CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The "Contemplation of Justice"
Abood v. Detroit Bd. of Educ., 431 U.S. 209 (1977)

The principles that, under the First Amendment, an individual should be free to believe as he will, and that, in a free society, one's beliefs should be shaped by his mind and his conscience, rather than coerced by the State, prohibit appellees from requiring any of the appellants to contribute to the support of an ideological cause he may oppose as a condition of holding a job as a public school teacher. Pp. 232-237.

There can be no quarrel with the truism that, because public employee unions attempt to influence governmental policymaking, their activities -- and the view of members who disagree with them -- may be properly termed political. But that characterization does not raise the ideas and beliefs of public employees onto a higher plane than the idea and belief of private employees. It is no doubt true that a central purpose of the First Amendment "was to protect the free discussion of governmental affairs.'" Post at 259, quoting Buckley v. Valeo, 424 U. S. 1, 14, and Mills v. Alabama, 384 U. S. 214, 218. But our cases have never suggested that expression about philosophical, social, artistic, economic, literary, or ethical matters -- to take a nonexhaustive list of labels -- is not entitled to full First Amendment protection. [Footnote 28] Union members in both the public and private sectors may find that a variety of union activities conflict with their beliefs. Compare, e.g.,

[232]

supra at 222, with post at 256-257. Nothing in the First Amendment or our cases discussing its meaning makes the question whether the adjective "political" can properly be attached to those beliefs the critical constitutional inquiry.

Disassociation with a public sector union and the expression of disagreement with its positions and objectives therefore lie at "the core of those activities protected by the First Amendment." Elrod v. Burns, 427 U. S. 347, 356 (1976) (plurality opinion).

"Although First Amendment protections are not confined

[259]

to 'the exposition of ideas,' Winters v. New York, 333 U. S. 507, 510 (1948), 'there is practically universal agreement that a major purpose of th[e] Amendment was to protect the free discussion of governmental affairs. . . .' Mills v. Alabama, 384 U. S. 214, 218 (1966)." Buckley, 424 U.S. at 14.

"Neither the right to associate nor the right to participate in political activities is absolute. . . ." CSC v. Letter Carriers, 413 U. S. 548, 567 (1973). This is particularly true in the field of public employment, where "the State has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general." Pickering v. Board of Education, 391 U. S. 563, 568 (1968). Nevertheless, even in public employment, "a significant impairment of First Amendment rights must survive exacting scrutiny." Elrod v. Burns, 427 U.S. at 362 (plurality opinion); accord, id. at 381 (POWELL, J., dissenting).

"The [governmental] interest advanced must be paramount, one of vital importance, and the burden is on the

[260]

government to show the existence of such an interest. . . . [C]are must be taken not to confuse the interest of partisan organizations with governmental interests. Only the latter will suffice. Moreover, . . . the government must 'emplo[y] means closely drawn to avoid unnecessary abridgment. . . .' Buckley v. Valeo, supra, at 25." Id., at 362-363 (plurality opinion).