

Michael Johnson
Child and Youth Safety Consultant
Dallas, Texas

October 6, 2021

The Honorable Members of Congress
United States Senate
United States House of Representatives
Washington, DC

Dear Honorable Members of Congress:

My name is Michael Johnson and for the past ten-and-one-half years, I served as the Director of Youth Protection for Scouts BSA, formerly the Boy Scouts of America. I left my position in December 2020.

The purpose of this letter is to urge you, pursuant to Scouts BSA's role as a congressionally chartered organization under 36 U.S.C. § 30901 et seq, to commence a robust congressional investigation and hearings into the past, present, and continuing high risk of child sexual abuse that exists within Scouts BSA.

My Background

I am a former Plano, Texas, Police detective with almost 30 years' experience investigating child abuse cases—primarily sexual abuse, assault, and exploitation. I established the first Child Advocacy Center (CAC) in Plano, Texas, and was one of the early pioneers of the use of CACs and multi-disciplinary teams (MDTs) in the investigation and prosecution of crimes against children. Since 1992, I have conducted trainings for MDTs and first responders nationwide and internationally in forensic interviewing, perpetrator interrogation, child sexual abuse and exploitation, and other crimes against children.

In the summer of 2010, I was recruited by Scouts BSA (then the Boy Scouts of America) to be the first Director of Youth Protection. They hired me because of my breadth of experience and acumen in investigating crimes and implementing programs, policies, procedures, and training to prevent, recognize, and respond to child sexual abuse and other forms of child maltreatment.

During my time with Scouts BSA, I was able to implement many programs of which I am proud, including establishing the Scouts First response; revising policy to no longer allow 18- to 21-year-old adults to participate in overnight programs with youth as young as 14; mandatory reporting of child abuse and serious policy violations; removal of a discriminatory policy which banned LGBTQ+ youth and leaders; implementing training programs and information for volunteers, youth, staff and parents informing parents of reported crimes committed against their children; and numerous policy enhancement protocols.

October 6, 2021

Page 2

These improvements occurred by using non-BSA experts from outside of the organization. Unfortunately, these programs are just a “drop in the bucket” for all the reforms needed. They served to bring the organization closer to a standard of care required for low-risk organizations, but came far short in meeting the acceptable standard of care for a high-risk organization such as Scouts BSA. Up until the time I left Scouts BSA, I was working to make the needed changes to ensure youth safety from sexual abuse and maltreatment in the program.

The Ongoing Risk to Child Safety in Scouts BSA

In my professional opinion, **the truth is clear: no child is safe in Scouts BSA programs. The institution, as it stands today, continues to be a HIGH-RISK¹ organization for child sexual abuse, due to the accessibility and opportunity the program presents to a range of sex offenders.** Scouts BSA’s continued disregard for needed safety reforms, the organization’s long-established business and program model, and decades-long lack of transparency (at the highest level of the organization) with parents, experts, and courts. Throughout my time at Scouts BSA, I witnessed decisions being made that showed the top priority of the organization was not the safety of children, but the preservation of the reputation and brand of the institution and its top sponsoring organizations.

Scouts BSA and its other youth programs present unique risks and challenges for the commission of child sexual abuse and overall child safety that are not addressed in the standard child safety protocol used by other youth-serving organizations, and **Scouts BSA does not meet an acceptable standard of care to assure parents and communities that children in the organization are safe from sexual abuse.**

I repeat: Scouts BSA fails to meet the minimum standard of care for such a high-risk organization. Until stronger safeguards are put in place, no child is safe in Scouts BSA.

Some examples of this standard of care failure include:

- More than 50% of the reported sexual abuse incidents into Scouts BSA are perpetrated by youth in the program. This is due to a lack of adult supervision and vigilance on the part of Scouts BSA including: lack of screening of youth; the large range of ages of youth at many events; and the lack of diligence to inform parents, youth, and leaders of the risk.
- Lack of proper screening procedures for adult volunteers and leaders (per CDC’s “Preventing Child Sexual Abuse Within Youth-serving Organizations” and the Non-Profit Risk Management Center document on screening volunteers).
- Known offenders are still volunteering in Scouts BSA and continue to have access to youth. This is because of a lack of accountability by chartering organizations, lack of access to chartering organizations’ internal lists of known offenders, and religious beliefs in some chartering organizations that allow access to scouting youth by those accused of abuse.

