

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEINAR MYHRE — PETITIONER
(Your Name)

vs.

SDA-RM-IMS, ET. AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U. S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEINAR MYHRE
(Your Name)

1620 S. IVORY CIRCLE, UNIT C
(Address)

AURORA, CO 80017
(City, State, Zip Code)

(661)-281-7267
(Phone Number)

QUESTIONS PRESENTED FOR REVIEW

1. May a pension be altered *after* it has vested for 4 years?
2. Do the US Constitution and the Civil Rights Act of 1964 allow for a pension contract to forbid a retiree to change his faith for the rest of his life?
3. May employers use pensions to bind the beliefs, opinions and conversation of a former employee for the rest of his life?
4. Europeans fled to America from oppression by the church in the Old World.
Now, is it compatible with the intention of the US Constitution's guarantee of liberty of conscience for a church in the United States to be allowed to force a former pastor to feign loyalty to a church creed or face abject poverty?
5. Does "the establishment clause" in the "separation of church and state" principle of the First Amendment permit the courts to uphold fraudulent pension policies or give churches exemptions and immunity from just laws that secular employers do not enjoy?
6. Does Title VII of the Civil Rights Act of 1964 grant employers the legal right to "discriminate against any [employee] with respect to his compensation" because of his "religion"?
7. Are US courts released by the ecclesiastical abstention doctrine from ruling in financial matters or prosecuting criminal policies and crimes committed by religious organizations?

LIST OF PARTIES
& Corporate Disclosure Statement
in Compliance with Rule 29.6

Steinar Myhre vs. IMS Corporations

The following is a full and complete list of the trial judge(s), attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates and parent corporations, including any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to the party:

Bashant, Cynthia, United States District Judge for the Southern District of California

Brooks, Ruben B., Magistrate Judge, United States District Court for the Southern District of California

Chancey, Joseph C. of Drew Eckl & Farnham, LLP

Guerrero, Meredith Riggs of Drew Eckl & Farnham, LLP

Hanna, Paul of Manning, Kass, Ellrod, Ramirez, Trester LLP

International Missionary Society Seventh-day Adventist Church, Reform Movement, General Conference, a Georgia corporation (formerly a California corporation)

Jones, Steve C., United States District Court for the Northern District of Georgia

Kramer, Melody A. of Kramer Law Offices, Inc.

Louth, Kevin H. of Manning, Kass, Ellrod, Ramirez, Trester LLP

**Miami Dade Area Seventh-day Adventist Church, Reform Movement,
International Missionary Society, Inc., a Florida corporation**

Myhre, Steinar

**Seventh-day Adventist Church, Reform Movement, American Union,
International Missionary Society, a New Jersey corporation**

Stark, Patrick, Attorney

**Tampa Bay Area Seventh-day Adventist Church, Reform Movement,
International Missionary Society Inc., a Florida corporation**

**The Seventh-day Adventist Church, Reform Movement, American Union,
International Missionary Society, a Florida corporation**

**The Seventh-day Adventist Church, Reform Movement, American Union
IMS, Inc., a Georgia corporation**

**The Seventh-day Adventist Church, Reform Movement, International
Missionary Society, a Texas corporation**

Twyman, Christopher Paul of Cox, Buyington, Twyman & Johnson, LLP

Wade, Lori B. of Manning, Kass, Ellrod, Ramirez, Trester LLP

CORPORATE DISCLOSURE STATEMENT

Being that Appellant is an individual and not a corporation, neither corporate stock nor a percentage thereof is involved. Therefore, in past briefs and petitions submitted to the district and appellate courts, Appellant has never submitted a corporate disclosure statement.

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Appendix A:

- The U.S. Appellate Court of the Eleventh Circuit on 01/02/2018 DISMISSED Myhre's (reply brief and) case (#15-13755).

Appendix B:

- The U.S. District Court of Northern Georgia on 07/24/2015 DISMISSED (ORDER, Document 169) Myhre's case (#1:14-cv-03899-SCJ).

Appendix C:

- The U.S. Appellate Court of the Eleventh Circuit on 03/05/2018 DENIED Myhre's timely filed Petition (case #15-13755) for Rehearing en banc.

