

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Will McRaney,

Plaintiff,

v.

The North American Mission Board of the
Southern Baptist Convention, Inc.,

Defendant.

Case No. 1:17-cv-00080-GHD-DAS

PLAINTIFF'S NOTICE OF SERVICE OF EXPERT DISCLOSURE

Pursuant to L.U.CIV.R. 26(a)(2), notice is hereby given that, on this date, Plaintiff's counsel served counsel for Defendant with the Expert Report of Barry Hankins, attached as an Exhibit hereto.

September 30, 2022

Respectfully Submitted,

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EXPERT REPORT OF BARRY HANKINS

I. Background and Qualifications

1. My name is Barry Hankins. I am a Professor of History, and until recently Chair of the Department of History, at Baylor University, a private Christian University. Chartered in 1845 by the Republic of Texas through the efforts of Baptist pioneers, Baylor is the oldest continually operating university in Texas. I am also Editor of the *Journal of Church and State*, a scholarly journal housed at Baylor since its inception in 1959 and published today by Oxford University Press Journals.
2. I have a Ph.D. in History from Kansas State University (1990), a M.A. in Church-State Studies from Baylor University (1983), and a B.A. in Religion from Baylor University (1978).
3. At Baylor I have taught classes in History, Church-State Studies, and Religion and American Culture for more than twenty-five years. I have taught mostly graduate-level seminars in these areas in both the Department of History and the J.M. Dawson Institute of Church-State Studies. I have directed nine Ph.D. dissertations to completion in Church-State, four in History, and currently have two students writing dissertations under my supervision. I also served as the Graduate Program Director in the Department of History and led the effort to create Baylor's History Ph.D. program, which began in 2011.

4. My academic scholarship includes eight single-authored books, one of which is a revised, Second Edition, one co-authored book, and four edited or co-edited books as well several book chapters and numerous articles. My books addressing Baptists and Southern Baptists include: *God's Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism* (Lexington: University Press of Kentucky, 1996), Second Edition (Knoxville: University of Tennessee Press, 2022); *Uneasy in Babylon: Southern Baptist Conservatives and American Culture* (Tuscaloosa: University of Alabama Press, 2002); and with Thomas S. Kidd, *Baptists in America: A History* (New York: Oxford University Press, 2015).
5. A copy of my Curriculum Vitae is attached as Exhibit A.
6. I have not previously served as an expert witness.

II. Assignment

1. I understand that in this case Dr. Will McRaney asserts several civil tort law claims against the North American Mission Board (NAMB), a Georgia non-profit organization, which is an agency of the Southern Baptist Convention (SBC).
2. Counsel for Dr. McRaney has asked me to offer my opinions about several issues, based upon my years of research and scholarship about topics including Christianity in America, Baptists and Southern Baptists, and the relationship between Church and State in the United States.¹
3. In connection with this assignment, I have considered the materials listed in Exhibit B as well as in the footnotes of my Report in forming my opinions, which are set out below.
4. My work on this case is ongoing, and it is possible I may supplement or revise my opinions at a later date.

¹ I am being compensated for my work on this matter at the rate of \$300 per hour.

III. Principles of Autonomy and Non-Hierarchy in Southern Baptist Polity

1. Overview of the Principles of Autonomy and Non-Hierarchy in Southern Baptist Polity

- a. No Baptist congregation or any other Baptist entity exercises any authority over Baptist congregations. As it is often said among Baptist historians, “There is no Baptist church, only Baptist churches.”² This principle is known as the autonomy of the local church. To the extent that Baptist congregations cooperate or coordinate, it is by voluntary choice. Historically, beginning in seventeenth-century England and at least by the early eighteenth century (1707) in America, multiple congregations began to band together in local associations for mutual fellowship, support, and the pooling of resources for missions and evangelism. The organizational impetus among Baptists has always been strong, but it has also been from the ground up, never from the top down. For example, a Baptist congregation can request to join an association, but once accepted, the association has no authority over the decisions of a local congregation. Local associations cannot direct a congregation to hire a particular pastor or to fire a pastor. Nor does the association exercise any control over the property of a local congregation. A local congregation can expand its property or sell its property and move to a new location without so much as consulting the association. The only authority an association possesses is to exclude or expel a congregation, in which case the congregation continues as an independent entity.
- b. From the nineteenth-century forward, local Baptist associations have usually been in “fellowship” with state conventions—that is, associations voluntarily align and cooperate with state conventions. This is especially the case within the Southern Baptist Convention (SBC). Local associations voluntarily band together in state conventions, and state conventions voluntarily align with the SBC. Just as local associations exercise no authority over congregations, the state conventions exercise no authority over either the local associations or the congregations within those local associations. This principle, the autonomy of the local church, applies to associations and state conventions as well. To the extent they cooperate or coordinate, it is because of the voluntary choice of each entity involved—the congregation, the association, the state convention, and the SBC.
- c. State conventions do not exist to support the Southern Baptist Convention. Rather, they exist to serve the congregations that voluntarily associate with the state convention and to carry out programs of evangelism, missions, church planting, social ministry, and even political activity. State Baptist conventions often publish their own newspapers, newsletters, or other types of media. Every state Baptist convention in the country of any significance has its own programs and then, if it wishes, also voluntarily cooperates with the SBC’s agencies.

² Thomas S. Kidd & Barry Hankins, *Baptists in America: A History* (New York: Oxford University Press, 2015), 248.

- d. In December 2020, Rev. Ronnie Floyd, then President of the Executive Committee of the Southern Baptist Convention, referencing the McRaney case explicitly, summarized the Southern Baptist position on autonomy: “The Baptist bodies serving our churches who undertake this great missional vision, such as associations, state conventions and national entities, do so knowing there is no relation of superiority or inferiority among our Baptist general bodies. There is no ‘hierarchy’ in any form or fashion in Southern Baptist polity. While each body is equal and autonomous, they serve the churches and operate with mutual respect for one another for the sake of cooperating together to advance the Good News of Jesus Christ to the whole world.”³
- e. Rev. Floyd here was merely articulating and amplifying the SBC’s confession of faith, the *Baptist Faith and Message* (2000), Article VI, which states: “A New Testament church of the Lord Jesus Christ is an autonomous local congregation of baptized believers.”⁴ He might well have then moved to Article XIV of the *Baptist Faith and Message* (2000), which reads in part, “Christ’s people should, as occasion requires, organize such associations and conventions as may best secure cooperation for the great objects of the Kingdom of God. Such organizations have no authority over one another or over the churches. They are voluntary and advisory bodies designed to elicit, combine, and direct the energies of our people in the most effective manner.”⁵
- f. As for the SBC’s relationship to state conventions, local associations, and congregations, Rev. Floyd could also have turned to the SBC Constitution, Article IV, which states, “While independent and sovereign in its own sphere, the Convention does not claim and will never attempt to exercise any authority over any other Baptist body, whether church, auxiliary organizations, associations, or convention.”⁶
- g. To apply this to the Baptist Convention of Maryland/Delaware (BCMD), where Dr. McRaney was employed, the BCMD describes itself as follows: “The Baptist Convention of Maryland/Delaware (BCMD) is a cooperative missions and ministry organization made up of more than 500 *autonomous Baptist churches* in Maryland and Delaware” (emphasis added). Then, among its eight Core Values is the following: “*The autonomy of the local church, the local association, the state*

³ Quoted in Jonathan Howe, “NAMB en banc request decided by 5th circuit; Confusion regarding amicus brief addressed,” *Baptist Press*, December 2, 2020.

<https://www.baptistpress.com/resource-library/news/namb-en-banc-request-denied-by-5th-circuit-confusion-regarding-amicus-brief-addressed/> Accessed July 6, 2022.

⁴ *Baptist Faith and Message 2000*, Article VI, <https://bfm.sbc.net/bfm2000/#vi> Accessed July 6, 2022.

⁵ *Baptist Faith and Message 2000*, Article XIV, <https://bfm.sbc.net/bfm2000/#xiv> Accessed July 6, 2022.