¹ Lanning, K., 2010, *Child Molesters: A Behavioral Analysis for Professionals Investigating the Sexual Exploitation of Children*, Fifth Edition; National Center for Missing and Exploited Children.

October 6, 2021

Page 3

- Lack of reference checks for volunteers, lack of an interview to determine a potential volunteer's fitness, and decades-long inadequate criminal background screening. Studies show that less than 10% of child predators are arrested throughout their lifetime and less than one in five who are arrested are prosecuted.² Reference checks and interviews are vital for protection against the vast majority of those who prey on children.
- Against my recommendations, Scouts BSA installed a policy – the “72-Hour Rule” - that is inconsistent with ALL research for adults involved with youth, especially during overnight programming (camping). This “rule” continues to effectively allow ANYONE to accompany scouts on overnight trips without any proper screening — *as long as the adult leaves prior to the elapse of 72 hours*. If the trip or campout is shorter, this policy effectively allows unvetted adults access and opportunity to scouting youth. It is of note this policy became effective at about the time girls were introduced into the Scouts BSA program.
- BSA continues to minimize the significance of child sexual abuse risk in the program.
- There is no expert in child and adolescent development or youth protection currently employed in the national Scouts BSA office to direct its child sexual abuse prevention efforts.
- When I left the organization, I was asked to sign a non-disclosure/non-disparagement agreement in exchange for a large sum of money. I refused.

These are just a few examples. There are many more.

Recent Congressional Action and Scouts BSA Responses

In 2018, members of Congress, led by Rep. Jackie Speier, wrote a letter to Scouts BSA asking for a complete outline of their protocols to keep children safe in the organization and their rationale for spending lobbying dollars to prevent statute of limitation reform for survivors (Attachment 1). The response Scouts BSA provided (Attachment 2) listed programs for standard, low-risk, youth-serving organizations. Their response made no mention of the unique needs of this high-risk group. In fact, Scouts BSA had to write a correction letter (Attachment 3) once more news about their ineligible volunteer (IV) files were made public.

Necessary Action Steps

Because of the lack of any ability of Scouts BSA to implement the necessary child protection measures to address their status as a high-risk and unsafe organization - as well as their current culture of institutional protection over child safety - I am asking the following:

1. Congress should begin immediate hearings and an investigation into the scope and breadth of child sexual abuse, predatory grooming, and the cover-up of crimes against children in Scouts BSA. The investigation should include specific dangers to female and LGBTQ+

² Block, S. and Williams L.; *The Prosecution of Child Sexual Abuse: A Partnership to Improve Outcomes*, U.S. Department of Justice (2019).

October 6, 2021

Page 4

youth, the issue of preventable youth-on-youth sexual violence, and the institutional disregard for the plight of survivors and their families. The investigation should include a review of the misuse of the U.S. Bankruptcy Code to subvert the exposure of sex crimes against children.

2. Congress should review the Scouts BSA federal charter and consider revising any and all federal charters and protections due to immediate threats to child safety and the cover-up of sexual abuse.
3. Similar to what has recently been done in the Olympics,³ Scouts BSA should work with independent non-scouting researchers and experts to conduct a baseline study to assist in determining the extent of child abuse within the organization, the manner in which offenses were carried out, the leadership structure and decision-making process, and the effectiveness or lack of effectiveness of various responses. Without this baseline information, it will be impossible to determine the extent of abuse within Scouts BSA and whether or not current or future policies are effective in protecting children from abuse.
4. Given the large number of youth-on-youth sexual abuse within scouting, a non-scouting independent task force of experts on problematic sexual behaviors of children⁴ should be created to evaluate past and current risks to scouts in all scouting programs. This task force should include experts on the emergence of pedophilic thoughts in adolescence,⁵ other sexually deviant behaviors, and develop and recommend a robust plan to prevent youth-on-youth sexual abuse. The report, results and recommendations from this task force should be provided to the National Executive Board by the Youth Protection Director and the recommendations of the task force must be a public document.
5. Scouts BSA employees and volunteers should have a recurring background and reference check every two years that exceed the recognized Standard of Care recommended by the CDC.
6. Scouts BSA should actively collaborate with other Youth Serving Organizations and congress in creating a system of sharing lists of individuals banned or removed from the organizations for abuse, serious policy or code of conduct violations against program youth—even if these violations fall short of the required threshold that triggers an investigation by law enforcement. This should be in addition to creating low-cost background checks that will benefit children in every youth-serving organization.
7. No unvetted adults should be allowed to lead or accompany scouts on trips/overnight campouts of any duration.

