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Committee on the Judiciary's Subcommittee on the Constitution and Civil Justice
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Hearing on "Oversight of the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act"

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Chairman Franks, Vice-Chairman DeSantis, and other distinguished Members of the Subcommittee: Good morning. I am here today representing The Becket Fund for Religious Liberty, where I serve as Senior Counsel. Thank you for the invitation and opportunity to offer testimony on the importance of the Religious Freedom Restoration Act (RFRA), and the Religious Land Use and Institutionalized Persons Act (RLUIPA). At the Becket Fund, we work to defend the religious liberty rights of people of all faiths. Becket has significant experience with both RFRA and RLUIPA. We have clients across the nation under these statutes, including Catholics, Jews, Muslims, Protestants, and other faith groups. In the last seven months, the Becket Fund won cases under both RFRA and RLUIPA at the U.S. Supreme Court. Today, we'd like to highlight the positive impacts and special importance of RFRA and RLUIPA, particularly for those who adhere to minority faith traditions.

I'll first briefly discuss the history of RFRA and RLUIPA, which shows that bipartisan supporters of both statutes correctly anticipated that these laws would be critical for protecting the rights of Americans of all faiths, well-known and unknown, large and small. Second, I'll discuss case examples illustrating how RFRA and RLUIPA serve as a necessary bulwark for foundational American liberties.

I. Bipartisan Recognition of the Importance of RFRA and RLUIPA

In the wake of the Supreme Court's 1990 decision in *Employment Division v. Smith*, which cut back traditional constitutional protections for religious liberty, elected officials, scholars, and advocacy groups all along the political spectrum united to restore broader protections for religious freedom. They understood that such heightened protection was necessary to protect this fundamental American liberty. When RFRA was passed in 1993, the bill "was supported by one of the broadest coalitions in recent political history," with sixty-six religious and civil liberties groups, "including Christians, Jews, Muslims, Sikhs, Humanists, and secular civil liberties organizations."[1] RFRA was introduced in the House by then-Representative Charles Schumer and it attracted no less than 170 co-sponsors from both political parties. The bill was unanimously approved in committee, and, after years of congressional hearings, the full House subsequently passed the bill by a

[1] Douglas Laycock & Oliver S. Thomas, *Interpreting the Religious Freedom Restoration Act*, 73 TEX. L. REV. 209, 210, 244 (1994); *see also id.* at 201 n.9 ("The Coalition for the Free Exercise of Religion included: Agudath Israel of America; American Association of Christian Schools; American Civil Liberties Union; American Conference on Religious Movements; American Humanist Association; American Jewish Committee; American Jewish Congress; American Muslim Council; Americans for Democratic Action; Americans for Religious Liberty; Americans United for Separation of Church and State; Anti-Defamation League; Association of Christian Schools International; Association on American Indian Affairs; Baptist Joint Committee on Public Affairs; B'nai B'rith; Central Conference of American Rabbis; Christian Church (Disciples of Christ); Christian College Coalition; Christian Legal Society; Christian Life Commission of the Southern Baptist Convention; Christian Science Committee on Publication; Church of the Brethren; Church of Jesus Christ of Latter-day Saints; Church of Scientology International; Coalitions for America; Concerned Women for America; Council of Jewish Federations; Council on Religious Freedom; Episcopal Church; Evangelical Lutheran Church in America; Federation of Reconstructionist Congregations and Havurot; First Liberty Institute; Friends Committee on National Legislation; General Conference of Seventh-day Adventists; Guru Gobind Singh Foundation; Hadassah, The Women's Zionist Organization of America, Inc.; Home School Legal Defense Association; House of Bishops of the Episcopal Church; International Institute for Religious Freedom; Japanese American Citizens League; Jesuit Social Ministries, National Office; Justice Fellowship; Mennonite Central Committee U.S.; NA'AMAT USA; National Association of Evangelicals; National Council of Churches; National Council of Jewish Women; National Drug Strategy Network; National Federation of Temple Sisterhoods; National Islamic Prison Foundation; National Jewish Commission on Law and Public Affairs; National Jewish Community Relations Advisory Council; National Sikh Center; Native American Church of North America; North American Council for Muslim Women; People for the American Way Action Fund; Presbyterian Church (USA), Social Justice and Peacemaking Unit; Rabbinical Council of America; Traditional Values Coalition; Union of American Hebrew Congregations; Union of Orthodox Jewish Congregations of America; Unitarian Universalist Association of Congregations; United Church of Christ, Office for Church in Society; United Methodist Church, Board of Church and Society; United Synagogue of Conservative Judaism. . . . The American Bar Association did not formally join the Coalition, but repeatedly endorsed the bill."); American Bar Association, Statement of Support for the Religious Freedom Restoration Act of 1993 (Mar. 11, 1993).

