

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Buckley v. Valeo, 424 U.S. 1 (1976)



The First Amendment affords the broadest protection to such political expression in order "to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U. S. 476, 354 U. S. 484 (1957). Although First Amendment protections are not confined to "the exposition of ideas," *Winters v. New York*, 333 U. S. 507, 333 U. S. 510 (1948)

The First Amendment protects political association as well as political expression. The constitutional right of association explicated in *NAACP v. Alabama*, 357 U. S. 449, 357 U. S. 460 (1958), stemmed from the Court's recognition that

"[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association."

Due process requires that a criminal statute provide adequate notice to a person of ordinary intelligence that his contemplated conduct is illegal, for "no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed." *United States v. Harriss*, 347 U. S. 612, 347 U. S. 617 (1954). See also *Papachristou v. City of Jacksonville*, 405 U. S. 156 (1972). Where First Amendment rights are involved, an even "greater degree of specificity" is required. *Smith v. Goguen*, 415 U.S. at 415 U. S. 573. See *Grayned v. City of Rockford*, 408 U. S. 104, 408 U. S. 109 (1972); *Kunz v. New York*, 340 U. S. 290 (1951).

