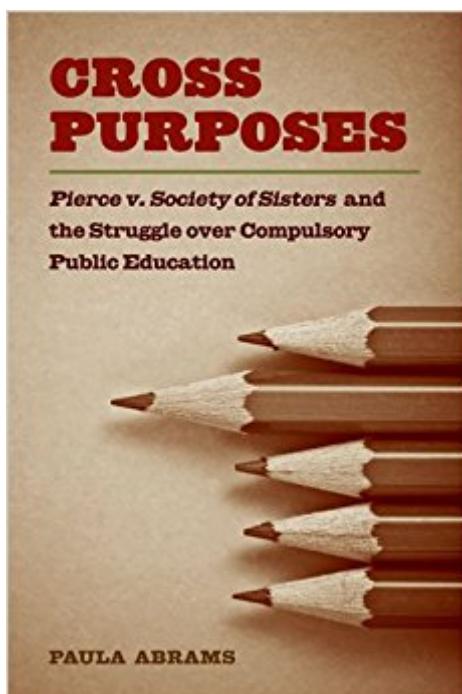


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Cross Purposes: Pierce V. Society Of Sisters And The Struggle Over Compulsory Public Education



Synopsis

"A definitive study of an extremely important, though curiously neglected, Supreme Court decision, *Pierce v. Society of Sisters*."---Robert O'Neil, Professor of Law Emeritus, University of Virginia School of Law" A careful and captivating examination of a dramatic and instructive clash between nationalism and religious pluralism, and of the ancient but ongoing struggle for control over the education of children and the formation of citizens."---Richard W. Garnett, Professor of Law and Associate Dean, Notre Dame Law School" A well-written, well-researched blend of law, politics, and history."---Joan DelFattore, Professor of English and Legal Studies, University of DelawareIn 1922, the people of Oregon passed legislation requiring all children to attend public schools. For the nativists and progressives who hadÃ Ã campaigned for the Oregon School Bill, it marked the first victory in a national campaign to homogenize education---and ultimately the populace. Private schools, both secular and religious, vowed to challenge the law. The Catholic Church, the largest provider of private education in the country and the primary target of the Ku Klux Klan campaign, stepped forward to lead the fight all the way to the U.S. Supreme Court.In *Pierce v. Society of Sisters* (1925), the court declared the Oregon School Bill unconstitutional and ruled that parents have the right to determine how their children should be educated. Since then, *Pierce* has provided a precedent in many cases pitting parents against the state.Paula Abrams is Professor of Constitutional Law at Lewis & Clark Law School.

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"A definitive study of an extremely important, though curiously neglected, Supreme Court decision,

Pierce v. Society of Sisters." - Robert O'Neil, University of Virginia School of Law "A well-written, well-researched blend of law, politics, and history." - Joan DelFattore, University of Delaware"

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This book is an eye-opener. The Pierce decision itself, at 1,700 words, about the length of a typical op-ed article, is silent as to the forces behind Oregon banning religious and private school education in the early 1920s. This book is the explanation. The Ku Klax Klan had revived, and was stirring up anti-Catholic sentiment. Before and after World War I, there was increased immigration from southern and eastern Europe, and Ireland, most being Catholics and Jews. The Klan wanted a uniform white Protestant America. They were particularly successful in Oregon, promoting a ballot initiative making public school education mandatory for all school-age children. The initiative passed, with about 53 per cent of the vote. Now under real threat of closure, one Catholic school, and one private military school, sued the State of Oregon, arguing that the law breached the constitutional guarantee of liberty, granted by the 14th Amendment. Other religious groups filed amicus briefs in the US Supreme Court, supporting the invalidation of the Oregon law. The Sup Ct agree in a unanimous 9-0 decision. The book also has a good discussion at the end about the consequences of Pierce in such diverse areas as abortion, marriage, and privacy rights.

This book will probably go down as the definitive book on one of the most cited U.S. Supreme Court decisions. Paula Abrams spent a lot of time getting the historical record right. For anyone interested in the history of public education in America.

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