On January 02, 2018, Appellant's reply brief and case (Appeal #15-13755) was DISMISSED by Circuit Judges William Pryor, Martin and Jill Pryor of the Eleventh Circuit Appellate Court. See the two following pages.

Appendix A

TABLE OF AUTHORITIES – cited in Body of Petition

Page 3 of the Petition:

“Under common contract law, the covenant of good faith and fair dealing attaches to *all* contracts, and cannot be waived or disclaimed under any circumstances.”

<http://www.businesslawbasics.com/chapter-18-contract-law>

Page 3 of the Petition:

“No state shall ... pass any Law impairing the Obligation of Contracts.” – The US Constitution, Article I, Section 10.

Page 4 of the Petition:

“*It shall be an unlawful employment practice for an employer – (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.*” – Title VII of the Civil Rights Act of 1964. Appellant’s italics.

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

Page 4 of the Petition:

“This Section applies where an individual has been *denied benefits* – or has received lower benefits – because of his age, disability, race, color, sex, national origin, or *religion*, or *motivated by retaliation*.” Appellant’s italics.

(<https://www.eeoc.gov/policy/docs/benefits.html>).

Page 4 of the Petition:

“Under Title VII, an employer may never base *benefit decisions* on race, color, sex, national origin, or *religion*.” – Ibid. Appellant’s italics.

Page 5 of the Petition:

“Under Title VII, employers may not consider a person's race, color, sex (including pregnancy), national origin, or *religion* in determining: *eligibility* for; amount of; or charges for employee benefits. *The cost of the benefit is not a defense.*” – Ibid. Appellant’s italics.

Page 6 of the Petition:

“Congress shall make no law respecting an *establishment* of religion, or *prohibiting* the free exercise thereof; or abridging the freedom of speech, or of the press...” – First Amendment to the U.S. Constitution. Appellant’s emphasis.

Page 8 of the Petition:

“Religious institutions in America don't have special permission to harbor criminals or protect them from the government.” –

http://www.slate.com/articles/news_and_politics/explainer/2006/08/can_criminals_hide_in_church.html

Page 8 of the Petition:

“People’s [and religious institutions’] sincere religious beliefs may occasionally conflict with the law. Usually, it’s the religious beliefs that must yield, as the law rarely accepts them as a defense to criminal charges. If a government has decided that certain activity is illegal, then it’s usually no excuse to say, ‘I did it because of my religious beliefs.’” Appellant’s insert. <http://www.nolo.com/legal-encyclopedia/are-religious-beliefs-defense-criminal-charges.html>

Page 9 of the Petition:

“Even if she [or anyone] sincerely holds them, her religious beliefs won’t constitute a defense to a charge.” – See *State v. Neumann*, 832 N.W.2d 560 (Wis. 2013); Wis. Stat. § 948.03. Appellant’s insert.

Page 9 of the Petition:

The ecclesiastical abstention doctrine stands for the proposition that the First Amendment prohibits civil courts from exercising jurisdiction over matters concerning “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standards of moral required of them.” – *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713-14, 96 S. Ct. 2372, 49 L.Ed.2d 151 (1976).

Page 11 of the Petition:

“Because a court can decide plaintiff’s contract-based claims applying ‘neutral principles of law,’ without entangling the Court in an ecclesiastical dispute or interpretation, we hold that the ecclesiastical doctrine does not require dismissal of plaintiff’s complaint.” – *Bigelow v. Sassafras Grove Baptist Church*, 786 S.E.2d 358, 365-66 N.C. Ct.Appl. (2016); *Jones*, 443 U.S. at 602.

Page 11 of the Petition:

“Ecclesiastical Abstention Doctrine Does Not Require Dismissal of Breach of Contract Claim.” – *Shannon v. Memorial Drive Presbyterian Church U.S.*, TX App., July 21, 2015.

Page 12 of the Petition:

“The courts do have jurisdiction, as to civil, contract and property rights which are involved in, or arise from, a church controversy.” – *Reid v. Johnston*, 241 N.C. 201, 204, 85 S.E.2d 114, 117d. (1954).

