Supreme Court Decision on Church Employment Case

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From the North American Religious Liberty Association  Today the Supreme Court decided what is likely the most important religious liberty case to come down in the past two decades. In Hosanna-Tabor Lutheran Church and School v. Equal Employment Opportunity Commission, the Court sided unanimously...

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Today the Supreme Court decided what is likely the most important religious liberty case to come down in the past two decades.

In *Hosanna-Tabor Lutheran Church and School v. Equal Employment Opportunity Commission*, the Court sided unanimously with a church sued for firing an employee on religious grounds, issuing an opinion on Wednesday that religious employers can keep the government out of hiring and firing decisions. [For additional details on the background and facts of the case, see the *Liberty* articles "An Issue of Church Autonomy: The Supreme Court Examines the Ministerial Exception Doctrine," (Sept/Oct) and "Hosanna Tabor: The Supreme Court Hears Arguments in a Case with Far-Reaching Implications for Church Organizations" (Nov/Dec).]

The Court’s opinion, written by Chief Justice John Roberts, dismissed as an “extreme position” the plea of EEOC to limit any “ministerial exception” solely to workers who perform “exclusively religious functions.”

Justice Thomas went even further in his concurring opinion, saying that it was clear that the parochial school’s sponsoring church “sincerely” considered the teacher to be a minister, and “That would be sufficient for me to conclude that [this] suit is properly barred by the ministerial exception.”

The General Conference of Seventh-day Adventists joined an *amicus* brief urging the court to rule on behalf of the Lutheran Church.
Said Todd McFarland, associate counsel with the Office of General Counsel and NARLA’s legal advisor: “The General Conference is pleased with the Court’s decision and the reasoning behind it. In particular, the Court’s rejection of the Administration’s view that the Free Exercise and Establishment Clauses of the First Amendment did not provide protection to religious organizations is especially heartening. This ruling reinforces that America’s First Freedom remains

7 Responses to “Supreme Court Decision on Church Employment Case”

1. ken January 11, 2012 at 5:01 pm

Interesting case.

I suspect the ministerial exception would not apply to the LSU biology professors, unless part of their duties were to teach theology vs. biology. Thus LSU likely won’t succeed using this doctrine as a defence.

Hypothetically if LSU mandated its biology teachers to teach creationism as an alternative to evolution and the biology teachers refused to do so, then LSU could likely fire them for failing to perform their religious duties.

Your agnostic friend
Ken

2. Charles January 11, 2012 at 7:12 pm

It is surprising that not only did the court rule in favor of the church but the decision was unanimous.

Seems it should strengthen the church’s position in the LSU case. However, in the LSU case, it seems there were encouraged resignations rather than firings. And it seems the issue is not so much about the loss of a position as some sort of convoluted claim related to eavesdropping on a private conversation.

3. -Shining January 12, 2012 at 3:37 am

I agree with Ken. We have not asked all our teachers to be part of the religious training of our children. If we had had a view of every class being part of their religious education, if we had hired people to do this, our schools would probably be smaller in number but a much greater source of power to the three angels’ messages.
4. **-Shining January 12, 2012 at 3:38 am**

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5. **-Shining January 12, 2012 at 3:40 am**

sorry computer glitch

6. **BobRyan January 12, 2012 at 3:49 am**

The article said —

The employment discrimination prohibitions in Title VII of the 1964 Civil Rights Act carry exemptions that deal with such a situation. Churches, religious schools and other religious institutions may limit their hiring to individuals of a particular religion. Also, hiring may be on the basis of religion, sex, or national origin, where the requirement is a bona fide occupational qualification.

Which means that firing teachers who oppose FB #6 – by teaching blind-faith-evolutionism “as if it were fact not fiction” could be done without restraint.

In the case in question the problem was not a failure to teach church doctrine.

The Sixth Circuit concluded that Perich was not a “ministerial” employee, so she could move ahead with her claim that she was fired in violation of the Americans With Disabilities Act (ADA) when the school refused to take her back after an eight-month disability leave of absence for a condition eventually diagnosed as narcolepsy. The school had concerns about changing teachers for her fourth graders midyear, and also had questions about whether Perich was attempting to return too quickly in light of her physical condition. However, her ADA claim was based primarily on the school principal’s statement to Perich that her threat to sue under the ADA justified revoking her “call.”

In the view of the Sixth Circuit, neither Perich’s “call” nor her religious duties were enough to make the ministerial exception applicable. Her duties after she became a “called” teacher were identical to her duties before that.

In the self-taped document of the famous three meeting with GC NAD president Daniel Jackson – the teachers were all called “Ministers”.

in Christ,

Bob
7. GMF January 12, 2012 at 5:44 am

A good decision. I’m not an attorney but there were public comments that the decision was a very narrow one. Can anyone comment on that aspect or was it merely wishful thinking that the decision was narrow?