RELIGIOUS LIBERTY ADVOCACY: THE ESSENTIAL ROLE OF RELIGIOUS ORGANIZATIONS IN THE COURTS

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I. INTRODUCTION

Among the numerous advocacy organizations in America that play an important role in public policy debates is a subset of religious organizations with offices in Washington, D.C. that advocate for policies reflecting religious values and beliefs. Such organizations promote an array of social, welfare, and economic issues through a variety of means, including educating constituents, the public, and members of Congress. This category of Washington influencers was the subject of a 2012 study by the Pew Research Center's Forum on Religion & Public Life, "Lobbying for the Faithful: Religious Advocacy Groups in Washington, D.C.," in which researchers attempted to quantify the number and types of religious organizations that work in Washington, D.C.[2]

Using a broad definition of religious advocacy and examining more than 200 organizations to provide an overview of organizational structures, policy issues covered, strategies for performing work and money spent, the study reflects a wide range of such organizations. As the report noted, the perspective most of these organizations share is that they are serving the public interest, particularly on behalf of the poor, vulnerable, and persecuted, and "often by means that include educating the public and raising awareness." The study also found that about half of the organiza-

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2. Allen D. Hertzke, *Lobbying for the Faithful: Religious Advocacy Groups in Washington, D.C.*, PEW F. ON RELIGION & LIFE, http://www.pewforum.org/uploadedFiles/Topics/Issues/Government/ReligiousAdvocacy_web.pdf (last updated May 2010). Hertzke, the lead researcher on the study, is also the author of REPRESENTING GOD IN WASHINGTON: THE ROLE OF RELIGIOUS LOBBIES IN THE AMERICAN POLITY (1988).

tions addressed domestic church-state issues as an area of focus. In his earlier work, lead researcher Allen Hertzke described religious organizations as having a particularly important role in the policy debates about religious liberty, using as an example the legislative effort that led to the passage of the Equal Access Act of 1984. Certainly religious individuals and organizations play a crucial role in the development of religious liberty law especially where there is broad consensus, both in advocating for legal protections through legislation and by relying on constitutional and statutory protections in the course of litigation. The protections afforded by constitutional and statutory provisions also impose a responsibility on those who are protected. Religious organizations have a duty to protect religious liberty for all not only as a matter of self-interest, but as a matter of fundamental fairness and protection for future generations of religious adherents and non-adherents alike. Strong advocacy for religious liberty does not mean ignoring how such claims impact the rights of others or other governmental interests. Using the work of one religious organization and its involvement in a recent U.S. Supreme Court case as illustrative, this paper addresses how religious organizations advocate and may influence the parameters of religious liberty in the courts.

II. BAPTIST JOINT COMMITTEE FOR RELIGIOUS LIBERTY

The Baptist Joint Committee for Religious Liberty (the "BJC") assumed its place within this context of religious organizations pursuing policy goals in Washington more than seventy-five years ago, founded to promote the historic Baptist commitment to religious freedom and its constitutional corollary, the separation of church and state. Through the years, the BJC has worked through legislative, administrative and litigation channels to pursue its mission to defend and extend religious liberty for all on behalf of its member bodies. As its name implies, the BJC is comprised of distinct national and regional Baptist entities working together and informed by a common Baptist heritage. As its mission statement provides, the BJC believes that "religion must be freely exercised, neither advanced nor inhibited by the government."

The BJC's perspective on religious liberty stems from the historical experience of Baptists, a congregational based Christian denomination that emphasizes the freedom of conscience, sometimes called "soul freedom." Baptists suffered persecution by the civil and religious authorities in Europe and in the American colo-

nies and contributed to disestablishment efforts that influenced the Founders and led to the First Amendment's guarantee that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."[3]

To this day, and despite a wide range of opinions within the denomination on other policy matters, Baptists have maintained steadfast support for religious freedom, recognizing history's lesson that the separation of the institutions of church and state has been good for religion. With gratitude to those Baptist forbears who sought specific protection for religious liberty in the U.S. Constitution, a central aspect of the BJC's work has been its vigorous and evenhanded dedication to principles of "no establishment" and "free exercise" of religion. These twin pillars of religious liberty—no establishment and free exercise—are best seen as complementary, each providing an aspect of what Thomas Jefferson famously referred to as the "wall of separation between church and state."[4]

