

## CONTROLLING CONSTITUTIONAL PRINCIPLES, PURPOSES & PRACTICES

*A U. S. Supreme Court Decision for the Foundational Pillars of a Nation*

*Free Exercise Clause Decision – “freedom to believe” is absolute*

*Cantwell v. Connecticut, 310 U.S. 296 (1940)*

*“Under the constitutional guaranty, freedom of conscience and of religious belief is absolute; although freedom to act in the exercise of religion is subject to regulation for the protection of society. Such regulation, however, in attaining a permissible end, must not unduly infringe the protected freedom.” Pp. 310 U. S. 303-304.*



*“Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts, - freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection.” Page 310 U.S. 304 (emphasis added)*

*Cantwell v. Connecticut, 310 U.S. 296 (1940) in a unanimous opinion declared that: “In the realm of religious faith, and in that of political belief, sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor. To persuade others to his own point of view, the pleader, as we know, at times resorts to exaggeration, to vilification of men who have been, or are, prominent in church or state, and even to false statement. But the people of this nation have ordained, in the light of history that, in spite of the probability of excesses and abuses, these liberties are, in the long view, essential to enlightened opinion and right conduct on the part of the citizens of a democracy.”*

*“The essential characteristic of these liberties is that, under their shield, many types of life, character, opinion and belief can develop unmolested and unobstructed. Nowhere is this shield more necessary than in our own country, for a people composed of many races and of many creeds. There are limits to the exercise of these liberties. The danger in these times from the coercive activities of those who in the delusion of racial or religious conceit would incite violence and breaches of the peace in order to deprive others of their equal right to the exercise of their liberties, is emphasized by events familiar to all. These and other transgressions of those limits the States appropriately may punish.” Page 310 U. S. 311*

*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*

# UNITED STATES SUPREME COURT DOCTRINES & RELATED TESTS



## 1. The Establishment Clause Doctrines & Test

Lemon Test (three-part test) - *Lemon v. Kurtzman*, 403 U.S. 602 (1971)

The Autonomy Doctrine - *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871)

Separation Doctrine - *Everson v. Board of Education*, 330 U.S. 1 (1947)

## 2. The Establishment Clause Jurisprudence, Neutrality & Coercion Tests or Endorsement Test

Endorsement Test: aka O'Connor's Perception Test - *Lynch v. Donnelly*, 465 U.S. 668 (1984)

Creationism Doctrine - *Edwards v. Aguillard*, 482 U.S. 578 (1987)

Intelligent Design Doctrine - *Tammy Kitzmiller, et al. v. Dover Area School District, et al*

*Rubric of Neutrality*. (See *Zelman v. Simmons-Harris*, 2002, and *Mitchell v. Helms*, 2000)

Coercion Test - *County of Allegheny v. ACLU*, 492 U.S. 573 (1989)

## 3. First Amendment *Free Exercise* Clause Law, Doctrines and Tests

The First Amendment of the United States Constitution

The Religious Freedom Restoration Act of 1993, [RFRA] "ensures that interests in religious freedom are protected."

The Chilling Effect of Speech & on Individual Freedom of Mind

The Substantial Overbreadth Doctrine

The Void for Vagueness Doctrine

The Unconstitutional Conditions Doctrine

Strict Scrutiny Test manifested in Compelling Interest Test

Content Based Restrictions

The Public Forum Doctrine of First Amendment

Controlling Legal Principles [CLP]



## CONTROLLING CONSTITUTIONAL PRINCIPLES, PURPOSES & PRACTICES

*The Supreme Court of the United States – The “Authority of Law”*

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## CONTROLLING LEGAL PRINCIPLES

*Free Exercise Clause Decisions – The “Contemplation of Justice”*

*Justice – Equality – Service – Unity – Sacrifice*



*The “Authority of Law” – McCulloch v. Maryland, 17 U.S. 4 Wheat. 316 (1819)*



*The “Contemplation of Justice” – “freedom to believe” is absolute*

