

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Riley v. National Fed. of the Blind of North Carolina, 487 U.S. 781 (1988)



There is certainly some difference between compelled speech and compelled silence, but, in the context of protected speech, the difference is without constitutional significance, *for the First Amendment*

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guarantees "freedom of speech," a term necessarily comprising the decision of both what to say and what not to say.

The constitutional equivalence of compelled speech and compelled silence in the context of fully protected expression was established in *Miami Herald Publishing Co. v. Tornillo*, supra.

Moreover, for First Amendment purposes, a distinction cannot be drawn between compelled statements of opinion and, as here, compelled statements of "fact," since either form of compulsion burdens protected speech. Thus, North Carolina's content-based regulation is subject to exacting First Amendment scrutiny. The State's interest in informing donors how the money they contribute is spent to

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dispel the alleged misperception that the money they give to professional fundraisers goes in greater-than-actual proportion to benefit charity, is not sufficiently weighty, and the means chosen to accomplish it are unduly burdensome, and not narrowly tailored. Pp. 487 U. S. 795-801.

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

In reaching our conclusion, we relied on the principle that

"[t]he right to speak and *the right to refrain from speaking are complementary components* of the broader concept of 'individual freedom of mind,'"

as illustrated in *Tornillo*. 430 U.S. at 430 U. S. 714 (quoting *West Virginia Board of Education v. Barnette*, 319 U. S. 624, 319 U. S. 637 (1943)). See also *Pacific Gas & Electric Co. v. Public Utilities Comm'n of California*, 475 U. S. 1, 475 U. S. 9-11 (1986) (plurality opinion of Powell, J.) (characterizing *Tornillo* in terms of freedom of speech); *Harper & Row Publishers, Inc. v. Nation Enterprises*, 471 U. S. 539, 471 U. S. 559 (1985); *Abood v. Detroit Board of Education*, 431 U. S. 209, 431 U. S. 234-235 (1977); *West Virginia Board of Education v. Barnette*, *supra*. *These cases cannot be distinguished simply because they involved compelled statements of opinion, while here we deal with compelled statements of "fact": either form of compulsion*

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burdens protected speech. Emphasis added