

MEREDITH v. MEREDITH was a 1967 Idaho Supreme Court decision. Full opinion is available, but even such contains only limited - but extremely revealing - details. In February 1962, Clair H. Meredith filed for divorce against his then wife, Marilyn D. Meredith. The wife countered with her own request for divorce. Both parties alleged extreme cruelty, and requested custody of the three minors produced by this marriage. Clair H. Meredith had children by a previous marriage. It is unclear whether Marilyn D. Meredith had been previously married.

The judgment was entered in August 1962. The trial court granted a joint divorce, in that both parties were guilty of extreme cruelty to the other. Custody of the three minors was awarded to Marilyn Meredith despite prior unfit conduct on her behalf. The trial court decided that her conduct was less unfit than the unfit conduct of Clair Meredith, and less likely to repeat itself. Part of the findings against Clair Meredith was this:

"[Clair Meredith] is teaching his boys in accordance with the tenets of his [Jehovah's Witnesses] religion not to salute the flag, and that it is better to go to jail than to serve the country or participate in elections and support the country's institutions."

Clair Meredith appealed the trial court decision. Amongst other issues, Clair Meredith thought that the above "finding" violated his constitutional rights. Clair Meredith should have left well enough alone, rather than risk having other trial court findings memorialized in a Supreme Court opinion. But, first things first.

Testimony at trial indicated that Clair Meredith had joined the Jehovah's Witnesses subsequent to his marriage to Marilyn Meredith, which was not dated, but was probably around 1953-4. The trial court found that Clair Meredith thereafter subordinated the interests of his family to his religious beliefs to the extent that family activities and outings nearly ceased altogether; that [Clair Meredith] spent nearly all his time in the study of religious books, tracts and pamphlets and in the missionary work of said religious sect, and his whole life was bound up in Jehovah's Witnesses.

Testimony at trial indicated that Marilyn Meredith remonstrated with Clair Meredith about this to no avail and that subsequently she left the home at various times, stayed out late at night occasionally, and finally left appellant completely and went to live with another man from whom she had since separated.

On the basis of this mutual misconduct the trial court concluded that the conduct of Clair Meredith justified Marilyn Meredith in leaving him, but her subsequent actions in living with another man were not justified and that the parties should be divorced, the bonds of matrimony terminated by a divorce.

Clair Meredith appealed. He assigned nineteen separate assignments of error, but his principal contention was that the trial court erred in awarding custody of the minor children to Marilyn Meredith for the reason that he was not a fit and proper person for the custody of such children because he taught his boys in accordance with the tenets of his Jehovah's Witnesses religion, not to salute the flag and that it was better to go to jail than to serve the country or participate in elections and support the country's institutions. Clair Meredith urged that this constituted interference with, and an infringement upon, a parent's constitutional right to attempt religious training and indoctrination of his children.

The Supreme Court of Idaho agreed with Clair Meredith, in part, but affirmed the trial court decision, stating in part:

"If this were the only ground upon which the trial court had found and concluded appellant was an unfit party for the custody of his minor children, it appears the great weight of authority in other jurisdictions would require reversal of the trial court's decree and a new trial. ...

"However, there was competent evidence in the record before us that appellant was guilty of incestuous conduct with an older daughter from a prior marriage who had been living with appellant and the two boys of this marriage during the separation of the parties hereto. The record also contains competent evidence that appellant requested and

desired having anal intercourse with respondent. Additionally the evidence discloses that this older daughter by the prior marriage who for years served as a baby sitter for appellant with the two boys, the custody of whom are involved here was married and had left the home some six months prior to the date of the trial. The record fails to disclose what care appellant would provide for the two minor boys when he absented himself from the home in his religious endeavors. It is true that the abnormal sexual habits of appellant were denied, but it has long been the rule of this court that where the findings of fact of the trial court are supported by substantial, competent, though conflicting, evidence such findings will not be disturbed on appeal. ...

... ..

"While respondent's conduct left much to be desired, still the trial court found, and the record amply supports the finding, that her misconduct was caused by appellant's complete devotion to his religion to the exclusion of his family and that at the time of the trial respondent had reformed. Also it is to be noted that the misconduct on the part of the respondent, relied upon by appellant, was from months to years prior to the date of the hearing; and there was no showing of her unfitness as a mother at the time of the trial.

"Thus there is no showing of an abuse of discretion on the part of the trial judge in awarding custody of these minor children of tender years to respondent-mother.

... ..

"Next, appellant contends the court erred in permitting evidence concerning appellant's religion to be introduced on the questions (1) of determining his fitness for custody of the children, and (2) in considering respondent's grounds for divorce, claiming in each instance that appellant's constitutional rights were infringed under the First Amendment of the Constitution of the United States and Article 1, section 4 of the Constitution of the State of Idaho. There was no reversible error committed by the admission of such evidence in determining appellant's fitness for

custody of the children because, as previously pointed out in this opinion, the evidence supports the trial court's findings and conclusions in this respect on other grounds. There was no error in the admission of such evidence in support of respondent's grounds for divorce because, as she testified, and as the court found, it was appellant's total absorption with his religion that primarily caused the disruption of the parties' marriage