

THE LAW OFFICES OF
JONATHAN R. WHITEHEAD LLC
229 SE DOUGLAS, STE. 210
LEE'S SUMMIT, MISSOURI 64063

JONATHAN R. WHITEHEAD
TEL: 1.816.398.8305
FAX: 1.816.278.9131
JON@WHITEHEADLAWLLC.COM

September 17, 2021

Dr. Bruce Frank
Task Force Chair
Southern Baptist Convention
bfrank@biltmorechurch.com

Julie Myers Wood, Esq.
Guidepost Solutions
415 Madison Avenue, 11th Floor
New York, NY 10017
jwood@guidepostsolutions.com *and*
ECInvestigation@guidepostsolutions.com

Dr. Ronnie Floyd
President and CEO
Southern Baptist Convention
Executive Committee
President@sbc.net

VIA EMAIL ONLY

Reference: Letters from Russell Moore; SBC EC and ERLC resistance to sexual abuse reforms

Dear Dr. Frank, Dr. Floyd, and Ms. Myers Wood:

I am an at-large Trustee for the Ethics and Religious Liberty Commission of the SBC.

I write to inform you that Dr. Russell Moore, and Dr. David Prince (the ERLC Board Chair), consciously concealed the claims in Dr. Moore's February 2020 letter from the ERLC Trustees, until it was leaked by an ERLC trustee to the media in May 2021. Despite pointed questions to both men about the ERLC/ SBC EC relationship at our Fall 2020 annual trustee

meeting, both men insisted that relations were positive and neither disclosed the alarming facts in the February 2020 letter.

Dr. Prince recently told me the February 2020 letter was withheld from the full board because Dr. Moore had written it in the heat of the moment. Dr. Moore “got over it” in a few days or weeks and Prince believed ERLC’s Trustees didn’t need to know about the letter or act on it in September 2020 – or at any point after.

The blatant deception admitted by this response leads me to conclude that the letters were not designed for action by the ERLC Board; they were written and leaked to shake messenger trust and confidence at an SBC annual meeting. The leak avoided disclosure to fiduciaries and a dispassionate investigation, because the goal was to deprive the Convention of confidence in its entire fiduciary system.

Efforts to use survivors’ concerns as means to Baptist political ends and power should be investigated by the Task Force, exposed by the messengers, and rejected in the strongest possible terms. If deception can be used to push Messengers to create a polity crisis at a single annual meeting, the Convention will see repeated “June 1 Surprises,” trying to deprive messengers of confidence in their institutions in pursuit of some goal or another. The Convention may not long survive.

Further, I write to inform you that the ERLC itself was resistant to sexual abuse reform initiatives. Staff believed that the SBC and ERLC could “never satisfy” some of the victim advocates, particularly Christa Brown.

But Rachel Denhollander they viewed as a kind of compromise advocate whom they could work with.

I. LEGAL AUTHORITIES

As you know, a trustee is a fiduciary. An SBC Trustee is a fiduciary to the trust laid out in the governing documents. A fiduciary must disclose, with complete honesty, all the facts that could be material to a principal's discharge of its duties under those governing documents.

Under the Convention's instructions, Trustees must openly communicate with the SBC's Executive Committee, Bylaw 18(e)(9), especially about inter-entity cooperation, Bylaw 18(e)(5). The SBC EC also is the Convention's *ad interim* fiduciary, unless provided otherwise. I understand that only the messengers can *instruct* the ERLC, but the documents often give the SBC EC a duty to ask, listen, analyze, and recommend action for the SBC.

Also, at our most recent Trustee meeting, the ERLC Trustees approved an instruction that requires ERLC Trustees to report to the Task Force any information relevant to its investigation. I write because I have relevant information about the claims and information about resistance to sexual abuse reforms at the ERLC.

Based on these authorities, I believe the SBC EC and the Task Force are the proper place to disclose this information.

II. DR. MOORE AND DR. PRINCE HID THE CONCERNS IN THE FEBRUARY 2020 LETTER FROM ERLC TRUSTEES AT THE SEPTEMBER 2020 MEETING.

