

 Overruling Recognized by [Ruiz-Diaz v. U.S.](#), 9th Cir.(Wash.), November 26, 2012[Exit Briefit](#) [Original Image of 92 S.Ct. 1526 \(PDF\)](#)

92 S.Ct. 1526

Supreme Court of the United States

State of **WISCONSIN**, Petitioner,

v.

Jonas **YODER** et al.

No. 70—110

Argued Dec. 8, 1971.

Decided May 15, 1972.

The Circuit Court, Green County, **Wisconsin**, found defendants guilty of violating compulsory education law, and they appealed. The **Wisconsin Supreme Court**, 49 **Wis.2d** 430, 182 **N.W.2d** 539, reversed, and certiorari was granted. The Supreme Court, Mr. Chief Justice Burger, held that the First and Fourteenth Amendments prevent a state from compelling Amish parents to cause their children, who have graduated from the eighth grade, to attend formal high school to age 16.

Affirmed.

Mr. Justice Powell and Mr. Justice Rehnquist took no part in the consideration or decision of the case; Mr. Justice Stewart, with whom Mr. Justice Brennan joined, concurred and filed an opinion; Mr. Justice White, with whom Mr. Justice Brennan and Mr. Justice Stewart joined, concurred and filed an opinion; Mr. Justice Douglas dissented in part and filed an opinion.

**West Headnotes (18)****\*\*1528 \*205** Syllabus \*

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) 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 State 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:

1. 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 in parents with respect to the religious upbringing of their children. Pp. 1532—1533.
2. 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. Pp. 1533—1535.

3. 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 **\*206** carried the difficult burden of demonstrating the adequacy of their alternative mode of continuing informal vocational education in terms of the overall interests 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. p(p). granting an exemption to the Amish. Pp.

**\*\*1529** 4. 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 foregoing 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. Pp. 1540—1542.

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

### All Citations

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