

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Schmitt,

Plaintiff,

v.

Jolene Rebertus, in her official capacity as
Assistant Commissioner of the Minnesota
Department of Corrections; Paul Schnell,
in his official capacity as Commissioner of
the Minnesota Department of Corrections,

Defendants.

Court File No. _____

COMPLAINT

**DECLARATORY AND INJUNCTIVE
RELIEF SOUGHT**

1. Plaintiff Anthony Schmitt is a Christian who, from 2012 to 2023, taught a class at the Minnesota Correctional Facility – St. Cloud (“MCF”) called “The Quest for Authentic Manhood” (“Quest”) designed to facilitate successful transitions to the community at large for male prison inmates by teaching them how to live lives of “authentic manhood” as modeled by Jesus Christ and directed by the Word of God.

2. Schmitt and his colleagues, including Bruce Robinson, taught the class to more than a thousand inmates over more than a decade, and it has been highly successful in helping men imprisoned in the MCF be rehabilitated and transition back to the community.

3. The class always was and will be completely voluntary for inmates to attend.

4. After the men completed the Quest for Authentic Manhood program, Schmitt held graduation ceremonies for those completing the course, where inmates would be able to give their thoughts on the program. In these ceremonies, tears were shed, inmates reported

that families had been restored, resentments had been healed, sons had told their fathers they loved them and were proud of them, and fathers had told their sons the same. For some, this was the first time these words were spoken in their lives.

5. Schmitt still wants to teach the class. But in July 2023, he was abruptly forbidden from doing so by Defendants because of his religious beliefs and the religious beliefs expressed in Quest. This violated and continues to violate Schmitt's constitutional rights.

6. On July 10, 2023, Defendant Jolene Rebertus sent Schmitt an email informing him that he would no longer be allowed to teach Quest at the St. Cloud Correctional Facility.

The email states:

After review of The Quest for Authentic Manhood curriculum, the decision has been made to discontinue offering this program at MCF- St. Cloud to incarcerated individuals.

The program directly conflicts with the diversity, equity, and inclusivity values of the department by defining manhood, or the study of masculinity, through a biblical lens of what a "real man looks like". Throughout all sessions reviewed, men were only identified as heterosexual, seeking ideal relationships and marriage with women. It is evident that throughout this curriculum, manhood can only be achieved through heterosexual relationships.

Additionally, throughout many of the sessions, women are also identified as the problem for creating "soft males", described as indecisive and weak. Women are described as having fragile frames and not physically as strong. Mothers are described as ignorant, suffocating, needy, and unwilling to release control of their sons. The ideal marriage core role for the wife is described as the "helper" and husband as the "head". Women are described as submissive in this role, keeping his leadership in her view, not competing with him, and to wait for him to take charge. While the teachings do describe the woman in this role as "honorable", the reinforced stereotypes and biases can be hurtful and downright dangerous for those participants who either committed acts of violence, domestic violence, or may be victims of violence by women.

Our population should be able to explore their identity with professionals who root practice and teachings safely in trauma informed science and research. The complete disregard for identifying anyone as a “successful man” who doesn’t fit the picture outlined in these sessions completely defies our mission of a person-centered approach to transforming lives.

Religious services are provided in our prisons as an ongoing opportunity to explore and practice teachings and traditions of an individual’s choosing. However, just because a program identifies as a religious program does not mean the DOC must provide it. Quest teaches participants about manhood through a lens of discrimination, exclusivity, gender biases and stereotypes that not only contradict the DOC’s mission of providing transformational programming, but can be hurtful to participants, their families, and victims.

Jolene Rebertus, MA, LPCC, LICSW
Assistant Commissioner, Health, Recovery, & Programming

7. Schmitt disagrees with the email’s characterizations of Quest and his religious beliefs. Quest is not hurtful to participants, their families, or victims; rather, over a thousand inmates have successfully completed Quest, which has been very helpful to their rehabilitation and reintroduction into the community.

8. Despite Quest’s success, consistent with this email, Schmitt has been forbidden from teaching the Quest program at MCF-St. Cloud since July 2023. If he is allowed to resume teaching it, he will.

