

*The Forum of Fargo-Moorhead published the following letter from me in its Saturday, March 8, 2025 edition.

“The child is not the mere creature of the state.”

So wrote Supreme Court Justice James C. McReynolds, in the unanimous 1925 court decision upholding the rights of parents to choose the best education for their children (*Pierce v. Society of Sisters*).

Yes, a Catholic religious order, “Society of Sisters of the Holy Names of Jesus and Mary,” was the plaintiff in the case as the sisters challenged Oregon’s 1922 law that required all students to attend public schools with the 1926-1927 school year. Oregon Governor Walter Pierce was named as the respondent in the sisters’ lawsuit.

Several decades after the ugly, anti-Catholic Blaine Amendment initiatives of the late 19th century, this new wave of bigotry, led by the Ku Klux Klan, further sought to intimidate Catholics. (Recall, for example, Fargo’s Anti-Catholic Klan rally and parade in September of 1925 as 8,000 people gathered at the Fargo fairgrounds. Recall, also the pervasive presence of the KKK in the halls of power in Grand Forks in the mid-1920s.)

In upholding the freedom of parents to educate their children in the school of their choice, the Supreme Court also acknowledged that the state has a right to regulate non-public schools and to require compulsory education of children. Thus, a century later, we comply with the non-public school approval process through the North Dakota Department of Public Instruction (DPI) and follow the applicable state and federal regulations for schools.

Twenty-two years after *Pierce v. Society of Sisters*, another Supreme Court ruling (*Everson v. Board of Education*, 1947) found that a New Jersey statute that provided parental reimbursement for busing to non-public schools—including Catholic and other religious schools—did not violate the establishment clause. Rather, the court held that law benefitted the common good and facilitated the free exercise of religion by parents.

I am supremely grateful for these two Supreme Court rulings, for my life would likely have been very different without these precedents.

In the summer of 1969, my family moved from Minneapolis to a farmstead in rural Minnesota. My parents wanted to exercise their right to choose a Catholic school for me and my siblings. They were also empowered to do so with a new Minnesota law modeled on the *Everson* decision that allowed non-public school students to ride the public-school bus.

In speaking with my mother recently, she revealed that without the then-new busing option, my parents wouldn’t have been able to send us to Catholic school (which, in hindsight, gave me tremendous, unique opportunities).

I am grateful for the progress of School Choice Bills in this North Dakota legislative session. Besides empowering and enabling parental choice, they would also cultivate the common good

and invigorate the educational landscape. Those are good choices for any state that desires a well-educated and engaged citizenry—not “mere creatures of the state.”

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*Dear Education Committee Members,

Given the various means available to attain the end of education—a public good for the State of North Dakota—please consider the Education Savings Accounts as an effective way to enable parents to choose the best means of education for their children.

Thank you for your consideration of the ESA bills in the legislative process.

Mike Hagstrom