

No. 24-154

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IN THE  
**Supreme Court of the United States**

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CATHOLIC CHARITIES BUREAU, INC.,  
BARRON COUNTY DEVELOPMENTAL SERVICES, INC.,  
DIVERSIFIED SERVICES, INC., BLACK RIVER INDUSTRIES,  
INC., AND HEADWATERS, INC.,  
*Petitioners,*

v.

STATE OF WISCONSIN LABOR AND INDUSTRY REVIEW  
COMMISSION AND STATE OF WISCONSIN DEPARTMENT  
OF WORKFORCE DEVELOPMENT,  
*Respondents.*

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**On Writ of Certiorari to the  
Supreme Court of Wisconsin**

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**BRIEF OF WISCONSIN CATHOLIC  
CONFERENCE AS *AMICUS CURIAE*  
IN SUPPORT OF PETITIONERS**

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**BRIEF FOR *AMICUS CURIAE*  
IN SUPPORT OF PETITIONERS**

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**INTEREST OF *AMICUS CURIAE*\***

The Bishops of Wisconsin founded the Wisconsin Catholic Conference in 1969 to fulfill the vision of the Second Vatican Council, which called upon the Church to be more involved in the world. See *Catechism of the Catholic Church* ¶¶ 863, 1915 (2d ed. 1992), <https://t.ly/aPH0>.

Led by the Bishops, the Conference—with teachings of the Church at its foundation—serves to promote dignity, preserve justice, and advance the common good by offering a specifically Catholic contribution to public policy debates. The Conference responds to issues facing the Church’s five dioceses, their Catholic Charities organizations, and the more than 1,700 priests and deacons that minister in over 700 parishes, 280 Catholic schools, and 30 hospitals across Wisconsin. Wisconsin Catholic Conference, *The Catholic Presence in Wisconsin*, <https://t.ly/c5jTl>.

The Conference’s significant interest in this case, specifically in remediating the Wisconsin Supreme Court’s diminution of the First Amendment, stems from its mission as the Church’s public policy voice in Wisconsin and its role as the “informational clearinghouse” for the Church Unemployment Pay Program

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\* Pursuant to Supreme Court Rule 37.6, *amicus* represents that this brief wasn’t authored in whole or in part by any party or counsel for any party. No person or party other than *amicus* or its counsel made a monetary contribution to the preparation or submission of this brief.

(CUPP). CUPP, *CUPP Policy Handbook 2* (Oct. 1, 2022), <https://t.ly/DVPS>.

The Conference submits this brief to explain how the Wisconsin Supreme Court’s decision interferes with the Church’s internal affairs, impedes its sincere religious mission to serve *all people* in a nonjudgmental, nonproselytizing fashion, and requires courts to become arbiters of religiosity in violation of the First Amendment.

## INTRODUCTION

This case asks whether the Catholic Charities Bureau—a nonprofit ministry that operates under the Catholic Diocese of Superior and engages in charitable work on behalf of the Catholic Church—has a “primarily religious purpose.” Diminishing the import of two millennia of Catholic teaching and interfering with how the Diocese of Superior organizes and structures its charitable activities, the Wisconsin Supreme Court reduced that question of “religious purpose” to whether stereotypical activities, such as liturgies or traditional evangelism, take place. Pet. App. 26a–27a. Notwithstanding that charity is a fundamental principle of Catholicism, that the Bishop leads the Catholic Charities Bureau, and that the Catholic Charities Bureau functions as the diocese’s charitable-ministry arm, the court nevertheless ruled that the Catholic Charities Bureau isn’t operated for a primarily religious purpose.

That conclusion ignores the overwhelming evidence of the Catholic Church’s direction and control over the Catholic Charities Bureau and its charities, as well as the Church’s view of charity as a command from Christ. Even worse, it errs in asserting that

courts have any authority to determine the religiosity of a faith-driven activity. The First Amendment abhors that notion. See *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440, 449 (1969) (“First Amendment values are plainly jeopardized when \* \* \* litigation is made to turn on the resolution by civil courts of controversies over religious doctrine and practice.”). Indeed, the government—including the judiciary—has long been barred from interfering with church autonomy or imposing its own views of religiosity on religious organizations. This Court should reverse the decision below and correct these fundamental errors that endanger religious liberty.

