



Written by [Michael Tennant](#) on April 27, 2011

Mississippi Supreme Court Overrules Judge Seeking Homeschoolers' Information

Good news for Mississippi homeschoolers: The state Supreme Court has vacated a judge's order seeking the names and addresses of all homeschoolers in his jurisdiction. Judge Joe Dale Walker of the 13th Chancery District Court had issued a court order on March 24 demanding that school attendance officers within his five-county jurisdiction provide him with the names and addresses of all homeschooled students and parents in their districts.

The order appears to have been not the result of an actual case brought before the court but merely a means by which Walker thought he could compel attendance officers to supply him with information he desired — information that both the attendance officers and the state Department of Education had told him could not be legally supplied absent a court order. [WorldNetDaily reported](#) that Walker was so intent on obtaining this data that he threatened to have noncompliant attendance officers arrested for contempt of court.

The attendance officers, fearing for their own freedom, dutifully mailed letters to homeschooling families in their districts telling them about the court order and their intention to obey it. Several families quickly brought the matter to the attention of the Home School Legal Defense Association (HSLDA), which had a Writ of Prohibition and Emergency Motion to Stay filed with the Mississippi Supreme Court within two days.

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On April 6, the Supreme Court granted the stay and ordered Walker to submit an explanation for his order by April 18. Walker's response was received on the day of the deadline; HSLDA filed a response the following day. The next day the court [ruled](#) in favor of HSLDA's motion and vacated Walker's order.

"The effect of the order," [said HSLDA in a press release](#), "is to protect the privacy of homeschoolers from overreaching judicial power and ... a violation of the separation of powers set up by the Mississippi and federal constitutions."

This is quite true, and the court's ruling is indeed cause for rejoicing. Still, questions remain: Why was Walker seeking this information, and where did he believe he got the authority to demand it?

The best analysis of the situation, from Mississippi blogger and homeschooling mother [Natalie West](#)





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[Winningham](#), suggests that the judge was “attempting to determine which families are legitimately homeschooling and which are using the homeschool statute to circumvent compulsory attendance laws.” Walker hears many cases involving juvenile offenders and may have wanted to know which juveniles appearing before him are claiming to be homeschooled but are not actually being educated.

Assuming one accepts the notion that education is the state’s prerogative, for Walker to ask for information about the homeschooling status of specific juveniles appearing in his courtroom would not, perhaps, have been unreasonable. For him to attempt to sweep up data on all homeschoolers in his jurisdiction without probable cause was clearly beyond the pale. As Winningham pointed out:

If I were a vigilante judge who got my hands on a database of homeschoolers’ names and addresses, perhaps I would cross-reference it with past criminal records, DHS cases, driving records, credit histories, tax information, etc. And if I thought I could get away with it, maybe I’d send someone to your home to interview you and hope that you don’t know your legal rights.

I’m not saying that Judge Walker would do those things. But there are many possibilities and none of them are pleasant. And I’m not saying that there are no “fake homeschoolers” out there. But they are a small minority for which the lawful majority should not have to sacrifice or submit to unwarranted intrusion. Prosecute the juveniles for the crimes they’ve been accused of and leave homeschooling out of it.

Unfortunately, we may never know why Walker was really after homeschoolers’ names and addresses or where he thought he got the authority to demand such information. He declined to return WND’s requests for comment after the Supreme Court ruling. Furthermore, [writes WND](#): “Spokeswoman Beverly Kraft of the state court system told WND earlier that the issue as it was presented to the state Supreme Court was a ‘confidential’ case about which no documents, no information and no explanation was [sic] available.” The court did not release Walker’s explanation of his order to the public even after issuing its six-line ruling vacating his order, nor did it explain why it was vacating his order, which makes one wonder just how much damage the court thinks Walker’s words would do. The court did the right thing by vacating Walker’s order; but the state, as is its wont, may be protecting its own.



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