³ U.S. CENTER FOR SAFESPORT, 2020 ATHLETE CULTURE & CLIMATE SURVEY (July 14, 2021).

⁴ Victor I. Vieth, *Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children: A Primer for Parents, Youth Serving Organizations, Schools, Child Protection Professionals, and Courts*, in ROBERT GEFFNER, ET AL (EDS), HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN (2021).

⁵ Jill S. Levenson & Melissa D. Grady, *Preventing Sexual Abuse: Perspectives of Minor-Attracted Persons About Seeking Help*, 31(8) SEXUAL ABUSE 991 (2019).

October 6, 2021

Page 5

8. Scouts BSA should immediately hire a full-time child protection director (preferably non-scouter) with significant experience and knowledge in responding to all forms of child sexual abuse and with particular expertise in prevention, recognition, and response to abuse within institutions. This full-time director should report to the CEO and be assisted with additional employees and experts who serve each region of the country. In this way, frontline scouting leaders will have access to knowledgeable in-house expertise.
9. Scouts BSA should publicly release all data and reports compiled by Janet I. Warren, DSW, in her multiple reviews of internal and independent reviews of Ineligible Volunteer Files. They should also release all research, surveys, and requests generated internally and externally on adult-on-youth and youth-on-youth sexual abuse.
10. Scouts BSA should welcome the input and active roles of Scouts BSA survivors at the national executive board level of the organization. This includes inclusion of survivors on advisory boards, task forces, and within any departments, committees, study groups, or taskforces on child protection from the local councils to national level volunteer and paid positions.
11. Scouts BSA should create a non-scouting, 10-member expert advisory panel to advise the national organization on all child, adolescent, and teen issues. This panel should work directly with the Director of Youth Protection to install all reforms needed to keep youth safe and begin the process of restoring public and parent confidence.
12. Congress should maintain bi-annual oversight of these and all recommended reforms.

Conclusion

Despite tens of thousands of lawsuits, the best efforts of myself and other experts in child protection, dwindling membership, and embarrassing legal disclosures, Scouts BSA continues to fail the very children it purports to nurture. At this time, I believe the only way to address the ongoing peril is accountability by a strong, independent, public investigation and hearings by our elected leaders.

My professional career has been devoted to investigating, preventing, recognizing, and responding to child sexual abuse and exploitation. I know what sexual abuse does to children, I know the guile of offenders and the complacency of institutions who place “brand and reputation” ahead of risk of sexual abuse to children.

I cannot and will not stay silent until these truths—and others far too numerous for this letter—are made known to the public and acted upon by Scouts BSA leadership. Victims and survivors—many of whom continue to endure abuse in order to receive their Eagle rank or others who were denied the rank of Eagle because they could no longer endure the abuse—deserve the truth. So do parents who trust Scouts BSA with the care of the children, and every innocent boy and girl who signs up with a troop and is instead put in the path of a predator.

October 6, 2021

Page 6


Your immediate action on this matter is an urgent need for children who are currently members of Scouts BSA and the more than 80,000 brave survivors who have come forward to say that they were sexually abused while a Boy Scout.

In that light, I invite you to attend as I speak to the media and public on this matter this coming Tuesday, October 12, 2021, at 1:30 pm (Eastern Daylight Time) at the National Press Club in Washington, D.C.

America needs the ideals that Scouts BSA upholds—both for our youth and our future.

This call to action is not meant to end scouting. We must instead create the independent accountability and oversight necessary for a safer scouting program in the future. The organization as it now stands fails to meet this ideal: it fails our nation, and it knowingly fails the children in the program.

