

Case No. 20-1230

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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GREGORY TUCKER,

*Plaintiff-Appellee,*

v.

FAITH BIBLE CHAPEL INTERNATIONAL,  
a Colorado non-profit corporation,

*Defendant-Appellant.*

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Appeal from the United States District Court, District of Colorado,  
No. 1:19-cv-01652 (Hon. R. Brooke Jackson)

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**BRIEF OF *AMICI CURIAE* JEWISH COALITION  
FOR RELIGIOUS LIBERTY AND PROFESSOR ASMA UDDIN  
SUPPORTING DEFENDANT-APPELLANT**

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## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1, the Jewish Coalition for Religious Liberty certifies that it has no parent corporation, does not issue stock, and thus that no publicly held corporation owns 10% or more of its stock.

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## INTEREST OF *AMICI CURIAE*<sup>1</sup>

The Jewish Coalition for Religious Liberty is an association of American Jews concerned with the current state of religious-liberty jurisprudence. The Coalition aims to protect the ability of all Americans to practice their faith freely and to foster cooperation between Jews and other faith communities. Its founders have filed *amicus* briefs in the Supreme Court of the United States and federal courts of appeals, published op-eds in prominent news outlets, and established an extensive volunteer network to promote support for religious liberty within the Jewish community.

Professor Asma Uddin is an Inclusive America Project Fellow at the Aspen Institute, where she leads a project on Muslim-Christian polarization in the United States. Professor Uddin was formerly legal counsel at the Becket Fund for Religious Liberty and has held academic fellowships at Georgetown, UCLA, and Brigham Young University Law School. She serves as an expert advisor on religious freedom to the Organization for Security and Cooperation in Europe and is a term-member of the Council on Foreign Relations.

*Amici* have an acute interest in ensuring that religious schools remain free to select those teachers and other employees who will “teach their faith” and “carry out

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<sup>1</sup> This brief is filed with the consent of all parties. *See* Fed. R. App. P. 29(a)(2). No counsel for a party authored this brief in whole or in part. No person other than *amici curiae*, their members, or their counsel contributed money to fund this brief’s preparation or submission. *See* Fed. R. App. P. 29(a)(4)(E).

their mission.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 196 (2012). The autonomy of religious organizations to govern themselves is a fundamental religious liberty, and it is particularly important for religious traditions practiced by a minority of the U.S. population, such as those represented by *amici*. For these religions, religious education is a critical means of propagating the faith, instructing the rising generation, and instilling a sense of religious identity. The rule applied by the district court, if approved by this Court, would impair the missions of these and other religious groups for whom religious education is of central importance.

## INTRODUCTION

The rights secured by the Religion Clauses “can be guaranteed only” when they extend equally to majority religions and “small, new, or unpopular denominations.” *Larson v. Valente*, 456 U.S. 228, 245 (1982). The district court’s approach to the ministerial exception here threatens the Religion Clauses’ guarantees by placing undue weight on certain factors that “privileg[e] religious traditions with formal organizational structures over those that are less formal.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2064 (2020). Many religious traditions—including a number of minority religions, such as Judaism and Islam—do not necessarily emphasize formal titles or professional religious training for “ministers.” If the application of the ministerial exception focuses on a standardized set of factors

derived from majority culture, including titles and training, “religious practices that conform to this culture would be protected more often than practices that don’t.” Asma T. Uddin, *When Islam Is Not a Religion: Inside America’s Fight for Religious Freedom* 132 (2019). The district court’s decision, which cited the plaintiff’s formal title and lack of professional religious training in allowing this case to proceed, violated the First Amendment in a way that would be uniquely harmful to religious minorities if approved by this Court. Reversal is warranted.