unanimous vote.[2] The Senate's companion bill was jointly presented by Senators Orrin Hatch and Edward Kennedy. It garnered a bipartisan group of 58 co-sponsors and passed the full Senate by a vote of 97-3.[3]

Indeed, in his signing remarks, President Clinton noted "what a broad coalition of Americans came together to make this bill a reality," and that "many of the people in the coalition worked together across ideological and religious lines."[4] The President praised "the shared desire . . . to protect perhaps the most precious of all American liberties, religious freedom," even joked that "the power of God is such that even in legislative process miracles can happen."[5]

After the Supreme Court struck down the portion of RFRA that applied to the states,[6] Congress investigated state- and local-level burdens on religious freedom. It amassed evidence in nine congressional hearings that took place over the course of three years. Congress determined it was necessary to pass an additional law "to address 'those areas of law where the congressional record of religious discrimination and discretionary burden was the strongest': laws governing institutionalized persons (i.e., prisoners and persons in mental institutions) and land use laws."[7] Thus, RLUIPA was proposed and, like RFRA, it was enacted with overwhelming bipartisan support. It passed both the House and Senate by unanimous consent[8] and it was signed into law by President Clinton on September 22, 2000.[9] In his signing statement, President Clinton expressly applauded "Senators Kennedy, Hatch, Reid, and Schumer, and Representatives Canady and Nadler for their hard work in passing this legislation," and noted that RLUIPA "once again demonstrates that people of all political bents and faiths can work together for a common purpose that benefits all Americans."[10]

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[2] H.R. Rep. No. 103-88 (1993).

[3] S. Rep. No. 103-111 (1993).

[4] Statement by President on Signing the Religious Freedom Restoration Act of 1993 (Nov. 16, 1993).

[5] *Id.*

[6] *City of Boerne v. Flores*, 521 U.S. 507 (1997).

[7] Derek L. Gaubatz, *RLUIPA at Four: Evaluating the Success and Constitutionality of RLUIPA's Prisoner Provisions*, 28 Harv. J.L. & Pub. Policy 501, 510 (2005) (quoting Roman P. Storzer and Anthony R. Picarello, Jr., *The Religious Land Use and Institutionalized Persons Act of 2000: A Constitutional Response to Unconstitutional Zoning Practices*, 9 Geo. Mason L. Rev. 929, 944 (2001)).

[8] *See* S.2869, Bill Summary and Status for 106th Congress, (2000).

[9] Pub. L. No. 106-274, 114 Stat. 803 (2000).

[10] Statement by President on Signing of Law S. 2869 (Sept. 22, 2000), 2000 WL 1371281, at *1.

Proponents of both statutes recognized that these laws would protect religious expression that is unpopular, poorly understood, or otherwise unable to receive protection through the political process. A few examples are illustrative:

- Representative Nadler noted that Congress's "experience in the 3 years since *Smith* . . . demonstrated that religious minorities—and even majority religions—have been placed at a tremendous disadvantage. . . .What has made the American experiment work—what has saved us from the poisonous hatreds that are consuming other nations—has been a tolerance and a respect for diversity enshrined in the freedom of religion clauses of our Bill of Rights. It was no accident that the Framers of our Bill of Rights chose to place the free exercise of religion first among our fundamental freedoms. This House should do no less."[11]
- The American Jewish Congress offered testimony that "[a]ll religious minorities must be alarmed when the courts are stripped of the power to require government to accommodate those religious practices, to use Justice Scalia's phrase, 'not widely engaged in.' The Religious [Freedom] Restoration Act returns that power to the courts and, with it, ensures that government does not arbitrarily interfere with religious freedom."[12]
- Elder Oaks from the LDS Church testified that "political power or impact must not be the measure of which religious practices can be forbidden by law. The Bill of Rights protects principles, not constituencies."[13]
- The President of the ACLU testified that "members of minority religious groups, should not have to depend on accidents of political process to protect their fundamental freedoms," and that without the passage of RFRA, religious liberty would be "[g]ravely [t]hreatened."[14]
- Similarly, the Senate Report accompanying RFRA stated: "State and local legislative bodies cannot be relied upon to craft exceptions from laws of

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[11] Cong. Rec. H.R. 1308, at 2359-60 (May 11, 1993).