Sincerely,

DocuSigned by:

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Michael Johnson
Former Youth Protection Director
Scouts BSA

All inquiries and responses to this letter should be directed to Jeff Anderson:

Jeff Anderson
Jeff Anderson & Associates
366 Jackson Street, Suite 100
St. Paul, MN 55101

(651) 227-9990 office
(612) 817-8665 mobile

Congress of the United States
Washington, DC 20515

November 20, 2018

Mr. Michael Surbaugh
Chief Scout Executive, Boy Scouts of
America
10210 Holmes Road
Kansas City, MO 64131-4212

Ms. Ellie Morrison
National Commissioner, Boy Scouts of
America
10210 Holmes Road
Kansas City, MO 64131-4212

Mr. Jim Turley
National Chair, Boy Scouts of America
10210 Holmes Road
Kansas City, MO 64131-4212

Dear Mr. Surbaugh, Ms. Morrison and Mr. Turley:

As Members of Congress responsible for the oversight of congressionally chartered organizations, we write with concerns regarding recent reports that the Boy Scouts of America (BSA) has been advocating against efforts to reduce barriers for victims of child sexual abuse to report decades old abuse.¹ We are also troubled by the implications of these reports for the safety and well-being of former, current, and future members of your organization. Since the Boys Scouts of America announced it will change its name in February 2019 to Scouts BSA, and in anticipation of opening the organization to young women and girls that started with the Cub Scouts this past summer, we write to request a detailed account of the safety procedures and reporting mechanisms you have and will put in place to keep current and future members safe.²

We recognize and support the mission of the BSA and the benefits scouting provides to children and young adults. Indeed, many of the signatories of this letter are themselves Girl and Boy Scout alumni, adult volunteers, or both. Historically, BSA has instilled in countless boys and young men the importance of service to others and the self-confidence to succeed in academics and the workforce. Former Boy Scouts have gone on to become leaders in their communities and beyond thanks to the values that BSA taught them. That is why reports of coverups of child sexual abuse,

¹ Statute-of-Limitation Laws Can Leave Few Choices for Child Sex-Abuse Victims. That's Why These People Are Trying to Change Them. (2018, September 13). *Time*. Retrieved from <http://time.com/5394927/statute-of-limitations-changes/>

² Boy Scouts Will Drop the 'Boy' in Its Namesake Program, as It Welcomes Girls Next Year. (2018, May 2). *The New York Times*. Retrieved from <https://www.nytimes.com/2018/05/02/us/boy-scouts-girls.html>

and efforts to stymie the passage of state laws to allow survivors to seek justice, is so concerning from an organization that prides itself on building young people up.³

According to recent reports, BSA has allegedly engaged in attempts to shield volunteers it knew to be child predators and worked to advocate against proposals in states such as Georgia, Michigan, and New York that would make it easier for survivors of child sex abuse to come forward. Specifically, these bills would create a “look back window” – a short period of time where victims of child abuse can retroactively file suit despite a state’s statute-of-limitations. Other state proposals seek to expand the statute of limitations by increasing the age to which victims of child sex abuse may file new cases and/or eliminating the statute-of-limitations for some felonies related to criminal allegations of child sex abuse altogether.⁴ Unfortunately, BSA is on record saying they only support such efforts “on a prospective basis”.⁵ As BSA prepares to welcome girls and young women into its programs, we are concerned about what your position means for the safety and well-being of these future recruits.

Over the last year, stories detailing the horrific accounts of pervasive sexual abuse in youth organizations, such as U.S.A. gymnastics, have made it crystal clear that we need to conduct extensive oversight into these issues.⁶ As a congressionally chartered organization, pursuant to 36 U.S.C. § 30901 et seq., BSA is under an obligation to comply with certain reporting requirements.⁷ In recent years, BSA has traveled to Washington to present its annual report to the speaker of the U.S. House of Representatives as part of its “report to the nation.” This report includes details about your organization, the programs and initiatives it supports, and major accomplishments and contributions over the past year.⁸ We take these reporting requirements seriously and as such respectfully request a detailed account of the safety procedures and reporting mechanisms currently in place to ensure the safety of the young people in BSA’s care. Additionally, in response to BSA’s expansion of membership to include girls and young women, we want to know what additional safety procedures you are putting into place to make certain that all the individuals in your scouting program are protected from harm.

The well-being of all scouts is of the highest priority. As BSA enters a new chapter of programming for girls and young women, and continues to serve boys and young men, we look forward to working with you to ensure that scouts can safely continue to experience the adventure, excitement, and leadership opportunities that BSA has to offer.

