

D. Church of the Lukumi Babalu Aye v. City of Hialeah (1993) – Religious Practices

A church that practiced the Afro-Caribbean-based Santeria religion leased land in Hialeah, Florida and planned to establish a church, school, and cultural center there. Santeria includes the ritual sacrifice of animals as a part of its religious rituals. They practice animal sacrifice at birth, marriage, and death rites. They also use sacrifice for curing the sick and other annual ceremonies.

In response to public concern, the Hialeah City Council held an emergency public session and passed several ordinances prohibiting animal sacrifice. The council claimed that the practices were “inconsistent with public morals, peace or safety” and violated state animal cruelty laws. The Church claimed that these city ordinances were discriminatory and violated their First Amendment rights to freely exercise their religion.

YOU BE THE JUDGE: WHAT SHOULD THE COURT DECIDE?

Your group’s spokesperson will need to convince the rest of us of WHY your decision is the best one.

- a. Be sure that your decision addresses the arguments made by both sides.
- b. Be sure that your decision addresses the First Amendment’s “establishment” AND “free exercise” clauses.

To help your group come to a decision, discuss the answers to the questions below. Each member of the group should write down the answer that the group agrees upon.

1. What was the city’s argument for prohibiting certain practices of the Church of the Lukumi Babalu Aye?
2. Why did the Church argue that the city ordinances violated their freedom of religion?
3. Should the government be able to regulate or prohibit the religious practices of a group if the majority of citizens oppose those practices?
4. Does the Church of the Lukumi Babalu Aye present a special case that should be decided differently from most cases? Is this case different from the Smith case?