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by Catholic News Service

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The U.S. Department of Justice has filed a "statement of interest" in a lawsuit brought against the Archdiocese of Indianapolis by a teacher fired from his job at a Catholic high school because he is in a same-sex marriage.

Joshua Payne-Elliott alleges the archdiocese illegally interfered with his contractual and employment relationship at Cathedral High School. The case is being heard in a civil division of the Marion County Superior Court in Indianapolis.

This past summer, the school announced that it had rescinded his contract based on the contract's morality clause.

The Justice Department Sept. 30 urged the Indiana court to stay out "of deciding what it means to be Catholic." "The First Amendment demands that this lawsuit be dismissed," it said.

According to Becket, a nonprofit religious liberty law firm, which is representing the Indianapolis Archdiocese, it is "relatively rare" for the Justice Department to file a statement of interest in state court. "The department tends to file statements of interest only when a violation of federal law is particularly clear or significant," it said in a news release.

Payne-Elliott's lawsuit was filed July 10. The archdiocese has asked for the lawsuit to be dismissed, and a decision is expected in the coming weeks.

"If the First Amendment means anything, it means the government can't punish the Catholic Church for saying who is Catholic," Luke Goodrich, vice president and senior counsel at Becket, said in a statement. "This lawsuit fails on so many levels; we're glad to see the Department of Justice weighing in."

Days before Cathedral High School fired Payne-Elliott, Indianapolis Archbishop Charles Thompson took away the Catholic status of Brebeuf Jesuit Preparatory School in Indianapolis when the school refused to dismiss a gay employee in a same-sex marriage, Layton Payne-Elliott, the spouse of Joshua Payne-Elliott.

In a news conference June 27 after the two decisions were announced, Thompson said the issue involving the two schools came down to the Catholic Church's teaching on marriage.

While stressing that "one's (sexual) orientation is not a sin," the archbishop said the issue involving the two schools "is about public witness of church teaching on the dignity of marriage as (between) one man and one woman. That is our church teaching."

"In this particular case we're dealing with, those are ministers in our church. Teachers, guidance counselors, other leaders, leaders of the schools and other leaders in the archdiocese are bound to live out these principles," he said.

The archbishop also noted the archdiocese only responded when the situation at both schools was brought to its attention.

Meanwhile, the Midwest province of the Society of Jesus, which administers Brebeuf, appealed the decree taking away the school's Catholic status to the Vatican Congregation for Catholic Education. In late September, the congregation announced it was temporarily lifting the decree until it makes a final decision.

In light of this temporary decision, Thompson said the school is free to resume Masses, which would include a Mass for the feast of St. Jean de Brebeuf Oct. 24.

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