

# Report to the SBC Executive Committee by the ERLC Study Task Force

Unanimously and prayerfully submitted January 16, 2021

## I. Formation

In its February 18, 2020 meeting, the Executive Committee approved the formation of a task force to review matters related to the Ethics & Religious Liberty Commission of the Southern Baptist Convention. Specifically, the motion (Appendix 1) assigned the task force the duty to “review the past and present activities of the Ethics & Religious Liberty Commission in the fulfillment of its Convention-approved ministry assignments,” and to “assess whether the actions of the Commission and its leadership are affecting Cooperative Program giving or the further advancement of the Cooperative Program.”

The formation of the task force was prompted by concerns raised from multiple national leaders. In addition to concerns shared directly with Executive Committee staff, officers, and members by local church pastors across the convention, a unanimously-approved letter from the State Executive Directors Fellowship was received by Executive Committee president, Dr. Ronnie Floyd, on the eve of the February 2020 meeting. The letter raised concerns about the ERLC from that fellowship of leaders.

The motion to form the task force was drafted by senior Executive Committee staff and presented to the officers. It was unanimously approved by the officers and forwarded to the Cooperative Program Committee. It was unanimously approved by that committee and forwarded to the plenary body where it was affirmed.

## II. Membership

Members of the task force are Mike Stone (then chairman of the Executive Committee), Rolland Slade (then vice-chairman of the Executive Committee), Hoyt Savage (then chairman of the Cooperative Program Committee), Ron Hale, Mike Lawson, Monte Shinkle, and Cheryl Samples.

## III. Constitutional Basis for the Task Force

As noted in a brief (Appendix 2) from the attorneys representing the Convention and the Executive Committee, SBC Bylaw 18E (Appendix 3) has specifically and explicitly “authorized, instructed, and commissioned” the Executive Committee to perform certain duties. Such actions are not merely the *right* of the Executive Committee but the *responsibility* of the Executive Committee.

Bylaw 18E states the Executive Committee “shall be the fiduciary, *the fiscal*, and the executive entity of the Convention in all its affairs not specifically committed to some other board or entity.” (emphasis added). SBC Bylaw 18E(5) authorizes, instructs, and commissions the Executive Committee “to act in an advisory capacity on all questions of cooperation among the

different entities of the Convention, and *among the entities of the Convention and those of other conventions, whether state or national.*" (emphasis added)

It would be difficult to envision an Executive Committee task more squarely within the scope of its Convention-assigned duties than the study of whether the actions of an entity are hindering the fiscal well-being of the Convention, particularly when the concerns have been raised by a fellowship of duly-elected chief executive officers of our various state conventions. Far from being an act of overreach, a failure to perform such functions would be a dereliction of the duty and instructions given to the Executive Committee by the messengers to the Southern Baptist Convention.

No part of the motion that created the task force infringed on the rights and responsibilities of the trustees of the ERLC. As stated by the Convention's attorneys, "The EC is fully aware that it cannot direct the ERLC's operations, nor direct the ERLC to make adjustments in its work or programs. The EC's duty is to study and recommend."

Further, SBC Bylaw 18E(9) authorizes, instructs, and commissions the Executive Committee "to study and make recommendations to entities concerning adjustments required by ministry statements or by established Convention policies and practices, and, whenever deemed advisable, to make recommendations to the Convention." Appendix 2 cites additional reasons this task force is clearly within the responsibilities given to the Executive Committee in the governing documents of the Convention.

SBC Bylaw 18E(9) states, "The Executive Committee shall not have authority to control or direct the several boards, entities, and institutions of the Convention. This is the responsibility of trustees elected by the Convention and accountable directly to the Convention." That same Bylaw instructs the Executive Committee, "to study and make recommendations to entities concerning adjustments required by ministry statements or by established Convention policies and practices, and, whenever deemed advisable, to make recommendations to the Convention."