As you know, letters from Dr. Russell Moore were ‘leaked’ to the press just before the 2021 Southern Baptist Convention. These letters triggered a polity and trust crisis. As a result, Messengers felt compelled to appoint a Task Force to investigate those allegations.

It appears Dr. Moore’s letters were leaked to the press by an ERLC’s Executive Committee member. Moore addressed the February 2020 letter to the ERLC’s EC. RNS reported that the letter was “was leaked by an ERLC trustee on Saturday (May 29).” The letters were not sent to other trustees by any general communication, so the RNS source is limited to ERLC EC trustees, unless they gave it to others.

In September 2020, I sent a letter to all the ERLC Trustees, asking questions about Dr. Moore’s morale and performance, given key staff departures and Dr. Moore’s expressions of isolation and loneliness in his writing. Ex. A. The goal was to have the Board restore Dr. Moore to effectiveness.

As you will see in the letter, the relationship between Dr. Moore and Dr. Floyd and the SBC EC was *a focus* of my questions. I asked if the ERLC was disconnected from the SBC EC in a way that limited or hindered the ERLC’s ability to accomplish its mission. I asked if Dr. Moore was disconnected and isolated. Indeed, I asked the ERLC’s trustees to reach out

to their own state's SBC Executive Committee members, and poll them about their personal assessment of the ERLC and Dr. Moore.

At the time, the ERLC did not provide Trustees with email or phone numbers for each other. And so, I had to transmit my letter through Dr. Prince and Daniel Patterson, asking them to send it to other Trustees. A few days later, Dr. Prince distributed my letter, dismissing it as a "letter of concerns and conjecture."

The September 2020 ERLC Trustee meeting, or only annual meeting, took place online.

During our executive session, Dr. Moore and David Prince told Trustees that Dr. Moore had a good working relationship with the SBC EC and Dr. Ronnie Floyd. Dr. Prince told the Board that the relationship with the Executive Committee was "good" and functional. He said my letter prompted him to reach out to an unnamed staff at the Executive Committee. That staff member, he said, assured Dr. Prince that the SBC EC investigation would go nowhere and that the investigation did not represent concerns of most SBC EC members. Dr. Prince insisted that any problems were limited to a few angry voices, and that Dr. Moore's relationship with the SBC EC organization, Dr. Floyd, and most members was good.

Dr. Moore himself also denied the concerns in my letter. He said even asking these questions was inappropriate. Raising these questions with other Trustees, he said, violated Matthew 18.

Not entirely satisfied with these responses, I made a motion during the miscellaneous business session. The motion asked the ERLC to appropriate funds to survey staff morale and performance using outside measures, to get real data about how the ERLC was relating to its constituents.

Because this public meeting was recorded, you can view the responses.
<https://drive.google.com/file/d/1G5sEy0mFzcy0SUgG9uB1lKoLC45KHjy/view>

The ERLC Executive Committee members could not denounce the motion fast enough, and one publicly accused me of violating Matthew 18. My motion, predictably, failed under pressure from the ERLC EC. Because they strongly argued Dr. Moore's relationship with the SBC EC was good, the full Board made no effort to help Dr. Moore remain effective.

III. THE FEBRUARY 2020 AND MAY 2021 LETTERS BOTH SAY DR. MOORE WAS IN CONFLICT WITH RONNIE FLOYD, MIKE STONE, THE EXECUTIVE COMMITTEE'S STAFF, AND SOME OR ALL THE EXECUTIVE COMMITTEE'S MEMBERS, MAINLY OVER SEXUAL ABUSE.

In fact, Dr. Moore, Dr. Prince, and the ERLC EC knew that Dr. Moore compared his relationship with the SBC EC to terrorism, abuse, and warfare. The 2020 letter from Dr. Moore makes shocking allegations:

- The letter says the “presenting issue is ...sexual abuse” involving the Executive Committee.

