

## CONTROLLING LEGAL PRINCIPLES

*Free Exercise Clause Decision – “Contemplation of Justice”*

*West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)*



*“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.** If there are any circumstances which permit an exception, they do not now occur to us.” 319 U. S. 642 (Emphasis added)*

“Struggles to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good, as well as by evil, men.”

*“Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. **Compulsory unification of opinion achieves only the unanimity of the graveyard.**” (Emphasis added)*

“It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.”

*“**But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.**”*

“Symbolism is a primitive but effective way of communicating ideas.”