

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”

Capitol Square Review and Advisory Bd. v. Pinette 515 U.S. 753 (1995)



The Court looks to the character and purposes of the benefited institutions, the nature of the aid that the State provides, and the resulting relationship between the government and religious authority. *Id.*, at 615.

The stare decisis doctrine does not preclude this Court from recognizing the change in its law and overruling *Aguilar* and those portions of *Ball* that are inconsistent with its more recent decisions. E. g., *United States v. Gaudin*, 515 U. S. 506, 521. Moreover, in light of the Court's conclusion that *Aguilar* would be decided differently under current Establishment Clause law, adherence to that decision would undoubtedly work a "manifest injustice," such that the law of the case doctrine does not apply. Accord, *Davis v. United States*, 417 U. S. 333, 342. Pp. 235-236.

Nor does the "law of the case" doctrine place any additional constraints on our ability to overturn *Aguilar*. Under this doctrine, a court should not reopen issues decided in earlier stages of the same litigation. *Messenger v. Anderson*, 225 U. S. 436, 444 (1912).