#### STATEMENT

##### **I. CHARITY IS BOTH FUNDAMENTAL TO THE CATHOLIC FAITH AND INHERENTLY RELIGIOUS.**

The duty to spread Christian love through charity—providing care for the most vulnerable without seeking to impose one’s faith on others—is foundational to Catholicism. Christ’s command to his followers was to practice charity: “Just as I have loved you, you also should love one another.” *John* 13:34 (NRSV-CE). He taught his followers that their acts of charity were so essential that they would be judged by how they served the hungry and the thirsty, welcomed the stranger, clothed the naked, and visited the ill and the incarcerated. *Matthew* 25:34–46. Keeping Christ’s command, the Church has always taught that “[r]eligion that is pure and undefiled before God, the Father, is this: to care for orphans and widows in their distress.” *James* 1:27.



Simply put, the Church “cannot neglect the service of charity any more than she can neglect the Sacraments and the Word.” Pope Benedict XVI, *Deus Caritas Est* ¶ 22 (2005), <https://t.ly/Bxvi>. Indeed, without charity, a person can “gain nothing.” *Catechism* ¶ 1826 (quoting *1 Corinthians* 13:1–4).

This command to care for the most vulnerable is at the core of the Catholic Church. It’s inherently religious in that it expresses the love that binds Catholics to Christ, to each other, and to all those they encounter. Work undertaken to fulfill that command, therefore, can’t be reduced to just another secular social service. In the words of Pope Francis, “Christian charity is not simple philanthropy”—it “is looking at others through the very eyes of Jesus” while, at the same time, “seeing Jesus in the face of the poor.” Pope Francis, *Angelus* 2 (Aug. 23, 2020), <https://t.ly/K3y6>. Indeed, “[c]harity is always the high road of the journey of faith, of the perfection of faith.” *Ibid.* So “Catholic Charities and related organizations exist essentially to spread Christian love.” Pope John Paul II, *Address to the Members of Catholic Charities USA* ¶ 8 (Sept. 13, 1987), <https://t.ly/rTMCW>.

But the Church’s expression of Christian love through charity is distinct in that it remains free from proselytization. As Pope Benedict XVI explained, “charity is an action of the Church as such” and “has been an essential part of her mission from the very beginning,” but it “cannot be used as a means of engaging in \* \* \* proselytism.” *Deus Caritas Est* ¶¶ 31(c), 32.

Accordingly, those “who practise charity in the Church’s name will never seek to impose the Church’s

faith upon others,” because a “Christian knows when it is time to speak of God and when it is better to say nothing and to let love alone speak.” *Id.* ¶ 31(c). And it’s “the responsibility of the Church’s charitable organizations,” like the Conference, the Catholic Charities Bureau, and its charities, “to reinforce this awareness in their members, so that by their activity—as well as their words, their silence, their example—they may be credible witnesses to Christ.” *Ibid.*

## **II. THE STRUCTURE OF THE CATHOLIC CHURCH PROMOTES UNITY AND EFFECTIVE SERVICE.**

The understanding of what it means to be “the Church” is also core to the Catholic faith. The Church was instituted by Christ himself during his earthly ministry when he said to one of the Apostles, “[a]nd I tell you, you are Peter, and on this rock I will build my church.” *Matthew* 16:18. Guided by the Holy Spirit, Catholics have built His Church for two millennia to fulfill the mission to “profess[] the faith” and “liv[e] it in fraternal sharing.” *Catechism* ¶ 3.

There’s only one Catholic Church. E.g., *Catechism* ¶¶ 865–866; *Codex Iuris Canonici* (*Code of Canon Law*), 1983 CIC c.368, <https://t.ly/abL3> (“Particular churches, in which and from which the one and only Catholic Church exists.”). The Church is led by the Pope, who is the direct successor of Peter. 1983 CIC cc.330–335 (the Pope “possesses power over the universal Church” and “all particular churches and groups of them”).

The Church is divided into dioceses. A diocese “is a portion of the people of God” that is “defined territorially” and “constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ

is truly present and operative.” *Id.* cc.368–370. Wisconsin, for example, has five dioceses that serve 1.1 million Catholics. *Catholic Presence in Wisconsin*.

