

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Aboud v. Detroit Bd. of Educ., 431 U.S. 209 (1977)



The principles that, under the First Amendment, an individual should be free to believe as he will, and that, in a free society, one's beliefs should be shaped by his mind and his conscience, rather than coerced by the State, prohibit appellees from requiring any of the appellants to contribute to the support of an ideological cause he may oppose as a condition of holding a job as a public school teacher. Pp. 232-237.

"Although First Amendment protections are not confined [259] to 'the exposition of ideas,' *Winters v. New York*, 333 U. S. 507, 510 (1948), 'there is practically universal agreement that a major purpose of th[e] Amendment was to protect the free discussion of governmental affairs. . . ' *Mills v. Alabama*, 384 U. S. 214, 218 (1966)." *Buckley*, 424 U.S. at 14.

Nevertheless, even in public employment, "a significant impairment of First Amendment rights must survive exacting scrutiny." *Elrod v. Burns*, 427 U.S. at 362 (plurality opinion); accord, *id.* at 381 (POWELL, J., dissenting).

"The [governmental] interest advanced must be paramount, one of vital importance, and the burden is on the

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government to show the existence of such an interest. . . . [C]are must be taken not to confuse the interest of partisan organizations with governmental interests. Only the latter will suffice. Moreover, . . . the government must 'emplo[y] means closely drawn to avoid unnecessary abridgment. . . . ' *Buckley v. Valeo*, *supra*, at 25." *Id.*, at 362-363 (plurality opinion).