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Ninth Circuit Rules Against Scientology Ministers' Forced-Labor Claims in *Headley v. Church of Scientology International*

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CASE SUMMARY

NINTH CIRCUIT RULES AGAINST SCIENTOLOGY MINISTERS' FORCED- LABOR CLAIMS IN *HEADLEY V.* *CHURCH OF SCIENTOLOGY* *INTERNATIONAL*

JEFFREY W. TYE*

INTRODUCTION

I. THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

The Trafficking Victims Protection Act (TVPA), enacted in 2000, is an extension of a long line of judicial and statutory responses to the Thirteenth Amendment's prohibition against slavery.¹ While the Thirteenth Amendment's purpose was to outlaw slavery as it existed in pre-Civil War America, the Amendment's blanket prohibition of "involuntary servitude"² has led courts to adopt a much broader meaning of the term.³ Congress has followed suit by enacting various statutes

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¹ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, §§ 101-113, 114 Stat. 1464 (codified as amended at 22 U.S.C.A. tit. 22, ch. 78 (Westlaw 2012)).

² The Thirteenth Amendment applies directly to private conduct; a rare constitutional amendment not limited to state action. *See* U.S. CONST. amend. XIII, § 1.

³ *See* United States v. Nelson, 277 F.3d 164, 176 (2d Cir. 2002) (discussing how the Thirteenth Amendment has been interpreted as a prohibition against any form of servitude,

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throughout history aimed at banning different forms of involuntary servitude.⁴ Most recently, the TVPA was enacted to tackle an increasingly common form of involuntary servitude in the United States: the international trafficking of women and children for the purpose of prostitution.⁵

Despite its focus on international sex trafficking, the TVPA forbids any type of involuntary servitude, whether by means of physical force or other, nonviolent forms of coercion.⁶ The primary effect of the TVPA's broader definition of "involuntary servitude" has been to allow the government to successfully prosecute cases of psychologically coerced forced labor or servitude.⁷ But the statute's broad conception of forced labor has also opened the door to the TVPA's use as the basis of plaintiff claims in myriad civil actions.⁸

There is still much ambiguity over the extent to which threats and coercion may be used as grounds for finding forced labor. The question becomes especially complex when the statute is applied to defendants who are constitutionally protected from judicial scrutiny into such matters, namely, religious institutions.

regardless of race); *United States v. Mussry*, 726 F.2d 1448, 1451-52 (9th Cir. 1984) ("The 13th amendment and its enforcing statutes are designed to apply to a variety of circumstances and conditions. . . . [Y]esterday's slave may be today's migrant worker or domestic servant.") (citations omitted), *abrogated by* *United States v. Kozminski*, 487 U.S. 931 (1988).

⁴ *E.g.*, White-Slave Traffic (Mann) Act, ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C.A. §§ 2421-2424 (Westlaw 2012)) (prohibiting the transportation of women across state lines for the purpose of prostitution).

⁵ *Human Trafficking: Putting a Stop to Modern-Day Slavery*, FBI (Apr. 16, 2010), www.fbi.gov/news/stories/2010/april/trafficking_041610.

⁶ Trafficking Victims Protection Act, § 102(b)(13). The TVPA rejects a narrow interpretation of the term "involuntary servitude" by the Supreme Court. In *Kozminski*, the Court refused to interpret the ban on "involuntary servitude" found in 18 U.S.C. § 1584 as applicable to labor obtained by means of psychological coercion. *Kozminski*, 487 U.S. at 949-50. The Court noted that the government itself conceded in its argument that this interpretation would mean the statute "could be used to punish a parent who coerced an adult son or daughter into working in the family business by threatening withdrawal of affection." *Id.* at 949. In the TVPA, Congress defined "involuntary servitude" to include cases where "persons are held in a condition of servitude through nonviolent coercion." Trafficking Victims Protection Act, § 102(b)(13).