³ Boy Scouts lobby in states to stem the flow of child abuse lawsuits. (2018, May 9). *The Washington Post*. Retrieved from https://www.washingtonpost.com/powerpost/boy-scouts-lobby-in-states-to-stem-the-flow-of-child-abuse-lawsuits/2018/05/08/0eee0a44-47d8-11e8-827e-190efaf1flee_story.html?utm_term=.6cb0fd27cccc

⁴ Statute-of-Limitation Laws Can Leave Few Choices for Child Sex-Abuse Victims. That’s Why These People Are Trying to Change Them. (2018, September 13). *Time*. Retrieved from <http://time.com/5394927/statute-of-limitations-changes/>

⁵ Boy Scouts lobby in states to stem the flow of child abuse lawsuits. (2018, May 9). *The Washington Post*. Retrieved from https://www.washingtonpost.com/powerpost/boy-scouts-lobby-in-states-to-stem-the-flow-of-child-abuse-lawsuits/2018/05/08/0eee0a44-47d8-11e8-827e-190efaf1flee_story.html?utm_term=.6cb0fd27cccc

⁶ USA Gymnastics CEO provides no answers in congressional hearing to discuss sexual abuse. (2018, May 23). *USA Today*. <https://www.usatoday.com/story/sports/olympics/2018/05/23/usa-gymnastics-ceo-provides-no-answers-hearing-sexual-abuse/639071002/>

⁷ Boy Scouts of America, 36 U.S.C. §§ 30901-30908 (1998)

⁸ Report to the Nation. (2018, February 26). Retrieved October 16, 2018, from <https://www.scoutingnewsroom.org/key-topics/report-to-the-nation/>

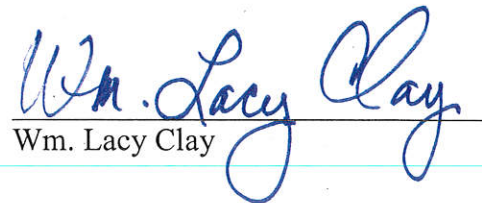
Thank you in advance for your attention to this critical matter. We look forward to your timely response.

Sincerely,

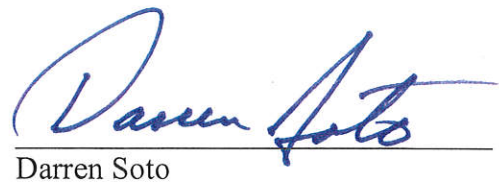

Jackie Speier

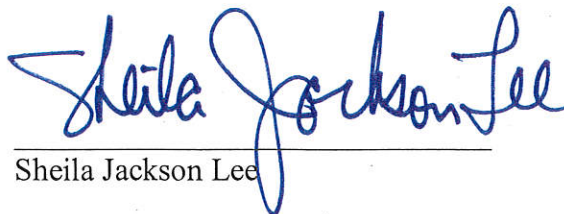

Debbie Dingell


Lucille Roybal-Allard

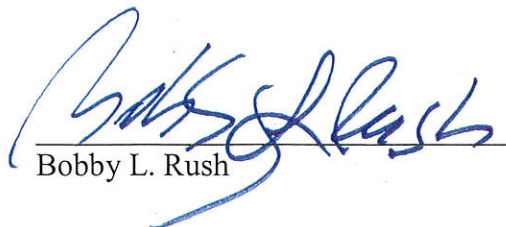

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OPINION

Boy Scouts tells Congress that protecting youth is its top priority

We care deeply about all victims of child sex abuse and sincerely apologize to anyone who was harmed in our programs.



The Boy Scouts of America says it is exploring "all options" to address serious financial challenges, but is declining to confirm or deny a report that it may seek bankruptcy protection in the face of declining membership and sex-abuse litigation. (File Phoeo / 2013)