Each diocese is “entrusted to a bishop for him to shepherd.” 1983 CIC c.369. Bishops, who are successors to the Apostles, are appointed by the Pope to be “teachers of doctrine, priests of sacred worship, and ministers of governance.” *Id.* c.375 § 1, c.377. A bishop derives from the Pope the legislative, executive, and judicial power over his diocese and represents the diocese “in all its juridic affairs.” *Id.* c.391 § 1, c.393. While exercising “pastoral office over the portion of the People of God assigned to them,” a bishop is also called to care “especially [for] the poor.” *Catechism* ¶ 886. In this way, the diocesan bishops “are the visible source and foundation of unity in their own particular Churches.” *Ibid.* (quoting Pope Paul VI, *Lumen Gentium: Dogmatic Constitution on the Church* ¶ 23 (1964), <https://t.ly/JtB3>).

And in response to the Church’s high calling to practice charity, the early Church recognized that it “need[ed] to be organized if it [was] to be an ordered service to the community.” *Deus Caritas Est* ¶ 20. The Apostles “put[] this fundamental ecclesial principle into practice” by establishing “*diaconia*”: the “ministry of charity exercised in a communitarian, orderly way.” *Id.* ¶ 21. Over five centuries, the *diaconia* “evolved into a corporation,” entrusted by civil authorities to store public grain and feed the citizenry. *Id.* ¶ 23.

The *diaconia* thus effectuate the Church’s duty to spread love through charity: “[T]he social service which they were meant to provide was absolutely

concrete, yet at the same time it was also a spiritual service.” *Deus Caritas Est* ¶ 21. This is because charity “does not simply offer people material help, but refreshment and care for their souls, something which often is even more necessary than material support.” *Id.* ¶ 28(b). As Pope Benedict emphasized, those “who work for the Church’s charitable organizations must be distinguished by the fact that they do not merely meet the needs of the moment, but they dedicate themselves to others with heartfelt concern, enabling [others] to experience the richness of their humanity.” *Id.* ¶ 31(a). These spiritual commitments ensure that Catholic charities aren’t “just another form of social assistance” or “welfare activity.” *Id.* ¶¶ 25(a), 31.

This faithful commitment to charity spread to America from its earliest settlement, with Catholic charities opening schools and orphanages. See Brief of The Catholic Association Foundation et al. as *Amici Curiae* Supporting Petitioners at 3–19, *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657 (2020); *Address to the Members of Catholic Charities USA* ¶ 3 (discussing how Catholic charities “go back to before the Declaration of Independence”). Indeed, in the late 1700s, Bishop John Carroll instructed that one third of parish revenues be devoted to relief for the poor. Brief of The Catholic Association Foundation et al. at 5, *Little Sisters of the Poor*, 591 U.S. 657. This charitable mission continued thriving in the early 1800s, with Saint Elizabeth Ann Seton—founder of the first American congregation of religious sisters, the Sisters of Charity—famously establishing schools and orphanages and inspiring her order to spread across the United States to open child-care charities, hospitals, and schools. *Id.* at 6–8.

By the 1840s, the Catholic Church had responded, even amidst social persecution, to an increased need for its charitable practice by adopting a formalized corporate form. Charles E. Degeneffe, *What Is Catholic About Catholic Charities?*, 48 Soc. Work 374, 376–377 (2003). Doing so allowed the Church to cohesively respond to broad societal ills and maximize positive impact, while still respecting the religious hierarchy of Church leadership. *Ibid.* The new corporate structure both lengthened the Church’s charitable arm and clarified its position under the head of Catholic leadership. *Ibid.* The Church’s corporate structuring was so successful that “Catholics were major providers of social services in the United States by the turn of the century.” *Id.* at 377.

Today, the Pope appoints each bishop to serve as a successor to the Apostles as a “president of the assembly and minister of charity in the Church.” Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops* ¶¶ 193–198 (2004), <https://t.ly/YQon>; see 1983 CIC cc.331, 368–373; *Catechism* ¶¶ 880–881. The bishop then oversees the local charitable arms of the Church, including, in Wisconsin, the Catholic Charities Bureau, and its subunits. Pet. App. 7a–8a, 130a–131a. These entities, as part of the Church, answer to the bishop, and then to the Pope. This structure promotes order and efficiency while maintaining Church unity.