⁷ *See* *United States v. Kaufman*, 546 F.3d 1242 (10th Cir. 2008) (proprietors of unlicensed treatment center for the mentally ill coerced patients into forced labor and sexual acts); *United States v. Marcus*, 487 F. Supp. 2d 289 (E.D.N.Y. 2007) (man coerced woman into bondage relationship), *vacated on other grounds*, *United States v. Marcus*, 628 F.3d 36 (2d Cir. 2010). *But see* *United States v. Peterson*, 627 F. Supp. 2d 1359 (M.D. Ga. 2008) (court found sheriff's use of inmate labor for private business was improper use but not coercion under the TVPA).

⁸ *E.g.*, *Ditullio v. Boehm*, 662 F.3d 1091 (9th Cir. 2011) (suit against perpetrator by a victim of sex trafficking); *Nuñag-Tanedo v. E. Baton Rouge Parish Sch. Bd.*, 790 F. Supp. 2d 1134 (C.D. Cal. 2011) (denying the defendant school board's motion to dismiss TVPA claims by Filipino teachers who alleged the defendants forced them to work as teachers through nonviolent threats); *Adhikari v. Daoud & Partners*, 697 F. Supp. 2d 674 (S.D. Tex. 2009) (Nepalese workers alleged TVPA forced-labor claims after from being hired by the defendant to build American bases in Iraq).

II. THE MINISTERIAL EXCEPTION

The Free Exercise and Establishment Clauses of the First Amendment provide religious institutions with a shield against governmental intrusion into their affairs.⁹ As a result, courts have carved out a legal defense for churches¹⁰ facing suits arising under certain employment statutes.¹¹ In the Ninth Circuit, judicial inquiry into the employment relationship between a church and its ministers has been found to encroach on the church's free-exercise rights.¹² The scope of this ministerial exception has been limited,¹³ however, and its exact boundaries remain undefined.

III. THE CLASH OF THE TVPA AND THE MINISTERIAL EXCEPTION

In *Headley v. Church of Scientology International*, the Ninth Circuit faced a particularly sensitive question involving the limits of the TVPA and the application of the ministerial exception.¹⁴ In *Headley*, former ministers brought TVPA forced-labor claims against the Church of Scientology (the "Church").¹⁵ The Church argued before the district court that the plaintiffs' labor was not forced, and that the ministerial exception applied to effectively bar the plaintiffs' claims.¹⁶ The district court agreed, holding that the instances of physical abuse alleged did not raise a triable issue of fact as to the Headleys' forced-labor claims.¹⁷ The

⁹ U.S. CONST. amend. I ("Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . ."). Title VII of the Civil Rights Act of 1964 also contains a ministerial exception. 42 U.S.C.A. § 2000e-1(a) (Westlaw 2012).

¹⁰ This Case Summary uses the terms "religious institution" and "church" interchangeably.

¹¹ *Alcazar v. Corp. of the Catholic Archbishop of Seattle*, 627 F.3d 1288, 1290 (9th Cir. 2010).

¹² *Bollard v. Cal. Province of the Soc'y of Jesus*, 196 F.3d 940, 946 (9th Cir. 1999) ("A church's selection of its own clergy is one . . . core matter of ecclesiastical self-governance with which the state may not constitutionally interfere.").

¹³ *Id.* (ministerial exception did not apply to allegations of sexual harassment because the defendant disavowed the alleged behavior).

¹⁴ *Headley v. Church of Scientology Int'l (Headley II)*, 687 F.3d 1173 (9th Cir. 2012).

¹⁵ Plaintiff's Memorandum of Points and Authorities in Opposition to Defendant Church of Scientology International's Motion for Summary Judgment, *Headley v. Church of Scientology Int'l (Headley I)*, 2010 WL 3157064 (C.D. Cal. Aug. 5, 2010) (No. CV09-3986 DSF (MANx)), 2010 WL 2915814 [hereinafter *Marc Headley's Brief*]; Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants' Joint Motion for Summary Judgment, *Headley I*, 2010 WL 3157064, (C.D. Cal. Aug. 5, 2010) (No. CV09-3987), 2010 WL 3154356 [hereinafter *Claire Headley's Brief*].

