

SUPREME COURT OF THE UNITED STATES

Wisconsin v. Yoder

406 U.S. 205 (1972) · No. No. 70-110 · Decided May 15, 1972

SUMMARY

The U.S. Supreme Court held that Wisconsin's compulsory school-attendance law, as applied to Old Order Amish and Conservative Amish Mennonite parents who refused to send their children to high school, violated the Free Exercise Clause. The Court concluded that the State's interest in universal secondary education did not outweigh the severe interference with the respondents' sincere religious beliefs and established way of life.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Chief Justice Warren E. Burger; Justice William O. Douglas; Justice William J. Brennan, Jr.; Justice Potter Stewart; Justice Byron R. White; Justice Thurgood Marshall; Justice Harry A. Blackmun
JURISDICTION	Federal
DECIDED	May 15, 1972
DOCKET	No. 70-110
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought Supreme Court review by certiorari of the Wisconsin Supreme Court's reversal of respondents' convictions for violating Wisconsin's compulsory school-attendance law.
STANDARD OF REVIEW	Constitutional review of the application of a generally applicable statute to a sincere religious practice, including balancing the State's asserted educational interests against protected interests under the Free Exercise Clause and parental liberty.
PRECEDENTIAL VALUE	binding
PARTIES	State of Wisconsin v. Jonas Yoder, Wallace Miller, Adin Yutzy

TOPICS

- free exercise clause
- first amendment
- fourteenth amendment
- constitutional law
- due process

PRACTICE AREAS

constitutional law

religious liberty

education law

juvenile and family law

criminal law

QUESTIONS PRESENTED

1. Whether Wisconsin could constitutionally compel Amish parents, under threat of criminal sanction, to cause their children to attend formal high school until age 16.
2. Whether the State's interest in universal compulsory secondary education was sufficiently substantial to override respondents' sincere religious objections under the Free Exercise Clause.
3. Whether the First and Fourteenth Amendments protected the parents' religiously motivated refusal to comply with the compulsory-attendance law despite the law's facial neutrality and general applicability.

HOLDINGS

1. On the record presented, the First and Fourteenth Amendments prevented Wisconsin from compelling the Amish respondents to cause their children to attend formal high school after completion of the eighth grade and until age 16.
2. Religiously grounded conduct is not categorically outside the protection of the Free Exercise Clause; a neutral law may nevertheless violate the Clause if its application unduly burdens religious exercise.
3. The Court did not decide how a case should be resolved if an Amish child expressly wished to attend high school contrary to the parents' religious objections.

KEY QUOTATIONS

"It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice of a legitimate religious belief, it must appear either that the State does not deny the free exercise of religious belief by its requirement, or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause." (214)

"The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs." (218)

"In light of this convincing showing, one that probably few other religious groups or sects could make, 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." (236)

FACTUAL BACKGROUND

Jonas Yoder and Wallace Miller were members of the Old Order Amish religion, and Adin Yutzy was a member of the Conservative Amish Mennonite Church. Their children, ages 14 and 15, had completed the eighth grade, but respondents refused to send them to public or private high school because formal secondary education conflicted with their sincere religious beliefs and threatened the Amish way of life. Expert testimony established that Amish religious practice required adolescent children to receive informal vocational and religious training

within the community and that compulsory high school attendance could seriously impair or destroy the community's religious continuity. The State stipulated that respondents' beliefs were sincere.

PROCEDURAL HISTORY

Respondents were charged, tried, and convicted in Green County Court after refusing to send their children to formal high school after completion of eighth grade, and each was fined \$5. The Wisconsin Circuit Court affirmed. The Wisconsin Supreme Court reversed, holding that application of the compulsory-attendance law violated respondents' rights under the Free Exercise Clause as applied through the Fourteenth Amendment. The United States Supreme Court granted certiorari and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)
- *Sherbert v. Verner*, 374 U.S. 398 (1963)
- *Prince v. Massachusetts*, 321 U.S. 158 (1944)
- *Braunfeld v. Brown*, 366 U.S. 599 (1961)
- *Cantwell v. Connecticut*, 310 U.S. 296 (1940)
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943)
- *Reynolds v. United States*, 98 U.S. 145 (1879)
- *Lemon v. Kurtzman*, 403 U.S. 602 (1971)
- *Everson v. Board of Education*, 330 U.S. 1 (1947)
- *Tilton v. Richardson*, 403 U.S. 672 (1971)
- *Ginsberg v. New York*, 390 U.S. 629 (1968)
- *Meyer v. Nebraska*, 262 U.S. 390 (1923)
- *Gillette v. United States*, 401 U.S. 437 (1971)
- *Walz v. Tax Commission*, 397 U.S. 664 (1970)
- *Martin v. City of Struthers*, 319 U.S. 141 (1943)
- *Schneider v. State*, 308 U.S. 147 (1939)
- *United States v. Ballard*, 322 U.S. 78 (1944)
- *United States v. Seeger*, 380 U.S. 163 (1965)
- *Welsh v. United States*, 398 U.S. 333 (1970)
- *McGowan v. Maryland*, 366 U.S. 420 (1961)
- *Tinker v. Des Moines School District*, 393 U.S. 503 (1969)
- *Board of Education v. Barnette*, 319 U.S. 624 (1943)
- *In re Gault*, 387 U.S. 1 (1967)

- In re Winship, 397 U.S. 358 (1970)
- Eisenstadt v. Baird, 405 U.S. 438 (1972)

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