9. In *Fulton v. City of Philadelphia*, the City of Philadelphia had referred prospective foster parents to Catholic Social Services (CSS) for years, but then stopped and refused to refer any future foster parents to CSS unless CSS agreed to certify prospective foster parents in same-sex relationships, which it would not do because of its religious beliefs. 141 S. Ct. 1868, 1874–75 (2021). The Supreme Court of the United States unanimously held

that the City of Philadelphia’s refusal to refer foster parents to CSS violated the First Amendment.

10. Importantly, the Court noted that Philadelphia had ‘canceled’ CSS in part because of the City Council’s view that “the City had ‘laws in place to protect its people from discrimination that occurs under the guise of religious freedom.’” *Id.* at 1875.

11. Philadelphia’s actions were not “generally applicable” because the City had a system of individualized exemptions, where government officials were given discretion to refuse referring cases to CSS based on CSS’ religious beliefs. *Id.* at 1876–79.

12. Likewise, Rebertus’ actions here are not neutral or generally applicable, and the policy and custom created by virtue of Defendants’ actions is not neutral or generally applicable. To the contrary, they directly target Schmitt’s beliefs for discrimination based on his religious views.

13. Upon information and belief, Rebertus and others within the Minnesota Department of Corrections (DOC) are permitted to make individualized assessments of what religious beliefs rehabilitation programs may teach to inmates.

14. Upon information and belief, if Rebertus, Schnell, or the DOC disagree with those beliefs, they can cancel the program, they have canceled the program, and they intend to continue cancelling or refusing to allow the program.

15. A system of individualized exemptions such as the system here is subject to the strictest scrutiny under the First Amendment and the Minnesota Constitution’s even more protective article 1, section 16.

16. No government decision, like Rebertus and Schnell's, which targets religious beliefs because of their religious content, can survive this scrutiny.

17. Schmitt asks this Court to declare that the Defendants' actions violated his rights under the federal and Minnesota constitutions and order the Defendants to reinstate the Quest program and allow Schmitt to teach it.

THE PARTIES

18. Plaintiff Anthony Schmitt is an individual person who resides in and is a citizen of Stearns County, Minnesota.

19. Defendant Jolene Rebertus, in her official capacity, is the Assistant Commissioner of the Minnesota Department of Corrections for Health, Recovery, and Programming. Upon information and belief, she resides in and is a citizen of the State of Minnesota, within the District of Minnesota.

20. Defendant Paul Schnell, in his official capacity, is the Commissioner of the Minnesota Department of Corrections. Upon information and belief, he resides in and is a citizen of the State of Minnesota, within the District of Minnesota.

JURISDICTION AND VENUE

21. The Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

22. The Court has authority to issue the declaratory and injunctive relief sought under 28 U.S.C. §§ 2201 and 2202.

23. Venue is proper because a substantial part of the events giving rise to the claims occurred in the District of Minnesota. See 28 U.S.C. § 1391(b)(2).

24. The Court has supplementary jurisdiction over the claims that Defendants' actions violate the Minnesota Constitution. See 28 U.S.C. § 1367.

STATEMENT OF THE CLAIM

Tony Schmitt's Religious Beliefs

25. Schmitt is a Christian. He believes that the Bible is the inerrant Word of God and provides guidance for all essential doctrine, knowledge, and instruction for daily living. 2 *Timothy 3:16*.

26. Schmitt believes, consistent with the Bible, that God created uniquely distinct human beings, creating both male and female. *Genesis 1:26–27*.

27. Based on these distinctions between males and females created by God in the creation of man, Schmitt believes that men and women occupy distinctly different roles in family and society.

28. Schmitt believes that in the marriage relationship, the man has a biblical command to love and care for his wife and family as head of the household just as Christ is the head of the Church. *1 Corinthians 11:3; Galatians 5:23*. As a result, the male leadership role is critically important for a healthy marital relationship, as it sets the tone for and fosters mutual respect where men are to submit to and love their wives, and women are to submit to and love their husbands. *Galatians 5*.

29. Schmitt likewise believes that the innate difference between men and women is not an artificial construct of culture, but rather a distinction created by God as part of the created order of the universe.

30. Schmitt also believes that all men and women have equal dignity in the eyes of God, because they are created in the very image of God. See John Piper, *The Image of God: An Approach from Biblical and Systematic Theology*, desiringGod, Mar. 1, 1971, <https://www.desiringgod.org/articles/the-image-of-god>.

