# Stewart: Concurrence

MR JUSTICE STEWART, with whom MR. JUSTICE BRENNAN joins, concurring.

This case involves the constitutionality of imposing criminal punishment upon Amish parents for their religiously based refusal to compel their children to attend public high schools. Wisconsin has sought to brand these parents as criminals for following their religious beliefs, and the Court today rightly holds that Wisconsin cannot constitutionally do so.

This case in no way involves any questions regarding the right of the children of Amish parents to attend public high schools, or any other institutions of learning, if they wish to do so. As the Court points out, there is no suggestion whatever in the record that the religious beliefs of the children here concerned differ in any way from those of their parents. Only one of the children testified. The last two questions and answers on her cross-examination accurately sum up her testimony:

"Q. So I take it then, Frieda, the only reason you are not going to school, and did not go to school since last September, is because of *your* religion?"

"A. Yes."

"Q. That is the only reason?"

"A. Yes."

(Emphasis supplied.)

It is clear to me, therefore, that this record simply does not present the interesting and important issue discussed in 406 U. S. JUSTICE DOUGLAS. With this observation, I join the opinion and the judgment of the Court.