No. A25-0559

STATE OF MINNESOTA
IN SUPREME COURT

Reyzl Grace MoChridhe,

Petitioner,

v.

Academy of Holy Angels,

Respondent,

and

Archdiocese of Saint Paul and Minneapolis,

Respondent.

BRIEF OF RESPONDENT ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

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STATEMENT OF THE LEGAL ISSUES

1. Are MoChridhe's claims barred by the U.S. Constitution's church autonomy doctrine?

Yes. Both the district court and a unanimous panel of the Court of Appeals held that MoChridhe's claims are barred by the U.S. Constitution's church autonomy doctrine. *See* Add. 37-41; Add. 13-29. As the Court of Appeals explained, "requiring the Archdiocese to employ a person in its Catholic school who admittedly cannot abide by the church's implementation of its Guiding Principles in that school would interfere with an internal church decision that affects the faith and mission of the church itself." Add. 17.

Apposite Authorities:

- U.S. Const. amend. I
- *Pfeil v. St. Matthews Evangelical Lutheran Church of Unaltered Augsburg Confession of Worthington*, 877 N.W.2d 528 (Minn. 2016)
- *Hill-Murray Fed'n of Tchrs. v. Hill-Murray High Sch.*, 487 N.W.2d 857 (Minn. 1992)
- *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732 (2020)
- *Geraci v. Eckankar*, 526 N.W.2d 391 (Minn. Ct. App. 1995)

2. Are MoChridhe's claims barred by the Minnesota Constitution's Freedom of Conscience Clause?

Yes. The district court held in the alternative that MoChridhe's claims are barred by the Minnesota Constitution's Freedom of Conscience Clause. *See* Add. 41-43. As the court explained, "[i]nvolving the Court in determining liability of the Archdiocese in relation to promulgating, establishing, requiring or compelling Catholic schools in its territory to follow the Guidelines … would infringe on the Archdiocese's religious freedom under the Minnesota Constitution." Add. 42. The Court of Appeals declined to address this issue "[b]ecause all MoChridhe's claims are foreclosed by the religious freedom provisions in the First Amendment to the United States Constitution." Add. 29. However, it provides "alternative grounds" for affirmance. Add. 29.

Apposite Authorities:

- Minn. Const. art. I, § 16
- *Hill-Murray Fed'n of Tchrs. v. Hill-Murray High Sch.*, 487 N.W.2d 857 (Minn. 1992)
- *State v. Hershberger*, 462 N.W.2d 393 (Minn. 1990)
- *Geraci v. Eckankar*, 526 N.W.2d 391 (Minn. Ct. App. 1995)

3. Are MoChridhe's claims under the Minnesota Human Rights Act ("MHRA") barred by the MHRA's religious exemption?

Yes. The district court held in the alternative that MoChridhe's MHRA claims are barred by the MHRA's religious exemption. *See* Add. 42-46. As the court explained, because it is undisputed that the Archdiocese is a "religious corporation" and that MoChridhe's MHRA claims are predicated on MoChridhe's decision to "transition from male to female and to identify as female rather than male[,] [t]hese claims fall within the scope of the exemption." Add. 44. The Court of Appeals declined to address this issue "[b]ecause all MoChridhe's claims are foreclosed by the religious freedom provisions in the First Amendment to the United States Constitution." Add. 29. However, it provides "alternative grounds" for affirmance. Add. 29.

Apposite Authorities:

- Minn. Stat. § 363A.26(2) (2022)
- Minn. Stat. § 645.16 (2022)
- *Thorson v. Billy Graham Evangelistic Ass'n*, 687 N.W.2d 652 (Minn. Ct. App. 2004)
- *Doe v. Lutheran High Sch. of Greater Minneapolis*, 702 N.W.2d 322 (Minn. Ct. App. 2005)
- *Matter of Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024)

INTRODUCTION

The question in this appeal is whether a Catholic archdiocese and school have the freedom to maintain religious standards for employment within a Catholic school. This Court answered that question with a resounding "yes" over thirty years ago, stating without qualification that a religious school "retains the power to hire employees who meet their religious expectations, to require compliance with religious doctrine, and to remove any person who fails to follow the religious standards set forth." *Hill-Murray Fed'n of Tchrs. v. Hill-Murray High Sch.*, 487 N.W.2d 857, 866 (Minn. 1992).

That conclusion resolves this case. As alleged in the complaint, Plaintiff MoChridhe was a librarian at Academy of Holy Angels, a Catholic school within the Archdiocese of Saint Paul and Minneapolis. The Archdiocese adopted religious standards, called the Guiding Principles, to implement the Church's foundational beliefs on gender and sexuality within its Catholic schools, including Holy Angels. When MoChridhe informed Holy Angels that MoChridhe could not abide by the Guiding Principles, Holy Angels declined to renew MoChridhe's contract for the following school year. MoChridhe then sued for employment discrimination, alleging that "the Guiding Principles document was the only reason" MoChridhe's contract was not renewed. Compl. ¶¶ 37, 41. In other words, the Archdiocese and Holy Angels "require[d] compliance with religious doctrine" and "remove[d] [MoChridhe for] fail[ing] to follow the religious standards set forth." *Hill-Murray*, 487 N.W.2d at 866.

Relying on *Hill-Murray*, the Court of Appeals unanimously held that MoChridhe's claims were barred by the U.S. Constitution's church autonomy

doctrine. That holding is correct. As this Court has explained, the church autonomy doctrine bars claims that would interfere with matters of "church governance," "church discipline," and "internal church decision[s] that affect[ ] the faith and mission of the church itself"—even when a plaintiff invokes "neutral principles of law." *Pfeil v. St. Matthews Evangelical Lutheran Church of Unaltered Augsburg Confession of Worthington*, 877 N.W.2d 528, 534, 541 (Minn. 2016). And a prime example of a protected internal church decision is a religious school's decision to remove an employee who fails to comply with its religious doctrine and standards. *Hill-Murray*, 487 N.W.2d at 866. That's this case. And the Court of Appeals' conclusion is supported not only by *Hill-Murray* and *Pfiel*, but by decisions of the U.S. Supreme Court and state and federal appellate courts nationwide.

In response, MoChridhe simply ignores *Hill-Murray*'s conclusion that religious schools have the power to remove employees who reject their religious standards. And MoChridhe fails to address the many federal and state appellate decisions confirming the freedom of religious schools to maintain religious standards for employment. Instead, MoChridhe claims the Court of Appeals erred by resolving the church-autonomy defense "at the motion-to-dismiss stage" without "a full record." Br. 14, 22-23. But that's precisely what this Court did in *Pfeil*—affirming a Rule 12 dismissal based on church autonomy. 877 N.W.2d at 530 n.2. And it's what numerous courts nationwide have done, emphasizing that church autonomy is a structural constitutional protection that should be decided as early in litigation as possible.

Alternatively, MoChridhe mischaracterizes the Court of Appeals' ruling as "tacitly expand[ing] the ministerial exception," Br. 22—a different First Amendment doctrine that Defendants did not raise and the courts below did not address. But both this Court and the U.S. Supreme Court have made clear that the ministerial exception is just one "component" of the broader "church autonomy" doctrine—not the entirety of it. *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 746-47 (2020). Church autonomy protects not only religiously significant employment "positions," such as ministers, but also religiously significant employment "decisions" that are "essential to the institution's central mission," *id.*—such as maintaining "religious standards" for employees in religious schools, *Hill-Murray*, 487 N.W.2d at 866.

Because the church-autonomy defense resolves the entire case, the Court of Appeals did not reach two alternative grounds for affirmance: the Minnesota Constitution and the Minnesota Human Rights Act's religious exemption. But the trial court correctly held that these defenses bar MoChridhe's claims, too. The Minnesota Constitution provides even "greater protection for religious liberties" than does "the federal constitution," *Hill-Murray*, 487 N.W.2d at 864, making this an *a fortiori* case. And the MHRA's religious exemption expressly protects a religious employer when it takes "any action with respect to … employment" in "matters relating to sexual orientation" or "sexual … identity," Minn. Stat. §§ 363A.26(2), 363A.04, subd. 44 (2022)—which is precisely what the complaint alleges here.

In short, MoChridhe's complaint on its face runs into multiple, overlapping protections for the freedom of religious schools to maintain religious standards

for employment. This freedom has been protected in Minnesota for decades—embedded in the Constitution, embodied in religious exemptions adopted by the Legislature, and affirmed by this Court. Minnesotans of diverse faiths have long relied on this promised freedom to form religious communities based on shared religious principles. And MoChridhe has failed to identify a single appellate decision—from any jurisdiction, anywhere, ever—requiring a religious school to employ individuals who reject its religious principles. This Court should not be the first. The Court of Appeals should be affirmed.

STATEMENT OF THE FACTS AND THE CASE[1]

A. The Archdiocese, Holy Angels, and the Guiding Principles

The Archdiocese of Saint Paul and Minneapolis is a Roman Catholic archdiocese that oversees 91 Catholic schools, including Academy of Holy Angels. Compl. ¶¶ 7, 25-26. Holy Angels' bylaws state that its actions must be "conducted in accordance with the tenets of the Roman Catholic Church as determined by the Archbishop of the Archdiocese." Compl. ¶ 28.

To guide Holy Angels and other Catholic schools on matters of "sexual and gender identity," the Archdiocese adopted "Guiding Principles for Catholic Schools and Religious Education Concerning Human Sexuality and Sexual Identity." Compl. ¶¶ 33-34; Add. 5-8. The Guiding Principles set forth the "foundational beliefs of the Catholic Church" on gender and sexuality, with reference to Scripture, the Catechism of the Catholic Church, and the encyclicals of Pope Francis and Pope Benedict XVI. Compl. ¶¶ 33-34; Add. 5-8. These

[1] All facts are taken from MoChridhe's complaint and the documents incorporated therein. "Add." refers to the Addendum to MoChridhe's Principal Brief.

beliefs include that "God created each person body and soul 'in His own image'"; that "God uses the body to reveal to each person his or her sexual identity as male or female"; and that "[a] person's embrace of his or her God-given sexual identity is an essential part of living a fulfilled relationship with God." Add. 5-6.