## ARGUMENT

### **I. The District Court’s Decision Poses A Unique Threat To Minority Faiths In The United States, Including Judaism And Islam.**

In its decision below, the district court held that plaintiff Gregory Tucker had “come forward with facts that, if believed by the jury, could . . . support” the conclusion that he was not a “minister” within the meaning of the ministerial exception. Aplt. App. 284. Among other things, the district court highlighted Mr. Tucker’s claims that his formal title was “Director of Student Life” rather than “Chaplain,” *see id.* at 273, 280–81, and noted that he lacked professional religious training, *see id.* at 279 (noting allegation that Mr. Tucker lacked “any specific training in the Bible”). An emphasis on titles and training is contrary to controlling law, and the district court’s erroneous approach would be particularly problematic and harmful for minority faiths, such as Judaism and Islam.

**A. Jewish, Islamic, And Other Religiously Affiliated Schools Require Autonomy To Employ Teachers Who Will Accurately Convey Their Religious Messages, Including By Modeling Religious Observance.**

The Supreme Court’s decisions in both *Our Lady of Guadalupe* and *Hosanna-Tabor* recognize “the close connection that religious institutions draw between their central purpose and educating the young in the faith.” *Our Lady of Guadalupe*, 140 S. Ct. at 2066; *see Hosanna-Tabor*, 565 U.S. at 192. Indeed, for many religious groups, including those represented by *amici*, religious education is a vital component of faith. The ability to hire and retain teachers who will accurately teach the faith and model religious observance is thus of paramount importance for religiously affiliated schools and their associated faith traditions.

**1. Religious Education Is An Important Component Of Many Religions.**

Religious education is critical to the missions of many faith traditions. It is inextricable from the Jewish faith, as Jewish parents have a biblical obligation to teach their children God’s commandments. *See Deuteronomy 6:6–7* (“And these words, which I command you this day, shall be upon your heart. And you shall teach them to your sons and speak of them when you sit in your house, and when you walk on the way, and when you lie down and when you rise up.”). Teachers at Jewish day schools step into parents’ shoes in fulfilling this commandment, making religious instruction in the Jewish tradition “an obligation of the highest order, entrusted

only to a schoolteacher possessing ‘fear of Heaven.’” *Our Lady of Guadalupe*, 140 S. Ct. at 2065.

Religious education is also imperative in Islam. This duty is traced to the Prophet Muhammad, who taught that “[t]he pursuit of knowledge is incumbent on every Muslim.” *Our Lady of Guadalupe*, 140 S. Ct. at 2065 (alteration in original) (quoting Asma Afsaruddin, *Muslim Views on Education: Parameters, Purview, and Possibilities*, 44 J. Cath. Legal Stud. 143, 143–44 (2005)). For this reason, “the acquisition of at least rudimentary knowledge of religion and its duties is mandatory for the Muslim individual.” *Id.* (alterations and quotation marks omitted).

## **2. Teachers At Religiously Affiliated Schools Convey The Messages Of Their Faiths.**

Because religious education is an important component of many religions, the individuals who teach at religiously affiliated schools are critical to the missions of these organizations and their associated faith traditions. It is thus important that these schools be permitted to choose teachers that reflect their religious beliefs and those of the parents who send their children to the schools.

Many teachers at religiously affiliated schools are expected to explicitly instruct students on religious doctrines. But religious education need not be confined to a “religion class” or a particular time of the day. Instead, teachers frequently are “expected to guide their students, by word and deed, toward the goal of living their lives in accordance with the faith.” *Our Lady of Guadalupe*, 140 S. Ct. at 2066.

Teachers may be expected to model religious observance or perspectives throughout the day, even when they are teaching nominally “secular courses.” *Id.* at 2058 (noting that teachers’ employment agreements required “personal modeling of the faith”). For many Jews and Muslims, religious education requires modeling a lifestyle of religious commitment that informs every moment of the adherent’s life.

For instance, teachers at Jewish day schools not only teach their students specific Jewish prayers, but also model the discipline of following *halacha* (Jewish law) throughout the day. Teachers may say blessings over food or invoke divine guidance before classes. Some teachers may follow the practice of making a notation that means “with the help of God” on the top of every document they give to students. Male teachers may also demonstrate the proper way to lay phylacteries, small leather boxes containing Hebrew texts, worn by Jewish men during morning prayer. Likewise, teachers at Islamic schools may model the proper use and orientation of prayer rugs, the timing of the five obligatory daily prayers, and the proper form for prayers, which involves precise physical movements. In addition, teachers may model proper religious attire, by, for example, wearing traditional head coverings.