The entities of the Convention are controlled by their respective boards of trustees, trustees elected by and accountable directly to the Convention. The Convention is often informed in its voting by "recommendations to the Convention" from the Executive Committee. And those recommendations are based on the Executive Committee fulfilling its assignment from the Convention "to study" such matters. That is the precise purpose of this task force.

In its December 11 reply to a December 4 questionnaire from the task force, the ERLC executive board returned to its original posture of non-cooperation, accusing the Executive Committee of "overruling the will of the messengers of the SBC" and of having "functionally acted as a hierarchy itself." The former charge is in reference to a 2018 motion presented to the Convention in Dallas, Texas, and discussed in Section IV below.

But it is the ERLC's response and ultimate lack of full cooperation with a duly-authorized task force of the SBC Executive Committee that has effectively overruled the will of the messengers. For messengers to the Southern Baptist Convention have approved bylaws which unambiguously authorize, instruct, and commission the Executive Committee to perform such duties.

The task force noted in its May 19 letter to the ERLC executive board that the Executive Committee never intended to foster a spirit of hostility in this matter. We sincerely regret the misperception of overreach and infringement on the autonomy of the ERLC and its board. But we must also note that the misunderstanding of the function, authorization and limitation of this task force is on the part of others and not the Executive Committee.

#### **IV. 2018 SBC Motion to Defund the ERLC**

It has been inaccurately suggested that this task force usurped the will of the Convention because a motion to defund the ERLC was overwhelmingly defeated at the 2018 annual meeting in Dallas, Texas. That accusation is erroneous because the task force was not formed to defund the ERLC. This task force does not have defunding authority. That power is not even vested in the Executive Committee. The messengers to the annual meeting of the Southern Baptist Convention have the ultimate authority to approve the Cooperative Program budget.

It should be noted, however, that the Executive Committee has been authorized, instructed, and commissioned by SBC Bylaw 18E(7) "to present to the Convention a comprehensive budget for the Convention and for all its entities" and to "recommend the amount of Convention funds which may be allocated to each cause."

The Executive Committee has been charged with these tasks by the Convention and it formed and authorized this task force to conduct this study in light of current factors and reported strains on present receipts and future growth of the Cooperative Program. This action cannot be objectively compared to the Convention's handling of a spontaneous motion from the floor of an annual meeting.

#### **V. The Long-Term Decline of the Cooperative Program**

One challenge faced by the task force was created by a misunderstanding of published reports of "increases" in the Cooperative Program. In the February 2020 meeting of the Executive Committee, an announcement was made about increases in the national Cooperative Program. In that same meeting, this task force was formed to study the impact of an entity on the advancement of the Cooperative Program. This confusion is understandable.

An extensive study of the Cooperative Program is beyond the scope of this task force. But two items warrant inclusion here.

First, reports in Baptist Press are almost always about Cooperative Program funds sent to the national budget. These monies are sent from the budgets of the various state and regional conventions. In recent years, these state partners have sent increasing percentages of their budgets to support national SBC causes. Therefore, funds received for the national budget can reflect a slight increase while nationwide Cooperative Program giving is in decline.

In recent years, the allocation forwarded by the states to the national convention has increased from an average of 37% (2009) to 42% (2018-2019). But total dollars received by our state/regional convention partners has been in steady decline as noted in Appendix 4. Percentage giving by churches has fallen by more than half over the last three decades. This is despite the fact that total giving to SBC churches has grown from around \$4 billion to around \$12 billion in this same time frame.

Second, the decline in nationwide Cooperative Program giving began many years prior to the current leadership of the ERLC. The task force knew from its inception that the long-term downward trend in Cooperative Program giving could not be solely attributed to concerns over the current direction of the ERLC.

The task force unanimously supports the visionary leadership of Executive Committee president, Dr. Ronnie Floyd, in this regard. His bold plan, "Vision 2025," calls for a reversal of this downward trend and a strategic increase in Cooperative Program giving by all Southern Baptists.

## **VI. ERLC Missions and Ministry Assignment**

On May 19, the task force contacted the ERLC executive board with a series of questions related to the fulfillment of its missions and ministry assignment. These questions were based on concerns raised by senior Executive Committee staff based on financial records reported to the Executive Committee.

