

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”

Follett v. Town of McCormick, 321 U.S. 573 (1944)



Freedom of religion is not merely reserved for those with a long purse. Preachers of the more orthodox faiths are not engaged in commercial undertakings because they are dependent on their calling for a living.

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Whether needy or affluent, they avail themselves of the constitutional privilege of a "free exercise" of their religion when they enter the pulpit to proclaim their faith. The priest or preacher is as fully protected in his function as the parishioners are in their worship. A flat license tax on that constitutional privilege would be as odious as the early "taxes on knowledge" which the framers of the First Amendment sought to outlaw. *Grosjean v. American Press Co.*, 297 U. S. 233, 297 U. S. 245-248. A preacher has no less a claim to that privilege when he is not an itinerant.

Certainly, this court cannot say that one activity is the exercise of religion and the other is not. The materials for judicial

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distinction do not exist.