The Guiding Principles state that "Catholic schools are obliged to provide an education and resources consistent with Catholic teaching," and that the Guiding Principles must be "practically applied in Catholic schools." Add. 5-6. Among other things, this means the Guiding Principles "shall inform" how Catholic schools create and implement "policies, handbooks, statements, employee agreements, [and] training for employees." Add. 5. "All school policies, procedures, resources, [and] employee training" must be "consistent with the Church's teaching on the dignity of the human person, including human sexuality." Add. 6. And "employees who work at a Catholic school can expect that the school acknowledges that God has created each person as a unity of body and soul, as male or female." Add. 7.

B. MoChridhe's Employment

In July 2021, Holy Angels hired MoChridhe as a Librarian and Media Specialist for the 2021-22 school year on a one-year contract. Compl. ¶¶ 12-13. At the time of hiring, MoChridhe identified as a male, consistent with MoChridhe's biological sex. *See* Compl. ¶¶ 4, 32. But when MoChridhe's contract came up for renewal in 2022, MoChridhe informed Holy Angels that MoChridhe "had come out as transgender and was starting the process of transitioning to live as" a female. Compl. ¶ 32. Holy Angels' principal responded that

"the Archdiocese would not support [MoChridhe's] transition, and it would not be possible for [MoChridhe] to continue working at the school if [MoChridhe] was determined to transition." Compl. ¶ 32.

The complaint alleges that the principal then presented MoChridhe with a copy of the Guiding Principles, "which represents the Archdiocese's position on sexual and gender identity," and asked "if [MoChridhe] could adhere to the document's requirements." Compl. ¶¶ 33-34. MoChridhe said no: "[MoChridhe] did not believe [MoChridhe] could abide by the directives." Compl. ¶ 36. The principal then "told [MoChridhe] that the Guiding Principles document was the only reason [MoChridhe] was not being offered a renewed contract." Compl. ¶ 37.

MoChridhe also later contacted the school's human resources department and said MoChridhe "wanted it on record" that "the Guiding Principles document was the only reason [MoChridhe] cannot return." Compl. ¶ 41.

C. MoChridhe's Lawsuit

On August 5, 2024, MoChridhe sued both Holy Angels and the Archdiocese. MoChridhe alleged that (1) Holy Angels and the Archdiocese discriminated against MoChridhe in employment based on sex and sexual orientation in violation of the MHRA; (2) the Archdiocese aided and abetted Holy Angels' discrimination in violation of the MHRA; and (3) the Archdiocese acted negligently by "adopting the Guiding Principles" and "instructing" Holy Angels to "abide by" them. Compl. ¶¶ 51-70. MoChridhe sought compensatory and punitive damages, along with a "permanent injunction" "prohibiting [the Archdiocese and Holy Angels] from engaging in the[se] practices." Compl. ¶ 67; *id.* at

12, Prayer for Relief ¶¶ 2, 4, 6. MoChridhe also asked "that the Court retain jurisdiction until the Court is satisfied that the [Archdiocese and Holy Angels] have remedied the practices complained of herein." *Id.* at 13, Prayer for Relief ¶ 8.

D. The District Court's Decision

On August 26, 2024, the Archdiocese moved to dismiss MoChridhe's claims. The Archdiocese asserted that MoChridhe's claims were barred by several independent legal protections, including: (1) the U.S. Constitution's church autonomy doctrine; (2) the Minnesota Constitution's Freedom of Conscience Clause; and (3) the MHRA's religious exemption. Def.'s Mem. in Supp. of Mot. to Dismiss at 1-2, *MoChridhe v. Acad. of Holy Angels & Archdiocese of St. Paul & Minneapolis*, No. 27-cv-24-11601 (Minn. Dist. Ct. 4th Jud. Dist.).

On February 3, 2025, the district court agreed on all three points and dismissed all claims against the Archdiocese with prejudice. Add. 7-46.

As for church autonomy, the court held that, even accepting as true MoChridhe's description of a librarian's job duties as "secular," the application of the Guiding Principles to "'employee agreements' within Catholic school[s]" implicates "core issues of ecclesiastical concern" in relation to the Archdiocese's "religious faith and beliefs and the provision of education within the Catholic schools within its diocese." Add. 39. Resolving MoChridhe's claims, then, "would unduly entangle the Courts in church governance matters and church doctrines in relation to the religious organization." Add. 40.

As "an alternative basis for dismissal," the district court addressed the Minnesota Constitution, which "affords greater protection of religious freedom

than the United States Constitution"—forbidding not just laws "prohibiting" religious exercise, but even "an infringement on or an interference with religious freedom." Add. 41 (quoting *State v. Hershberger*, 462 N.W.2d 393, 397 (Minn. 1990)). Here, the court held, imposing liability on the Archdiocese for promulgating the Guiding Principles and instructing Catholic schools to follow them would "infringe" the Archdiocese's religious freedom. Add. 42.

Finally, the district court held that the MHRA's religious exemption provided another alternative ground for dismissal. That exemption protects religious organizations when they take "any action with respect to … employment" "in matters relating to sexual orientation," so long as the action is not part of "secular business activities" "unrelated" to the organization's "religious and educational purposes." Add. 43-44 (quoting Minn. Stat. § 363A.26(2) (2022)). Here, the complaint alleges that the Archdiocese instructed Holy Angels "to follow the Guiding Principles" with respect to "employment agreements" in matters relating to "sex [and] sexual orientation," and it did so not as part of "secular business activities" unrelated to its religious mission, but as part of its "religious and governance functions in relation to Catholic schools in its diocese." Add. 46. Thus, it was protected by the MHRA's religious exemption.

E. The Court of Appeals' Decision

On December 1, 2025, a three-judge panel of the Court of Appeals unanimously affirmed based on the federal church autonomy doctrine. Following this Court's decisions in *Pfeil* and *Hill-Murray*, the court held that "requiring the Archdiocese to employ a person in its Catholic school who admittedly cannot

abide by the church's implementation of its Guiding Principles in that school would interfere with an internal church decision that affects the faith and mission of the church itself." Add. 17. Imposing liability on that decision—effectively "decreeing the Archdiocese's implementation of Catholic doctrine in Catholic schools illegal"—"would be fundamentally at odds with the religious freedoms protected by the First Amendment." Add. 18-19.

The Court of Appeals also rejected MoChridhe's counterarguments. First, it rejected MoChridhe's argument that "neutral, generally applicable regulatory laws" don't infringe on church autonomy, explaining that the U.S. Supreme Court held just the opposite—that neutral laws violate church autonomy when they interfere with "an internal church decision that affects the faith and mission of the church itself." Add. 21-22 (quoting *Hosanna-Tabor v. EEOC*, 565 U.S. 171, 190 (2012)). Second, the court rejected MoChridhe's argument that dismissal based on church autonomy was "premature," explaining that "[w]e accept the factual allegations in MoChridhe's complaint as true," and the "facts, as pleaded, establish that litigation of [MoChridhe's] claims and imposition of [MoChridhe's] request for relief would violate the First Amendment." Add. 23. Finally, the court rejected MoChridhe's attempt to conflate the broader church autonomy doctrine with the ministerial exception, explaining that the church autonomy doctrine protects religious employers when they dismiss a "non-minister employee … based on a religious reason." Add. 27.

Because the Court of Appeals held that "all MoChridhe's claims are foreclosed" by the church autonomy doctrine, the Court of Appeals declined to

reach the "alternative grounds" of the Minnesota Constitution and MHRA's religious exemption. Add. 29.

MoChridhe then filed a petition for review, which this Court granted.

STANDARD OF REVIEW

This Court reviews a dismissal for failure to state a claim for relief under Minnesota Rule of Civil Procedure 12.02(e) de novo. *Hoskin v. Krsnak*, 25 N.W.3d 398, 405 (Minn. 2025). The question is "whether the complaint sets forth 'a legally sufficient claim for relief.'" *Id.* (quoting *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 68 (Minn. 2020)).

To answer this question, the Court "must consider only the facts alleged in the complaint, accepting those facts as true and must construe all reasonable inferences in favor of the nonmoving party." *Bodah v. Lakeville Motor Express, Inc.*, 663 N.W.2d 550, 553 (Minn. 2003). The Court may also consider documents referenced in the complaint. *N. States Power Co. v. Minn. Metro. Council*, 684 N.W.2d 485, 490 (Minn. 2004).

To survive a motion to dismiss, "the plaintiff does not need to identify and rebut potential affirmative defenses in their complaint." *Hoskin*, 25 N.W.3d at 407. However, when "the complaint itself sets forth the elements of an unrebuttable affirmative defense," dismissal is required. *Id.*

ARGUMENT

I. The Court of Appeals correctly held that MoChridhe's claims are barred by the church autonomy doctrine.

The First Amendment protects the right of churches "to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine." *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 116

(1952). This is called the "church autonomy doctrine." *Pfeil*, 877 N.W.2d at 532-33, 533 n.6 (citing *Kedroff*, 344 U.S. at 115-16).

MoChridhe's claims intrude on church autonomy in two independent respects. First, MoChridhe seeks to enjoin the Archdiocese from "adopting the Guiding Principles and instructing schools to abide by [them]." Compl. ¶ 67. This is a direct intrusion on the Archdiocese's freedom "to decide matters 'of faith and doctrine' without government intrusion." *Our Lady*, 591 U.S. at 746.

Second, MoChridhe seeks a ruling that would require Catholic schools, on pain of liability, to employ individuals who reject their core religious principles. This intrudes on "internal management decisions that are essential to the institution's central mission," *id.* at 746—or what this Court has called "inherent matters of managerial policy"—namely, the freedom of religious schools "to hire employees who meet their religious expectations" and "to remove" those who do not, *Hill-Murray*, 487 N.W.2d at 866.

