

OUR LADY OF GUADALUPE SCHOOL V. MORRISSEY-BERRU

by Oyez

FACTS OF THE CASE

Agnes Deirdre Morrissey-Berru was a teacher at Our Lady of Guadalupe School and brought a claim against the school under the Age Discrimination in Employment Act (ADEA). The district court granted summary judgment in favor of the school on the basis that Morrissey-Berru was a “minister.” In *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, the Supreme Court first recognized a ministerial exception, which exempts religious institutions from anti-discrimination laws in hiring employees deemed “ministers.”

The U.S. Court of Appeals for the Ninth Circuit reversed the lower court, finding that Morrissey-Berru was not a “minister”; she had taken one course on the history of the Catholic church but otherwise did not have any religious credential, training, or ministerial background. Given that she did not hold herself out to the public as a religious leader or minister, the court declined to classify her as a minister for the purposes of the ministerial exception.

QUESTION

Do the First Amendment’s religion clauses prevent civil courts from adjudicating employment-discrimination claims brought by an employee against her religious employer, when the employee carried out important religious functions but was not otherwise a “minister”?

CONCLUSION

7–2 decision for Our Lady of Guadalupe School majority opinion by Samuel A. Alito, Jr.

The First Amendment’s Religion Clauses foreclose the adjudication of the employment-discrimination claims of Catholic school teachers Morrissey-Berru and Biel.

The “ministerial exception,” which derives from the religion clauses of the First Amendment, prevents civil courts from adjudicating the former employee’s discrimination claims in this case, and in the consolidated case, *St. James School v. Biel*, against the religious schools that employed them. Justice Samuel Alito authored the 7-2 majority opinion.

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Courts generally try to stay out of matters involving employment decisions regarding those holding certain important positions with churches and other religious institutions, and the Court formally first recognized this principle, known as the “ministerial exception,” in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*. In that case, the Court considered four factors before reaching its conclusion that the employee was a “minister” for purposes of an exception to generally applicable anti-discrimination laws. However, the Court expressly declined “to adopt a rigid formula for deciding when an employee qualifies as a minister.” The factors relied upon in *Hosanna-Tabor* were specific to that case, and courts may consider different factors to decide whether another employee is a “minister” in another context. The key inquiry is what the employee does. Educating young people in their faith, which was the responsibility of the plaintiffs in these two cases, is at the very core of a private religious school’s mission, and as such, Morrissey-Berru and Biel qualify for the exception recognized in *Hosanna-Tabor*.

Justice Clarence Thomas authored a concurring opinion, in which Justice Neil Gorsuch joined, arguing that courts should “defer to religious organizations’ good-faith claims that a certain employee’s position is

‘ministerial.’ ”

Justice Sonia Sotomayor authored a dissenting opinion, in which Justice Ruth Bader Ginsburg joined, arguing that the Court incorrectly classified the teachers as “ministers,” given that the teachers taught primarily secular subjects, lacked substantial religious titles and training, and were not even required to be Catholic. Moreover, Justice Sotomayor argued, the majority’s approach “has no basis in law and strips thousands of schoolteachers of their legal protections.”