

# Quotes from Court Filings

## DISTRICT COURT by NAMB

2 versions - **Nov. 2, 2018** and **Dec. 21, 2022**

**Source:** NAMB Defense responses to legal complaints

2018 - <https://willmcraney.com/wp-content/uploads/2023/09/NAMB-court-filing-11.2.18-Defenses-Select-Marking.pdf>

2022 - <https://willmcraney.com/wp-content/uploads/2023/09/Doc-198-NAMBS-Defense-Answer-to-Supplemental-Pleading.pdf>

- **5th Defense** – “NAMB was one of the ‘**supporting organizations**’ of the BCMD. (p. 2) – defenses 4-7
- **9th Defense** – “All alleged acts and omissions on the part of NAMB which may have related to or had an effect upon Plaintiff’s employment with BCMD were within NAMB’s rights and were justified under the SPA and/or other pertinent policies, practices and/or agreement(s) between BCMD and NAMB.” (p. 3)
- **10th Defense** – “NAMB had the **legal ‘right to interfere’** to protect its own economic and other interests.”
- **12th Defense** – “NAMB is protected by an **absolute privilege with regard to any statements it may have published** regarding Plaintiff.”
- **13th Defense** – “NAMB is protected by a **qualified privilege with regard to any statements it may have published** regarding Plaintiff.”
- **15th Defense** – “Plaintiff was a ‘**public figure**’ within the meaning of the law of defamation and therefore bears the burden of proof imposed upon public figures.”
- **16th Defense** – “NAMB is protected by an **absolute privilege and/or a qualified privilege with respect to all decisions it made and/or actions it took** which may have related to or had an effect upon Plaintiff’s employment with BCMD.”
- **18th Defense** – “Plaintiff’s purported claims against NAMB are barred by virtue of Plaintiff’s own misconduct, his breaches of duties owed to BCMD, and **his willful violations of the SA and/or other pertinent policies, practices and agreements** between BCMD and NAMB.”

(from <http://reformnambnow.com/> website) **What would this look like for State Conventions, their leaders, and their members?**

- If any State Convention reduced CP giving, NAMB could interfere and legally justify it by claiming it was protecting an economic interest. (Tenth Defense, Page 3)
  - If any state convention leader did not want to sign a new strategic partnership agreement, NAMB could use methods to force them out and justify it by claiming it was to protect their interest. (Tenth Defense, Page 3 and Sixteenth Defense, Page 4)
  - If NAMB committed slander, assault, battery or any unjust, wrongful, discriminatory, or adverse act against an employee or leader of a State Convention, the State Convention employee would have no legal recourse against NAMB. (Fifth Defense, Page 2)
  - NAMB could publish defamatory statements against State Convention leaders claiming absolute privilege. (Twelfth Defense and Thirteenth Defense, Page 4)
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## 5<sup>th</sup> CIRCUIT COURT of APPEALS by ERLC

August 21, 2020

### ERLC Amicus Brief to the 5<sup>th</sup> Circuit Court of Appeals

<https://willmcraney.com/wp-content/uploads/2023/09/ERLC-amicus-brief-for-NAMB-Ezell-En-Banc-marked.pdf>

Page 1 SBC is the “nation’s largest Protestant **denomination**”

Page 2 “**Pastor** McRaney”

Page 2 “The panel decision violates First Amendment principles by allowing litigation over issues implicating **church governance** and other **ecclesiastical matters** to proceed indefinitely in a secular court, despite a factual record already establishing that the case turns on the resolution of ecclesiastical matters.”

Page 3-4 “The BCMD had 560 member churches that practice the **Southern Baptist religious tradition**. (Doc. 2 Complain V) BCMD was one of 42 **state conventions members of the Southern Baptist Convention**. (Doc. 2 , V). NAMB is an agency of the Southern Baptist Convention, which supports **its state convention members** including BCMD (Doc. 2, VII; Doc 48-1, 4)”

Page 5 “SPA, a **church governance document**”

Page 10 “McRaney worked as a **minister for BCMD, in concert with NAMD(B)**” ... “and other efforts to **propagate the Southern Baptist faith tradition.**”

Page 10 “The **primary, leading convention**, or group, is the Southern Baptist Convention which is the **umbrella Southern Baptist governing body over all the various groups of churches**. “Within that **hierarchy** are several organizations, including McRaney’s previous **employer** and defendant NAMB.”

Page 11 “Tort claims against churches, such as defamation and intentional infliction of emotional distress, when the alleged statements related to the **plaintiff’s role in the church organization**, are routinely dismissed.”