**III. THE WISCONSIN CATHOLIC CONFERENCE, THE CHURCH UNEMPLOYMENT PAY PROGRAM, AND THE CATHOLIC CHARITIES BUREAU ALL FURTHER THE CHURCH'S CHARITABLE WORK.**

Continuing in the tradition of the *diaconia* and to further the Church's charitable work, the Bishops of Wisconsin, through the Wisconsin Catholic Conference, founded CUPP for lay employees in the Archdiocese of Milwaukee and the Dioceses of La Crosse, Madison, and Superior. CUPP's creation is the result of the Church's effort to meet its "social justice responsibilities." *CUPP Policy Handbook* at 2; see Pope John Paul II, *Laborem Exercens* 26 (1981), <https://t.ly/Bx8o> ("The obligation to provide unemployment benefits \* \* \* is a duty springing from the fundamental principle of the moral order in this sphere, \* \* \* the right to life and subsistence.").

CUPP is "housed under the umbrella" of the Wisconsin Catholic Conference, which serves as CUPP's "informational clearinghouse." *CUPP Policy Handbook* at 2. CUPP's board of directors is chaired by the Conference's executive director, with the remaining members consisting of an appointee from each participating diocese, appointed by the bishop of that diocese. *Ibid.* CUPP's board "determines general policies and criteria for the Program and serves as the final-level appeal body for the benefit claims process." *Ibid.*

Importantly, the Bishops of Wisconsin maintain ultimate juridical power and direct the Conference in administering CUPP and sharing the Church's principles of Catholic social teaching. This allows the members of the Catholic Church within Wisconsin to more faithfully answer the Lord's call "to be good and

faithful servants who serve the hungry and the thirsty, welcome the stranger, clothe the naked, and visit the ill and the incarcerated.” Archbishop of Milwaukee Jerome E. ListECKI et al., *A Letter to Wisconsin Catholics on Faithful Citizenship 2* (Aug. 2022), <https://t.ly/FEpN>.

CUPP helps “parishes, schools, and other church employers in meeting their social justice responsibilities by providing church funded unemployment coverage for lay employees” in an effective and efficient manner. *CUPP Policy Handbook* at 2. In addition to funding the program, the diocesan-affiliated employers are also required to actively cooperate with claims adjudicators to ensure that claims are assessed and benefits are distributed in a timely manner. *Id.* at 4.

Individuals seeking unemployment benefits are entitled to appeal their initial eligibility determination to an appeal committee, which must issue its decision within 30 days of its review. *Id.* at 10. CUPP permits individuals to appeal the appeal committee’s decision to CUPP’s board of directors. *Ibid.* If the board determines there are sufficient grounds for an appeal, it will conduct a hearing to “expeditiously and fairly obtain necessary information” and render a decision within 30 days of the hearing. *Id.* at 11. These procedures are designed to ensure that CUPP delivers benefits to those in need quickly and efficiently. On average, recipients begin receiving benefits in two to four weeks after their claims are submitted.

The need for the Church to efficiently serve its unemployed community is particularly acute in Wisconsin, where the state unemployment system has been historically plagued with delays and backlogs. One

2021 report, for example, noted that in Wisconsin, “nearly 30% of first unemployment payments were delayed more than 70 days, the 8th highest rate among states.” Noah Williams, *The (Poor) Performance of the Unemployment Insurance System During COVID-19 in the United States and (Especially) Wisconsin 1* (May 10, 2021), <https://t.ly/zYAPB>.

Worsening this problem is Wisconsin’s backlog of unemployment benefit appeals, which has at times failed to meet federal regulations. See Laura Schulte & Hope Karnopp, *Wisconsin, Other States, Failed to Meet Federal Rules for Clearing Unemployment Appeals, a New Report Says*, Milwaukee Journal Sentinel (July 31, 2021), <https://t.ly/YQl6M> (“The average age of appeals filed that are awaiting a hearing is 58 days”). Although Wisconsin has invested more than \$80 million to modernize its system, the project has been under way for over three years and won’t be complete until the end of 2026. See Wisconsin Department of Workforce Development, *DWD Announces Advancements in Unemployment Insurance Modernization in Collaboration with Google Public Sector* (Sept. 3, 2024), <https://t.ly/-XUb1>. The delays and backlogs with the state unemployment program only underscore the Conference’s need to provide a streamlined benefits program and fulfill its religious mission to care for the Church’s unemployed.

