No. 25-____

IN THE
SUPREME COURT OF THE UNITED STATES

WILL MCRANEY,
Petitioner,

v.

THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC.,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In the decision below, the Fifth Circuit held that the "church autonomy doctrine" provides a defendant "immunity" from claims by a plaintiff who never worked for the defendant, never served as a minister for the defendant, and never submitted to the authority of the defendant with respect to any ecclesiastical or secular matter.

The Question Presented is:

Does the church autonomy doctrine apply to, and foreclose, civil law claims which are not disputes about the internal affairs or self-governance of a religious institution?[1]

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[1] Petitioner agrees with the Fifth Circuit that the ministerial exception is "one 'component' of the church autonomy doctrine" (Pet. App. 14a) and intends that the applicability of the ministerial exception is subsumed within the Question Presented.

PARTIES TO THE PROCEEDING

Petitioner, Will McRaney, is the Appellant below.

Respondent, the North American Mission Board of the Southern Baptist Convention, Inc. ("NAMB"), is the Appellee below.

RELATED PROCEEDINGS

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., No. 1:17-cv-00080-GHD-DAS, U.S. District Court for the Northern District of Mississippi. Judgment entered April 24, 2019.

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., No. 19-60293, U.S. Court of Appeals for the Fifth Circuit. Judgment entered July 16, 2020. ("*McRaney I*"). Petition for rehearing en banc denied November 25, 2020.

The North American Mission Board of the Southern Baptist Convention, Inc. v. Will McRaney, No. 20-1158, U.S. Supreme Court. Petition for writ of certiorari denied June 28, 2021.

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., No. 1:17-cv-00080-GHD-DAS, U.S. District Court for the Northern District of Mississippi. Judgment entered August 15, 2023.

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., No. 23-60494, U.S. Court of Appeals for the Fifth Circuit. Judgment entered September 9, 2025. Revisions to opinion entered October 28, 2025.

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The Opinion of the United States Court of Appeals for the Fifth Circuit is reported at 157 F.4th 627 (5th Cir. 2025), and reproduced in the Appendix at 1a (revised October 28, 2025).

The Opinion of the United States District Court for the Northern District of Mississippi is reported at 2023 WL 5266356 (N.D. Miss. Aug. 15, 2023), and reproduced in the Appendix at 71a.

JURISDICTION

The Fifth Circuit decision affirming the district court's entry of summary judgment in favor of respondent NAMB was issued on September 9, 2025. A revised opinion was entered on October 28, 2025.

Justice Alito approved an Application (25A409) to extend the time to file a petition for a writ of certiorari to January 7, 2026.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

The United States Constitution provides, in relevant part:

First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ."

Fourteenth Amendment, Section 1: "No State shall . . . deprive any person of life, liberty, or property, without due process of law . . . ."

INTRODUCTION

In April 2017, Dr. Will McRaney filed a lawsuit in Mississippi state court against the North American Mission Board of the Southern Baptist Convention, Inc. ("NAMB"), a non-profit corporation organized under the laws of Georgia. McRaney is not, and never was, an employee of NAMB. His complaint asserted state common law claims for interference with business relationships, defamation, and intentional infliction of emotional distress. The complaint alleged past and ongoing misconduct, causing economic and non-economic harm. The alleged conduct by NAMB occurred both during *and after* McRaney was employed by a separate, autonomous organization—the Baptist Convention of Maryland/Delaware ("BCMD").[2] BCMD is not, and never was, a party to McRaney's lawsuit.

[2] BCMD is "an organization of more than 500 autonomous Baptist churches in Maryland and Delaware." (Pet. App. 3a)

Over the course of decades, this Court has issued a series of decisions now collectively referred to as the church autonomy doctrine. *See Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission*, 605 U.S. 238, 255 (2025) (Thomas, J., concurring) ("The First Amendment guarantees to religious institutions broad autonomy to conduct their internal affairs and govern themselves. This guarantee, which we have called the 'church autonomy doctrine,' . . . ."). While this Court's cases comprising the doctrine are relatively few in number, and address primarily property disputes and (more recently) employment matters, the doctrine is important. It protects religious liberty, while attempting to minimize judicial entanglement in purely religious disputes. But the doctrine crafted by this Court also has significant limitations, rooted in constitutional guarantees and structure. One of those vital limitations is that the doctrine applies only to *internal affairs and self-governance* of a particular religious institution.

