

SCOTUS Opinion: Court Expands the Breadth of the Ministerial Exception to the First Amendment

9 Jul 2020

[James N. Markels](#)

In prior cases, the Court had held that the First Amendment's Religious Clauses prevented the courts from adjudicating employment discrimination claims between a church and certain employees, which was dubbed the ministerial exception. In *Our Lady of Guadalupe School v. Morrissey-Berru*, two elementary school teachers at Roman Catholic churches brought employment discrimination claims against their churches. In both cases, the teachers lost at the district court level under the ministerial exception, but the Ninth Circuit reversed, holding that each teacher lacked sufficient religious training or credentials to fall under the exception.

The Court, in a 7-2 opinion by Justice Alito, reversed, holding that while there was no rigid formula for determining whether the exception applied, there was no question that providing a religious education was core to any religious school's mission, and thus the teachers here easily qualified for the exception even if they did not have ministerial training or titles. The Court also rejected the argument that the teachers had to be practicing member of the religion in question to come under the exception. Justice Thomas, joined by Justice Gorsuch, concurred, arguing that the courts should grant extra deference to a religious organization's claim that a certain employee's position is ministerial. Justice Sotomayor, joined by Justice Ginsburg, dissented, arguing that the teachers should not have been considered ministers and that the Court should have considered more than just whether religious education alone is sufficient to invoke the exception.

A link to the opinion is here: https://www.supremecourt.gov/opinions/19pdf/19-267_1an2.pdf

TAGGED: First Amendment, *Our Lady of Guadalupe School v. Morrissey-Berru*, Ministerial Exception