Page 12 of the Petition:

A case of wage discrimination (policy) against a female employee in which a religious organization was required to make amends: The 482 F. Supp. 1291 (1979), EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (U. S. A.), Appellant, v. PACIFIC PRESS PUBLISHING ASSOCIATION, Defendant. No. C-77-1619-CBR. US District Court, N. D. California. December 28, 1979.
<https://law.justia.com/cases/federal/district courts/FSupp/482/1291/2095517/>

Page 12 of the Petition:

“Later decisions of the Supreme Court and the Eleventh Circuit recognize the possibility of a fraud and collusion exception to the general rule of deference. See, e.g., Jones v. Wolf, 443 U.S. 404, 509 n.8 (1979); Crowder, 828 F.2.d at 725 n.18, 726 (‘Nevertheless, the grievants retain a strong interest in obtaining a civil forum where the religious tribunal’s decision is tainted by fraud or collusion.’)” – U.S. Distr.Ct. of N.GA, Judge Steve C. Jones, 07/24/2015 ORDER, Doc 169 in Myhre’s case, pages 10-11.

OPINIONS BELOW

To Appellant's understanding, nothing here applies in this case.

JURISDICTION

Establishing *the timeliness* of the petition for a writ of certiorari:

On 01/02/2018 Appellant's reply brief and his case was DISMISSED by the U.S. Appellate Court of the Eleventh Circuit.

On 07/24/2015, Myhre's case was DISMISSED by the U.S. District Court of Northern Georgia.

On 03/05/2018 Appellant's Petition for Rehearing En Banc was DENIED.

The U.S. Supreme Court Guide for Prospective Indigent Petitioners for Writs of Certiorari, under Section III. The Time for Filing, reads: "You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state appellate court *or 90 days from the denial of a timely filed petition for rehearing.*" (Appellant's italics.)

Appellant's petition to the Eleventh Circuit Appellate Court for a rehearing en banc was timely filed on January 23, 2018 and was DENIED on March 05, 2018. Counting 90 days from the latter date brings the deadline for submitting a petition for a writ of certiorari to June 03, 2018.

On 05/23/2018 Appellant submitted a timely Request for an Extension to submit a Petition for a Writ of Certiorari. On May 30, Justice Thomas extended the time to and including June 17, 2018. Copy of letter granting extension follows.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

Statutory provision is believed to confer on this Court jurisdiction to review on a writ of certiorari the judgments or orders in question.

“No state shall ... pass any Law impairing the Obligation of Contracts.”

– The U.S. Constitution, Article I, Section 10.

“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” – The First Amendment to the U.S. Constitution.

The ecclesiastical abstention doctrine stands for the proposition that the First Amendment prohibits civil courts from exercising jurisdiction over matters concerning “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standards of moral required of them.” – *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713-14, 96 S. Ct. 2372, 49 L.Ed.2d 151 (1976).

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or *property*, without due process of law; nor deny to any

person within its jurisdiction the equal protection of the laws.” – 14th Amendment
to the U.S. Constitution. Appellant’s italics.

STATEMENT OF THE CASE

On November 14, 2013, Myhre initiated this lawsuit in the U.S. District Court of Southern California against Appellees Seventh-day Adventist Church, Reform Movement, American Union (AU), International Missionary Society (IMS), a New Jersey corporation and the General Conference (GC) of the same organization, a California corporation.

Both levels of the organization, one national, the other international, are being sued since, because by the hierarchical structure of the organization, the power and decision-making in important matters work their way from top down. The AU may not oppose GC directives.

Basis of the lawsuit: After 27 years of service, Plaintiff went on church pension in 2009, meeting all the requirements for receiving such pension. After four years of paying Appellant's vested church pension, however, as of October 2013, the AU discontinued these retirement payments. Find details in Petition.

On December 8, 2014, Myhre's case was transferred to the U.S. District Court of Northern Georgia. On July 24, 2015, district court Judge Steve C. Jones dismissed Myhre's case "for lack of Subject Matter Jurisdiction," citing the ecclesiastical abstention doctrine (EAD) against all Myhre's original seven complaints.