Teachers also model the observation of important religious holidays. *See Grussgott v. Milwaukee Jewish Day Sch., Inc.*, 882 F.3d 655, 660 (7th Cir. 2018) (“[L]earning the history behind Jewish holidays is an important part of the religion.” (emphasis omitted)). For example, on the Holiday of Sukkot, a teacher at a Jewish

day school may bring a palm branch and citron to school to demonstrate their ritual use. And teachers at an Islamic school may inspire their students to fast during Ramadan. Throughout the year, teachers at Jewish and Islamic schools may also model compliance with religious dietary rules. *Cf. Shaliehsabou v. Hebrew Home of Greater Wash., Inc.*, 363 F.3d 299, 309 (4th Cir. 2004) (“Jews view their dietary laws as divine commandments[.]”).

Finally, they teach students how to understand all aspects of learning through the lens of their faith-based worldview. *See, e.g.,* Meir Katz, *The Economics of Section 170: A Case for the Charitable Deduction of Parochial School Tuition*, 12 Rutgers J.L. & Religion 224, 264 (2011) (“Religious schools provide a lot more than an education in religious and secular subjects; they provide a religious socialization and worldview as well.”). For instance, students at Islamic schools may learn to judge the morality of actions according to intentions. *See Sahih al-Bukhari* 1 (“The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended.”). Or, “[b]y modeling . . . integrated thinking,” teachers at Jewish schools may help students “recognize that intellectual excitement and deep understanding can be achieved by bringing together ostensibly diverse points of view.” R. Jack Bieler, *Vision of a Modern Orthodox Jewish Education* 16, available at <https://www.lookstein.org/resource/vision.pdf>.

Because teachers at Jewish, Islamic, and other religiously affiliated schools “conve[y]” their faith’s message and “carr[y] out [the school’s] mission” by modeling religious observance and religious perspectives throughout the day, *Hosanna-Tabor*, 565 U.S. at 192, religiously affiliated schools must have the “autonomy” to employ teachers who they believe can fulfill the mission of rightly conveying the messages of their faith, in word and deed, *Our Lady of Guadalupe*, 140 S. Ct. at 2060. This essential mission would be threatened if religiously affiliated schools were restrained in their ability to decide who will speak for them. Often, the medium is the message, and if a school cannot make important decisions about hiring and retaining teachers, it will lose control of its distinctive message. This result would be particularly harmful for minority faiths like Judaism and Islam, because their messages are often counter-cultural.

**B. Emphasizing Formal Titles And Professional Religious Training When Applying The Ministerial Exception Would Uniquely Threaten The Autonomy Of Religious Minorities.**

“The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson*, 456 U.S. at 244. Courts may run afoul of this guarantee of denominational equality—and harm religious groups, like those represented by *amici*—if they deny the protections of the ministerial exception to religious organizations whose “ministers” do not check the

same boxes as the Protestant plaintiff in *Hosanna-Tabor*. Here, the district court’s focus on formal titles and training was especially problematic.

**1. Emphasizing Religious Titles Risks Disadvantaging Religious Minorities.**

An emphasis on clerical titles, such as “Chaplain,” Aplt. App. 273, 284, poses a particular threat for religious minorities. “The question whether an employee is a minister is itself religious in nature, and the answer will vary widely.” *Hosanna-Tabor*, 565 U.S. at 197 (Thomas, J., concurring). Indeed, the concept of ordination—the process by which an individual becomes a minister—“has no clear counterpart in some Christian denominations and some other religions.” *Id.* at 198 (Alito, J., concurring). Within some religions, including Judaism, even different denominations may vary in their requirements and methods for ordination and may not recognize other denominations’ ordinations. The term “minister” “is rarely if ever used . . . by Catholics, Jews, Muslims, Hindus, or Buddhists,” *id.*, especially when referring to teachers—even though teachers and other persons play roles similar to Protestant ministers.

