unemployment benefits to persons dismissed from their jobs because of religious ceremonial use of peyote. Accommodation of such religious practices must be found in "the political process," the Court noted; statutory religious-practice exceptions are permissible, but not "constitutionally required." [267] The result is tantamount to a return to the *Reynolds* belief-conduct distinction. [268]

Interaction with the Establishment Clause.—The relationship between the Free Exercise and Establishment Clauses varies with the expansiveness of interpretation of the two clauses. In a general sense, both clauses proscribe governmental involvement with and interference in religious matters. There is, however, a tension between the requirement of governmental neutrality derived from the Establishment Clause and the Free-Exercise-derived requirement that government accommodate some religious practices.[269] So far, the Court has harmonized its interpretations by finding that accomodations mandated by the Free Exercise Clause do not create Establishment Clause violations, while also upholding some other legislative accommodations not mandated by free exercise requirements. "This Court has long recognized that government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause." [270] "There is room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without [governmental] sponsorship and without interference." [271]

In holding that a state could not deny unemployment benefits to Sabbatarians (religious observants of the Sabbath) who were fired for refusing to work on Saturday, for example, the Court in *Sherbert v. Verner* [272] denied that it was "fostering an 'establishment' of the Seventh-Day Adventist religion. The Court found that the extension of unemployment benefits to Sabbatarians in common with Sunday worshippers reflects nothing more than the governmental obligation of neutrality in the face of religious differences, and does not represent that involvement of religious with secular institutions which it is the object of the Establishment Clause to fore-

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[267] 494 U.S. at 890.

[268] Employment Division v. Smith is discussed under "Free Exercise Exemption From General Governmental Requirements," *infra*, as is the Religious Freedom Restoration Act, which was enacted in response to the case.

[269] "The Court has struggled to find a neutral course between the two Religion Clauses, both of which are cast in absolute terms, and either of which, if expanded to a logical extreme, would tend to clash with the other." Walz v. Tax Comm'n, 397 U.S. 668–69 (1970).

[270] Hobbie v. Unemployment Appeals Comm'n, 480 U.S. 136, 144–45 (1987).

[271] Walz v. Tax Comm'n, 397 U.S. at 669. *See also* Locke v. Davey, 540 U.S. 712, 718 (2004); Cutter v. Wilkinson, 544 U.S. 709, 713 (2005).

[272] 374 U.S. 398 (1963).