In the decision below, the Fifth Circuit forged a dramatic expansion of this Court's church autonomy doctrine, holding it provides a defendant "immunity" from claims by a plaintiff who never worked for the defendant, never served as a minister for the defendant, and never submitted to the authority of the

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BCMD and NAMB are separate organizations, which have no authority or control over one another. The two organizations sometimes work in cooperation with one another, on a voluntary basis.

defendant with respect to any ecclesiastical or civil matter.

The Fifth Circuit decision conflicts with this Court's church autonomy doctrine, has no basis in the Constitution, and itself threatens religious liberty.

The Court should grant this Petition to consider the Fifth Circuit's decision. Any expansion of the church autonomy doctrine should come from this Court.

STATEMENT OF THE CASE

A. The Original Complaint and District Court Proceedings

In April 2017, Dr. Will McRaney filed a lawsuit in Mississippi state court against the North American Mission Board of the Southern Baptist Convention, Inc. ("NAMB"), a non-profit corporation organized under the laws of Georgia. McRaney is not, and never was, an employee of NAMB. His complaint asserted state common law claims for interference with business relationships, defamation, and intentional infliction of emotional distress. The complaint alleged past and ongoing misconduct, causing economic and non-economic harm. The alleged conduct by NAMB occurred both during and after McRaney was employed by a separate, autonomous organization—the Baptist Convention of Maryland/Delaware ("BCMD"). BCMD is not, and never was, a party to McRaney's lawsuit.

NAMB removed McRaney's case to federal court, contending the District Court had subject matter jurisdiction under 28 U.S.C. § 1332. NAMB then sought dismissal of the complaint on the basis of the

"ministerial exception." The District Court denied that motion because "McRaney was indisputably not employed by NAMB," their relationship was not "one of employee-employer," and the "ministerial exception" was therefore inapplicable. *McRaney v. North American Mission Board of Southern Baptist Convention, Inc.*, 304 F.Supp.3d 514, 520, 525 (N.D. Miss. 2018).

As discovery was getting underway, NAMB filed a motion for partial summary judgment, seeking dismissal of some—but not all—of McRaney's claims, on the purported ground that NAMB was implicitly a third-party beneficiary under a severance agreement between McRaney and BCMD. After receiving NAMB's motion for partial summary judgment, the District Court issued an order to show cause why it should not remand the case to state court for lack of subject matter jurisdiction. After briefing on the motion and show cause order, the District Court, "[c]onsidering all the facts available to it, and not just those in the complaint," found "this case would delve into church matters," and dismissed the complaint under Federal Rule of Civil Procedure 12(b)(1), finding that "under the First Amendment it lacks subject matter jurisdiction." *McRaney v. North American Mission Board of Southern Baptist Convention*, 2019 WL 1810991, at *2–3 (N.D. Miss. Apr. 24, 2019).

B. Earlier Appellate Proceedings

1. The Fifth Circuit's *McRaney I* Decision

On appeal, a Fifth Circuit panel reversed, finding premature the district court's conclusion that "it would need to resolve ecclesiastical questions in order to resolve McRaney's claims." *McRaney v. North American Mission Board of the Southern Baptist Convention, Inc.*, 966 F.3d 346, 347 (5th Cir. 2020) ("*McRaney I*"). Noting that NAMB has "never been McRaney's employer," and that he "is not challenging the termination of his employment," the court explained that "the relevant question is whether it appears certain that resolution of McRaney's claims will require the court to address purely ecclesiastical questions." *Id.* at 349. "At this stage, the answer is no." *Id.*

During the appeal, NAMB effectively conceded the ministerial exception was not at issue. Although NAMB had initially sought dismissal in the district court on the basis of the ministerial exception, that motion was denied, and NAMB did not maintain that position on appeal. As the Fifth Circuit observed: "Both parties agree" that "the ministerial exception is not before us." *McRaney I*, 966 F.3d at 350 n.3.

2. NAMB's Petition for Rehearing En Banc, and the Submission of an Amicus Brief Containing False Representations

Following the adverse 3-0 panel decision, NAMB filed a petition for rehearing en banc. NAMB, an agency of the Southern Baptist Convention ("SBC"), sought amicus support for its rehearing petition from another agency of the SBC: the Ethics and Religious

Liberty Commission ("ERLC"). The ERLC joined up with the Thomas More Society to file an amicus brief in support of NAMB's rehearing petition ("the ERLC Amicus Brief"). Neither the ERLC nor NAMB disclosed to this Court that they are part of the same organization—the Southern Baptist Convention.

