



Employment Division v. Smith
Ethics, Politics, & Law
Fall Quarter 2008

Al Smith

Litigation

FACTS

**Smith I
(1988)**

**Oregon
Supreme
Court**

Balancing

**Rational
State
Interest**

INDIVIDUAL INTERESTS

**Compelling
State
Interest**

**Fundamental
Rights**

**Difference
in *Sherbert
v. Verner***

**Rejection of
compelling
state
interest test**

SCALIA'S ARGUMENT

**Obvious
rational
interest in
drug policy**

**"a law unto
himself"**