The Court of Appeals correctly held that MoChridhe's claims intrude on church autonomy in both respects. MoChridhe's counterarguments are meritless.

A. MoChridhe's claims intrude on matters of faith and doctrine.

One of the clearest commands of the church autonomy doctrine is that churches must have freedom "to decide matters 'of faith and doctrine' without government intrusion." *Our Lady*, 591 U.S. at 746. "State interference in that sphere would obviously violate the free exercise of religion, and any attempt by government to dictate or even to influence such matters would constitute one of the central attributes of an establishment of religion." *Id.* In short, civil

courts cannot "disturb the ruling of a governing ecclesiastical body with respect to issues of doctrine." *Pfeil*, 877 N.W.2d at 534.

MoChridhe's complaint, however, asks civil courts to do just that. The complaint asks the judiciary to hold the Archdiocese liable for "*adopting the Guiding Principles* and *instructing schools to abide by [them]*." Compl. ¶ 67 (emphases added); *see also* Compl. ¶ 69 ("[The Archdiocese's] actions in *adopting the Guiding Principles* were a proximate cause of Plaintiff's injuries." (emphasis added)). As a remedy, the complaint seeks "a permanent injunction … prohibiting [the Archdiocese] from engaging in the[se] practices," and asks the court to "retain jurisdiction until the Court is satisfied that the [Archdiocese] ha[s] remedied the[se] practices." *Id.* at 12-13, Prayer for Relief. ¶¶ 2, 8.

The Court of Appeals rightly recognized that this request is "fundamentally at odds with the religious freedoms protected by the First Amendment." Add. 19. The Guiding Principles are theological statements articulating the "foundational beliefs of the Catholic Church" and explaining how those beliefs are "practically applied in Catholic schools." Add. 5-6. A civil court can no more enjoin the Archdiocese from "adopting the Guiding Principles and instructing schools to abide by [them]" than it could enjoin the Archdiocese from adopting *Humanae Vitae*, *Ex Corde Ecclesiae*, or the Catechism of the Catholic Church and "instructing schools to abide by [them]." Compl. ¶ 67; *cf. Means v. U.S. Conf. of Catholic Bishops*, No. 1:15-cv-353, 2015 WL 3970046, at *8, 12-13 (W.D. Mich. June 30, 2015) ("church autonomy doctrine" barred negligence claims against Catholic bishops for adopting theological "Directives" forbidding "direct abortion" and "requir[ing] Catholic hospitals to follow its Directives").

Simply put, civil courts cannot "question the wisdom of the church founders in their choice of religious doctrine." *Application of Trinity Church of Infinite Sci. of Minneapolis v. First Spiritualist Church*, 20 N.W.2d 534, 537 (Minn. 1945).

MoChridhe does not even attempt to rebut the Court of Appeals' analysis on this point. Instead, MoChridhe tries to run from it—abandoning in a footnote MoChridhe's own negligence claim (Br. 6 n.1), which specifically challenged the Archdiocese's act of "adopting the Guiding Principles." Compl. ¶ 67. MoChridhe's abandonment of this claim is a tacit admission that punishing the Archdiocese for adopting a theological document "would obviously violate the free exercise of religion." *Our Lady*, 591 U.S. at 746.

B. MoChridhe's claims intrude on internal church governance.

While civil courts obviously cannot enjoin the Archdiocese from *adopting* a particular theology, MoChridhe nevertheless claims it is illegal for the Archdiocese to *practice* that theology by requiring Catholic schools to abide by it. Br. 19. But this is simply an attempt to make an end run around clear protections for church autonomy.

As this Court has explained, the church autonomy doctrine protects churches not only "with respect to issues of doctrine" but also with respect to an "internal church decision that affects the faith and mission of the church itself." *Pfeil*, 877 N.W.2d at 534; *accord Our Lady*, 591 U.S. at 746-47 (churches have "independence" not only "in matters of faith and doctrine" but also "with respect to internal management decisions that are essential to the institution's central mission").

What qualifies as such an "internal church decision"? This Court answered that question with respect to religious schools in *Hill-Murray*: "[A] school's religious autonomy" includes the decision "to hire employees who meet their religious expectations, to require compliance with religious doctrine, and to remove any person who fails to follow the religious standards set forth." 487 N.W.2d at 866.

That's this case. MoChridhe's complaint on its face alleges that Holy Angels asked if MoChridhe could "adhere to the [Guiding Principles'] requirements" as a condition of renewing MoChridhe's contract, Compl. ¶ 34, that MoChridhe admittedly could not "abide by" the Guiding Principles, Compl. ¶ 36, and that this inability to abide by the Guiding Principles "was the only reason" MoChridhe was not offered a renewed contract, Compl. ¶¶ 37, 41. Thus, MoChridhe's claims are barred under *Hill-Murray*.

Remarkably, neither MoChridhe nor any amicus even attempts to address this conclusion from *Hill-Murray*. And that conclusion is correct—both as a matter of principle and precedent.

Start with first principles. This Court has defined church autonomy to include "[t]he right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine" and to "create tribunals" for "the ecclesiastical government of all the individual members, congregations, and officers" within the association. *Pfeil*, 877 N.W.2d at 532-33 (quoting *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 728-29 (1872)). Foundational to this "ecclesiastical government" is the power to decide who is religiously qualified for church membership and employment.

As for membership, the U.S. Supreme Court has long held that courts cannot entertain lawsuits challenging church discipline or excommunication: Civil courts "have no power to revise or question ordinary acts of church discipline, or of excision from membership." *Bouldin v. Alexander*, 82 U.S. (15 Wall.) 131, 139 (1872).

This Court, too, has held that "[t]here is no doubt that the First Amendment protects the right of churches and religious organizations to make decisions regarding their membership." *Pfeil*, 877 N.W.2d at 539. In *Pfeil*, the plaintiffs tried to "circumvent" this protection for church membership by recharacterizing a dispute over excommunication as a "defamation" claim based "exclusively on neutral principles of law." *Id.* at 534, 539. But this Court rejected that attempt, explaining that even if the defamation claim were based on purely "'secular' statements" and could be resolved using "neutral principles of law," the claim would still "unduly interfere with the ability of religious organizations to make decisions regarding membership and internal discipline." *Id.* at 539-41.

What is true of church members is even more true of employees, who carry out the church's work. The most obvious manifestation of this principle is the "ministerial exception," which has been "endorsed for years in the federal circuit courts," and which "exempts churches and religious organizations from compliance with employment discrimination statutes" when employing "ministerial employees." *Pfeil*, 877 N.W.2d at 534. Because of the role ministerial employees play "in conveying the Church's message and carrying out its mission," the ministerial exception bars their claims even when a religious

organization offers no "religious reason" for its employment decision. *Hosanna-Tabor*, 565 U.S. at 192, 194.

But the ministerial exception is just one "component" of the broader "church autonomy" doctrine. *Our Lady*, 591 U.S. at 746-47. And both this Court and the U.S. Supreme Court have recognized that church autonomy also extends to certain employment decisions involving non-ministers—as long as those employment decisions are rooted in a *religious reason*.

For example, in *NLRB v. Catholic Bishop*, 440 U.S. 490, 494-95 (1979), the National Labor Relations Board (NLRB) ordered two Catholic schools to engage in collective bargaining with their "lay teachers"—*i.e.*, nonordained teachers of secular subjects like "physical education," and expressly excluding "religious faculty" and administrators. *Id.* at 493 & n.5. But the Supreme Court rejected the NLRB's action because it "would give rise to serious constitutional questions." *Id.* at 501. Particularly if the schools asserted that challenged employment practices "were mandated by their religious creeds"—*i.e.*, rooted in religious reasons—the NLRB would then have to inquire "into the good faith of the position asserted by the clergy-administrators and its relationship to the school's religious mission." *Id.* at 502. The "very process of [this] inquiry," the Court held, not to mention "the conclusions that may be reached," "may impinge on rights guaranteed by the Religion Clauses." *Id.*; *see also Corp. of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 342 (1987) (Brennan, J., concurring) ("[d]etermining that … only those committed to [the religious organization's] mission should conduct" its activities is a "means by which a religious community defines itself").

This Court reached a similar conclusion in *Hill-Murray*. There, too, the state labor bureau certified a bargaining unit of "lay" employees in a Catholic school, triggering an obligation to engage in collective bargaining. 487 N.W.2d at 859. And while this Court didn't reject the labor bureau's jurisdiction entirely—noting that the language of the state and federal labor statutes was "not identical," *id.* at 861-62—it still drew a sharp distinction between "purely secular" terms of employment (like "hours," "compensation," "fringe benefits," and "premiums for group insurance coverage"), which *could be* subject to negotiation under the Minnesota Labor Relations Act, and "matters of religious doctrine and practice," which *cannot*. *Id.* at 864, 866. Requiring negotiation of "doctrinally related" matters, the Court explained, would impermissibly "undermine [the school's] religious authority." *Id.* at 866. And what was the Court's prime example of a "doctrinally related" matter? It was the school's "power to hire employees who meet their religious expectations, to require compliance with religious doctrine, and to remove any person who fails to follow the religious standards set forth," *id.*—the same power at issue here.

Many other courts have recognized the same distinction between "purely secular" employment decisions, which states can regulate, and employment decisions "rooted in religious belief," which church autonomy protects. *Union Gospel Mission of Yakima Wash. v. Brown*, 162 F.4th 1190, 1204 (9th Cir. 2026) (quoting *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 657 (10th Cir. 2002)). In *Union Gospel Mission*, for example, a Christian homeless ministry required all its employees, including non-ministers, "to agree with and live out its Christian beliefs and practices," such as abstaining from sexual

conduct outside of male-female marriage. *Id.* at 1198. This policy ran afoul of the Washington Law Against Discrimination (WLAD), which prohibits employment discrimination based on sexual orientation. *Id.* at 1197. But the homeless ministry argued that requiring it to employ individuals who reject its religious principles would violate the church autonomy doctrine. *Id.* at 1209.