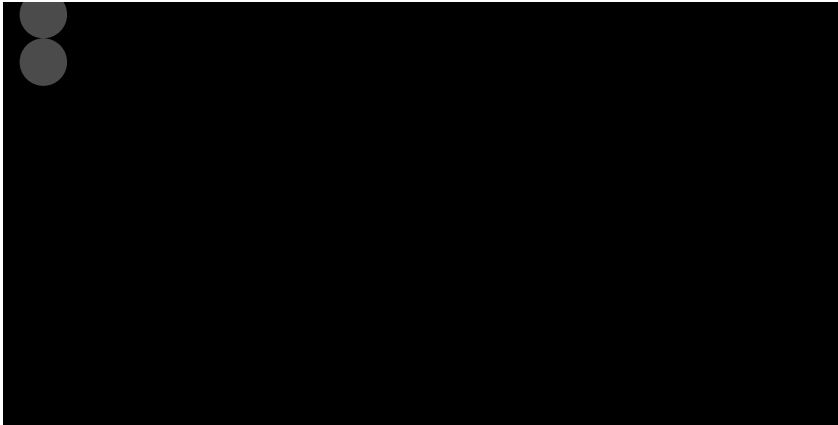
By Michael B. Surbaugh|Contributor
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to the United States Congress.

Dear Honorable Members of Congress,

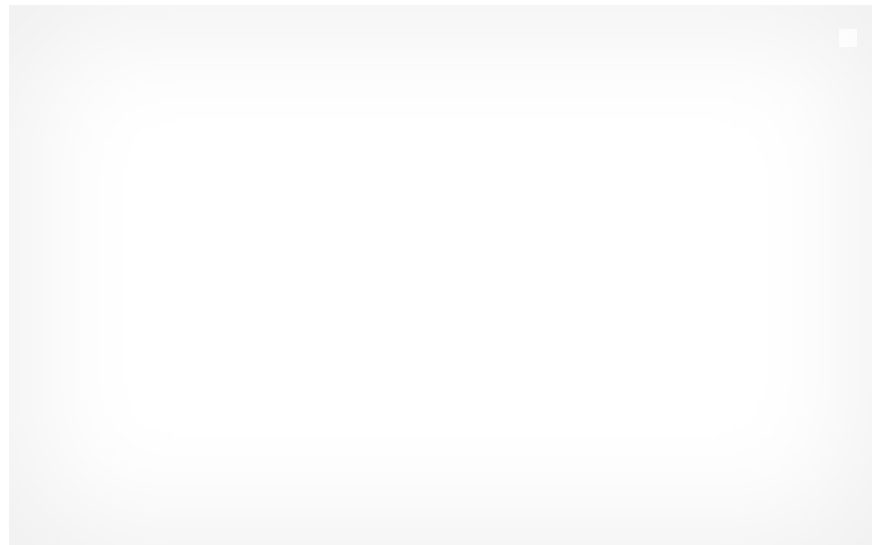


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Thank you for your letter sent on Nov. 20, 2018, and for the opportunity to work together on the national epidemic of child abuse plaguing schools, churches, youth organizations and families. Please know that we share your same goals of keeping children safe and protected from all forms of abuse and harm. One incident of child abuse is one too many.

ADVERTISING



We care deeply about all victims of child sex abuse and sincerely apologize to anyone who was harmed in our programs. We are outraged there have been times when individuals took advantage of our programs to harm children. We want you to know that at no time in our history have we ever knowingly allowed a sexual predator to work with youth. We seek to act swiftly when alerted to any potential issue, which is why we have designated our Scout leaders as mandatory reporters, going above and beyond current



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that can be found in any youth serving organization. In fact, the BSA has what many experts say are the most effective procedures to protect youth from sexual predators, including:




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- Ongoing mandatory youth protection education for all volunteers, parents, and Scouts.
- A formal leader selection process that includes criminal background checks and other screening efforts.

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- Policies and procedures to serve as barriers to abuse, such as mandating two-deep leadership and prohibiting one-on-one situations where adults would interact with children - either in-person, online, or via text.
- Prompt mandatory reporting to the authorities of any allegation or suspicion of abuse.



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The BSA is also committed to helping abuse victims heal. We have always taken care of victims — we believe them, we believe in fairly compensating them, and we have paid for unlimited counseling for abuse victims and their families by a provider of their choice, regardless of the amount of time that has passed since an instance of abuse. We require no proof; a victim need only make a request. In fact, the state of Colorado has since adopted a counseling remedy for such situations, which we fully support and implemented nationwide throughout the BSA years ago.