¹⁶ Reply of Defendant Church of Scientology International in Support of its Motion for Summary Judgment and for Summary Adjudication of Issues at 8-9, *Headley I*, 2010 WL 3157064.

¹⁷ *Headley I*, 2010 WL 3157064, at *5.

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court also waded into constitutional waters, finding that the ministerial exception formed a second bar to the plaintiffs' forced-labor claims.¹⁸

On appeal, the Ninth Circuit agreed with the district court's position that courts may not scrutinize certain aspects of the minister-church relationship.¹⁹ Nevertheless, the Ninth Circuit avoided the question of whether the First Amendment's ministerial exception—usually invoked only in employment-law contexts—also applies to forced-labor claims under the TVPA.²⁰ Instead, the court simply looked to the text of the TVPA to find that the plaintiffs' labor was not, within the meaning of the statute, forced “‘by means of’ serious harm, threats, or any other improper methods.”²¹ In affirming the district court's grant of summary judgment, the Ninth Circuit found that the Headleys had voluntarily joined and worked for the Church because they believed in the Church's doctrine and in the personal commitments they made to the Church.²² Pointing to the Headleys' ability to leave the Church, and their failure to do so for well over a decade, the court found that the plaintiffs simply were not forced to remain in their respective conditions.²³

IV. BACKGROUND

A. FACTUAL HISTORY

Marc and Claire Headley were long-time members of the Church of Scientology²⁴ and its leading order, Sea Organization (Sea Org).²⁵ Marc first became involved with Scientology around the age of ten or eleven, and at fifteen signed a symbolic billion-year contract with Sea Org.²⁶ Claire was raised in the Church, having joined at the age of four when her mother joined Sea Org.²⁷ She had also signed a billion-year contract

¹⁸ *Id.* at *3.

¹⁹ *Headley II*, 687 F.3d at 1181.

²⁰ *Id.*

²¹ *Id.* at 1179 (quoting 18 U.S.C. § 1589(a)(1), (2), (4)).

²² *Id.* at 1180-81.

²³ *Id.* at 1179-80.

²⁴ Based on the case's dismissal at summary judgment and the applicable legal standard that “no genuine issue of material fact exists,” the facts in this Summary are taken largely from plaintiffs' pleadings. *Cf.* *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986).

²⁵ According to the Church's official website, Sea Org “is a religious order for the Scientology religion and is composed of the singularly most dedicated Scientologists—individuals who have committed their lives to the volunteer service of their religion.” *What Is Sea Organization?*, SCIENTOLOGY.ORG, www.scientology.org/faq/church-management/what-is-the-sea-organization.html (last visited Sep. 30, 2012).

²⁶ *Marc Headley's Brief*, *supra* note 15, at 2.

²⁷ *Claire Headley's Brief*, *supra* note 15, at 2.

with Sea Org by the age of sixteen.²⁸ In 1992, Marc and Claire—both already members of Sea Org—married.²⁹

During their tenure with the Church, the Headleys primarily lived and worked at Gold Base, the Church's international headquarters located in Hot Springs, California.³⁰ The Church paid their living expenses and gave them each a fifty-dollar weekly stipend.³¹ The Headleys each worked more than one hundred hours per week for the Church in different capacities, although each had a primary position: Marc created and produced religious training videos explaining Scientology to the outside public, and Claire oversaw the Religious Technology Center's (RTC)³² internal operations.³³

Sea Org set forth stringent lifestyle requirements for its members.³⁴ Members were required to live communally, were required to work long hours without compensation, and were subject to strict discipline for any transgressions of their duties.³⁵ Members' mail, internet access, and phone calls were monitored and censored.³⁶ Members were also prohibited from having children—those who decided to have children were forced to transfer out of Sea Org to work for the general Church.³⁷ Additionally, RTC staff members were prohibited from marrying anyone other than fellow RTC staff members.³⁸