Myhre appealed and the appellate court of the Eleventh Circuit carried the case until that court affirmed the decision of the district court on January 02, 2018.

A petition for a rehearing en banc at the appellate court was denied as of March 05, 2018. Myhre is presently petitioning the U.S. Supreme Court for a writ of certiorari, which petition was due on June 03 but, by extension, is due on June 17, 2018.

The lower courts went through the required and formal procedure. Nonetheless, Myhre claims that there's a serious glitch in the courts' application of the EAD, to the point of diametrically undermining contract law, civil rights and religious liberty. Such breaches in applying justice are of national magnitude.

Thus, basic federal and constitutional issues are here involved.

BODY OF PETITION TO THE U.S. SUPREME COURT
FOR A WRIT OF CERTIORARI

Introduction

Appellant, Myhre, has described in detail how he believes that the policy of his former employer to stop his pension because he changed his religious beliefs is unlawful and unconstitutional. Because the responses he has been getting from the lower courts appear to him shallow and avoidant, Myhre is appealing the decisions of these Courts to the supreme Court.

Although Appellant has shown in his appeals, citing decisions of former cases, that the ecclesiastical abstention doctrine (EAD) does not apply to this case, the courts have merely reiterated the doctrine without showing how his case is different and how this doctrine applies to this situation.

If truly the EAD applies, which Appellant does not see, then he wonders how the EAD could be constitutional.

A. National Significance

Losing this lawsuit would set a legal precedent for further religious abuse. Using a pension as leverage to silence pastors who know too much about their church, their doctrines and its leaders is extortion. Robbing pastors of their pension and consigning them to pauperism if they disclose what they know is no small threat. This has the potential of corrupting the very institutions that have kept the

moral fabric of our society. America is great because freedom of speech forces transparency. Appellant hopes to show how setting a precedent allowing churches to force people to silence will return America to the abuses of the Dark Ages. This brief is about keeping Americans free to speak their minds and free from the kind of religious coercion that prompted the pilgrims to flee Europe.

Myhre's case is not an isolated case with the International Missionary Society (IMS). It is common practice with them. And if she continues to get away with this, it can spread to other churches. One pastor after 35 years of amazing leadership, about 12 of those as American Union (AU) President, and several years as General Conference (GC) Vice President, unwittingly became political competition and was ousted for an unproven infraction. In his old age this great man ended up spending his retirement working as a greeter at Walmart to survive until he became too senile to continue; his elderly wife worked as a cleaning lady to try to make ends meet.

America cannot allow such practice to continue. This is elder abuse and a threat to all pastors, none of whom can be sure that they will not change their minds about their religious beliefs as they mature over time.

B. Legal Considerations

1. THE PENSION ISSUE AND CONTRACT LAW

May a pension be stopped after it had *legitimately* vested and even been paid for four years? (See Exhibits C & D.)

As an employee of the International Missionary Society (IMS)¹ for 27 years, according to the 2009 edition of the Human Resource Manual (HRM) published by the IMS American Union (AU), Myhre was promised a pension on the following three conditions:

- 1) He has remained a member in good standing of the denomination;
- 2) He had worked 10 or more years for the AU;
- 3) He was at retirement age as prescribed by the Social Security Administration - HRM 26 (Exhibit A).

“Under common contract law, the covenant of good faith and fair dealing attaches to *all* contracts, and cannot be waived or disclaimed under any circumstances.” – <http://www.businesslawbasics.com/chapter-18-contract-law>

The U.S. Constitution, Article I, Section 10 reads: “No state shall ... pass any ... Law impairing the Obligation of Contracts.”

2. TITLE VII OF THE CIVIL RIGHTS ACT OF 1964: RELIGIOUS DISCRIMINATION

Does the Civil Rights Act of 1964 allow for a pension contract that discriminates against a retiree who changes his faith?

¹ The IMS is not affiliated with the Seventh-day Adventist Church.

When he retired in 2009, Myhre had met all the three prerequisites.

