
Employment Division, Department of Human Resources of Oregon v. Smith

Date of Decision: April 17, 1990

Summary of case

In *Employment Division, Department of Human Resources of Oregon v. Smith*, the U.S. Supreme Court ruled that a state can refuse unemployment benefits to workers fired for using illegal drugs for religious purposes. The case is based on two members of a Native American church who were fired from their jobs at a drug rehabilitation clinic for consuming the drug peyote as part of a religious ceremony. Their applications for unemployment compensation were denied because their dismissal was deemed work-related misconduct, and they were therefore disqualified from receiving benefits under state law. Both the Oregon State Appellate Court and the Oregon Supreme Court found that the denial of unemployment benefits violated the First Amendment right to free exercise of religion. However, the U.S. Supreme Court ultimately ruled that the law in Oregon prohibited the consumption of illegal drugs and as such, the state did not violate the First Amendment in denying employment benefits. On April 17, 1990, in a six-to-three ruling, the Court found that a state can refuse unemployment benefits to workers fired for using illegal drugs for religious purposes.

Summary of majority opinion

In the majority opinion written by Justice Antonin Scalia, the court held that an individual's religious beliefs do not excuse them from complying with the law. Justice Scalia said that the law in Oregon banning possession of peyote applied to everyone, including religious groups. He said that if religious beliefs could protect people from the law, anyone could use religious reasons for breaking the law. He gave examples of using religious justification for breaking other laws, like paying taxes, or hiring child workers. Justice Sandra Day O'Connor concurred with Justice Scalia and said that the state had a compelling interest in controlling the possession, distribution, and use of dangerous substances.

Both Scalia and O'Connor suggested that the two individuals in this case could seek to change the law in the Oregon State Legislature to exempt Native Americans from laws banning possession of peyote, as other states have done.

Summary of Dissent

In a dissenting opinion, Justice Harry Blackmun said the state law banning peyote possession did not serve as a compelling state interest. Blackmun said that other states had included an exception for religious groups to laws banning peyote, and Oregon could have done the same. He went on to say that the state did not generally enforce the law banning peyote, and the two individuals in the case had not been

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prosecuted. Blackmun also pointed out that religious use of peyote was different from recreational use, and the federal government allowed peyote's religious use. Furthermore, there was no reason to think religious users would facilitate drug trafficking, since there was no significant traffic in peyote.

Employment Division, Department of Human Resources of Oregon v. Smith. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/1989/88-1213>