31. Schmitt has a calling to minister to men in prison, a calling repeatedly encouraged throughout the Bible, in both the Old and New Testaments, including directly by Jesus himself. E.g., *Psalms 146; Matthew 25:36, 40; Hebrews 13:1–3*.

32. Schmitt believes that many imprisoned men have committed crimes and become imprisoned because they lack a relationship with God through Jesus Christ and grew up in households with abusive or absent fathers, where they were subject to abuse and neglect that led to criminal behavior.

33. Schmitt believes that through repentance and rehabilitation, any person, including those imprisoned for crimes committed, can live physically, spiritually, emotionally, and mentally healthy lives through the healing power of Christ, enabling successful assimilation back into their communities, leading to a stable, productive, God-honoring life that provides a mutual benefit to the individuals who have completed the program and the communities in which they live.

The Quest Program and Its Success at MCF

34. Because of these beliefs and calling, in about 2012, Schmitt and his colleague, Bruce Robinson, approached Bill Dornbush, then the Chaplain at MCF, and inquired about volunteering at MCF to facilitate the Quest program.

35. The Quest program likewise teaches the long-established, orthodox Christian principle, based in the Bible, that men and women have distinct, complementary roles of equal value to God, themselves, and society. *Genesis 2:18; 1 Corinthians 11:7–9; 1 Timothy 2:12–14.*

36. The Quest program is made up of 24 DVD videos, with each video containing about a 45-minute “session,” followed by discussion, for a total of about one hour. The sessions for the Quest program are listed as follows:

1. At the Starting Line: Five Manhood Premises
2. The Four Faces of Manhood
3. The First Step: Looking Back
4. The Second Step: Unpacking
5. Remembering Dad
6. Facing the Father Wound
7. The Overly-Bonded-with-Mother Wound
8. Making a Healthy Break with Mom
9. The All-Along Wound
10. Three Cheers for Mentors!
11. The Wounded Heart
12. Implications of the Wounded Heart
13. The Good-News Solution to the Heart Wound
14. Saddle Up for the Second Half!
15. Genesis and Manhood, Part 1
16. Genesis and Manhood, Part 2
17. A Biblical Definition of Manhood, Part 1
18. A Biblical Definition of Manhood, Part 2
19. A Man and His Wife, Part 1
20. A Man and His Wife, Part 2
21. 25 Ways to Be a Servant Leader
22. Father and Sons
23. Fathers and Daughters
24. A Man and His Life Journey

37. Quest is based entirely on biblical principles and is expressly designed to teach and communicate what the Bible teaches.

38. Quest was created and narrated by Dr. Robert Lewis, through the organization “Authentic Manhood.” It states its purpose as follows:

Authentic Manhood is all about setting men up to live lives of truth, passion and purpose. Our resources offer clear and practical Biblical insights on God’s design for manhood that are both refreshing and inspiring. We point men to a gospel-centered vision of life that sets them up to enjoy God’s grace as they pursue the promises of His Word. Our resources, including the original Men’s Fraternity curriculum created by Dr. Robert Lewis, have influenced millions of men around the world.

39. The 24 sessions of Quest delve into very difficult issues with relationships that many men have encountered, including those at MCF who wish to complete Quest. These difficult issues include problems in relationships with fathers, mothers, wives, and girlfriends.

40. Quest seeks to provide Biblical principles to address these wounds and help participants overcome the difficulties and challenges these wounds have created through a relationship with Jesus Christ as Lord and Savior.

41. Upon information and belief, in addition to MCF, Quest has been presented (and, upon information and belief, still is presented) at churches and in prisons across the United States.

42. After Schmitt and Robinson approached Dornbush and discussed the details of presenting Quest at MCF, they agreed it would be a good program for the men incarcerated at MCF.

43. Quest was, always has been, and always will be, a voluntary program. Schmitt never has and would not request that the program be mandatory in any way.

44. From 2012 through the interruption created by COVID-19 and the government response to it, Schmitt and Robinson taught Quest at MCF in two sessions each week. A

video would be presented, followed by questions and discussion. The program quickly became a success.

45. In 2012, MCF advertised Quest in each of the housing units of the prison. The men voluntarily signed up by contacting Dornbush, with the understanding this would be a commitment for 12 weeks on Monday and Thursday of each week.

46. As the first 12 weeks of Quest came to an end, inmates excitedly approached Dornbush asking if they could go through the course again. Schmitt and Dornbush asked those wanting to do the course to help facilitate discussion in a small group of five to seven inmates.