Throughout their membership in Sea Org, spanning well over a decade, the Headleys were subjected to various disciplinary methods.³⁹ These punishments often consisted of yard or kitchen work.⁴⁰ Some of the methods, however, were extreme and degrading. For instance, Marc and hundreds of other members were once assigned to hand-clean human excrement from a large aeration pond.⁴¹ Without being given a mask or gloves to complete the job, Marc recalled getting excrement in his nose,

²⁸ *Id.*

²⁹ *Headley v. Church of Scientology Int'l (Headley II)*, 687 F.3d 1173, 1175 (9th Cir. 2012).

³⁰ *Id.* at 1176.

³¹ *Id.*

³² According to the Church's website, "Religious Technology Center holds the ultimate ecclesiastical authority regarding the standard and pure application of L. Ron Hubbard's religious technologies." *What Is Religious Technology Center?*, SCIENTOLOGY.ORG, www.scientology.org/faq/church-management/religious-technology-center.html (last visited Sep. 30, 2012).

³³ *Headley II*, 687 F.3d at 1176.

³⁴ *Id.* at 1174.

³⁵ *Id.*

³⁶ *Id.* at 1175.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 1176.

⁴¹ *Id.*

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mouth, ears and eyes, and dry-heaving for the first few hours of the job.⁴² Security guards had been stationed at the pond to prevent any members from leaving, and when Marc objected, he was told, “you’re not leaving, period.”⁴³ Marc testified to other harsh punishments, including being forced to live in tents and sleep on trash bags for months at a time, being assigned to clean the kitchen facility at Gold Base for several days with only a toothbrush, and being assigned to hard labor such as “digging dirt, weeding, throwing out trash, moving rocks, scrubbing toilets, and cleaning the isolation facility where sick people were housed.”⁴⁴

Claire also recalled instances of degrading treatment and verbal abuse. On one occasion, the leader of the Church, David Miscavige, told Claire that he had her husband returned from a trip to Florida “in a body bag.”⁴⁵ In another instance, Miscavige grabbed her by the pants during a meeting and forced her to drag him across the room to demonstrate that he was the members’ ball and chain.⁴⁶ In addition, Claire was denied food privileges for lengthy periods and was frequently required to sleep at her workstation, resulting in significant weight loss and sleep deprivation.⁴⁷ Like Marc, she was also assigned to heavy manual labor.⁴⁸

There were also incidents of physical abuse. Marc Headley testified to two occasions when Miscavige struck him; once a “kick[] in his backside” and the other several punches to the face.⁴⁹ In another incident, a high-ranking member punched him after he gave an incorrect answer to an interrogator.⁵⁰ Claire Headley testified to being shoved by a coworker and to witnessing Sea Org staff physically abuse other members.⁵¹ She recalled at least fifty occasions when Miscavige had assaulted coworkers in her presence.⁵²

The Church exercised control over most aspects of the Headleys’ lives. Claire twice became pregnant during her membership, and she claimed that in both instances the Church coerced her into having an abortion by threatening heavy manual labor and interrogation if she

⁴² *Marc Headley’s Brief*, *supra* note 15, at 5.

⁴³ *Id.*

⁴⁴ *Id.* at 6.

⁴⁵ *Claire Headley’s Brief*, *supra* note 15, at 5.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Marc Headley’s Brief*, *supra* note 15, at 3.

⁵⁰ *Id.*

⁵¹ *Headley v. Church of Scientology Int’l (Headley II)*, 687 F.3d 1173, 1176 (9th Cir. 2012).