The Ninth Circuit unanimously agreed. "[T]he church autonomy doctrine," the court explained, "is broader than the ministerial exception." *Id.* at 1203. It also protects "internal management decisions that are essential to the institution's central mission." *Id.* (quoting *Our Lady*, 591 U.S. at 746). This includes the decision that "non-ministerial employees must adhere to and live according to [the institution's] religious principles to accomplish its religious mission." *Id.* at 1204. To hold otherwise "would violate the institution's free exercise rights to 'shape [its] own faith and mission' and would improperly establish an 'ecclesiastical decision' for the institution." *Id.*

Of course, this "does not mean that religious institutions enjoy a general immunity from secular laws." *Id.* (quoting *Our Lady*, 591 U.S. at 746). The church autonomy doctrine "does not apply to purely secular" employment decisions involving non-ministers; instead, it applies only when an employment decision involving a non-minister was "rooted in religious belief" that was "sincerely held." *Id.* Because it was undisputed that the homeless ministry's hiring policy was rooted in its sincerely held religious beliefs, it was protected by church autonomy. *Id.* at 1209.

Many other courts, in Minnesota and elsewhere, have applied the same rule and reached the same result—barring employment lawsuits by non-ministers when the employment decision was rooted in religious belief. *See, e.g.*:

- *Geraci v. Eckankar*, 526 N.W.2d 391, 395, 399 (Minn. Ct. App. 1995) ("First Amendment" barred employment discrimination lawsuit by "a systems analyst" where the analyst was dismissed over "adherence to church doctrine");
- *Bryce v. Episcopal Church in Diocese of Colo.*, 289 F.3d 648, 656-58, 658 n.2, 660 (10th Cir. 2002) (applying the church autonomy doctrine without evaluating whether plaintiff was a ministerial employee where her claims were "based solely on communications that are protected by the First Amendment");
- *Payne-Elliott v. Roman Catholic Archdiocese of Indianapolis, Inc.*, 193 N.E.3d 1009, 1011-13 (Ind. 2022) (applying the church autonomy doctrine without evaluating whether plaintiff was a ministerial employee where Catholic school terminated teacher's employment in compliance with an archbishop's directive);
- *Curay-Cramer v. Ursuline Acad. of Wilmington, Inc.*, 450 F.3d 130, 138-42 (3d Cir. 2006) (applying the church autonomy doctrine to bar teacher's discrimination claims when school fired her for signing a pro-choice advertisement contrary to Catholic teaching);
- *Aparicio v. Christian Union, Inc.*, No. 18-cv-592, 2019 WL 1437618, at *9 (S.D.N.Y. Mar. 29, 2019) (holding First Amendment barred non-ministerial employee's discrimination claim since the organization fired her for opposing organization's religious beliefs);
- *Butler v. St. Stanislaus Kostka Catholic Acad.*, 609 F. Supp. 3d 184, 198 (E.D.N.Y. 2022) (applying church autonomy doctrine to bar sexual orientation discrimination claim "[e]ven if [plaintiff] did not qualify as a ministerial employee");
- *Brazauskas v. Fort Wayne-S. Bend Diocese, Inc.*, 796 N.E.2d 286, 293-94 (Ind. 2003) (barring tortious interference claim against Archdiocese on church autonomy grounds even though the plaintiff lacked "ministerial-type duties," *id.* at 296 (Sullivan, J., concurring)).

This rule—rooted in the Supreme Court's decisions in *Catholic Bishop*, *Amos*, and *Our Lady*, affirmed by this Court in *Hill-Murray*, and corroborated by appellate courts across the country—is controlling here. Because the complaint on its face alleges that the employment decision was rooted in the Guiding Principles and MoChridhe's inability to abide by them, that decision is protected by church autonomy. *Hill-Murray*, 487 N.W.2d at 866.

C. MoChridhe's counterarguments fail.

In response, MoChridhe simply ignores this Court's conclusion in *Hill-Murray*. MoChridhe does not even cite, much less address, *Catholic Bishop*, *Amos*, *Union Gospel Mission*, or any of the other appellate decisions noted above. Indeed, MoChridhe fails to identify even a single appellate decision—from any jurisdiction, anywhere, ever—holding that a religious school can be forced to retain an employee who rejects its religious principles.

Instead, MoChridhe tries to minimize or evade the church-autonomy doctrine in several ways, each meritless.

First, MoChridhe says it was improper to resolve church autonomy "at the motion-to-dismiss stage" without "a full record." Br. 14, 23. But that's exactly what this Court did in *Pfeil*: It held "the district court properly dismissed the claims" based on church autonomy "on a Rule 12 motion to dismiss." 877 N.W.2d at 530 n.2, 542. Many other courts have done the same.[2]

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[2] Just a few examples include *Payne-Elliott v. Roman Catholic Archdiocese of Indianapolis, Inc.*, 193 N.E.3d 1009, 1011-13 (Ind. 2022) ("the church-autonomy doctrine … applies in this case and requires its dismissal under Indiana Trial Rule 12(B)(6)"); *Natal v. Christian & Missionary All.*, 878 F.2d 1575 (1st Cir. 1989) (church autonomy required dismissal); *Conlon v. InterVarsity Christian Fellowship*, 777 F.3d 829 (6th Cir. 2015) (same); *Tomic v. Catholic Diocese*

Of course, not every church-autonomy defense can be resolved on the pleadings. But because church autonomy acts as a "structural, threshold immunity," it should be "resolved at the earliest conceivable point in litigation." *McRaney v. N. Am. Mission Bd.*, 157 F.4th 627, 644 (5th Cir. 2025). And as MoChridhe concedes, when it is "unrebuttable on the face of the complaint" that the claims involve "second-guessing" a church's "decision … on internal governance"—as here—resolution on the pleadings is required. Br. 26; *see also Hoskin*, 25 N.W.3d at 407 (dismissal required when "the complaint itself sets forth the elements of an unrebuttable affirmative defense").

Along similar lines, MoChridhe says the allegations in the complaint are insufficient to establish that "MoChridhe's position" is central to the mission of the school. Br. 23. But focusing on "MoChridhe's position" is a red herring; that's a question for a ministerial-exception defense, which was not raised below. The defense raised here asks whether the "decision" not to renew MoChridhe's contract was an "internal church decision that affects the faith and mission" of the school. *Pfeil*, 877 N.W.2d at 534; *accord Our Lady*, 591 U.S. at 746 ("internal management decisions that are essential to the institution's central mission"). On that question, the complaint on its face alleges that "the only reason" MoChridhe's contract was not renewed was MoChridhe's inability to "abide by" "the Catholic Church's foundational beliefs" on "sexual and gender identity." Compl. ¶¶ 33-34, 36-37. And this Court has already recognized that removing an employee who fails to abide by religious standards is an "inherent

of Peoria, 442 F.3d 1036 (7th Cir. 2006) (same); *Alcazar v. Corp. of the Catholic Archbishop of Seattle*, 627 F.3d 1288 (9th Cir. 2010) (same).

matter[] of managerial policy" that affects "matters of religious doctrine and practice at a religiously affiliated school." *Hill-Murray*, 487 N.W.2d at 866.

Second, MoChridhe says Minnesota courts can adjudicate this case by applying "neutral and generally applicable anti-discrimination laws," because church autonomy "is no bar to courts applying 'neutral principles of law.'" Br. 16, 18. But neither the neutral-and-generally-applicable standard derived from *Employment Division v. Smith*, 494 U.S. 872 (1990), nor the neutral-principles-of-law approach derived from church-property law allows courts to interfere with a religious employer's faith-based employment decision. As this Court said in *Pfeil*, church autonomy "precludes the application of neutral principles of law" when doing so would interfere with "issues of doctrine," "church governance," or "an internal church decision that affects the faith and mission of the church itself." 877 N.W.2d at 534, 541 (quoting *Hosanna-Tabor*, 565 U.S. at 190); *accord Odenthal v. Minn. Conf. of Seventh-day Adventists*, 649 N.W.2d 426, 435 (Minn. 2002) ("[A] state may not inquire into or review the internal decisionmaking or governance of a religious institution."). And the U.S. Supreme Court said the same in *Hosanna-Tabor*: even though the employment-discrimination law there was "a valid and neutral law of general applicability" under *Smith*, it could not be applied to "an internal church decision that affects the faith and mission of the church itself." 565 U.S. at 190; *see* Br. 23 (acknowledging that *Hosanna-Tabor* "recognized a limited exception to the general rule"). That is what the Court of Appeals correctly held here.

Third, MoChridhe tries to evade *Pfeil* by claiming this case implicates no "religious third rails," Br. 18—which appears to be MoChridhe's term for

matters of "church doctrine," "church discipline," and "internal church governance." *Pfeil*, 877 N.W.2d at 534. But as the Court of Appeals correctly found, this case strikes at the heart of those matters. Add. 14-19. Indeed, MoChridhe admits that "the Guiding Principles" are "doctrinal documents [that] are relevant to the underlying claims and defenses" and "serve[] as proof that [the Archdiocese] has religious objections" to employing individuals who reject its doctrine. Br. 19. Worse, the complaint requests an injunction prohibiting the Archdiocese from "adopting the Guiding Principles" and "instructing schools to abide by" them, and forcing the Archdiocese and its religious schools to employ individuals who demonstrably reject its religious teaching. Compl. ¶ 67; *id.* at 12-13, Prayer for Relief. If these are not matters of "church doctrine" and "internal church governance," nothing is. Indeed, that is precisely what this Court said in *Hill-Murray*: hiring school employees who follow religious standards and removing those who don't are "inherent matters of managerial policy" and matters of "religious doctrine and practice at a religiously affiliated school." 487 N.W.2d at 866.