The questions and responses are included in Appendix 5. Based on the counsel from senior Executive Committee staff, the task force found the answers to be generally acceptable. We are also grateful for the cooperation of the ERLC staff and executive board in responding to our inquiry, a reversal of its initial highly-publicized position of non-cooperation. We sincerely wish this spirit of cooperation could have been extended to our December inquiry related to the legal matter as discussed in Section IX.

## **VII. Cooperative Program Findings**

SBC social media seems to indicate both enthusiasm and concern for the direction of the ERLC. There have been rumors of decreased giving from churches who disagree with the current leadership of the ERLC as well as anecdotal reports of increased giving from churches who are appreciative of the ERLC's leadership and direction.

Upon its formation, the task force received numerous emails from a wide array of Southern Baptists. Task force members each affirmed that the communications received have been fairly evenly divided. Our assignment, however, was to seek to find objective statistical evidence. We believe the best and most reliable source of that information is our state convention partners.

A confidential questionnaire was sent to each executive director of the state/regional conventions. While the task force would have loved to have received responses from each state convention, the fifteen conventions that did respond represent a majority of the churches in friendly cooperation with the SBC and an overwhelming majority of the Cooperative Program funds received on both the state and national levels.

These 15 conventions serve 28,379 congregations, or 60% of the churches in friendly cooperation with the SBC.

These 28,379 churches contributed a total of \$319,151,223 through the Cooperative Program budgets of their respective state conventions. That represents 69% of the \$462,299,010 of Cooperative Program gifts received by all the state/regional conventions partnering with the SBC.

Based on the Cooperative Program Allocation Budgets of these various state conventions, the 15 responses represent 74% of the total Cooperative Program dollars received by the SBC Executive Committee. That is, \$139,799,636 of the total of \$187,806,636.

No state convention reported data that any church had verifiably increased Cooperative Program support because of an appreciation for the ERLC. This, of course, does not include any church that has done so without publicizing to the state convention its rationale for doing so.

Several of the 15 state conventions reported little to no negative effect from the ministry of the ERLC. Other conventions reported more significant challenges, including churches that have withheld funds, have negatively designated funds, or are considering doing so because of their concerns with the ERLC.

One state convention reported that more than 250 churches are considering withholding or negatively designating funds or have already done so. This number represents a significant percentage of the churches currently in friendly cooperation with that state convention. Some churches are considering a complete withdrawal from the SBC because of the belief that the national convention is moving in a liberal direction. The ERLC is listed as one of those concerns. The state convention reported that serious concerns about the ERLC exist with 10 of the top 30 CP-giving churches, potentially impacting a total of \$2,448,000 from those 10 churches alone.

Another state convention verified that \$1,147,000 has been withheld due to the ERLC. Based on communications with other churches considering the same approach, the state executive estimated that \$1,500,000 of Cooperative Program giving is in jeopardy in the state.

Another state reported that 94 churches have either decreased or completely eliminated Cooperative Program support this year at a total budget cost of approximately \$500,000. Based on actual conversations with these pastors, the state executive estimated that 50% have done so because of a “lack of confidence in many national SBC issues.” These issues included but were not limited to the ERLC.

Another executive director reported that 46 churches have withdrawn from the state/national conventions, “due to what they perceive as an undesirable direction/action of the ERLC.” In addition to the departure of these churches, the state verified over \$217,000 annually in reduced giving through the Cooperative Program. Further, the state executive was recently contacted by one of the state’s largest churches to ask how to negatively designate its \$300,000 annual Cooperative Program gifts because of its concerns with the ERLC.

When asked about churches escrowing funds due to the ERLC, another state executive responded, “Few of our churches have talked about escrowing CP funds in the future. They have mostly threatened to reduce or cease CP giving soon, or indicated that they have started doing so already. At least a couple of churches this year have withdrawn from affiliation with our state convention and the SBC over issues primarily related to the ERLC.”

