ciary represents no infringement by the State of her constitutional rights of free exercise, or because any incidental burden on the free exercise of appellant's religions may be justified by a 'compelling state interest in the regulation of a subject within the State's constitutional power to regulate . . . .'" [308]

First, the disqualification was held to impose a burden on the free exercise of Sherbert's religion; it was an indirect burden and it did not impose a criminal sanction on a religious practice, but the disqualification derived solely from her practice of her religion and constituted a compulsion upon her to forgo that practice.[309] Second, there was no compelling interest demonstrated by the state. The only interest asserted was the prevention of the possibility of fraudulent claims, but that was merely a bare assertion. Even if there was a showing of demonstrable danger, "it would plainly be incumbent upon the appellees to demonstrate that no alternative forms of regulation would combat such abuses without infringing First Amendment rights." [310]

Sherbert was reaffirmed and applied in subsequent cases involving denial of unemployment benefits. *Thomas v. Review Board* [311] involved a Jehovah's Witness who quit his job when his employer transferred him from a department making items for industrial use to a department making parts for military equipment. While his belief that his religion proscribed work on war materials was not shared by all other Jehovah's Witnesses, the Court held that it was inappropriate to inquire into the validity of beliefs asserted to be religious so long as the claims were made in good faith (and the beliefs were at least arguably religious). The same result was reached in a 1987 case, the fact that the employee's religious conversion rather than a job reassignment had created the conflict between work and Sabbath observance not being considered material to the determination that free exercise rights had been burdened by the denial of unemployment compensation.[312] Also, a state may not deny unemployment benefits solely because refusal to work on the Sabbath was

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[308] 374 U.S. at 403, quoting NAACP v. Button, 371 U.S. 415, 438 (1963).

[309] 374 U.S. at 403–06.

[310] 374 U.S. at 407. *Braunfeld* was distinguished because of "a countervailing factor which finds no equivalent in the instant case—a strong state interest in providing one uniform day of rest for all workers." That secular objective could be achieved, the Court found, only by declaring Sunday to be that day of rest. Requiring exemptions for Sabbatarians, while theoretically possible, appeared to present an administrative problem of such magnitude, or to afford the exempted class so great a competitive advantage, that such a requirement would have rendered the entire statutory scheme unworkable. Id. at 408–09. Other Justices thought that *Sherbert* overruled *Braunfeld*. Id. at 413, 417 (Justice Stewart concurring), 418 (Justice Harlan and White dissenting).

[311] 450 U.S. 707 (1981).

[312] Hobbie v. Unemployment Appeals Comm'n, 480 U.S. 136 (1987).