

*The Free Exercise Clause: Are Exemptions to Neutral Laws Required?
A Historical and Political Inquiry*

In this paper, I explore the degree to which the Free Exercise Clause should be interpreted to require federal and state governments to provide case-by-case (or general) exemptions to neutral laws that place a substantial burden on religious believers. I do so by considering the historical environment in which the Clause was developed (including extensive original research into the history of religious liberty in Virginia and examination of relevant colonial-era legislative history), the jurisprudential history of the Clause over the past two centuries, and contemporary legislation prompted by some of the judiciary's more recent decisions.

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