Another state executive confirmed a \$345,000 annual impact from churches currently withholding or considering escrowing Cooperative Program funds because of “a perceived leftward or liberal drift generally,” which includes concerns related to the ERLC.

Another state executive acknowledged that the state office has very little “hard data” but estimated that 5-10 churches have completely withdrawn from participation in the Cooperative Program, with most of them making reference to the ERLC. He also stated that he has spoken personally with another 30-40 churches who have expressed similar concerns. It was also noted that there is a good deal of affirmation in the state for the work of the ERLC, particularly among the younger pastors within the state.

In early January as the task force was finalizing this report, some of our largest state conventions initiated contact with the task force. Multiple churches in those states have more recently defunded or are now considering defunding the ERLC. The contacts included one of the largest contributors in the Southern Baptist Convention. Two additional churches described as significant Cooperative Program churches in one state convention have recently defunded. There were calls for the resignation of Dr. Moore.

These January actions followed comments made by Dr. Moore related to the unlawful incident at the United States Capitol on January 6, 2021. The unrest in these churches toward the ERLC was not caused by Dr. Moore’s condemnation of the U.S. President or by the renunciation of the tragic event at the Capitol. Rather, the churches were troubled by Dr. Moore’s comments in light of the silence of the Ethics and Religious Liberty Commission during the violent and destructive protests that swept the entire nation for months beginning in the summer of 2020.

We were also informed of a high volume of recent calls and emails received by the Executive Committee office. These communications expressed frustration with the ERLC and indicated possible changes in Cooperative Program support.

The Task Force recognizes that these matters are still unfolding both in our nation and in our churches. As we submit this report, it is impossible to foresee events in the country or to measure the potential impact on the Cooperative Program from these more recent actions.

### **VIII. General Responses Reported by the State Conventions**

The work of the ERLC is a frequent source of discussion among Southern Baptists. It should be noted that this is, in many ways, indicative of their missions and ministry assignment. The ERLC is charged by the Convention to address issues which are, by their nature, controversial. This is especially true in a convention of churches as diverse as those in friendly cooperation with the Southern Baptist Convention. Some measure of controversy is inevitable with ministry of this kind.

State executive directors also reported on the concerns they regularly hear from pastors. They are listed here without commentary.

- The open opposition of a candidate for president of the United States
- The accusation of receiving funding from an organization with ties to George Soros
- Amicus brief in support of a New Jersey mosque
- That the ERLC is not available or responsive
- ERLC stance on immigration
- Silence on certain issues including timely public support for the religious liberty of California churches during the COVID-19 pandemic
- The appearance by a recently departed senior staffer on an online panel sponsored by the Joe Biden campaign, contributing to perceptions of a leftward political drift
- Dr. Moore's stated support of attending homosexual wedding showers and receptions
- Disrespectful and condescending responses to the questions of messengers. Repeatedly noted was the response given to Pastor John Wofford of Armored Baptist Church at the 2016 annual meeting.
- That conservative political figures are criticized more frequently and more harshly than moderate to liberal figures

The task force is well aware, and we encourage Southern Baptists to be aware, of the dubious nature of many claims on the internet. A February 11, 2020 survey released by Pew Research revealed that "over (80%) of American adults from both major political parties were 'very or somewhat concerned about the influence that made-up news could have during the election.'" This concern is not limited to the secular arena.

Whether serving the church or the convention, many Southern Baptists can identify with the words of King David in Psalm 109: 2-4 as he lamented, “For wicked and deceitful mouths are opened against me, speaking against me with lying tongues. They encircle me with words of hate, and attack me without cause. In return for my love they accuse me, but I give myself to prayer.”

Every person, including Dr. Moore, deserves the truth to be written or spoken about them. Discerning questions must come to mind every time we read a negative article on a fellow Southern Baptist: Who wrote this article? What else have they written? Is this a recycled story? Who is quoted and not quoted? Are the sources accurate and reliable?