In addition to its efforts to influence Congress, the BJC has long pursued its mission by participating in major religious liberty cases by filing *amicus* briefs. *Amicus*, or "friend of the court," briefs provide an opportunity for additional input and perspective on a case beyond the litigants' immediate dispute. The BJC has filed more than 120 legal briefs in courts at various levels, including briefs in every major religious liberty case to reach the Supreme Court since the agency's founding. The decision to participate as *amicus* is informed by a number of factors that have guided the BJC process for decades. Some considerations are practical, such as the availability of staff and other resources, weighed in light of other commitments. Other factors weigh the likelihood of affecting the outcome of a given case, and the opportunity to make a unique contribution to an important religious liberty principle that may not otherwise be articulated. The overall significance of the case, and its potential impact on constituent bodies and religious liberty at large, inform the decision as well. As a frequent *amicus* in reli-

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3. U.S. CONST. amend. I.

4. Letter from Thomas Jefferson to the Danbury Baptists (Jan. 1, 1802), *in* LIBRARY OF CONGRESS, Vol. 57, No. 6 (June 1998), *available at* http://www.loc.gov/loc/lcib/9806/danpre.html. Baptists often point to Roger Williams, founder of Providence Plantation and the First Baptist Church in America, who first advocated for a "hedge or wall of separation between the garden of the church and the wilderness of the world." ROGER WILLIAMS, *Mr. Cotton's Letter Lately Printed, Examined and Answered*, *in* 1 THE COMPLETE WRITINGS OF ROGER WILLIAMS 108 (1963).

gious liberty cases, the BJC endeavors to strike the right balance of attention to both Religion Clauses.

Serving a religious constituency that is dedicated to religious freedom for all, the BJC has worked with a wide variety of organizations through the years. Depending on the case, this perspective has led to coalitions with religious organizations and civil liberties groups, and denominational entities as well as organizations and groups that represent secularists, freethinkers, and nonbelievers. The shifting coalitions with which the BJC has partnered to pursue its mission demonstrate a commitment to objective, enduring religious liberty principles, as opposed to support for or opposition to any particular expression of religion, and its role in significant religious liberty cases reflects those principles.

The BJC filed its first *amicus* brief in the landmark case of *Everson v. Board of Education of Ewing, NJ*,[5] opposing a state tax benefit for parochial schools. While the Court in *Everson* upheld the aid, it did so in an opinion that set strong boundaries between the institutions of church and state.[6] The BJC has been a consistent opponent of governmental aid to or sponsorship of religion. At the same time, the agency has also been a strong supporter of the free exercise of religion, including protections like religious exemptions where necessary to mitigate governmental burdens on religion. Likewise, the BJC supports equal access principles that protect religious speech and access to public buildings by private individuals and religious groups. The BJC supported the passage and defended the constitutionality of the Equal Access Act, allowing religious student groups to meet on public high school campuses on the same basis as other non-curricular student clubs. At the university level, we supported a religious group's access to a student club forum in *Widmar v. Vincent*,[7] where the university had

5. 330 U.S. 1 (1947).

6. "The 'establishment of religion' clause of the First Amendment means at least this: Neither the state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa." *Id.* at 15-16.

7. 454 U.S. 263 (1981).

excluded them based upon a policy that prohibited the use of its building for religious worship or teaching due to Establishment Clause concerns. We defended a religious club's right to hold its after-hours meetings on public school premises to the extent that secular, civic and other groups were permitted to do so in *Good News Club v. Milford Central School*.[8] These positions reflect what the Supreme Court has recognized as "the crucial distinction between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect."[9]

At times, to be sure, tensions arise between no-establishment and free exercise principles that call for reasoned balancing of these coequal constitutional provisions. In such instances, the BJC strives to take positions that do not compromise its ardent commitment to both. A recent case demonstrates the BJC's advocacy for religious autonomy while maintaining its opposition to government aid to religion. In *Christian Legal Society v. Martinez*,[10] a case in which the BJC filed an *amicus* brief on behalf of neither party, a Christian student group at a public university challenged the school's nondiscrimination policy that required official student clubs to extend membership to all students. While the BJC is a longtime champion of equal access for religious groups, and the ability of religious groups to associate and organize based upon core beliefs without governmental interference, it could not fully support the student club's position because the club maintained it was entitled to receive university funding notwithstanding its religious objections to the all comers policy.

