

use. The Supreme Court upholds the law. *See Employment Div. v. Smith*, 494 U.S. 872 (1990).

3. General laws regulating conduct will still be struck down if the Court concludes that their \_\_\_\_\_ is to burden religious exercise. To determine the purpose of a law, the Court may look at the circumstances of its enactment, and it may look at whether non-religious activities are exempted.
  - *Example:* The City of Hialeah enacts a law that prohibits animal “sacrifice.” The history of the law shows that it is aimed at the practitioners of Santeria, a religion whose practices include ritual animal sacrifice. The law does not apply to hunters, cosmetic testers, exterminators, or most other killers of animals. The Supreme Court strikes it down as an attempt to \_\_\_\_\_ religion. *See Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993).

## X. INDIVIDUAL RIGHTS: MISCELLANEOUS PROVISIONS

The preceding Parts have considered the most important individual rights provisions of the Constitution. This one examines a few more.

### A. THE PRIVILEGES AND IMMUNITIES CLAUSE OF ARTICLE IV

Article IV of the Constitution deals with \_\_\_\_\_ relations. Its second clause provides that “the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” This is essentially an \_\_\_\_\_ provision. It means that when states give certain rights to their *own* citizens, they must also give those rights to citizens of other states who travel into the state.

1. **Only fundamental rights.** The Privileges and Immunities Clause only applies to “fundamental” rights. But the criterion for fundamentality here is *not the same* as in the Due Process context. A fundamental right for Article IV Privileges and Immunities purposes is one that is fundamental to \_\_\_\_\_. These are generally economic rights.
2. **Intermediate scrutiny.** Once the Court has decided that a particular right meets the criterion of fundamentality, the test it applies resembles intermediate scrutiny: A state can discriminate against out-of-staters if the discrimination is \_\_\_\_\_ related to an \_\_\_\_\_ state interest.