

[Animal Sacrifice](#)

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Major faiths in America have, with some trepidation, united in a successful defense of animal sacrifice. No, they are not calling for a revival of a practice many find offensive and a few defend as power-evoking. Mainstream religions are defending a tradition they don't agree with because they know that others may one day not agree with, and seek to legislate against, their beliefs and practices. This trial was about a small Afro-Cuban religious sect in Florida, known as Lukumi, fighting for the freedom to practice its religion, but its outcome impacts Hindus, Buddhists and Taoists as well, or anyone observing ancient practices and rituals that the "moral majority" might deem primitive, or worse. The following is excerpted with permission from Liberty, March/April, 1993.

By Clifford Goldstein

November 4, 1992, downtown Washington D.C. I jaunt along the wet, leafy sidewalks toward the United States Supreme Court to cover a crucial free exercise trial--the Hialeah animal sacrifices of the Church of the Lukumi Babalu Aye.

Lukumi Babalu Aye is, definitely, not mainline Protestant. Its members, called Santeros, practice an ancient Afro-Caribbean faith known as Santeria. Santeros celebrate birth, death and marriage with animal sacrifices. In their rituals they decapitate goats, chickens, doves and turtles--usually in private homes. The city of Hialeah, Florida, wants it stopped.

I enter the side entrance off Maryland avenue. Having cleared security, I pick up a press pass--a little orange card with my seat number, G-5. The press section is filled, and G-5 puts me directly behind a massive pillar, cloaked in a heavy red

drape. I gape over the cowlick of a reporter to my left and glimpse the corner of a justice's robe. Straightening up, I stare at the pillar, notebook and pen on my lap. How am I supposed to cover this story?

Anyway, pillar aside, one of the first voices I hear is Douglas Laycock's, arguing for the Church of the Lukumi Babalu Aye, which is petitioning the High Court to strike down four ordinances that ban animal sacrifices--rituals central to the church's faith.

"This is a case," Laycock declares, "about open discrimination of a minority religion." This discrimination is unconstitutional, and therefore the laws should be struck down as an infringement of the free exercise of the Santeros. More than 50,000 Santeros live in Florida, where many fled from Castro's suppression of their religion. In 1987, the Santeria church, wanting to open a public place of worship, bought land in Hialeah, a Miami suburb. In anticipation of an animal-sacrificing church, complaints about paganism and decapitated goats and chickens found in parks, under trees and on courthouse steps, Hialeah passed four ordinances making animal sacrifices for religious purposes a first-degree misdemeanor punishable by a \$500 fine and/or 60 days in jail. The Santeria church sued the city, claiming that the law violated its free exercise rights. When the United States district court in south Florida upheld the laws, the Santeros appealed to the U.S. Supreme Court.

As Laycock speaks, other voices interrupt. They belong to the Supreme Court justices, and when a woman speaks, I know it is Justice O'Connor. Laycock proposes that the only way to prove animal sacrifices illegal is to show that Santeria is false, and that would constitute "a heresy trial." A justice asks: Merely because a Santeros' God tells them that something is right, is it then legally protected?

Laycock argues that because one can kill animals in Hialeah for any reason but religious sacrifices, the ordinances are not neutral, but aimed at a specific religious practice. For that reason, he asserts, they are unconstitutional.

Voices from the bench question whether the Hialeah ordinances were directed at the Santeria religion itself, or were merely a neutral ban. Even Smith* said that though "incidental" restrictions on free exercise were constitutional, laws

"specifically directed at religious practice" were not, unless the state could show a compelling state interest in upholding them.

Laycock argues: In order for the ban to be constitutional, it would have to include all animals killed in the city. He says the bans were "underinclusive with a vengeance" against Santeria and therefore should be struck down.

I remember reading from the Santeros' perspective. They complained that one can boil lobsters alive, feed rats to snakes, butcher animals in slaughterhouses, hunt them with a bow and arrow, and kill unwanted pets publicly--as long as none of this is done for religious reasons. As a brief filed on behalf of the Santeros said: "One may get Chicken McNuggets in Hialeah, but one may not partake of a chicken roasted at a religious service of the Santeria faith."

Are Santeros more cruel than meateaters?

The questions then revolve around cruelty to animals. In the lower court hearing, the Humane Society testified that the Santeria method of slaughter--jabbing a knife through the animals's throat--causes more suffering to the animals than either the Jewish or the Muslim method, which cuts cleanly through the carotid arteries. Therefore, the city had a reason to ban sacrifices. (I wonder whether Hialeah's wish to spare chickens a few extra seconds of pain warrants restricting a fundamental constitutional right.) A voice from the bench asks if it would be lawful in Hialeah to kill one's cat in order to "put it out of its misery." Garrett answers, "Yes." The voice then asks whether it would be lawful to drown the cat in the bath tub. "No," Garrett answers. It would be cruelty to the animal, and Hialeah has laws against that.

O'Conner asks about boiling lobsters alive or killing mice and rats. Another voice incredulously asks: "You can't eat lobster in Hialeah?" Another helps Garrett along by saying that killing mice and rats does not constitute sacrifice, and therefore is not included in the ordinances.

Slaughterhouses--why not ban them too?

The justices then ask about slaughterhouses. If animal sacrifices were conducted in a properly zoned slaughterhouse with rules to ensure that the animals were not treated cruelly (though how can you slice an animal's throat in a manner that's not cruel?), and other sanitary regulations, would Hialeah still prohibit sacrifice? "Yes," says Garrett, an answer that seems to weaken his two major arguments.

First, his answer asserts that the ordinances prohibit any animal sacrifice, even in a regulated slaughterhouse, but not other animal killings. This response enhances Laycock's position that the Hialeah ordinances were aimed specifically at a religious practice. Second, if the city's concerns about health, cruelty to animals, and sanitation are relieved by relegating the sacrifices to slaughterhouses, its reasons to stop the sacrifices would be nullified.

Soon after the exchange, the oral arguments end, and I exit with the other reporters. On the courthouse steps, crowds of journalists with microphones, tape recorders, and TV cameras gather around Laycock. This case has garnered publicity not only because of its gory circumstances but also because of the chance that it could mitigate or even reverse Smith.

In May, 1993, the US Supreme Court ruled to defend the Santeros' right to sacrifice animals as free exercise of their faith. They ruled that the four Hialeah laws banning animal sacrifice were "enacted by officials who did not understand, failed to perceive, or chose to ignore, that their official actions violated the Nation's essential commitment to religious freedom." Bottom line? The Supreme Court's decision strengthened considerably the importance of freedom of religion in the US.

At the request of Hinduism Today, Mr. Goldstein added these thoughts after the Court's decision: "Though some hoped that the High Court would use the Hialeah case to rework Smith [see footnote*], this didn't happen. And despite the unanimous decision, three justices expressed concern about Smith. For Blackmun, when the state enacts a law that either "intentionally or unintentionally places a burden on free exercise," it must face "strict scrutiny," the view that had been the prevailing free exercise jurisprudence before Smith."

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Adventist publication energetically working to

protect religious freedom for all faiths.

*SMITH A controversial 1990 Supreme Court ruling that made it somewhat easier for the government to limit free exercise of religion by shifting the burden of convincing the court of the validity and harmlessness of the contested rite or act onto the practitioners themselves. Previously, the burden was more with the government to prove the religious act or ritual was socially destructive.