

SBC legal filing in Louisville abuse lawsuit denounced

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WASHINGTON (RNS)—Abuse survivors—along with some members of the Southern Baptist Convention’s Executive Committee and the SBC’s abuse reform task force—denounced a Kentucky court filing by Southern Baptist entities aimed at limiting their liability for sexual abuse claims.

A brief filed earlier this year by lawyers for the Executive Committee, Southern Baptist Theological Seminary and Lifeway, an SBC publisher, argues a Kentucky law that changed the statute of limitations for making civil claims over abuse—and allowing survivors to sue third parties such as churches or police—should not be applied retroactively.



Megan Lively speaks at the Caring Well conference in Grapevine on Oct. 3, 2019. (Photo / Karen Race Photography / Courtesy of SBC Ethics and Religious Liberty Commission)

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

statement released Oct. 25.

A group of Southern Baptist leaders working on abuse reforms also criticized the brief, saying the filing was “a choice to stand against every survivor in Kentucky.”

“This brief, and the policy arguments made in it, were made without our knowledge and without our approval,” the statement read. “Moreover, they do not represent our values and positions.”

Members of the Executive Committee, including Oklahoma pastor Mike Keahbone, expressed dismay at the brief, saying he and other members of the committee were blindsided by it. Keahbone, a member of a task force implementing abuse reforms in the SBC, said the brief undermined survivors such as Thigpen, Woodson and Lively, who have supported the reforms.

“We’ve had survivors that have been faithful to give us a chance,” he told Religion News Service in a phone interview. “And we hurt them badly.”

Latest crisis stemming from sexual abuse issue

The controversy over the amicus brief is the latest crisis for the SBC, which has dealt with a revolving door of leaders and rising legal costs in the aftermath of a sexual abuse crisis in recent years.

The denomination passed abuse reforms in 2022 but has been slow to implement them, relying mostly on a volunteer task force charged with convincing the SBC’s 47,000 congregations and a host of state and national entities to put those reforms into practice. Those delays have led survivors to be skeptical that things would actually change.

Earlier this week, the *Louisville Courier Journal* reported lawyers for the Executive Committee, Southern Baptist Theological Seminary in Louisville and Lifeway had filed the amicus brief earlier this year in a case brought by abuse survivor Samantha Killary.

Killary was abused for years by her adoptive father, a Louisville police officer, the *Courier Journal* reported. She has sued two police officers who allegedly knew about the abuse and did nothing to prevent or report it, as well as Louisville's city government, which employed them.

Her suit initially was dismissed but later was reinstated after Kentucky legislators passed legislation that changed the statute of limitations for filing abuse claims.

That legislation also allowed survivors to sue third parties, "such as police, government units or religious organizations that violated their duties to children," according to the *Courier Journal*.

Kentucky's Supreme Court is now trying to decide whether third parties can be sued in cases of past abuse under the new law, known as KRS § 413 249.

A number of states, including New York and Maryland, have lifted or amended statutes of limitations for filing civil lawsuits in cases of abuse. That has led some Catholic dioceses to declare bankruptcy in the face of abuse lawsuits.

The brief filed by lawyers for the Executive Committee, Southern Seminary and Lifeway argues the Kentucky law should not apply retroactively to third parties. While those entities have no ties to the Killary case, they are being sued in a different case of abuse.

Lawyers for the SBC entities say their clients "do not dispute the laudable policy reasons for providing relief for victims of childhood sexual abuse."

“But not even the most sacrosanct policy can trump the clearly expressed legislative intent and fundamental due process concerns presented in this and similar cases involving the attempted retroactive application of KRS § 413 249 to expired claims,” the brief claims.

Southern Baptist Theological Seminary President Al Mohler declined to comment on any specifics of the brief.

“As is often the case in questions of law, significant constitutional and legal questions arise and require arguments to be made before courts,” said Mohler in a statement. “In such cases we must refer all questions to legal counsel. We respect the rule of law and must work through the process with legal representation, who must speak for us in this case.”

The Executive Committee and Lifeway did not immediately respond to a request for comment.

Taking sides against a survivor

Taking sides against an abuse survivor—in a case that has no SBC ties—was an act of betrayal, the SBC survivors insisted.

“Neither the SBC, Executive Committee, Lifeway nor SBTS are named in this lawsuit nor involved in this case, yet the SBC proactively chose to side against a survivor and with an abuser and the institution that enabled his abuse, arguing that Samantha should not even be given access to the court system—that statute of limitations reform does not extend to institutions,” they wrote in their statement.

A group of SBC leaders, including North Carolina pastor Bruce Frank, who chaired an initial task force working on abuse reforms, and Marshall Blalock, a past chair of the abuse reform implementation task force, said they were grieved at the decision to file the brief.

They wrote that opposing changes to the statute of limitations “is not an effort to honestly consider the facts and questions related to responsibility.”

“Rather, it is a deliberate effort to ensure those questions are never asked. Revising the Statute of Limitations does not alter the burden of proof, it does not impact evidentiary rules, it does not change laws regarding institutional Responsibility,” they wrote. “It simply allows survivors access to the justice system so that a full and fair hearing on the merits can take place.”

For decades, leaders of the Southern Baptist Convention have sought to protect the nation’s largest Protestant denomination from any liability for sexual misconduct at local churches.

That legal strategy led SBC leaders to downplay the scope of abuse in the denomination, to treat abuse survivors as their enemies and to stonewall attempts to address abuse on a national level for years.

While the denomination’s annual meetings have apologized for the past behavior of leaders, the SBC has struggled to move forward with reforms while dealing with its legal challenges.

It’s unclear who approved the brief or how it came about.

Keahbone said he is calling for a special meeting of the SBC Executive Committee to figure out what happened and to decide what to do next. He said there’s a difference between doing the right thing and doing what seems to be legally wise.

Executive Committee members want to do the right things, he said. Then they keep taking steps backward.

“We can’t seem to get out of our own way,” he said.