

## CONTROLLING LEGAL PRINCIPLES

### *Free Exercise Clause Decision – The “Contemplation of Justice” Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485, 503-04*



When the standard governing the decision of a particular case is provided by the Constitution, this Court's role in marking out the limits of the **standard through the process of case-by-case adjudication** is of special importance. *This process has been vitally important in cases involving restrictions on the freedom of speech protected by the First Amendment, particularly in those cases in which it is contended that the communication in issue is within one of the few classes of "unprotected" speech.*

**The First Amendment presupposes that the freedom to speak one's mind is not only an aspect of individual liberty -- and thus a good unto itself -- but also is essential to the common quest for truth and the vitality of society as a**

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**whole. Under our Constitution,**

**"there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries, but on the competition of other ideas."**

*Gertz v. Robert Welch, Inc.*, 418 U.S. at 418 U. S. 339-340 (footnote omitted). Nevertheless, there are categories of communication and certain special utterances to which the majestic protection of the **First Amendment does not extend, because they**

**"are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."**

*Chaplinsky v. New Hampshire*, 315 U. S. 568, 315 U. S. 572 (1942).

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*