CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The "Contemplation of Justice"

Pierce v. Society of Sisters, 268 U.S. 510 (1925)

The fundamental theory of liberty upon which all governments of this Union rest excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. P. 268 U. S. 535.

Where the injury threatened by an unconstitutional statute is present and real before the statute is to be effective, and will

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become irreparable if relief be postponed to that time, a suit to restrain future enforcement of the statute is not premature. P. 268 U. S. 536

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 have the right, coupled with the high duty, to recognize and prepare him for additional obligations.

Appellees are corporations, and therefore, it is said, they cannot claim for themselves the liberty which the Fourteenth Amendment guarantees. Accepted in the proper sense, this is true. *Northwestern Life Ins. Co. v. Riggs*, 203 U. S. 243, 203 U. S. 255; *Western Turf Association v. Greenberg*, 204 U. S. 359, 204 U. S. 363. But they have business and property for which they claim protection. These are threatened with destruction through the unwarranted compulsion which appellants are exercising over present and prospective patrons of their schools. And this court has gone very far to protect against loss threatened by such action. *Truax v. Raich*, 239 U. S. 33; *Truax v. Corrigan*, 257 U. S. 312; *Terrace v. Thompson*, 263 U. S. 197.