

***CHURCH OF THE LUKUMI BABALU AYE, INC. v. CITY OF
HIALEAH***

(No. 91-948)

ARGUED NOVEMBER 4, 1992

DECIDED JUNE 1993

Facts

Although the Santeria religion dates back centuries to West Africa, it is a relatively new phenomenon in the United States. The practice was carried to Cuba by slaves in past centuries but banned by early slave traders and Christian missionaries. Shortly after World War II, the first waves of Cubans who practiced Santeria arrived in America. Today, 60,000 practitioners of the religion are located in South Florida, and thousands of adherents are concentrated in Los Angeles, New York, Washington, D. C., and other urban areas.

Santeria followers believe that the spirits, or orishas, depend on the sacrifice of animals for birth, marriage, and death rites, as well as for the cure of the sick and the initiation of new members and priests. Santeria services include the sacrifice of chickens, turtles, sheep, goats, and other animals. The sacrificed animals are usually cooked and eaten after the arteries of their necks are ceremoniously cut. Santeros, as they are known, have been stigmatized in the West and generally have tended to their rites in private. It was an unusual move when Ernesto Pichardo, priest of the church, tried to publicly organize a church in Hialeah, Florida. This move immediately generated controversy in an area where complaints about animal cruelty and discarded carcasses were frequent.

The city of Hialeah responded to Ernesto Pichardo's and his brother, Fernando's, efforts to formally establish a Santeria church in the Miami suburb with a series of ordinances that made it illegal to kill an animal as part of a ritual or ceremony. These ordinances were upheld in the face of a court challenge by the Pichardos,. Lower federal courts agreed with the city that the ordinances' impingement on religious practice was outweighed by public health and welfare interests.

The case was appealed to the United States Supreme Court. The church argued that it was only the killing of animals for religious purposes that was banned, and that Hialeah permitted the killing of animals for virtually any other purpose. The city argued that its ordinances are neutral and generally applicable because they ban animal sacrifice no matter whether practiced by individuals, religious groups, non-religious groups, or cults. The city also contended that the district court correctly identified the city's compelling interests in banning animal sacrifices.

Decision

The Supreme Court ruled unanimously that the Constitution protects the right to sacrifice animals in religious services. The Justices said the Hialeah, Florida efforts to outlaw ritualistic sacrifices of chickens, lambs, goats, and other animals unfairly targets and are aimed specifically and unconstitutionally at the beliefs of the Santeria Church of the Lukumi Babalu Aye.

“Legislators may not devise mechanisms, overt or disguised, designed to persecute or oppress a religion or its practices,” Justice Anthony Kennedy wrote in the majority opinion. “The laws here in question were enacted contrary to these constitutional principles, and they are void.”

Justice Kennedy said the First Amendment prohibition of government interference in the free exercise of religion does not require the acceptance of all religious practices. However, a law that limits a religion must be neutral and of “general applicability”—such as religious consumption of peyote being stopped through general laws against drug use— or it must be necessitated by a “compelling” public interest, he said.

The Supreme Court said none of these conditions was satisfied in Hialeah. The decision overturned a 1991 ruling by the 11th U. S. Circuit Court of Appeals that upheld the Hialeah ordinances. “Upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution,” Justice Kennedy wrote.

The Court left open the possibility that such killings might be proscribed under animal-cruelty statutes. The Justices were not asked— and did not answer— whether the Constitution’s protection of religious freedom “would require a religious exemption from a law that sincerely pursued the goal of protecting animals from cruel treatment,” wrote Justice Harry Blackmun in a concurring opinion. That would be “a harder case,” he predicted.