⁶ *SBC Constitution*, Article IV, <https://www.sbc.net/about/what-we-do/legal-documentation/constitution/> Accessed July 6, 2022.

convention, and the Southern Baptist Convention” (emphasis added). This Core Principle is listed third after “Our love for Jesus Christ and for one another” and “Our commitment to the Bible as the Word of God.”⁷

- h. The BCMD lists as its “National Partners” the Southern Baptist Convention, its agencies, seminaries, the SBC Executive Committee, and the Women’s Missionary Union, which is an auxiliary of the SBC.⁸ Note that the BCMD “partners” with the SBC. The BCMD is not under the authority of the SBC or any of its agencies, nor does the BCMD exist to support or serve the SBC.
- i. “Affiliates” of the BCMD include the local Baptist associations of Maryland and Delaware.
- j. It is not always necessary for a congregation to be a member of an association in order to be aligned with a state convention, but there are historical cases where membership in a local association is a prerequisite for good standing in a state convention. For example, in 1924, First Baptist Church of Fort Worth, Texas was expelled from the Tarrant County Baptist Association, largely because of the destructive criticism First Baptist’s pastor J. Frank Norris had been leveling at Texas Baptist leaders. The Baptist General Convention of Texas (BGCT) had in its bylaws that a prerequisite for membership was good standing in a local association. On the basis of this provision, First Baptist, already excluded from the Tarrant County Association, was also denied representation at the BGCT meetings. In short, First Baptist was expelled from the BGCT. First Baptist continued as an independent congregation, however, and thrived under the leadership of its pastor J. Frank Norris. First Baptist even continued to send the required nominal sum of money to the SBC so that Norris or other members of the church could attend SBC annual meetings.⁹ In short, the Tarrant County Association and the Baptist General Convention of Texas could refuse to fellowship with First Baptist Church, Fort Worth—refuse to allow their “messengers” (delegates for all practical purposes) to participate in BGCT meetings and refuse monetary contributions from First Baptist, Fort Worth—but there was no authority from the top down that permitted the BGCT or the Tarrant County Association to further discipline First Baptist, Fort Worth or its pastor. The BGCT could not prevent First Baptist and its pastor from operating however the church and its pastor saw fit.
- k. Fast forward seventy-four years and we find the Baptist General Convention of Texas in a dispute with the SBC that again highlights the polity (church organizational form) of Southern Baptists. In 1998, the SBC added to the *Baptist Faith and Message* (BFM), the theological confession of the SBC, what is often

⁷ BCMD Website: *About Us*, <https://bcmd.org/about-us/about/> Accessed July 6, 2022.

⁸ BCMD Website: *National Partners*, <https://bcmd.org/about-us/national-partners/> Accessed July 6, 2022.

⁹ See Barry Hankins, *God’s Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism*, Second Edition (Knoxville: University of Tennessee Press, 2022), 30-31.

referred to as the “submission statement,” which reads in part: “A wife is to submit herself graciously to the servant leadership of her husband even as the church willingly submits to the headship of Christ.”¹⁰ Two years later, in the *Baptist Faith and Message* (2000), leaders in the SBC added another plank barring women from roles as ordained pastors. That passage reads in part, “While both men and women are gifted for service in the church, the office of pastor is limited to men as qualified by Scripture.”¹¹ The leadership of the Baptist General Convention of Texas disagreed with making either wifely submission or the exclusion of women pastors part of the *Baptist Faith and Message*, believing instead that such matters should be left to individual congregations. The result was that the BGCT reaffirmed its fidelity to the 1963 *Baptist Faith and Message*, while also accepting fellowship from churches that affirm the 2000 *BFM*, as well as churches that affirm neither version of the *BFM*.¹²

- l. In response, the SBC lacked authority to discipline the BGCT, especially so because neither state conventions nor local associations send messengers to SBC meetings; only congregations can do that. No BGCT personnel could be fired or directly sanctioned by SBC.
- m. In response to the BGCT’s clear denunciation of the revised 1998 and 2000 versions of the *Baptist Faith and Message*, many conservative congregations in Texas banded together and formed a new state convention called the Southern Baptists of Texas Convention (SBTC), signaling their desire to be closely aligned with the SBC. The SBTC adopted the *Baptist Faith and Message* (2000) as its doctrinal statement.¹³
- n. This did not preclude churches in the BGCT from remaining in good standing with the SBC. Many did, while many other more moderate churches continued to support the work of the BGCT while ceasing support for and affiliation with the SBC. Some of these moderate congregations aligned nationally with the Cooperative Baptist Fellowship, which developed as a moderate, national Baptist denomination consisting of congregations that no longer identified with the more conservative SBC.
- o. In a slightly different approach, the BCMD, where Dr. McRaney was Executive Director, accepts churches for fellowship that adhere to either the 1963 *BFM*, the

¹⁰ *Baptist Faith and Message 2000*, Article XVIII, <https://bfm.sbc.net/bfm2000/#xviii> Accessed July 9, 2022.

¹¹ *Baptist Faith and Message 2000*, Article VI, <https://bfm.sbc.net/bfm2000/#vi> Accessed July 9, 2022.

¹² “Confessions of Faith,” *Texas Baptists*, <https://www.texasbaptists.org/about/downloads>, Accessed July 9, 2022.

¹³ “Article III. Doctrinal Statement,” *Southern Baptists of Texas Convention: Constitution and Bylaws*, 2021. A PDF of this document can be downloaded at: <https://sbtexas.com/values-vision/> Accessed July 9, 2022.

2000 version, “or a similar statement in accord with the beliefs expressed in these Southern Baptist documents.” The BCMD requires its employees to affirm either the 1963 or 2000 version of the *BFM*.¹⁴

- p. All of this independence—among congregations, local associations, state conventions, and the SBC—often makes the heads of non-Baptists spin. When Baptist polity is adhered to, Baptists often appear as a cacophony of theological voices with every unit of Baptist life operating as it wishes and aligning with whomever it chooses.
2. Most recently, this sort of Baptist independence has played out in the tragic and ongoing sex abuse scandal within the Southern Baptist Convention. In 2019, the *Houston Chronicle* published the scathing results of a journalistic investigation into sex abuse within congregations aligned with the SBC. Investigative journalists from the *Chronicle* and *San Antonio Express News*, searching records from 1998 to 2018 and engaging in interviews, identified more than 380 paid or voluntary staff members of Southern Baptist churches who were “convicted, credibly accused and successfully sued” for sexual abuse, as well as others who “confessed or resigned.” They identified over 700 victims.¹⁵ Many of the perpetrators were repeat offenders who had simply been fired by one congregation and hired by another.
 - a. Throughout the period studied, 1998 to 2018, there were calls from Baptist activists and advocates, mostly women, for the SBC to do its own investigation into why so little was being done to curb sexual harassment and assault in Southern Baptist churches. Consistently, SBC leaders claimed there was nothing they could do because of the autonomy of the local church. In other words, as this argument goes, even in the face of sexual abuse, the SBC could not discipline local congregations or even take steps to investigate or guard against sexual abuse. This argument was somewhat disingenuous, several critics pointed out, as the SBC had responded to churches that ordained women or supported gay marriage, which the SBC does not approve of. In those cases, the SBC had simply refused to recognize messengers from such churches and refused to accept their funds. Some leaders asked: why not the same for churches that had failed to deal with sexual abuse?
 - b. As outrage over the scandal escalated, and calls for action increased, messengers to the 2021 SBC Annual Meeting voted to direct SBC leaders to hire an outside agency to investigate the SBC’s inadequate response to sexual abuse. Notice, again, that the authority to order such an investigation came from the bottom up—

¹⁴ “About: Our Core Values,” *Baptist Convention of Maryland/Delaware*, <https://bcmd.org/about-us/about/> Accessed July 9, 2022.

¹⁵ Robert Downen, Lise Olsen, and John Tedesco, “Abuse of Faith,” *Houston Chronicle*, February 10, 2019, <https://www.houstonchronicle.com/news/investigations/article/Southern-Baptist-sexual-abuse-spreads-as-leaders-13588038.php> Accessed September 15, 2022.

the messengers from the churches voted to direct their leaders on the correct course of action, not the other way around.

- c. After a year of investigation, the independent organization, Guidepost Solutions, issued a scathing report about the SBC's response to sexual abuse. Guidepost's investigation revealed that to a large extent SBC leaders had been hiding behind the Baptist principle of the autonomy of the local church. Moreover, in response to the pleas of sexual abuse victims and victim advocates for a database of sex offenders, leaders in the SBC claimed such a database would violate local church autonomy. The Guidepost report revealed the height of hypocrisy by showing that a few leaders had actually developed such a database, or at least a list of abusers, but had kept it secret.¹⁶

The point here is to illustrate that the Baptist principle of the autonomy of the local church is so potent, so powerful, that it could be used plausibly, for over a decade, to thwart all efforts to deal with something as tragic and horrific as sexual abuse. The legal status of the SBC's claim has been characterized by legal scholar Marci Hamilton as being "full of holes."¹⁷ What is significant at the theological level, however, is the fact that the doctrine of the autonomy of local congregations would be employed at all. This was because of the doctrine's historical status within the SBC.

IV. ERLC's Amicus Brief Submitted to the United States Court of Appeals for the Fifth Circuit in the Case Contained False Statements

1. The Ethics & Religious Liberty Commission (ERLC) is the public policy arm of the Southern Baptist Convention. As such it is one of the agencies of the SBC, as is the North American Mission Board.
2. As NAMB asked the Appeals Court for *en banc* review in 2020, the ERLC co-authored and filed a brief with the religious liberty lobby known as the Thomas More Society. Evangelicals of the type represented by the Thomas More Society often do not fully understand the nature of Baptist polity. The ERLC does, but aligned itself with NAMB. In its amicus brief, the ERLC claimed that the SBC was an "umbrella Southern Baptist governing body over all of the various groups of churches." This

¹⁶ Sarah Pulliam Bailey and Michelle Boorstein, "Southern Baptist Leaders release sex abuser database they kept secret for years," *Washington Post*, May 27, 2022, <https://www.washingtonpost.com/religion/2022/05/26/southern-baptist-database-sex-abuse/> Accessed July 9, 2022.

