

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”

Roberts v. United States Jaycees, 468 U.S. 609 (1984)



An individual's freedom to speak, to worship, and to petition the government for the redress of grievances could not be vigorously protected from interference by the State unless a correlative freedom to engage in group effort toward those ends were not also guaranteed. See, e.g., *Citizens Against Rent Control/Coalition for Fair Housing v. Berkeley*, 454 U. S. 290, 454 U. S. 294 (1981). **Consequently, we have long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.** See, e.g., *NAACP v. Claiborne Hardware Co.*, 458 U. S. 886, 458 U. S. 907-909, 458 U. S. 932-933 (1982); *Larson v. Valente*, 456 U. S. 228, 456 U. S. 244-246 (1982); *In re Primus*, 436 U. S. 412, 436 U. S. 426 (1978); *Aboud v. Detroit Board of Education*, 431 U. S. 209, 431 U. S. 231 (1977).

Government actions that may unconstitutionally infringe upon this freedom can take a number of forms. Among other things, government may seek to impose penalties or withhold benefits from individuals because of their membership in a disfavored group, e.g., *Healy v. James*, 408 U. S. 169, 408 U. S. 180-184 (1972); it may attempt to require disclosure of

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the fact of membership in a group seeking anonymity, e.g., *Brown v. Socialist Workers '74 Campaign Committee*, 459 U. S. 87, 459 U. S. 91-92 (1982); and it may try to interfere with the internal organization or affairs of the group, e.g., *Cousins v. Wigoda*, 419 U. S. 477, 419 U. S. 487-488 (1975). **Such a regulation may impair the ability of the original members to express only those views that brought them together. Freedom of association therefore plainly presupposes a freedom not to associate.** See *Aboud v. Detroit Board of Education*, *supra*, at 431 U. S. 234-235.