

Right of Free Association

Terms:

Public Forum

Public Accommodation

Traditional Public Forum

Designated or Limited Public Forum

Nonpublic forum

Assigned Cases:

NAACP v. Alabama; Roberts v. Jaycees; Boy Scouts v. Dale; First Unitarian Church v. Salt Lake City

Questions for Reading Assigned Cases:

In reading each case, one must assess the purposes of each organization. How does the purpose of an association relate to state regulation of its purposes? What purposes should be shielded from state regulation? Which purposes are most appropriate for regulation?

First Unitarian Church v. Salt Lake City differs from most free association cases because it concerns the rights of the general public on property otherwise controlled by a private entity. In an era of public-private partnerships and other forms of governance which mix these categories, to what extent are private groups controlled by the constitutional norms applicable to government? Should they be?

Additional Cases:

Hurley and South Boston Allied War Veterans Council v. Irish American Gay, Lesbian And Bisexual Group of Boston (1995). South Boston Allied War Veterans Council was authorized by the city of Boston to organize and conduct the St. Patrick's Day Parade. The Council refused a place in the 1993 event to GLIB, an organization formed for the purpose of marching in the parade in order to express its members' pride in their Irish heritage as openly gay, lesbian, and bisexual individuals. The U.S. Supreme Court found that requiring the Council to include among the marchers a group imparting a message that the Council did not wish to convey violated the First Amendment's protection of rights of speech and free association.