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[The Obama Administration, Religious Freedom, and the Supreme Court](#)

[Damon W. Root](#) | October 6, 2011

At *The Daily Caller*, Cato Institute Senior Fellow Walter Olson examines the Obama administration's involvement in yesterday's Supreme Court arguments in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, a case which deals with the "ministerial exception" to federal anti-discrimination law:

"A Michigan teacher who taught a mix of secular and religious topics at a (now-closed) religious grade school filed suit against the school over alleged retaliation under the Americans with Disabilities Act. The church had designated her particular teaching position (unlike some others) as reserved for persons with a "calling," and it deemed her not to have such a calling, given her willingness to resort to court action rather than internal church dispute mechanisms. But perhaps the school had erred by reserving the position for persons with a calling. If so, who should decide where to draw the line? The federal Equal Employment Opportunity Commission? A federal court that might be unfamiliar with, or unsympathetic to, church doctrine?"

Had the Obama administration sought to sidestep culture-war politics and buff up its pluralist credentials, it might have urged the high court to read the ministerial exception broadly to include jobs including religious instruction, or at least urge it to decide the case at hand narrowly. Instead, it astonished some onlookers by urging the Court to reconsider the ministerial exception entirely..."