CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The "Contemplation of Justice"
Roberts v. United States Jaycees, 468 U.S. 609 (1984)

Syllabus

Appellee United States Jaycees is a nonprofit national membership corporation whose objective, as stated in its bylaws, is to pursue such educational and charitable purposes as will promote and foster the growth and development of young men's civic organizations. The bylaws establish several classes of membership, including individual regular and associate members and local chapters. Regular membership is limited to young men between the ages of 18 and 35, while associate membership is available to persons ineligible for regular membership, principally women and older men. An associate member may not vote or hold local or national office. Two local chapters in Minnesota have been violating the bylaws for several years by admitting women as regular members, and, as a result, have had a number of sanctions imposed on them by appellee, including denying their members eligibility for state or national office. When these chapters were notified by appellee that revocation of their charters was to be considered, members of both chapters filed discrimination charges with the Minnesota Department of Human Rights, alleging that the exclusion of women from full membership violated the Minnesota Human Rights Act (Act), which makes it

"an unfair discriminatory practice . . . [t]o deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin or sex."

Before a hearing took place on the state charges, appellee brought suit against appellant state officials to prevent enforcement of the Act, alleging that, by requiring appellee to accept women as regular members, application of the Act would violate the male members' constitutional rights of free speech and association. Ultimately, a state hearing officer decided against appellee, and the District Court certified to the Minnesota Supreme Court the question whether appellee is "a place of public accommodation" within the meaning of the Act. That court answered the question in the

affirmative, and, in the course of its holding, suggested that, unlike appellee, the Kiwanis Club might be sufficiently "private" to be outside the Act's scope. Appellee then amended its federal complaint to claim that the

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Minnesota Supreme Court's interpretation of the Act rendered it unconstitutionally vague and overbroad. After trial, the District Court entered judgment in appellants' favor. The Court of Appeals reversed, holding that application of the Act to appellee's membership policies would produce a "direct and substantial" interference with appellee's freedom of association guaranteed by the First Amendment. and, in the alternative, that the Act was vague as construed and applied, and hence unconstitutional under the Due Process Clause of the Fourteenth Amendment.

Our decisions have referred to constitutionally protected "freedom of association" in two distinct senses. *In one line of decisions, the Court has concluded that choices to enter into and maintain certain intimate human relationships must*

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be secured against undue intrusion by the State because of the role of such relationships in safeguarding the individual freedom that is central to our constitutional scheme. In this respect, freedom of association receives protection as a fundamental element of personal liberty. **In another set of decisions, the Court has recognized a right to associate for the purpose of engaging in those activities protected by the First Amendment -- speech, assembly, petition for the redress of grievances, and the exercise of religion.** The Constitution guarantees freedom of association of this kind as an indispensable means of preserving other individual liberties. The intrinsic and instrumental features of constitutionally protected association may, of course, coincide. In particular, when the State interferes with individuals' selection of those with whom they wish to join in a common endeavor, freedom of association in both of its forms may be implicated. The Jaycees contend that this is such a case. Still, the nature and degree of constitutional protection afforded freedom of association may vary depending on the extent to which one or the other aspect of the constitutionally protected liberty is at stake in a given case. We therefore find it useful to consider separately the effect of applying the Minnesota statute to the Jaycees on what could be called its members' freedom of intimate association and their freedom of expressive association.

The Court has long recognized that, because the Bill of Rights is designed to secure individual liberty, it must afford the formation and preservation of certain kinds of highly personal relationships a substantial measure of sanctuary from unjustified interference by the State. E.g., Pierce v. Society of

Sisters, 268 U. S. 510, 268 U. S. 534-535 (1925); Meyer v. Nebraska, 262 U. S. 390, 262 U. S. 399 (1923). Without precisely identifying every consideration that may underlie this type of constitutional protection, we have noted that certain kinds of personal bonds have played a critical role in the culture