[12] Religious Freedom Restoration Act of 1990: Hearing on H.R. 5377 Before the Subcomm. on Civil and Constitutional Rights of the Comm. on the Judiciary, 101st Cong., 2d Sess., at Appendix 1 (1990) (statement of the American Jewish Congress).

[13] Religious Freedom Restoration Act of 1991: Hearings on H.R. 2797 Before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary, 102d Cong., 2d Sess., at 25 (1992).

[14] *Id.* at 64, 80.

> general application to protect the ability of the religious minorities to practice their faiths, an explicit fundamental constitutional right."[15]

In hearings focused on the context of religious land use, both statistical and anecdotal evidence demonstrated widespread resistance to churches in the zoning context.[16] For example, Congress observed in a House Committee report that "an Orthodox Jewish rabbi was threatened with criminal prosecution for leading morning and evening prayers in a converted garage in one of Miami's single-family residential areas" and that the "Eleventh Circuit held that, in this post-Smith world, the city's interest in an exception-free zoning plan outweighed the rabbi's interest" in providing the services.[17]

In the penal setting, Congress also observed that "that 'frivolous or arbitrary' barriers impeded institutionalized persons" religious exercise.[18] A joint statement of Sen. Hatch and Sen. Kennedy noted that "[w]hether from indifference, ignorance, bigotry, or lack of resources, some institutions restrict religious liberty in egregious and unnecessary ways."[19] For example, Congress received testimony observing that in Michigan, prison officials refused to provide matzo, the unleavened bread required to be eaten by Jews on Passover, "essentially forcing all Jewish inmates to violate their sacred religious practices."[20] The prison's action was made even more arbitrary by the fact that a "Jewish organization ha[d] offered to donate and ship matzo to meet the prisoners' needs during Passover, but the officials ha[d] refused even the donated matzo."[21] Congress also noted a case where prison personnel deliberately intercepted confessional communications of prisoners, and noted that

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[15] Senate Comm. on the Judiciary, Religious Freedom Restoration Act of 1993, S. Rep. No. 111, 103d Cong., 1st Sess. 8 (1993), *reprinted in*1993 U.S.C.C.A.N. 1892, 1903.

[16] Douglas Laycock & Luke W. Goodrich, *RLUIPA: Necessary, Modest, and Under-Enforced*, 39 FORDHAM URB. L.J. 1021, 1022 (2012) (citing H.R. Rep. No. 106-219, at 18-24 (1999)); 146 Cong. Rec. S7774, S7774 (daily ed. July 27, 2000) (joint statement of Sen. Hatch and Sen. Kennedy) (noting "massive evidence" of widespread discrimination against churches)).

[17] H.R. Rep. No. 106-219, at 10-11 (1999).

[18] *Cutter v. Wilkinson*, 544 U.S. 709, 716 (2005) (quoting 146 Cong. Rec. 16698, 16699 (2000) (joint statement of Sen. Hatch and Sen. Kennedy on RLUIPA)).

[19] *Id.*

[20] H.R. Rep. No. 106-219, at 9-10 (1999).

[21] *Id.* at 10; *see also* Yehuda M. Braunstein, *Will Jewish Prisoners Be Boerne Again? Legislative Responses to City of Boerne v. Flores*, 66 FORDHAM L. REV. 2333, 2358 (1998).

such interference with religious practice could continue absent the protections of a strict scrutiny test.[22]

At various times, Congress considered including within RFRA essentially a list of specific types of religious practices that would be allowable, along with those that could be prohibited or regulated.[23] However, implementing a single, universal standard was critical to holding the broad coalition together. Representative Solarz, a leading sponsor of the bill, clearly explained the problem that would have occurred had Congress allowed exceptions to proliferate:

> If Congress succumbs to the temptation to pick and choose among the religious practices of the American people, protecting those practices the majority finds acceptable or appropriate, and slamming the door on those religious practices that may be frightening or unpopular, then we will have succeed[ed] in codifying rather than reversing *Smith*. Under those circumstances, it would probably be better to do nothing and hope that subsequent Administrations will appoint more enlightened Justices.[24]

In sum, advocates of these statutes recognized that just as protecting free speech means occasionally tolerating speech we would prefer not to hear, so too would courts occasionally apply stringent religious protections to permit religious practices we would prefer not to accommodate. This is particularly important in a nation such as ours, which has a long tradition of protecting religious freedom. Religious groups, large and small, have existed in and served our nation throughout its history, and continue to do so today. "[V]irtually every religion in the world is represented in the population of the United States."[25] And most individual congregations are small—half the churches in America have fewer than 50 regularly participating adults.[26]

Thus, to avoid playing favorites, and to ensure the most robust protections of religious freedom, "Congress in 1993 did what the First Congress had done in 1789.

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[22] H.R. Rep. No. 106-219, at 9 (1999). Although an amendment to exempt prisons from heightened religious protections was introduced, it was easily defeated. *See* 139 Cong. Rec. S14,468 (daily ed. October 27, 1993); S. Rep. No. 103-111, reprinted in 1993 U.S.C.C.A.N. 1892.

[23] Laycock & Thomas, *supra* note 1 at 219.

[24] Religious Freedom Restoration Act of 1991: Hearings on H.R. 2797 Before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary, 102d Cong., 2d Sess., at 124 (1992).

[25] *Hosanna-Tabor,* 132 S. Ct. at 711 (Alito, J., concurring).

[26] *See* Mark Chaves, *Congregations in America* 18 (2004).

It enacted a general principle of religious liberty, saying nothing about individual cases, and it authorized enforcement by the judiciary, leaving application of the principle to case-by-case determinations."[27]

II. Key Cases Where RFRA and RLUIPA Protected Important Religious Rights

In the years since their passage, both RFRA and RLUIPA have succeeded in providing critical protections for religious freedom. I would like to address a few examples that demonstrate (1) the success of this "case-by-base" determination, and (2) the way that RFRA and RLUIPA, as predicted, have been essential bulwarks in protecting a fundamental right.

A recent Becket Fund case illustrates the success of RFRA's case-by-case analysis. In *Tagore v. United States*, RFRA protected a Sikh woman's right to carry one of the five symbols of her faith—her kirpan, a small article of faith similar in shape but not in sharpness or function to a knife.[28] Ms. Tagore was fired from her accountant position with the IRS, banned from accessing federal buildings, and blackballed from future federal employment simply because her ceremonial kirpan had a 3-inch blade. Yet the federal government freely allows the public to access those same buildings with sharp 2.5-inch blade knives, metal canes, and other potentially dangerous items, and lets federal employees use far longer and sharper cake knives, box cutters, and other similar items inside the buildings. Because of the religious protections afforded by RFRA, the Fifth Circuit held that the government had substantially burdened Ms. Tagore's religious beliefs, and the case subsequently settled in Ms. Tagore's favor.

RLUIPA has likewise provided critical protections to religious exercise. The Supreme Court's recent decision in *Holt v. Hobbs*, another Becket Fund case, is an excellent example. There, the Supreme Court used RLUIPA to protect a Muslim prison inmate who sought to grow a religiously-mandated half-inch beard.[29] The Court took up the case after receiving an emergency *pro se* petition from the prisoner seeking to avoid having his beard forcibly shaved by prison officials. The Supreme Court reinforced the rule that "idiosyncratic" beliefs are just as protected

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[27] Laycock & Thomas, *supra* note 1 at 221.

[28] *Tagore v. U.S.*, 735 F.3d 324 (5th Cir. 2013); *see also Court of Appeals: Federal Government Burdened Sikh Religious Liberty*, Press Releases, http://www.becketfund.org/court-appeals-federal-government-burdened-sikh-religious-liberty/ (last visited Feb. 11, 2015).