However, the policy of the IMS continues into the next page. It reads that retirees may “continue to receive their pensions” upon “maintaining their membership in this denomination” – HRM 27 (Exhibit A). This means that Myhre may for the rest of his life, potentially as much as 35 years, never change his mind about what he believes. If he does, he must choose between living a life of hypocrisy or lose the pension which was a part of his compensation and become a ward of the state.

“It shall be an unlawful employment practice for an employer – (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” – Title VII of the Civil Rights Act of 1964. Appellant’s italics.

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

Thus, Title VII of the Civil Rights Act of 1964 forbids an employer to have policies in which the compensation for a person of a different persuasion is different from those of the same persuasion. A pension is a vital part of the compensation package promised to an employee.

“This Section applies where an individual has been denied benefits – or has received lower benefits – because of his age, disability, race, color, sex, national origin, or religion, or motivated by retaliation.” Appellant’s italics.

<https://www.eeoc.gov/policy/docs/benefits.html>

“Under Title VII, an employer may never base *benefit decisions* on race, color, sex, national origin, or *religion*.” – Ibid. Appellant’s italics.

“Under Title VII, employers may not consider a person's race, color, sex (including pregnancy), national origin, or *religion* in determining: *eligibility* for; amount of; or charges for employee benefits. *The cost of the benefit is not a defense*.” – Ibid. Appellant’s italics.

Appellant fully supports the right of any employer to dismiss an employee whose changed beliefs would interfere with his performance. But it makes no more sense for a religious organization to employ the services of any man and then to refuse to compensate him for work *already performed* because he is a non-member, than to refuse to compensate him for work *already performed* because he has *become* a non-member.

This is especially so if it was the employer who terminated his membership. A lawyer put it something like this: To allow a pension contract between the Church and Plaintiff that requires him to remain in good standing with the church *beyond* his employment, *as a condition of continued payment*, gives rise to a situation as absurd as children who murder their parents being allowed to collect orphan benefits. Such a contract opens the door for abuses in which an unethical church or cult could profit financially from their unethical decisions.

3. THE BILL OF RIGHTS: RELIGIOUS LIBERTY

Does “the establishment clause” in the “separation of church and state” principle of the First Amendment permit the courts to uphold fraudulent pension policies or give churches exemptions and immunity from just laws that secular employers do not enjoy, that is to infringe upon the rights of conscience by extorting dissenters?

“Congress shall make no law respecting an *establishment* of religion, or *prohibiting* the free exercise thereof; or abridging the freedom of speech, or of the press...” – First Amendment to the U.S. Constitution. Appellant’s emphasis.

This amendment, among other things, forbids the government to give religion special privileges (or special burdens) that are not allotted to other organizations. It essentially puts each religious organization in the free market to sink or swim on her own merits without government intervention.

The First Amendment was adopted into the US Constitution on the backdrop of what had transpired in Europe all through the Dark Ages: The established churches had employed the power of the states to enforce their dogmas, threatening, persecuting and eventually executing dissenters. Europeans had fled Europe to escape the powerful church, which used the state to rob citizens of their freedom to speak, write and worship with respect to their own consciences.

When the European system of the church manipulating the state was imported to the New World, Roger Williams of Rhode Island fought for and was banished from the colonies for upholding the right of the citizens not to be coerced and oppressed by religion manipulating the state. Williams held liberty of personal conscience above human enactments.

The writers of the U.S. Constitution, with these events vividly in memory, agreed with Mr. Williams and wanted to assure that the oppression of the church would NOT be repeated in the New World! So, our founders wrote the First Amendment to prevent churches from manipulating the government into allowing them to oppress people – especially their consciences.

Thus, the First Amendment was primarily established to protect the rights of individuals to practice their religious beliefs without interference or oppression from any church that purports to influence the government in her favor. This Amendment, then, was not intended to restore power to churches, which are prone to oppression; it was to weaken the power of both church and state in favor of individual freedom.

Europeans fled to America from oppression by the church in the Old World. Why would it now be compatible with our Constitution for churches to be allowed to force a former pastor to choose between either feigning loyalty to a church creed or face abject poverty?