⁵² *Marc Headley’s Brief*, *supra* note 15, at 3.

refused.⁵³ Claire was told on more than one occasion that in order to remain an employee of RTC, she would have to divorce Marc.⁵⁴ All of the Headleys' communications were monitored, they were strictly prohibited from leaving Gold Base, and their families were not allowed to know the location of the Gold Base.⁵⁵ The base was surrounded by a perimeter fence equipped with motion detectors, floodlights, and spikes.⁵⁶ Security guards were present throughout the base and were instructed to locate members who did not show up to their assignments.⁵⁷ The Church conducted extensive searches called "blow drills" for any member who left Gold Base without permission.⁵⁸ During blow drills, teams of several members would track down the offending member and attempt to persuade him or her to return.⁵⁹ The Headleys testified to witnessing other members being captured and returned, sometimes through physical force, and assigned manual labor as punishment.⁶⁰

Despite the foregoing, Claire and Marc Headley remained Sea Org members for fourteen and fifteen years, respectively.⁶¹ Both claimed that the physical and psychological abuse they endured led them to believe that if they attempted to leave Sea Org, they would suffer serious harm or physical restraint.⁶² Nonetheless, in 2005, despite the Church's attempts to persuade them otherwise, the Headleys left Gold Base.⁶³

B. PROCEDURAL HISTORY

In January 2009, Claire Headley filed suit against the Church and RTC in state court, asserting unpaid wage claims and seeking injunctive relief for the allegedly forced abortions.⁶⁴ Marc Headley filed a separate suit alleging similar unpaid wage claims.⁶⁵ Months later, the Headleys both amended their complaints to add forced-labor claims under the federal TVPA, and the Church subsequently removed both actions to federal court.⁶⁶ The federal district court granted the Church's motion

⁵³ *Claire Headley's Brief*, *supra* note 15, at 5.

⁵⁴ *Id.* at 6.

⁵⁵ *Id.* at 6-7.

⁵⁶ *Id.* at 8.

⁵⁷ *Id.* at 9.

⁵⁸ *Id.* at 10.

⁵⁹ *Id.* at 11.

⁶⁰ *Id.* at 12.

⁶¹ *Marc Headley's Brief*, *supra* note 15, at 2; *Claire Headley's Brief*, *supra* note 15, at 2.

⁶² *Marc Headley's Brief*, *supra* note 15, at 2; *Claire Headley's Brief*, *supra* note 15, at 2.

⁶³ *Marc Headley's Brief*, *supra* note 15, at 14; *Claire Headley's Brief*, *supra* note 15, at 16.

⁶⁴ Brief for Appellees at 3-4, *Headley II* (Nos. 10-56266, 10-56278).

⁶⁵ *Id.* at 4.

⁶⁶ *Id.*

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for summary judgment as to Claire's unpaid wage claims, and Marc later dropped his own unpaid wage claims.⁶⁷ The Church then moved for summary judgment on the Headleys' remaining TVPA claims.⁶⁸

The district court granted the Church's motion for summary judgment, holding that the ministerial exception barred the Headleys' TVPA claims.⁶⁹ During the course of litigation, the district court determined as a matter of law that the Headleys were ministers of the Church, and that the Church was a religious institution.⁷⁰ Significantly, the Church maintained that the acts the Headleys complained of were doctrinally motivated, and so argued that the legal doctrine of entanglement barred the court from inquiring into those practices.⁷¹ The court agreed.⁷² Because of the plaintiffs' and the defendants' accepted roles—as ministers and religious institution, respectively—and because the Church objected to the judicial intrusion on its religious doctrine, the court found that inquiry into the Headleys' allegations impermissibly entangled the court with church doctrine.⁷³ Thus, the court found that the ministerial exception under the First Amendment barred the Headleys' TVPA claims, and the case was consequently dismissed.⁷⁴ The Headleys appealed the district court's ruling to the Ninth Circuit.⁷⁵

V. THE NINTH CIRCUIT'S ANALYSIS

On appeal, the Ninth Circuit directly attacked the sufficiency of the Headleys' claims under the TVPA. The statute reads, in relevant part:

⁶⁷ *Id.* at 5.

⁶⁸ *Id.* at 4.

