U.S. Supreme Court ruling is First Amendment defense, Adventist legal counselors say
Landmark decision applies 'ministerial exception' to Lutheran schoolteacher

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Adventist relief agency distributing food, water and emergency supplies to thousands

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The U.S. Supreme Court this week ruled that
government cannot question a church’s decisions on who will teach at its faith-based schools. Adventist legal counselors say the ruling further cements church-state separation in the country. [photo: Shutterstock]

Adventist Church Associate General Counsel Todd McFarland says church legal counselors are “pleased” with the January 11 ruling. Here, McFarland reviews church policy at the 2010 General Conference World Session. [ANN file photo by Gerry Chudleigh]

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Seventh-day Adventist Church legal counselors say a ruling this week by the United States Supreme Court further shields churches from government interference.

In a landmark decision, the nation’s highest court ruled that government cannot question a religious community’s decisions regarding who should teach in its church-run schools.

The unanimous ruling clarifies the role of the “ministerial exception,” which has previously protected churches in the U.S. from undue government and court interference, said Todd McFarland, an associate general counsel for the Adventist world church’s Office of General Counsel.

While lower courts have applied the ministerial exception for decades, this latest ruling marks the first time the Supreme Court has tackled it.

“For the Adventist Church in the U.S., this means courts will not be second-guessing the hiring and firing of our pastors and teachers,” McFarland said, adding that the decision frees the church to make employment decisions without worrying that a “secular judge and jury” might question their motivation.

“We’re pleased with the outcome,” he said.

The January 11 ruling dismisses the retaliation suit of a Lutheran schoolteacher in Michigan. Commissioned minister and teacher Cheryl Perich was fired after a 2004 narcolepsy diagnosis allegedly left her unable to perform her job. Hosanna-Tabor Evangelical Lutheran Church argued that Perich’s illness and ensuing absences strained the school’s limited staff and budget.

Perich, however, claimed the church was violating the Americans with Disabilities Act and threatened to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). After the Lutheran Church accused Perich of violating the church’s doctrine of internal conflict resolution, the EEOC sued Hosanna-Tabor for penalizing Perich’s exercise of her rights under the law.

The U.S. 6th Circuit Court of Appeals was convinced, too, after adding up the minutes per day Perich spent on secular and religious duties. They determined Perich spent 45 minutes per day conducting religious activities, such as leading prayer and worship – not enough to apply the “ministerial exception” to discrimination laws, they ruled.

Applying the exception means courts can’t meddle in a church’s decision to appoint, elect or fire “ministers of the faith,” and, in turn, those ministers can’t sue their churches over most employment
The nation’s highest court saw the case differently. Supreme Court justices cited Perich’s ministerial credentials and housing allowance from the church as evidence she acted as a minister of faith. Justices also noted that limiting the ministerial exception to employees “who perform exclusively religious functions” may be impossible, since even ministers handle financial matters, facilities management and other secular duties.

“The exception should apply to any ‘employee’ who leads a religious organization, conducts worship services or important religious ceremonies or rituals, or serves as a messenger or teacher of its faith,” Justice Samuel Alito Jr. wrote in a concurring opinion with Justice Elena Kagan.

The Adventist Church was among many religious organizations that filed an amicus, or “friend of the court” brief in support of the Lutheran-run church school. The church’s support of Hosanna-Tabor cited the value of religious education in membership retention and outlined the history of the ministerial exception, including its foundation in church-state separation, he said.

The Adventist Church’s Office of General Counsel routinely files amicus briefs in cases where it has invested interest, McFarland said. Previous briefs have supported workplace freedom for Sabbath-observers.

In response to their show of support this week for the Supreme Court’s decision, Adventist legal counselors have fielded questions regarding whether the ruling now gives churches the license to “abuse or mistreat” employees, McFarland said.

“The simple answer is obviously ‘No,’” he said, “but it’s true that there are certain church employees -- not all, and certainly not even a majority -- who now have potentially less protection in the courts.”

But Adventist legal counsels don’t want “a jury of 12 people off the street” deciding what church doctrine is and whether a church employee has complied with it, McFarland said.

In a hypothetical case, a pastor close to retirement and fired for “straying from the faith” could argue age discrimination in court and likely find a sympathetic jury, he said.

“The argument that somehow the court can sort out whether a decision is religiously motivated or not is precisely the type of entanglement that requires a separation of church and state,” McFarland said.

ADRA continues Philippines tropical storm response
Efforts are still underway to assist an estimate 720,000 people in the Philippines affected by tropical storm Washi last month. The Adventist Development and Relief Agency is distributing food, safe drinking water and cash cards to purchase emergency supplies of essential items.

In cooperation with Global Medic, ADRA Philippines has installed water purification units to provide residents in affected communities with clean water. In addition, ADRA has distributed rice and other food supplies to nearly 1,500 families.

A driver for ADRA Philippines staff remembered the night Washi made landfall on December 16. "When we looked back, to our despair we saw cars being washing away by a strong flash flood … right behind us," the driver said.

According to the United Nation’s Children’s Fund, tropical storm Washi hit far to the south of the most storm-prone region of the country, sweeping across towns and villages unaccustomed to coping with storms of this strength. Agency reports indicate that nearly 1,500 people were reported dead, with more than 1,000 still missing. More than 50 evacuation centers have been established to house an estimated 54,000 people who lost their homes during flash flooding.

The tropical storm disrupted the predominately Christian nation during the holiday season.

"Families found themselves spending the holiday on … the floor of a basketball court together with other victims, sharing four toilets and getting food sporadically," said ADRA Philippines Country Director Goran Hansen.

ADRA will continue to monitor the situation. For details, visit adra.org.
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