

What is happening with the SBC and the DOJ probe?

March 8, 2024

WASHINGTON (RNS)—Last week, lawyers for the Southern Baptist Convention Executive Committee say they were contacted by the U.S. Attorney’s Office for the Southern District of New York and were told an investigation into the committee’s handling of sexual abuse had been closed.

News about the status of the investigation eventually leaked, and on March 6, the interim head of the Executive Committee confirmed the investigation was concluded “with no future action to be taken.”

That news came as a surprise to abuse survivors and advocates such as Megan Lively and Tiffany Thigpen. They reached out to Department of Justice investigators, who they say told them the investigation was ongoing. Both said they were told the lead DOJ investigator had no more questions for the Executive Committee, but the investigation remains open.

“The lead investigator from the DOJ concerning this investigation was as surprised as we were by these reports. She answered both Megan and I immediately when we called (separately) and said the investigation is very much open and active,” Thigpen told Religion News Service in a text message.

Something has changed. But what?

A staff member in the press office of the U.S. Attorney’s Office for the Southern District of New York said she could not comment on investigations. When asked whether the attorney general’s office disputed

the statement made by the SBC Executive Committee, the staff member had no comment.

An attorney for the SBC also declined to comment.

Both sides agree something has changed with the DOJ's investigation. They appear to disagree about what that change means. The confusion over the status of the DOJ investigation has strained the already tense relationship between abuse survivors and SBC leaders.

After this story was published, Baptist Press, an official SBC publication, published additional comments from the SBC's lawyer.

"Legal counsel for the SBC has since confirmed that the investigation into the SBC as a whole remains open and ongoing," Baptist Press reported.

"I am grieved the SBC, yet again, continues to take unnecessary measures to manipulate, discredit, and silence those who attempt to bring the truth to light," said Lively in a text about the confusion over the status of the DOJ report.

Background on the SBC response to abuse

In 2022, the SBC's annual meeting passed a series of reforms intended to address sexual abuse—focusing on identifying abusive pastors, creating training to prevent abuse and developing better systems for assisting survivors of abuse. In 2023, messengers at the SBC annual meeting reaffirmed their support for reforms.

While some Baptist state conventions have made progress on implementing reforms, there has been little progress on a national level—largely due to legal concerns and lack of a permanent funding plan. A task force charged

with implementing reforms recently announced a plan to start an independent nonprofit to oversee those reforms.

Few details are available about the proposed nonprofit and almost no funding for it. Recently, the leaders of two SBC mission boards that have been funding the work of the task force said they would not fund the new nonprofit, known as the Abuse Response Commission.

In general, the DOJ does not comment on investigations and has not acknowledged the status, scope or existence of an investigation into the SBC and its entities, which include the Executive Committee, the North American Mission Board and International Mission Board, six seminaries, Lifeway Christian Resources and the Ethics & Religious Liberty Commission.

In 2022, the SBC Executive Committee announced it had received a subpoena from the Department of Justice and would cooperate with federal officials. Leaders of the SBC's entities issued a joint statement to the same effect.

“Individually and collectively each SBC entity is resolved to fully and completely cooperate with the investigation,” said the SBC statement in 2022. “While we continue to grieve and lament past mistakes related to sexual abuse, current leaders across the SBC have demonstrated a firm conviction to address those issues of the past and are implementing measures to ensure they are never repeated in the future.”

No further details have been forthcoming, other than the Executive Committee reporting that the DOJ investigation has added to its growing legal expenses. It's not clear whether any other SBC entities have been or continue to be under investigation by the DOJ.

Strained relationship with abuse survivors

The delay in implementing national reforms has strained relations between abuse survivors and SBC leaders, undermining the tenuous trust those survivors had in the reform process. That trust already was under stress after SBC entities filed a controversial amicus brief in an abuse case in Kentucky.

That case before the Kentucky Supreme Court involved the state's statute of limitations and whether changes made by the Kentucky Legislature applied retroactively. Lawyers for abuse survivor Samantha Killary, who had been abused for years by her adoptive father, a Louisville police officer, argued the changes should allow her to sue the police department her father worked for and other third parties.

The Kentucky Supreme Court eventually ruled against her.

Abuse advocates and survivors were angered at the SBC entities that filed the amicus brief, saying those entities took the side of an abuser instead of an abuse survivor. The SBC entities were not parties in Killary's case but were being sued in at least one other past abuse case in the state.

That amicus brief also caught members of the Executive Committee and leaders working on abuse reform by surprise.

The SBC Abuse Reform Implementation Task Force is expected to make a report to the denomination's annual meeting this summer in Indianapolis. The task force is expected to unveil training materials for churches on how to respond to abuse.

But it's unclear what the task force will report about other reforms, such as a database of abusive pastors or a permanent funding plan for reforms.

Jonathan Howe, interim Executive Committee president, said the SBC is committed to moving forward with reforms.

“While we are grateful for closure on this particular matter, we recognize that sexual abuse reform efforts must continue to be implemented across the convention,” he said. “We remain steadfast in our commitment to assist churches in preventing and responding well to sexual abuse in the SBC.”