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and traditions of the Nation by cultivating and transmitting shared ideals and beliefs; they thereby foster diversity and act as critical buffers between the individual and the power of the State. See, e.g., Zablocki v. Redhail, 434 U. S. 374, 434 U. S. 383-386 (1978); Moore v. East Cleveland, 431 U. S. 494, 431 U. S. 503-504 (1977) (plurality opinion); Wisconsin v. Yoder, 406 U. S. 205, 406 U. S. 232 (1972); Griswold v. Connecticut, 381 U. S. 479, 381 U. S. 482-485 (1965); Pierce v. Society of Sisters, supra, at 268 U. S. 535. See also Gilmore v. City of Montgomery, 417 U. S. 556, 417 U. S. 575 (1974); NAACP v. Alabama ex rel. Patterson, 357 U. S. 449, 357 U. S. 460-462 (1958); Poe v. Ullman, 367 U. S. 497, 367 U. S. 542-545 (1961) (Harlan, J., dissenting). Moreover, the constitutional shelter afforded such relationships reflects the realization that individuals draw much of their emotional enrichment from close ties with others. Protecting these relationships from unwarranted state interference therefore safeguards the ability independently to define one's identity that is central to any concept of liberty. See, e.g., Quilloin v. Walcott, 434 U. S. 246, 434 U. S. 255 (1978); Smith v. Organization of Foster Families, 431 U. S. 816, 431 U. S. 844 (1977); Carey v. Population Services International, 431 U. S. 678, 431 U. S. 684-686 (1977); Cleveland Board of Education v. LaFleur, 414 U. S. 632, 414 U. S. 639-640 (1974); Stanley v. Illinois, 405 U. S. 645, 405 U. S. 651-652 (1972); Stanley v. Georgia, 394 U. S. 557, 394 U. S. 564 (1969); Olmstead v. United States, 277 U. S. 438, 277 U. S. 478 (1928) (Brandeis, J., dissenting).

The personal affiliations that exemplify these considerations, and that therefore suggest some relevant limitations on the relationships that might be entitled to this sort of constitutional protection, are those that attend the creation and sustenance of a family -- marriage, e.g., Zablocki v. Redhail, supra; childbirth, e.g., Carey v. Population Services International, supra; the raising and education of children, e.g., Smith v. Organization of Foster Families, supra; and cohabitation with one's relatives, e.g., Moore v. East Cleveland, supra. Family relationships, by their nature, involve

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deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs, but also distinctively personal aspects of one's life. Among other things, therefore, they are distinguished by such attributes as relative smallness, a high degree of selectivity in decisions to begin and maintain the affiliation, and seclusion from others in critical aspects of the relationship. As a general matter, only relationships with these sorts of qualities are likely to reflect the considerations that have led to an understanding of freedom of

association as an intrinsic element of personal liberty. Conversely, an association lacking these qualities -- such as a large business enterprise -- seems remote from the concerns giving rise to this constitutional protection. Accordingly, the Constitution undoubtedly imposes constraints on the State's power to control the selection of one's spouse that would not apply to regulations affecting the choice of one's fellow employees. Compare Loving v. Virginia, 388 U. S. 1, 388 U. S. 12 (1967), with Railway Mail Assn. v. Corsi, 326 U. S. 88, 326 U. S. 93-94 (1945).

Between these poles, of course, lies a broad range of human relationships that may make greater or lesser claims to constitutional protection from particular incursions by the State. Determining the limits of state authority over an individual's freedom to enter into a particular association therefore unavoidably entails a careful assessment of where that relationship's objective characteristics locate it on a spectrum from the most intimate to the most attenuated of personal attachments. See generally Runyon v. McCrary, 427 U. S. 160, 427 U. S. 187-189 (1976) (POWELL, J., concurring). We need not mark the potentially significant points on this terrain with any precision. We note only that factors that may be relevant include size, purpose, policies, selectivity, congeniality, and other characteristics that, in a particular case, may be pertinent. In this case, however, several features of the Jaycees clearly place the organization outside of the category of relationships worthy of this kind of constitutional protection.