The ERLC Amicus Brief contained several false statements about Baptist polity. For example, the ERLC Amicus Brief inaccurately described the SBC as a "hierarchy" that serves as an "umbrella Southern Baptist governing body over all of the various groups of churches."[3] The Brief's false statements led to a firestorm of criticism and controversy within and outside the Southern Baptist Convention.

Despite being aware of serious errors in the ERLC Amicus Brief, neither NAMB nor the ERLC brought them to the attention of the Fifth Circuit as it considered NAMB's petition for rehearing. Instead, months later, *after rehearing was denied* (over the dissents of eight judges who issued opinions based on a record containing false statements), the ERLC publicly apologized, and sent a belated letter to the Court confessing the errors. *See* Letter of Amici Curiae Ethics and Religious Liberty Commission and Thomas More Society, at 1–2, *McRaney v. N. Am. Mission Bd. of the S. Baptist Convention, Inc.*, 966 F.3d 346 (5th Cir. 2020) (No. 19-60293) (filed Dec. 14, 2020). The untimely correction stated:

> [I]t has come to the attention of Amici that the Brief Amici Curiae includes certain factual

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[3] The falsity of statements in the ERLC Amicus Brief was confirmed during discovery, and undisputed below.

> statements that inaccurately describe the Southern Baptist Convention's polity and theology of cooperative ministry. […]
>
> All Southern Baptist churches are autonomous, self-determining, and subject only to the Lordship of Christ—no local, state or national entity may exercise control or authority over any Southern Baptist church. Baptists reject the idea of a religious 'hierarchy' or 'umbrella' superior to the local church, or that any Baptist Convention is in a hierarchy or governing relationship over another Convention.

NAMB never corrected or repudiated the ERLC's misrepresentations to the Fifth Circuit.

The Fifth Circuit denied NAMB's petition for rehearing en banc, by a vote of 9-8. *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 980 F.3d 1066 (5th Cir. 2020). Six of the judges who voted for rehearing en banc inaccurately described the conduct challenged in McRaney's district court complaint as an "internal dispute over who should lead a church." *Id.* at 1067. While the source of that factual error is unclear, it could have been based on erroneous representations presented in the ERLC Amicus Brief, corrected by the brief's sponsors only after the ruling on rehearing.

3. NAMB's Petition for Certiorari

NAMB filed a petition for certiorari in the Supreme Court. *See* Petition for Writ of Certiorari, *N. Am. Mission Bd. of the S. Baptist Convention, Inc. v. McRaney*, 141 S. Ct. 2852 (2021) (No. 20-1158) (filed

Feb. 17, 2021). This Court denied NAMB's request for review.

C. District Court Proceedings After Remand

More than four years after Dr. McRaney's complaint was filed, the parties returned to the District Court to commence discovery.

During discovery, on December 7, 2022, the District Court granted McRaney's request to file a Supplemental Pleading, which he did later that day. As the District Court recognized in granting Dr. McRaney's request, the Supplemental Pleading both "clarif[ied] [McRaney's] original allegations" and also "address[ed] events that occurred subsequent to the initial [April 2017] pleading"—filed more than five years earlier.

Like his original 2017 pleading, McRaney's Supplemental Pleading alleges interference with business and contractual relationships, defamation, and infliction of emotional distress. The Supplemental Pleading organizes the causes of action into two time periods—with three causes of action covering the period leading up to McRaney's termination by BCMD, and three covering the period after termination when McRaney had no relationship with BCMD. With respect to the later period, McRaney has alleged, *inter alia*, that:

- Since Plaintiff's termination by BCMD, and continuing to the present, NAMB has engaged in additional tortious conduct, which has interfered with Plaintiff's prospective business relationships with third-parties, injured his professional and personal reputation, and

caused emotional distress.

- This conduct includes NAMB's disparagement of Plaintiff. For example, NAMB has told people outside of NAMB that Plaintiff lies, and that he is "delusional."
- NAMB disparaged and harmed Plaintiff by taking the unprecedented step of posting a photo of Plaintiff at the reception desk of NAMB's headquarters, for the purpose of denying him entry to the building. This no-entry-photo, in the lobby of NAMB's building, was visible to NAMB personnel and visitors, and kept up for at least many months in 2016, and perhaps longer. The no-entry-photo of Plaintiff communicated that Plaintiff was not to be trusted and an enemy of NAMB. The no-entry-photo of Plaintiff was posted by NAMB at the direction of its President, Kevin Ezell.
- NAMB's conduct after Plaintiff's termination by BCMD has had the purpose and effect of blackballing or blacklisting him, impeding his ability to earn a living after his termination by BCMD—resulting in a significant loss of income.
- In addition to being unable to find a full-time job for years after his termination by BCMD, NAMB's conduct also impeded Plaintiff's opportunities as a speaker and presenter at conferences and meetings—opportunities which enhanced Plaintiff's professional profile, gave him forums to promote, and sometimes sell, his books and publications, and were a source of personal enjoyment and satisfaction.

- NAMB's interference with contractual and economic relations, disparagement, and infliction of emotional distress have continued since Plaintiff filed his complaint against NAMB in state court, in April 2017. For example, since the original complaint was filed, NAMB has continued to assert that Plaintiff violated a civil legal agreement between BCMD and NAMB, that he is a liar, and has called Plaintiff "delusional."
- NAMB has also deployed other arms of the SBC in its campaign against Plaintiff. For instance, the SBC's Baptist Press told a prominent journalist who had previously worked as a freelancer, that she might get future work if she "would stop writing about Will McRaney."
- As with NAMB's conduct prior to Plaintiff's termination by BCMD, NAMB's conduct since the termination has had the purpose and effect of making Plaintiff a professional pariah.
- NAMB has made numerous out-of-court misrepresentations about Plaintiff's positions and purported demands with respect to this litigation. These misrepresentations have also disparaged Plaintiff, further damaging his professional standing and status, and causing him emotional distress. For example, in out-of-court public statements, NAMB has: Falsely claimed that Plaintiff "resigned" from BCMD despite knowing that BCMD's Board voted to terminate his employment; [and] [f]alsely disparaged Plaintiff, portraying him as unreasonable, greedy, and seeking to unfairly *enrich himself*, by disclosing

> confidential settlement negotiations with Plaintiff and asserting Plaintiff "demand[ed] that NAMB pay him more than $7.7 million."

NAMB filed an Answer to the Supplemental Pleading on December 21, 2022. Those were the operative pleadings at the time the District Court dismissed the case.

During discovery, McRaney timely filed reports from two experts—Dr. David Sharp, an economist, concerning damages, and Dr. Barry Hankins, a Professor of History at Baylor University, whose scholarly work includes BAPTISTS IN AMERICA: A HISTORY (New York: Oxford University Press, 2015) (co-authored).

Dr. Hankins's Report sets out "opinions about several issues, based upon [his] years of research and scholarship about topics including Christianity in America, Baptists and Southern Baptists, and the relationship between Church and State in the United States," including the following:

- While I am not offering a legal opinion in this matter, my knowledge and expertise leads me to conclude that NAMB's First Amendment defense, and invocation of these doctrines, is misplaced as a matter of fact. It is my opinion, based on years of research and scholarship, including about Southern Baptists specifically and Church-State relations more broadly, that there is no valid factual foundation for NAMB's First Amendment defense in this case.

Elaborating, Dr. Hankins explained:

- By contrast to Southern Baptists, pastors in other Christian denominations often (in fact, usually) are under the authority of the denominational hierarchy as well as their own congregations. This is true in varying degrees and in various ways for the Roman Catholic Church, Episcopal Church, Lutheran Church (all three major Lutheran denominations as well as the smaller ones), the United Methodist Church, and various Presbyterian denominations. Catholics, Episcopalians, Lutherans, and Methodists are hierarchal denominations with authority flowing from the top down through bishops. It is even the case that individual congregations are actually "parishes" of the larger unified "church," which is why "Church" is part of the official name of the denomination. Presbyterians are somewhat different in that they are organized in a representative, or republican, manner where representatives from congregations convene in a presbytery. Presbyteries send representatives to the session, and a session sends representatives to the general assembly. In this way, Presbyterians are similar to Baptists in that there is power and authority flowing from the congregations upward to the general assembly. The similarity ends, however, where a Presbyterian General Assembly can, for example, try a pastor for heresy and expel him or her from the denomination. The General Assembly could

likewise discipline or expel a congregation. When the Roman Catholic Church, the Episcopal Church, the United Methodist Church, or Presbyterian Church USA, discipline an individual or a congregation, they can claim "ecclesiastical abstention," "church autonomy," and/or "ministerial exception" because their actions constitute an inner-church dispute and are therefore protected by the First Amendment's Free Exercise Clause. Whether they win or not is a matter for the courts, but their claims are usually historically compelling.

- The only way Baptists could make such a First Amendment claim would be if the dispute was within an individual congregation, within the SBC, within a state convention, or within a local association. Any dispute between or among any of those entities—congregations, local associations, state conventions, or the SBC—would be a dispute between separate and independent entities and not an inner-church dispute. This is because, at the risk of redundancy, "There is no Baptist church; only Baptist churches"—and Baptist associations, Baptist state conventions, and a national (in this case the Southern Baptist) convention.
- [A]t an earlier stage of this case, the Court referred to the "ecclesiastical abstention doctrine" as preventing secular courts from reviewing disputes that would require an analysis of "theological controversy, church discipline, ecclesiastical government, or the conformity of members of [a] church to the

standard of morals required [by that church]." *McRaney v. NAMB*, 2018 WL 1041298 (Feb. 22, 2018). It is my opinion that no analysis of any such issues is required or warranted in this case.

- As previously explained, NAMB is not a church, and the BCMD is not part of NAMB or the SBC. Moreover, Dr. McRaney never worked for NAMB, and his claims do not require the Courts to wade into a theological controversy, or to review a matter of church discipline, ecclesiastical government, or the conformity of members of a church to the standard of morals required by that church.
- Dr. McRaney was not an employee, agent, or member of NAMB. He asserts he suffered harm based on tortious acts by NAMB leading to and after his termination by BCMD. His claims against NAMB from a First Amendment standpoint are no different than if he worked for a secular organization separate from NAMB.
- NAMB's position in this case is inconsistent with, and contradicted by, long-standing Southern Baptist polity. As I and my co-author Thomas Kidd concluded in Baptist in America: A History, there are three features that mark virtually all Baptists from their beginnings in the early seventeenth century to the present: Baptism, the independence or autonomy of the local church, and a willingness to call themselves Baptists. As we wrote [p, 251], "Whether completely independent and unaffiliated with other congregations,

> voluntarily associated with other Baptists in a society, or bound together in a relatively centralized convention, Baptists claim that their congregations are independent." If congregations are independent and autonomous they can only join together voluntarily in associations, state conventions, and a national (Southern Baptist) convention. They do not relinquish their autonomy in doing so, and they fiercely guard the independence and autonomy of the associations and state conventions they create.

Dr. Hankins further observed in his report: "[I]t is my opinion as a scholar of Church-State relations in the United States that NAMB's First Amendment defense in this case, if accepted by courts, would actually undermine religious liberty rather than safeguard it." He explained:

- As noted above, Dr. McRaney's claims against NAMB are, from a First Amendment standpoint, no different than if he worked for a secular organization separate from NAMB. He claims that an organization he did not work for (NAMB) improperly interfered in his relationship with his employer (BCMD), and then after he was terminated (due to that interference), NAMB continued to interfere with his ability to make a living as a preacher or religious executive. NAMB wants to deprive Dr. McRaney of his right to pursue relief in the courts of this country, on the ground that Dr. McRaney makes his living working with religious people and groups. Thus, under

NAMB's view of the world, a citizen working with religious people and groups loses the right to challenge the conduct of a separate religious organization for which the citizen was never an employee or a member, simply because the citizen makes his living working with religious people and separate religious groups. That is an upside down understanding, where NAMB claims First Amendment protection to interfere in Dr. McRaney's free exercise of religion. Again, this would make some sense if Dr. McRaney worked for NAMB, but he never did.

- [I]f NAMB's interpretation of the First Amendment prevailed (an interpretation that matches the erroneous and rescinded view of the ERLC in its amicus brief), every Baptist entity that cooperates in any way with the SBC would be put at risk—congregations, associations, and state conventions. The view that the SBC can claim itself as a "hierarchy" or "umbrella organization" over other Baptist entities essentially transforms the SBC, making it akin to hierarchical or presbyterian denominations from which Baptists have always distinguished themselves. It is not going too far to say that one of the principal reasons Baptists came into existence was because of the theological belief that religious authority resides only in local congregations, not in a hierarchy of bishops or in a presbyterian body claiming to represent those congregations. Should the courts accept NAMB's interpretation, we would have a most curious situation, to put it mildly, where

> Baptists say they are one thing, but the courts treat them as something else. In short, the U.S. court system will have transformed and redefined Baptists into something they have always insisted they are not. That would be an affront to religious liberty.

NAMB did not serve any expert reports, nor did it file a motion under the Federal Rules of Evidence challenging Dr. Hankins's report or opinions.

The parties completed fact and expert discovery, including from third-parties.

D. Summary Judgment Motions After the Close of Discovery

At the conclusion of discovery NAMB moved for summary judgment, contending: (1) "the First Amendment precludes adjudication of this lawsuit"; (2) McRaney "released his claims against NAMB"; and (3) "the evidence shows that there are no genuine issues of material fact as to the merits of each of Plaintiff's claims."[4]

E. The District Court's August 15, 2023 Order and Opinion

Although not an argument made by NAMB at summary judgment, on August 15, 2023, one month before trial was scheduled to begin, the District Court dismissed Dr. McRaney's case for lack of subject matter jurisdiction based on its understanding and

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[4] McRaney moved for partial summary judgment with respect to some of NAMB's affirmative defenses. The District Court did not rule on that motion, and it was not directly relevant before the Fifth Circuit.

application of the "Ecclesiastical Abstention Doctrine." The District Court also purported to "GRANT[]" Defendant's motion for summary judgment, with the District Court's subject matter determination as the sole basis for the entry of summary judgment for NAMB.

F. Fifth Circuit's Opinions and Judgment

On September 9, 2025, a Fifth Circuit panel, divided 2-1, issued a decision vacating the district court order "insofar as it purported to dismiss for lack of jurisdiction," but affirming the entry of final judgment in favor of NAMB, having concluded that the church autonomy doctrine provides NAMB "immunity" from suit in this case.[5] The Court's

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[5] The Fifth Circuit's immunity determination appears to have been based on adoption of virtually all of NAMB's summary judgment arguments—not on McRaney's pleading, or on summary judgment evidence presented by McRaney. For example, the court of appeals accepted the contention that the agreement between NAMB and BCMD (SPA) was a "religious document" (Pet. App. 46a), even though witnesses and NAMB's counsel referred to it as a "contract," and NAMB's Opposition Brief in the Fifth Circuit referred to NAMB's "*contractual* rights" under the SPA. NAMB's letter alleging a breach of the SPA made *no* reference to a religious dispute. NAMB's primary charge against McRaney concerned his supposed failure to consult with NAMB when hiring for positions partially funded by NAMB. According to NAMB's Vice President, the breach of the SPA was that "protocol had not been followed by McRaney in hiring of two key staff positions . . . . NAMB was supposed to be involved in the process and wasn't." This was NAMB's "simple" and "primary concern" with McRaney. Whether McRaney failed to abide by the SPA when filling positions was not a religious or spiritual question. Accordingly, when BCMD was evaluating NAMB's allegation of SPA breaches by McRaney, it asked its

Judgment in favor of NAMB was dated September 9, 2025.

Judge Ramirez wrote a lengthy dissent, explaining why McRaney's "secular claims" against "an organization for which he did not work" "do not implicate matters of church government or of faith and doctrine," and should be permitted to proceed. Pet. App. 55a.

After receiving a letter from the Church of Scientology complaining about the references to it in the panel's original opinion, on October 28, 2025 the panel withdrew its prior opinion issued a substitute containing a few revisions. Those revisions are not material to this Petition.[6]

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outside counsel—*secular lawyers*—to evaluate the charge. They concluded there was no breach. Moreover, the Fifth Circuit lost sight of the fact McRaney's claims are not about the few references to religious documents in the SPA. His claims that relate to the SPA are *only* about whether NAMB lied when it (repeatedly) asserted that McRaney "breached" the SPA, and the harm caused by that lie. The Fifth Circuit similarly ignored that NAMB has never contended its actions concerning McRaney were *compelled or encouraged by religious doctrine*. NAMB personnel never claimed they were required by faith or doctrine to assert to third parties that McRaney is a liar, "has no integrity," is a "nutcase" and "delusional," or to take the unprecedented step of posting his photo at the reception desk of NAMB's headquarters for the purpose of denying him entry to the building, communicating to visitors that Dr. McRaney was not to be trusted and an enemy of NAMB.

[6] The Fifth Circuit's arguments for its version of church autonomy lean heavily on a strawman: the inaccurate claim that Petitioner argued "Baptists cannot invoke the church autonomy doctrine." Pet. App. 38a. The doctrine *can* apply to Baptists. Petitioner's expert, Professor Hankins, made that point, opining

REASONS FOR GRANTING THE PETITION

"[T]he theory of church autonomy casts zones of independence to those relatively few but 'core' organizational structures, rituals, doctrines, as well as 'key' personnel and membership functions that determine the destiny of the religious entity in question." Carl H. Esbeck, *Church Autonomy, Textualism, and Originalism: SCOTUS's Use of History to Give Definition to Church Autonomy Doctrine*, 108 MARQUETTE L. REV. 705, 710 (2025). The doctrine "guarantees to religious institutions broad autonomy to conduct their *internal affairs* and *govern themselves*." *See Catholic Charities*, 605 U.S. at 255 (Thomas, J., concurring) (emphasis added).

In the decision below, the Fifth Circuit forged a dramatic expansion of this Court's church autonomy doctrine. Describing the doctrine as "wide-ranging" and "cover[ing] many different things" (Pet. App. 13a, 27a), the court of appeals held the doctrine provides a defendant "immunity" from claims by a plaintiff who never worked for the defendant, never served as a minister for the defendant, and never submitted to the authority of the defendant with respect to any ecclesiastical or secular matter.

The Fifth Circuit's decision conflicts with this Court's church autonomy doctrine, has no basis in the Constitution, and itself threatens religious liberty.

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that, consistent with the foundational Baptist principle of autonomy, the doctrine might apply to disputes "within an individual congregation, within the SBC, within a state convention, or within a local association."

I. The Fifth Circuit's Expansion of the Church Autonomy Doctrine Conflicts With This Court's Decisions

The court of appeals held the church autonomy doctrine applies to, and forecloses, claims by a plaintiff who never worked for the defendant, never served as a minister for the defendant, and never submitted to the authority of the defendant with respect to any ecclesiastical or civil matter. That extension of the doctrine—providing "immunity" from a lawsuit not seeking adjudication about the *internal affairs* or *self-governance* of a religious institution—conflicts with this Court's decisions.

Watson v. Jones, 80 U.S. 679 (1872), while not a First Amendment case, is generally viewed as the first in the series of decisions that comprise the church autonomy doctrine. It concerned "a division or schism" within a single church, presenting the question "which of two bodies shall be recognized as the Third or Walnut Street Presbyterian Church." *Id.* at 717. Confronted with a dispute over internal governance, this Court explained that it should defer to religious tribunals on "questions of discipline, or of faith, or ecclesiastical rule, custom or law." *Id.* at 727.[7]

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[7] *See also Ecclesiastical Controversy*, BLACK'S LAW DICTIONARY (12th ed. 2024) ("If the decision relates solely to matters within the church, such as church governance or questions of faith, secular courts have no jurisdiction to hear what is effectively an appeal. *See Watson v. Jones*, 80 U.S. 679, 728–29 (1871).").

Since *Watson*, this Court has consistently framed its church autonomy cases as concerning internal affairs and self-governance of religious institutions. *See*, *e.g.*, *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 746 (2020) (religious institutions lack "general immunity from secular laws" but the Religion Clauses "protect their autonomy with respect to *internal* management decisions that are essential to the institution's central mission.") (emphasis added); *id.* at 747 (discussing "general principle of church autonomy": "independence in matters of faith and doctrine and in closely linked matters of *internal* government") (emphasis added); *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 188 (2012) ("Requiring a church to accept or retain an unwanted minister . . . interferes with the *internal governance* of the church") (emphasis added); *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 341 (1987) (Brennan, J., concurring) ("[R]eligious organizations have an interest in autonomy in ordering their internal affairs . . . ."); *Jones v. Wolf*, 443 U.S. 595, 602 (1979) (dispute about "which faction of the formerly united Vineville congregation is entitled to possess and enjoy the property located at 2193 Vineville Avenue in Macon, Ga."); *Serbian E. Orthodox Diocese for U.S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 721 (1976) (dispute over control of the American-Canadian Diocese of the Serbian Orthodox Church; observing that "internal church government" is "an issue at the core of ecclesiastical affairs"); *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 115–16 (1952) (finding dispute over the

church's property was an ecclesiastical matter, where Russian Orthodox Church had not relinquished administrative control over North American Diocese).

Religion Clause scholars recognize this limitation: the doctrine concerns a religious institution's *internal affairs* and *self-governance*. *See*, *e.g.*, Carl H. Esbeck, *Church Autonomy, Textualism, and Originalism: SCOTUS's Use of History to Give Definition to Church Autonomy Doctrine*, 108 MARQUETTE L. REV. 705, 760 (2025) (church autonomy doctrine covers matters "vital to the internal governance of a church"); Lael Weinberger, *The Limits of Church Autonomy*, 98 NOTRE DAME L. REV. 1253, 1255 (2023) ("The courts have held that religious institutions have a right to internal self-government in managing their own affairs, a doctrine most commonly known as church autonomy."); NATHAN S. CHAPMAN & MICHAEL W. MCCONNELL, AGREEING TO DISAGREE: HOW THE ESTABLISHMENT CLAUSE PROTECTS RELIGIOUS DIVERSITY AND FREEDOM OF CONSCIENCE 173 (2023)) ("the internal governance of religious organizations is off limits").