Many faiths not only differ from Christian conceptions of “ministers” but reject wholesale the notion of a clergy with an elevated status or vocation for theological reasons. For instance, the Qur’an rejects the notion of a priesthood as understood in some Christian and Jewish traditions. *See Qur’an* 9:31 (“They [Christians and Jews] have taken their scholars and monks as lords besides Allah . . .”). And

“every Muslim can perform the religious rites, so there is no class or profession of ordained clergy.” *Hosanna-Tabor*, 565 U.S. at 202 n.3 (Alito, J., concurring).

This equality among believers is especially central to Sunni Islam, the world’s largest denomination of Muslims. Because Sunni Islam does not endorse a unitary concept of the term “minister,” ministerial roles are performed by different individuals. Imams lead prayers at a mosque in a manner similar to how a Christian minister may lead a service, even though the title “imam” simply means the person chosen by the community for the purpose of leading prayers. *See* Imam, Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t125/e1017>. Meanwhile, an individual known as a “shaykh” may preach at a mosque. *See* Shaykh, Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t125/e2183>. And different leaders, known as muftis, issue non-binding interpretations of Islamic law. *See* Mufti, Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t236/e0548>. Still other individuals lead religious education, including instruction on the five pillars of Islam and the recitation of the Qur’an, at weekend Islamic schools. *See* Institute for Social Policy and Understanding, *Weekend Islamic Schools: Are They Preparing Children for Life Ahead?* 10, <https://www.ispu.org/wp-content/uploads/2018/08/ISPU-Weekend-Islamic-Schools-Are-They-Preparing-Children-for-Life-Ahead.pdf>. There is thus no single or precise analog for a “minister” in the Sunni Islamic faith. The fact that a

variety of persons perform “ministerial” functions reveals the fundamental problem of a title-focused approach here.

The mismatch between religious practice and an emphasis on titles is not unique to Sunni Islam. Jehovah’s Witnesses similarly consider all baptized adherents to be ministers. See The Watchtower, *Who Are God’s Ministers Today?* 16 (Nov. 15, 2000) (“According to the Bible, all Jehovah’s worshippers—heavenly and earthly—are ministers”). The Church of Jesus Christ of Latter-day Saints has “extended priesthood ordination broadly to laymen, as directed by revelation.” The Church of Jesus Christ of Latter-Day Saints, *Joseph Smith’s Teachings About Priesthood, Temple, and Women*, <https://www.churchofjesuschrist.org/study/manual/gospel-topics-essays/joseph-smiths-teachings-about-priesthood-temple-and-women>.

And there is no separate class or profession of ordained ministers in the Society of Friends because of their understanding of “the priesthood of all believers.” (Indeed, there was a time when a marriage before a Quaker minister was void for failure to be before a “justice or minister.” See *Inhabitants of Town of Milford v. Inhabitants of Town of Worcester*, 7 Mass. 48, 56 (1810).)

Judaism has ecclesiastical titles like “Rabbi,” but Jewish day school teachers do not always have these formal titles, even though they are responsible for the religious education of their students. See *Grussgott*, 882 F.3d at 657 (concluding that Jewish day school teacher’s role fell within the ministerial exception “as a matter of

law” even though she was not a rabbi). While some rabbis may teach in Jewish schools, there is no necessary connection between the title and role. And in Orthodox Judaism, even though women are not granted formal ecclesiastical titles, they can perform the same important religious function of educating children in Jewish schools as their male counterparts. See Rabbinical Council of Am., *2015 Resolution: RCA Policy Concerning Women Rabbis* (Oct. 31, 2015), available at <https://rabbis.org/2015-resolution-rca-policy-concerning-women-rabbis/>.

