

Compelling governmental interest

- Free exercise can be restricted if the government can show an interest in doing so such as polygamy in *Reynolds v. United States* (1878)
- In *Oregon v. Smith* (1990) the Court abolished the compelling interest test only to have Congress counter their decision by passing the Freedom Restoration Act of 1993-now the burden of proof is on the government to restrict free exercise
- *Gonzales v. O Centro Espirita Beneficiente Unaio do Vegetal* (2006) the Court rules that it is Ok for members to take a hallucinogenic tea
- *Wisconsin v. Yoder* (1972)-Amish parents allowed to keep their parents out of school past the 8th grade because it violated their free exercise rights
- Have we taken political correctness too far

Compelling Interest

David Kirk



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