¹⁷ Sarah Pulliam Bailey and Michelle Boorstein, "Southern Baptist Leaders release sex abuser database they kept secret for years," *Washington Post*, May 27, 2022, <https://www.washingtonpost.com/religion/2022/05/26/southern-baptist-database-sex-abuse/> Accessed July 9, 2022.

would include state conventions and local associations. The ERLC amicus brief even claimed the SBC was a “hierarchy” that included “McRaney’s previous employer,” the BCMD.¹⁸ These statements are erroneous as a matter of history and false as to the *Baptist Faith and Message* and the SBC Constitution. The ERLC must have known the statements to be false at the time it made the representations to the Fifth Circuit. NAMB also must have known the ERLC’s representations were false at the time the brief was filed. NAMB never corrected or repudiated ERLC’s misrepresentations to the Court.

3. **After a firestorm of criticism,¹⁹ months after filing its amicus brief,** the ERLC said: “We fully recognize this brief created concern and unnecessary confusion. Before we say anything else, let us say – we apologize.”²⁰
4. As a Baptist Press article covering the ERLC apology stated, “There are few issues nearer the center of what it means to be Southern Baptist than the autonomy of the local church.” The article then quoted from the apology issued by then ERLC Executive Director Russell Moore: “Some churches and denominations have decisions made at the top – by bishops or other leaders – and these decisions filter down to the churches. Our decisions go the other way. We think every church – no matter where or what its size – is governed by Jesus through His Word and by His

¹⁸ Brief for Thomas More Society and the Ethics and Religious Liberty Commission as Amici Curiae Supporting Defendant-Appellee, *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 980 F.3d 1066, 1067 (5th Cir. 2020), 2020 WL 4933765 (C.A.5), 10. The only historically correct claim in the paragraph where these quotes appeared was that the SBC is a “hierarchy” over NAMB, which is an agency of the SBC and not an autonomous Baptist entity.

¹⁹ For just a few examples see, “The Conservative Baptist Network calls on the ERLC to withdraw its false brief from the Supreme Court,” Press Release, Conservative Baptist Network, June 8, 2021, <https://conservativebaptistnetwork.com/the-conservative-baptist-network-calls-on-the-erlc-to-withdraw-its-false-brief-from-the-supreme-court/> Accessed July 7, 2022; and Randy C. Davis, “Davis: There is Absolutely No SBC Hierarchy,” *Baptist and Reflector*, December 2, 2020, <https://baptistandreflector.org/davis-there-is-absolutely-no-sbc-hierarchy/> Accessed July 7, 2022. For a view as to how the ERLC statement threatened state conventions, see Randy Adams, “Do NAMB and the ERLC Believe the End Justifies the Means,” *Northwest Advance*, April 1, 2021, <https://www.randyadams.org/post/do-namb-and-the-erlc-believe-the-end-justifies-the-means>, Accessed July 7, 2022. Adams is the Executive Director/Treasurer of the Northwest Baptist Convention (Washington, Oregon, North Idaho). While serving as the President of the Executive Directors Fellowship in 2017, he met with NAMB Trustee Officers and Dr. McRaney in an attempt to resolve the issues between Dr. McRaney and NAMB.

²⁰ “ERLC issues apology, explanation regarding amicus brief,” *Baptist Press*, December 9, 2020, <https://www.baptistpress.com/resource-library/news/erlc-issues-apology-explanation-regarding-amicus-brief/> Accessed July 6, 2022.

gifts and is free from dictation by any other church or by some religious bureaucracy.”²¹

5. Following its “apology,” and only after the Fifth Circuit had ruled on the petition for rehearing, the authors of ERLC’s amicus brief wrote the Court acknowledging factual errors in their submission: “[I]t has come to the attention of Amici that the Brief Amici Curiae includes certain factual statements that inaccurately describe the Southern Baptist Convention’s polity and theology of cooperative ministry.”²² The correction stated: “All Southern Baptist churches are autonomous, self-determining, and subject only to the Lordship of Christ—no local, state or national entity may exercise control or authority over any Southern Baptist church. Baptists reject the idea of a religious ‘hierarchy’ or ‘umbrella’ superior to the local church, or that any Baptist Convention is in a hierarchy or governing relationship over another Convention.”²³
6. The only surprising thing about the ERLC’s admission of error as to the nature of Baptist polity in their brief is that they issued an amicus at all in this case. Doing so was analogous to Chevrolet issuing a brief on behalf of Buick, both companies being constituents of General Motors—i.e. part of the same corporation, like NAMB and the ERLC. It was only one step removed from an entity issuing an amicus on behalf of itself.
7. In any event, as outlined above, the ERLC statement was a direct contradiction of the *Baptist Faith and Message* and the SBC Constitution. It was also completely at odds with Baptist history.

V. Relationship of NAMB and BCMD

1. Organizational structure of the SBC: The Southern Baptist Convention is structured as a highly democratic organization. As has been outlined above, its power and authority come from its autonomous congregations who send “messengers,” essentially delegates, to the SBC annual meetings. Those congregations also voluntarily join together in local Baptist associations, and local associations voluntarily align with state conventions, which then align voluntarily with the SBC. All of these entities—congregations, local associations, and state conventions—

²¹ Quoted in “ERLC issues apology, explanation regarding amicus brief,” *Baptist Press*, December 9, 2020, <https://www.baptistpress.com/resource-library/news/erlc-issues-apology-explanation-regarding-amicus-brief/> Accessed July 6, 2022.

²² Letter of Amici Curiae Ethics and Religious Liberty Commission and Thomas More Society, at 1, *McRaney v. N. Am. Mission Bd. of the S. Baptist Convention, Inc.*, No. 19-60293 (filed Dec. 14, 2020).

²³ *Id.* at 2.

- operate independently and autonomously, cooperating with each other when it suits their sense of mission and fellowship.
2. Messengers to the SBC annual meetings elect the SBC president. SBC presidents usually serve for two, one-year terms, and their power is primarily appointive.
 3. The president of the SBC appoints the Committee on Committees.
 4. The Committee on Committees appoints members to the boards of the agencies and seminaries of the SBC. The agency boards and seminary boards, in turn, appoint the professional executives who run the everyday affairs of the agencies and seminaries.
 5. The SBC also has an Executive Committee that oversees the ongoing, day-to-day operations of the denomination.
 6. It is only within the SBC itself that authority flows top down. Employees of SBC agencies or seminaries can be disciplined, reprovved, or removed by executives who supervise those agencies or seminaries, and the executives who oversee the agencies and seminaries can be dismissed by their boards for mismanagement, theological error, or job-related misconduct, among many other things.
 7. But this organizational structure of authority exists only within the SBC. As outlined above, it does not extend outside the SBC to state conventions, local associations, or congregations, all of which operate autonomously.
 8. One of the largest and most important of the SBC agencies is the North American Mission Board (NAMB). Formerly known as the Home Mission Board, NAMB overseas evangelism in North America, especially the planting of new churches across the U.S. It appoints home missionaries who carry out this evangelism and church planting. Essentially, NAMB does at home in the U.S. what the International Mission Board does abroad—i.e. employ missionaries to win converts to Christianity and church planters to organize Baptist Christians into Southern Baptist churches.
 9. State conventions usually engage in these same evangelistic enterprises, and as they do, they often partner voluntarily with NAMB.
 10. In accordance with historic Baptist polity, the SBC confession of faith known as the *Baptist Faith and Message*, and the SBC Constitution, NAMB, as an agency of the SBC, exercises no authority over any other Baptist entity, only over its own missionaries, church planters, and other employees.
 11. NAMB and BCMD are separate organizations.