Fourth, MoChridhe tries to conflate the broader church autonomy doctrine with the ministerial exception—claiming the Court of Appeals "effectively expanded the ministerial exception to cover secular employees." Br. 21-22. But this is a category mistake. The Archdiocese did not assert a ministerial-exception defense in its motion to dismiss, and neither the trial court nor the Court of Appeals "consider[ed] or determine[d] whether the exception applies in this case." Add. 28 n.5. The ministerial exception is just one "component of" the broader church autonomy doctrine, *Our Lady*, 591 U.S. at 746, limited to "a

religious organization's narrow right to select its ministers," *Union Gospel Mission*, 162 F.4th at 1203. *See also Pfeil*, 877 N.W.2d at 534 (ministerial exception is a "derivative of" church autonomy). Church autonomy, however, "more generally prohibits 'government interference with an *internal church decision* that affects the faith and mission of the church itself." *Union Gospel Mission*, 162 F.4th at 1203 (quoting *Hosanna-Tabor*, 565 U.S. at 190). This includes, as *Hill-Murray* said, certain employment decisions involving "lay employees"—namely, decisions involving "matters of religious doctrine and practice at a religiously affiliated school," such as "requir[ing] [lay employees'] compliance with religious doctrine." 487 N.W.2d at 861, 866.

Contra MoChridhe, this application of church autonomy does not render the ministerial exception "meaningless." Br. 23. The two doctrines, while overlapping, apply differently depending on the nature of the employment *position* and the reason for the employment *decision*. The ministerial exception is limited to only one type of employment position: ministers. But as to that position, it applies to *all* employment decisions—whether or not rooted in religious belief. The broader church autonomy doctrine, by contrast, applies to all employment positions, including non-ministers. But when applied to non-ministers, it is limited to only a narrow category of employment decisions: decisions rooted in "matters of religious doctrine and practice," *Hill-Murray*, 487 N.W.2d at 866, or "internal church governance or church discipline," *Pfeil*, 877 N.W.2d at 534. *See also Union Gospel Mission*, 162 F.4th at 1204 ("rooted in religious belief").

Alternatively, MoChridhe says this application of church autonomy has "no principle limiting its reasoning" and would have "wide-ranging consequences,"

allowing religious institutions to violate employment laws "with impunity." Br. 24. Not so. The doctrine is limited to employment decisions "rooted in religious belief" that is "sincerely held"; it does not protect decisions that are "secular," "devoid of religious sincerity," or a "'pretext[]' for non-religious discrimination." *Union Gospel Mission*, 162 F.4th at 1204-05; *see Our Lady*, 591 U.S. at 746 ("internal management decisions that are essential to the institution's central mission"). And the doctrine is "limited to religious ministries" like churches and schools; it does not extend to "commercial businesses or hospitals" that merely claim a religious affiliation. *Union Gospel Mission*, 162 F.4th at 1204-05.

These limits matter. In most cases, religious organizations dismiss non-ministers for the same sorts of mundane reasons non-religious organizations do—like an employee's poor performance, tardiness, lack of skills, or personality fit; or organization-wide concerns not rooted in religious doctrine, like budget shortfalls, new management priorities, or restructuring. In all such cases, employees can bring employment-discrimination claims. And even when a religious employer *claims* an employment decision is rooted in a sincere religious reason, an employee can challenge that reason as pretextual. In this case, of course, the sincerity of the religious reason is undisputed, as it is alleged in MoChridhe's complaint. Compl. ¶¶ 32-34, 36-37, 41.

To adopt MoChridhe's argument, however, *would* have wide-ranging consequences. Churches and schools throughout Minnesota (and nationwide) employ people in a wide range of positions (not just ministers) who are expected to adhere to their religious principles. They have long relied on this Court's

promise, confirmed by the Constitution and MHRA's religious exemption, that they retain the freedom "to remove any person who fails to follow the[ir] religious standards." *Hill-Murray*, 487 N.W.2d at 866. Adopting MoChridhe's argument would deny that freedom and upend church–state relations throughout Minnesota—making it illegal for churches and schools to maintain communities that adhere to their religious principles.

Finally, MoChridhe invokes a handful of federal district-court opinions, claiming there is a "dearth of Minnesota Supreme Court cases on this topic." Br. 17. But this Court has several of the most thorough church-autonomy decisions of any court in the country (*Hill-Murray*, *Odenthal*, *Pfeil*)—not to mention the wealth of Court of Appeals decisions on the topic (*Geraci*, *Thorson*, *Doe*, this case). The only "dearth" of Minnesota cases is the absence of even *one* that supports MoChridhe.

MoChridhe's most-cited district-court case, *Zinski v. Liberty University*, 777 F. Supp. 3d 601 (W.D. Va. 2025), which is the subject of a pending interlocutory appeal, is poorly reasoned and wrong. It reduces church autonomy to a rule against courts "interpret[ing] scripture," *id.* at 649—ignoring that church autonomy also protects matters of "church governance" and "internal church decision[s]," *Pfeil*, 877 N.W.2d at 534, 541. It fails to address the Supreme Court's guidance on church autonomy in *Catholic Bishop*, *Amos*, and *Our Lady*. And it ignores the great weight of federal and state decisions going the other way. Thus, the Court of Appeals rightly dismissed *Zinski* (and MoChridhe's other district-court opinions) as "not … persuasive." Add. 21 n.4. If this Court is inclined to look beyond its own church autonomy decisions, it can draw on the

wealth of federal appellate, state supreme court, and U.S. Supreme Court precedent confirming that religious organizations have the freedom to hire employees who meet their religious expectations. *See supra* pp. 18-21 (discussing *Catholic Bishop*, *Amos*, *Our Lady*, *Union Gospel Mission*, *Bryce*, *Curay-Cramer*, *Payne-Elliott*, *etc.*).

II. MoChridhe's claims are barred by the Minnesota Constitution.

MoChridhe's claims are also independently barred by the Minnesota Constitution, as the district court held. In fact, Minnesota's Constitution provides "greater protection for religious liberties" than does "the federal constitution." *Hill-Murray*, 487 N.W.2d at 864. MoChridhe's contrary arguments are unavailing.

A. The Minnesota Constitution provides greater protection for religious liberty than the federal Constitution.

Article 1, Section 16 states that "[t]he right of every man to worship God according to the dictates of his own conscience shall never be infringed … nor shall any control of or interference with the rights of conscience be permitted … ; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state." Minn. Const. art. I, § 16.

Like the federal Constitution, this protection "extend[s] also to churches and their educational institutions"—since individuals "often exercise their collective beliefs together in the shared faith of their church." *Hill-Murray*, 487 N.W.2d at 865. Thus, Minnesota's Constitution, like its federal counterpart, protects church autonomy.

But the "language [of section 16] is of a distinctively stronger character than the federal counterpart," and it thus provides "greater protection for religious liberties" than the First Amendment of the federal Constitution. *Hershberger*, 462 N.W.2d at 397. It does so in two respects. First, while the federal Constitution precludes only laws "*prohibiting* the exercise of religion, section 16 precludes even an *infringement* on or an *interference* with religious freedom." *Id.* Thus, government actions that may not violate the federal Constitution "could nonetheless infringe on or interfere with [religious] practices, violating the Minnesota Constitution." *Id.* Second, section 16 "expressly limits the governmental interests that may outweigh religious liberty." *Id.* "Only the government's interest in peace or safety or against acts of licentiousness" may outweigh religious freedom, and then only if that interest "cannot be achieved by proposed alternative means." *Id.* at 397-98.

B. The Minnesota Constitution forecloses MoChridhe's claims.

To implement this "distinctively stronger" language, *id.* at 397, this Court applies a four-prong test, asking: "[1] whether the objector's belief is sincerely held; [2] whether the state regulation burdens the exercise of religious beliefs; [3] whether the state interest in the regulation is overriding or compelling; and [4] whether the state regulation uses the least restrictive means." *Hill-Murray*, 487 N.W.2d at 865; *accord State ex rel. Cooper v. French*, 460 N.W.2d 2, 9 (Minn. 1990). That is a strong version of strict scrutiny. *See, e.g.*, *Greene v. Comm'r of Dep't of Hum. Servs.*, 755 N.W.2d 713, 725 (Minn. 2008). Here, all four prongs confirm that section 16 bars MoChridhe's claims.

First, it is undisputed that the Archdiocese sincerely holds the religious beliefs articulated in the Guiding Principles. Compl. ¶¶ 33-34 (Guiding

Principles represent the Archdiocese's "foundational beliefs" on "sexual and gender identity").

Second, the state would burden those beliefs if it forced Catholic schools to employ individuals who reject those beliefs. As this Court has recognized, limiting a religious school's power to maintain religious employment standards intrudes on "inherent matters" of "religious doctrine and practice." *Hill-Murray*, 487 N.W.2d at 866. Yet MoChridhe asks the Court to do just that—both by enjoining the Archdiocese from "adopting the Guiding Principles and instructing schools to abide by [them]," Compl. ¶ 67, and by requiring the Archdiocese and its schools to retain an employee who publicly rejects its religious standards, Compl. ¶¶ 36-37.

Third, while this Court has held that the state has a compelling interest in "prohibiting discrimination in employment" by a "business corporation engaged in business for profit," the Court has drawn a sharp line between such a "business corporation" and a "religious corporation." *State ex rel. McClure v. Sports & Health Club, Inc.*, 370 N.W.2d 844, 853 (Minn. 1985). For religious corporations, the state's interest extends only to "purely secular conditions of employment"; it does not justify intrusion on "matters of religious doctrine and practice at a religiously affiliated school," such as the school's power to hire and fire based on its religious principles. *Hill-Murray*, 487 N.W.2d at 866-67.

