



Teacher Notes: *Wisconsin v. Yoder (1972)*

The Background of the Case (00:00-3:00)

1. How long have the Amish been in the United States?
The Amish have been in the United States since 1730, more than three hundred years before this case came to the Supreme Court.
2. What are some characteristics of the Amish life and work?
The Amish believe that salvation is achieved by withdrawing from the secular world to live in a church community. They are primarily farmers and live very simply, avoiding most of the modern conveniences available to the rest of society.
3. What do the Amish believe about education of their youth past the 8th grade?
The Amish believe in educating their youth with the basics in reading and math. However, they believe that education beyond the 8th grade is not necessary for several reasons.
 - a. They feel all the skills their children need to live the Amish life can be gained by the 8th grade.
 - b. They feel that high school might destroy the Amish values and way of life.
 - c. After the 8th grade, students can attend a private Amish school or begin working in the community.

Stop and Think: What is your opinion concerning the Amish beliefs about education?

Facts of the Case (3:01-3:53)

4. In the 1960s, what was Wisconsin's law concerning education?
Wisconsin had a compulsory school attendance law requiring all children to attend school to the age of 16.
5. What did the Amish children (Freda Yoder, Barbara Miller, and Vernon Yutzy) do when they completed the 8th grade?
The three Amish children completed the 8th grade and then left school.
6. How did the local school board react to the action of the three Amish students?
The school board filed a complaint against their parents saying they had violated the state's compulsory school attendance law.

Understanding the First Amendment (3:54-5:22)

7. How does law professor Linda Hernandez explain the problem of the free exercise of religion clause of the First Amendment and this case?
Professor Hernandez explains that the free exercise clause of the First Amendment has been interpreted to mean that a person has the right to believe whatever he/she wants to believe. However, that doesn't mean that it protects all conduct or how one behaves in the name of one's religion. In this case, the Amish held their beliefs about their way of life from the beginning of their faith many years before, and no one doubted the sincerity of their beliefs.

Decisions of the Lower Courts (5:23-7:00)

8. How did both the Green County Court and the Wisconsin Circuit Court rule?
Both courts ruled in favor of the school district. The Green County Court convicted the Amish parents and fined them \$5.00. The Wisconsin Circuit Court upheld their conviction.

9. Who decided to help the Amish since they were not familiar with settling disputes in court?
A Lutheran minister set up the National Committee for Amish Religious Freedom and secured the assistance of legal counsel for the Amish parents so they could pursue their case to the Wisconsin Supreme Court.
10. How did the Wisconsin Supreme Court rule?
The Wisconsin Supreme Court overturned the conviction of the Amish parents. The state then decided to appeal to the U.S. Supreme Court.

Stop and Think: With which court's opinion (the Wisconsin Circuit Court or the Wisconsin Supreme Court) do you agree? Support your choice with reasoning.

Question brought to the U.S. Supreme Court (7:01-8:00)

11. How would you frame the issue when the case was brought to the U.S. Supreme Court?
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]
Is the Wisconsin law requiring Amish children to attend school until the age of 16 a violation of the free exercise of religion of the First Amendment?
12. How does law professor Linda Hernandez explain the dilemma facing the Supreme Court?
Is exempting Amish children from attending school after the 8th grade protected by the free exercise clause of the First Amendment OR does the state's interest in providing a certain level of education for all its children prevail?

The Ruling (8:01-11:39)

13. What did the U.S. Supreme Court decide and which justice wrote the opinion of the Court?
By a 6 to 1 vote, the Court ruled in favor of the Amish. Chief Justice Warren Burger wrote the opinion of the Court. (Two justices did not participate.)
14. What were three major reasons that the Court gave in the opinion to explain the decision?
- The Wisconsin law was hostile toward the religious beliefs of the Amish and, therefore, the parents' right to decide for their children in this matter was superior to that of the state.
 - Forcing the students to attend high school would put the children in an environment that was in conflict with Amish beliefs.
 - The Amish way of living is inseparable from their beliefs, and making them send their children to school could destroy their religion.
15. Who was the justice who agreed in part and dissented in part?
Justice W.O. Douglas
16. What was the basis of his opinion?
He cited the fact that Freda Yoder was the only one of the students who had testified in the lower courts that she didn't want to go to high school. He was concerned that the Court had only considered the views of the parents without consulting the children as to what they might want in the future.

Stop and Think: Do you agree with the opinion of the Court or do you agree with Justice Douglas' position? Explain your answer.

Impact of the Case (11:40-End)

17. Explain what is meant by the statement that the *Yoder* case established a "balancing test" with regards to future cases dealing with the free exercise of religion clause of the First Amendment.

A “balancing test” means that the court will weigh the interests of the state against the interests of the religious group in future cases. The government can only restrict a religious group’s actions if it can show that the state has a compelling interest stronger than that of the religious group.

18. Why is this decision considered to be a “narrow holding”?

It is a narrow holding because this ruling applied only to the facts in this case. Future cases would be judged on their own merits.

Conclusion: Based on the U.S. Supreme Court’s decision in the *Yoder* case, how would you rule in a future case where a religious group claimed that its children should not have to follow the Texas education requirements?