CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The "Contemplation of Justice"

Bowen v. Roy, 476 U.S. 693 (1986)

Never to our knowledge has the Court interpreted the First Amendment to require the Government itself to behave in ways that the individual believes will further his or her spiritual development or that of his or her family. **The Free Exercise Clause simply cannot be understood to require the Government to conduct its own internal affairs in ways that comport with the religious beliefs of particular citizens.** Just as the Government may not insist that appellees engage in

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any set form of religious observance, so appellees **may not demand that the Government join in their chosen religious practices** by refraining from using a number to identify their daughter.

Sherbert v. Verner, 374 U. S. 398, 374 U. S. 412 (1963) (Douglas, J., concurring).

"[T]he Free Exercise Clause is written in terms of what the government cannot do to the individual, not in terms of what the individual can extract from the government."

We are not unmindful of the importance of many government benefits today or of the value of sincerely held religious beliefs.

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A governmental burden on religious liberty is not insulated from review simply because it is indirect, Thomas v. Review Board of Indiana Employment Security Div., 450 U. S. 707, 450 U. S. 717-718 (1981) (citing Sherbert v. Verner, 374 U.S. at 374 U. S. 404);

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but the nature of the burden is relevant to the standard the government must meet to justify the burden. [Footnote 16]