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Attorney General Marshall Leads Brief Protecting Amish Schools from New York's Vaccine Mandates

(Montgomery) – Alabama Attorney General Steve Marshall led a 20-state amicus brief supporting the religious freedoms of the Amish community in rural New York. The State has imposed massive penalties on Amish-only private schools because Amish parents hold religious beliefs against vaccinating their Amish children who attend these schools. The brief, filed in the U.S. Court of Appeals for the Second Circuit, argues that when New York eliminated longstanding religious exemptions from school vaccination requirements, it violated the First Amendment rights of parents to exercise their religion and raise their children according to their deeply held beliefs. Almost every other State accommodates religious objections to school vaccine requirements.

“New York has so little regard for religion that it will seek out, harass, and threaten Amish communities that want only to live out their faith amongst themselves,” said Attorney General Marshall. “Parents should not be forced to choose between their children’s schooling and their fundamental rights. Unfortunately, we’re seeing a growing trend of hostility toward religious liberty. I was shocked to learn that members of the New York legislature had called such religious beliefs ‘fake’ and ‘garbage.’ We need to resist this hostility before it infects the federal courts too,” he added.

The brief argues that the First Amendment was designed to protect religious minorities, like the Amish. The U.S. Supreme Court has repeatedly defended parental rights in the areas of religious education and the religious upbringing of one’s children. The brief also explains that the U.S. District Court for the Western District of New York wrongly found that New York’s repeal of religious accommodations was “neutral and generally applicable.” The law discriminates against religion because it permits students to be unvaccinated, so long as they give “health” reasons, not religious ones. The States emphasize that public health is not a legitimate reason to trample on the rights of conscience, and they fear that States like New York and the federal government will continue to encroach on these essential freedoms.

The Alabama-led coalition also included: Arkansas, Florida, Idaho, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, New Hampshire, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia.

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