

NAMB appeals to Supreme Court in McRaney case

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WASHINGTON (BP)—The Southern Baptist Convention’s North American Mission board has [filed a petition](#) with the Supreme Court of the United States in its ongoing case involving a lawsuit against the board filed by a former Baptist state executive director.



Will McRaney

The lawsuit, originally filed in 2017 by Will McRaney, former executive director of the Baptist Convention of Maryland/Delaware, alleges NAMB intentionally defamed him and wrongfully influenced his 2015 termination by the regional convention after a dispute over collaborative missions efforts in the region.

NAMB legal counsel George McCallum called the allegations “unfounded” in a statement to Baptist Press in November of last year, adding NAMB “consistently denied” McRaney’s claims.

The lawsuit [was dismissed](#) by a lower court in April 2019 because of the judge’s concerns over the ecclesiastical abstention doctrine, which prevents the government from interfering in church or religious matters. But the 5th U.S. Circuit Court of Appeals [overturned that decision](#) in July

2020.

First Liberty Institute represents NAMB

In its appeal, NAMB is being represented pro bono by First Liberty Institute, a Plano-based organization dedicated exclusively to defending religious liberty claims.



Kelly Shackelford

“The U.S. Supreme Court has made it clear that the Constitution protects the independence of religious organizations to choose their own leaders,” Kelly Shackelford, president, CEO and chief counsel for First Liberty Institute said.

“Just as courts cannot tell the local church who it must hire to preach their beliefs, teach their faith, and carry out their mission, courts cannot influence those decisions when there are two groups working together. The First Amendment strikes that balance for us in favor of church autonomy.”

If the appeal is denied, the case would simply be remanded back to the U.S. District Court Northern District of Mississippi. However, if the appeal is granted by the Supreme Court, it would result in either a ruling or a hearing with the Court.

Dismissals and overturned decisions

Should the appeal be successful, it would uphold the original ruling, in which Senior Judge Glen Davidson dismissed the lawsuit, ruling the court could not consider McRaney's claims because of the ecclesiastical abstention doctrine.

A three-judge panel from the 5th U.S. Circuit Court of Appeals overturned that decision but did not determine whether or not the ecclesiastical abstention doctrine applied, instead pointing to uncertainty of the facts surrounding the case.

The 5th Circuit's decision stated "the relevant question is whether it appears certain that resolution of McRaney's claims will require the court to address purely ecclesiastical questions. At this stage, the answer is no."

It continued: "At this time, it is not certain that resolution of McRaney's claims will require the court to interfere with matters of church government, matters of faith, or matters of doctrine. ... If NAMB presents evidence of these reasons and the district court concludes that it cannot resolve McRaney's claims without addressing these reasons, then there may be cause to dismiss."

After an unsuccessful appeal for a hearing with the 5th Circuit, [NAMB announced](#) in December it would appeal to the Supreme Court.

Explore First Amendment protections

In [a letter](#) sent to Southern Baptist leaders, Danny de Armas, chairman of the NAMB board of trustees, wrote that the entity would appeal the decision to the Supreme Court and allow "the federal courts (to) fully explore the religious liberty protections afforded all churches and ministries by the First Amendment to the U.S. Constitution."

Underscoring the importance of the religious liberty implications, de Armas said “this case is far bigger than NAMB or one person’s claims. It is about protecting our churches and pastors from intrusive government interference into our polity and practices. It’s about standing up for the religious freedoms we enjoy as Americans, as followers of Jesus, as Southern Baptists, and as pastors.”

Regarding the appeal filed with the Supreme Court, de Armas stated: “How religious organizations cooperate with local churches is a sacred right protected by the First Amendment. We just want to be able to freely share the Gospel and execute our ministry strategy without interference from the government.”

McRaney did not respond to a request for comment from Baptist Press.

The Supreme Court is not expected to determine whether to accept NAMB’s petition until later this year.