47. This developed great relationship building and provided a lot of opportunity for men to encourage each other in a positive way in the prison environment.

48. After the second time through Quest, Dornbush and MCF no longer advertised it in the living units because the men who had graduated previously would advertise it by sharing with other men what they were learning and how it was affecting their own lives in a very positive way.

49. This resulted in having a full list of men signed up for the next class even before the existing class was complete.

50. From that time on, every new Quest class was full to the chapel's 49-person capacity (by fire code). By the end of each program, because inmates at MCF are often transferred, there were usually 25-35 men who graduated the program.

51. Because MCF is an intake facility and inmates frequently are transferred out, Schmitt and Robinson would present 17 videos from Quest instead of all 24 to ensure that

as many men as possible could graduate. Schmitt and Robinson chose the 17 best videos from the Quest program to show, based on how important the material was, in consideration of their religious beliefs.

52. Quest became the most popular religious program out of MCF's approximately 45 other programs run in the chapel. Dornbush considered the "Quest for Authentic Manhood" program MCF's premier religious program, graduating over 900 men during his tenure up to March 17, 2020.

53. Over the years running this program, Dornbush and Schmitt had many incarcerated men tell them how important "Quest for Manhood" was in their life, and how it changed their thinking and gave them practical tools for their future.

54. Schmitt has facilitated the program with others over the years, including even inmates who want to facilitate the program and engage in discussions with fellow inmates about the material presented in Quest.

55. As Quest continued forward, its meeting times eventually became 8:00-9:30 AM on Mondays and Wednesdays, year-round.

56. The Quest program was so successful, and the testimonies of the participants so powerful, that Chaplain Dornbush decided that cake and coffee would be served at each graduation ceremony.

57. During this time, in July 2018, Charles 'Pete' Sutter, Statewide Recidivism Reduction Project Supervisor, reviewed the Quest program.

58. Sutter's findings were mostly positive, including:

1. **Program staff exhibited strong prosocial values.** Quest group facilitators are passionate, knowledgeable and believe in offender change. Programs whose staff are selected for their strong support of offender change, empathy and fairness see better outcomes with regard to recidivism reduction. It was clear from my observation that Tony and Bruce exhibited all of these traits, had a very non-confrontational style and cared about the men they served.
2. **The program is supported by institutional administration at MCF-St. Cloud.** Programs supported by institutional administration have participants that are more successful upon release. The group receives regular referrals, high praise from stakeholders, and there was no indication of dissatisfaction with the program from institutional staff.
3. **The Quest program addresses appropriate targets.** Programs effective at reducing recidivism and changing offender behavior focus on criminogenic needs. Criminogenic needs are the thoughts, behaviors and environmental factors that produce crime and include; anti-social attitudes, values, and beliefs, anti-social peers, substance abuse, employability, education and familial influence. Through a cursory review of Quest's programming, it appeared that it was addressing several criminogenic factors; including modules that focused on changing pro criminal attitudes, anger and hostility, promoting family affection, problem solving skills, and increasing self-control.
4. **Length of treatment.** The Quest program is designed to be completed in 26 weeks, or about 6 months. The literature on evidence based practices states that programming should last between 3 and 9 months and not to exceed a year for most offenders.
5. **The group caters to different learning styles.** Quest uses a variety of approaches that respond well to various learning styles. The use of videos, discussion and workbooks allows men with different learning styles to take in the material in ways that work best individually. This goes a long way in building an optimal learning environment and adheres to principals regarding specific responsivity.

59. The findings also included some perceived negatives, including that the program did not exclude anyone, that recidivism risk levels were mixed (that there were not separate groups for high-risk versus low-risk inmates), and that lecture-and-process group activities are not necessarily as effective as other approaches in reducing recidivism.

60. Sutter also included one final finding, that the “Remembering Dad” session

discussed, among other things, the injuries caused by growing up in a household with an absent father. Of those injuries, sexual orientation was mentioned and described homosexuality as an injury. This view is not supported by research is offensive and close to running afoul of Minnesota’s Human Rights Act. [sic] It should be noted that, [sic] some jurisdictions are now stating that treatment that addresses homosexuality as a treatable character defect are psychologically damaging and illegal. You should remove this from Quest’s programming.

