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## Editorial Comment

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# Editorial Comment

The collection of articles assembled in this issue of THE CATHOLIC LAWYER deal with one basic theme—"Children and the Law." The currency of this topic is emphasized by the recent decision of the United States Supreme Court in *Wisconsin v. Yoder*,<sup>1</sup> decided May 15, 1972.

The defendants in this case were members of the Amish faith who refused to send their children, aged 14 and 15, to public school after the children had completed the eighth grade. In Green County Court, Wisconsin, the defendants were convicted for violating Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16. The Wisconsin Circuit Court affirmed the convictions, but the Wisconsin Supreme Court, sustaining the defendants' claims that their First Amendment right to free exercise of religion had been violated, reversed the convictions.

On certiorari, the United States Supreme Court affirmed. In an opinion by Chief Justice Burger, expressing the views of six members of the court, it was held (1) that secondary schooling, by exposing Amish children to worldly influences in terms of attitudes, goals, and values contrary to sincere religious beliefs, and by substantially interfering with the religious development of the Amish child and his integration into the way of life of the Amish faith community at the crucial adolescent state of development, contravened the basic religious tenets and practice of the Amish faith, both as to the parent and the child; (2) that since accommodating the religious objections of the Amish for forgoing one, or at most two, additional years of compulsory education would not impair the physical or mental health of the child, nor 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, the state's interest in its system of compulsory education was not so compelling that the established religious practices of the Amish had to give way; and (3) that since it was the parents who were subject to prosecution for failing to cause their children to attend school, and since the record did not indicate that the parents' preventing their children from attending school was against the children's expressed desires, it was the parents' right of the exercise of religion, not the children's right, which had to determine Wisconsin's power to impose criminal penalties on the parent.

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<sup>1</sup> — US —, 32 L Ed 2d 15, 92 S Ct — [No. 70-110].