

## Misleading & False Statements by SBC Entities: NAMB and ERLC to US Federal Courts

Below are **sited statements from NAMB and ERLC to the courts**, starting with the Federal District Court, then the 5<sup>th</sup> Circuit Court of Appeals, and then the Supreme Court of the United States. These statements are a representation of NAMB's statements to the court, certainly not their statements in full which are publicly available. Links to several key original documents can be found at <https://willmcraney.com/appeal-made-to-us-5th-circuit-court-of-appeals/> or the Federal PACER system.

The first set of defenses below are not McRaney's assessments of NAMB, rather these are statements/defenses written and filed by NAMB to the District Court. These NAMB defenses are shared without editorial comments or agreement.

The filings noted below do not deal with the facts or merits of McRaney's claims against NAMB as that is for the courts to decide. \*\* McRaney has never challenged in court the Baptist Convention of Maryland/Delaware's right to terminate his employment. Rather, the following are **representations NAMB and the ERLC made to the federal court** regarding Baptists, the SBC, and the various roles, agreements and relationships between Baptist bodies.

**The most critical issue for Baptist to determine, is whether or not these statements by NAMB and ERLC factually and accurately represent Baptists bodies and ministers.** After checking these for accuracy, will these court documents filed by NAMB and ERLC create increased risk for both ascending and descending liability, and reduce the rights of Baptist ministers to be free from interference and defamation from other Baptist leaders, particularly those who have entrusted with power, money and a voice?

**Are the Trustees at NAMB aware of these courts filings of NAMB attorneys on their** behalf for which the NAMB Trustees are responsible for to the SBC and its messengers? Do the NAMB Trustees affirm the truthfulness and the accuracy of these statements and if not, what are they going to do to make restitution to individuals and the courts?

## Select Summary Statements by NAMB and ERLC

### NAMB:

- **District Court** - NAMB Claimed in their 2 sets of filed defenses
  1. NAMB Claimed to be a “Supporting Organization” of the BCMD, **but** is NAMB a Supporting Organization of each and all of the state conventions, including the BCMD?
  2. NAMB Claimed to have the “legal right to interfere”, **but** on what authority or who has given NAMB the legal right to interfere by violating civil laws?
  3. NAMB Claimed to possess an “absolute privilege” to make any “statements it may have published”, **but** who or what gave NAMB that absolute privilege and what does the BCMD or any state convention have to say about NAMB claiming this absolute privilege? Did states give NAMB this privilege over their employees? Can NAMB or other SBC entity leaders defame (libel or slander) leaders or members of other Baptist bodies and get immunity from civil judgment? Do all leaders of Baptist bodies give up their Constitutional rights and rights to civil justice when they are defamed by SBC entity leaders?
  4. NAMB Claimed McRaney was a “public figure”, **but** what criteria is NAMB using to determine and tell the courts that McRaney or any leader of a Baptist body is a public figure?
  5. NAMB Claimed to possess “absolute privilege... with respect to all decision it made and/or actions it took” which could have impacted McRaney’s employment, **but** who gave NAMB this privilege? Do all SBC entities have this “absolute privilege” to interfere with the work of other Baptist leaders in what is otherwise illegal, do Baptist leaders and ministers give up their legal rights to work free from interference of SBC entities and their leaders?
  
- **5<sup>th</sup> Circuit Appeals** - Attorney privilege log provided by Thomas More Society revealed...
  1. NAMB initiated email communications with ERLC and Thomas More
  2. NAMB sent sample briefs to TMS and ERLC
  3. NAMB received draft of the ERLC brief BEFORE it was filed
  4. NAMB violated court rules by not informing the court of the relationship between NAMB and ERLC
  5. NAMB violated court order/rules to produce a log of communications with ERLC and TMS, but TMS provided it after NAMB failed in its duties
  6. NAMB did not inform the 5<sup>th</sup> Circuit of the false statements made by ERLC

- **SCOTUS -**

1. NAMB referred to themselves as “The SBC Mission Board”, **but** is that NAMB’s name?
  2. NAMB referred to McRaney as Exec. Director as “Reverend McRaney”, **but** was McRaney a reverend of the BCMD church or was he ordained by a local church?
  3. NAMB stated McRaney’s lawsuit was “a ministerial employment dispute”, **but** was McRaney an employee of NAMB who he filed a lawsuit against?
  4. NAMB stated courts could not intrude into “church affairs” in reference to NAMB and BCMD, **but** is the relationship between a state convention and the SBC and its entities a “church affair”?
  5. NAMB stated that NAMB and BCMD were tasked with serving Southern Baptist churches in the same denomination, **but** does NAMB or the SBC get to describe or prescribe the task of the BCMD? And, is the SBC a denomination of which the BCMD is a member of that denomination?
  6. NAMB claimed BCMD and NAMB were part of the “**same faith community**”, **but** is that true and if so, what is that faith community and who operates it?
  7. NAMB claimed McRaney **worked for a Southern Baptist entity** when he was employed by the BCMD, **but** is the BCMD and are all the state conventions actually Southern Baptist entities?
  8. NAMB stated the “all relevant facts occurred within the confines of the **Southern Baptist Church**”, **but** is there a such thing as the “Southern Baptist Church” that NAMB, SBC entities, State Conventions, Associations and local churches are all inside the “confines”?
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**ERLC:**