As illustrated in *Martinez*, the BJC's advocacy in the courts aims to protect robust freedom for religion by pursuing a balanced approach to no establishment and free exercise. While there is broad consensus that the First Amendment's guarantee of religious liberty is an important and distinctive feature of America's constitutional tradition, there have always been major conflicts over its precise meaning. In any given religious liberty case at the U.S. Supreme Court, a broad array of advocates from religious and civil liberties organizations are typically involved.

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8. 533 U.S. 98 (2001).

9. Bd. of Educ. of Westside Cmty. Sch. v. Mergens, 496 U.S. 226, 250 (1990).

10. 130 S. Ct. 2971 (2010).

III. HOSANNA-TABOR AND THE MINISTERIAL EXCEPTION

The October 2011 term of the U.S. Supreme Court presented an important avenue for advocacy for religious organizations and others concerned about the proper relationship between the institutions of church and state, with especially high stakes for houses of worship across the broad spectrum of denominational bodies in America. The case, *Hosanna-Tabor Evangelical Lutheran Church v. Equal Employment Opportunity Commission*,[11] involved an employment dispute, but more importantly, questions of church autonomy and self-definition, as essential components of religious liberty.

The specific issue in *Hosanna-Tabor* was the scope and application of a constitutional doctrine known as the ministerial exception that precludes most employment-related lawsuits by ministerial personnel against their church employer. Though the Supreme Court had never ruled explicitly on the issue, the ministerial exception, which was first recognized in *McClure v. Salvation Army*,[12] had been upheld as a constitutionally grounded doctrine by eleven federal circuit courts of appeals. It stems from the recognition that "[t]he relationship between an organized church and its ministers is its lifeblood," and that state interference with the selection of ministers would produce "the very opposite of that separation of church and State contemplated by the First Amendment."[13] Unlike the statutory exemption for religious organizations in Title VII of the Civil Rights Act of 1964,[14] which exempts religious organizations from the general ban on religious discrimination in hiring,[15] the ministerial exception applies only to ministers but, if applicable, bars all discrimination claims.

Though it is essential to religious institutions that hire ministers, the doctrine was not well understood or appreciated by the public—or, as it turned out, the federal government. The ministerial exception applies to a narrow category of employees, but provides absolute protection, operating as a complete bar to the application of antidiscrimination statutes. Thus, for religious and civil

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11. 132 S. Ct. 694 (2012).
12. 460 F.2d 553 (5th Cir. 1972).
13. *Id.* at 558, 560.
14. *See* 42 U.S.C. §§ 2000e *et seq*. (2012).
15. For an explanation of the religious organizations exemption to Title VII's ban on religious discrimination, *see generally* Corp. of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327 (1987).

liberties organizations dedicated to robust enforcement of civil rights laws, it must be properly defined and responsibly exercised so that it is not used to undercut important civil rights goals of nondiscrimination against protected categories in the terms and conditions of employment.

This particular case arose out of a dispute between Cheryl Perich and the church-run elementary school in Michigan where she worked as a "commissioned" teacher. The kindergarten through eighth grade school was operated by Hosanna-Tabor Evangelical Lutheran Church, a member of the Lutheran Church—Missouri Synod denomination. Perich had begun teaching at the school as a "lay" (or "contract") teacher, but later completed formal theological educational training and was "called" by the congregation to become "Minister of Religion, Commissioned" upon receiving a diploma designating her as a commissioned minister. In the classroom, in addition to teaching secular subjects, Perich taught a religion class four days a week, led her students in daily prayer and devotional exercises and attended weekly chapel services, which she also led about twice per year.