- SBC EC members have a culture where “countless children have been torn to shreds, where women have been raped and then ‘broken down.’”
- A figure from the SBC EC said: “We know we can’t take you down... This is psychological warfare...”
- An alleged group at the SBC EC that “want me” to “provide cover for racial bigotry and child molestation.”
- The SBC EC had members engaged in “guerilla attacks” and “toxic sludge.”
- “I am now [*in Feb. 2020*] realizing that some of those screams were my own, and those of my family.”
- “I think to be the subject to all of this that goes on in secret makes me complicit with what is evil.”
- “...the Southern Baptist Convention must change. Asking me to live through all this is one thing. Asking me to be quiet about bigotry and molestation, for the sake of some title, is too much to ask.”

Who could read about allegations about a culture of “cover for racial bigotry and child molestation” and fail to act? But instead of acting on the facts, the claims were hidden from the ERLC’s full board.

No reasonable fiduciary could review these allegations and fail to respond if the allegations are true. No reasonable Trustee could hide them from other Trustees or allow ERLC employees to continue to suffer harm and harassment. Why would Dr. Moore and the ERLC Executive

Committee oppose disclosure? Wouldn't it be a *relief* for SBC-elected Trustees to know about these issues, and to either interface with the sister agency, or the Convention as a whole?

And yet the "response" was an anonymous leak to the press in 2021.

IV. DR. PRINCE NOW SAYS THE FEBRUARY 2020 LETTER WAS NO BASIS FOR ERLC ACTION; DR. MOORE "SHRUGGED IT OFF."

In recent days, I asked Dr. Prince how he could tell me Dr. Moore's relationship with Dr. Floyd and the SBC EC was fine in September 2020, when it was not. He responded by telling me that the February 2020 letter was *just written in the heat of the moment*. Dr. Moore calmed down, and "simply got back to work, and in September he and the team were thriving." Dr. Prince said Dr. Moore had "shrugged it off." Ex. C.

I pressed him after our recent meeting, asking if Dr. Prince felt he should disclose this to the SBC. The public believed the two letters showed *continuous* concern, not a sudden concern by a mercurial Dr. Moore. Dr. Prince has a duty to alert messengers that, given his understanding of Dr. Moore's emotions, the February 2020 letter was *not even worth mentioning* to the Convention's ERLC Trustees in September 2020. He refuses to make this disclosure.

Indeed, Dr. Prince told me that he did not believe the SBC Messengers even relied on the letters in their vote to appoint the Task Force.

But this seems patently false.

The best explanation for the facts is that the letters were drafted for public, not private, consumption. The point was to shock and dismay SBC Messengers before an annual meeting, to produce political ends. Angry messengers might subject the SBC EC to an outside investigation, an escalation of the “psychological terror” that the SBC EC had imposed on Dr. Moore.

Dr. Moore has many admirable qualities. But he once admitted that he could be overcome with fury when slighted. In a car with a young man, Dr. Moore was cut off in traffic and reflexively screamed in a rage: “I’m going to find you and *I’m going to sue you!*”¹

Moore explained that lawfare was his subconscious warfare:

“I had just found what I considered to be a civilized form of warfare. And because I was threatened and I was afraid, I lashed out with the only kind of power that I believed at the time I could have appropriately had because I wanted to be in the right.” *Id.*

Thus, like survivor advocate Christa Brown once asked,² I must ask if the letters were really written for action or for revenge against an “old guard.” I can find no *good* reason why ERLC leaders did not *respond immediately and forcefully* to these serious allegations in 2020. There were many tools available at the ERLC, including a board appeal to the Convention. But the claims in the letter were never disclosed in pre-

¹ <https://www.fpcjackson.org/resource-library/sermons/i-want-to-be-in-that-thunder-the-gospel-as-warfare/>

² <https://twitter.com/ChristaBrown777/status/1412045411838160896>

convention leaks. Despite direct questions, the problems were denied in 2020.

The response, then, *was* the leak. No doubt, Dr. Moore has in mind some justice for some abuse victims. The Convention is rightly concerned, in my view, about the response to Hannah Kate Williams and Jennifer Lyell, and others. The Convention is right to question whether it can do more for victims.

