

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Ashcroft v. American Civil Liberties Union, 535 U.S. 564 (2002)



If a law restricts substantially more speech than is justified, it may be subject to a facial challenge. *Broadrick v. Oklahoma, 413 U. S. 601, 615 (1973).*

"The Internet ... offer[s] a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity."

The First Amendment states that "Congress shall make no law ... abridging the freedom of speech." This provision embodies "[o]ur profound national commitment to the free exchange of ideas." *Harte-Hanks Communications, Inc. v. Connaughton, 491 U. S. 657, 686 (1989).* "[A]s a general matter, 'the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.'" *Bolger v. Youngs Drug Products Corp., 463 U. S. 60, 65 (1983)* (quoting *Police Dept. of Chicago v. Mosley, 408 U. S. 92, 95 (1972)*). **However, this principle, like other First Amendment principles, is not absolute.** *Cf. Hustler Magazine, Inc. v. Falwell, 485 U. S. 46, 56 (1988).*