Following a medical leave of absence for narcolepsy, Perich disagreed with the school about the terms of her return to work. During Perich's absence, which lasted the entire fall semester of the 2004-05 school year and into January, Hosanna-Tabor hired a contract teacher to teach her classes. When Perich attempted to return to her position, she was told by Hosanna-Tabor that they could not allow her return at that time because it would further disrupt the students' school year. Perich insisted on returning to the school with a doctor's notice indicating she was medically approved to resume work. When she was denied a return to the classroom, she threatened to sue. The church terminated her employment, citing Perich's disruptive behavior and failure to submit to an internal church dispute resolution process that is part of the church's teachings. The Equal Employment Opportunity Commission (the "EEOC") in turn sued the church on Perich's behalf, alleging that she was fired in violation of the Americans with Disabilities Act, which prohibits not only disability discrimination *per se,* but also retaliation against employees who report or oppose disability discrimination in the workplace.[16] The church argued that Perich, as a commissioned minister, fell within the ministerial exception and thus could not pursue her claim.

16. *See* 42 U.S.C. §§ 12101 *et seq*. (2009).

The district court granted summary judgment in favor of Hosanna-Tabor,[17] but the U.S. Circuit Court of Appeals for the Sixth Circuit concluded that because Perich's daily duties were primarily secular, she did not qualify as a minister for purposes of the exception.[18] According to the Sixth Circuit, the lower court had relied too heavily on the fact that Perich held the title of commissioned minister, instead of giving proper weight to her actual duties. Relying on a strict quantitative analysis, it found that Perich spent the majority of her time teaching secular subjects. In addition, the Court held that because the primary duties of Hosanna-Tabor's "called" teachers mirrored those of contract teachers, the ministerial exception could not apply to Perich.[19] It vacated the district court's order and remanded the case for further proceedings consistent with its decision. The church sought and the U.S. Supreme Court granted certiorari.

As the case reached the Supreme Court, the church framed the question presented as "whether the ministerial exception applies to a teacher at a religious elementary school who teaches the full secular curriculum, but also teaches daily religion classes, is a commissioned minister, and regularly leads students in prayer and worship." The EEOC, represented by the Solicitor General, however, said that the legal question was whether the application of the anti-retaliation provision of the Americans with Disabilities Act to this case violated Hosanna-Tabor's rights under the Free Exercise, Freedom of Association, or the Establishment Clauses.

In the lower courts the case had focused solely on whether Perich was within the scope of the ministerial exception, since the existence of the doctrine itself was well established. As courts had widely recognized the ministerial exception, there was also broad agreement that it "extends beyond formally designated 'ministers' to include other employees who play an important religious role in the organization."[20] As the case made its way to the Supreme Court, however, the constitutional foundation of the ministerial exception, at least as it operated in the context of a retaliation claim, was challenged in some of the briefs and during oral argument. Because the Supreme Court had never ruled explicitly on the exception and because its parameters in the lower courts were

17. *See* 582 F. Supp. 2d 881 (E.D. Mich. 2008).
18. 597 F.3d 769 (6th Cir. 2010).
19. *Id.*
20. Petition for Writ of Certiorari, *Hosanna-Tabor*, 132 S. Ct. 694 (No. 10-553) at 10.

not uniform, the stakes were high, and dozens of *amici* weighed in on the implications of either affirming a robust ministerial exception or sharply restricting it.

During oral argument, most of the questioning from the bench focused on two issues.[21] First, for purposes of applying the ministerial exception, how should the law define who constitutes a minister? Second, what is special about religious employers that would justify such a broad exception? As to the first question, the church emphasized that the ecclesiastical nature and religious functions of Perich's position put her within the exception's coverage. The exception should apply to all whose job responsibilities include "teaching the faith." This led some of the justices to question the breadth of the ministerial ranks. What about a teacher who teaches solely secular classes but leads students in prayer before meals? What about a teacher who is ordained, but in a denomination different than the religious employer? And what about churches who consider all members to be ministers? The government was similarly hard-pressed to propose a legally satisfying definition of "minister." Perich's lawyer suggested that an employee is not a minister if that individual carries out "important secular functions in addition to her religious duties." Chief Justice John Roberts summarily rejected that test, noting that the Pope is a head of state carrying out "important secular functions," a fact that few would argue vitiates his ministerial identity.

