

Court Rules Churches Have Freedom Over Employment Decisions

The 7th Circuit Court of Appeals recently ruled en banc 7-3 that churches and religious organizations have the freedom to choose and supervise their religious leaders without government intrusion.

In *Demkovich v. St. Andrew the Apostle Parish*, the 7th Circuit ruled in favor of a Roman Catholic church in Chicago after a former music director sued the church when he was fired for violating Catholic doctrine and his employment agreement by entering a same-sex union. The court ruled that the First Amendment protected the church's freedom to hire and fire the music director under the "ministerial exemption," and that the court had no business adjudicating claims regarding a "hostile environment."

The court's opinion stated, "Because a minister lies at the heart of a religious organization's work and workplace, deciding whether discrimination pervaded his employment impermissibly requires intrusion into a religious thicket ... The First Amendment outlaws such intrusion. ... A religious organization should not be forced to choose between proffering a religious justification or risking legal liability. ... In these sensitive areas, the state may no more require a minimum basis in doctrinal reasoning than it may supervise doctrinal content."

"Civil authorities have no say over matters of religious governance. ... This invitation to turn the spiritual into the secular raises the concern of chilling religious-based speech in the religious workplace. Turning to *Demkovich's* allegations, what one minister says in supervision of another

could constitute stern counsel to some or tread into bigotry to others. How is a court to determine discipline from discrimination? Or advice from animus? These questions and others like them cannot be answered without infringing upon a religious organization's rights," the court wrote.

St. Andrew the Apostle Parish has been serving a Polish immigrant neighborhood in the city of Chicago for over 120 years. St. Andrew Parish hired Demkovich in 2012 as the church music director and organist. He played a central role in planning and performing the liturgy, choosing the music for Masses and other important sacraments, and playing the organ during services. When Demkovich entered into a same-sex relationship, he violated his employment agreement and 2,000-year-old Catholic teaching.

Demkovich sued the archdiocese after the pastor terminated his employment. A district court dismissed his lawsuit, citing the "ministerial exemption." Yet Demkovich filed an amended complaint, claiming the church had created a hostile work environment. The district court granted some of his claims, ruling that the church had created a hostile work environment based on Demkovich's disability status which included metabolic syndrome. After a three-judge panel against the archdiocese, the case went to the entire court. In a 7-3 en banc ruling, the 7th Circuit reversed the panel's previous ruling and declared that the "ministerial exception," a doctrine that protects against government intrusion into the employment relationships between churches and their ministers, protects the entire ministerial relationship.

"Religion permeates the ministerial workplace in ways it does not in other workplaces. Ministers, by their religious position and responsibilities, produce their employment environment. From giving a rabbinic sermon on a Jewish holy day to leading a mosque in a call to prayer, ministers imbue a religious organization with spirituality," the court ruled.

Liberty Counsel founder and chairman Mat Staver said, “This court decision upholds First Amendment ‘ministerial exception’ that prevents the government from interfering with churches and religious organizations with respect to certain employment decisions. The Supreme Court also has held that these decisions regarding employment are protected under the ‘ministerial exception’ in order to safeguard the autonomy of religious organizations.”

For the original article, visit .

Read articles like this one and other Spirit-led content in our new platform, CHARISMA PLUS.