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As explained below, the Fifth Circuit's version of the church autonomy doctrine undermines religious liberty. But it also lacks a historical foundation. If there is an originalist basis for this Court's church autonomy doctrine, it does not extend to the Fifth Circuit's expansive view of the doctrine. "The drafting record in the First Congress do not yield a clear original meaning of what constitutes the 'free exercise' of religion." VINCENT PHILLIP MUNOZ, RELIGIOUS LIBERTY AND THE AMERICAN FOUNDING 184 (2022). As

for James Madison, often viewed as the architect of the Religion Clauses, *Hosanna-Tabor*, 565 U.S. at 184, a leading scholar of his views about religion concludes "a Madisonian understanding does not support a constitutional right to religious exemptions from generally applicable laws," and that "leading originalists have likely misinterpreted" Madison. Vincent Phillip Munoz, *James Madison's Political Science of Religious Liberty*, AMERICAN POLITICAL THOUGHT 552, 553–54 (2021). *See also* Alan Brownstein, *The Reasons Why Originalism Provides a Weak Foundation for Interpreting Constitutional Provisions Related to Religion*, 2009 CARDOZO L. REV. 196, 196–97 (2009) (discussing "why originalism is particularly ill suited for resolving a great many constitutional disputes relating to church-state relationships in our society today").

Moreover, the Fifth Circuit's version of the doctrine would render nonjusticiable large swathes of cases over which the federal courts have jurisdiction conferred by Congress. The federal courts' "virtually unflagging obligation . . . to exercise the jurisdiction given them" by Congress is consistent with this Court's church autonomy doctrine, but collides with the Fifth Circuit's expansive version. *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976).

II. The Fifth Circuit's Expansion of the Church Autonomy Doctrine Threatens Religious Liberty

The Fifth Circuit's version of the church autonomy doctrine threatens religious liberty. This threat was anticipated by Dr. Hankins in his expert report: "Dr. McRaney claims that an organization he did not work for (NAMB) improperly interfered in his relationship with his employer (BCMD), and then after he was terminated (due to that interference), NAMB continued to interfere with his ability to make a living as a preacher or religious executive." Under the Fifth Circuit's view, "a citizen working with religious people and groups loses the right to challenge the conduct of a separate religious organization for which the citizen was never an employee or a member, simply because the citizen makes his living working with religious people and separate religious groups." That, as Dr. Hankins explained, "is an upside down understanding" of the First Amendment.

Dr. Hankins's view aligns with this Court's explanation that "religious people (or groups of religious people) cannot be denied the opportunity to exercise the rights of citizens simply because of their religious affiliations or commitments, for such a disability would violate the right to religious free exercise . . . which the First Amendment guarantees as certainly as it bars any establishment." *Bd. of Educ. of Kiryas Joel Village School Dist. v. Grumet*, 512 U.S. 687, 698 (1994).

The Fifth Circuit's decision is a particular threat to the religious liberty of Baptists. Again, Dr.

Hankins's warning in his expert report proved prescient:

> It is not going too far to say that one of the principal reasons Baptists came into existence was because of the theological belief that religious authority resides only in local congregations . . . . Should the courts accept NAMB's interpretation [as the Fifth Circuit effectively did], we would have a most curious situation, to put it mildly, where Baptists say they are one thing, but the courts treat them as something else. In short, the U.S. court system will have transformed and redefined Baptists into something they have always insisted they are not.

The Fifth Circuit's holding that the church autonomy doctrine provides NAMB immunity even though McRaney never consented to NAMB's authority ignores that "voluntarism has played a central role in the development of Supreme Court doctrine on the constitutional treatment of religious institutions." Michael A. Helfand, *Religious Institutionalism, Implied Consent and the Value of Voluntarism*, 88 S. CAL. L. REV. 539, 566 (2015). Extending back to *Watson*, this Court's deference to religious tribunals on "questions of discipline, or of faith, or ecclesiastical rule, custom, or law" was grounded in the premise that the parties to such disputes had granted "implied consent." *Watson*, 80 U.S. at 727, 729. As the Court explained, "[t]he right to organize voluntary religious associations . . . and to create tribunals for the decision of controverted question of faith within the association, and for

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." *Id.* at 728–29.

Employing the church autonomy doctrine to deprive individuals of their secular legal rights against a religious institution of which they are not a part in the absence of consent to the authority of that religious institution poses a grave threat to religious liberty.

CONCLUSION

This Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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