61. A portion of the view expressed in the session is consistent with Schmitt’s religious belief that homosexual acts are sinful (*Leviticus 20:13; Romans 1:27*), not solely driven by innate sexual orientation (*James 1:13–15*), and cause separation between people and God, as all sin does (*Romans 3:23*), but can be avoided through repentance.

62. Despite Schmitt’s agreement with the Quest program that homosexual acts are sinful according to the Bible, Schmitt decided to fast-forward through that one small segment of the “Remembering Dad” session going forward, to avoid conflict and continue to present the remainder of Quest without edit.

63. After Sutter’s review, Quest continued for about two years without negative incident and with great success, with many more inmates graduating the program and having a positive experience.

64. A few months before COVID-19 emerged, Schmitt was able to get a portable baptism to MCF for the participants in the Quest program, and Schmitt and his colleagues were able to meet 44 inmates’ requests to be baptized because they had found faith in Jesus.

65. On March 17, 2020, MCF shut down all religious programming, including Quest, as part of its and the State’s response to the emergence of COVID-19.

66. In 2023, MCF resumed religious programming, and Schmitt and Quest began again in earnest, with the same positive results it had previously achieved.

67. Because of difficulties created by COVID-19 and the government's response to it, after resuming in 2023, Schmitt selected the 11 videos from the Quest program which Schmitt believed were best equipped to help the inmates, including by helping them find salvation through a personal relationship with Jesus Christ as Lord and Savior. This was designed to help the inmates get through the most essential materials in the Quest program.

MCF Abruptly Shuts Down Quest Because of Quest's Religious Beliefs

68. On July 10, 2023, Defendants abruptly shut down Quest in its entirety, citing the reasons stated in paragraph 6 above.

69. As Defendant Rebertus' email shows, the Defendants expressly shut down Quest because of its religious beliefs related to manhood and sexuality because of the claim that Quest is contrary to DOC's "diversity, equity, and inclusivity values."

70. Schmitt reached out again to ask Rebertus to reconsider, and Rebertus refused.

71. To date, Quest does not operate in MCF because Defendants stopped it from operating. If allowed to operate again, Schmitt would resume Quest's programming in MCF.

MCF Intentionally Discriminates Against Bible-Based, Traditional, Orthodox Christian Views of Sexuality and the Roles of Men and Women in Family and Society

72. Commissioner Schnell must, under Minnesota law, "develop, implement, and provide, as appropriate: . . . (5) spiritual and faith-based programming." Minn. Stat. § 244.03, subd. 1.

73. Upon information and belief, consistent with this statutory directive, Defendants allow other religious and secular programs which do not include Quest and Schmitt's specific religious beliefs, including other Christian programs.

74. Upon information and belief, Defendants have created and enforced against Schmitt a written policy or unwritten custom or practice which limits religious programming to only those programs which agree with the DOC's views of human sexuality and the roles of men and women in society, and intentionally excludes programming which includes Schmitt and Quest's Bible-based, orthodox Christian beliefs.

75. Schmitt's beliefs, and those presented in Quest, are consistent with orthodox and traditional Christian views of human sexuality and the roles of men and women in society.

76. For example, the Confessional Statement of The Gospel Coalition, a fellowship of Reformed evangelical Christian churches which emphasizes historic Christian beliefs and practices, says as follows about the roles of men and women in society:

We believe that God created human beings, male and female, in his own image. Adam and Eve belonged to the created order that God himself declared to be very good, serving as God's agents to care for, manage, and govern creation, living in holy and devoted fellowship with their Maker. Men and women, equally made in the image of God, enjoy equal access to God by faith in Christ Jesus and are both called to move beyond passive self-indulgence to significant private and public engagement in family, church, and civic life. Adam and Eve were made to complement each other in a one-flesh union that establishes the only normative pattern of sexual relations for men and women, such that marriage ultimately serves as a type of the union between Christ and his church. In God's wise purposes, men and women are not simply interchangeable, but rather they complement each other in mutually enriching ways. God ordains that they assume distinctive roles which reflect the loving relationship between Christ and the church, the husband exercising headship in a way that displays the caring, sacrificial love of Christ, and the wife submitting to her husband in a way that models the love of the church for her Lord. In the ministry of the church, both men and

women are encouraged to serve Christ and to be developed to their full potential in the manifold ministries of the people of God. The distinctive leadership role within the church given to qualified men is grounded in creation, fall, and redemption and must not be sidelined by appeals to cultural developments.

