stood for the proposition that the state could require equal access for individuals to what was considered the public benefit of organization membership. But even if individual access to the parade might similarly be mandated, the Court reasoned, the gay group "could nonetheless be refused admission as an expressive contingent with its own message just as readily as a private club could exclude an applicant whose manifest views were at odds with a position taken by the club's existing members."[631]

In *Boy Scouts of America v. Dale*,[632] the Court held that application of New Jersey's public accommodations law to require the Boy Scouts of America to admit an avowed homosexual as an adult member violated the organization's "First Amendment right of expressive association."[633] Citing *Hurley*, the Court held that "[t]he forced inclusion of an unwanted person in a group infringes the group's freedom of expressive association if the presence of that person affects in a significant way the group's ability to advocate public or private viewpoints."[634] The Boy Scouts, the Court found, engages in expressive activity in seeking to transmit a system of values, which include being "morally straight" and "clean."[635] The Court "accept[ed] the Boy Scouts' assertion" that the organization teaches that homosexual conduct is not morally straight.[636] The Court also gave "deference to [the] association's view of what would impair its expression."[637] Allowing a gay rights activist to serve in the Scouts would "force the organization to send a message . . . that the Boy Scouts accepts homosexual conduct as a legitimate form of behavior."[638]

Political Association.—The major expansion of the right of association has occurred in the area of political rights. "There can no longer be any doubt that freedom to associate with others for the

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631 515 U.S. at 580–81.
632 530 U.S. 640 (2000).
633 530 U.S. at 644.
634 530 U.S. at 648.
635 530 U.S. at 650.
636 530 U.S. at 651.
637 530 U.S. at 653.
638 530 U.S. at 653. In Rumsfeld v. Forum for Academic and Institutional Rights, Inc., 547 U.S. 47, 69 (2006), the Court held that the Solomon Amendment's forcing law schools to allow military recruiters on campus does not violate the schools' freedom of expressive association because "[r]ecruiters are, by definition, outsiders who come onto campus for the limited purpose of trying to hire students—not to become members of the school's expressive association. This distinction is critical. Unlike the public accommodations law in *Dale*, the Solomon Amendment does not force a law school 'to accept members it does not desire.'" *Rumsfeld* is discussed below under "Government and the Power of the Purse." *See also* ANDREW KOPPELMAN AND TOBIAS BARRINGTON WOLFF, A RIGHT TO DISCRIMINATE?: HOW THE CASE OF BOY SCOUTS OF AMERICAN V. JAMES DALE WARPED THE LAW OF FREE ASSOCIATION (Yale University Press, 2009).