



Written by [Michael Tennant](#) on April 14, 2011

## Mississippi Judge Goes Fishing for Home-schoolers

On March 24, Judge Joe Dale Walker of Mississippi's 13th Chancery District Court ordered school attendance officers within his five-county jurisdiction to send him the names and addresses of all home-schooled students and parents in their districts. "The order," [explains the Home School Legal Defense Association](#) (HSLDA), "has no case number, no county of venue, and lists no parties to any dispute. It appears to be simply information that the judge would like to have."



After some "courthouse conversations" with individuals she chose not to name, Magnolia State blogger and home-schooling mom [Natalie West Winningham](#) wrote:

The general opinion is that Judge Walker may be attempting to determine which families are legitimately homeschooling and which are using the homeschool statute to circumvent compulsory attendance laws. The ultimate goal seems to be prosecuting the parents of juveniles who show up in his youth court and who appear not to be receiving legitimate homeschool instruction *as well as* to flush out other "fake homeschoolers." [Emphasis in original.]

Winningham learned that Walker had attempted to obtain the information about home-schoolers simply by requesting it from attendance officers but was rebuffed because federal law prohibits the release of such information except under certain limited circumstances. Walker then requested the information from the state Department of Education, which replied "that it would be unlawful to provide him with this information without a court order," Winningham reports.

Walker proceeded to draft and sign his own court order demanding the information. Local attendance officers, says Winningham, "made a personal appeal to Judge Walker to reconsider and rescind the order," but he refused. Furthermore, [according to WorldNetDaily](#), Walker threatened officers who did not comply with his order with arrest for contempt of court.

Under such duress, the attendance officers reluctantly sent letters to home-schooling families informing them of the judge's order and notifying them that they have the right under the federal Family Educational Rights and Privacy Act to "seek protective action to prevent [officers] from releasing this information." Several recipients notified HSLDA, which then filed a Writ of Prohibition and Emergency Motion to Stay in the Mississippi Supreme Court. On April 6, the Supreme Court stayed Walker's order and ordered him "to explain by what authority he issued his order" by April 18, says HSLDA, adding that the organization considers this action "to be a positive development in our effort to protect the privacy of homeschoolers in Mississippi."

Walker's response, assuming he supplies one, should be interesting. It would be one thing if the judge were requesting information on specific juveniles who had appeared in his courtroom. Instead, he



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appears to be intent on “interviewing, profiling, visiting or otherwise needlessly interfering with homeschool families for the sole purpose of comparing them against an arbitrary, legally non-existent and unenforceable standard with the intent of potentially charging the ‘failing’ parents with a crime,” wrote Winningham, noting that doing so “is not legal.” How he will explain this to the Supreme Court is anybody’s guess.

In fact, he may choose not to attempt an explanation. Winningham mentioned that “some speculate that Judge Walker may simply drop his original court order.” If he does not rescind the order, the Supreme Court will rule on the case, presumably after April 18, regardless of whether he responds to the court’s request for an explanation.

Clearly Walker has vastly exceeded his authority in this case, and his order should be rescinded or overturned. If he is permitted to proceed with his fishing expedition, it will open the door for other judges to seek massive amounts of information unrelated to any specific cases before them. “The plain fact is if judges start behaving this way — people [could be targeted] who attend churches or synagogues [or other groups],” HSLDA attorney James Mason told WND, adding that it “would have a chilling effect on freedom of association, and the exercise of other freedoms.”

Winningham says she registered to vote while she was at the courthouse investigating Walker’s order. Walker’s term ends in 2014, and she obviously intends to vote against him. For targeting home-schoolers for such unlawful scrutiny, Walker deserves to have his self-issued “fishing license” revoked by the electorate.



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