In short, as the Supreme Court has cautioned, “attaching too much significance to titles would risk privileging religious traditions with formal organizational structures over those that are less formal.” *Our Lady of Guadalupe*, 140 S. Ct. at 2064. Any emphasis on clerical titles poses a particular threat for religious minorities. See, e.g., *Su v. Stephen S. Wise Temple*, 244 Cal. Rptr. 3d 546, 554 (Cal. Ct. App. 2019) (holding that a Reform Jewish Temple did not qualify for this First Amendment protection because teachers who “undeniably play[ed] an important role in Temple life” were called “teachers” rather than “ministers”). Particularly in the religious-education context—where administrators and teachers of all subjects may be expected to teach and model the faith—a focus on titles is misleading.

## **2. Emphasizing Formal Religious Training Risks Disadvantaging Religious Minorities.**

Similarly, emphasizing whether a position requires professional religious training or religious-education qualifications overlooks the fact that some religions,

including many minority ones, may require little or no formal religious training for their leaders. As the Supreme Court recently warned, “judges have no warrant . . . to impose their own credentialing requirements” on individuals who carry out important religious functions. *Our Lady of Guadalupe*, 140 S. Ct. at 2068.

This concern is particularly acute for religiously affiliated schools. A teacher does not necessarily need a religious degree to model the faith and offer a religious overlay on otherwise secular subjects, so linking ministerial status to formal religious training would impair the missions of many religious schools. For instance, there is no single type of formal academic training required for Jewish day school teachers. Some teachers are themselves graduates of a day school system, and they need no further formal training to pass on that tradition and knowledge to the next generation. Others are self-educated. There is no one academic background that is required or even necessarily preferred because one of the most important duties of the teacher at these schools is to model the faith in their own daily lives—and special religious training does not always correlate to personal piety or devotion.

Treating titles and training as part of a rigid formula for the ministerial exception, as the district court did here, imposes a subtle, but real, form of coercion on religious belief and practice. Religions that do not use many ecclesiastical titles or emphasize formal religious training may have real difficulty invoking the protection of the ministerial exception under that flawed approach. For example, a school run

by a minority religion that values personal piety while deemphasizing titles and formal religious training may, in its zeal to focus on teachers best suited to be a voice for its religion, lose the ability to control who speaks for it.

A rigid, check-the-box approach to the ministerial exception would also place minority religious organizations at particular risk for costly litigation. Their autonomy would therefore be disproportionately encroached upon, as they would be forced to consider the expense and burden of a potentially drawn-out litigation process while making crucial decisions about who will speak on their behalf. *See, e.g., EEOC v. Catholic Univ. of Am.*, 83 F.3d 455, 467 (D.C. Cir. 1996) (noting that “the prospect of . . . litigation would inevitably affect to some degree the criteria by which future vacancies in the ecclesiastical faculties would be filled” at a religiously affiliated university). Minority religious could thus be systematically deprived of the religious autonomy that other religious traditions enjoy. Courts must take care to avoid subtle forms of denominationalism that the First Amendment was designed to forbid.

## **II. The Proper Approach Is For Courts To Defer To Religious Organizations In Identifying Their “Ministers.”**

The district court’s decision here should be reversed for the same reasons that the Supreme Court reversed the Ninth Circuit’s decision in *Our Lady of Guadalupe*. Like the Ninth Circuit in that case, the district court here “treated the circumstances that [the Court] found relevant in [*Hosanna-Tabor*] as checklist items to be assessed

and weighed against each other in every case.” *Our Lady of Guadalupe*, 140 S. Ct. at 2066–67. The proper approach under the First Amendment is instead to defer to religious organizations’ good-faith determinations that their employees’ duties are “ministerial.” This approach ensures that all religious organizations, including minority faiths like those represented by *amici*, have the same First Amendment protections.