[29] *Holt v. Hobbs*, 135 S. Ct. 853 (2015).

as familiar ones.[30] The Court also reaffirmed the important principle that government bureaucrats cannot override sincere religious beliefs when they have failed to produce evidence that the government has compelling interests that would be otherwise undermined, or when they employ arbitrary double standards to grant exemptions to some groups and not others.[31] RLUIPA thus requires government officials to pursue their interests in a neutral manner, treating all religious groups evenhandedly, and ensuring that exceptions made for secular reasons may be applied to religious reasons, as well.

In a series of appellate court victories, RLUIPA has protected Jewish prison inmates seeking access to kosher meals. The Becket Fund has successfully litigated such cases in Florida[32] and Texas.[33] Courts have ruled, for example, that where prisons cannot demonstrate a compelling interest, inmates should not have to choose between sincerely held religious beliefs and receiving adequate nutrition. Other courts have relied upon RLUIPA to protect prison inmates engaging in diverse religious practices, including a Native American who could not cut his hair, a Santeria practitioner who needed access to consecrated religious items, and Muslim who sought a halal diet.[34]

Courts have encountered some confusion over how much deference is due to prison administrators under RLUIPA's standard. A prior Supreme Court decision, *Cutter v. Wilkinson*, indicated that prison officials are owed some deference. The unanimous Supreme Court explained in *Holt* that RLUIPA "affords prison officials ample ability to maintain security," and that "courts should not blind themselves to the fact that the analysis is conducted in the prison setting."[35] At the same time, RLUIPA requires government officials to "scrutiniz[e] the asserted harm of granting specific exemptions to particular religious claimants" and "to look to the marginal

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[30] *Id.* at 862-63.

[31] *Id.* at 863-67.

[32] *See Rich v. Sec., Florida Dept. of Corrections*, 716 F.3d 525 (11th Cir. 2013); *see also Rich v. Buss* , http://www.becketfund.org/rich/ (last visited Feb. 11, 2015); *Cotton v. Florida Dept. of Corrections*, http://www.becketfund.org/rluipa_posts/cotton-v-florida-dept-of-corrections/ (last visited Feb. 11, 2015).

[33] *See Moussazadeh v. Texas Dept. of Crim. J.*, 703 F.3d 781 (5th Cir. 2012), *as corrected* (Feb. 20, 2013); *see also* Moussazadeh v. Texas Department of Criminal Justice, , http://www.becketfund.org/moussazadeh/ (last visited Feb. 11, 2015); Indiana Waves the White Flag, Becket Blog, http://www.becketfund.org/indiana-waves-the-white-flag/ (last visited Feb. 11, 2015).

[34] *See Warsoldier v. Woodford*, 418 F.3d 989 (9th Cir. 2005); *Davila v. Gladden*, No. 13-10739, 2015 WL 127364 (11th Cir. Jan. 9, 2015); *Abdulhaseeb v. Calbone*, 600 F.3d 1301, 1318 (10th Cir. 2010).

[35] *Holt,* 135 S. Ct. at 866.

interest in enforcing the challenged government action in that particular context."[36] This is consistent with the statement made by RLUIPA's sponsors, who emphasized that "inadequately formulated prison regulations and policies grounded on mere speculation, exaggerated fears, or post-hoc rationalizations will not suffice to meet the act's requirements."[37]

RLUIPA's land use provisions have allowed houses of worship across the nation to escape discriminatory or substantially burdensome land use restrictions. For example, the Becket Fund successfully represented a Muslim congregation in New Jersey after a municipality labeled the congregation's proposed mosque a "public nuisance" and sought to seize the property for "open space."[38] One of the earliest RLUIPA victories protected a church in California when a city attempted to seize its land in order to build a Costco.[39] RLUIPA also protected a Sikh *gurudwara*, or temple, when a local government repeatedly gave contradictory reasons for denying its land use applications.[40]

One of RLUIPA's most successful provisions is its Equal Terms requirement. This provision, which has no textual parallel in RFRA, requires governments to treat religious assemblies on equal terms with non-religious assemblies. This provision has protected a rabbi who held *minyans*, or prayer meetings, in his home; an evangelical church prohibited from operating in a district where private clubs were allowed; and a synagogue prohibited from locating in a district where clubs and lodges were allowed.[41]

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[36] *Id.* at 863 (emphasis added).

[37] 146 Cong. Rec. 16698, 16699 (July 27, 2000) (joint statement of Sen. Hatch and Sen. Kennedy) (quotation omitted).

