

"inimical to our own safety." The requirements of the statute the court therefore upheld as a reasonable exercise of the police power. The Supreme Court of the United States reversed, holding that the statute as applied violated the rights of the teacher guaranteed by the due process clause of the fourteenth amendment.

In arriving at its conclusion the Court stressed the importance of education in America, advertent, in relation thereto, to the Ordinance of 1787. It found, however, no harm in mere knowledge of the German language. It then went on to describe three groups of rights which it declared the Constitution protected against unreasonable intrusions by the state: the right of the teacher, the right of the parent, the right of the child. Of the statute the Court then said:

Evidently the legislature has attempted materially to interfere with the *calling of modern language teachers*, with the *opportunities of pupils to acquire knowledge*, and with the *power of parents to control the education of their young*.⁷⁶

Thus the Court struck at a doctrine which is everywhere identified with modern totalitarian regimes and which unhappily is on the ascendancy in the United States: the view that all educational rights are the possession of the state.⁷⁷ The Court here forcefully pointed out the existence of rights in other groups. While conceding that "the state may do much, go very far, indeed in order to improve the quality of its citizens, physically, mentally, and morally," yet, it insisted "the individual has certain fundamental rights which must be respected." The Court stated moreover: "The desire of the legislature to foster a homogeneous people with American ideals . . . is easy to appreciate . . ." ⁷⁸ But it warned that the means adopted could not be means violative of the liberty guaranteed by the Constitution.

Meyer has great significance with respect to the questions to which this study addresses itself. It is more and more insistently argued that only one form of education is really entitled to exist in the United States;

⁷⁶ Id. at 401. (Emphasis added.)

⁷⁷ Indeed the Court with great accuracy detailed the relationship between complete state absorption of education and the marking of the totalitarian society, referring to the proposals of Plato that the state take the young for their upbringing, totally isolating them from their parents. The Court remarked: "In order to submerge the individual and develop ideal citizens, Sparta assembled the males at seven into barracks and intrusted their subsequent education and training to official guardians. . . . [I]t will hardly be affirmed that any legislature could impose such restrictions upon the people of a state without doing great violence to both letter and spirit of the Constitution." Id. at 402.

⁷⁸ Id. at 401-02.