

International Law and Religion Symposium

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Current trends in American religious freedom Outline of remarks

- I. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* – United States Supreme Court
 - A. “Ministerial exception” – one category of autonomy rights for religious groups
 - B. Based both in the idea of disestablishment (U.S. Establishment Clause) and collective religious freedom (U.S. Free Exercise Clause)
 - C. The absolute right of churches, synagogues and other houses of worship to choose their ministers and determine their beliefs.
- II. Conscience cases
 - A. Pharmacist conscience cases – Washington State, Illinois
 - B. Federal abortifacient/contraceptive mandate – 33 cases around the country
- III. Attempts to use local government regulation to suppress specific religious groups
 - A. Murfreesboro mosque case.
 - B. San Leandro church case.
- IV. Common trends
 - A. Growth of the regulatory state
 - B. Use of law to advance positions in ideological/sociological/religious disputes
 - C. New focus in American law on rights of religious groups