Minority religious organizations are especially vulnerable to misunderstandings about which of their members or employees perform “ministerial” roles. The “religious diversity of the United States” means that “judges cannot be expected to have a complete understanding and appreciation of the role played by every person who performs a particular role in every religious tradition.” *Our Lady of Guadalupe*, 140 S. Ct. at 2066. This (understandable) lack of knowledge means that “[j]udicial attempts to fashion a civil definition of ‘minister’ through a bright-line test or multi-factor analysis risk disadvantaging those religious groups whose beliefs, practices, and membership are outside of the ‘mainstream’ or unpalatable to some.” *Hosanna-Tabor*, 565 U.S. at 197 (Thomas, J., concurring). Judicially created tests will inevitably focus on certain factors, such as formal titles and training, that may be relevant to majoritarian religions familiar to judges but inapplicable to minority religions that may be less familiar.

As Professor and former Circuit Judge McConnell has explained, courts may of course determine whether the organization claiming the ministerial exception is sincere and acting in good faith. “But insofar as there are disputes about which duties are religious, and how important those duties are to the exercise of the faith, courts should accord substantial deference to the employer’s assessment.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, No. 19-267, Brief for InterVarsity Christian Fellowship/USA et al. as *Amici Curiae* 29 (U.S. Feb. 10, 2010).

Failure to grant this deference substantially increases the risk of entanglement. *See Our Lady of Guadalupe*, 140 S. Ct. at 2069 (explaining that determining whether the employee and employer share the same religion “would risk judicial entanglement in religious issues”). For example, assessing which practices a teacher should model in order to pass the faith onto the next generation may vary substantially between different Jewish traditions. Wading into those debates could result in courts telling a minority religious practitioner that “he misunderstands his own religion.” *Ben-Levi v. Brown*, 136 S. Ct. 930, 933 (2016) (Alito, J., dissenting from denial of certiorari). “Defer[ring] to the individual’s interpretation of her religion” enables courts to steer clear of this problem. *See Uddin, When Islam Is Not a Religion, supra*, at 126.

In short, “[a] religious institution’s explanation of the role of [its] employees in the life of the religion in question is important,” *Our Lady of Guadalupe*, 140 S.

Ct. at 2066, and “judges have no warrant to second-guess [the employer’s] judgment” of who should hold such a position “or to impose their own credentialing requirements,” *id.* at 2068. By deferring to the religious organization’s good-faith identification of its ministerial employees, courts can avoid entanglement and preserve the First Amendment’s guarantees for all religious organizations, minority and majority alike.

### CONCLUSION

The judgment of the district court should be reversed.

Dated: October 20, 2020

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 29, I certify that the attached brief is proportionately spaced, has a typeface of 14 points, and complies with the word count limitations set forth in Fed. R. App. P. 29(a)(5) and Fed. R. App. P. 32. This brief has 3,811 words, excluding the portions exempted by Fed. R. App. P. 32, according to the word count feature of Microsoft Word used to generate this brief.

I further certify that pursuant to this Court's guidelines on the use of the CM/ECF system:

- a) all required privacy redactions have been made per 10th Cir. R. 25.5 and Fed. R. App. P. 25(a)(5);
- b) the hard copies that will be submitted to the Clerk's Office are exact copies of the ECF filing; and
- c) the ECF submission was scanned for viruses with the most recent version of a commercial virus-scanning program (Symantec Endpoint Protection, version 25, last updated October 19, 2020) and, according to the program, is free of viruses.

Dated: October 20, 2020

By: /s/ Thomas G. Hungar  
Thomas G. Hungar

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the appellate CM/ECF system on October 20, 2020. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: October 20, 2020

By: /s/ Thomas G. Hungar  
Thomas G. Hungar

## **Attachment A**

**From:** [Daniel Blomberg](#)  
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**Date:** Tuesday, October 6, 2020 5:48:51 PM

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[External Email]

Hi Josh,

Appellant-Defendant Faith Bible Chapel consents.

