the Mormon Church and confiscation of all church property not actually used for religious worship or for burial.[283]

In contrast to the Mormons, the sect known as Jehovah's Witnesses, in many ways as unsettling to the conventional as the Mormons were,[284] provoked from the Court a lengthy series of decisions[285] expanding the rights of religious proselytizers and other advocates to use the streets and parks to broadcast their ideas (though the decisions may be based more squarely on the speech clause than on the Free Exercise Clause). For instance, in *Cantwell v. Connecticut*,[286] three Jehovah's Witnesses were convicted under a statute that forbade the unlicensed soliciting of funds for religious or charitable purposes, and also under a general charge of breach of the peace.

The solicitation count was voided as an infringement on religion because the issuing officer was authorized to inquire whether the applicant's cause was "a religious one" and to decline to issue a license if he determined that it was not.[287] Such power amounted to a prior restraint upon the exercise of religion and was invalid, the Court held.[288] The breach of the peace count arose when the three accosted two Catholics in a strongly Catholic neighborhood and played them a phonograph record which grossly insulted the Christian religion in general and the Catholic Church in particular. The Court voided this count under the clear-and-present dan-

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teach, advise and counsel their practice is to aid in their commission, and such teaching and counseling are themselves criminal and proper subjects of punishment, as aiding and abetting crime are in all other cases." Id. at 341–42.

[283] The Late Corporation of the Church of Jesus Christ of Latter-Day Saints v. United States, 136 U.S. 1 (1890). "[T]he property of the said corporation . . . [is to be used to promote] the practice of polygamy—a crime against the laws, and abhorrent to the sentiments and feelings of the civilized world. . . . The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and of the civilization which Christianity has produced in the Western world." Id. at 48–49.

[284] For later cases dealing with other religious groups discomfiting to the mainstream, *see* Heffron v. ISKCON, 452 U.S. 640 (1981) (Hare Krishnas); Larson v. Valente, 456 U.S. 228 (1982) (Unification Church). Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520 (1993) (Santeria faith).

[285] Most of the cases are collected and categorized by Justice Frankfurter in Niemotko v. Maryland, 340 U.S. 268, 273 (1951) (concurring opinion).

[286] 310 U.S. 296 (1940).

[287] 310 U.S. at 305.

[288] 310 U.S. at 307. "The freedom to act must have appropriate definition to preserve the enforcement of that protection [of society]. In every case the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom. . . . [A] State may by general and non-discriminatory legislation regulate the times, the places, and the manner of soliciting upon its streets, and of holding meetings thereon; and may in other respects safeguard the peace, good order and comfort of the community, without unconstitutionally invading the liberties protected by the Fourteenth Amendment." Id. at 304.