

RELIGION

SBC legal brief sparks crisis of confidence in denomination over abuse response



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Key Points

Kentucky Supreme Court case to decide whether 2021 law against "non-perpetrators" in abuse claims can apply retroactively.

SBC, Southern Seminary and Lifeway filed amicus brief in April saying Kentucky 2021 law shouldn't apply retroactively. Courier Journal article in October puts attention on brief.

Abuse survivors and leaders in SBC abuse response issue joint statements denouncing SBC's brief.

A six-month-old legal brief has sparked uproar and confusion throughout the Southern Baptist Convention over contradictions between the denomination's professed stance on abuse versus its legal position.

SBC Executive Committee members, the former chairs of SBC abuse response task forces and abuse survivors have denounced an amicus brief as evidence of the Nashville-based denomination seeking to avoid accountability.

The SBC, SBC Executive Committee, Brentwood-based Lifeway Christian Resources and Southern Baptist Theological Seminary in Louisville filed the April brief in a case unrelated to abuse in the SBC or one of its churches, though the legal maneuver comes in the wake of separate abuse-related lawsuits against the denomination and its agencies.

The brief urges the Kentucky Supreme Court to rule against a sexual abuse survivor who is suing Louisville Metro and Louisville police officers. The Louisville Courier Journal first reported on the case and the amicus brief, leading to the renewed SBC controversy.

"The SBC filed this Amicus brief regarding their own fear of current and future lawsuits and the precedence of this case due to this window of justice in which other cases would fall

under,” abuse survivors Tiffany Thigpen, Jules Woodson and Megan Lively said in a statement Wednesday night. “There are no mincing of words here. No holding back. This is disgusting.”

The Kentucky Supreme Court case will decide if Louisville Metro is liable for employing a police officer who sexually abused Samantha Killary. A 2021 state law in Kentucky allows abuse victims to bring claims against “non-perpetrators” that could have protected children.

Kentucky’s legislature didn’t say whether the law allowing claims to be brought against “non-perpetrators” can apply retroactively, a question the state supreme court is sorting through in Killary’s case. The SBC’s position in its amicus brief is that the 2021 law shouldn’t apply retroactively.

The SBC’s brief is not about Killary’s right to sue the abuser, but those who allegedly enabled the abuse.

“In any legal case, there may be valid factual questions to assess regarding individual or institutional liability but opposing statute of limitations reform related to institutions is not an effort to honestly consider the facts and questions related to responsibility,” said another joint statement Thursday denouncing the brief from 14 signatories including former and current leaders in SBC abuse response work.

Among those signatories were advocates Rachael Denhollander, Heather Evans and Liz Evan, and pastors Bruce Frank, who chaired the now retired SBC Sex Abuse Reform Task Force, and Marshall Blalock, former chair of the SBC Abuse Reform Implementation Task Force.

The various joint statements noted SBC resolutions apologizing to abuse survivors and saying statutes of limitations shouldn’t “unduly protect” abusers.

“I hope the SBC Executive committee takes affirmative steps to withdraw their amicus brief and the public position they’ve taken against sexual abuse victims,” attorney Tad Thomas, who is representing Killary, said in an interview.

Yet another joint statement from three other abuse survivors — Christa Brown, Dave Pittman and David Clohessy — echoed Thomas’ sentiment and encouraged the SBC Executive Committee to withdraw and “affirmatively disavow the brief.”

The SBC Executive Committee didn’t seem inclined to withdraw the brief in a statement from the committee’s officers on Friday afternoon.

"The SBC Executive Committee must continue to defend itself, and its interests, within the judicial system as appropriate," said the executive committee officers. "These goals (eradicating sexual abuse and legally defending itself) are not mutually exclusive."

The legal questions aside, the brief quickly turned into a public relations mess for leaders in the nation's largest Protestant denomination. SBC Executive Committee members said on social media they learned about the April brief the same time as everyone else when the Courier Journal's story published. Willie McLaurin, former executive committee interim CEO and president, who led the committee when the SBC filed the brief in April, has since resigned over a falsified credentials.

The executive committee officers' said in Friday's statement counsel "reviewed the brief and recommended it be joined" but didn't specify which committee staff approved that recommendation.

More: Can church groups and Louisville be sued on old child sex abuse claims? Court to decide

The SBC Executive Committee manages denomination business outside the two-day SBC annual meeting. The committee is comprised of about 20 staff and an 86-member board of elected representatives.

"We respect the rule of law and must work through the process with legal representation, who must speak for us in this case," Al Mohler, the Southern seminary president, said in a statement.

Lifeway did not respond to a request for comment.

The SBC Abuse Reform Implementation Task Force issued a statement Friday afternoon reiterating its "commitment to fulfilling the will of the messengers by bringing meaningful and permanent abuse reform to the Southern Baptist Convention in response to their repeated affirmations and demands for such reform."

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