Page 11 “McRaney was **ousted by his church** because of a dispute over the **governance issues reflected in the 2014 SPA**”

Page 11 “positions on **church governance**”

## NAMB from court evidence...

Source: Thomas More Society Privilege Log –

<https://willmcraney.com/wp-content/uploads/2023/06/272-8-NAMB-ERLS-TMS-Communications-Privilege-Log.pdf>

1. **Initiated email communications with ERLC and Thomas More Society** regarding the possible Amicus Brief
  2. **Sent TMS and ERLC sample amicus briefs** filed in a previous religious case
  3. **Received a draft of the amicus brief hours before it was filed** by TMS/ERLC
  4. **Did not inform the courts of the relationship between NAMB and** ERLC as having the same sole member in the SBC
  5. **Failed to produce log of communications to McRaney/attorney** with discovery of the communications NAMB had with ERLC and TMS on the case and amicus brief as required under discovery rules
  6. **Did not inform the 5<sup>th</sup> Circuit of the false** statements made by ERLC in their amicus brief.
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## **SCOTUS Petition for Cert by NAMB**

(1) Petition **February 2021** and (2) Reply Brief by NAMB **May 2021**

**Source:** (1) Petition for Writ of Cert by NAMB **February 2021**, (2) Reply Brief by NAMB **May 2021**, also see State Executive Director's letter reflection on this matter.

Feb. 2021 Petition - <https://willmcraney.com/wp-content/uploads/2021/02/SCOTUS-20-Petition-by-NAMB-of-SBC-v.-McRaney.pdf>

May 2021 Reply Brief - <https://willmcraney.com/wp-content/uploads/2019/12/NAMB-Final-Response-to-Opposition-Brief-SCOTUS.pdf>

- **"The SBC Mission Board"** – used this 25 times to refer to NAMB
- **"Reverend McRaney"** – McRaney was not in a ministerial role, the BCMD is not a church, BCMD does not ordain or baptize or serve communion like churches do. – used 50 times in the document to SCOTUS
- NAMB argues that McRaney's lawsuit against NAMB is **"a ministerial employment dispute"** This phrase is used multiple times the NAMB a Petition for Cert (p. 2, 15, 17, 21, 26, 27, 28, 32) and (Introduction, p. 2, p.8 in **Reply Brief**). NAMB further argues, "To prevent such constitutionally impermissible intrusion into **church affairs** by secular courts, this Court should grant review and reverse." (p. 3, similar on p. 2 in **Reply Brief**)
- **The ERLC** supports NAMB's argument in their amicus filing to SCOTUS. **"It makes no difference that NAMB and the State Convention are separate legal entities when both are tasked with serving Southern Baptist churches in the same denomination. The First Amendment bars judicial review of ecclesiastical controversies from the same faith community regardless of how those matters arise and regardless of how the faith community is organized."** (p. 15 ERLC Amicus Brief to SCOTUS)
- **"Reverend McRaney** attempts to avoid certiorari by emphasizing that, though he was **employed by one Southern Baptist entity, he was never employed by the particular Southern Baptist entity that he sued**, namely the **SBC Mission Board.**" (p. 1 Introduction in **Reply Brief**)
- **"Among the most fundamental questions for a religious organization is who should serve as its spiritual leader—a question far beyond the reach of secular courts.** (p. 1)

- “The Baptist Convention of Maryland/Delaware, Inc. is a state convention comprised of 560 Baptist churches that works in cooperation with the Southern Baptist Convention.” (p. ii, p. 5, p. 6)
- “Reverend McRaney attempts to avoid the import of the church autonomy doctrine by highlighting that he sued a Southern Baptist entity that was not the legal entity by which he was employed.” (p. 6 in Reply Brief)
- “all relevant facts occurred within the confines of the Southern Baptist Church,” (p. 8 in Cert Petition by NAMB)
- “cause of action had its roots in Church policy” (p. 8)
- “The secular courts, in Reverend McRaney’s view, must be open to resolve such denominational power struggles.” (p. 13)
- “The court of appeals’ decision permits secular courts to resolve an intra-denominational dispute concerning church policy and control ...” (p. 16)
- “... the legal structure of a single faith tradition may also vary internally.” (p. 23)

## ERLC Amicus Brief to SCOTUS

March 18, 2021

Source: Amicus Brief to SCOTUS on behalf of NAMB

<https://willmcraney.com/wp-content/uploads/2023/09/ERLC-Muslim-Mormons-amicus-brief-SCOTUS-20-1158ac-NAMB-select-marked.pdf>

ERLC Brief Filed with the following groups:

1. The Church of Jesus Christ of Latter-Day Saints
2. The National Association of Evangelicals
3. The Lutheran Church-Missouri Synod
4. Church of God in Christ, Inc.
5. Christian Legal Society
6. Jewish Coalition for Religious Liberty
7. The Islam & Religious Freedom Action Team of the Religious Freedom Institute

\*\* ERLC did NOT include the SBC or the SBC in its filing, yet spoke on behalf of the SBC and Baptist bodies and ministers.

