

Judge dismisses Klouda lawsuit against seminary

March 28, 2008

Posted: 3/28/08

Judge dismisses Klouda lawsuit against seminary

By Robert Marus

Associated Baptist Press

FORT WORTH (ABP)—A federal judge has ruled Southwestern Baptist Theological Seminary's decision to fire a female Hebrew professor was akin to a church's decision to fire its pastor and therefore outside the purview of the civil courts.

U.S. District Judge John McBryde dismissed all of the complaints in [Sheri Klouda's lawsuit](#) against her alma mater and former employer.

Sheri Klouda

Citing a string of precedents by the U.S. Supreme Court and the Fifth U.S. Circuit Court of Appeals, McBryde wrote, "The courts are prohibited by the First Amendment from involving themselves in ecclesiastical matters, such as disputes concerning theological controversy, church discipline, ecclesiastical government or the conformity of the members of the church to the standard of morals required."

Klouda's suit against Southwestern and its president, Paige Patterson, involved such an ecclesiastical matter, the judge determined. It should, therefore, be treated the same way the law would treat an employment dispute between a church and a minister—by avoiding involvement.

"The record establishes as a matter of law that the employment decision made by defendants (Southwestern) concerning plaintiff (Klouda) was ecclesiastical in nature," McBryde wrote.

"If the court were to allow plaintiff's claims to go through the normal judicial processes, the procedural entanglements would be far-reaching in their impact upon (the) seminary as a religious organization."

Klouda filed suit against Southwestern a year ago, citing gender discrimination and breach of contract, after leaving the school to take a teaching position at Taylor University in Upland, Ind. Her case was publicized by critics of Patterson, including Southern Baptist bloggers Wade Burleson and Benjamin Cole.

Klouda was hired to teach Hebrew in 2002, under a previous president's administration.

Patterson became Southwestern's president in 2003.

According to court documents, he decided women should not teach theology to male ministers-in-training because the Southern Baptist Convention's confession of faith says the office of pastor is reserved for men.

Nonetheless, according to Klouda, Patterson assured her she was safe in her tenure-track position.

However, in 2004, she was told that she would not be granted tenure.

In 2006, according to Klouda, seminary officials told her she would be

terminated at the end of that year.

Among her complaints were that the seminary had violated its promises to her, and there was no clear justification in the Bible or the SBC confession for Patterson's decision to bar women from Southwestern's theology faculty.

But McBryde said that was not a decision for the court to second-guess, writing, "Mere inquiry into those areas would be an unconstitutional intrusion into the affairs of the seminary as a religious organization."

Patterson, in a statement to the *Fort Worth Star-Telegram*, said McBryde's decision "has implications for all of our institutions and churches. Americans everywhere may still rejoice in freedom of faith and the ordering of their institutions accordingly."

In a blog post analyzing the ruling, Burleson said the implications of the ruling, if carried out to their legal conclusion, would bar women from serving as professors at any SBC seminary.

"In the long run, I believe people of the Southern Baptist Convention will realize that there are two ideologies causing tension within our convention," he wrote.

"One ideology would wish to relegate all women to a position of subordination to men, while the other seeks to acknowledge the biblical view of equality between men and women—with the only official denominational exception to that equality being the prohibition in the (2000 revision of the SBC Baptist Faith & Message statement) for women to serve as 'senior pastors.'"

Klouda did not return telephone messages requesting comment for this story by press time.

But she reportedly had not decided whether or not she would appeal the decision.

News of religion, faith, missions, Bible study and Christian ministry among Baptist churches, in Texas, the BGCT, the nation and around the world.