⁶⁹ *Headley v. Church of Scientology Int'l (Headley I)*, No. CV09-3986 DSF (MANx), 2010 WL 3157064, at *3 (C.D. Cal. Aug. 5, 2010).

⁷⁰ *Id.* at *5.

⁷¹ Entanglement arises when a court "evaluates religious doctrine or the 'reasonableness' of the religious practices followed by the church." *Id.* at *4 (quoting *Bollard v. Cal. Province of the Soc'y of Jesus*, 196 F.3d 940, 950 (9th Cir. 1999)). In an entanglement issue, even the inquiry itself into a religious institution's minister-church relationship can be a violation of the First Amendment. *Headley I*, 2010 WL 3157064, at *5 (quoting *Alcazar v. Corp. of the Catholic Archbishop of Seattle*, 598 F.3d 668, 673 (9th Cir. 2009)), *vacated in part en banc*, 627 F.3d 1288 (9th Cir. 2010).

⁷² In doing so, the court rejected the Headleys' contention that the Church's conduct was not doctrinally motivated, pointing out that even the court's inquiry to that matter would involve impermissibly scrutinizing the Church's affairs. *Headley I*, 2010 WL 3157064 at *6.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Brief for Appellees, *Headley v. Church of Scientology Int'l (Headley II)*, 687 F.3d 1173 (9th Cir. 2012) (Nos. 10-56266, 10-56278).

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint;

shall be punished as provided under subsection (d).⁷⁶

The term “serious harm” in section (a)(2) is further defined to mean:

[A]ny harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.⁷⁷

The statute provides for imprisonment of up to twenty years, a fine, or both, for any perpetrator.⁷⁸

In analyzing the Headleys’ TVPA claims, the court focused on the statute’s use of the phrase “by means of”—in other words, the *actual methods* by which the Church was alleged to have secured the Headleys’ labor.⁷⁹ Here, the court simply could not find that the Church had used improper methods to force the Headleys’ labor—especially given so many examples of the Headleys’ voluntary participation in the Church.⁸⁰ The Headleys had not complained about their primary roles within Sea Org.⁸¹ Rather, the Headleys focused on the “discipline, lifestyle, and familial constraints” imposed by Sea Org.⁸² The court found that the Church could not have forced the Headleys’ labor “by means of” those constraints, because the record showed that those constraints were

⁷⁶ 18 U.S.C.A. § 1589(a)(1)-(4) (Westlaw 2012).

⁷⁷ 18 U.S.C.A. § 1589(c)(2) (Westlaw 2012).

⁷⁸ 18 U.S.C.A. § 1589(d) (Westlaw 2012).

⁷⁹ *Headley II*, 687 F.3d at 1180.

⁸⁰ *Id.* at 1179.

⁸¹ *Id.* at 1180.

⁸² *Id.*

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ultimately what caused the Headleys to leave Sea Org.⁸³ Indeed, the court pointed out that Claire Headley left Sea Org only after she was informed she could not keep her existing job with RTC.⁸⁴

Moreover, the court found that the only adverse consequence the Headleys faced for leaving the Church was being labeled “suppressive persons” and excommunication from the Church.⁸⁵ Under Ninth Circuit precedent, a church has the right to discontinue association with someone who has abandoned it,⁸⁶ and to warn a member that he or she will be shunned by the church if that member abandons it.⁸⁷ As such, the court found that the Church’s warnings to the Headleys that they would be ostracized did not qualify as threats of serious harm for the purpose of a forced-labor claim.⁸⁸ Lastly, the court considered it significant that the Headleys had countless chances to leave the Church and knew of hundreds of members that had done so successfully, but failed to do so themselves.⁸⁹

Notably, the district court judge struck as unreliable the declaration of an expert who claimed that the Headleys were psychologically coerced into believing they could not leave.⁹⁰ The Ninth Circuit affirmed the district court’s striking of that declaration, noting that the expert had never actually spoken with the Headleys before giving his opinion.⁹¹ Accordingly, the court of appeals did not consider any psychological or other explanatory theories as to why the Headleys stayed with the Church as long as they did.