The Church’s decision to provide unemployment benefits through CUPP’s organizational structure, like other Church ministries, reflects the Church’s commitment to running these services as part of its religious mission. The bishops maintain ultimate juridical power over the Catholic Charities in their dioceses. The Catholic Charities Bureau, for example, is



under the pastoral leadership of the Bishop of the Diocese of Superior. Pet. App. 7a–8a. As part of the Church’s extensive charitable network, the Catholic Charities Bureau serves as an arm of the Church’s social ministry and operates “in compliance with the Principles of Catholic social teaching.” Pet. App. 7a–8a, 417a. Under the Bishop’s leadership, the Catholic Charities Bureau “works to be an effective sign of the charity of Christ” by operating 127 programs in 59 communities and serving all—especially the “disadvantaged and vulnerable.” Catholic Charities Bureau, Diocese of Superior, *A Growing Legacy: 2021 Annual Report*, <https://t.ly/2voI>; see *Deus Caritas Est* ¶ 33 (“every Catholic charitable organization want[s] to work with the Church and therefore with the Bishop, so that the love of God can spread throughout the world”).

When a charity is made part of the Catholic Charities Bureau, the Bureau makes clear that the agreement between it and the charity “confirms the importance of the role Catholic Charities Bureau, Inc. and [the charity] have in fulfilling the social ministry of the Diocese of Superior.” Pet. App. 425a. The charity also affirms that it “will not engage in activities that violate Catholic Social Teachings.” Pet. App. 425a.

That isn’t an empty affirmation—the Catholic Charities Bureau takes significant steps to maintain this unique Catholic charitable ministry. In particular, it:

- explains to each charity that a “clear understanding of the corporate relationship between Catholic Charities Bureau, Inc. and

[the charity] is necessary to effectively encourage teamwork and to *mutually implement our shared mission*”;

- retains the ability to hire and fire directors;
- provides management services; and
- “[e]stablish[es] and coordinate[s]” the charity’s mission.

Pet. App. 422a (emphasis added).

In short, each of the Catholic Charities Bureau’s charities—including those at issue in this case—act under, at the direction of, and to further the charitable ministry of the Catholic Church. See Pet. App. 7a–9a.

### ARGUMENT

It’s a foundational premise of our constitutional system that religious organizations enjoy the “power 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 of the Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952). When the church and the court disagree on a religious matter, the church’s interpretation prevails. *Id.* at 120–121; *Serbian Eastern Orthodox Diocese for the United States of America & Canada v. Milivojevic*, 426 U.S. 696, 709 (1976). The decision below flouts this basic principle, results in impermissible judicial oversight of religious teaching and structure, and introduces great uncertainty for any group that sincerely believes it operates “for a religious purpose.”

In concluding that the charities here don’t operate for a “religious purpose,” the Wisconsin Supreme

Court made two fundamental errors: (1) it divorced the Church from its charities, based exclusively on corporate form, see Pet. App. 18a–19a, 28a–29a, 46a; and (2) it appointed itself the arbiter of religiosity—charged with parsing which actions are “primarily religious in nature” and which are “wholly secular.” Pet. App. 29a–30a. These errors ignore centuries of Church organization and teaching that charity—separate from proselytism—is foundational to the Church. Worse still, they threaten bedrock principles of independent governance to which churches are entitled under the First Amendment.

1. The Catholic Church’s organization and structure—from the Pope to the bishops to the Catholic Charities Bureau and its charities—are designed and directed intentionally to accord with the Church’s teachings.

The Church has long taught that it’s “a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.” Pope Pius XI, *Quadragesimo Anno* ¶ 79 (May 15, 1931), <https://t.ly/i42TW>. For that reason, the Church is structured to promote participation at local and diocesan levels and ensure that every citizen “contributes to the cultural, economic, political and social life of the civil community to which he belongs.” Pontifical Council for Justice & Peace, *Compendium of the Social Doctrine of the Church* ¶ 189 (Apr. 2005), <https://t.ly/wRiyI>.

This teaching, known as the doctrine of subsidiarity, “respects personal dignity by recognizing in the person a subject who is always capable of giving something to others.” Pope Benedict XVI, *Caritas in*

*Veritate* ¶ 57 (June 29, 2009), <https://t.ly/7qw86>. And it is a “manifestation of charity” that guides the Church and her faithful. *Ibid.* That is why the Bishop of the Diocese of Superior—as opposed to a council of Bishops or even the Pope—has plenary control over the Catholic Charities Bureau and its charities: “The bishop effectively has the ability to control all of the various educational, charitable, and religious organizations and entities within the diocese.” Pet. App. 214a.

