

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” Truax v. Corrigan, 257 U.S. 312 (1921)



The due process clause requires that every man shall have the protection of his day in court, and the benefit of the general law -- a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society. *Hurtado v. California*, 110 U. S. 516, 110 U. S. 535.

It, of course, tends to secure equality of law in the sense that it makes a required minimum of protection for every one's right of life, liberty, and property which the Congress or the legislature may not withhold. ***Our whole system of law is predicated on the general fundamental principle of equality of application of the law. "All men are equal before the law," "This is a government of laws and not of men," "No man is above the law," are all maxims showing the spirit in which legislatures, executives, and courts are expected to make, execute, and apply laws.*** But the framers and adopters of this amendment were not content to depend on a mere minimum secured by the due process clause, or upon the spirit of equality which might not be insisted on by local public opinion. ***They therefore embodied that spirit in a specific guaranty.***

The guaranty was aimed at undue favor and individual or class privilege, on the one hand, and at hostile discrimination

Page 257 U. S. 333

or the oppression of inequality, on the other. It sought an equality of treatment of all persons, even though all enjoyed the protection of due process. **(Emphasis added)**

Mr. Justice Field, delivering the opinion of this Court in *Barbier v. Connolly*, 113 U. S. 27, 113 U. S. 32, of the equality clause, said:

"Class legislation, discriminating against some and favoring others, is prohibited, but legislation which, in carrying out a public purpose, is limited in its application if, within the sphere of its operation, it affects alike all persons similarly situated is not within the amendment."

Thoughts, Words and Actions for Plaintiff's Quintessential Rights of the First Amendment:
Truths that manifest Life, Liberty & Pursuit of Happiness pursuant to the Free Exercise Clause