This line has long been embodied in the MHRA itself, which includes an exemption for "any" "religious corporation … that is not organized for private profit," or any educational institution under its supervision—but not for "secular business activities … unrelated to the religious and educational purposes"

of the religious corporation. Minn. Stat. § 363A.26 (2022); *id.* (2024). It is also the line Minnesota courts have long applied in reliance on this Court's decisions. *See, e.g.*, *Geraci*, 526 N.W.2d at 399 (noting the distinction between "private companies" in *Sports & Health Club* and the "parochial school" in *Hill-Murray*).

Decisions under the (relatively weaker) federal First Amendment only confirm that the state's interest in prohibiting discrimination doesn't justify intruding on matters of religious practice in a religious school. Five times over thirty years, the U.S. Supreme Court has addressed the question of whether the government's interest in prohibiting sexual-orientation discrimination was sufficiently compelling to override religious freedom, expressive association, or freedom of speech. Every time, the Court held that it was not—twice even ruling in favor of for-profit corporations. *See 303 Creative LLC v. Elenis*, 600 U.S. 570, 602-03 (2023) (for-profit web designer); *Fulton v. City of Philadelphia*, 593 U.S. 522, 542-43 (2021) (Catholic foster-care ministry); *Masterpiece Cakeshop v. Colo. C.R. Comm'n*, 584 U.S. 617, 640 (2018) (for-profit cakeshop); *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 660-61 (2000) (Boy Scouts); *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp.*, 515 U.S. 557, 578-81 (1995) (parade organizers). Far from treating religious beliefs on marriage and sexuality as "inconsistent with the peace or safety of the state," Minn. Const. art. I, § 16, the Supreme Court has emphasized that those beliefs are "based on decent and honorable religious or philosophical premises," and that states must provide "proper protection" to religious groups as they continue to "teach," "advocate," and "adhere to" those "religious doctrines." *Obergefell v. Hodges*, 576 U.S. 644,

672, 679 (2015). A Catholic Archdiocese asking Catholic schools and Catholic-school employees to adhere to Catholic "religious doctrine" is an *a fortiori* case. *Hill-Murray*, 487 N.W.2d at 866.

Finally, penalizing the Archdiocese and Holy Angels is not the least-restrictive means of accomplishing the state's legitimate interests. Rather, the "less restrictive alternative" is "to grant persons who deeply and sincerely hold sincere religious beliefs an exemption from the statute[]." *Sports & Health Club*, 370 N.W.2d at 853. That is precisely what the MHRA already does, as explained in Part III, *infra*. Applying the MHRA's religious exemption as written ensures that the state can still regulate "purely secular conditions of employment," while avoiding impermissible entanglement in "[d]octrinal and religious issues." *Hill-Murray*, 487 N.W.2d at 867.

C. MoChridhe's counterarguments fail.

MoChridhe offers several counterarguments, each meritless. *First*, as with church autonomy, MoChridhe argues that a section 16 constitutional defense cannot be addressed "at the motion to dismiss stage" because the defense requires "a fully developed factual record." Br. 27-28. But as with church autonomy, *see Pfeil*, 877 N.W.2d at 536 n.8, this Court has not hesitated to resolve the merits of a section 16 constitutional defense on a motion to dismiss where the relevant facts are undisputed. In *Hill-Murray*, for example, the Court thoroughly addressed all four prongs of the constitutional analysis, including the state's compelling interest, even though the defenses had been resolved below

on "a motion to dismiss." 471 N.W.2d at 375. The same approach is appropriate here.

Second, MoChridhe invokes *Sports & Health Club* to claim the state has a compelling interest in "prohibiting discrimination." Br. 28 (quoting 370 N.W.2d at 853). But as noted above, *Sports & Health Club* drew a distinction between a "business corporation engaged in business for profit" and a "religious corporation." 370 N.W.2d at 853. And MoChridhe simply ignores the five U.S. Supreme Court cases holding as a matter of law that a state's general interest in prohibiting discrimination does not outweigh First Amendment rights, particularly for religious organizations. *Supra*, p. 32.

Third, MoChridhe argues that no court can address the Archdiocese's constitutional defense because the Archdiocese did not first "provide notice to the Attorney General" and "afford the Attorney General an opportunity to intervene." Br. 29 (quoting Minn. R. Civ. P. 5A). But this argument is both forfeited and meritless. It is forfeited because MoChridhe never raised it in response to the motion to dismiss in the trial court. *See* Pl.'s Mem. in Opp. to Mot. to Dismiss, *MoChridhe v. Acad. of Holy Angels & Archdiocese of St. Paul & Minneapolis*, No. 27-cv-24-11601 (Minn. Dist. Ct. 4th Jud. Dist.); *Tate v. Scheidt*, No. 15-cv-3115, 2016 WL 7155806, at *6 (D. Minn. Oct. 7, 2016). And it is meritless because Minnesota courts have long held that the notice requirement applies only "to challenges to the facial validity of a statute, and not to challenges to the constitutionality of a statute as applied." *Campbell v. Larson*, No. A20-1068, 2021 WL 1733371, at *3 (Minn. Ct. App. May 3, 2021) (collecting cases). Here, the Archdiocese and Holy Angels challenge the constitutionality of the

MHRA only as applied to them via MoChridhe's claims. And, in any event, the Attorney General has now weighed in by filing an amicus brief in this Court, vitiating any concern.

Finally, MoChridhe faults the district court for not conducting "the entirety of the four-part test" in *Hill-Murray*. Br. 31. But it was MoChridhe who "did not separately respond to this ground for dismissal" in the trial court, Add. 41 n.3; so that argument is forfeited. In any case, this Court can affirm on any ground supported by the complaint. *Benda for Common-Sense v. Anderson*, 27 N.W.3d 155, 160 (Minn. 2025). Thus, this Court can reach all four factors as it did in *Hill-Murray* and affirm that religious schools retain the freedom "to hire employees who meet their religious expectations." 487 N.W.2d at 866.

III. MoChridhe's claims are barred by the MHRA's religious exemption.

The district court also correctly held that MoChridhe's MHRA claims are barred by the MHRA's religious exemption. This conclusion follows from the exemption's plain text, its legislative history, and longstanding Court of Appeals precedent. MoChridhe's arguments to the contrary are unavailing. And even if there were any ambiguity, the canon of constitutional avoidance counsels against MoChridhe's narrow reading of the exemption.

A. The MHRA's plain text forecloses MoChridhe's claims.

When interpreting Minnesota's statutes, "[l]egislative intent controls." Minn. Stat. § 645.16 (2022); *accord State v. Beganovic*, 991 N.W.2d 638, 643 (Minn. 2023). Because "'[t]he plain language of the statute is our best guide to the Legislature's intent,'" this Court begins every "statutory analysis with the relevant text." *Underwood v. State*, 25 N.W.3d 26, 36 (Minn. 2025) (quoting

Rodriguez v. State Farm Mut. Auto. Ins., 931 N.W.2d 632, 634 (Minn. 2019)). When the text "is clear and free from ambiguity, then the plain meaning of the statute's words controls." *Taylor v. LSI Corp. of Am.*, 796 N.W.2d 153, 156 (Minn. 2011). Here, the MHRA's plain meaning unambiguously bars MoChridhe's claims.

The statute's "[e]xemption based on religious association" provides:

> Nothing in [the MHRA] prohibits any … religious corporation … that is not organized for private profit, or any [educational] institution that is … supervised … by [such] a … religious corporation, … from: … in matters relating to sexual orientation, taking any action with respect to … employment … . This clause shall not apply to secular business activities engaged in by the … religious corporation, … the conduct of which is unrelated to the religious and educational purposes for which it is organized[.]

Minn. Stat. § 363A.26(2) (2022). The MHRA further defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." *Id.* at § 363A.04, subd. 44 (2022).[3]

Here, MoChridhe's allegations fall squarely within the religious exemption's plain text.

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[3] Subsequent to the events giving rise to this litigation, the legislature amended the definition of "sexual orientation," 2023 Minn. Laws, ch. 52, art. 19, §§ 47-49, and broadened the religious exemption, Minn. Stat. § 363A.26 (2024). But because MoChridhe sues over actions taken in 2022, the text of the MHRA in effect in 2022 is controlling. *See Cooper v. USA Powerlifting*, 26 N.W.3d 604, 614-15, 615 n.9 (Minn. 2025) (applying the "version of MHRA in effect at the time of the events here"); Add. 14 n.5 ("[t]his amendment has no impact on the pending motion"). MoChridhe agrees on this point. *See* Br. 32 ("[T]he operative MHRA exemption" is "the language that existed at the time of the actions underlying this case in 2022.").

First, MoChridhe's complaint alleges that the Archdiocese is a "religious corporation … that is not organized for private profit" and that Holy Angels is an "[educational] institution that is … supervised" by the Archdiocese. Minn. Stat. § 363A.26(2) (2022); *see* Compl. ¶¶ 6-7, 25-28 ("non-profit corporation"; "diocesan corporation"; one of the "Catholic schools of the [Archdiocese]"; by-laws require conformity to "the tenets of the Roman Catholic Church as determined by the Archbishop of the Archdiocese of St. Paul and Minneapolis").

Second, the complaint alleges that Defendants took "action with respect to … employment" "relating to sexual orientation," which is defined to include an individual's "self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. § 363A.26(2) (2022); *id.* at § 363A.04, subd. 44. Specifically, the complaint alleges that MoChridhe was not "allowed to work at [Holy Angels] given that [MoChridhe] is transgender," and was not given a renewed contract because MoChridhe "has a self-image or identity not traditionally associated with being assigned male at birth." *See* Compl. ¶¶ 1, 32-37, 54; Br. 4.