The Wisconsin Supreme Court, however, treats the Church’s religious structure as happenstance or poor planning. See Pet. App. 18a, 46a. But that rationale ignores bedrock constitutional principles of church autonomy. Religious entities, like the Church, are entitled to “independence in matters of faith and doctrine and in closely linked matters of internal government.” *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732, 747 (2020); accord *Demkovich v. St. Andrew the Apostle Parish*, 3 F.4th 968, 975 (7th Cir. 2021). That includes, as here, independence from government coercion to assume a particular corporate form.

2. Further, were the Wisconsin Supreme Court’s decision to stand, Wisconsin agencies and courts would be required regularly to decide what activities are “primarily religious in nature.” Pet. App. 29a. But the First Amendment “protect[s] the right of churches and other religious institutions to decide matters ‘of faith and doctrine’ without government intrusion.” *Our Lady of Guadalupe School*, 591 U.S. at 746 (quoting *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 565 U.S. 171, 186 (2012)); U.S. Const. Amend. I. That is why courts have long recognized

that they aren't equipped to draw and enforce such an illusory distinction. See *Our Lady of Guadalupe School*, 591 U.S. at 761 (“Deciding such questions would risk judicial entanglement in religious issues.”).

The Wisconsin Supreme Court acknowledged that the First Amendment forbids any “evaluation of religious dogma,” Pet. App. 38a, but its own analysis betrays this command. The court took upon itself to determine that charitable services such as “job training” and “coaching” aren't religious because they lacked “religiously infused” aspects like “evangelism” and “worship,” Pet. App. 30a—even though that directly contradicts *actual* Catholic teaching on how charity should be performed. See *supra* pp. 4–5.

To be sure, a court may consider whether an entity asserts a religious purpose, but in doing so it may not dictate to a religion which of its practices are religious, and which aren't. See *Serbian Eastern Orthodox Diocese*, 426 U.S. at 709 (“where resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, \* \* \* courts shall not disturb the decisions of the highest ecclesiastical tribunal \* \* \* in their application to the religious issues of doctrine or polity before them”). That's because the Constitution leaves no room for “an individual judge” to decide what activity is “inherently religious” based on what he or she “subjectively regards as religious enough.” Pet. App. 79a (Bradley, J., dissenting).

The Wisconsin Supreme Court's cramped view of religious purpose as it relates to the Catholic Charities Bureau bears these concerns out. In attempting to describe primarily religious activity, the court

imposed its own definition of religion, observing that such activity would include “liturgical rituals,” “corporate worship services,” or “evangelical outreach.” Pet. App. 26a (quoting *United States v. Dykema*, 666 F.2d 1096, 1100 (7th Cir. 1981)). So it concluded that the activities of the Catholic Charities Bureau were inherently secular even though the Church has long viewed charity as both a form of “participation in the divine nature” of God and “the source and the goal of [virtuous] Christian practice.” *Catechism* ¶¶ 1812, 1827. The court’s dividing line thus puts charitable work at odds with Catholic teaching, even though “there is no daylight” between the two. Pet. App. 81a (Bradley, J., dissenting).

Worse still, the Wisconsin Supreme Court flipped the Church’s view of charity on its head—diminishing the charities’ activities as mere “services” any organization could provide. Pet. App. 30a; *contra Deus Caritas Est* ¶ 31 (“it is very important that the Church’s charitable activity maintains all of its splendour and does not become just another form of social assistance”); *id.* ¶ 25(a) (“charity is not a kind of welfare activity which could equally well be left to others”). In doing so, it established a system in which the Church and its charities are presented a Hobson’s choice: To obtain the statutory benefit to which She is entitled, the Church must either structure the Church’s charitable work by government dictate or use charity as primarily a means to proselytize.

Fundamentally, the Wisconsin Supreme Court’s decision requires what the First Amendment prohibits: “government interference with an internal church decision that affects the faith and mission of the church itself.” *Hosanna-Tabor*, 565 U.S. at 190.

**CONCLUSION**

The Conference respectfully asks the Court to reverse the decision below.

Respectfully submitted.

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