4. LIBERTY OF CONSCIENCE TO COMMIT CRIMES?

Does liberty of conscience mean that religious organizations may commit crimes against US citizens, because it is a part of their belief system to do so?

Even today, some religions have doctrines or policies that allow them to commit crimes against their members and especially against dissenters: ISIS kills infidels. Fundamental Latter-Day Saints (FLDS) promote statutory rape and rape in marriage. Word of Life Christian Church (WOLCC) leaders beat two youth who wanted to leave the church – one of them to death. The IMS extorts dissenting pastors and robs their pensions; but ... is that OK?

May employers use pensions to bind the beliefs, opinions, writings and conversation of a former employee for the rest of his life? And, if the former employee doesn't submit, to retaliate against the pastor by robbing him/her of hundreds of thousands of dollars, committing him/her to beggary?

“Religious institutions in America don't have special permission to harbor criminals or protect them from the government.”

http://www.slate.com/articles/news_and_politics/explainer/2006/08/can_criminals_hide_in_church.html

“People's [and religious institutions'] sincere religious beliefs may occasionally conflict with the law. Usually, it's the religious beliefs that must yield, as the law rarely accepts them as a defense to criminal charges. If a

government has decided that certain activity is illegal, then it's usually no excuse to say, 'I did it because of my religious beliefs.'" Appellant's insert.

(<http://www.nolo.com/legal-encyclopedia/are-religious-beliefs-defense-criminal-charges.html>).

"Even if she [or anyone] sincerely holds them, her religious beliefs won't constitute a defense to a charge." – See *State v. Neumann*, 832 N.W.2d 560 (Wis. 2013); Wis. Stat. § 948.03. Appellant's insert.

Whether it is ISIS' murder of infidels, FLDS' statutory rape of children, WOLCC' assault on unbelieving teens or IMS' extortion and larceny, religious organizations in the U.S. are not authorized to commit crimes against American citizens just because doing so is their written policy.

5. THE ECCLESIASTICAL ABSTENTION DOCTRINE

Does the "Ecclesiastical Abstention Doctrine" release courts from ruling in financial matters or prosecuting criminal policies and crimes committed by religious organizations?

This court ordinance stands for the proposition that the First Amendment prohibits civil courts from exercising jurisdiction over matters concerning "theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standards of moral required of

them.” – *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713-14, 96 S. Ct. 2372, 49 L.Ed.2d 151. (1976.)

This paragraph prohibits the court from ruling in internal church squabbles. However, it doesn't prevent the court from ruling over financial matters between the church and *non-members*, much less from ruling over real crimes committed against members or non-members under cover of doctrines, beliefs or policies.

During the litigation process of Myhre's case in the courts, Defendants have repeatedly argued that, under the ecclesiastical abstention doctrine, the district court was constitutionally prohibited (by the First Amendment) from adjudicating the underlying dispute, which hinged on the question of whether Myhre remained in "good standing" with the church.

This is nonsense. This isn't about Myhre's standing in the church at all. He understands why he was dismissed from the church and he has not disputed this in the courts. He is quite clear that continued membership in that church would not serve him or the church. This is about whether, under cover of the ecclesiastical abstention doctrine, our Constitution gives a church the right to discriminate based on religious conviction when it comes to compensation for work already completed and whether they are permitted to extort and then retaliate against elderly pastors who no longer agree with them and who refuse to be bullied into silence.

The lower courts, agreeing with the Defendants, repeatedly dismissed Myhre's case, citing the ecclesiastical abstention doctrine. However, Myhre never asked the courts to judge in an internal squabble. He has NEVER asked the court to rule in "theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standards of moral required of them."

Appellant has not been a member of the IMS since 2011, therefore her breach of contract is not an internal matter at all, but a civil one. That IMS policy allows her to stop a pension over a person's religious beliefs is a violation of the Civil Rights Act of 1964, and for the courts to use the EAD to support her religious discrimination because she is a church means granting her a special privilege and thus violates the First Amendment.

