

Handout B: *Pierce v. Society of Sisters* (1925)

Case Background: In 1922, the state of Oregon passed the Compulsory Education Act that stated that all children between the ages of eight and sixteen must attend public school. The Society of Sisters of the Holy Names of Jesus and Mary, nuns who ran a local Catholic school, and Hill Military Academy, a private school, sued the governor, attorney general, and district attorney. Both groups alleged that the state was infringing upon their Fourteenth Amendment rights. The Sisters alleged the state was infringing upon parents' right to choose where their children went to school, and the Academy argued that the policy violated right to due process in depriving the school of their property in revenues collected through contracts with parents, employees, and for supplies and equipment.

1. What did the Compulsory Education Act require? Why were parochial and private schools concerned about this law?
2. What other constitutional provisions or amendments could have been brought before the Court in this case? Why do you think these arguments were not made?

***Pierce v. Society of Sisters* (1925) Unanimous Opinion**

The Supreme Court agreed that the Oregon law was unconstitutional in requiring children to attend public schools. The majority opinion stated, "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only." The Court also "declared the right to conduct schools was property, and that parents and guardians, as a part of their liberty, might direct the education of children by selecting reputable teachers and places," and, "children are not mere creatures of the state." The Court believed that parents have a right to decide whether their children will be home-schooled or go to a public, private, or parochial school. It is not up to the government to decide.

3. Do you agree with the Court's ruling? Explain your answer. What is the significance, if any, of the fact that the ruling in this case was unanimous?