

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” Hamilton v. Regents of University of California, 293 U.S. 245 (1934)



"With full appreciation of the heroic sacrifices of all those who have conscientiously and unselfishly served their country in times of war, but with the belief that the time has come in the unfolding light of the new day for the settlement of human conflicts by pacific means, and because we as Christians owe our first and supreme allegiance to Jesus Christ. Because the Methodist Episcopal Church, in her General Conference of 1928, has declared: 'We renounce war as an instrument of national policy.' Because our nation led the nations of the world in signing the Paris Peace Pact, and the Constitution of the United States, Article 6, Section 2, provides that:"

"This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made under authority of the United States shall be the Supreme Law of the Land,"

There needs be no attempt to enumerate or comprehensively to define what is included in the "liberty" protected by the due process clause. Undoubtedly it does include the right to entertain the beliefs, to adhere to the principles, and to teach the doctrines on which these students base their objections to the order prescribing military training. *Meyer v. Nebraska*, 262 U. S. 390, 262 U. S. 399; *Pierce v. Society of Sisters*, 268 U. S. 510; *Stromberg v. California*, 283 U. S. 359, 283 U. S. 368-369; *Near v. Minnesota*, 283 U. S. 697, 283 U. S. 707.

The opinion of this Court quotes from petitioner's brief a statement to the effect that it is a

"fixed principle of our Constitution, zealously guarded by our laws, that a citizen cannot be forced and need not bear arms in a war if he has conscientious religious scruples against doing so."