

State of Oregon v. Hill Military Academy

By Hill Military Academy

In 1923, Hill Military Academy of Portland filed suit with the U.S. District Court against the State of Oregon to challenge legislation that would have outlawed private school education as a pupil's primary form of instruction. When the private school won the case, Governor Walter Pierce appealed to the U.S. Supreme Court. On March 17, 1925, attorney John C. Veatch delivered an oral argument to the Court in support of the academy. This excerpt, taken from his speech, appeared in a pamphlet the private school published at the conclusion of the case.

The compulsory public school attendance law originated as a controversial initiative that the voters in Oregon passed by a slim margin in 1922. Much of the debate over the bill had been emotional. Supporters, many of whom were Ku Klux Klan members and anti-Catholic, called for uniform public schools that would foster patriotism and eliminate elitism. Opponents printed literature that asked, "The babe in the arms—the little tot tugging at apron strings—the child ready for school—who will advise taking these away from a mother's direct control?"

The arguments before the federal courts, in contrast, were more technical in nature. Veatch argued that the school he represented was, above all, a business. By drawing away the military academy's patronage, the compulsory public school attendance law interfered with the property rights of the school without proving a clear social benefit.

The Courts handled the academy's case jointly with that of the Society of Sisters, an organization that ran several Catholic schools. The sisters' attorneys focused on the constitutional rights of parents. The State pressed that it had a right to enact the legislation to ensure that education was standard and efficient. "But no one has proved the inefficiency of private schools," argued J.P. Kavanaugh for the sisters.

On June 1, 1925, before the law had gone into effect, the U.S. Supreme Court announced its unanimous decision in favor of the private schools. "The child is not a mere creature of the state," stated Justice James McReynolds, who delivered the opinion. The court also maintained that the law deprived the schools their property without due process of law guaranteed to them by the Fourteenth Amendment.

Further Reading: Holsinger, M. Paul. "The Oregon School Bill Controversy, 1922-1925." *Pacific Historical Review* 37:3, 1968: 327.

O'Brien Jr., Kenneth B. "Education, Americanization and the Supreme Court: The 1920's." *American Quarterly* 13:2, 1961: 161.

Tyack, David B. "The Perils of Pluralism: The Background of the Pierce Case." *American Historical Review* 74:1, 1968: 74.

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