Best,  
Daniel

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**From:** Wade, Joshua <[JWade@gibsondunn.com](mailto:JWade@gibsondunn.com)>  
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**To:** [bal@levinsitcoff.com](mailto:bal@levinsitcoff.com); [jas@levinsitcoff.com](mailto:jas@levinsitcoff.com); [pgf@levinsitcoff.com](mailto:pgf@levinsitcoff.com); [cconant@hatchlawyers.com](mailto:cconant@hatchlawyers.com); [rhatch@hatchlawyers.com](mailto:rhatch@hatchlawyers.com); Daniel Blomberg <[dblomberg@becketlaw.org](mailto:dblomberg@becketlaw.org)>; Daniel Benson <[dbenson@becketlaw.org](mailto:dbenson@becketlaw.org)>; Christopher Mills <[cmills@becketlaw.org](mailto:cmills@becketlaw.org)>  
**Cc:** Balikian, Russell <[RBalikian@gibsondunn.com](mailto:RBalikian@gibsondunn.com)>; Casey, Anna <[ACasey@gibsondunn.com](mailto:ACasey@gibsondunn.com)>  
**Subject:** Tucker v. Faith Bible, No. 20-1230 (10th Cir.) - Consent to File Amicus Brief

Dear Counsel:

We represent the Jewish Coalition for Religious Liberty and Professor Asma Uddin, who intend to file an amicus brief supporting appellant Faith Bible Chapel International in *Tucker v. Faith Bible*, No. 20-1230 (10th Cir.). Please advise whether you consent to the filing of this brief under Federal Rule of Appellate Procedure 29(a)(2).

Thank you,  
Josh  
**Joshua Wade**

## GIBSON DUNN

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## **Attachment B**

**From:** [Peter G. Friesen](#)  
**To:** [Wade, Joshua](#); [Bradley A. Levin, Esq.](#); [Jeremy A. Sitcoff, Esq.](#); [cconant@hatchlawyers.com](mailto:cconant@hatchlawyers.com); [rhatch@hatchlawyers.com](mailto:rhatch@hatchlawyers.com); [dblomborg@becketlaw.org](mailto:dblomborg@becketlaw.org); [dbenson@becketlaw.org](mailto:dbenson@becketlaw.org); [cmills@becketlaw.org](mailto:cmills@becketlaw.org)  
**Cc:** [Balikian, Russell](#); [Casey, Anna](#)  
**Subject:** RE: Tucker v. Faith Bible, No. 20-1230 (10th Cir.) - Consent to File Amicus Brief  
**Date:** Tuesday, October 6, 2020 6:25:19 PM

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[External Email]

Mr. Wade,

I have conferred with counsel in our office working on this case, and we will consent to your request.

Peter

Peter G. Friesen

**LEVIN | SITCOFF**

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**From:** Wade, Joshua <[JWade@gibsondunn.com](mailto:JWade@gibsondunn.com)>

**Sent:** Tuesday, October 6, 2020 3:32 PM

**To:** [Bradley A. Levin, Esq.](mailto:bal@levinsitcoff.com) <[bal@levinsitcoff.com](mailto:bal@levinsitcoff.com)>; [Jeremy A. Sitcoff, Esq.](mailto:jas@levinsitcoff.com) <[jas@levinsitcoff.com](mailto:jas@levinsitcoff.com)>; [Peter G. Friesen](mailto:pgf@levinsitcoff.com) <[pgf@levinsitcoff.com](mailto:pgf@levinsitcoff.com)>; [cconant@hatchlawyers.com](mailto:cconant@hatchlawyers.com); [rhatch@hatchlawyers.com](mailto:rhatch@hatchlawyers.com); [dblomborg@becketlaw.org](mailto:dblomborg@becketlaw.org); [dbenson@becketlaw.org](mailto:dbenson@becketlaw.org); [cmills@becketlaw.org](mailto:cmills@becketlaw.org)

**Cc:** [Balikian, Russell](mailto:RBalikian@gibsondunn.com) <[RBalikian@gibsondunn.com](mailto:RBalikian@gibsondunn.com)>; [Casey, Anna](mailto:ACasey@gibsondunn.com) <[ACasey@gibsondunn.com](mailto:ACasey@gibsondunn.com)>

**Subject:** Tucker v. Faith Bible, No. 20-1230 (10th Cir.) - Consent to File Amicus Brief

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Thank you,

Josh

**Joshua Wade**

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