- a. NAMB is an agency of the SBC that works with congregations, associations, and state conventions to win people to Christ and organize them into Baptist churches, or to help those who are already Baptist Christians form congregations in new locations—sometimes in the inner-city, while at other times in suburbs where the demographics create the need for new churches. As stated on the SBC website: “The North American Mission Board exists to work with churches, associations and state conventions in mobilizing Southern Baptists as a missional force to impact North America with the Gospel of Jesus Christ through evangelism and church planting.”²⁴ The agency focuses its efforts in three areas: “church planting, compassion ministry and evangelism.”²⁵
- b. NAMB has authority over its own employees, including church planters who serve like pastors of mission churches. Southern Baptist chaplains are also trained by NAMB and sent into hospitals, prisons, the U.S. military, and other institutions.
- c. NAMB has no authority over state conventions. Rather, NAMB partners with state conventions and associations, often providing funds, in joint efforts of church planting, evangelism, and compassion ministries. If a NAMB employee were found to be in theological error, misconduct, or incompetence, NAMB could fire that employee. If, however, NAMB disapproved of the work of a state convention, beyond negotiation, expressions of disapproval, and the like, the only recourse NAMB would have would be to cease cooperation with the state convention. In short, employees of state conventions do not work for NAMB, and therefore do not work for the SBC.
- d. As the district court noted, “the BCMD and NAMB are separate and autonomous from each other.” *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 304 F. Supp. 3d 514, 517 (N.D. Miss. 2018). Moreover, neither organization is itself a church, and even Baptist churches are independent of one another. See Thomas S. Kidd & Barry Hankins, *BAPTISTS IN AMERICA: A HISTORY* 248 (2019) (“As is often said, there is no Baptist Church, only Baptist churches.”). For this reason, NAMB was not Dr. McRaney’s employer.
- e. This case is not an employment-related dispute. Rather it is a dispute between Dr. McRaney, as a former employee of the BCMD, and a separate, independent, and autonomous Baptist entity (NAMB), which Dr. McRaney never worked for.

²⁴ *SBC Entities*, The North American Mission Board, <https://www.sbc.net/about/what-we-do/sbc-entities/> Accessed July 8, 2022.

²⁵ Branden Elrod, “A Brief History of Southern Baptist Missions in North America,” North American Mission Board, <https://www.namb.net/news/a-brief-history-of-southern-baptist-missions-in-north-america/> Accessed July 8, 2022.

- f. The notion that this lawsuit is an “internal dispute over who should lead a church”²⁶ is wrong and based on a fundamental misunderstanding of the relevant parties and organizations. In Baptist polity, only congregations can “call” (appoint) pastors. Only a local congregation can ordain, call, or dismiss a pastor. While Dr. McRaney is an ordained Baptist minister, his role within BCMD was that of an executive director, not a minister. He was hired by the BCMD and entered into a separation agreement with the BCMD. His status as the top executive employee of the BCMD, however, in no way connected his employment to the SBC because the SBC, as explained above, is not an “umbrella” organization or a “hierarchy” with any authority over a state convention such as the BCMD.

12. NAMB is not a “supporting organization” of BCMD.

- a. NAMB filed a motion for summary judgment with respect to Counts I and II of the Complaint based on NAMB’s contention that it was released by a Separation Agreement between Dr. McRaney and his former employer, BCMD. This claim was based on the erroneous assertion that NAMB is a “supporting organization” of BCMD, covered by general release language in Section 5 of the Separation Agreement.²⁷
- b. NAMB has also asserted a defense in its First Amended Answer and Defenses on the same basis. *See* Doc. 47 at 2-3.
- c. I understand that Charles Lindsay, CPA, provided a declaration in this matter, explaining the terms “supporting organization.” I have read Lindsay’s declaration. He outlines how the term “supporting organization” is a well-known term in the world of non-profit organizations, including many religious organizations, with a specific and clear meaning. *See* Doc. 85-1, Declaration of Charles R. Lindsay, CPA (“Lindsay Declaration”) ¶¶ 6-8.
- d. NAMB clearly does not fit the definition of “supporting organization,” and the agency appears to acknowledge it is not a “supporting organization” as the term is ordinarily used in the world of non-profit organizations, including many religious organizations.²⁸

²⁶ *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 980 F.3d 1066, 1067 (5th Cir. 2020) (Ho, J., dissenting). Judge Ho may have reached this erroneous conclusion as a result of the false and misleading brief submitted by the SBC’s ERLC.

²⁷ NAMB contends it is also shielded from “punitive damage and intentional infliction of emotional distress claims” in Count VI, for the same reason. *See* Doc. 80 at 4.

²⁸ *See* Doc. 89 at 8 (“NAMB does not contend — and has never contended — it is a supporting organization under the IRC.”).

- e. NAMB nevertheless contends it is a “supporting organization” of BCMD because it claims to have provided financial and non-financial support to BCMD.
- f. It is my opinion, as a scholar and observer of Southern Baptist churches and organizations, that NAMB’s purported interpretation of the term “supporting organization” in the Agreement is wrong.
- g. First, as outlined above, NAMB engages in an array of mission activities, some of which it carries out with its own employees, church planters in particular, and others in which NAMB partners with state conventions, like BCMD, as well as with congregations. Southern Baptists are non-hierarchical. Thus, the notion that any one entity is “supporting” another is contrary to established doctrine. Rather, NAMB and BCMD partner together to carry out mission activities. Neither was created nor exists primarily, let alone exclusively, to support the other.
- h. Second, the way Southern Baptists are organized, local congregations send funds to their local association, their state convention, and/or the SBC. State conventions, in turn, send a portion of the funds they receive from congregations to the SBC’s Cooperative Program. This is not to say that when the SBC, through NAMB or another agency, agrees to partner with a state convention funds never flow back to the state convention. It is to say, however, that monetary support, like the authority of the SBC, flows from the bottom up—from congregations to state conventions and/or the SBC, and from state conventions to the SBC. Describing an SBC entity (such as NAMB) as a “supporting organization” of a state convention (such as the BCMD) makes little sense as a matter of history and Southern Baptist polity.
- i. Third, I understand that an economist providing a report in this case offers the opinion that NAMB’s contention about the meaning of “supporting organization” in the Separation Agreement makes no sense to him as an economist because, throughout the relevant period, the BCMD actually provided substantially more financial support to NAMB than NAMB provided to the BCMD. That fact is unsurprising given the relationship between these separate organizations, including my description above. If anything, a more apt description is that BCMD is a “supporting organization” of NAMB—the opposite of what NAMB now claims.

VI. NAMB’s “First Amendment” Defense

- 1. There is no valid factual foundation for NAMB’s First Amendment defense in this case.
 - a. NAMB asserts as a defense in this case the religion clauses of the First Amendment to the United States Constitution. *See* Doc. 47 at 1 (citing the

“ecclesiastical abstention,” “church autonomy,” and/or “ministerial exception” doctrines).

- b. While I am not offering a legal opinion in this matter, my knowledge and expertise leads me to conclude that NAMB’s First Amendment defense, and invocation of these doctrines, is misplaced as a matter of fact. It is my opinion, based on years of research and scholarship, including about Southern Baptists specifically and Church-States relations more broadly, that there is no valid factual foundation for NAMB’s First Amendment defense in this case.
- c. By contrast to Southern Baptists, pastors in other Christian denominations often (in fact, usually) are under the authority of the denominational hierarchy as well as their own congregations. This is true in varying degrees and in various ways for the Roman Catholic Church, Episcopal Church, Lutheran Church (all three major Lutheran denominations as well as the smaller ones), the United Methodist Church, and various Presbyterian denominations. Catholics, Episcopalians, Lutherans, and Methodists are hierarchal denominations with authority flowing from the top down through bishops. It is even the case that individual congregations are actually “parishes” of the larger unified “church,” which is why “Church” is part of the official name of the denomination. Presbyterians are somewhat different in that they are organized in a representative, or republican, manner where representatives from congregations convene in a presbytery. Presbyteries send representatives to the session, and a session sends representatives to the general assembly. In this way, Presbyterians are similar to Baptists in that there is power and authority flowing from the congregations upward to the general assembly. The similarity ends, however, where a Presbyterian General Assembly can, for example, try a pastor for heresy and expel him or her from the denomination. The General Assembly could likewise discipline or expel a congregation.
- d. The cases cited by NAMB concerning ecclesiastical abstention and ministerial exception in the briefs pertaining to the McRaney case concerned hierarchical or presbyterial denominations. Baptists are different.
- e. When the Roman Catholic Church, the Episcopal Church, the United Methodist Church, or Presbyterian Church USA, discipline an individual or a congregation, they can claim “ecclesiastical abstention,” “church autonomy,” and/or “ministerial exception” because their actions constitute an inner-church dispute and are therefore protected by the First Amendment’s Free Exercise Clause. Whether they win or not is a matter for the courts, but their claims are usually historically compelling.
- f. The only way Baptists could make such a First Amendment claim would be if the dispute was within an individual congregation, within the SBC, within a state convention, or within a local association. Any dispute between or among any of

those entities—congregations, local associations, state conventions, or the SBC—would be a dispute between separate and independent entities and not an inner-church dispute. This is because, at the risk of redundancy, “There is no Baptist church; only Baptist churches”—and Baptist associations, Baptist state conventions, and a national (in this case the Southern Baptist) convention.