The Gospel Coalition, *Confessional Statement*, <https://www.thegospelcoalition.org/about/foundation-documents/#confessional-statement>.

77. Likewise, the 2017 Nashville Statement, whose 24,000-plus signatories include leading figures in the evangelical Christian churches of America such as John MacArthur, Russell Moore, John Piper, James Dobson, Wayne Grudem, D.A. Carson, R.C. Sproul, Kevin DeYoung, and more, states as follows about human sexuality, in relevant part:

WE AFFIRM that God has designed marriage to be a covenantal, sexual, procreative, lifelong union of one man and one woman, as husband and wife, and is meant to signify the covenant love between Christ and his bride the church.

WE DENY that God has designed marriage to be a homosexual, polygamous, or polyamorous relationship. . . .

WE DENY that any affections, desires, or commitments ever justify sexual intercourse before or outside marriage; nor do they justify any form of sexual immorality. . . .

WE AFFIRM that divinely ordained differences between male and female reflect God's original creation design and are meant for human good and human flourishing. . . .

WE AFFIRM that the differences between male and female reproductive structures are integral to God's design for self-conception as male or female.

WE DENY that physical anomalies or psychological conditions nullify the God-appointed link between biological sex and self-conception as male or female. . . .

WE AFFIRM that self-conception as male or female should be defined by God's holy purposes in creation and redemption as revealed in Scripture.

WE DENY that adopting a homosexual or transgender self-conception is consistent with God's holy purposes in creation and redemption. . . .

WE AFFIRM that people who experience sexual attraction for the same sex may live a rich and fruitful life pleasing to God through faith in Jesus Christ, as they, like all Christians, walk in purity of life.

WE DENY that sexual attraction for the same sex is part of the natural goodness of God's original creation, or that it puts a person outside the hope of the gospel. . . .

WE AFFIRM that it is sinful to approve of homosexual immorality or transgenderism and that such approval constitutes an essential departure from Christian faithfulness and witness.

WE DENY that the approval of homosexual immorality or transgenderism is a matter of moral indifference about which otherwise faithful Christians should agree to disagree.

78. John Piper, the chancellor of the Bethlehem College & Seminary and founder of Bethlehem Baptist Church in Minneapolis and Desiring God, explains the biblical view of homosexuality and whether individuals with same-sex attractions can reject those attractions and engage instead in other relationships consistent with God's order:

The Bible is not unclear that same-sex attraction is disordered ([Romans 1:26–27](#)), and that same-sex intercourse (as all adultery and fornication) is sin ([1 Corinthians 6:9](#)). Therefore, those with same-sex attraction glorify Christ through sexual abstinence and through the enrichment of significant Christ-exalting relationships in other ways.

This is true whether there are genetic roots of same-sex attraction and whether the attraction can be changed.

Nevertheless, we should follow Stanton Jones and Mark Yarhouse in refusing to reject the possibility of change.

John Piper, *Same-Sex Attraction and the Inevitability of Change*, Desiring God, Sept. 29, 2012, <https://www.desiringgod.org/articles/same-sex-attraction-and-the-inevitability-of-change>.

79. Upon information and belief, Defendants disagree with these views, which are consistent with Schmitt's, and expressly shut down the Quest program because it teaches that men and women have complementarian roles in family and society, that men occupy a particular role in family and society, and that same-sex attraction does not require men or women to engage in same-sex relationships.

80. In other words, Defendants shut down Quest and Schmitt because they disagree with and intentionally discriminate against traditional, Bible-based, orthodox Christian religious beliefs.

81. Upon information and belief, Defendants shut down Schmitt and Quest because Defendants prefer other religious beliefs, and they require adherence to those preferred state-established beliefs in order to offer programming within MCF.

82. Defendants thus targeted Schmitt because of his religious beliefs. Defendant Rebertus expressly stated that Defendants were targeting Schmitt because of his religious beliefs in her July 10, 2023 email.

83. Defendants Schnell and Rebertus are responsible for the creation, promulgation, and application of the policies of the Department of Corrections enforced against Schmitt and Quest, including the diversity, equity, and inclusion policy mentioned by Defendant Rebertus in her July 10, 2023 email to Schmitt.