In the present case, however, most of the concerns mentioned by our state convention partners are not caused by disagreement over the facts. Rather, they are caused by disagreement with the leadership and direction of the ERLC.

As mentioned above, several of the states reported little to no negative effect of the ERLC on their state convention ministries. The disparity of responses seems to reflect the sharp differences of sentiment that exist across the SBC regarding the work of the ERLC.

#### **IX. The amicus brief in *McRaney v North American Mission Board***

One of the greatest challenges connected to the recent work of the ERLC is an amicus brief filled by the ERLC in the 5<sup>th</sup> U.S. Circuit Court of Appeals in the case of *McRaney v. North American Mission Board*. The task force finds the filing of the brief to be inexplicable and the subsequent response of the ERLC to be troubling.

On page 10 of the brief, (Appendix 6) the Southern Baptist Convention is described as a “hierarchy” that serves as an “umbrella Southern Baptist governing body over all of the various groups of churches.”

As the ERLC admitted in its December 9 press release to Baptist Press (Appendix 7), the brief, “inaccurately describe(s) Baptist polity and church autonomy” in ways “that are inconsistent with the positions the ERLC has repeatedly taken.” Further, the Baptist Press article rightly notes, “There are few issues nearer the center of what it means to be Southern Baptist than the autonomy of the local church.”

A December 11 communication from the Convention’s attorneys to the ERLC called the assertion of a hierarchical structure “grossly erroneous” and said this claim, “would hurt the ears of Southern Baptists attuned to basic precepts of Southern Baptist polity.”

The fact that the ERLC does not believe the Southern Baptist Convention is a hierarchy is what makes the filing of this brief and the insufficient response of the ERLC so egregious.



The brief was filed in a federal appeals court on August 21, 2020 with known factual and doctrinal errors. The autonomy of the local church and of various Baptist bodies is not rooted in an organizational structure but in our doctrinal understanding of the Holy Scriptures. The blatant error in view was known by the ERLC *before* it was filed. But an obvious decision was made to file the brief anyway.

The publication of this brief prompted a state convention executive director to publish an open letter on December 2, calling for these “deceptive” and “false claims” and “egregious misrepresentation” of our Baptist polity to be publicly repudiated and the record in the court corrected.

Multiple Southern Baptist leaders shared with the task force that after speaking with ERLC leadership, there was no indication that a public statement was going to be released.

This task force sent a series of questions to the ERLC on December 4. One of the questions was, *“It is our understanding that the ERLC does not plan to release a corrective statement to Southern Baptists. With public and private calls for a statement from the ERLC on this most serious matter, what are the reasons the ERLC has not, as of this letter, issued an apologetic and corrective press release to Southern Baptists?”*

On December 9, the ERLC finally released a clear statement of apology and explanation to Southern Baptists via Baptist Press (Appendix 7). The task force is grateful for the apology but expresses great concern that it appears to have taken substantial effort on the part of this task force and other leaders to elicit such a response.

The December 11 reply (Appendix 8) from ERLC to our questionnaire did not, in fact, answer our questions. This task force has served as a duly-authorized body of the Executive Committee, which is, according to SBC Bylaw 18E, the fiduciary entity of the Convention. When it inquired of the ERLC regarding a major legal error with great potential impact on the Convention, the ERLC returned to a posture of non-cooperation with this task force.

Executive Committee leadership first saw the ERLC’s December 11 reply to our inquiry on the website, *Capstone Report*. The article titled, *“LEAKED! ERLC insults Executive Committee, blames Thomas More Society for errors,”* contained a slightly-edited version of the final ERLC response and appeared online before either the Executive Committee or the task force had knowledge that a response was even being prepared.

On December 10, the attorney for the ERLC notified the Executive Committee’s attorney that the ERLC was investigating the proper process to notify the court of the error in its brief. On December 11, the Executive Committee attorney requested and was promised a copy of the letter when and if it was filed.