- g. Earlier in this case, the district court denied NAMB’s motion to dismiss based on the “ministerial exception” because “McRaney was indisputably not employed by NAMB,” their relationship was not “one of employee-employer,” and the “ministerial exception” was therefore inapplicable. I agree with those factual conclusions. And, as I understand it, NAMB effectively conceded in the Fifth Circuit that this case does not involve the ministerial exception.²⁹
- h. As noted earlier, NAMB’s Amended Answer also refers to “Church autonomy” and “ecclesiastical abstention.” That document does not explain what NAMB means by those terms. However, at an earlier stage of this case, the Court referred to the “ecclesiastical abstention doctrine” as preventing secular courts from reviewing disputes that would require an analysis of “theological controversy, church discipline, ecclesiastical government, or the conformity of members of [a] church to the standard of morals required [by that church].” *McRaney v. NAMB*, 2018 WL 1041298 (Feb. 22, 2018). It is my opinion that no analysis of any such issues is required or warranted in this case. Whatever theological disagreements existed between Dr. McRaney and NAMB are immaterial to the case at hand because those disagreements could not lead to NAMB itself dismissing him as executive director of the BCMD. NAMB has no religious authority over the BCMD.³⁰
- i. Had Dr. McRaney sued the BCMD for its own conduct, perhaps the ministerial exemption and/or ecclesiastical abstention would apply; it would be for the courts to decide. But these legal doctrines are misplaced when applied between autonomous entities—i.e. between the BCMD and NAMB.
- j. As previously explained, NAMB is not a church, and the BCMD is not part of NAMB or the SBC. Moreover, Dr. McRaney never worked for NAMB, and his claims do not require the Courts to wade into a theological controversy, or to

²⁹ *McRaney v. N. Am. Mission Bd. of the S. Baptist Convention, Inc.*, 966 F.3d 346, 350 fn.3 (5th Cir. 2020), cert. denied, 210 L. Ed. 2d 961, 141 S. Ct. 2852 (2021) (noting the district court found “that the ministerial exception only applies to disputes between employees and employers, not employees and third parties. Both parties agree that the correctness of the district court’s decision regarding the applicability of the ministerial exception is not before us.”).

³⁰ Dr. McRaney asserts that NAMB violated civil law by interfering in his relationship with BCMD. The possibility that NAMB could and did unlawfully interfere with his employment relationship with BCMD is fully consistent with my opinions.

review a matter of church discipline, ecclesiastical government, or the conformity of members of a church to the standard of morals required by that church.³¹

2. Dr. McRaney was not an employee, agent, or member of NAMB. He asserts he suffered harm based on tortious acts by NAMB leading to and after his termination by BCMD. His claims against NAMB from a First Amendment standpoint are no different than if he worked for a secular organization separate from NAMB.
3. NAMB's position in this case is inconsistent with, and contradicted by, long-standing Southern Baptist polity. As I and my co-author Thomas Kidd concluded in *Baptist in America: A History*, there are three features that mark virtually all Baptists from their beginnings in the early seventeenth century to the present: Baptism, the independence or autonomy of the local church, and a willingness to call themselves Baptists. As we wrote, "Whether completely independent and unaffiliated with other congregations, voluntarily associated with other Baptists in a society, or bound together in a relatively centralized convention, Baptists claim that their congregations are independent."³² If congregations are independent and autonomous they can only join together voluntarily in associations, state conventions, and a national (Southern Baptist) convention. They do not relinquish their autonomy in doing so, and they fiercely guard the independence and autonomy of the associations and state conventions they create.
4. NAMB's position in this case is also inconsistent with the SBC's historical position with respect to sexual abuse allegations made against churches, pastors, and leaders. As discussed above, in those tragic and horrific cases, SBC leaders were reluctant to get involved for fear of violating the autonomy and independence of local congregations and associations.
5. NAMB's distortion of the First Amendment threatens religious freedom.
 - a. In addition to lacking a factual basis, and being inconsistent with the SBC's historical positions, it is my opinion as a scholar of Church-State relations in the United States that NAMB's First Amendment defense in this case, if accepted by courts, would actually undermine religious liberty rather than safeguard it.

³¹ NAMB does not appear to have used the term "church autonomy" in its brief before the United States Court of Appeals for the Fifth Circuit, and I am unaware of any way in which NAMB believes it differs from this description of the "ecclesiastical abstention doctrine." NAMB's brief addressed only the ministerial exception and ecclesiastical abstention doctrine. At least some members of the Supreme Court recently used the phrase "church autonomy" to refer to the same principles as the "ecclesiastical abstention doctrine." See *Seattle's Union Gospel Mission v. Woods*, 142 S. Ct. 1094 (2022) (Justices Alito and Thomas).

³² Thomas S. Kidd and Barry Hankins, *Baptists in America: A History* (New York: Oxford University Press, 2016), 251.

- b. As noted above, Dr. McRaney's claims against NAMB are, from a First Amendment standpoint, no different than if he worked for a secular organization separate from NAMB. He claims that an organization he did not work for (NAMB) improperly interfered in his relationship with his employer (BCMD), and then after he was terminated (due to that interference), NAMB continued to interfere with his ability to make a living as a preacher or religious executive. NAMB wants to deprive Dr. McRaney of his right to pursue relief in the courts of this country, on the ground that Dr. McRaney makes his living working with religious people and groups. Thus, under NAMB's view of the world, a citizen working with religious people and groups loses the right to challenge the conduct of a separate religious organization for which the citizen was never an employee or a member, simply because the citizen makes his living working with religious people and separate religious groups. That is an upside down understanding, where NAMB claims First Amendment protection to interfere in Dr. McRaney's free exercise of religion. Again, this would make some sense if Dr. McRaney worked for NAMB, but he never did.
- c. Moreover, if NAMB's interpretation of the First Amendment prevailed (an interpretation that matches the erroneous and rescinded view of the ERLC in its amicus brief), every Baptist entity that cooperates in any way with the SBC would be put at risk—congregations, associations, and state conventions. The view that the SBC can claim itself as a "hierarchy" or "umbrella organization" over other Baptist entities essentially transforms the SBC, making it akin to hierarchical or presbyterian denominations from which Baptists have always distinguished themselves. It is not going too far to say that one of the principal reasons Baptists came into existence was because of the theological belief that religious authority resides only in local congregations, not in a hierarchy of bishops or in a presbyterian body claiming to represent those congregations. Should the courts accept NAMB's interpretation, we would have a most curious situation, to put it mildly, where Baptists say they are one thing, but the courts treat them as something else. In short, the U.S. court system will have transformed and redefined Baptists into something they have always insisted they are not. That would be an affront to religious liberty.

Barry Hankins

September 29, 2022

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Education

Ph.D., History, Kansas State University, Manhattan, KS, 1990.
M.A., Church-State Studies, Baylor University, Waco, TX, 1983.
B.A., Religion, Baylor University, Waco, TX, 1978.

Academic Experience

Professor of History, Baylor University, 2005-2022.
Professor of History and Chair, Baylor University, 2016-2022.
Professor of History and Graduate Program Director, 2005-2016.
Associate Professor of History and Church-State Studies, Baylor University, 2001-2005.
Assistant Professor of History and Church-State Studies, Baylor University, 1999-2001.
Associate Director, J.M. Dawson Institute of Church-State Studies, and **Assistant Professor of History**, Baylor University, 1996-1999.
Assistant to Associate Professor of History, Louisiana College, 1990-1996.

Publications

Authored Books

God's Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism, 2nd Edition. Knoxville: University of Tennessee Press, 2022.

Woodrow Wilson: Ruling Elder, Spiritual President. New York: Oxford University Press, 2016. Winner of the A. Donald MacLeod Award in Presbyterian History.

(w/Thomas Kidd) *Baptists in America: A History*. New York: Oxford University Press, 2015. Nominated for the Outler Prize, American Society of Church History.

Jesus and Gin: Evangelicals, the Roaring Twenties, and Today's Culture Wars. New York: Palgrave Macmillan, 2010.

Francis Schaeffer and the Shaping of Evangelical America. Grand Rapids, Michigan: Eerdmans, 2008. Winner of the John Pollock Award for Christian Biography.

American Evangelicals: A Contemporary History of a Mainstream Religious Movement. Lanham, Maryland: Rowman and Littlefield, 2008.

The Second Great Awakening and the Transcendentalists. Westport, Conn.: Greenwood Press, 2004.

Uneasy in Babylon: Southern Baptist Conservatives and American Culture. Tuscaloosa: The University of Alabama Press, 2002.

God's Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism. Lexington: University Press of Kentucky, 1996. Winner of the Texas Baptist Historical Society, Church History Prize (for best book on a Texas Baptist).

Edited Books

Barry Hankins. *Fundamentalism and Evangelicalism: A Documentary Reader.* New York: New York University Press, 2008.

Barry Hankins and Donald Schmeltekopf, eds. *The Baylor Project: Can a Protestant University Be a First-Class Research Institution and Preserve Its Soul?.* Notre Dame, Indiana: St. Augustine's Press, 2007.

Derek Davis and Barry Hankins, eds. *New Religious Movements and Religious Liberty,* 2nd ed. Waco, Texas: Baylor University Press, 2003.

Derek Davis and Barry Hankins, eds. *Welfare Reform and Faith-Based Organizations.* Waco, Texas: J.M. Dawson Institute of Church-State Studies, 1999.

Scholarly Articles

" 'Fundamentalism' at 100: In Critical or Stable Condition?" *American Baptist Quarterly* XXXIX.2 (2021): 146-169.

