

## CONTROLLING LEGAL PRINCIPLES

### *Free Exercise Clause Decision – The “Contemplation of Justice”* *Texas v. Johnson, 491 U.S. 397 (1989)*



***“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”***

See, e.g., *Hustler Magazine v. Falwell*, 485 U.S. at 485 U. S. 55-56; *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 466 U. S. 804 (1984); *Bolger v. Youngs Drug Products Corp.*, 463 U. S. 60, 463 U. S. 65, 463 U. S. 72 (1983); *Carey v. Brown*, 447 U. S. 455, 447 U. S. 462-463 (1980); *FCC v. Pacifica Foundation*, 438 U.S. at 438 U. S. 745-746; *Young v. American Mini Theatres, Inc.*, 427 U. S. 50, 427 U. S. 63-65, 427 U. S. 67-68 (1976) (plurality opinion); *Buckley v. Valeo*, 424 U. S. 1, 424 U. S. 16-17 (1976); *Grayned v. Rockford*, 408 U. S. 104, 408 U. S. 115 (1972); *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 408 U. S. 95 (1972); *Bachellar v. Maryland*, 397 U. S. 564, 397 U. S. 567 (1970); *O'Brien*, 391 U.S. at 391 U. S. 382; *Brown v. Louisiana*, 383 U.S. at 383 U. S. 142-143; *Stromberg v. California*, 283 U.S. at 283 U. S. 368-369.

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In holding in *Barnette* that the Constitution did not leave this course open to the government, Justice Jackson described one of our society's defining principles in words deserving of their frequent repetition:

***“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”*** *Id.* at 319 U. S. 642 Emphasis added

*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*