On December 14, the ERLC and the Thomas More Society filed a letter with the 5<sup>th</sup> U.S. Circuit Court of Appeals to inform the court of the errors in the amicus brief. The Convention attorneys

became aware of this filing on December 17 only when a state convention official alerted them to a December 16 article on the website, *Capstone Report*, entitled, “*ERLC Files Motion to Correct Its Lie.*” Convention attorneys immediately contacted the ERLC on December 17 to inquire as to the accuracy of the reported filing. On December 18, the ERLC confirmed this important development.

While the unwillingness of the ERLC to share such intention with this task force is most unfortunate, the task force is grateful that mitigating measures have been taken with the court in this matter. But it cannot be overemphasized that the December 14 letter to begin correcting this error with the court came 117 days, nearly four months after the ERLC knowingly filed an erroneous brief with a federal court. And once again, this corrective measure came only after substantial pressure from this task force and others to do so.

The Executive Committee should be relieved, in part, that our attorneys shared with the task force in a December 28 letter that they believe they can, “on behalf of the SBC, and other attorneys can, on behalf of other Baptist general bodies, defeat any effort by future plaintiffs to use this incident to mislead courts into believing Southern Baptist polity is hierarchical.” But they also noted that, “We may not at this point know all the legal significance of the amici curiae (friends of the court) brief as it relates to the work of Southern Baptists.”

We regret that likewise, we may not at this point know all the significance of this matter in the perception of those Southern Baptists already concerned about the actions and direction of the ERLC.

## **X. Findings**

(1) That there seems to be confusion among Southern Baptists regarding increases and decreases in national Cooperative Program giving.

(2) That while much of the work of the ERLC is praised and appreciated by Southern Baptists, the ERLC is also a source of significant distraction from the Great Commission work of Southern Baptists. The leader of a large state convention reported, “The ERLC has been a stumbling block not worth the mission dollar investment.” The task force finds merit in this statement.

(3) That the unacceptable handling of the amicus brief matter discussed in #9 above is an example of a concern raised by many SBC leaders that the ERLC is not as responsive as it ought to be in correcting problems and controversies it creates. In this context, one state executive responded about the ERLC that “National SBC controversy impacts CP giving through the state convention.”

(4) That the current perception of the leadership and direction of the ERLC by many Southern Baptists is a substantial impediment to the growth of the Cooperative Program. Without quick and significant changes in that perception, the findings suggest the potential for a measurable decline in the near future and beyond. The executive director of one of our largest-contributing

state conventions told the task force “one of the major points of erosion of Cooperative Program support has been the Ethics and Religious Liberty Commission.”

(5) That there is considerable conversation across the Convention as to whether the ERLC is the most effective and efficient structure and means for addressing the public policy concerns of the Southern Baptist Convention.

## **XI. Recommendations**

(1) That the Executive Committee seek to provide even greater clarity about Convention-wide giving trends as it reports giving to the national Convention budget.

(2) That the Executive Committee request that the ERLC Board of Trustees, in an effort to foster greater unity among our churches, encourage ERLC staff to focus, where possible, on speaking where the Southern Baptist Convention has already spoken through resolutions and The Baptist Faith and Message.

(3) That the Executive Committee request that the ERLC Board of Trustees encourage the president and staff of the ERLC to refrain from opposing specific candidates for public office.

(4) That the Executive Committee request that the ERLC Board of Trustees encourage the ERLC staff to be more responsive to requests from Southern Baptists to address/acknowledge certain news items as a means of better serving the churches of the Southern Baptist Convention.

(5) That the Executive Committee request that the ERLC Board of Trustees work with the ERLC staff to develop an intentional plan to demonstrate a greater appreciation for how its positions, including social media usage, affect the spirit of cooperation among Southern Baptists.

(6) That the Executive Committee request that the boards of trustees of each of the entities of the Convention adopt and implement a policy of submitting legal briefs, where those briefs address the nature and work of Southern Baptists, to Convention attorneys, prior to their being filed, for the purpose of receiving input regarding the effect of those briefs on the ministries of the Southern Baptist Convention.