

Supreme Court to weigh churches' employment rights

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WASHINGTON (RNS) The Supreme Court agreed Monday (March 28) to consider whether a teacher who was fired from a religious school is subject to a "ministerial exception" that can bar suits against religious organizations.

The case involves an employment dispute between a Michigan school and a teacher who is defended by the Equal Employment Opportunity Commission.

Lawyers for the Hosanna-Tabor Evangelical Lutheran Church and School in Redford, Mich., argue that courts have long recognized the First Amendment doctrine that often prevents employees who perform religious functions from suing religious organizations.

They asked the court to determine whether it extends to teachers at a religious school who teach a secular curriculum but also teach religion classes and lead students in prayer.

A lower court sided with the school and against fired teacher Cheryl Perich, citing the ministerial exception. But last March, the 6th U.S. Circuit Court of Appeals reversed the decision, saying it did not apply because Perich spends most of her time teaching secular topics.

The Becket Fund for Religious Liberty, which is representing the school, said federal appeals courts are divided on the limits of the ministerial exception and the Supreme Court's consideration is groundbreaking.

"If 'separation of church and state' means anything, it means the government doesn't get to pick religious teachers," said Luke Goodrich, deputy national litigation director at the Becket Fund for Religious Liberty.

The EEOC has expressed concern that a ruling against Perich could lead to religious organizations being shielded from all suits filed by staffers "simply by characterizing all of their duties as religious."