

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” *Braunfeld v. Brown, 366 U.S. 599 (1961)*



Certain aspects of religious exercise cannot in any way be restricted or burdened by either federal or state legislation. **Compulsion by law of the acceptance of any creed or the practice of any form of worship is strictly forbidden.** The freedom to hold religious beliefs and opinions is absolute. *Cantwell v. Connecticut*, 310 U. S. 296, 310 U. S. 303; *Reynolds v. United States*, 98 U. S. 145, 98 U. S. 166.

However, the freedom to act, even when the action is in accord with one's religious convictions, is not totally free from legislative restrictions. *Cantwell v. Connecticut*, *supra*, at pp. 310 U. S. 303-304, 310 U. S. 306. As pointed out in *Reynolds v. United States*, *supra*, at p. 98 U. S. 164, legislative power over mere opinion is forbidden, but it may reach people's actions when they are found to be in violation of important social duties or subversive of good order, even when

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the actions are demanded by one's religion. This was articulated by Thomas Jefferson when he said:

"Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that *the legislative powers of government reach actions only, and not opinions*, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he *has no natural right in opposition to his social duties.*"

(Emphasis added.) 8 Works of Thomas Jefferson 113. [Footnote 2]