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An individual's freedom to speak, to worship, and to petition the government for the redress of grievances could not be vigorously protected from interference by the State unless a correlative freedom to engage in group effort toward those ends were not also guaranteed. See, e.g., Citizens Against Rent Control/Coalition for Fair Housing v. Berkeley, 454 U. S. 290, 454 U. S. 294 (1981). **According protection to collective effort on behalf of shared goals is especially important in preserving political and cultural diversity, and in shielding dissident expression from suppression by the majority**. See, e.g., Gilmore v. City of Montgomery, 417 U.S. at 417 U. S. 575; Griswold v. Connecticut, 381 U.S. at 381 U. S. 482-485; NAACP v. Button, 371 U. S. 415, 371 U. S. 431 (1963); NAACP v. Alabama ex rel. Patterson, 357 U.S. at 357 U. S. 462. Consequently, we have long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends. See, e.g., NAACP v. Claiborne Hardware Co., 458 U. S. 886, 458 U. S. 907-909, 458 U. S. 932-933 (1982); Larson v. Valente, 456 U. S. 228, 456 U. S. 244-246 (1982); In re Primus, 436 U. S. 412, 436 U. S. 426 (1978); Abood v. Detroit Board of Education, 431 U. S. 209, 431 U. S. 231 (1977). In view of the various protected activities in which the Jaycees engages, see infra at 468 U. S. 626-627, that right is plainly implicated in this case.

Government actions that may unconstitutionally infringe upon this freedom can take a number of forms. Among other things, government may seek to impose penalties or withhold benefits from individuals because of their membership in a disfavored group, e.g., Healy v. James, 408 U. S. 169, 408 U. S. 180-184 (1972); it may attempt to require disclosure of

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the fact of membership in a group seeking anonymity, e.g., Brown v. Socialist Workers '74 Campaign Committee, 459 U. S. 87, 459 U. S. 91-92 (1982); and it may try to interfere with the internal organization or affairs of the group, e.g., Cousins v. Wigoda, 419 U. S. 477, 419 U. S. 487-488 (1975). By requiring the Jaycees to admit women as full voting members, the Minnesota Act works an infringement of the last type. There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together. **Freedom of association therefore plainly presupposes a freedom not to associate.** See Abood v. Detroit Board of Education, supra, at 431 U. S. 234-235.

The right to associate for expressive purposes is not, however, absolute. Infringements on that right may be justified by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms. E.g., Brown v. Socialist Workers '74 Campaign Committee, supra, at 459 U. S. 91-92; Democratic Party of United States v. Wisconsin, 450 U. S. 107, 450 U. S. 124 (1981); Buckley v. Valeo, 424 U. S. 1, 424 U. S. 25 (1976) (per curiam); Cousins v. Wigoda, supra, at 419 U. S. 489; American Party of Texas v. White, 415 U. S. 767, 415 U. S. 780-781 (1974); NAACP v. Button, supra, at 371 U. S. 438; Shelton v. Tucker, 364 U. S. 479, 364 U. S. 486, 488 (1960).

We turn finally to appellee's contentions that the Minnesota Act, as interpreted by the State's highest court, is unconstitutionally vague and overbroad. The void-for-vagueness doctrine reflects the principle that

"a statute which either forbids or requires the doing of an act in terms so vague that [persons] of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law."

Connally v. General Construction Co., 269 U. S. 385, 269 U. S. 391 (1926). The requirement that government articulate its aims with a reasonable degree of clarity ensures that state power will be exercised only on behalf of policies reflecting an authoritative

choice among competing social values, reduces the danger of caprice and discrimination in the administration of the laws, enables individuals to conform their conduct to the requirements of law, and permits meaningful judicial review. See, e.g., Kolender v. Lawson, 461 U. S. 352, 461 U. S. 357-358 (1983); Grayned v. City of Rockford, 408 U. S. 104, 408 U. S. 108-109 (1972); Giaccio v. Pennsylvania, 382 U. S. 399, 382 U. S. 402-404 (1966).