


# Supreme Court hears arguments in important church-state case

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WASHINGTON (ABP) - The U.S. Supreme Court heard oral arguments Oct. 5 in a closely watched case involving a church's right to hire or fire ministers for reasons like religious doctrine that in other settings would be job discrimination.

"The churches do not set the criteria for selecting or removing the officers of government, and government does not set the criteria for selecting and removing officers of the church," attorney Douglas Laycock argued on behalf of petitioners in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, et al. 

The case involves a former fourth-grade teacher and commissioned minister who tried to get her job back under the American with Disabilities Act. In a lawsuit filed on her behalf by the Equal Employment Occupation Commission, a district court said she could not be reinstated because of a "ministerial exception" to the law.

The 6th U.S. Circuit Court of Appeals disagreed, finding the teacher's "primary duties" were secular and not religious, so the ministerial exception did not apply.

The [Baptist Joint Committee for Religious Liberty](#) , which filed a friend-of-the-court brief, said the case has "clear and crucial implication of religious liberty, church autonomy and the separation of church and state."

The brief, which was also joined by the Christian Legal Society, the

National Council of the Churches of Christ in the USA and the National Association of Evangelicals, said courts should not be second-guessing a church's decision about who is fit to teach in a religious school. It says that even if a Christian school teacher's subject is secular, like biology or math, her job is to help pass on a particular set of morals and religious beliefs to a rising generation.

Though widely accepted by lower courts as a necessary safeguard for religious liberty, the ministerial exception doctrine has never been tested by the Supreme Court. Other courts have differed in how to apply it. The BJC advocates the broader application used by the district court instead of the narrow interpretation used by the appellate court.

"In defining the ministerial exception, an approach that is too simplistic will undermine religious liberty," said BJC General Counsel Hollyn Hollman. "The Court should put a premium on both the religious organization's designation of ministry personnel as its religious representatives and the employees' responsibility for performing important religious functions."

Leondra Kruger, the attorney representing the EEOC, claimed the teacher in the case was fired unjustly in retaliation for exercising her legal rights and should be reinstated.

"The freedom of religious communities to come together to express and share religious belief is a fundamental constitutional right," Kruger said, "but it's a right that must also accommodate important governmental interests in securing the public welfare."

*—Bob Allen is managing editor of Associated Baptist Press. Jeff Huett of the Baptist Joint Committee contributed to this story.*