

MIXED BAG IN BOERNE

The U.S. Supreme Court's decision in *City of Boerne v. Flores*, *Archbishop of San Antonio* declared as unconstitutional the Religious Freedom Restoration Act. The 1993 law said that any law that imposed a "substantial burden" on someone's religious beliefs must serve a "compelling" government interest. When tested in *Boerne*, a case that involved the right of a Catholic parish to reconstruct its church—over the objections of town officials who held the church to be a landmark—the Religious Freedom Restoration Act did not pass constitutional muster with the court.

The league had this to say about the decision:

"The league greets the decision in *Boerne* with mixed emotions. On the one hand, it regrets what could be interpreted as a retreat from the insularity that religion has enjoyed vis-à-vis government over the past few years. On the other hand, the league feels comfortable knowing that by striking down the Religious Freedom Restoration Act, the high court made no attempt to attenuate this nation's commitment to religious liberty.

"It also needs to be said that while the Religious Freedom Restoration Act did offer some new needed protection for religious liberty, it did so while expanding the authority of Congress to determine issues that are properly the province of the judiciary. That is not something that students of the constitution can take lightly.

"Therefore, on balance, the Catholic League finds the ruling in *Boerne* acceptable. Moreover, the league believes that the preferred position that religious liberty has enjoyed in this country will prevail. And the Catholic League will be prepared to fight those who may seek to exploit today's ruling as a mechanism to privatize religion."