84. Defendants' actions have harmed Schmitt because Schmitt can no longer facilitate Quest in MCF absent an injunction from this Court.

85. Defendants' actions have caused harm to Schmitt's dignity by violating his constitutional rights and thus treating him as a lesser member of society than others with different viewpoints.

86. Defendants' actions harm those inmates who would, if they had the opportunity, attend and even facilitate the Quest program alongside Schmitt.

87. Schmitt demands a jury trial on any issues so triable.

CAUSES OF ACTION

Count One

**42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV
Minn. Const. art. I, § 16**

Free Exercise of Religion – No Neutrality

88. Plaintiff incorporates by reference all preceding paragraphs.

89. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

90. Defendants are engaged in an ongoing violation of Schmitt's rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

91. "[A] law targeting religious beliefs as such is never permissible." *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2024 n.4 (2017) (quoting *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993)).

92. By shutting down Quest and forbidding Schmitt from facilitating it, Defendants have targeted Schmitt because of his religious beliefs and practices.

93. Defendant Rebertus' email demonstrates Defendants' hostility toward Schmitt, and Schmitt's religious beliefs were a motivation for Defendants' actions.

94. Defendant Schnell is responsible for creating the policies Defendant Rebertus claimed to be enforcing by shutting down Schmitt and Quest.

95. Upon information and belief, Defendants' policies have not been evenly enforced against other religious traditions which hold beliefs similar to Schmitt's, demonstrating that Defendants' current actions are designed to target particular religious beliefs and practices.

96. Defendants do not have a compelling reason for their actions, and they have not selected the means least restrictive of religious exercise in order to further any interest.

97. Absent declaratory and injunctive relief against Defendants, Schmitt is and will continue to be irreparably harmed.

Count Two
42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV
Minn. Const. art. I, § 16

Free Exercise of Religion – Not Generally Applicable

98. Plaintiff incorporates by reference all preceding paragraphs.

99. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

100. Defendants are engaged in an ongoing violation of Schmitt’s rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

101. “Laws burdening religious practice must be of general applicability.” *Lukumi*, 508 U.S. at 542.

102. Defendants have not enforced their policies in the manner they are currently being enforced against Plaintiffs.

103. Defendant Rebertus’ email demonstrates Defendants’ hostility toward Schmitt, and Schmitt’s religious beliefs were a motivation for Defendants’ actions.

104. Defendants have admitted that they do allow other faith-based programming in MCF, but have singled out Schmitt and Quest for discrimination.

105. Defendant Schnell is responsible for creating the policies Defendant Rebertus claimed to be enforcing by shutting down Schmitt and Quest.

106. Defendants do not have a compelling reason for their actions, and they have not selected the means least restrictive of religious exercise in order to further any interest.

107. Absent declaratory and injunctive relief against Defendants, Schmitt is and will continue to be irreparably harmed.

Count Three
42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV
Minn. Const. art. I, § 16

Free Exercise of Religion – System of Individualized Assessments

108. Plaintiff incorporates by reference all preceding paragraphs.

109. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

110. Defendants are engaged in an ongoing violation of Schmitt's rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

111. "A law burdening religious exercise must satisfy strict scrutiny if it gives government officials discretion to grant individualized exemptions." *Fulton v. City of Phila.*, 141 S. Ct. 1868, 1883 (2021).

112. Defendants' actions alleged herein show that they are engaging in individualized assessment of Plaintiff's beliefs and program, the applicability of the policy or law, and any exceptions.

113. Defendant Rebertus' email demonstrates an individualized assessment of Schmitt and Schmitt's religious beliefs, and the law applicable to them.

114. The cancellation of Schmitt and Quest are the product of a system of individualized exemptions and burden Schmitt's religious exercise.

115. Defendants do not have a compelling reason for their actions, and they have not selected the means least restrictive of religious exercise in order to further any interest.

116. Absent declaratory and injunctive relief against Defendants, Schmitt is and will continue to be irreparably harmed.

Count Four
42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV
Minn. Const. art. I, § 3

First Amendment Freedom of Speech – Content and Viewpoint Discrimination

117. Plaintiff incorporates by reference all preceding paragraphs.

118. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

119. Defendants are engaged in an ongoing violation of Schmitt’s rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

120. The Free Speech Clause prohibits speech restrictions based on content or viewpoint.

121. In other words, laws which “target speech based on its communicative content . . . are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015).

