

The Supreme Court of the United States affirmed the decrees of the lower court enjoining enforcement of the statute. Its basis for affirmance was that the statute deprived plaintiffs of liberty and property contrary to the guarantees of the fourteenth amendment. The Court noted that the District Court of the United States for the District of Oregon had ruled that the statute interfered with the schools' "free choice of patrons" and that "parents and guardians, as part of their liberty, might direct the education of children by selecting reputable teachers and places."⁸⁹ The Supreme Court further stated (with respect to schools operated by the Catholic Church): "The Compulsory Education Act of 1922 has already caused the withdrawal from its schools of children who would otherwise continue, and their income has steadily declined."⁹⁰

Acknowledging the power of the state reasonably to regulate all schools, the Court noted that the district court had declared that private schools in question "were not unfit or harmful to the public."⁹¹

The Supreme Court concluded that, under the doctrine of *Meyer v. Nebraska* it was "entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control."⁹² The Court then stated, in effect, that it is not within the competency of the legislature to vest in the state a monopoly of education: "As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by *legislation which has no reasonable relation to some purpose within the competency of the state.*"⁹³ The Court was, of course, stating that the Compulsory Education Act of 1922, creating the state educational monopoly, did not bear reasonable relationship to a purpose which was within the state's competency.

Again stressing the parental rights and sharply attacking that concept of governmental power which would result in subjecting all to a single educational mold, the Court 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 child is not the mere creature of the state; those who nurture him and direct his destiny*

⁸⁹ 268 U.S. at 533-34.

⁹⁰ Id. at 534.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Id. at 535. (Emphasis added.)