"Evangelicals and Catholics Together: How it Should Have been in the Roaring Twenties Marketplace of Ideas," *Amerikastudien*, 59:2 (2014): 207-220.

"'I was Only Making a Point,': Francis Schaeffer and the Irony of Faithful Christian Scholarship," *Fides et Historia*, 2007.

"Revisiting the Wall of Separation: A Review Essay," *Perspectives in Religious Studies* 30 (Winter 2003): 463-470.

"And the Answer is, 'Yes'" (Essay response to articles reviewing my book *Uneasy in Babylon: Southern Baptist Conservatives and American Culture*), *The Southern Baptist Journal of Theology*, 7 (Spring 2003), 50-61.

“Editorial: Is the Supreme Court Hostile to Religion?: Good News Club et. al. v. Milford Central School (2001) and Santa Fe v. Doe (2000).” *Journal of Church and State*, 43 (Autumn 2001): 681-87.

“How Ya Goin To Keep Em Down on the Farm?: Southern Baptist Conservatives as Neo-Evangelicals,” *Mid-America: An Historical Review*, 82 (Fall 2000).

“The Evangelical Accommodationism of SBC Conservatives.” *Baptist History and Heritage* 33 (Winter 1998): 54-65.

“Principle, Perception, and Position: Why Southern Baptist Conservatives Differ From Moderates on Church-State Issues.” *Journal of Church and State*, 40 (Spring 1998): 343-70.

Geoffrey Treloar, Al Beck, and Barry Hankins “Evangelical Historical Scholarship, 1994” (a bibliography). In *The Furtherance of Religious Beliefs: Essays on the History of Theological Education in Australia*, ed. Geoffrey Treloar, 217-41. Sydney: Center for the Study of Australian Christianity, 1997.

“Editorial: Religious Coercion in a Postmodern Age.” *Journal of Church and State* 39 (Winter 1997): 5-14.

“History is Written by the Losers: A Case Study in Historiography and Religious Conflict,” *Fides et Historia* 29 (Fall 1997): 50-65.

“Southern Baptists and Northern Evangelicals: Cultural Factors and the Nature of Religious Alliances.” *Religion and American Culture: A Journal of Interpretation*, 7 (Summer 1997): 271-97.

"The Ambivalent Fundamentalist: Luther Peak's Relationship with J. Frank Norris and Texas Fundamentalism." *Fides et Historia*, 27 (Winter/Spring, 1995): 71-87.

Geoffrey Treloar and Barry Hankins, "Bibliography: Evangelical Historical Scholarship 1992." *Lucas*, December 1993.

"The Strange Career of J. Frank Norris: Or, Can a Baptist-Democrat be a Fundamentalist-Republican." *Church History*, 61 (September 1992): 373-92.

"The Fundamentalist Style in American Politics: J. Frank Norris and Presidential Elections, 1928-1952." (winner of Torbet prize, American Baptist Historical Society) *American Baptist Quarterly*, 11 (March 1992): 76-95.

"Manifest Destiny in the Midwest: Selected Kansans and the Philippine Question," *Kansas History*, 8 (Spring 1985): 54-66.

Book Chapters

"From Uneasy to Conflicted: Southern Baptists in the Age of Trump." in

Keith Harper, ed. *Southern Baptists Re-Observed: Reflections on a Denomination in Transition*. Knoxville: University of Tennessee Press, 2022.

" 'Like a Shot': The Historical Study of (Mostly American) Religion, 1870-2014." in Jeff Levin, ed. *Religion and the Social Sciences: Basic and Applied Research Perspectives*. Templeton Press, 2018 pp. 109-41.

"The Last Lost Cause: Civil Religion and Southern Baptists." in Liam J. Atchison, Keith Bates, and Darin D. Lenz , eds. *Civil Religion and American Christianity*. Mountain Home, AZ: Borderstone Press, 2018), pp. 141-71.

"Pacifist Warrior: Woodrow Wilson and the Call to War," in Philip Jenkins, ed., *Remembering Armageddon: Religion and the First World War*. Waco, Texas: ISR Books, 2014.

"Marsden and Modern Fundamentalism," in Darren Dochuk, Thomas S. Kidd, Kurt W. Peterson, eds. *American Evangelicalism: George Marsden and the State of American Religious History*. Notre Dame, IN: University of Notre Dame Press, 2014.

"Southern Baptists and the F-Word: A Historiography of the SBC Controversy and What It Might Mean," in Keith Harper, ed. *Through a Glass Darkly: Contested Notions of Baptist Identity*. Tuscaloosa: University of Alabama Press, 2012.

" 'We're All Evangelicals Now': The Existential and Backward Historiography of Twentieth-Century Evangelicalism," in Keith Harper, ed. *American Denominational History: Perspectives on the Past, Prospects for the Future*. Tuscaloosa: University of Alabama Press, 2008.

Dictionary and Encyclopedia Articles

"Bob Jones, Sr.," in Timothy Larsen, ed., *Biographical Dictionary of Evangelicals*. Downers Grove, Illinois: Intervarsity Press, 2003.

"C.I. Scofield," *Biographical Dictionary of Evangelicals*. Downers Grove, Illinois: Intervarsity Press, 2003.

"The Reformation," in *Encyclopedia of Religious Freedom*. Routledge, 2003.

"The English Revolutions," in *Encyclopedia of Religious Freedom*. Routledge, 2003.

Popular Publications

"Liberty, Conscience, and Autonomy: How the Culture War of the Roaring Twenties Set the Stage for Today's Catholic-Evangelical Alliance," *Touchstone: A Journal of Mere Christianity*, November/December 2011, pp. 42-48.

“Civil Religion and America’s Inclusive Faith,” *Liberty*, January/February 2004, 11-15 & 20-22.

“I’ve been reading...” *Evangelical Studies Bulletin*, Summer 2004.

“Religious Tests and Civil Society,” *Liberty*, March/April 2004, pp. 9-12.

“Lonesome Blues: The Consolations of the Frontier,” review essay, *Books and Culture*, September/October 2003, 10.

“A Limited Public Forum?: The Strange Odyssey of Religious Liberty, Free Speech, and Student Fees at Three Universities,” *Liberty*, September/October 2001, 3-7.

“Prayer, Football, and Civil Religion in Texas,” *Liberty*, November/December 2000, 8-13.

“Older and Wiser: The Maturing of the Religious Right,” *Liberty*, September/October 2000, 8-13.

“Divided Loyalties (and the Religious Right).” *Liberty*, September/October 1997, 6-9.

“Separation of Church and State Isn’t Just for Liberals.” *Liberty*, November/December 1999, 2-5 & 22-23.

“Through the Backdoor: Martin Luther and Welfare Reform.” *Liberty*, May/June 1999, 23-27.

“The Terrible ‘A’ (accommodation) Word.” *Liberty*, May/June 1998, 16-21.

“Squaring Off Over the Good University.” *Baylor News*, May 1998, 7.

Editorials Related to Scholarly Work

“The Surprising Thing Baptists and Muslims Have in Common,” *History News Network* (online), May 30, 2015.

(with Thomas Kidd) “Here are Three Reasons Why Southern Baptists are in Decline,” *Washington Post* (online), June 16, 2015.

(with Thomas Kidd) “Southern Baptists Cleanse Past,” *USA Today* (print), June 24, 2012.

“The *New Yorker* and Evangelicalism,” *American Spectator* (online), August 15, 2011.

Book Reviews in the Following Journals

Alabama Review

Books and Culture

Christian Scholars Review

Church History

Fides Et Historia
H-Net (H-AMREL)
Journal of Church and State
Journal of Religion
Journal of Religious History
Journal of Southern History
Journal of the West
Kansas History
Louisiana History
Lucas

Oral History Project

“Southern Baptist Conservatives and American Culture.”

Taped interviews with Morris Chapman, Mark Coppenger, James Draper, Jr., Gary Frost, Timothy George, Timothy James Johnson, Richard Land (2), Emmanuel McCall, R. Albert Mohler (2), Carey Newman, Dorothy Patterson, Paige Patterson, Adrian Rogers, Sid Smith, T. Vaughn Walker, Timothy Weber, Michael Whitehead. The interviews have been transcribed by the Institute for Oral History and are housed permanently in the Texas Collection, Baylor University.

Symposia and Lectureships

Program Chair: Conference on Faith and History, Bluffton University, September 18-20, 2008.

Program Chair: Conference on Faith and History, Point Loma Nazarene University, October 19-21, 2000, San Diego, California.

Organizer: “Welfare Reform and the Churches.” (a symposium) 6-7 April 1998.

Organizer: “Civil Religion and the Political Parties.” J.M. Dawson Lectures in Church and State, 5-6 March 1997.

Awards, Grants and Fellowships

Academic Grants and Fellowships

Earhart Foundation Grant, Earhart Foundation, Ann Arbor, Michigan, Spring 2009
Research Leave, *Jesus and Jazz: Evangelicals, The Roaring Twenties, and Today's Culture Wars*.

