

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – “Contemplation of Justice”

Yates v. United States, 354 U.S. 298 (1957)



MR. JUSTICE HARLAN delivered the opinion of the Court.

The intention of the legislature is to be collected from the words they employ. Where there is no ambiguity in the words, there is no room for construction.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, concurring in part and dissenting in part.

Many years ago, this Court said that

"The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances."

United States v. Cruikshank, 92 U. S. 542, 92 U. S. 552. And see De Jonge v. Oregon, 299 U. S. 353, 299 U. S. 364-365.

In essence, petitioners were tried upon the charge that they believe in and want to foist upon this country a different, and, to us, a despicable, form of authoritarian government in which voices criticizing the existing order are summarily silenced. I fear that the present type of prosecutions are more in line with the philosophy of authoritarian government than with that expressed by our First Amendment.

Doubtlessly, dictators have to stamp out causes and beliefs which they deem subversive to their evil regimes.

Page 354 U. S. 344