CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The "Contemplation of Justice"

Stanley v. Georgia, 394 U.S. 557 (1969)

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. *They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things.* They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, **the right to be let alone -- the most comprehensive of rights and the right most valued by civilized man."** Page 394 U. S. 565

Olmstead v. United States, 277 U. S. 438, 277 U. S. 478 (1928) (Brandeis, J., dissenting). See Griswold v. Connecticut, supra; cf. NAACP v. Alabama, 357 U. S. 449, 357 U. S. 462 (1958).

Page 394 U. S. 565

If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds. Emphasis added

As the Court said in Kingsley International Pictures Corp. v. Regents, 360 U. S. 684, 360 U. S. 688-689 (1959),

"[t]his argument misconceives what it is that the Constitution protects. Its guarantee is not confined to the expression of ideas that are conventional or shared by a majority. . . . And, in the realm of ideas, it protects expression which is eloquent no less than that which is unconvincing."

Cf. Joseph Burstyn, Inc. v. Wilson, 343 U. S. 495 (1952).

The Constitution protects the right to receive information and ideas, regardless of their social worth, and to be generally free from governmental intrusions into one's privacy and control of one's thoughts. Pp. 394 U. S. 564-566.

It is now well established that the Constitution protects the right to receive information and ideas. "This freedom [of speech and press] . . . necessarily protects the right to receive. . . ." Martin v. City of Struthers, 319 U. S. 141, 319 U. S. 143 (1943); see Griswold v. Connecticut, 381 U. S. 479, 381 U. S. 482 (1965); Lamont v. Postmaster General, 381 U. S. 301, 381 U. S. 307-308 (1965) (BRENNAN, J., concurring); cf. Pierce v. Society of Sisters, 268 U. S. 510 (1925). This right to receive information and ideas, regardless of their social worth, see Winters v. New York, 333 U. S. 507, 333 U. S. 510 (1948), is fundamental to our free society.

For also fundamental is the right to be free, except in very limited circumstances, from unwanted governmental intrusions into one's privacy.

If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds.

And yet, in the face of these traditional notions of individual liberty, Georgia asserts the right to protect the individual's mind from the effects of obscenity. We are not certain that this argument amounts to anything more than the assertion that the State has the right to control the moral content of a person's thoughts. [Footnote 8] To

Page 394 U. S. 566

some, this may be a noble purpose, but it is wholly inconsistent with the philosophy of the First Amendment. As the Court said in Kingsley International Pictures Corp. v. Regents, 360 U. S. 684, 360 U. S. 688-689 (1959),

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