Furthermore, the courts ignored the following references to previous cases and refrained from explaining how these cases do not apply to the case at hand:

"Because a court can decide plaintiff's contract-based claims applying 'neutral principles of law,' without entangling the Court in an ecclesiastical dispute or interpretation, we hold that the ecclesiastical doctrine does not require dismissal of plaintiff's complaint." – *Bigelow v. Sassafras Grove Baptist Church*, 786 S.E.2d 358, 365-66 N.C. Ct.Appl. (2016); *Jones*, 443 U.S. at 602.

“Ecclesiastical Abstention Doctrine Does Not Require Dismissal of Breach of Contract Claim.” – *Shannon v. Memorial Drive Presbyterian Church U.S.*, TX App., July 21, 2015.

“The courts do have jurisdiction, as to civil, contract and property rights which are involved in, or arise from, a church controversy.” – *Reid v. Johnston*, 241 N.C. 201, 204, 85 S.E.2d 114, 117d. (1954.)

A case of wage discrimination (policy) against a female employee in which a religious organization was required to make amends: The 482 F. Supp. 1291 (1979), EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (U. S. A.), Appellant, v. PACIFIC PRESS PUBLISHING ASSOCIATION, Defendant. No. C-77-1619-CBR. US District Court, N. D. California. December 28, 1979.
<https://law.justia.com/cases/federal/district courts/FSupp/482/1291/2095517/>

“Later decisions of the Supreme Court and the Eleventh Circuit recognize the possibility of a fraud and collusion exception to the general rule of deference. See, e.g., Jones v. Wolf, 443 U.S. 404, 509 n.8 (1979); Crowder, 828 F.2d at 725 n.18, 726 (‘Nevertheless, the grievants retain a strong interest in obtaining a civil forum where the religious tribunal’s decision is tainted by fraud or collusion.’)” – U.S. Distr.Ct. of N.GA, Judge Steve C. Jones, 07/24/2015 ORDER, Doc 169 in Myhre’s case, pages 10-11.

C. Brief History and Summary of Arguments

In a letter from the AU Board (dated 06-08-2009, Exhibit B), Appellant was informed that, since he disagrees with a church doctrine, he must retire and may receive his *pension* contingent upon his silence and his effectiveness in keeping his wife silent about the disagreement. This attempt to turn Appellant's pension into hush money was extortion.

As Appellant deemed living a life of silent hypocrisy as unthinkable and dishonest, in response, Appellant and his wife wrote a 12-page open appeal (dated 07-14-2009) to the 2009 AU delegates regarding the spiritual, financial, and legal ramifications of their demand, asking them to overturn the decision. In his last point, Appellant warned the AU that he was a member in good standing, thus eligible to receive his pension and that the AU letter was extortion, punishable in California, where Appellant lived, by 4 years in prison and up to a \$10,000 fine.

Appellant received a reply from the AU (dated 08-05-2009, Exhibit C), in which the AU conceded that Appellant was eligible to receive his pension without silence being required of him. Defendants then began procedures to defrock Appellant and expel him from the church, paving the way to deprive him of his pension; yet, despite their policy they continued to pay Myhre's pension.

After having received payment for four years, Appellant received a letter (dated 08-17-2013, Exhibit D) announcing that Plaintiff's pension would stop after his September (2013) installment. This letter was written 1½ months after

California's 4-year statute of limitation for extortion had expired. And the reason given for stopping the pension was "the damage you have caused this institution." The IMS was fully following through on her original extortion threat – 'shut your mouth, or else!' She retaliated but waited to do so until after the threat of prosecution for the extortion letter would pass.

As previously stated, Appellant not only accepts, but believes, that all employers have the right to dismiss people whose religious beliefs conflict with the expressed purpose and values of the company or organization. Furthermore, Appellant does not dispute that the IMS has a written policy to deprive ministers who are not members in good standing with the church of their pension. But Appellant asserts that *this policy* violates the Civil Rights Act of 1964 and that for the courts to grant the church immunity violates the First Amendment. He flatly denies that employers have the right to deprive a former employee of his vested pension based on the employee's church membership, that is, religious convictions.

