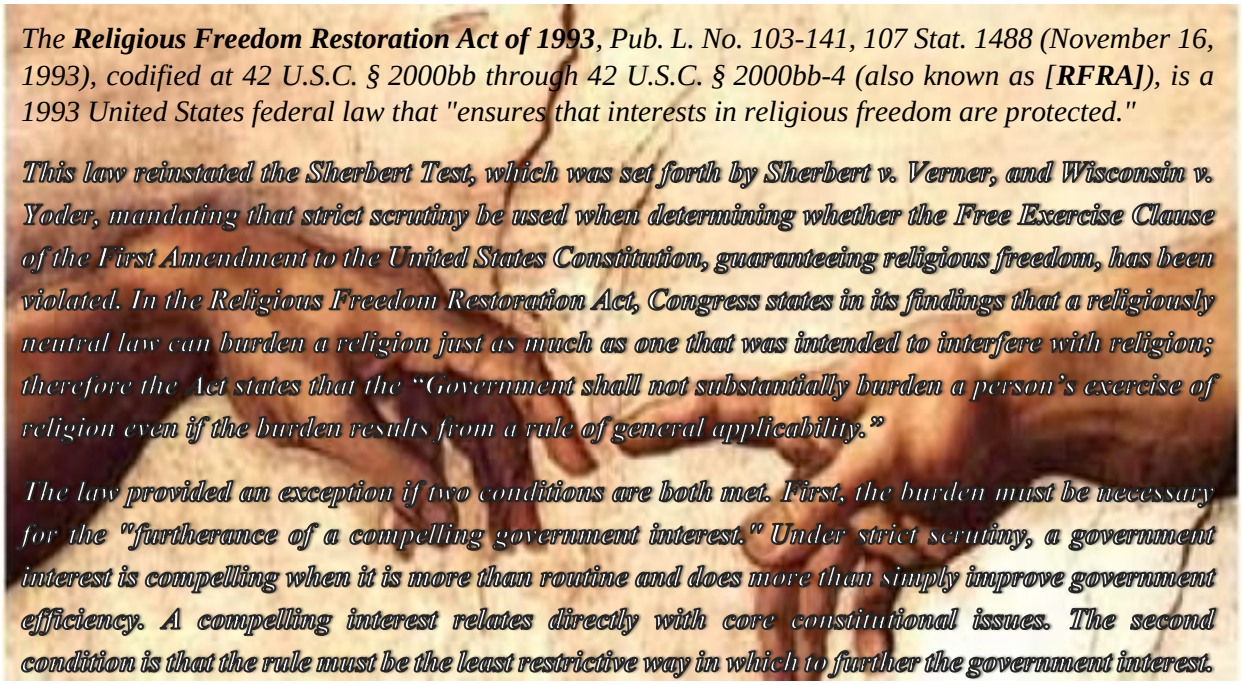
The Free Exercise Clause under [RFRA]



Sherbert v. Verner, 374 U.S. 398, 405 (1963)

It is too late in the day to doubt that the liberties of religion and expression may be infringed by the denial of or placing of conditions upon a benefit or privilege. [Footnote 6] American

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Communications Assn. v. Douds, 339 U. S. 382, 339 U. S. 390; Wieman v. Updegraff, 344 U. S. 183, 344 U. S. 191-192; Hannegan v. Esquire, Inc., 327 U. S. 146, 327 U. S. 155-156. For example, in Flemming v. Nestor, 363 U. S. 603, 363 U. S. 611, the Court recognized with respect to Federal Social Security benefits that "[t]he interest of a covered employee under the Act is of sufficient substance to fall within the protection from arbitrary governmental action afforded by the Due Process Clause."

MR. JUSTICE BLACK, whom MR. JUSTICE DOUGLAS joins, concurring

"First Amendment provides the only kind of security system that can preserve a free government -- one that leaves the way wide open for people to favor, discuss, advocate, or incite causes and doctrines however obnoxious and antagonistic such views may be to the rest of us." Yates v. United States, 354 U. S. 298, 354 U. S. 344 (separate opinion).

Wisconsin v. Yoder, 406 U.S. 205, 224 (1972)

We must not forget that, in the Middle Ages, important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. There can be no assumption that today's majority is

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"right," and the Amish and others like them are "wrong." A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.