122. On its face, Defendants’ shutting down of Schmitt and Quest expressly targets the content of speech in the Quest program, facilitated by Schmitt.

123. Defendants’ actions are not narrowly tailored to serve any compelling government interest. They are also underinclusive in that, upon information and belief, not all programs espousing religious beliefs like Schmitt’s are treated the same way.

124. A less restrictive alternative exists because the Quest program is completely voluntary.

125. Absent declaratory and injunctive relief against Defendants, Schmitt is and will continue to be irreparably harmed.

Count Five
42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV
Minn. Const. art. I, § 3

First Amendment Freedom of Speech – Compelled Speech

126. Plaintiff incorporates by reference all preceding paragraphs.

127. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

128. Defendants are engaged in an ongoing violation of Schmitt’s rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

129. The Free Speech Clause prohibits compelled speech and compelled silence.

130. Defendants are seeking to compel Schmitt to make affirmative statements that contradict his religious beliefs and to remain silent as to other beliefs. Thus, in 2018, the review of the Quest program instructed that Schmitt should remove what Defendants consider “offensive.”

131. Defendant Rebertus' email makes clear that unless Schmitt complies with Defendants' discriminatory policies, he cannot engage in his calling to minister to those in prison.

132. Such compelled speech and silence violate the First Amendment's Free Speech Clause.

133. Absent declaratory and injunctive relief against Defendants, Schmitt is and will continue to be irreparably harmed.

Count Six
42 U.S.C. §§ 1983, 1988
U.S. Const. Amend. I, XIV

Free Exercise and Establishment Clauses –
Denominational Preference and Discrimination

134. Plaintiff incorporates by reference all preceding paragraphs.

135. Defendants are persons under 42 U.S.C. § 1983 because they are sued in their official capacities for prospective relief. *Kentucky v. Graham*, 473 U.S. 159, 167 n.14 (1985).

136. Defendants are engaged in an ongoing violation of Schmitt's rights by shutting down the Quest program, which Schmitt seeks to remedy through prospective relief. *281 CARE Committee v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011).

137. The Free Exercise and Establishment Clauses prohibit government from officially preferring one denomination over another or discriminating against a religious group for its religious beliefs and practices.

138. Defendants are applying their policies in a manner which penalizes Schmitt for his religious beliefs.

139. Defendants have not penalized other religious groups for their religious beliefs. In fact, they allow other religious organizations to provide essentially the same programming that Schmidt has provided and would like to provide.

140. Defendants do so because they favor and prefer others' religious beliefs over Schmitt's.

141. Defendants' preference for some religious beliefs and practices and discrimination against Plaintiff's beliefs and practices violates the Free Exercise and Establishment Clauses of the First Amendment to the United States Constitution.

142. Defendants do not have a compelling reason for their actions, and Defendants have not selected the means least restrictive of religious exercise in order to further their interests.

143. Absent injunctive and declaratory relief against Defendants, Plaintiff has been and will continue to be irreparably harmed.

PRAYER FOR RELIEF

Plaintiffs respectfully request that the Court grant them relief as follows:

A. A declaration that Defendants' actions violate 42 U.S.C. § 1983 and Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 3 and 16 of the Minnesota Constitution;

B. A preliminary and then permanent injunction requiring the reinstatement of the Quest program and allowing Schmitt to continue his ministry according to his religious beliefs;

C. Plaintiff's taxable costs and disbursements as allowed by law and after proper application for the same;

D. An award of attorney fees in favor of Plaintiff and against Defendants upon Plaintiff prevailing in this litigation and upon post-judgment application for the same, pursuant to 42 U.S.C. § 1988; and

E. An award of all other relief that the Court may deem just, proper, or equitable.

UPPER MIDWEST LAW CENTER

Dated: January 8, 2024

/s/ James V. F. Dickey

Douglas P. Seaton (#127759)
James V. F. Dickey (#393613)
8421 Wayzata Blvd., Suite 300
Golden Valley, Minnesota 55426
Doug.Seaton@umlc.org
James.Dickey@umlc.org
(612) 428-7000

TRUE NORTH LEGAL

Renee K. Carlson (#389675)
525 Park Street, Suite 460
St. Paul, Minnesota 55103
rcarlson@truenorthlegalmn.org
(612) 789-8811