As an organization whose top priority is protecting our youth members, we ardently support legislative measures that would reform statutes of limitation and would emphatically support reform of civil statutes of limitation for individual abusers and against organizations that intentionally concealed wrongdoing. We strongly stand behind holding the individual accountable, making sure that penalties are applied, and that sentences are served to completion.

Given your roles as leaders of our nation, we know that protection of children is a shared priority for us all. As you look for ways to act on your expressed concerns, we wanted to take this opportunity to support your efforts by presenting our recommendations for areas and programs needing federal support. The following is a list of recommended programs and ideas that independent experts agree will keep children safe now and in the future, including:

- Funding the CDC study to update the guidelines that all organizations should consider in determining how to keep children in their programs safe.
- Establishing and funding a system where volunteers can register and be cleared through a common screening process applicable to all states and organizations with an affordable process for conducting background checks and periodically renewing the clearance to reduce the risk that potential abusers can gain access to children by moving across state lines or to other youth serving organizations.
- Enabling youth-serving organizations to share information about individuals who have been removed from their programs for alleged inappropriate conduct - even if the individuals have not been arrested or convicted - to keep potential abusers out of these organizations.
- Strengthening mandatory reporting laws.
- Requiring that sex abuse offenders serve full sentences.

We are heartened to see you are as committed to youth protection as we are. We look forward to continuing this dialogue and working together on these shared priorities.

Yours in Scouting,

Michael B. Surbaugh

Michael B. Surbaugh is chief scout executive with the Boy Scouts of America.



May 28, 2019

The Honorable Jackie Speier
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Speier,

I write in response to your May 23, 2019 letter, and to address my response to your earlier November 20, 2018 letter, both of which concerned the handling of sexual abuse allegations by Boy Scouts of America (“BSA”) throughout its history.

I have been involved with BSA practically my entire life, and I’ve served as a BSA professional employee for almost my entire professional career. I have the highest respect for this organization and the vital role that it plays in American life. When I sent my response to your November 20, 2018 letter, I believed in good faith, and with deeply felt conviction, that BSA would never have knowingly allowed a sexual predator to work with youth. I told you that in my response. Since then, I have learned that my response was incorrect. I have reviewed information that now makes clear to me that decades ago BSA did, in at least some instances, allow individuals to return to Scouting even after credible accusations of sexual abuse. I am devastated that this ever occurred. On behalf of BSA, I sincerely apologize to the individuals affected by this practice.

BSA has taken significant steps over many years to ensure that we respond aggressively and effectively to reports of sexual abuse, as described in my prior letter to you. For example, in the 1980s, BSA created a Youth Protection Task Force and issued its first Youth Protection Guidelines. In 1991, BSA prohibited one-on-one adult and youth activities. In 2003, BSA began supplementing its screening process by conducting computerized criminal background checks on all new adult volunteer applicants. In 2011, we created a hotline, ScoutHelp, to take calls from those calling to report having been a victim of abuse while registered in Scouting.

We believe that today we have a robust set of policies and practices to help ensure a safe environment for Scouts, ranging from mandatory training programs to incident reporting systems. But we understand that we must provide transparency regarding BSA’s past practices, including those instances in which we did not immediately and permanently remove individuals who had engaged in sexual abuse from access to youth.

Nothing is more important than our obligation to Scouts and their parents to provide a safe environment for Scouting. I personally take this matter extremely seriously, and I speak for BSA in assuring you that we fully appreciate the gravity of the issues you have raised. BSA’s National Executive Committee (“NEC”) has retained Covington & Burling LLP as outside counsel to assist the NEC in reviewing available information concerning past and present BSA





practices regarding sexual abuse, in order to facilitate a timely, complete, and accurate response to your inquiry. I wholeheartedly support this decision. Covington will report directly to the non-executive members of the NEC. They have instructed Covington to contact your staff immediately to facilitate a response to the questions posed in your May 23, 2019 letter and any other questions that you may have.

Sincerely,

Michael B. Surbaugh
Chief Scout Executive

cc: The Honorable Judy Chu
The Honorable David N. Cicilline
The Honorable Debbie Dingell
The Honorable Anna G. Eshoo
The Honorable Alcee L. Hastings
The Honorable Ann Kirkpatrick
The Honorable Doris Matsui
The Honorable Gwen Moore
The Honorable Lucille Roybal-Allard
The Honorable Bobby Rush
The Honorable Dina Titus

