

# Laws may not target religious practices

The Supreme Court has ruled that ordinances enacted by a Florida city banning ritual animal sacrifice violate the free exercise clause of the First Amendment to the Constitution.

In *Lukumi v. City of Hialeah*, the Court decided that the ordinances passed by the City Council of Hialeah, Florida infringe on the religious freedom rights of the adherents of Santeria, an Afro-Cuban religion. Animal sacrifice is an integral part of the Santeria religion, which has over 50,000 adherents in southern Florida.

Although all nine justices agreed the ban was unconstitutional, they used different rationales to reach that decision.

Justice Kennedy, writing for the Court, found the ordinances unconstitutional because their goal was to suppress the Santeria religion. "The principle that government may not enact laws that suppress religious belief or practice is so well understood," Justice Kennedy wrote, "that few violations are recorded in our opinions."

Justice Blackmun, joined by Justice O'Connor, wrote a separate opinion concurring in the judgment and stating that the Constitution protected religion not just from laws specifically directed at religious practice, but from laws of general applicability that incidentally burdened religion.

Justices Blackmun and O'Connor were dissenters from the Court's sharply criticized 1990 ruling in *Employment Division v. Smith* which changed the standard the Court used for deciding free exercise issues and they used their opinion in *Lukumi* as an opportunity to reiterate their disapproval of *Smith*.

In a separate opinion, Justice Souter agreed with the decision but urged the Court to re-examine the rule it announced in *Smith*. Justice Souter was not a member of the Court when *Smith* was decided.

The Catholic League joined a coalition in filing a friend of the court brief in *Lukumi*. The League's brief argued that the Hialeah ordinances violated the Free Exercise Clause of the First Amendment because they specifically targeted the sacrifice of animals in a religious ritual, while allowing the killing of animals for other purposes. The brief also urged the Court to reconsider its ruling in *Smith*, which the brief argued, was wrongly decided.

Some have wondered why the League chose to participate in the *Lukumi* case. The answer to that question can be found in the League's dedication to the proposition that all legitimate religious practices, even those rejected by the majority as obscure or abhorrent, are protected by the First Amendment.

It would have been convenient to turn our backs on this case, ignoring the discriminatory actions taken by a municipality against an unpopular religious minority. But, as noted by the Williamsburg Charter, it is important to remember that "rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves."