

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 National Religious Broadcasters
as *Amicus Curiae* in support of Petitioners**

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Interest of Amicus

National Religious Broadcasters (NRB) is a non-partisan association of Christian broadcasters united by their shared purpose of proclaiming Christian teaching and promoting biblical truths. NRB's 1,487 members reach a weekly audience of approximately 141 million American listeners, viewers, and readers through radio, television, the Internet, and other media.

Since its founding in 1944, NRB has worked to foster excellence, integrity, and accountability in its membership. NRB also works to promote its members' use of all forms of communication to ensure that they may broadcast their messages of hope through First Amendment guarantees. NRB believes that religious liberty and freedom of speech together form the cornerstone of a free society.

A cornerstone of religious freedom is the principle that government may not intrude into spiritual decisions—particularly regarding leadership of religious organizations. This is true not only for churches and other houses of worship, but also for colleges and religious broadcasters.¹

¹ Pursuant to Supreme Court Rule 37.6, counsel for your amicus certifies that no counsel for any party authored this brief in whole or in part. No person or entity other than NRB furnished any monetary contribution for the preparation of this brief. Counsel additionally certifies that he gave written notice more than ten days prior to the due date to counsel for both parties that he intended to file this brief in support of granting the writ.

Summary of the Argument

Bethesda University is a Pentecostal college founded by Dr. David Yonggi Cho in 1976.² Dr. Cho was the founder of the Yoido Full Gospel Church in South Korea, which is affiliated with the Assemblies of God denomination. At the time of Cho's death in 2021, Yoido Full Gospel Church was considered to be the "world's largest megachurch."³

This case arose when Seungie Cho, then-President of the University told a bare quorum of the board of directors that their accrediting association required denominational diversity on the board. App. 36a. This was not accurate. This led the board members then present to expand the board including adding four Presbyterian pastors as members of the board. App. 30a-31a. Shortly thereafter, the board met and removed the Presbyterians on the grounds that their religious beliefs were not consistent with Pentecostalism. App. 31a and 37a.

The trial court and the California Court of Appeals cited and relied on the testimony of the President of Bethesda who said, "Presbyterian or Pentecostal, as long as they are willing to follow Pentecostal ideals, it doesn't matter." App.17a. The trial court said that "nothing in the Constitution and Bylaws prevents a "Protestant" minister, or someone

² Bethesda University, <https://www.buc.edu/about> (last visited Dec. 3, 2024).

³ Daniel Silliman, *Died: David Yonggi Cho, Founder of the World's Largest Megachurch*, Christianity Today, (Dec. 3, 2024, 9:12 AM), <https://www.christianitytoday.com/2021/09/died-david-yonggi-cho-korea-megachurch-cell-church-growth/>.

not of the Pentecostal faith, from serving on the Board.” App.14a (quoting trial court order).

It is appropriate to read the lower court decisions as tacitly recognizing that board members of Bethesda needed to share the Christian faith in some form. Those courts found that four Presbyterian pastors were close enough—after all, they were Protestants.

The lower courts apparently believed that their incursion into theology was sufficiently limited to fit within the framework of the legal doctrine that secular courts may decide certain church conflicts by applying the “neutral principles of law approach.” App.13a-14a.

Your amicus represents religious broadcasters from across the Protestant doctrinal perspective. Some are Pentecostal, and others are Presbyterian. The fact that both theological groups can work together for religious freedom and freedom of speech in broadcasting is evidence that there are indeed areas of theological agreement. However, your amicus and its members would be quick to point out that there are indeed very important doctrinal differences between these two sectors of Protestant Christianity. Your amicus contends that it is improper for secular courts to invade the area of theology in any respect whatsoever—that such an incursion constitutes a serious breach in the protection for religious liberty.

To illustrate the importance of preserving this legal doctrine of non-intrusion, your amicus herein undertakes a basic explanation of the theological differences between Pentecostalism and

Presbyterianism. Because NRB represents broadcasters from both perspectives, we obviously do not wish to convey any implication that either group is theologically correct on the areas in which they differ. Rather, our purpose is to highlight the notion that these differences are deep, profound, and of the greatest importance to both groups. But despite these differences, on behalf of all of its members, NRB contends that courts are not competent to adjudicate such matters. “Courts are not arbiters of scriptural interpretation.” *Thomas v. Review Bd., Ind. Empl. Sec. Div.*, 450 U.S. 707, 716 (1981).

Argument

I. The Important Spiritual Distinctions Present in this Case Should Never be Subject to Governmental Control.

Since Bethesda was founded by a Korean church affiliated with the Assemblies of God, we employ the official doctrinal positions of that denomination for our explanation of Pentecostal beliefs. The North American Presbyterian and Reformed Council, which includes the Korean Presbyterian Church in America,⁴ endorses the Westminster Confession of Faith.⁵ Accordingly, we employ this historic Confession as the basis for ascertaining core Presbyterian beliefs.

We will see that there are key differences between Pentecostal and Presbyterian theology on

⁴ NAPARC, <https://www.naparc.org/directories-2/> (last visited Dec. 3, 2024).

⁵ NAPARC, <https://www.naparc.org/basis/> (last visited Dec. 3, 2024).

several issues. This includes dramatic opposition to each other on the central theological distinctive that is the core to each faith tradition.

In short, the distinguishing characteristic of Pentecostal Christianity is the active practice of the visible gifts of the Holy Spirit; i.e., speaking in tongues, prophetic utterances, and an emphasis on the gift of physical healing. The Westminster Confession is cessationist, i.e., it teaches that such gifts are no longer valid and have not been valid since the completion of the writing of the New Testament. Thus, Presbyterian theology directly denies the key doctrinal distinctive of Pentecostal Christians.

On the other hand, Presbyterians are best known for their emphasis on the sovereignty of God in salvation. They teach that man cannot exercise free will to accept God's offer of redemption because man is totally depraved and incapable of doing good. By election, which took place before the foundation of the world, God chose, without regard to any human factor, those who would be elect for salvation. Accordingly, those who are not elect will never be able to come to saving faith in Christ.

Pentecostals deny this approach to salvation. They teach that Christ died for everyone, not just the elect. They believe that God's grace was extended to all mankind through the death of Jesus. Because of the grace of God, anyone who believes that Jesus is the Son of God and accepts His sacrifice as forgiveness for sins will receive salvation. Thus, Pentecostals deny the key doctrinal distinctive of Presbyterians.

We now turn to four specific issues to demonstrate the differences.

1. Are the “sign gifts” (speaking in tongues, healing, and prophecy) still valid?

Assemblies of God.

All believers are entitled to and should ardently expect and earnestly seek the promise of the Father, the baptism in the Holy Spirit and fire, according to the command of our Lord Jesus Christ. This was the normal experience of all in the early Christian Church. With it comes the enduement of power for life and service, the bestowment of the gifts and their uses in the work of the ministry.⁶

The baptism of believers in the Holy Spirit is witnessed by the initial physical sign of speaking with other tongues as the Spirit of God gives them utterance.⁷

Divine healing is an integral part of the gospel. Deliverance from sickness is provided for in the atonement, and is the privilege of all believers.⁸

Prophecy is an ongoing gift of the Holy Spirit that will always be broadly distributed throughout a holy and responsive church until

⁶ Assemblies of God, *Assemblies of God 16 Fundamental Truths*, No. 7 (Dec. 3, 2024, 9:42 AM), <https://ag.org/Beliefs/Statement-of-Fundamental-Truths#7>.

⁷ *Id.*, No. 8.

⁸ *Id.*, No. 12.

Jesus comes. The Spirit sovereignly chooses and directs persons who are open and sensitive to His gifts and promptings and endows them variously with an array of verbal gifts.⁹

Presbyterian.

[T]hose former ways of God's revealing His will unto His people being now ceased. (Heb. 1:1–2)¹⁰

Now the New Testament brought to the final conclusion the revelations of God to His people throughout previous ages. With the death of the last apostle, there was no more prophecy, including tongues (which were prophecy in another language). We still get illumination from the Spirit through the Word, but no new revelations of the Spirit (see the Westminster Confession of Faith chapter 1, paragraph 6).¹¹

2. Does man's free will play any part in his salvation?

⁹ Assemblies of God, *Apostles and Prophets* (Dec. 3, 2024, 9:48 AM), <https://ag.org/Beliefs/Position-Papers/Apostles-and-Prophets#:~:text=Prophecy%20is%20an%20ongoing%20gift.an%20array%20of%20verbal%20gifts>.

¹⁰ WestminsterStandards.org, *Westminster Confession of Faith*, Article 1 (Of the Holy Spirit) (Dec. 3, 2024, 9:53 AM), <https://westminsterstandards.org/westminster-confession-of-faith/>.

¹¹ The Orthodox Presbyterian Church, *Speaking in Tongues* (Dec. 3, 2024, 9:56 AM), https://opc.org/qa.html?question_id=129.

Assemblies of God.

The primary differences lie in what may easily be construed as the removal of human responsibility (particularly with regard to irresistible grace and election), the logical inference that missions work is not needed or desirable, the hopelessness of reprobation, and the haughtiness of perseverance.¹²

Presbyterian.

Man, by his fall into a state of sin, hath wholly lost all ability of will to any spiritual good accompanying salvation: (Rom. 5:6, Rom. 8:7, John 15:5) so as, a natural man, being altogether averse from that good, (Rom. 3:10, 12) and dead in sin, (Eph. 2:1, 5, Col. 2:13) is not able, by his own strength, to convert himself, or to prepare himself thereunto. (John 6:44, 65, Eph. 2:2–5, 1 Cor. 2:14, Tit. 3:3–5).¹³

3. Who can participate in water baptism?

Assemblies of God. (Believers baptism by immersion)

¹² Assemblies of God, *An Assemblies of God Response to Reformed Theology [Position Paper]*, Points of Disagreement, para. 1 (Dec. 3, 2024, 10:04 PM), <https://ag.org/Beliefs/Position-Papers/Reformed-Theology-Response-of-the-AG-Position-Paper>.

¹³ WestminsterStandards.org, *Westminster Confession of Faith*, Article IX (Of Free Will) Section 3 (Dec. 3, 2024, 10:09 AM), <https://westminsterstandards.org/westminster-confession-of-faith/>.

The ordinance of baptism by immersion is commanded by the Scriptures. All who repent and believe on Christ as Saviour and Lord are to be baptized. Thus they declare to the world that they have died with Christ and that they also have been raised with Him to walk in newness of life.¹⁴

Presbyterian. (Infant or believers baptism by either pouring or sprinkling)

Dipping of the person into the water is not necessary; but Baptism is rightly administered by pouring, or sprinkling water upon the person. (Heb. 9:10, 19–22, Acts 2:41, Acts 16:33, Mark 7:4) Not only those that do actually profess faith in and obedience unto Christ, (Mark 16:15–16, Acts 8:37–38) but also the infants of one, or both, believing parents, are to be baptized. (Gen. 17:7–8, Gal. 3:9, 14, Col. 2:11–12, Acts 2:38–39, Rom. 4:11–12, 1 Cor. 7:14, Matt. 28:19, Mark 10:13–16, Luke 18:15)¹⁵

4. Can a person who has truly believed in Christ lose his or her salvation?

¹⁴ Assemblies of God, *Assemblies of God 16 Fundamental Truths*, No. 6 (Dec. 3, 2024, 9:42 AM), <https://ag.org/Beliefs/Statement-of-Fundamental-Truths#7>.

¹⁵ WestminsterStandards.org, *Westminster Confession of Faith*, Article XXVIII (Of Baptism) Sections 3 and 4. (Dec. 3, 2024, 9:53 AM), <https://westminsterstandards.org/westminster-confession-of-faith/>.

Assemblies of God. (Salvation can be lost for failing to have a living relationship with Christ)

In view of the biblical teaching that the security of the believer depends on a living relationship with Christ (John 15:6); in view of the Bible's call to a life of holiness (Hebrews 12:14; 1 Peter 1:16); in view of the clear teaching that a man may have his part taken out of the Book of Life (Revelation 22:19); and in view of the fact that one who believes for a while can fall away (Luke 8:13); The General Council of the Assemblies of God disapproves of the unconditional security position which holds that it is impossible for a person once saved to be lost. (Bylaws, Article IX.B.1)¹⁶

Presbyterian. (Believers will always persevere and never lose salvation)

True believers may have the assurance of their salvation divers ways shaken, diminished, and intermitted; as, by negligence in preserving of it, by falling into some special sin which woundeth the conscience and grieveth the Spirit; by some sudden or vehement temptation, by God's withdrawing the light of His countenance, and suffering even such as fear Him to walk in darkness and to have no light: (Cant. 5:2, 3, 6, Ps. 51:8, 12, 14, Eph.

¹⁶ Assemblies of God, *Assurance of Salvation*, para. 1 (Dec. 3, 2024, 10:17 AM), <https://ag.org/Beliefs/Position-Papers/Assurance-Of-Salvation>.

4:30, 31, Ps. 77:1–10, Matt. 26:69–72, Ps. 31:22, Ps. 88, Isa. 50:10) yet are they never utterly destitute of that seed of God, and life of faith, that love of Christ and the brethren, that sincerity of heart, and conscience of duty, out of which, by the operation of the Spirit, this assurance may, in due time, be revived; (1 John 3:9, Luke 22:32, Job 13:15, Ps. 73:15, Ps. 51:8, 12, Isa. 50:10) and be the which, in the mean time, they are supported from utter despair. (Micah 7:7–9, Jer. 32:40, Isa. 54:7–10, Ps. 22:1, Ps. 88)¹⁷

While these doctrinal distinctives either were not considered by the lower courts, or perhaps were not considered to be all that important, history demonstrates that these distinctions have resulted in very serious consequences.¹⁸ For example, in colonial Massachusetts, refusing to participate in infant baptism was a crime, punishable by banishment.¹⁹

Fortunately, the Great Awakening produced a reorientation of American Christian thinking that resulted in the advent of a widespread belief in religious liberty as a matter of religious doctrine.²⁰ However, this advent of religious liberty was premised on the notion that the civil magistrate had

¹⁷ WestminsterStandards.org, *Westminster Confession of Faith*, Article XVIII (Of Assurance of Grace and Salvation) (Dec. 3, 2024, 9:53 AM), <https://westminsterstandards.org/westminster-confession-of-faith/>.

¹⁸ Michael Farris, *The History of Christianity: From Tyndale to Madison* 103 (Master Books, 2015).

¹⁹ *Id.*, 309.

²⁰ *Id.*, see generally, 283-458.

no jurisdiction over anyone's beliefs—rather than the notion that religious doctrinal differences were unimportant. As the great Virginia Baptist pastor, Samuel Davies wrote in 1776:

Neither can it be made to appear that the Gospel needs any such civil aid. We rather conceive that when our Blessed Savior declares *his kingdom is not of this world* he renounces all dependence on State Power; and as his *weapons are spiritual* and were only designed to have influence on the judgment & heart of man, we are persuaded that if mankind were left in the quiet possession of their unalienable religious privileges, Christianity, as in the days of the Apostles, would continue to flourish in the greatest purity, by its own native excellence, and under the all-disposing providence of God.²¹

The lower courts in this case reopened a practice that was last followed in this nation in the 1770s—the insertion of civil magistrates into deciding the relevance and meaning of religious doctrines.

The lower courts clearly were out of their element in intimating that there were effectively no differences between Pentecostal and Presbyterian theology. The solution to this incursion is not to make scriptural determinations that these doctrines are in fact different and that they are material. All that is needed is for this Court to say that the dispute in question involved doctrinal issues. Courts, therefore, have no role to play and may not decide this dispute. “Courts are not arbiters of scriptural interpretation.”

²¹ *Id.*, 402.

Thomas v. Review Bd., Ind. Empl. Sec. Div., 450 U.S. 707, 716 (1981).

Conclusion

Your amicus respectfully requests that the writ of certiorari be granted and that, in due course, the decision below be reversed and each party restored to the state they were in prior to the intervention of the California civil courts in an inherently religious dispute.

Respectfully submitted,

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