

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”

Thomas v. Review Bd., Ind. Empl. Sec. Div., 450 U.S. 707 (1981)



“Only beliefs rooted in religion are protected by the Free Exercise Clause, which, by its terms, gives special protection to the exercise of religion. *Sherbert v. Verner*, supra; 406 U. S. S. 714 v. *Yoder*, 406 U. S. 205, 406 U. S. 215-216 (1972). The determination of what is a "religious" belief or practice is more often than not a difficult and delicate task, as the division in the Indiana Supreme Court attests. [Footnote 7] **However, the resolution of that question is not to turn upon a judicial perception of the particular belief or practice in question; *religious beliefs need not be acceptable, logical, consistent, or comprehensible to others* in order to merit First Amendment protection.**” Page 450 U. S. 707, 714 (*Emphasis added*)

[Footnote 7]

See, e.g., *Torcaso v. Watkins*, 367 U. S. 488, 367 U. S. 495 (1961); *United States v. Ballard*, 322 U. S. 78 (1944).

This controlling legal principle was rely on in: *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993)

Thomas v. Review Bd., Ind. Empl. Sec. Div. - 450 U.S. 707 (1981): “The record shows that petitioner terminated his employment for religious reasons. Pp. 450 U. S. 713-716. (b) A person may not be compelled to choose between the exercise of a First Amendment right and participation in an otherwise available public program. It is true that the Indiana law does not compel a violation of conscience, but where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists. While the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial. Pp. 450 U. S. 716-718.”

*Thoughts, Words and Actions for Plaintiff’s Quintessential Right of the First Amendment;
Truths that manifest Life, Liberty & Pursuit of Happiness pursuant to the Free Exercise Clause*