

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Boy Scout of America v. Dale 530 U.S. 640 (2000)



Thus, "[f]reedom of association ... plainly presupposes a **freedom not to associate.**" Ibid.

First, associations do not have to associate for the "purpose" of disseminating a certain message in order to be entitled to the protections of the First Amendment. An association must merely engage in expressive activity that could be impaired in order to be entitled to protection.

Third, the First Amendment simply does not require that every member of a group agree on every issue in order for the group's policy to be "expressive association."

"[I]mpediments to the exercise of one's right to choose one's associates can violate the right of association protected by the First Amendment.