The court thus found that the Headleys had no actionable claims under the TVPA.⁹² The court further commented on the district court’s ruling that the ministerial exception applied, and hinted that, based on the Church’s averments that the methods complained of were doctrinally motivated, the court may have been correct.⁹³ But the Ninth Circuit only went as far as necessary to affirm the district court, leaving the

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* (citing *Paul v. Watchtower Bible & Tract Soc’y of N.Y., Inc.*, 819 F.2d 875, 883 (9th Cir. 1987)).

⁸⁷ *Id.* at 1180.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 1180 n.1.

⁹¹ *Id.*

⁹² *Id.* at 1180.

⁹³ *Id.*

constitutional question of whether the ministerial exception categorically bars claims under the TVPA unanswered in the Ninth Circuit.⁹⁴

VI. IMPLICATIONS

The implications of *Headley* may lie more in what was unsaid than what was said. What is most clear is that the TVPA's ban on forced labor by means of improper conduct does not apply to voluntary, adult, long-time ministers of a church. Such ministers may face a significant obstacle in pursuing forced-labor claims against religious institutions in the Ninth Circuit.

Less clear, because the Ninth Circuit did not reach the question, is whether the district court's application of the ministerial exception was appropriate. If the Ninth Circuit had found the ministerial exception applicable, it would have been a critical constitutional ruling for religious institutions in the United States. However, the court's silence on whether it applied to the Headleys' claims leaves the scope of the ministerial exception undefined.

Perhaps more significantly, *Headley* has cast doubt over the prospect of *any* church members successfully bringing TVPA claims against their church. The court's focus on the voluntariness of the plaintiffs' commitment and ability to leave the Church ultimately deemphasized the roles the Headleys played as ministers within the Church. Thus, under *Headley*, even a non-ministerial church member who was physically free to leave the church, threatened only by the prospect of abandonment, forced labor, and other doctrinally motivated methods of punishment, could be unsuccessful in pursuing a forced-labor claim against the church in the Ninth Circuit.

Headley may serve to extinguish future TVPA forced-labor claims against religious institutions in the Ninth Circuit. Indeed, the Ninth Circuit's decision could serve as a more severe constraint for plaintiffs attempting to sue religious organizations under the TVPA than the trial court's application of the "ministerial exception." The Ninth Circuit found that the Church did not cause plaintiffs' hardship, indicating that the court considered the Headleys' voluntary commitment to the Church more relevant to their TVPA claim than their roles as ministers. Consequently, *Headley* may bar anyone who willfully volunteers his or her time to a church, and has any chance to leave that church, from pursuing a TVPA forced-labor claim in the Ninth Circuit.

⁹⁴ *Id.*

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CONCLUSION

Underlying the issues in *Headley* were two competing constitutional doctrines: the Thirteenth Amendment's prohibition against involuntary servitude and the First Amendment's right to the free exercise of religion.⁹⁵ Although the TVPA has an intentionally broad prohibition against forced labor, the Ninth Circuit found the Headleys' claims outside the statute's ambit.⁹⁶ If the holding had been based on the First Amendment's ministerial exception, *Headley* would have established that ministers have, in essence, forfeited their rights to sue their church under a forced-labor theory under similar facts. But *Headley*'s refusal to rule on the First Amendment issue may have an unintended effect on the other constitutional amendment involved. By focusing on the plaintiffs' voluntary participation in their Church, *Headley* may serve to limit the scope of the Thirteenth Amendment's ban on involuntary servitude by barring similar forced-labor suits by even ordinary, non-ministerial members of a church.

⁹⁵ U.S. CONST. amend. I ("Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof"); U.S. CONST. amend. XIII, § 1 ("Neither slavery nor involuntary servitude . . . shall exist within the United States").

⁹⁶ *Headley II*, 687 F.3d at 1179-80.