- **5<sup>th</sup> Circuit Appeals -**

1. ERLC claimed the SBC is a denomination, **but** does the SBC describe itself as a denomination and who or what group authorized NAMB to speak for the SBC?
2. ERLC called McRaney “pastor”, **but** what church was McRaney pastoring while the Exec. Director of the BCMD or was McRaney a pastor of the NAMB claimed “Southern Baptist Church”?
3. ERLC referred to the legal complaint as one of “church governance”, **but** what church was NAMB or the BCMD or McRaney governing?
4. ERLC stated that the BCMD practiced the “Southern Baptist religious tradition”, **but** can the ERLC speak for the BCMD and what is, who creates, who governs the “Southern Baptist religious tradition”?

5. ERLC stated NAMB as an agency of the SBC “supports its state convention members”, **but** does the SBC have members or does any SBC entity have any members beyond its sole member of the SBC?
6. ERLC claimed McRaney “worked as a minister for BCMD, in concert with NAMDB), **but** did McRaney or does any state or other Baptist body leader work in concert with NAMB?
7. ERLC told the courts that McRaney was working to “propagate the Southern Baptist faith tradition”, **but** what is that faith tradition, who sets it, who evaluates it, do all Baptist bodies and their leader function to propagate that SB faith tradition?
8. ERLC claimed that the SBC was the “primary, leading convention, or group, “which is the umbrella SB governing body over all the various groups of churches”, **but** is the SBC primary or leading, is the SBC the umbrella SB governing body over any Baptist body except SBC entities, and are all State Conventions, Assn. and churches under the SB governing body and the SBC the umbrella for all Baptists?
9. ERCL stated “within that hierarchy are several organizations, including McRaney’s previous employer and defendant NAMB”, **but** is there any hierarchy that State Conventions or any Baptist body has chosen to submit to their authority or be under their hierarchy of control?
10. ERLC refers to the “plaintiff’s role in the church organization”, **but** what church is the ERLC referring to, the SBC church?
11. ERLC told the courts that “McRaney was ousted by his church”, **but** who gave the ERLC the power and authority to decide that a state convention is a church, and what ERLC referring to the SB church which does not exist?
12. ERLC claimed that McRaney was ousted over a dispute over “the governance issues reflected in the 2014 SPA”, **but** what factually did the ERLC know about any facts or the SPA or disagreements in August 2020 prior to discovery?

- **SCOTUS –**

1. ERLC filed an amicus brief with a Mormon group, a Jewish group, and a Muslim group, **but** what do any of those groups or even the Christian groups have in common with Baptists and NAMB in this particular case and who authorized the filing which represented the SBC and its relationships and partnerships?
2. ERLC noted the 1<sup>st</sup> Amendment bars the courts of matters like “ministerial employment, as well as church polity and government,” **but** was McRaney employed by NAMB or was McRaney leading part of the NAMB church or the

SBC church or dealing with SBC church polity or government as he led the BCMD, a state convention?

3. ERLC stated that "Unless this Court intervenes, the Fifth Circuit's decision will diminish the church autonomy doctrine and undermine the ministerial exception", **but** is that accurate or is Baptist expert Dr. Barry Hankins correct when his expert reported stated that NAMB was placing at risk all Baptist bodies and ministers and NAMB was putting the 1<sup>st</sup> Amendment at risk?
4. ERLC like NAMB, claimed that NAMB and the BCMD were "tasked with serving SB churches in the same denomination, **but** who tasked the BCMD other than the BCMD or can NAMB or the SBC task the BCMD; and who the BCMD or any state convention serves is up that the BCMD or that state convention; and is the SBC a denomination?
5. ERLC said "McRaney's complaint against NAMB stems from an intra-denominational contest over church policy and church government", **but** is NAMB and any state convention, Association or church actually "intra-denominational" and if so, when did the BCMD or any state convention or Baptist body decide to join a denomination that does not and is prohibited from having members?
6. ERLC claimed as factual that "Both NAMB and the State Convention are SB religious organizations", **but** since BCMD was formed in 1836 and the SBC in 1845 and NAMB in 1997, how did they become SB religious organizations and what organization exists that each of these and other Baptist bodies agreed to join, when the SBC does not have members.
7. ERCL said McRaney's lawsuit is precluded because religious organizations can select their own leaders, **but** since McRaney did not work for NAMB, how is McRaney related to NAMB as his employer or is his or the BCMD's religions organization since there is no "umbrella" organization?