Horizons Grant, Baylor University Institute for Faith and Learning, 2003 to fund research on biography of Francis Schaeffer.

University Research Committee Grant, Baylor University, to conduct interviews and other research as part of a book project entitled “Uneasy in Babylon: Southern Baptist Conservatives and American Culture.”

University Research Committee Grant, Baylor University, to conduct interviews and other research as part of a book project entitled “Uneasy in Babylon: Southern Baptist Conservatives and American Culture, 1999.

University Research Committee Grant, Baylor University, to conduct interviews and other research as part of a book project entitled “Uneasy in Babylon: Southern Baptist Conservatives and American Culture, 1998.

Summer Fellow, 1998, Institute for Oral History—to conduct interviews with Southern Baptist conservative leaders concerning their views of religious liberty, church-state relations, politics, and culture.

University Research Committee Grant, Baylor University, to conduct interviews with Southern Baptist conservative leaders concerning their church-state views, 1997.

Summer Fellow, 1997, Institute for Oral History—to conduct interviews with Southern Baptist conservative leaders concerning their views of religious liberty, church-state relations, politics, and culture.

Summer Sabbatical, Walker Fund, Louisiana College, 1992.

Academic and Scholarly Awards

2017 A. Donald MacLeod Award in Presbyterian History for *Woodrow Wilson: Ruling Elder, Spiritual President*

2009 John Pollock Award for Christian Biography for *Francis Schaeffer and the Shaping of Evangelical America*.

2004 Outstanding Academic Title citation by *Choice* magazine for *Uneasy in Babylon: Southern Baptist Conservatives and American Culture*.

Texas Baptist Historical Society, Church History Prize (for best book on a Texas Baptist), 1997.

Robert G. Torbet Essay Prize, American Baptist Historical Society, Valley Forge, PA, 1991.

Anne Stewart Higham Prize for best graduate student in history at Kansas State University, 1985.

First Place, Competition for graduate research papers, Kansas History Teachers Association, 1984.

Participation In Professional Meetings

“Principled Position or Interest Group Politics: Evangelicals and Religious Liberty in the Trump Era,” Evangelical Studies Program Conference, October 7-8, 2022 (Zoom).

“On Writing Religious Leadership: A Roundtable Discussion on Religious Biography,” Organization of American Historians Annual Meeting, Providence, RI, 2016.

“Evangelicals and Catholics Together: How it Should Have Been in the Roaring Twenties,” Religion and the Marketplace in the United States Conference, Heidelberg Center for American Studies, Heidelberg, Germany, October 6-8, 2011.

“White Flight, Shift to the Right: Bellevue Baptist Church and Memphis,” Southern Historical Association Annual Meeting, Memphis, Tennessee, November 4, 2004.

Chair and Respondent, “Church-State Issues in American History,” Conference on Faith and History Biannual Student Conference, Holland, Michigan, October 14, 2004.

Respondent, Pruitt Symposium, “Christianity and the Soul of the University,” Baylor University, March 25-27, 2004.

Commentator: “Lone Star Visions of Church, State, and Society, 1912-1950: Two Texas Perspectives,” Texas State Historical Association, Joint Session With The Texas Baptist Historical Society, March 4, 2004, Austin, Texas.

Session Chair, Pruitt Symposium, Baylor University, October 30-November 1, 2003.

“Response to Robert Fogel’s *The Fourth Great Awakening*, Christianity and Economics, Pruitt Symposium, November 9, 2002.

Panel Discussion: “Tip-Toeing on Sacred Ground: Professional Historians and the Writing of Contemporary Religious History,” Conference on Faith and History, October 10-12, 2002.

“Die in the Pulpit: W.A. Criswell, J. Frank Norris, and the Problem of Succession in Two Mega-Churches,” Texas Baptist Historical Society meeting at Texas State Historical Society, March 2002, Corpus Christi, Texas.

“Avoiding a Scandal: Southern Baptists and Religious Liberty in a Pluralistic Culture,” Civitas Annual Symposium: Civil Society and Christian Social Thought: Four Views, Baylor University, March 22-23, 2002.

“Not Your Father’s SBC: Southern Baptist Conservatives and American Culture,” Southern Baptists and the New Millennium: Identity, Orthodoxy, and

Cooperation, The Southern Baptist Theological Seminary, February 26-28, 2001, Louisville, Kentucky.

“Uneasy in Babylon: Southern Baptist Conservatives and American Culture,” American Society of Church History, April 24, 1999, San Diego, California.

Chair, “Cross-Cultural Evangelism and Ministry,” Conference on Faith and History, Lipscomb University, Nashville, Tennessee, September 26, 1998.

“Frank and Me: A Non-Southern Baptist’s View of J. Frank Norris,” Southern Baptist Historical Society, April 24, 1998.

Chair and Respondent, “Old-Time Religion and Politics in East Texas,” East Texas Historical Association, Nacogdoches, Texas, September 19, 1997.

"History is Written by the Losers: Historiography and the Southern Baptist Controversy, 1979-1996," Conference on Faith and History, Calvin College, Grand Rapids, Michigan, October 11, 1996.

"Defending Dixie: J. Frank Norris and Southern Fundamentalism," Southwestern Social Science Association, Dallas, TX, 1995.

Chair and Respondent: “Baptists and Fundamentalists in the American South, 1900-1950,” Conference on Faith and History, Messiah College, Grantham, PA, October 7-8, 1994.

"If the Hat Doesn't Fit, Why Wear It?: Southern Baptists and the Two-Party System in American Protestantism," Re-Forming the Center Conference, Messiah College, Grantham, PA, June 1994.

"William Jennings Bryan and the Kingdom of God," Conference on Faith and History, Fort Worth, TX, 1984.

"From Plymouth Rock to the Philippines: Religion and Manifest Destiny in the Bryan and McKinley Annexation Debate," Kansas History Teachers Association Meeting, Atchison, KS, 1984.

Plenary Addresses

“The (Worst) Year of the Evangelical: 1926 and the Demise of American Fundamentalism,” 2010 Presidential address, Conference on Faith and History, October 8, 2010, George Fox University, Newberg, Oregon.

“ ‘I’m Just Making a Point’: Francis Schaeffer and the Irony of Faithful Christian Scholarship,” Conference on Faith and History, September 21, 2006.

“Leave America: Francis Schaeffer and the Art of Evangelical Engagement with Culture,” Evangelical Theological Society Annual Meeting, November 14, 2006.

Invited Addresses and Presentations

“Woodrow Wilson and the Bible,” Museum of the Bible, Oklahoma City, Oklahoma, October 6, 2016.

“From Civil War to Culture War: The Enduring Role of Religion in American Conflict,” Maryville Symposium, Maryville College, Tennessee, October 18-19, 2013.

“Good and Bad Ways to Think About Religion and Politics,” First Baptist Church, Tyler, Texas, March 30, 2012.

Presenter, Religious Liberty in Conflict, Seventh-day Adventist Conference, Williamsburg, Virginia, August 25-28, 2003.

Co-Instructor with Ron Flowers, Texas Christian University, First Amendment Institute, Dallas, Texas, June 21-22, 2002.

Co-Instructor with Catharine Cookson, Virginia Wesleyan University, First Amendment Institute, Houston, Texas, June 2001.

“Principle, Perception, and Position: Why Southern Baptist Conservatives Differ from Moderates on Church-State Issues,” Faithful Freedom: Religious Liberty in the New Millennium, Texas Christian Life Commission, February 13, 2001.

“Culture War is Hell: Pluralism, Diversity, and Tolerance in 20th-Century America,” National Conversation Series, National Endowment for the Humanities, Alexandria, LA, September 1995.

Teaching and Supervision

Dissertation Advisor (completed):

Martin Lyndon McMahon, “Liberty More Than Separation: The Multiple Streams of Baptist Thought on Church-State Issues, 1830-1900, Ph.D. diss., Baylor University, 2001.

Christopher L. Canipe, “A Captive Church in the Land of the Free: E.Y. Mullins, Walter Rauschenbusch, George Truett, and the Rise of Baptist Democracy, 1900-1925,” Ph.D. diss., Baylor University, 2004.

Dean Davenport, “Patriarchy and Politics in the Thought of Sir Robert Filmer and Robert Lewis Dabney,” Ph.D. diss., Baylor University, 2006.

Marshall Johnston, “Bombast and Blasphemy: The Apocalyptic Realism of William Stringfellow and a Critique of American Exceptionalism,” Ph.D. diss., Baylor University, 2007.

Hunter Baker, "The Questionable Value of Secularism as a Solution to the Theo-Political Problem," Ph.D. diss., Baylor University, 2007.

Albert Beck, "Frank E. Gabelein and American Fundamentalism," Ph.D. diss., Baylor University, 2008.

Daniel Karppi, "Religious Colleges and the Coming of the Civil War in Texas, 1830-1860," Ph.D. diss., Baylor University, 2008.