Third, the complaint alleges that Defendants were "engaged in" activities related to "the religious and educational purposes for which [they are] organized." Minn. Stat. § 363A.26(2) (2022). Specifically, the complaint alleges that Defendants were engaged in the operation and supervision of a "non-profit" "Catholic school[ ]," whose actions were to be "conducted in accordance with the tenets of the Roman Catholic Church," including the Guiding Principles, which set forth the Catholic Church's "foundational beliefs" on "sexual and gender identity." Compl. ¶¶ 1, 6-7, 24-28, 33-34, 37, 41. That is an activity

quintessentially related to Defendants' "religious and educational purposes." Minn. Stat. § 363A.26(2) (2022); *see also Hill-Murray*, 487 N.W.2d at 865 ("The education of children within a Catholic school system is a significant factor in the propagation of the Catholic faith."); *Our Lady*, 591 U.S. at 756 (noting "the close connection that religious institutions draw between their central purpose and educating the young in the faith").

In short, the exemption applies because the complaint on its face alleges: (1) that the Archdiocese and Holy Angels are nonprofit religious institutions; (2) that they took action with respect to employment relating to sexual orientation; and (3) that they are engaged in activities related to their religious and educational purposes.

B. The MHRA's text, history, and precedent reject an inquiry focused on the employee's job duties.

In response, MoChridhe does not dispute the first two elements of the exemption. Instead, MoChridhe says it is "premature," "without the benefit of a more fulsome record," Br. 38, to determine whether Defendants were engaged in "secular business activities … unrelated to the[ir] religious and educational purposes," Minn. Stat. § 363A.26(2) (2022). Specifically, MoChridhe says this language requires courts to conduct "a case-specific and fact-intensive inquiry" into MoChridhe's job duties to determine whether the Archdiocese was engaged in the "secular activit[y]" of "directing the hiring and firing of purely secular employees." Br. 37-38.

But that argument is unsupported by the MHRA's text and flatly contradicted by the legislative history and Court of Appeals precedent.

Text. As explained above, the text says nothing about secular activities engaged in *by the employee*; it focuses instead on the "activities engaged in *by the … religious corporation*." Minn. Stat. § 363A.26(2) (2022) (emphasis added). MoChridhe simply seeks to rewrite the exemption so it reads as follows: "This clause shall not apply to secular business activities engaged in by ~~the religious association, religious corporation, or religious society~~ [an employee], the conduct of which is unrelated to the religious and educational purposes for which it is organized." But that is not what the exemption says.

Nor would it make sense to focus on an employee's activities, given that the same exemption language applies not only to a religious corporation's "employment" actions but also to its actions regarding "education," "housing and real property," and "use of facilities." *Id.* Otherwise, the exemption for a "religious corporation" "taking any action with respect to" "education," "housing and real property," or "use of facilities" would depend on the activities engaged in by the affected students, tenants, or event-organizers.

Legislative History. MoChridhe's argument also contradicts the MHRA's legislative history. *See State v. Latino*, 15 N.W.3d 654, 660-61 (Minn. 2025) (when text is "ambiguous," a court may "ascertain the intention of the Legislature by considering contemporaneous legislative history"). The Court of Appeals thoroughly examined this history in *Thorson v. Billy Graham Evangelistic Ass'n*, 687 N.W.2d 652, 656-57 (Minn. Ct. App. 2004), highlighting two main points.

First, the history specifically rejects the notion that the exemption turns on "the job responsibilities of the individual employee." *Id.* at 657. The Senate

sponsor, for example, was asked if the exemption would apply to "everyone in [a religious] school, from top to bottom, whether they're teachers or cooks or whatever." *Id.* (quoting Floor Debate on S.F. 444, 86th Legis. (Mar. 18, 1993)). He replied, "that's correct. It would allow them to hire as they choose without regard to the restrictions of this bill for everyone that they hire." *Id.* He further noted that "there was some confusion" in a prior version of the bill about whether the exemption would be limited to employees with religious duties, like "ministers" or "teachers," or would instead apply to "everyone in that school, from top to bottom." *Id.* He said the legislature altered the language to "make it clear that the exemption includes everybody." *Id.* Likewise, one of the House sponsors noted that the language was specifically designed to apply to "a complaint dealing with a secretary … or a janitor" in order "to give the broadest possible recognition and scope to the fundamental American value of separation of church and state." *Id.* at 656 (quoting Floor Debate on H.F. 585, 78th Legis. (Mar. 18, 1993)).

Second, the history makes clear that the carve-out for "secular business activities … unrelated to … religious and educational purposes," Minn. Stat. § 363A.26(2) (2022), is assessed "in light of the purpose and mission of the entire entity" and applies only when the entity "is engaged in ordinary commerce, such as operating a hospital." *Thorson*, 687 N.W.2d at 656-58. The same House sponsor, for example, said this language is meant to carve out activities like "running a 'for-profit printing press' or a hospital." *Id.* at 656-57 (quoting Floor Debate on H.F. 585, 78th Legis. (Mar. 18, 1993)). The Senate sponsor, likewise, said the carve-out applies only to "secular business activities that are not

related to the purpose of the church," like "a commercial secular business enterprise." *Id.* at 657 (quoting Floor Debate on S.F. 444, 86th Legis. (Mar. 18, 1993)). Everyone agreed that the language provides an "absolute exemption to churches, synagogues, [and] religious institutions and societies" that do not engage in commerce, like religious "school[s]." *Id.*

Thus, the history forecloses any argument that the phrase "secular business activities engaged in by the … religious corporation" turns on the specific job duties of the individual employee or includes the operation of a nonprofit religious school.

Precedent. Court of Appeals precedent confirms that the exemption bars MoChridhe's claims. The leading case is *Thorson*. There, the plaintiff worked for an evangelistic ministry as a "mailroom employee," who "prepared mail and reported shipping." 687 N.W.2d at 655. She was dismissed "[b]ased on a determination that [her] sexual orientation was inconsistent with [the ministry's] mission." *Id.* She then sued for sexual-orientation discrimination under the MHRA.

The Court of Appeals held that her suit was barred by the MHRA's religious exemption. *Id.* at 657. As in this case, the defendant was a "religious association … not organized for private profit" that took "action with respect to … employment" "in matters relating to sexual orientation." *Id.* at 655-56 (quoting Minn. Stat. § 363A.26 (Supp. 2003)). And as in this case, the plaintiff argued that the exemption didn't apply because the employee "was engaged in a secular business activity"—namely, she was "a mailroom employee" with no religious responsibilities. *Id.* at 655. However, the Court of Appeals unanimously

rejected this argument. Relying on the MHRA's text and legislative history, the court held that "the phrase 'secular business activities' is properly considered in light of the purpose and mission of the entire entity, not the job responsibilities of the individual employee." *Id.* at 657. Because the ministry's activities "are exclusively evangelical and are entirely related to the religious purpose for which it is organized," it is "exempt from the sexual orientation provisions of the MHRA." *Id.*

So too here. Far from "matter[s] of ordinary commerce," "such as operating a hospital or printing press," the Archdiocese's and Holy Angels' activities are "entirely related to the religious purpose[s] for which [they are] organized." *Id.* at 657-58. Indeed, the complaint alleges that Holy Angels' "actions are to be at all times 'informed by and conducted in accordance with the tenets of the Roman Catholic Church as determined by the Archbishop of the Archdiocese of St. Paul and Minneapolis.'" Compl. ¶ 28. Likewise, the Guiding Principles emphasize that "Catholic teaching permeates and shapes the ethos of Catholic schools." Add. 5. As the Supreme Court has said, "educating young people in their faith, inculcating its teachings, and training them to live their faith are responsibilities that lie at the very core of the mission of a private religious school." *Our Lady*, 591 U.S. at 753-54; *accord Hill-Murray*, 487 N.W.2d at 864 ("the religious aspect of [a Catholic school] is inseparable from its overall purpose"). Indeed, "scrutinizing whether and how a religious school pursues its educational mission" to determine whether it is entitled to a religious exemption would "raise serious concerns about state entanglement with religion and denominational favoritism." *Carson v. Makin*, 596 U.S. 767, 787 (2022).

In short, because operating a Catholic school is not a "secular" business activity "unrelated" to Defendants' "religious and educational purposes," the religious exemption applies. Minn. Stat. § 363A.26(2) (2022); *accord Doe v. Lutheran High Sch. of Greater Minneapolis*, 702 N.W.2d 322, 330-31 (Minn. Ct. App. 2005) (agreeing with *Thorson*); *Egan v. Hamline United Methodist Church*, 679 N.W.2d 350, 355 (Minn. Ct. App. 2004) (applying MHRA's religious exemption on a motion to dismiss even when "the complaint alleges that the position of 'music director' was secular").

Finally, even assuming MoChridhe could rewrite the exemption to carve out "secular business activities engaged in [by the employee]"—rather than "by the … religious corporation"—MoChridhe still ignores the second half of the carve-out: that the employee's supposedly secular business activities must be "unrelated to the [religious corporation's] religious and educational purposes." Minn. Stat. § 363A.26(2) (2022). But MoChridhe's complaint alleges just the opposite. Specifically, the complaint alleges that "the responsibilities and duties" of the librarian, as set forth in the "job description," were to "select[] media resources, serve[] patrons and collaborate[] with the professional staff *to support the mission of the Academy of Holy Angels*." Compl. ¶¶ 15-16 (emphasis added). And it is self-evident that the activities of the librarian as set forth in the complaint—"administer[ing] the library department," "promot[ing] library literacy," and helping students develop "all the skills needed to locate, retrieve, evaluate, and use information," Compl. ¶ 18—are related to the school's "educational purposes." Minn. Stat. § 363A.26(2) (2022). Thus, even assuming the exemption turns on the employee's job duties (contrary to the exemption's text,

history, and precedent), and even assuming MoChridhe's job duties are "secular," the complaint on its face alleges that those duties are related to the Archdiocese's and Holy Angels' "religious and educational purposes." *Cf. Egan*, 679 N.W.2d at 354-56 (applying the religious exemption on a "motion to dismiss" because the employee's duties were "[]related to the religious and educational purposes" of the employer, even though "the complaint alleges that the position … was secular"). So the exemption still applies.