Apart from the legal definition of "minister," the justices seemed equally interested in the second question. The church ably defended the exception on the facts of this case, but as justices raised scenarios such as whistle-blowing to protect children from abuse, the church acknowledged there might be a need to carve out exceptions to the exception. Still, several justices expressed incredulity at the government's contention that, in applying anti-retaliation measures, churches are entitled to no greater protection than secular employers like labor unions. Justice Antonin Scalia called this argument "extraordinary." Similarly, Justice Elena Kagan — hardly Scalia's ideological equivalent — found it "amazing" to suggest that the Religion Clauses have no bearing upon a church's relationship with its employees.

These fundamental questions had also drawn the interest and advocacy of more than a hundred organizations that participated

21. *See generally* Transcript of Oral Argument, *Hosanna-Tabor*, 132 S. Ct. 694 (No. 10-553), *available at* http://www.supremecourt.gov/oral_arguments/argument_transcripts/10-553.pdf.

in the case as *amici*. The broad participation reflected a consensus that the case was one of the most significant religious liberty cases in the last twenty years. On the government's side, some civil liberties organizations attempted to redefine or severely limit the exception based on a narrow definition of "minister" or by restricting the kinds of claims to which the exception could apply. On the other hand, a broad and diverse range of religious groups who supported Hosanna-Tabor, including the BJC, shared the concern that an exception defined too narrowly could expose many religious institutions to far greater liability risks in hiring and firing decisions, thereby compromising religious autonomy and entangling courts in matters of religious doctrine. *Amici* for Hosanna-Tabor offered historical support for keeping the government out of decisions about church leadership, as well as constructive criteria for defining ministerial personnel.

The BJC joined an *amicus* effort in the case defending the "ministerial exception" as a core application of the separation of church and state that prevents courts from second-guessing decisions about who is qualified for ministerial leadership. It urged affirmance of the ministerial exception as a "clear and crucial implication of religious liberty, church autonomy, and the separation of church and state."[22] The brief, which was primarily drafted by a group of prominent religious liberty law professors, was also joined by the Christian Legal Society, the National Council of Churches of Christ in the USA and the National Association of Evangelicals. It maintained that the doctrine "protects the fundamental freedom of religious communities to educate and form their members."[23] Significant for the BJC was the brief's articulation of the ministerial exception as a direct application of the separation of church and state that protects religious autonomy and reduces the government's influence in religious affairs. The absence of any government funding was also important. The brief explicitly recognized that the issue in the case was one of internal church autonomy and did not involve a position subsidized with government funding. The brief did not disparage the countervailing interests of nondiscrimination, implicitly acknowledging that a broadly construed ministerial exception may result in some cases that offend our notions of civil fairness and equality under the law. But it ar-

22. Brief of Professor Eugene Volokh et al. as Amici Curiae Supporting Petitioner, *Hosanna-Tabor*, 132 S. Ct. 694 (2012) (No. 10-553), 2011 WL 2470847, at *3.

23. *Id.*

gued that it is inconsistent with fundamental principles of religious liberty and church-state separation for the government to inject itself into religious decisions about who serves in ministry.

In a rare unanimous decision, the Supreme Court found that Perich qualified as a ministerial employee, rejecting the Sixth Circuit's purely quantitative assessment of her employment duties, though it declined "to adopt a rigid formula for deciding when an employee qualifies as a minister."[24] Instead, the Court focused on Perich's designation as a commissioned minister and the actual religious functions she performed as an employee. The Court noted both Perich's acceptance of a "call" from the church congregation to become a commissioned teacher, which required formal theological study and endorsement by the local Synod district, and that Perich's job duties "reflected a role in conveying the Church's message and carrying out its mission."[25]

In affirming the existence of a ministerial exception, the Court noted that while the Religion Clauses sometimes operate in tension, this was not the case with regard to the ministerial exception. On the contrary, "[b]oth Religion Clauses bar the government from interfering with the decision of a religious group to fire one of its ministers. . . . The Establishment Clause prevents the Government from appointing ministers, and the Free Exercise Clause prevents it from interfering with the freedom of religious groups to select their own."[26] According to the Court, both the Establishment Clause and the Free Exercise Clause render it "impermissible for the government to contradict a church's determination of who can act as its ministers."[27] The former prohibits "government involvement in ecclesiastical decisions," while the latter "protects a religious group's right to shape its own faith and mission through its [ministerial] appointments."[28] The state can neither force a religious body to retain an unwanted minister nor determine who is qualified to preach the faith.[29]

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24. *Hosanna-Tabor,* 132 S. Ct. at 708.
25. *Id.*
26. *Id.* at 702-03.
27. *Id.* at 704.
28. *Id.* at 706.
29. *Hosanna-Tabor,* 132 S. Ct. at 706 (reasoning that "[r]equiring 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.").