John Basie, "Citizen-Formation, the Common Good, and American Higher Education during the Fundamentalist-Modernist Controversy, 1880-1930," Ph.D. diss., Baylor University, 2010.

Robert Smith, "Pursuing Justice: American Jewish, Palestinian, and Mainline Protestant Responses to Evangelical Christian Zionism," Ph.D. diss., Baylor University, 2010.

Brendan Payne, "Cup of Salvation: Race, Religion, and Anti-Prohibition in Texas, 1885-1935," Ph.D. diss., Baylor University, 2017.

Nicholas Pruitt, "Open Hearts, Closed Doors: Native Protestants, Pluralism, and the 'Foreigner' in America, 1924-1965," Ph.D. diss., Baylor University 2017.

Paul Putz, "God, Country, and Big-Time Sports: American Protestants and the Creation of Sportianity, 1920-1980." Ph.D. diss., Baylor University 2018.

Adina T. Kelley, "The Evangelical Mystique: Conservative Protestant Femininity in the United States from 1940-1970," Ph.D. diss., Baylor University 2019.

Graduate Courses Taught

Seminar in Religion and American Culture (Baylor University)

Seminar in Historians Craft (Baylor University)

Seminar in Church and State During the Reformation Era (Baylor University)

Seminar in Religion and the Body Politic in America (Baylor University)

Seminar in Church and State in the U.S. (Baylor University)

Undergraduate Courses Taught

World History, 1500-present (Baylor University)

American History, 1877-present (Baylor University)

Religion and American Culture, 1877-present (Baylor University)

Church-State in the U.S. (Baylor University)

Renaissance and Reformation (Louisiana College)

Medieval Europe (Louisiana College)

Russian History (Louisiana College)

French Revolution and Napoleon (Louisiana College)

Introduction to Value Study (Louisiana College)

Civilization I (Louisiana College)

Civilization II (Louisiana College)

Religion in America (Louisiana College)

Service

Graduate Fellowship Evaluator

Pew Younger Scholars Program, University of Notre Dame, 1997 and 1998.

Baylor Leadership Challenge Program

2003-2004 Academic Year Faculty Development Program sponsored by Baylor Provost's Office.

Baylor Honors Colloquia

Christian Faith and Academic Discipline: Can They Be Integrated?, April 2002; February 2001; September 2001.

America's Continuing Debate Over Science and Religion, September, 2000.

Faculty Advisor

Habitat for Humanity, Baylor University Student Chapter.

University Committees

Athletics Council, 2000-present.

University Committee on Committees, 2003-2005.

Faculty Advisory Committee for the Center for Religious Inquiry Across the Disciplines (CRIAD), 2001-2005.

Bush School of Public Policy Committee, 2001-2004.

Bush Library and Archives Committee, 2001-2004.

Bush Library and Archives Steering Committee, 2001-2004.

Faculty Advisory Committee for Religion and Science Project of the Institute for Faith and Learning, 2000-2002.

University Ad Hoc and Special Committees

Chair, University Research Misconduct (ad hoc) Committee, 2014-2015.

Chair, Ph.D. ad hoc committee, Baylor University Department of History, 2004-2005.

Provost's Committee on Baylor Academic Freedom Policy, 2004-present.

Oral History Advisory Committee, 2000-present.

Ad Hoc Committee to Assess the Feasibility of a Research Center Investigating the Role of Religion in America, Fall 2000.

NEH Regional Study Center Grant Writing Committee, Summer 1998.

Baylor New Faculty Mentor

For Keith Francis, associate professor of history, 2003-2004.

For Thomas Kidd, assistant professor of history, 2002-2003.

Baylor Crane Scholars Mentor

For Natalie Butler, 2004.

For Patrick McSpadden, 2002-2003.

Waco Community

Waco Habitat for Humanity Board, 2010-2016

Dayspring Baptist Church, Member and Mowing Team Leader, 2004-present

Exhibit B

Books

Hankins, Barry. *God's Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism*. Lexington: University Press of Kentucky, 1996; Second Edition Knoxville: University of Tennessee Press, 2022.

Kidd, Thomas and Barry Hankins. *Baptists in America: A History*. New York: Oxford University Press, 2015.

Articles

Adams, Randy. "Do NAMB and the ERLC Believe the End Justifies the Means." *Northwest Advance*, April 1, 2021. <https://www.randyadams.org/post/do-namb-and-the-erlc-believe-the-end-justifies-the-means> Accessed July 7, 2022.

Bailey, Sarah Pulliam and Michelle Boorstein. "Southern Baptist Leaders release sex abuser database they kept secret for years." *Washington Post*, May 27, 2022. <https://www.washingtonpost.com/religion/2022/05/26/southern-baptist-database-sex-abuse/> Accessed July 9, 2022.

"The Conservative Baptist Network calls on the ERLC to withdraw its false brief from the Supreme Court," Press Release. Conservative Baptist Network, June 8, 2021. <https://conservativebaptistnetwork.com/the-conservative-baptist-network-calls-on-the-erlc-to-withdraw-its-false-brief-from-the-supreme-court/> Accessed July 7, 2022

Davis, Randy C. "Davis: There is Absolutely No SBC Hierarchy." *Baptist and Reflector*, December 2, 2020. <https://baptistandreflector.org/davis-there-is-absolutely-no-sbc-hierarchy/> Accessed July 7, 2022.

Downen, Robert, Lise Olsen, and John Tedesco. "Abuse of Faith." *Houston Chronicle*, February 10, 2019. <https://www.houstonchronicle.com/news/investigations/article/Southern-Baptist-sexual-abuse-spreads-as-leaders-13588038.php> Accessed September 15, 2022.

Elrod, Branden. "A Brief History of Southern Baptist Missions in North America." North American Mission Board. <https://www.namb.net/news/a-brief-history-of-southern-baptist-missions-in-north-america/> Accessed July 8, 2022.

"ERLC issues apology, explanation regarding amicus brief." *Baptist Press*, December 9, 2020. <https://www.baptistpress.com/resource-library/news/erlc-issues-apology-explanation-regarding-amicus-brief/> Accessed July 6, 2022.

Howe, Jonathan. "NAMB en banc request decided by 5th circuit; Confusion regarding amicus

brief addressed.” *Baptist Press*, December 2, 2020. <https://www.baptistpress.com/resource-library/news/namb-en-banc-request-denied-by-5th-circuit-confusion-regarding-amicus-brief-addressed/> Accessed July 6, 2022.

Doctrinal Statements and Agency Websites

BCMD Website: About Us. <https://bcmd.org/about-us/about/> Accessed July 6, 2022.

BCMD Website: About: Our Core Values. <https://bcmd.org/about-us/about/> Accessed July 9, 2022.

BCMD Website: National Partners. <https://bcmd.org/about-us/national-partners/> Accessed July 6, 2022.

Baptist Faith and Message 2000, Article VI. <https://bfm.sbc.net/bfm2000/#vi> Accessed July 6, 2022.

Baptist Faith and Message 2000, Article XIV. <https://bfm.sbc.net/bfm2000/#xiv> Accessed July 6, 2022.

Baptist Faith and Message 2000, Article XVIII. <https://bfm.sbc.net/bfm2000/#xviii> Accessed July 9, 2022.

SBC Constitution, Article IV. <https://www.sbc.net/about/what-we-do/legal-documentation/constitution/> Accessed July 6, 2022.

Southern Baptists of Texas Convention: Constitution and Bylaws, 2021, “Article III. Doctrinal Statement.” <https://sbtexas.com/values-vision/> Accessed July 9, 2022.

SBC Entities, “The North American Mission Board.” <https://www.sbc.net/about/what-we-do/sbc-entities/> Accessed July 8, 2022.

Texas Baptists, “Confessions of Faith.” <https://www.texasbaptists.org/about/downloads>, Accessed July 9, 2022.

Legal Briefs and Cases

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., 966 F.3d 346 (5th Cir. 2020).

McRaney v. North American Mission Board of the Southern Baptist Convention, Inc., 980 F.3d 1066 (5th Cir. 2020) (denial of petition for rehearing en banc, and dissents)

McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc., No. 1:17-CV-080-GHD-DAS, 2018 WL 1041298 (N.D. Miss. Feb. 23, 2018)

Brief for Thomas More Society and the Ethics and Religious Liberty Commission as Amici Curiae Supporting Defendant-Appellee, *McRaney v. N. Am. Mission Bd. of S. Baptist Convention, Inc.*, 980 F.3d 1066, 1067 (5th Cir. 2020), 2020 WL 4933765

Letter of Amici Curiae Ethics and Religious Liberty Commission and Thomas More Society, at 1, *McRaney v. N. Am. Mission Bd. of the S. Baptist Convention, Inc.*, No. 19-60293 (filed Dec. 14, 2020)

Seattle's Union Gospel Mission v. Woods, 142 S. Ct. 1094 (2022)