

No. 24-530

IN THE
Supreme Court of the United States

BETHESDA UNIVERSITY, *et al.*,
Petitioners,
v.
SEUNGJE CHO, *et al.*,
Respondents.

**On Petition for Writ of Certiorari to the
Court of Appeal of the State of California,
Fourth Appellate District, Division Three**

**BRIEF OF THE WAGNER FAITH AND
FREEDOM CENTER AND HEARTBEAT
INTERNATIONAL, INC. AS *AMICI CURIAE*
IN SUPPORT OF PETITIONER**

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QUESTION PRESENTED

Bethesda University is a Pentecostal institution that requires its board members to share its religious faith and to act consistently with its Pentecostal beliefs. Consistent with these requirements, Bethesda removed purported Board members who did not share its religious beliefs. Nonetheless, a California state court adjudicated an intra-faith dispute over the Board members' religious qualifications, allowing a non-Pentecostal religious faction to usurp control of the university. The question presented is:

Does the ecclesiastical-abstention doctrine bar courts from adjudicating the religious qualifications of the leaders of a religious institution?

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INTEREST OF *AMICI CURIAE*¹

The **Wagner Faith and Freedom Center** (“Wagner”) is housed on the campus of Spring Arbor University and serves as a national academic voice for faith and freedom. Working daily to secure the future for freedom of thought, conscience, and religion, Wagner equips the next generation with strategies promoting good governance and the Rule of Law. Contending for the faith, Wagner strategically works to ensure the next generation may share the Gospel free of persecution and oppression. In public forums throughout the world, Wagner speaks on behalf of the persecuted and most vulnerable, championing the cause of the defenseless and oppressed.

Heartbeat International, Inc. (“Heartbeat”) is a non-profit, interdenominational Christian organization whose mission is to serve women and children through an effective network of life-affirming pregnancy help centers. Heartbeat serves approximately 3,600 pregnancy help centers, maternity homes, and non-profit adoption agencies in over 85 countries, including approximately 2,300 in the United States—making it the world’s largest such affiliate network.

Amici have significant interest in the protection of constitutional rights, particularly religious conscience and liberty, as it applies to them and others who have established religious requirements for their leadership. *Amici* are committed to preserving constitutional limits

¹ Rule 37 statement: All parties were timely notified of the filing of this brief. No part of this brief was authored by any party’s counsel, and no person or entity other than *amici*, its members or its counsel, made a monetary contribution to the preparation or submission of this brief.

on the exercise of judicial power as it pertains to questions of religion and are leading advocates in this area.

SUMMARY OF ARGUMENT

The well-established ecclesiastical abstention doctrine has long prevented courts from interfering in religious organizations' leadership disputes. Standing that doctrine on its head, the courts below held that so-called "neutral principles" allowed them to do just that. That intrusion was wrong—not only as a matter of trampling fundamental religious autonomy rights, but also practically because the decision below was clearly erroneous. Permitting this kind of meddling going forward would have pernicious negative consequences for religious organizations across this country—including *amici*—the free exercise of whose religious convictions would be subject to the review and approval of secular courts.

ARGUMENT

For more than one-hundred and fifty years, this Court has recognized and enforced a rule—ecclesiastical abstention—that our civil courts must abstain from interfering in religious disputes.

The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations, and officers within the general association, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it.

Watson v. Jones, 13 Wall. 679, 728–29 (1872).

From that unquestionable premise, it follows that “it would be a vain consent and would lead to the **total subversion** of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed.” *Id.* at 729 (emphasis added). It is the very “essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.” *Id.*

Beyond the threshold constitutional indignity of the very submission of religious disputes to civil courts, and the subordination of religious organizations to secular authority, exists a very practical problem: courts have no expertise to decide such disputes and are therefore likely to reach incorrect results in deciding them. “Nor do we see that justice would be likely to be promoted by submitting those decisions to review in the ordinary judicial tribunals. . . . Each of these . . . bodies . . . has a body of constitutional and ecclesiastical law of its own . . . which as to each constitute a system of ecclesiastical law and religious faith that tasks the ablest minds to become familiar with. It is not to be supposed that the judges of the civil courts can be as competent in the ecclesiastical law and religious faith of all these bodies as the ablest men in each are in reference to their own. It would therefore be an appeal from the more learned tribunal in the law which should decide the case, to one which is less so.” *Id.*

The lessons of *Watson* are well illustrated here. Bethesda University (indisputably a Pentecostal university) was subjected to, and thus had its autonomy removed at the outset by, the state courts of

California to adjudicate a dispute over what religious qualifications are required of members of its board. The courts below failed to abstain and decided that it was just fine for non-Pentecostal board members to sit on Bethesda's board and thereby control it. But that was incorrect as a matter of fact. Bethesda's board members must possess a "high level of spiritual development and integrity defined in terms of Evangelical and Charismatic understanding and style of life" and must agree to sign and be committed to a "Statement of Faith" that is unambiguously Pentecostal. App. 7a; App. 16a; App. 45a–46a. The board members the courts below chose for Bethesda possessed none of these characteristics. The courts' utter lack of expertise in deciding these religious matters—subordinating the actual experts on what it means to be Pentecostal to themselves—led to the exact wrong result. There was nothing "neutral" about this and Bethesda was totally subverted by it. *Watson*, 13 Wall. at 729.

Like Bethesda, *amici* have religious qualifications for their leadership. Leadership of Wagner, housed at Spring Arbor University, must personally affirm the University's "Statement of Faith."² Heartbeat's bylaws set out a detailed Statement of Faith and Core Beliefs, and require that members of its board "personally affirm and demonstrate personal commitment to [its] statement of purpose and Statement of Faith[.]" Numerous members of Heartbeat's network have similar requirements. If *amici* were subjected to secular court jurisdiction over the religious qualifications of their

² SPRING ARBOR UNIVERSITY, *Statement of Faith*, available at https://mysau3.arbor.edu/ICS/icsfs/SAU_Concept%2c_Covenant_and_Statement_of_Faith._2023.pdf?target=b1c3cf67-6cc2-4cce-8d56-709fd2a90d48 (last visited November 9, 2024).

leadership, their autonomy and dignity would be lost and their missions compromised.

This case is an ideal vehicle to resolve a split in the courts and settle the scope of the ecclesiastical abstention doctrine once and for good.

CONCLUSION

For the foregoing reasons and those stated by Petitioners, the Court should grant the petition.

Respectfully submitted,

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