No. E2024-00100-SC-R11-CV

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

PRESTON GARNER ET AL.,

Plaintiffs-Appellees,

v.

SOUTHERN BAPTIST CONVENTION ET AL.,

Defendants-Appellants.

On Appeal by Permission from the Judgment of the
Court of Appeals, No. E2024-00100-COA-R3-CV

BRIEF OF BAPTIST LEADERS IN SUPPORT OF PLAINTIFFS-APPELLEES

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INTEREST OF AMICI CURIAE[1]

Amici curiae are current pastors of Baptist churches in Tennessee and nearby states. *See* Appendix (listing amici). Through their ministry and leadership, amici regularly teach, apply, and operate within the principles of Baptist polity. Several also have served in leadership roles within Baptist conventions, associations, or other cooperative Baptist ministries. Through their training and experience, amici are well positioned to explain how Baptist churches and institutions understand and practice church autonomy.

Amici are firmly committed to the protection of religious liberty. But Baptists are also defined by the autonomy of the local church and the absence of any hierarchical ecclesiastical authority capable of resolving disputes among separate Baptist bodies. Because no ecclesiastical tribunal exists to adjudicate such disputes, Baptist pastors and leaders have long relied on civil courts to resolve legal claims when doing so does not require answering questions of faith, doctrine, or internal church governance.

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[1] No counsel for a party authored this brief in whole or in part, and no counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than amici made a monetary contribution to the preparation or submission of this brief.

Adopting Appellants' position would extend the church-autonomy doctrine beyond its traditional role and deprive Baptist ministers and leaders of any forum—religious or civil—for redress of certain wrongs. Amici therefore have a strong interest in ensuring that the doctrine remains properly bounded so that it protects genuine ecclesiastical authority without foreclosing the adjudication of ordinary legal claims.

Finally, much of the January 2026 oral argument in this case focused on the Fifth Circuit's decision in *McRaney v. North American Mission Board of the Southern Baptist Convention*, 157 F.4th 627 (5th Cir. 2025). The Fifth Circuit decided *McRaney* after most of the briefing here had been completed, and the United States Supreme Court later denied certiorari. In light of those developments, amici submit this brief to explain why *McRaney* was wrongly decided—and why Appellants are asking this Court to repeat the same mistake here.[2]

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[2] Indeed, the *McRaney* decision has drawn significant criticism from within the Baptist community. *See* Jon Whitehead, *SBC Leaders Are Fighting for the "Religious Freedom" to Defame Baptist Pastors*, Ctr. for Baptist Leadership (Feb. 11, 2026) (arguing legal positions advanced by Southern Baptist Convention entities would give SBC leaders First Amendment cover to make false statements about local church ministers without legal accountability, in a manner inconsistent with historic Baptist ecclesiology and local church autonomy), *available at* https://centerforbaptistleadership.org/sbc-leaders-are-fighting-for-the-religious-freedom-to-defame-baptist-pastors/.

SUMMARY OF ARGUMENT

The church-autonomy doctrine prevents civil courts from intruding into matters of faith, doctrine, or governance committed to religious authorities. But it does not confer general immunity from secular law. The doctrine instead includes several distinct strands, each governed by its own limiting principles. Respecting those limits preserves religious liberty while allowing civil courts to adjudicate ordinary tort claims using neutral principles of law. Expanding the doctrine beyond those limits would impose forms of ecclesiastical authority that Baptists expressly reject—undermining the religious liberty the doctrine intends to protect.

In *McRaney*, the Fifth Circuit correctly identified the four main strands.[3] They are:

(i) the ministerial exception;

(ii) doctrinal entanglement;

(iii) internal church governance; and

(iv) internal church communications.

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[3] *McRaney*, 157 F.4th at 636 ("These include (a) the selection and dismissal of clergy and faith leaders (the so-called "ministerial exception"); (b) the meaning of religious beliefs and doctrines; (c) the determination of religious polity, such as membership, matters of discipline and good standing, and the identification of the "true church" amidst internecine disputes; and (d) internal church communications regarding any of the aforementioned activities.").

These strands serve different purposes, but three—the ministerial exception, internal church governance, and internal church communications—share a common boundary. They are "internal" and apply only within the sphere of a religious body's own ecclesiastical authority. They protect a church's ability to govern itself and communicate internally about matters of faith, doctrine, and leadership without interference from civil courts. Importantly, however, the protection stops at the edge of the ecclesiastical curtain. In contrast, the fourth strand, doctrinal entanglement, operates differently. It potentially applies to any claim—even one from beyond the curtain—but is examined on a claim-by-claim basis.

The church-autonomy strand at issue in *McRaney* was the ministerial exception, which safeguards a religious body's authority to select, supervise, and remove its own ministers without secular interference. The exception presupposes an ecclesiastical relationship in which the defendant exercises authority over ministers and therefore does not extend to legally and ecclesiastically autonomous entities merely because they voluntarily associate with one another.

The Fifth Circuit nevertheless discarded that limiting principle. It extended the ministerial exception beyond ecclesiastical authority and anchored it instead in voluntary association among religious entities. Under that approach, claims are barred whenever adjudication implicates a religious entity's employment-related decision—even if the defendant neither employed the minister nor possessed authority over the employing body. In essence, *McRaney* converts a shield protecting church governance into a rule of non-adjudication for secular claims.

Appellants here seek to apply the same reasoning through different strands of the doctrine—internal church governance and internal church communications—which share the same internal boundary. Like the ministerial exception, those strands exist to protect a religious body's authority over its own internal affairs. They do not extend across legally and ecclesiastically autonomous institutions merely because those institutions cooperate, associate, or share religious commitments. Yet Appellants treat the communications at issue as "internal" without addressing whether they exercised any ecclesiastical authority over the plaintiff or his employing institution—they indisputably did not.

For Baptists, whose polity is defined by autonomy, non-hierarchy, and the absence of an ecclesiastical tribunal to resolve disputes, the expansion by *McRaney* and urged by Appellants poses acute constitutional problems. By severing these protections from ecclesiastical authority and extending them across autonomous institutions, the rule Defendants urge would deprive Baptists of access to any forum—religious or secular—for redress of ordinary civil wrongs.

In sum, the church-autonomy doctrine protects ecclesiastical authority, not voluntary association. This Court should reject the *McRaney* expansion and confirm that the three internal strands remain bound by a church's own ecclesiastical authority. Applied here, the claims—brought by an employee of one autonomous religious entity against a separate autonomous religious entity—fall outside those boundaries. The Court should also reaffirm that the fourth strand, doctrinal entanglement, is examined on a claim-by-claim basis. Because the claims appear to concern allegedly false statements—and not the Southern Baptist Convention's determination of affiliation, as Appellants suggest—they should be evaluated under neutral principles of law.

ARGUMENT

The church-autonomy doctrine protects religious bodies from civil suits when resolving a dispute would require secular courts to intrude upon matters of faith, doctrine, or ecclesiastical governance committed to religious authority. *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 746 (2020). But it does not impose a rule of categorical non-adjudication for religious entities. *Id.* Nor does it confer general immunity from secular law. *Id.* Instead, the doctrine encompasses several distinct strands—including the ministerial exception, doctrinal entanglement, internal church governance, and internal communications—each governed by its own limiting principles. *See McRaney*, 157 F.4th at 636. Understanding those limits is critical here.

In *McRaney*, the Fifth Circuit correctly identified the four strands—which it also referred to as components—but it then departed from the limiting principles in its application. It extended the ministerial exception beyond ecclesiastical authority and anchored it instead in voluntary association among religious entities. That approach transforms church autonomy into a rule of non-adjudication untethered from who actually holds religious authority.

Such an extension creates serious constitutional problems for Baptists, a Protestant tradition with more than forty national groups (often called denominations), many more regional and state associations, thousands of local churches, and roughly 200,000 ministers. Baptist churches and organizations regularly form voluntary associations in which participating entities maintain their autonomy, neither ceding nor delegating authority to any other group. Indeed, Baptist entities are often simultaneously members of multiple associations. Severing the internal strands of church autonomy from ecclesiastical authority and anchoring them instead in voluntary association would nullify core features of Baptist polity: autonomy, non-hierarchy, and the absence of any ecclesiastical tribunal. It would also deprive Baptist leaders of any forum, religious or secular, in which to seek redress for many ordinary civil wrongs, even where such forums remain available to members of other faith traditions.

I. *McRaney* wrongly extended the ministerial-exception strand of the church-autonomy doctrine beyond ecclesiastical authority; Appellants improperly ask this Court to do the same under the internal governance and internal communications strands.

The fundamental question before the Court is whether the three internal strands of the church-autonomy doctrine protect only a religious body's own exercise of ecclesiastical authority, or whether they may be extended across legally and ecclesiastically autonomous institutions based solely on voluntary association or cooperative partnership. *McRaney* invoked the ministerial exception strand. Appellants invoke the same reasoning here through the internal church governance and internal communications strands. As Appellants argue, "courts must 'stay out' of disputes involving ministerial supervision," even when the defamatory statements concern the minister of another independent and autonomous religious entity. Br. at 37–38.

The answer is no. The church-autonomy doctrine protects a religious body's authority to govern its own internal affairs—not voluntary associations among autonomous institutions. *McRaney* departed from that principle, and this Court should decline Appellants' invitation to follow it.

A. The internal strands of the church-autonomy doctrine are limited to a religious body's own ecclesiastical authority.

The internal strands of the church-autonomy doctrine protect a religious body's authority to govern its own internal affairs without interference from secular courts. *See Our Lady of Guadalupe*, 591 U.S. at 747 (recognizing a church's authority to "select, supervise, and if necessary, remove a minister"); *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 188 (2012) (describing the doctrine as safeguarding "the internal governance of the church"). That protection presupposes a relationship in which the religious defendant itself exercises ecclesiastical authority over the minister at issue. In the United States Supreme Court's cases applying the ministerial exception, the defendant religious body exercised authority to define the minister's role, duties, and standing within the ministry—including the power to select, supervise, and end the relationship. Even when legally distinct but related entities have been involved, the inquiry has focused on the defendant's own exercise of church governance over the ministry—not on mere cooperation, influence, or shared religious mission among autonomous organizations.

Other than *McRaney*, no precedent suggests that this protection extends beyond a religious body's own ecclesiastical authority or may be triggered by voluntary association among autonomous religious entities. Without that limitation, the ministerial exception—and the related protections for internal governance and communications—would cease to operate as safeguards for a church's own internal decisions and would instead become a broad immunity for religiously affiliated actors who lack authority over the minister whose claims are at issue.

B. Voluntary association does not supply—or extend—ecclesiastical authority.

Ecclesiastical authority arises from a religious body's own polity—not from affiliation, cooperation, or shared mission among separate religious entities. A religious organization does not acquire authority over another body's ministers merely because the two groups collaborate or pursue common religious objectives. Authority must instead be conferred by the governing structures of the faith itself.

Precedent from the United States Supreme Court reflects that principle. In hierarchical traditions, ecclesiastical authority is often exercised through bishops, synods, conferences, or other persons or entities empowered to decide questions of faith, doctrine, and discipline.

E.g., *Serbian E. Orthodox Diocese for U.S. & Can. v. Milivojevich*, 426 U.S. 696, 699 (1976). In other religious traditions, authority may be exercised through congregational or collective decision-making structures recognized by the faith itself. *See N.C. Christian Conf. v. Allen*, 72 S.E. 617, 618 (N.C. 1911) ("The churches of the congregational system often combine into associations, conferences, and general conventions. . . . [T]hese bodies, under the congregational system, are purely voluntary associations, for the purpose of joining their efforts for missions and similar work, but having no supervision, control, or governmental authority of any kind whatsoever over the individual congregations, which are absolutely independent of each other."). Either way, abstention is warranted because secular adjudication would override a decision that religious polity assigns to a religious authority.

Consistent with that understanding, courts have thus applied ecclesiastical abstention in cases involving multiple legally distinct religious entities only where those entities operate within a shared structure that assigns governing or supervisory authority over faith, doctrine, or governance. *E.g.*, *Starkey v. Roman Cath. Archdiocese of Indianapolis*, 41 F.4th 931, 945 (7th Cir. 2022); *Bell v. Presbyterian*

Church (U.S.A.), 126 F.3d 328, 332–33 (4th Cir. 1997). In those cases, abstention was justified not because multiple religious entities were involved, but because adjudication would have required civil courts to review or negate ecclesiastical judgments made by bodies empowered—under the denomination's polity—to make them.

By contrast, where no ecclesiastical authority is empowered, under the relevant religious polity, to decide the matters placed at issue—matters of faith, doctrine, or ecclesiastical governance—abstention is unnecessary. *Cf. Watson v. Jones*, 80 U.S. (13 Wall.) 679, 722 (1872). Voluntary cooperation, contractual partnership, or shared religious mission cannot substitute for ecclesiastical authority without transforming the ministerial exception into a generalized immunity untethered from the First Amendment's underlying rationale.

In *McRaney*, the Fifth Circuit effectively adopted a functional test that expands the ministerial exception beyond cases in which the defendant employed the plaintiff or exercised authority over plaintiff's employer. Under that approach, a claim is barred whenever adjudication would require a court to examine or effectively adjudicate the minister's relationship with a religious body—even if the defendant is a legally

separate and ecclesiastically autonomous entity lacking authority over either the plaintiff or his employer.

In doing so, the court recast a tort suit against what it acknowledged to be a legally and ecclesiastically separate entity as an employment dispute, characterizing McRaney's claims as an effort to "protest his dismissal from church leadership," and treating the absence of an employment relationship or ecclesiastical authority as constitutionally irrelevant. *McRaney*, 157 F.4th at 652. The court likewise held that tortious interference and defamation claims based on unsuccessful employment opportunities and disinvitation from religious speaking engagements were barred because adjudicating causation would require a court to determine why those items failed—forcing the judiciary, in the court's view, to choose between allegedly tortious pressure by a legally and ecclesiastically separate entity and independent ecclesiastical judgments about who may speak and represent the church's message. *Id.* at 654. The resulting rule is not tethered to who holds ecclesiastical power, but to whether adjudication may require a court to examine the effects of a religious entity's decision.

The Fifth Circuit justified this expansion by reasoning that the availability of the exception cannot depend on how religious organizations structure themselves and that an opposite rule would disadvantage denominations with few or no paid clergy. *Id.* at 652; *see also Starkey*, 41 F.4th at 945; *Bell*, 126 F.3d at 332–33. That reasoning conflates structural association with ecclesiastical authority. It extends the ministerial exception beyond its core concern—preventing courts from choosing ministers or supervising church governance—and transforms it into a doctrine capable of barring secular tort claims against any religiously affiliated entity whenever those claims have foreseeable employment or ministry-platform consequences. That is more than any other federal appellate court has done to date. *See McRaney v. N. Am. Mission Bd. of S. Baptist Convention*, 304 F. Supp. 3d 514, 519–20 (N.D. Miss. 2018) (noting "every case the [c]ourt has reviewed in which the ministerial exception was applied involved a plaintiff who had been previously employed by the defendant religious organization *itself* (and not just employed by a related or affiliated organization)."). This Court should decline to follow that novel expansion of the church-autonomy doctrine.

C. There is no "Baptist Church"; and voluntary cooperation among Baptist institutions does not create ecclesiastical authority.

Baptist polity is defined by the rejection of ecclesiastical hierarchy and the preservation of institutional autonomy. There is no centralized Baptist church, no denominational tribunal, and no authority empowered to govern Baptist churches. Each Baptist church is autonomous, governing its own affairs according to its governing documents and congregational processes. Baptist associations, state conventions, and national entities likewise retain independence and sovereignty within their respective spheres. Cooperation among Baptist bodies is strictly voluntary and does not entail the delegation or surrender of governing authority.

The Southern Baptist Convention's own governing documents reflect this structure. Its statement of faith defines a Baptist church as "an autonomous local congregation of baptized believers," emphasizing that "each congregation operates under the Lordship of Christ through democratic processes."[4] Likewise, its constitution disavows authority

[4] Baptist Faith and Message 2000 art. VI, *available at* https://bfm.sbc.net/bfm2000/#vi (last visited February 9, 2026).

over those churches and state and regional associations or conventions: "While independent and sovereign in its own sphere, the Convention does not claim and will never attempt to exercise any authority over any other Baptist body, whether church, auxiliary organizations, associations, or convention."[5] Accordingly, Baptist entities may collaborate in mission work, funding arrangements, and strategic initiatives without abandoning any ecclesiastical authority.

That is precisely the arrangement at issue here. Garner was a worship pastor at Everett Hills Baptist Church ("Everett Hills") and an employee of The King's Academy ("King's Academy"). His lawsuit alleges that the Southern Baptist Convention, the Executive Committee of the Southern Baptist Convention, the Credentials Committee of the Southern Baptist Convention, and Christy Peters (a representative of the Credentials Committee) defamed him, causing him to resign from Everett Hills, King's Academy to fire him, and First Baptist Church Concord ("First Baptist") to withdraw his offer of employment. Everett Hills, King's Academy, and First Baptist are legally and ecclesiastically autonomous from these Appellants, and those entities only cooperated

[5] Southern Baptist Convention Constitution and Bylaws art. IV.

with Appellants on a voluntary basis. Appellants did not employ Garner, possessed no authority to appoint, discipline, or remove Everett Hills, King's Academy, or First Baptist personnel, and exercised no ecclesiastical authority whatsoever over those entities' faith, doctrine, or governance.

Under Baptist polity, no Baptist body possesses authority to govern another Baptist body's internal affairs or adjudicate disputes arising between them. There is therefore no ecclesiastical decision-maker whose judgment a secular court would be required to review or override in adjudicating the Garners' claims. This distinguishes this case from *Starkey v. Roman Catholic Archdiocese of Indianapolis*, 41 F.4th 931 (7th Cir. 2022), *Bell v. Presbyterian Church (U.S.A.)*, 126 F.3d 328 (4th Cir. 1997), and similar decisions, where abstention applied because the defendant entities exercised ecclesiastical authority within a shared ecclesiastical governance structure. Here, by contrast, the relationship between Everett Hills, King's Academy, First Baptist, and Appellants was voluntary and cooperative, not hierarchical, supervisory, or marked by any shared authority.

Extending ecclesiastical abstention to bar this suit would not preserve the independence of Baptist institutions. It would instead impose on Baptists a governance structure they have consistently rejected. Unlike hierarchical denominations that maintain church courts or internal adjudicatory mechanisms, Baptists have no ecclesiastical forums empowered to resolve disputes between autonomous Baptist bodies. That absence is not a defect; it stems from Baptist commitments to autonomy and non-hierarchy. Historically, Baptists have therefore relied on secular courts to resolve ordinary civil wrongs between separate entities when adjudication does not require resolving questions of faith or doctrine. *E.g.*, *Exec. Bd. of Mo. Baptist Convention v. Mo. Baptist Univ.*, 569 S.W.3d 1 (Mo. Ct. App. 2019); *Exec. Bd. of Mo. Baptist Convention v. Mo. Baptist Found.*, 380 S.W.3d 599 (Mo. Ct. App. 2012); *Exec. Bd. of Mo. Baptist Convention v. Windermere Baptist Conf. Ctr.*, 280 S.W.3d 678 (Mo. Ct. App. 2009); *Cent. Coast Baptist Ass'n v. First Baptist Church of Las Lomas*, 171 Cal. App. 4th 822 (Cal. Ct. App. 2007).

II. The doctrinal-entanglement strand also does not bar adjudication of the Garners' claims.

Because Appellants cannot extend the church-autonomy doctrine's internal strands beyond ecclesiastical authority, the only remaining

limitation potentially relevant here is the doctrine's prohibition on adjudicating disputes that would require courts to resolve questions of religious doctrine or ecclesiastical judgment. That limitation—often described as the doctrinal-entanglement strand—is applied on a claim-by-claim basis.[6] Courts may not decide matters of faith or doctrine, but the First Amendment does not give religious institutions "a general immunity from secular laws." *Our Lady of Guadalupe*, 591 U.S. at 746.[7]

Intent-implicating elements of ordinary tort claims do not necessarily require courts to evaluate the validity of an asserted mission-based justification or to resolve ecclesiastical questions about faith, doctrine, or internal governance. They can instead require courts to examine secular predicates: what the defendant knew, what it said or

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[6] As the *McRaney* dissent did, courts should assess whether claims implicate principles of church autonomy allegation by allegation, rather than determining that a claim to be barred simply because one allegation touches religious matters. *E.g.*, *McRaney*, 157 F.4th at 661 (Ramirez, J., dissenting); *see also Patton v. Jones*, 212 S.W.3d 541, 548 (Tex. App.—Austin 2006, pet. denied) ("In cases relying on the ecclesiastical abstention doctrine, courts consider the substance and nature of the plaintiff's claims to determine whether the First Amendment prevents subject matter jurisdiction.").

[7] Appellants suggest that litigation itself risks impermissible intrusion into religious matters, including through discovery disputes or claims of privilege. Br. at 43–44. But such concerns go to the management of litigation and the admissibility of evidence—not to whether a court may adjudicate the underlying claims at all.

did, and whether it acted deliberately or foreseeably caused harm. See *Drevlow v. Lutheran Church, Mo. Synod*, 991 F.2d 468, 471–72 (8th Cir. 1993) (reversing dismissal of claims for libel, negligence, and intentional interference); *Ogle v. Hocker*, 279 F. App'x 391, 395 (6th Cir. 2008) ("Whether a secular court may hear a tort suit despite the church autonomy doctrine turns on the availability of secular standards and the ability of a court to resolve the controversy without reference to religious doctrine."). A court may assume—without deciding—that a religious defendant believed its conduct served institutional or mission-related interests and still determine whether the defendant knowingly made false statements or intentionally interfered with another's employment or business relationships. *Cf. Gaddy v. Corp. of President of Church of Jesus Christ of Latter-day Saints*, 148 F.4th 1202, 1214 (10th Cir. 2025); *Bouldin v. Alexander*, 82 U.S. (15 Wall.) 131, 139–40 (1872).

Here, the court of appeals correctly held that "considering the Garners' claims will not require the trial court to resolve any religious disputes or to rely on religious doctrine." *Garner v. S. Baptist Convention*, No. E2024-00100-COA-R3-CV, 2025 WL 48205, at *10 (Tenn. Ct. App. Jan. 8, 2025). Adjudicating the Garners' claims does not require a

court to assess the religious correctness of any ministry's decision or to weigh competing ecclesiastical reasons for it. Indeed, contrary to Appellants' suggestion, Garner's case does not require inquiry into the Southern Baptist Convention's internal "determination of non-cooperation." *See* Br. at 21.

What courts may adjudicate, however, are the secular consequences of statements or conduct directed beyond that internal decision-making process within the ecclesiastical curtain. The church-autonomy doctrine protects a religious body's authority to make ecclesiastical determinations; it does not immunize allegedly false or tortious communications about those determinations to third parties. Evaluating whether Appellants made false statements, interfered with employment relationships, or otherwise committed tortious acts does not require a court to determine whether the Southern Baptist Convention's internal decision-making was religiously correct.

Instead, it requires only ordinary secular determinations: what Appellants said or did, whether any statements were knowingly false and defaming, made with reckless disregard for the truth, or made with negligence in failing to ascertain the truth, whether any true statements

implied facts that are not true to a reasonable person, whether a party gave publicity to a matter that put Garner in a false light, whether such false light would have been highly offensive to a reasonable person, whether the party giving publicity had knowledge or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Garner would be placed, and whether damages resulted. *See Garner*, 2025 WL 48205, at *13–14.

A court may recognize that an employee was fired or a job offer was withdrawn without second-guessing a religious body's autonomy to reach that result for its own reasons. Treating any inquiry into causation or intent as an inquiry into ecclesiastical judgment would convert the ministerial exception from a protection for religious governance into a rule of categorical non-adjudication untethered from authority, employment, or doctrine.

Accordingly, adjudicating the Garners' claims does not require a court to resolve any question of religious doctrine or to second-guess an ecclesiastical decision. The claims turn instead on ordinary questions of secular tort law concerning statements and conduct directed at third parties. Because those issues can be resolved using neutral legal

standards without evaluating matters of faith or internal church governance, the doctrinal-entanglement strand of the church-autonomy doctrine does not bar adjudication of this case.

III. Following *McRaney* would create a denominationally skewed no-recourse zone for ordinary tort claims.

By effectively insulating intentional torts from neutral adjudication, *McRaney* foreclosed ordinary secular civil remedies in a wide range of cooperative settings. Its logic would prohibit courts from adjudicating defamation, interference, and emotional-distress claims whenever a religiously affiliated entity frames its conduct in mission-related terms, leaving affected individuals without any secular civil forum and transforming a doctrine designed to prevent doctrinal entanglement into a broad immunity from secular law.

Several alleged statements and actions of NAMB were at issue in *McRaney*. While some may have involved matters of faith and doctrine, others did not. For example, McRaney alleged that NAMB falsely claimed he had "resigned" from his position, disparaged him during settlement negotiations, and accused him of violating hiring protocols under the parties' agreement. *McRaney* Cert. Pet. at 11, 19 n.5. The dissent likewise noted allegations that NAMB characterized McRaney as a

"troublemaker" and sought to "blackball him." *McRaney*, 157 F.4th at 661 (Ramirez, J., dissenting). Because such statements involve neither matters of faith nor doctrine, tort claims based on them should remain actionable. Consider the following example.

David Miller is a teacher employed by Local Valley School, an independent, standalone private school. Local Valley participates in a voluntary cooperative agreement with State Association of Autonomous Schools, a legally separate nonprofit that partners with member schools to advance shared educational standards and child-protection policies. After receiving an anonymous hotline complaint alleging that Miller previously engaged in misconduct involving a minor at another school years earlier, State Association informs Local Valley that it may be employing an individual with an alleged history of sexual assault of a minor, names Miller, and states it would not raise the matter if it were not credible, though it cannot confirm any police report, charges, or legal proceedings. Local Valley terminates Miller and forwards the letter to a separate and independent partner school considering Miller for employment, which then rescinds his job offer. Miller sues the State Association for defamation and false light, alleging that the statements—

based solely on an uncorroborated anonymous report—implied that he committed sexual abuse and destroyed his professional standing.

Under the Fifth Circuit's view, courts would be barred from adjudicating ordinary tort claims whenever resolving falsity, intent, impropriety, or causation would require them to examine whether an individual's conduct aligned with a cooperating entity's understanding of how a shared mission should be accomplished—even where the claims turn on secular questions about what was said, what was known, and the foreseeable harm caused by knowingly false or coercive conduct. And such reasoning would not only apply to Baptist entities in cooperation, but it would also apply to any two Protestant entities, or even to a Protestant and a Jewish entity, voluntarily associating in a shared mission to feed the poor.

McRaney's reasoning has especially acute consequences for Baptists. Unlike hierarchical denominations that maintain ecclesiastical tribunals or internal adjudicatory mechanisms, Baptists lack church courts empowered to resolve disputes between autonomous Baptist bodies. Barring secular adjudication in this context would therefore leave Baptists without any forum for redress of secular wrongs, not because

such disputes are ecclesiastical in nature, but precisely because Baptists reject centralized authority and hierarchy and embrace autonomy.

CONCLUSION

The church-autonomy doctrine is not a single, undifferentiated rule of non-adjudication, but a constellation of distinct constitutional principles. As in *McRaney*, distinguishing those principles—or "strands"—is critical. The three internal strands—the ministerial exception, internal church governance, and internal communications—are all bounded by the scope of a religious body's ecclesiastical authority over ministers. The other—the prohibition on faith and doctrinal entanglement—may apply to claims of any type but is determined on a claim-by-claim basis, separately assessing the allegations underlying each claim. By collapsing these distinct principles into a single, immunity-like rule, *McRaney* extended the ministerial exception beyond ecclesiastical authority and foreclosed adjudication even where no doctrinal inquiry is required. Appellants invite this Court to do the same under the internal church governance and internal communications strands.

The Court should decline to follow *McRaney* and, instead, reaffirm that the church-autonomy doctrine protects ecclesiastical authority—not voluntary association among autonomous religious institutions.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

In accordance with Tennessee Supreme Court Rule 46, section 3.02, I certify that the total number of words in this document, excluding the sections allowed under the same rule, is 4,892 as calculated by Microsoft Word. I further certify this document complies with the typeface requirements of Rule 46, section 3.02 because the document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font for body text and 12-point Century Schoolbook font for footnote text.

/s/M. Jeffrey Whitt
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I certify that on March 13, 2026, a true and correct copy of this brief was filed electronically and served on all registered users participating in this case, including the following by operation of the Court's e-filing system:

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/s/M. Jeffrey Whitt
M. Jeffrey Whitt

APPENDIX

List of Baptist Leaders

Dr. Wes Baldwin, Sr. Pastor, East Maryville Baptist Church, Maryville, TN

Eric Bennett, Elder, Connect Church, Sevierville, TN

Dr. Deron Cobb, Sr. Pastor, Providence Baptist Church, Berea, KY

Tony Collins, Sr. Pastor, Broadway Baptist Church, Maryville, TN

Dr. Dean Haun, Sr. Pastor, First Baptist Church, Morristown, TN; President, Tennessee Baptist Convention (2013); Vice President of the Tennessee Baptist Convention (2012); President of the Pastor's Conference, TBC (2011); Executive Board, Tennessee Baptist Convention (2008–2014); Administration Committee, Georgia Baptist Convention (2001–2007); Committee on Committees, Southern Baptist Convention (1996); Committee on Boards, Southern Baptist Convention (1998); Chairman of Executive Committee, Tennessee Baptist Convention (1995); Chairman of the Board, Baptist and Reflector (1995); Chairman of Christian Services Committee (1994)

Toby Downy, Sr. Pastor, Holston Baptist Church, Strawberry Plains, TN

Dustin George, Sr. Pastor, Vonore Baptist Church, Vonore, TN

Dr. Mark Grubb, Sr. Pastor, Kaley's Chapel Baptist Church, Maryville, TN
Committee on Committees for SBC 2006

Dr. Walter Grubb, former Headmaster, The King's Academy, Seymour, TN

Doug Hayes, Sr. Pastor, Everett Hills Baptist Church, Maryville, TN

Dewayne Howard, Sr. Pastor, Graceway Church, Plant City, FL

Dr. Steven Kyle, Sr. Pastor, Hiland Park Baptist Church, Panama City, FL

Scott Linginfelter, Sr. Pastor, Holly Creek Baptist Church, Chatsworth, GA

John Lowe, Sr. Pastor, Tuckaleechee Chapel Baptist Church, Maryville, TN

Dr. Hollie Miller, Teaching Pastor, East Maryville Baptist Church, Maryville, TN; former Sr. Pastor Sevier Heights Baptist Church, Knoxville, TN; Vice President Tennessee Baptist Convention (1998)*;* President Tennessee Baptist Convention (2001); SBC Historical Commission (1983–1987); SBC Executive Board Member (1991–1995, 1997–1999); SBC Foundation (1997–2003)

Greg Morris, Sr. Pastor, First Baptist Church, Hogansville, GA

Joshua Singleton, Assoc. Pastor, Black Oak Heights Baptist, Knoxville, TN

Randall Singleton, Assoc. Pastor, Black Oak Heights Baptist, Knoxville, TN

Steve Smith, Assoc. Pastor, First Baptist Church, Morristown, TN

Dr. Todd Stinnett, Sr. Pastor, Black Oak Heights Baptist Church, Knoxville, TN; TBC Constitution and Bylaws Committee (2021–2024); 1st VP, TBC (2018); 2nd VP, TBC (2017); President, TBC Pastor's Conference (2016); President-Elect, TBC Pastor's Conference (2015); SBC Committee on Nominations (2014–2015); TBC Executive Board (2010–2016)

Allan Taylor, Executive Pastor, First Baptist Concord, Knoxville, TN; Director of Sunday School, LifeWay, Nashville, TN (2015–2019)

Arden Taylor, Director of Operations, Black Oak Heights Baptist Church, Knoxville, TN; Committee on Committees, Southern Baptist Convention (2009)

Don Wilson, former Assoc. Pastor, Sevier Heights Baptist Church, Knoxville, TN

John Yingling, Assoc. Pastor, Black Oak Heights Baptist, Knoxville, TN