But here, I believe the needs of sex abuse victims were used as *means* to political goals and career dreams and settle personal scores, not as ends to themselves. The ERLC had resisted calls for reforms from many of these same survivor advocates and the ERLC shows no sign of relenting in the future once political goals are reached in the SBC.

V. THE ERLC HAS BEEN RESISTANT TO SEX ABUSE REFORM EFFORTS.

The messengers have assigned the Task Force to explore resistance to abuse reform initiatives. The ERLC Staff and the Executive Committee largely held similar positions on resistance to abuse reform initiatives, like the database long sought by advocates such as Christa Brown.

I was told by ERLC Staff that many abuse victim advocates were impossible to work with. I was specifically told that “we are never going to satisfy Christa Brown,” but that the ERLC might be able to work with Rachael Denhollander. Denhollander was seen as a kind of compromise with some abuse advocates, to avoid the extremes of Brown.

Moreover, in our discussions, ERLC staff told me they believed the Executive Committee's lawyers were giving good advice, similar to their own views on structural reform.

If a deep disagreement on these issues developed between the ERLC and the SBC EC, ERLC Trustees could have been asked to act instead. The ERLC Trustees recently approved \$250,000 to fund a study of abuse within the SBC and its churches, a motion brought from messenger Todd Benkert. So, the ERLC Trustees will act when matters are brought to their attention. ERLC could have undertaken the database project, If ERLC staff had urged that It was a good Idea.

But those matters were not brought to our attention. For example, I have come to believe that if the Convention wishes to consider whether a database of accused or convicted predators might help local churches, it is best to have that database housed at an entity other than the EC, such as the ERLC. There are concerns, but those concerns should be separated from the unique position of the SBC EC in the cooperative program. The database need not threaten the Cooperative Program. I believe the ERLC should ask the Convention to take on this assignment, so that the debate can be started. I am not sure most messengers or Trustees will support it after a full debate, but the debate should be started. But this has not been mentioned as an option at the ERLC. The refusal by staff to recommend and discuss these reforms, too, was its own form of resistance.

VI. CONCLUSION

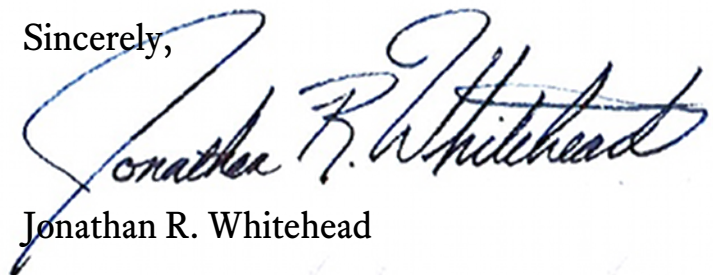
In sum, the SBC's messengers elected fiduciaries, expecting them to work within the system to bring facts and recommendations. Instead, some fiduciaries seem to have acted like mercenaries, lusting for power or revenge.

To be clear, I am not writing because I am upset at "whistleblowing." Just the opposite. Real whistleblowing, at personal risk, should be protected and honored. We have fought to overcome Baptist inertia about sexual abuse; when abuse comes to light, we must respond to the proper authorities immediately with allegations of abuse. What I am opposed to is sitting on allegations of abuse for political ends, and then deceiving legal authorities who should know about them – apparently out of a mix of pride and revenge.

The Executive Committee is a fiduciary. It should act in the Convention's best interest, and that means making sure the Convention is fully informed about the facts and consequences of its actions before taking harmful action.

The Convention was not fully informed by Dr. Moore or Dr. Prince. Their actions meant the messengers would not have an opportunity to hear from lawyers with a fiduciary duty to the Convention about key terms, like "waiver of attorney client privilege," and predisposed them to overrule the normal referral process. I believe the Task Force should be urged to protect the Convention's interests in this regard.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan R. Whitehead". The signature is stylized with a large, sweeping initial 'J' and 'W'.

Jonathan R. Whitehead

Exhibit A (Whitehead Letter)

Exhibit B (Moore 2020 Letter)

Exhibit C (Prince “heat of the moment” email)