Appellant's pension was converted into hush money, used to extort him (Exhibit B). When that didn't work they used their policy to retaliate for his refusal to sell his freedom of speech (Exhibit D), robbing him of ½ his livelihood potentially amounting to over \$400,000.

Appellant maintains that he has a legal right to his pension because he believes that ...

1. He earned it during 27 years of sincere labor for the church.
2. “The Civil Rights Act of 1964” forbids discrimination in matters of compensation and/or retaliation based on religion.
3. The “Establishment Clause” forbids the courts to grant churches special privileges to oppress individuals.
4. “Liberty of Conscience” does not give liberty to commit crimes against American citizens.
5. The ecclesiastical abstention doctrine does not prevent the courts from ruling in civil, contractual, much less criminal matters.
6. Employers do not have the legal right to use pensions to bind former employees to any belief system, organization, or opinion, or to rob them of their freedom of speech for the rest of their lives.
7. Churches do not have the legal right to bully retired employees to live lives of hypocrisy nor to retaliate against “unbelievers,” “heretics” or “dissenters” by robbing them and reducing them to wards of the state.
8. And IMS pension policy constitutes institutionalized extortion and grand larceny.

Should churches be given the right, just because they are “religious,” to abuse the trust of wide-eyed, eager, young pastors, use them and, when these have sacrificed the best years of their lives on wages too meager to save for retirement,

when they become mature and experienced enough to confront wrongs, or unwittingly become competition, or the church cannot afford to pay the pension, to destroy them by annulling financial contracts and reducing them to beggary and get away with it? To permit this is to bind pastors in hypocrisy, invite religious corruption and legalize crime in the very institutions that purport to be the educators of love and morality in our society.

Appellant is asking the Court to declare the IMS AU pension policy illegal and therefore null and void.

This lawsuit is about the individual pastor's right to leave a church he no longer trusts versus a church holding the pastor's pension hostage to coerce him to stay, submit and keep his mouth shut. The intent of this lawsuit is about guarding the basic American heritage of liberty of conscience. Appellant begs the judges not to set a precedent by legalizing oppressive and criminal church policies and call it "religious freedom."

E. Claims for Relief

Appellant respectfully asks the Court to award him the lump sum of (\$1,200 x 12mos x 30yrs =) \$432,000 for his retirement plus a reasonable amount for health insurance as stated in the Human Resource Manual; a reasonable amount to pay the lawyer who initiated the lawsuit and helped him for one year while the lawsuit was in California; punitive damages for the persecution Appellant and his

wife endured during the last decade (preliminary threats, written extortion, deception and more) and the suffering and stress they put Myhre and his wife through during the last 4½+ years (financial embarrassment, dependency on others, fear for the future, and emotional and physical depression) as the Court deems just.

For the reasons explained above, Appellant is herewith petitioning the U.S. Supreme Court for a Writ of Certiorari.

Signed: Steinar E. Myhre . Date: 06/03/2018 .
Steinar E. Myhre, Plaintiff

REASONS FOR ALLOWANCE OF THE WRIT

– in keeping with Rule 10

Addressing arguments and reasons for the Court to exercise discretionary jurisdiction in Myhre's case:

U.S. Supreme Court: Please investigate the decisions of the U.S. district court and court of appeals that Appellant has cited in this Petition.

In his Petition, page 18, Appellant has referred to "Later decisions of the Supreme Court..." The Court may well be aware of other such decisions.

Are not the actions of the IMS, supported by the decisions of the lower courts, *contrary* to federal law, the Title VII of the Civil Rights Act of 1964 as it appears in volume 42 of the United States Code, and the U.S. Constitution's guarantees of civil rights and liberty of conscience? Is it not the mandate of the legal system, supervised by the highest Court of Justice in the U.S., not only to guard the interests of organizations, companies and corporations but to sacredly guard the constitutional rights of every American citizen as well?

Appellant is asking the Court to review the orders, judgments, dismissals and a denial by the district court and/or appellate courts against Plaintiff. He hopes and even expects decisions to be forthcoming that are not colored by bias and the general trend (the direction the winds are blowing), but that justice and equity be carried out and that citizens may have the protection of the due process of law.