

# U.S. Supreme Court: Parents' Rights Are Fundamental

The U.S. Supreme Court has long held that the 14<sup>th</sup> amendment to the U.S. Constitution guaranteed certain fundamental rights which cannot be removed without due process of law. One of those fundamental rights is the right of parents to direct the upbringing and education of their children.

In its 1923 decision in *Meyer v. Nebraska*, the U.S. Supreme Court “held that the ‘liberty’ protected by the Due Process Clause includes the right of parents to ‘establish a home and bring up children’ and ‘to control the education of their own.’” (Quoted from the 2000 U.S. Supreme Court ruling in *Troxel v. Granville*.)

Two years later, in *Pierce v. Society of Sisters*, the Court ruled:

The fundamental theory of liberty upon which all governments in this Union repose excluded 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 have the right and the high duty, to recognize and prepare him for additional obligations. (*Pierce*, 1925)

In *Prince v. Massachusetts* (1944), the Court “confirmed that there is a constitutional dimension to the right of parents to direct the upbringing of their children.”(quoted from *Troxel*.)

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. (*Prince*, 1944 as quoted in *Troxel*)

In *Wisconsin v. Yoder* (1972), the Court stated:

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition. (*Yoder*, 1972)

After citing extensive precedent (not all of which is included above), the Court concluded in *Troxel v. Granville*:

In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children. (*Troxel*, 2000)

The Court has even addressed what happens when some parents do not act responsibly:

That some parents “may at times be acting against the interests of their children” . . . creates a basis for caution, but it is hardly a reason to discard wholesale those pages of human experience that teach that parents generally do act in the child’s best interest. The statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition. (*Parham v. J.R.*)

Clearly, the U.S. Supreme Court continues to uphold the right of parents to direct the upbringing of their children’s education, including the right to direct their children’s education.