C. MoChridhe's counterarguments fail.

MoChridhe does not even attempt to offer an argument based on the religious exemption's text. Nor does MoChridhe address the legislative history clearly stating that the exemption applies to "everyone that [religious schools] hire," down to "the cooks and the janitors." *Thorson*, 687 N.W.2d at 657 (quoting Floor Debate on S.F. 444, 86th Legis. (Mar. 18, 1993)). Instead, MoChridhe offers four arguments. None has merit.

First, MoChridhe claims that the Court of Appeals decisions in *Egan*, *Thorson*, and *Doe* all involved "a case-specific and fact-intensive inquiry" into whether the employees' "responsibilities" were "religious." Br. 36-37. But *Thorson* squarely rejected that argument; it held that "the job responsibilities of the individual employee" are irrelevant, so long as "the purpose and mission of the entire entity" is religious. 687 N.W.2d at 657. That holding follows directly from the exemption's text and history. *Supra* pp. 38-41. Likewise, *Doe* rejected the employee's argument that *Thorson* "interpreted the statute too broadly," instead affirming *Thorson*'s holding that "the statutory phrase 'secular business activities' applie[s] to the purpose and mission of the entire entity, rather

than to the job responsibilities of the individual employee." *Doe*, 702 N.W.2d at 330. And *Egan* is no help to MoChridhe: it applied the religious exemption on a "motion to dismiss" even when "the complaint alleges that the position of [the employee] was secular." *Egan*, 679 N.W.2d at 354-55.

Second, MoChridhe tries to distinguish *Thorson* by arguing that the ministry there was "exclusively evangelical" with "no secular business at all." Br. 36-37. But this gets both *Thorson* and the statutory text backwards. Neither says an employer is protected *only* when it is *exclusively religious*; instead, they say an employer is protected *unless* it is engaged in *secular business activities* that are *unrelated* to its religious purpose. *Thorson*, 687 N.W.2d at 656 (quoting Minn. Stat. § 363A.26 (Supp. 2003)). In other words, the default rule is protection; and that protection is taken away only if an employer is engaged in secular business activities (like a "for-profit printing press," "hospital," or "commercial secular business enterprise") that are "unrelated" to the religious "purpose and mission of the entire entity." *Id.* at 656-57. Here, MoChridhe does not have even a colorable argument that operating a Catholic school is unrelated to the Archdiocese's or Holy Angels' religious and educational purposes—as the complaint itself makes clear. *Hill-Murray*, 487 N.W.2d at 864.

Third, MoChridhe argues that application of the religious exemption requires a "fact-intensive inquiry" that cannot be resolved "at the motion to dismiss stage." Br. 37-38. But this assumes, wrongly, that application of the exemption turns on a factual inquiry into the employee's responsibilities—the very argument rejected by *Thorson* and foreclosed by the exemption's text and legislative history. *Supra* pp. 38-42. Under a proper understanding of the

exemption, the complaint alleges each fact necessary for the exemption's application: (1) the Archdiocese is a nonprofit religious corporation, and Holy Angels is an educational institution supervised by the Archdiocese, Compl. ¶¶ 6-7, 25-28; (2) they took an employment action relating to sexual orientation, Compl. ¶ 54; and (3) they are engaged in activities related to their religious and educational purposes—*i.e.*, operating a nonprofit Catholic school in accordance with Catholic religious standards, Compl. ¶¶ 1, 6-7, 24-28, 33-34, 37, 41. Thus, just like the Court of Appeals did in *Egan*, this Court may affirm the district court's Rule 12 dismissal based on the religious exemption. 679 N.W.2d at 353, 359 ("[W]e affirm the district court's dismissal of Egan's claims" under "Minn. R. Civ. P. 12.02.").

Finally, MoChridhe argues that even if the district court correctly dismissed the sexual-orientation discrimination claims, it erred in dismissing the "sex discrimination" claim—which MoChridhe now seeks to recast as a "sex stereotyping" claim. Br. 32-33. But MoChridhe never raised this argument before the district court, so it is forfeited. *See Thiele v. Stitch*, 425 N.W.2d 580, 582 (Minn. 1988) (party cannot "obtain review by raising the same general issue litigated below but under a different theory"). Indeed, the complaint never once uses the term "stereotype."

In any event, this argument fails on its merits, as MoChridhe's "sex stereotyping" claim overlaps completely with MoChridhe's sexual orientation claim. The MHRA has never independently recognized sex stereotyping; but it does define "sexual orientation" to include "being perceived as having a self-image or identity not traditionally associated with one's biological maleness or

femaleness." Minn. Stat. § 363A.03, subd. 44 (2022). That's exactly what MoChridhe now claims as sex stereotyping: Holy Angels' and the Archdiocese's "perce[ption]" of MoChridhe "as having a self-image or identity not traditionally associated with" MoChridhe's biological sex. *Id.*; *see* Compl. ¶ 32 (alleging that Holy Angels did not renew the contract because MoChridhe "revealed [MoChridhe] had come out as transgender and was starting the process of transitioning to live as [MoChridhe's] female self"); Br. 33 (similar).

MoChridhe's attempt to differentiate sex stereotyping from sexual-orientation discrimination by citing nonprecedential opinions falls short. *See* Br. 32-33. The problem is that MoChridhe's newly recharacterized sex stereotyping claim is based on the same allegations as MoChridhe's sexual orientation claim—that Defendants discriminated based on MoChridhe's "self-image or identity not traditionally associated with being assigned male at birth." Compl. ¶ 54. Indeed, the Complaint acknowledges that the MHRA defines "'sexual orientation' to include" not only "transgender status" but also "gender expression." Compl. ¶ 53. And that is precisely what the MHRA's religious exemption covers: any employment action in "matters relating to sexual orientation," *defined to include* "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. §§ 363A.26(2), 363A.04, subd. 44 (2022). Thus, MoChridhe's sex-stereotyping claim—based on allegations about "a self-image or identity not traditionally associated with one's biological maleness or femaleness"—is equally barred by the religious exemption.

D. At minimum, constitutional avoidance counsels in favor of applying the MHRA's plain text.

Because the plain text of the MHRA's religious exemption bars MoChridhe's claims, the Court need go no further to resolve this case. But assuming the religious exemption were ambiguous, constitutional avoidance counsels against adopting MoChridhe's cramped interpretation.

When statutory language "is reasonably susceptible of two different constructions, one of which would render it constitutional and the other unconstitutional," courts "must adopt the one making it constitutional." *In re Cold Spring Granite Co.*, 136 N.W.2d 782, 467 (Minn. 1965); *accord State v. Irby*, 848 N.W.2d 515, 521 (Minn. 2014) ("We have held that if we can construe a statute to avoid a constitutional confrontation, we are to do so.") (cleaned up). That's especially true when there is no "clear statement of legislative intent" to abridge constitutional rights. *Matter of Commitment of Benson*, 12 N.W.3d at 718.

Here, construing the MHRA's religious exemption as narrowly as MoChridhe requests—applying only to employees whom courts perceive as "ministers"—would create two problems. First, it would render the religious exemption no broader than the ministerial exception, making it superfluous. *But see Urban v. Am. Legion Dep't of Minn.*, 723 N.W.2d 1, 5 (Minn. 2006) ("We must presume that every statute has a purpose and that no statutory language should be deemed superfluous or insignificant."). Worse, it would interpret the MHRA in a way that violates both the First Amendment of the U.S. Constitution and section 16 of the Minnesota Constitution—namely, by forcing religious

groups to hire and retain employees who reject their core religious principles. *See supra* pp. 12-35.

Both this Court and the U.S. Supreme Court have intentionally avoided such constitutional problems when interpreting statutes applying to religious schools. In *Catholic Bishop*, the U.S. Supreme Court considered whether the National Labor Relations Act conferred Board jurisdiction over teachers in church-operated schools. 440 U.S. 490. The Court concluded that the statute's text was ambiguous and thus looked to its legislative history. *Id.* at 504-06. Because neither the text nor the legislative history included a "clear expression of Congress' intent to bring teachers in church-operated schools within the jurisdiction of the Board," and doing so would raise "difficult and sensitive questions" under "the First Amendment Religion Clauses," the Court declined to adopt such a reading. *Id.* at 507.

This Court followed a similar approach when considering Minnesota's collective-bargaining statute in *Hill-Murray*. Although it would have been possible to read "terms and conditions of employment" broadly to include nearly all employment matters, this Court construed the statute narrowly to exclude "matters of religious doctrine and practice" and to ensure that religious schools retain "power to hire employees who meet their religious expectations" and "to remove any person" who does not. *Hill-Murray*, 487 N.W.2d at 866; *see also Matter of Commitment of Benson*, 12 N.W.3d at 718 (applying "constitutional-avoidance canon" where there was no "clear statement of legislative intent" to abridge the relevant right).

Given the religious exemption's clarity, this case is even easier than *Catholic Bishop* and *Hill-Murray*. The religious exemption's text is clear: Its application hinges on whether the "religious corporation" is "engaged in" "secular business activities" and, if so, whether those activities are "unrelated to the religious and educational purposes for which it is organized." Minn. Stat. § 363A.26(2) (2022). The exemption says *nothing* about the employees' role, beliefs, or activities. By applying a plain-text interpretation that focuses on the religious employer's activities and purposes, this Court would not only remain faithful to the legislature's intent but also avoid the serious constitutional problems created by narrowing the statutory exemption to limit religious autonomy.

CONCLUSION

The Court should affirm the dismissal of MoChridhe's claims.

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CERTIFICATE OF COMPLIANCE

Pursuant to Minnesota Rule of Civil Appellate Procedure 132.01, subd. 3, I certify that this brief was prepared using Microsoft Office 365, complies with the typeface requirements as it was drafted in Century Schoolbook 13-point font, and contains 12,993 words, exclusive of the table of contents, table of authorities, captions, and signature blocks.

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