In light of the many difficult questions that were raised during oral argument, the unanimity of the Court was surprising.[30] The majority opinion, however, made clear that some of the troubling issues remained to be resolved in later cases.

> Today we hold only that the ministerial exception bars [an employment discrimination suit brought on behalf of a minister]. We express no view on whether the exception bars other types of suits, including actions by employees alleging breach of contract or tortious conduct by their religious employers. There will be time enough to address the applicability of the exception to other circumstances if and when they arise.[31]

Since Perich was a minister within the meaning of the ministerial exception, the First Amendment mandated dismissal of her lawsuit. Writing for the Court, Chief Justice John Roberts observed that "[t]he interest of society in the enforcement of employment discrimination statutes is undoubtedly important. But so too is the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission."[32] The crux of the decision, Justice Roberts wrote, was that a "church must be free to choose those who will guide it on its way."[33]

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30. Justice Thomas filed a concurring opinion expressing his view that the First Amendment requires courts to "defer to a religious organization's good-faith understanding of who qualifies as its minister." *Id.* at 710 (Thomas, J., concurring). Courts, he wrote, should not "second-guess the [religious] organization's sincere determination that a given employee is a 'minister' under the organization's theological tenets." *Id.* Justice Alito, joined by Justice Kagan, also wrote separately to stress the view that the title of "minister" or the mere fact of formal ordination should not be outcome-determinative. *Id.* at 711 (Alito, J., concurring). The exception, Justice Alito wrote, is reserved for those employees who are essential to the performance of "key religious activities," such as leading the organization, conducting ceremonies and services, or teaching the faith. *Id.* at 711-12. Noting that "[d]ifferent religions will have different views on exactly what qualifies as an important religious position," Alito emphasized the importance of the employee's function within the organization, rather than title. *Hosanna-Tabor*, 132 S. Ct. at 712 (Alito, J., concurring). Justice Alito concluded that "while a ministerial title is undoubtedly relevant in applying [the exception], such a title is neither necessary nor sufficient." *Id.* at 714. What mattered in this case was that Perich's "played an important role as an instrument of her church's religious message and as a leader of its worship activities." *Id.* at 715.

31. Id. at 710 (majority opinion).

32. *Id.* at 710.

33. *Hosanna-Tabor,* 132 S. Ct. at 710.

CONCLUSION

Hosanna-Tabor illustrates the unique protection afforded to religion by the religious liberty provisions of the First Amendment with regard to internal governance and self-definition. The case also demonstrates the important role of religious organizations in articulating the reasons for the Constitution's special treatment of religion and how those reasons should shape the parameters of religious freedom, especially where other important governmental interests are asserted. The sharp divisions in this case between some usual religious liberty allies, and the remarkable consensus of religious organizations, are noteworthy.

The clarity and unanimity of the decision makes it a particularly strong victory for religious liberty. The Court's deference to religious organizations in setting the criteria for its ministers, as a matter of internal church governance, will continue to be a significant aspect of protecting religious organizations in disputes with those they employ in ministry. Importantly, the Court recognized and deemed significant the way that Hosanna-Tabor held Perich out as a minister in a distinct role from other members, with a title that indicated specific training, and emphasized the functional importance of providing religious instruction in defining a religious organization's mission.

Hosanna-Tabor is an important case that illustrates how the Religion Clauses provide religious organizations with a significant source of autonomy and responsibility. Undoubtedly, there will be tough cases forthcoming as religious organizations continue to rely on the ministerial exception and the lower courts shape appropriate standards for defining the legal parameters of employees that may be considered ministers. As those cases emerge, religious advocacy organizations will continue serving as standard bearers for the enduring principles of religious liberty for all.