News



This is a file photo of Charlotte Catholic High School in North Carolina. A federal appeals court ruled May 8 in favor of the Diocese of Charlotte, saying religious schools have the freedom to hire schoolteachers who will uphold their religious beliefs. A former substitute teacher had sued the school and diocese for firing him after he announced on social media that he and his longtime same-sex partner were getting married. (OSV News/Courtesy of Catholic News Herald)



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A Washington, D.C. law firm that specializes in First Amendment religion cases is declaring victory after the American Civil Liberties Union did not challenge a federal appeals court ruling that upheld a North Carolina Catholic school's decision to fire a teacher who had announced on social media that he was going to marry his same-sex partner.

Writing on X, the social media platform previously known as Twitter, attorney Luke Goodrich of the Becket Fund for Religious Liberty said the ACLU conceded defeat by not appealing the U.S. Court of Appeals for the 4th Circuit's May 8 ruling in favor of Charlotte Catholic High School.

The deadline for the ACLU to appeal to the U.S. Supreme Court or request the Fourth Circuit to reconsider its ruling was Aug. 7. Goodrich said the ACLU's apparent decision not to appeal ends the case in the Catholic high school's favor.

"These cases fit a pattern: Anti-religious-freedom groups like ACLU and Americans United launch these lawsuits with fanfare and media coverage. They seek money and attention. They lose. But they don't appeal to the Supreme Court, because they know they would lose again," Goodrich wrote.

The ACLU did not return messages from National Catholic Reporter seeking comment. In prepared remarks posted after the appellate court's ruling, the ACLU said the decision threatened to widen "loopholes employers may use" to fire employees for "openly discriminatory reasons."

Organizations that advocate for LGBTQ Catholics told NCR that the 4th Circuit's ruling further hurts and alienates members of that community.

"The Charlotte Diocese may have a civil law loophole to support their policy of firing people in same-gender marriages, but they certainly are not following the example of Pope Francis who has shown in so many ways that inclusion, equality, respect and dialogue are the Christian response to all people, even, or maybe especially, those

whose lives do not conform to church doctrine," said Francis DeBernardo, executive director of New Ways Ministry.

"No one was saved or protected by this firing, but many people were hurt and alienated by the policies of these diocesan officials," DeBernardo said.

Marianne Duddy-Burke, executive director of DignityUSA, said the 4th Circuit's ruling "does not in any way discourage" her organization or others who challenge the framing of religious freedom as grounds to fire LGBTQ Catholics from church-affiliated agencies.

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"I do believe that the current version of religious liberty that is being imposed on our nation is harmful to so many different kinds of people," Duddy-Burke said. "I can't tell you the number of LGBTQ and allied Catholics who have walked away from both paid and volunteer service at Catholic institutions like schools, parishes, social service agencies and health care organizations because the kinds of restrictions that are placed on people's lives just outweigh their commitment to the ideals of the church that they have loved for so long."

The North Carolina case stems from 2014, when Charlotte Catholic High School fired Lonnie Billard, a substitute teacher who also taught drama, after he announced on social media that he and his longtime same-sex partner were getting married.

In 2017, the ACLU and others filed a lawsuit on Billard's behalf, alleging that the Catholic school violated Title VII of the Civil Rights Act, which prohibits employment discrimination on the basis of sex.

In 2021, a federal district court judge in North Carolina ruled in Billard's favor, and awarded him $55,000 in damages. Represented by the Becket Fund, the school appealed the ruling to the 4th Circuit, which ruled on May 8 that Billard was not protected by the Civil Rights Act because his job fell within the ministerial exception to Title VII. The court said that the school's expectations of its teachers "extend beyond the classroom."

"It does not require all its employees to be Catholic," the court wrote. "But, Catholic or not, it requires its employees to conform to Catholic teachings: CCHS prohibits

employees from engaging in or advocating for conduct contrary to the moral tenets of the Catholic faith, including the Catholic Church's rejection of same-sex marriage."

The North Carolina case marked the third time since 2020 that the issue of LGBTQ teachers in Catholic high schools reached a federal appeals court, said Goodrich. In all three cases, Goodrich said, the Becket Fund represented the Catholic high schools, and prevailed.

"Maybe the third time will be the charm, and the ACLU will start devoting its resources to protecting freedom, not attacking it," said Goodrich, who added that the Becket Fund, if necessary, is "ready to set more precedents protecting religious liberty for all."

For those like Duddy-Burke who advocate for LGBTQ Catholics, however, the courts' decisions do not represent religious liberty victories but rather "a tragic loss of talent and goodwill" for Catholic schools.

Said Duddy-Burke, "People understand that this is a violation of human rights, and that it should be seen as a violation of our laws. It's certainly a violation of the principles of our faith."

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