

McRaney files appeal with Fifth Circuit in NAMB suit

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NEW ORLEANS (BP)—Calling the August court decision to dismiss his case against the North American Mission Board “wrong in almost every material aspect,” Will McRaney filed an appeal with the Fifth Circuit Court of Appeals on Oct. 31.

NAMB’s motion for dismissal was granted based on Judge Glen Davidson’s interpretation of the First Amendment and ecclesiastical abstention doctrine, which states that courts cannot get involved in ecclesiastical matters.

The court “finds that it cannot adjudicate the Plaintiff’s claims in this case without impermissibly delving into church matters in violation of the ecclesiastical abstention doctrine,” Davidson said in his Aug. 15 memorandum.

That viewpoint, said McRaney in the Oct. 31 filing, “misapprehends the facts and the law, while itself threatening religious liberty and raising Establishment Clause concerns.”

The district court’s conclusion contained “significant” errors, the filing continued, namely by “purporting to grant” summary judgment after it had determined that it lacked subject matter jurisdiction. This requires the case to be remanded to state court, the document said, something the district court did not do.

“This appeal presents important procedural and substantive issues, and Dr. McRaney respectfully submits that oral argument will significantly aid the Court’s adjudication of this case,” it said.

In its response to the filing, NAMB also argued its case on religious liberty grounds.

“The District Court’s latest dismissal of the plaintiff’s claims rightly protects religious liberty for all churches and religious ministries as secured by the First Amendment of the U.S. Constitution—freedoms that would be narrowed if he prevails in this new appeal,” a NAMB spokesperson said.

“The latest dismissal in no way threatens Southern Baptist polity, voluntary cooperation, or autonomy, each of which NAMB has consistently and correctly reflected in its court filings. To the contrary, the decision dismissing the plaintiff’s case protects autonomy and religious liberty. We look forward to filing our response to the plaintiff’s appeal as we continue to defend our ministry against his unfounded claims and to defend every church and ministry’s religious liberty.”

McRaney and his wife Sandy addressed the case in a video posted Oct. 24 where he also talked about financial support for the case collected through a GoFundMe account. An unnamed state Baptist convention and not just its leader, he specified, is among those who have contributed.

Other state conventions, he added, have placed funds to try and “speak the truth to the courts.”

McRaney originally filed his case in April 2017, claiming NAMB and President Kevin Ezell influenced the Baptist Convention of Maryland/Delaware to fire him as executive director. Davidson originally dismissed the case in April 2019.

McRaney appealed that decision the following year with the Fifth Circuit, which overturned the dismissal and brought a petition by NAMB to the Supreme Court in February 2021 claiming First Amendment protections. That petition was denied, with the case remanded back to the district court

before it summarily was dismissed.