life, the vital role that belief and daily conduct play in the continuing survival of Old Order Amish communities, and the hazards presented by the State's enforcement of a statute generally valid as to others. Beyond this, they have carried the difficult burden of demonstrating the adequacy of their alternative mode of continuing informal vocational education in terms of the overall interest that the State relies on in support of its program of compulsory high school education.

In light of this showing and weighing the minimal difference between what the State would require and what the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish.

The State's claim that it is empowered, as *parens patriae*, to extend the benefit of secondary education to children regardless of the wishes of their parents cannot be sustained against a free exercise claim of the nature revealed by this record, for the Amish have introduced convincing evidence that accommodating their religious objections by forgoing one or two additional years of compulsory education will not impair the physical or mental health of the child, or result in an inability to be self-supporting, or to discharge the duties and responsibilities of citizenship, or in any other way materially detract from the welfare of society.

49 Wis.2d 430, 182 N.W.2d 539, affirmed.

BURGER, C.J., delivered the opinion of the Court, in which BRENNAN, STEWART, WHITE, MARSHALL, and BLACKMUN, JJ., joined. STEWART, J., filed a concurring opinion, in which BRENNAN, J., joined. WHITE, J., filed a concurring opinion, in which BRENNAN and STEWART, JJ., joined. DOUGLAS, J., filed an opinion dissenting in part. POWELL and REHNQUIST, JJ., took no part in the consideration or decision of the case.

SAMPLE CASE BRIEF FOR *WISCONSIN V. YODER* :

CITATION:

Wisconsin v. Yoder, 406 U.S. 205 (1972)

FACTS:

Jonas Yoder and Wallace Miller, both members of the Old Order Amish religion, and Adin Yutzy, a member of the Conservative Amish Mennonite Church, were prosecuted and convicted of violating a Wisconsin law that required all children to attend public schools until age 16. The three parents refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

PROCEDURAL HISTORY:

The Wisconsin Supreme Court reversed the lower court decisions.

ISSUE: Did Wisconsin's requirement that all parents send their children to school at least until age 16 violate the First Amendment by criminalizing the conduct of parents who refused to send their children to school for religious reasons?

HOLDING: Yes. In a unanimous decision, the Court held that individual's interests in the free exercise of religion under the First Amendment outweighed the State's interests in compelling school attendance beyond the eighth grade.

REASONING: In the majority opinion by Chief Justice Warren E. Burger, the Court found that the values and programs of secondary school were "in sharp conflict with the fundamental mode of life mandated by the Amish religion," and that an additional one or two years of high school would not produce the benefits of public education cited by Wisconsin to justify the law. While Justice William O. Douglas filed a partial dissent, he did join with the majority making the majority decision unanimous. Justices Rehnquist and Powell did not take part in the case.

CC licensed content, Shared previously

- Adaptation of Understanding New York Law, 2013-14 Edition. **Authored by:** Michael H. Martella, Esq., David Pogue, Elizabeth Clifford and Alan L. Schwartz. **Provided by:** published by Upstate Legal Publishers. **License:** [CC BY: Attribution](#).
License Terms: Adapted and republished with permission

4.3: *WISCONSIN v. YODER* is shared under a [not declared](#) license and was authored, remixed, and/or curated by LibreTexts.