

SUPREME COURT SUPPORTING CHURCHES



The United States Supreme Court made a ruling in favor of the church just last week. The church fired an employee who was viewed as a ministerial employee. This showed that the church and state are actually different in the way that they conduct their affairs. A former teacher in a religious school, Hosanna-Tabor Evangelical Lutheran Church and School, located in Michigan, was employed with the school for six years. The teacher, Cheryl Perich, took a leave of absence because of a disability in which she suffered from. However, when Perich wanted her job back, the church refused to reinstate her. Perich, along with the Equal Employment Opportunity Commission decided to sue the church, saying that she was discriminated against due to a disability and that they denied her of her rights under the Americans with Disabilities Act, commonly referred to as the ADA. However, as most Americans know, it has been an ongoing history between the government and the church, as the two are supposed to be separate. While there has been an ongoing history, this was actually the first time that a case within the church actually made it to the United States Supreme Court. Perich, along with the Equal Employment Opportunity Commission, were making arguments that the religious exemption did not apply in Perich's case because she taught traditional courses at the religious school. The Obama Administration actually agreed with Perich and was challenging the exemption to the fullest. However, in the meantime, the court disagreed completely. The Chief Justice Roberts even wrote, "Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its beliefs. By imposing an unwanted minister, the state infringes the free exercise clause, which protects a religious group's right to shape its own faith and mission through its appointments. According the state the power to determine which individuals will minister to the faithful also violates the establishment clause, which prohibits government involvement in such ecclesiastical decisions." The court found that the exception to employment laws did apply to churches, and that it "ensures that the authority to select and control who will minister to the faithful is the church's alone." Aside from this, the court also believed the Perich was not entitled to receive her job back or to receive any back pay either. If she was entitled to back pay or reinstatement, the church would be penalized for expressing its own rights which would simply not be fair to the church at all.