Quotes from the ERLC brief to SCOTUS...

**p. 1** "The First Amendment to the Constitution bars judicial review of truly ecclesiastical matters like ministerial employment, as well as church polity and government."

**p. 2** "That result is startling. McRaney admits that the case originated as "a battle of power and authority between two religious organizations"—both of them Southern Baptist—over ministry strategy."

**p. 3** "And the Fifth Circuit's refusal to dismiss his case essentially makes federal courts arbiters of Baptist doctrine, policy, and church government. Adjudicating those matters inevitably violates the doctrine of church autonomy."

**p. 4** "Unless this Court intervenes, the Fifth Circuit's decision will diminish the church autonomy doctrine and undermine the ministerial exception."

**p. 4** "Because tort claims like McRaney's are all too common, the decision below will inevitably deny all faith communities the freedom to govern their own religious affairs."

**p. 4-5** "McRaney is a minister, that NAMB is a religious organization, and that the complaint originated as "a battle of power over Baptist ministry strategy."

**p. 14** "No denomination is free to govern itself without state interference if it must answer to a court for why a minister was removed from his ministerial position or what administrative measures were taken against him. Forcing NAMB to defend its actions vis-à-vis the State Convention in court defeats the purpose of the church autonomy doctrine."

**p. 15** "It makes no difference that NAMB and the State Convention are separate legal entities when both are tasked with serving Southern Baptist churches in the same denomination."

**p. 19** "Statements during a "theological controversy" can be described as defamation; actions taken to mete out "church discipline" or to maintain "the conformity of the members of the church to the standard of morals required of them" can be relabeled as the intentional infliction of emotional distress; and decisions intended to preserve a religiously inspired form of "ecclesiastical government" through the removal of an unwanted minister can be shoehorned into a claim for tortious interference with business relations."

**p. 20**

- "That McRaney has sued a Southern Baptist religious organization other than his employer has no bearing on the application of the church autonomy doctrine. The First Amendment bars judicial review of truly ecclesiastical matters regardless of whether the defendant is a minister's employer."

- "McRaney's complaint against NAMB stems from an intra-denominational contest over church policy and church government. Under the Constitution, his attempt to bring plainly ecclesiastical matters into court is the critical fact."
- "Indeed, McRaney's decision to sue NAMB instead of his employer only succeeds in making the constitutional violation more serious and widespread."
- "But by denying the church autonomy doctrine with respect to NAMB, the Fifth Circuit affects an organization with responsibilities toward *thousands of churches in the entire Southern Baptist denomination.*"

**p. 21** "Reverend McRaney is an ordained Baptist minister. **Both NAMB and the State Convention are Southern Baptist religious organizations.** See Pet. 3. And McRaney's complaint contests NAMB's role in his removal along with its other actions in response to their dispute over church policy and church government."

**p. 22** "Because the Constitution safeguards the right of religious organizations to select their own leaders and manage their own internal religious affairs, the First Amendment precludes McRaney's suit."

**p. 22** "First Amendment bars judicial review of **truly ecclesiastical matters** like ministerial employment and **disputes over church policy** and government."

**p. 22-23** "His attempt to hold NAMB legally responsible for his termination and for other administrative actions in response to his dissent over ministry strategy challenges NAMB's ability to carry out its religious mission."

### **Summary Considerations from the above SCOTUS filing by ERLC:**

1. ERLC tells the court both BCMD and NAMB are under the same Southern Baptist Convention, even though the BCMD was formed in 1836 and the SBC in 1845 and NAMB in 1997, yet they are separate corporations and fully autonomous.
2. ERLC refers to the Southern Baptist denomination, YET there is NO Southern Baptist denomination. As well, there is no "SBC" required theological statement, governance, strategy forced on the BCMD and consequently McRaney must operate under when the BCMD was his employer.
3. ERLC wrote that McRaney was operating in as a minister while Executive Director of BCMD and a minister of the Southern Baptist Church. This is not accurate.
4. ERLC wrote SCOTUS that this was matter of "intra-denominational" theology and governance, yet there is no intra-denominational theology and government between NAMB and any state convention or other Baptist body.



5. ERLC portrayed NAMB as connected to the BCMD in terms of hiring and firing since they were both under the Southern Baptist Church, yet there is no Southern Baptist Church and that organization does not hire or fire or ordain employees for other Baptist bodies.
6. NAMB and ERLC want to communicate that the partnership agreement is somehow a strategy document for a unified Baptist church, yet there is no “Baptist Church”, only Baptist churches.
7. There is no single Baptist church, doctrine, strategy, hiring, ordaining, etc.

NAMB and ERLC filed misstatements of facts to the courts on behalf of 13 million Baptists, all the Baptist bodies (State Conventions, Associations, and churches) and Baptist ministers.