

that, apart from constitutional considerations, education in church-related schools has no claim to governmental support because—though it teaches what the state requires—it also teaches religion. It thus lacks the all-important character of complete “officialness” and is a force contributing to cultural heterogeneity, diversity, pluralism.

So far as it is part of the argument against aid to education in church-related schools that we should have but a single, state-run, uniformitarian system of education in the United States, the Supreme Court in *Meyer v. Nebraska* warned that homogeneity is not to be attained at the sacrifice of basic teacher, parental and child rights. It also gave warning—highly significant in view of cries for uniformity based upon Russian achievements—that the invocation of “emergencies” does not command the ouster of such basic rights.

The landmark decision in *Pierce v. Society of Sisters*⁷⁹ involved an expanded recognition of parental and child rights in education.⁸⁰ It involved an even more positive rejection of statism in education than had been made by the Supreme Court in the *Meyer* case. As in *Meyer*, there was involved a statute aimed at creating a uniformitarian scheme of education, but whereas *Meyer* concerned the question of whether the state has absolute power to prescribe curriculum, *Pierce* concerned the question of whether the state has a monopoly over education itself. The teaching of the *Pierce* case is of central importance with respect to issues presented for discussion in this study.

A statute of the state of Oregon required every parent or other person having custody of a child between eight and sixteen years of age to send such child to a public school. Failure to comply was made a misdemeanor. The statute was the result of a campaign to “Americanize” education in Oregon launched in 1920 by the Imperial Council, A.A.O. Nobles Mystic Shrine and certain related groups. Their purpose was stated on the official ballot when the compulsory education bill was before the electorate. The sentences are instructive at the present hour:

Our nation supports the public school for the sole purpose of preservation.

The assimilation and education of our foreign-born citizens in the principles of our government, the hopes and inspiration of our people, are best secured by and through attendance of all children in our public schools.

⁷⁹ 268 U.S. 510 (1925).

⁸⁰ The right is in the parent until the child is emancipated; the right is otherwise in the child. The *Pierce* decision, in defining parental rights, stressed protection of the child, and by necessary implication, his right to be educated in nonstate institutions. *Id.* at 535.