[38] *See Albanian Associated Fund v. Township of Wayne*, CIVA 06-CV-3217 PGS, 2007 WL 4232966, at *1 (D.N.J. Nov. 29, 2007); Albanian Associated Fund v. Township of Wayne, NJ, http://www.becketfund.org/albanian-associated-fund-v-township-of-wayne-nj/ (last visited Feb. 11, 2015).

[39] *Cottonwood Christian Ctr. v. Cypress Redevelopment Agency*, 218 F. Supp. 2d 1203 (C.D. Cal. 2002).

[40] *Guru Nanak Sikh Soc. of Yuba City v. Cnty. of Sutter*, 456 F.3d 978 (9th Cir. 2006).

[41] *Konikov v. Orange Cnty., Fla.*, 410 F.3d 1317 (11th Cir. 2005); *Elijah Grp., Inc. v. City of Leon Valley, Tex.*, 643 F.3d 419, 420 (5th Cir. 2011); *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214 (11th Cir. 2004).

The Supreme Court's recent decisions in *Hobby Lobby* and *Holt* have already led—and will likely continue to lead—to positive developments in the lower courts.[42] In one current case,[43] the Becket Fund represents Robert Soto, a renowned feather dancer and ordained American Indian religious leader in the Lipan Apache Tribe—a tribe that has used eagle feathers as sacred emblems in religious ceremonies for centuries. At a gathering of Native Americans, a federal agent invaded the ceremony, confiscated sacred property, and threatened to punish the Native Americans if they resisted. The federal employee claimed the be enforcing the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, which prohibit possession of eagle feathers without a permit. The laws grant permits to museums, scientists, zoos, farmers, and "other interests." They also grant permits for some American Indian religious uses—but only if the Indian is a member of a "federally recognized tribe." Mr. Soto's tribe is not recognized by the federal government, despite the fact that it is recognized by historians, sociologists, and the State of Texas. Applying RFRA and the *Hobby Lobby* precedent, the Fifth Circuit ruled against this arbitrary government action and allowed Mr. Soto to continue his case in district court.[44]

III. Conclusion

Protection for religious freedom, even when religious practices conflict with otherwise applicable law, is an important part of our nation's history.[45] Such protections help religious groups, including minority faiths, to thrive. Without such protections, the Amish could be forced to give up their way of life,[46] Jehovah's Witnesses could be forced to bear arms,[47] Seventh-Day Adventists and Jews could

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[42] *See, e.g., Davila v. Gladden*, No. 13-10739, 2015 WL 127364 (11th Cir. Jan. 9, 2015) (applying *Hobby Lobby* and conducting analysis similar to that of *Holt*).

[43] *McAllen Grace Brethren Church v. Salazar*, 764 F.3d 465 (5th Cir. 2014); *see also McAllen Grace Brethren Church v. Salazar*, http://www.becketfund.org/mcallen-grace-v-salazar/ (last visited Feb. 11, 2015).

[44] *Id.*.

[45] *See, e.g.,* Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 HARV. L. REV. 1409 (1990).

[46] *See Wisconsin v. Yoder*, 406 U.S. 205 (1972).

[47] Conscientious objection to military service is protected by statues, the first of which was enacted during the Civil War. *See* Kevin Seamus Hasson, *The Right to Be Wrong* 51-52 (2005). During World War II, Jehovah's Witnesses faced mob violence for their religiously motivated refusal to bear arms and to salute the flag. Their struggles against general laws regulating speech have been responsible for a number of key First Amendment decisions. *See generally* Shawn Francis Peters, *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* (2000).

face a choice between their livelihood and keeping the Sabbath.[48] We applaud Congress's commitment to the principle that religious liberty is fundamental to freedom and to human dignity, and that protecting the religious rights of others—even the rights of those with whom we may disagree—ultimately leads to greater protections for all of our rights.

I thank you for your time and look forward to answering your questions.

[48] *See Sherbert v. Verner*, 374 U.S. 398 (1963) (protecting right of Seventh Day Adventist to refuse Saturday work); *Braunfeld v. Brown,* 366 U.S. 599 (1961). In *Braunfeld*, the Supreme Court upheld the law as justified by compelling interest, even though it placed heavy burdens on religious exercise. *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 435 (2006) (discussing *Braunfeld* in the exemption context).