

# NAMB will petition Supreme Court in McRaney lawsuit

December 17, 2020

ABERDEEN, Miss. (BP)—The North American Mission Board has filed a motion for a stay in a lawsuit involving a former Southern Baptist leader in order to appeal to the Supreme Court of the United States.

NAMB's request for an *en banc*—full court—hearing in the lawsuit brought by Will McRaney, former executive director of the Baptist Convention of Maryland/Delaware, was denied last month in a 9-8 split decision by the 5th U.S. Circuit Court of Appeals. The ruling remanded the case to the U.S. District Court Northern District of Mississippi.

In a letter sent Dec. 15 to Southern Baptist leaders, Danny de Armas, chairman of the NAMB board of trustees, stated the entity will 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.” According to the letter, NAMB's petition to the Supreme Court “will be filed early next year.”

NAMB is being represented pro bono by First Liberty Institute, a Plano-based nonprofit legal organization.

Originally filed in 2017 by McRaney, [the lawsuit](#) alleges NAMB intentionally defamed him and wrongfully influenced his 2015 termination by the Baptist Convention of Maryland/Delaware after a dispute over collaborative missions efforts in the region.

## **‘Far bigger than NAMB’**

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

“There will be some who suggest that NAMB simply does not want to face the claims in the lawsuit,” de Armas wrote in the letter to SBC leaders. “Nothing could be further from the truth.”

He underscored the importance of the religious liberty implications, saying: “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.”

The NAMB letter also referenced a desire to settle the dispute outside the legal system, saying: “When ministry disagreements do arise, those disputes need to be resolved biblically, not by secular courts.”

NAMB has stated repeatedly in court documents and official statements that board representatives have met with McRaney to seek resolution, and McRaney “rejected or ignored several offers to meet and discuss these matters.”

## **Does ecclesiastical abstention apply?**

In April 2019, Senior Judge Glen Davidson of the U.S. District Court Northern District of Mississippi [dismissed the lawsuit](#), ruling the court could not consider McRaney’s claims because of the ecclesiastical abstention doctrine. McRaney’s counsel argued in the appeal that the ecclesiastical abstention doctrine did not apply.

A [reversal](#) by a three-judge panel of the 5th Circuit Court in July 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.”

In an August 2020 petition for the *en banc* hearing. Hiram Sasser, First Liberty’s executive general counsel, said at the time that the Supreme Court’s decision in July 2020 in *Our Lady of Guadalupe School v. Morrissey-Berru* “made it clear that the Constitution protects religious organizations’ independence and their right to choose their own leaders and ministers.”