

# THE BALTIMORE SUN



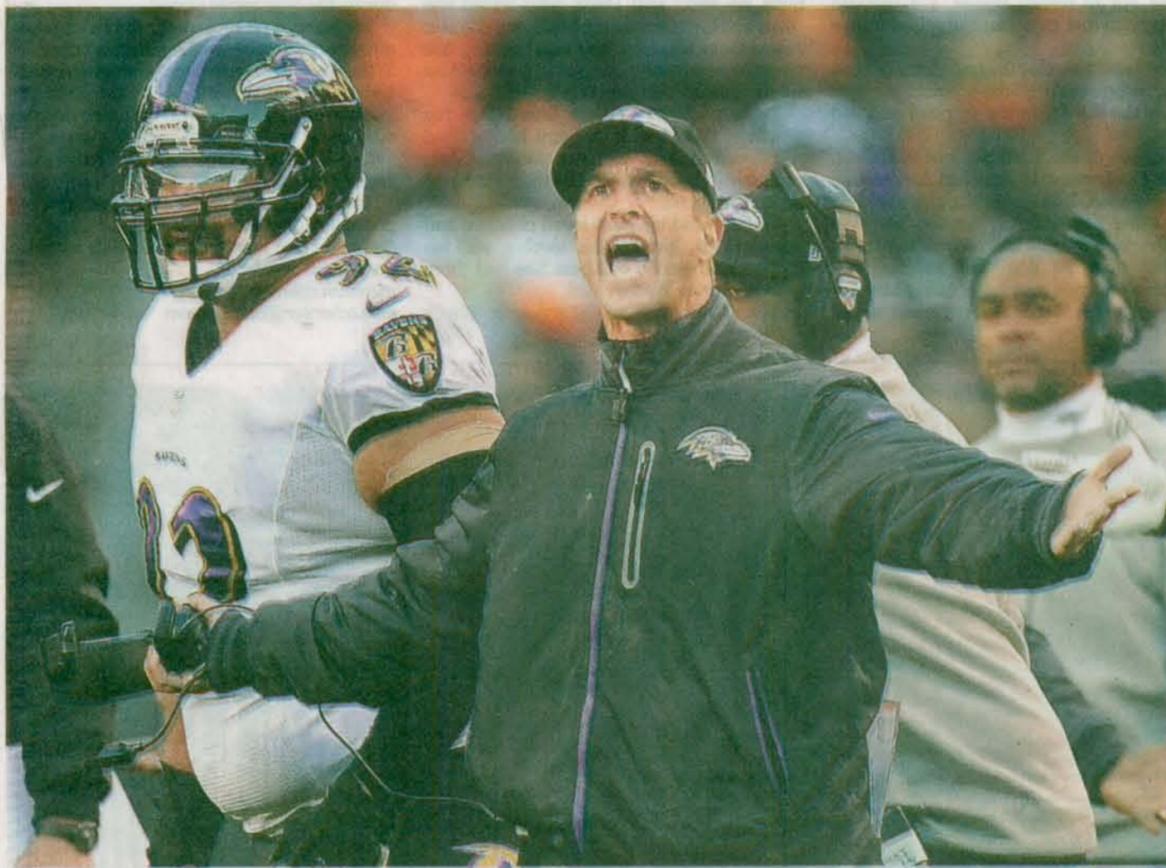
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MONDAY  
November 4, 2013

BROWNS 24, RAVENS 18

## A PAINFUL SLIDE TO 3-5



LLOYD FOX/BALTIMORE SUN PHOTO

Ravens coach John Harbaugh yells at an official after a penalty was called on Haloti Ngata in the first quarter. Harbaugh had a lot more to yell about: Tandon Doss fumbled a punt return, leading to a Browns touchdown; quarterback Joe Flacco was sacked five times; the Ravens had only 55 yards rushing; the loss was Harbaugh and Flacco's first ever to Cleveland. "They were better than us," Flacco said after the game. **COVERAGE IN RAVENS INSIDER**

## Justices to hear prayer case

High court's decision could lead to shift in laws on church, state

BY DAVID G. SAVAGE  
Tribune Washington Bureau

WASHINGTON — When Susan Galloway, who is Jewish, and Linda Stephens, an atheist, complained about the Christian prayers at town board meetings in Greece, N.Y., they were told they could "leave the room or just not listen," Galloway said.

"We felt like outcasts," Galloway said. "We are not Christians, but we wanted to be at the meetings. When the minister was at the podium, it felt like a pulpit."

On Wednesday, the U.S. Supreme Court will hear an appeal of a lower court decision in their favor in a case that could lead to a significant shift in law separating church and state and free city councils to open their meetings with explicitly Christian prayers.

In the past, the court has upheld traditional opening invocations that call for God's blessing. "To invoke divine guidance on a public body entrusted with making laws is not an 'establishment' of religion," Chief Justice Warren Burger said in a 1983 decision upholding the invocations before the Nebraska Legislature. The justices could hardly rule otherwise, since their public meetings begin with a marshal proclaiming: "God save the United States and this honorable court."

But it has been much disputed across the country whether town councils or county boards can regularly invite Christian ministers to open their public meetings with prayers to Jesus Christ. See **PRAYER**, page 13

## Moorish ties used to disrupt court hearings, to little effect

Local congregation leaders disavow tactic tried in two recent Baltimore cases

BY IAN DUNCAN  
The Baltimore Sun

Shackled in a Baltimore courtroom and facing a 110-year sentence for murder and arson, Terrence Rollins-Bey stood defiant — talking over the judge and prosecutor in a series of outbursts.

"With respect to your honor, I object to everything you're saying," he said.

Rollins-Bey, 25, was the second murder defendant in a week to openly challenge the authority of Baltimore Circuit Judge Emanuel Brown. Rollins-Bey and Robert G. Moore claimed in separate trials the court lacked standing to hear their cases —

### Moorish American Science Temple

- Founded in early 20th century as religious and civil rights organization
- Members follow a branch of Islam shaped by movement founder Noble Drew Ali
- Members often append El or Bey to last names
- Doctrines require adherents to follow all laws. But some followers say a 1787 treaty with Morocco exempts them from American laws.

a move the judge described as an attempt to frustrate the proceedings.

Such challenges — which can invoke obscure treaties or the Pope's name — are becoming more frequent, prosecutors say.

Defendants often argue they have Moroccan roots that render them exempt from American law, or rely on similar ideas.

Such claims have proved roundly unsuccessful as legal defenses, but have disrupted countless trials.

"Mr. Rollins-Bey presents unfortunately a rather unusual and growing problem within the courts," Assistant State's Attorney Charles Blomquist said at Rollins-Bey's recent sentencing hearing.

Mainstream followers of the Moorish American Science Temple, founded in the early 20th century as a religious and civil rights organization, say such defendants are distorting the faith to serve their own ends. The group's doctrines require adherents to follow all laws.

Yus Asaf-El, who runs a small temple in Montgomery Village, worries that Moorish-American Science, which already has a See **MOORISH**, page 13



ADAM FENSTER/REUTERS PHOTO

Susan Galloway, above, who is Jewish, and Linda Stephens, an atheist, complained about the Christian prayers at town board meetings in Greece, N.Y.

## SUMMARY OF THE NEWS

### MARYLAND

**FATAL DOG ATTACK:** City animal control officers had seized the pit bull earlier this year that was involved in a fatal attack on its owner early Friday, but returned the dog because they "did not feel the dog was a threat to the public." **NEWS PG 2**

### NATION

**DECLINING SHRIMP HARVEST:** Wild shrimp hauls off the southern Atlantic coast have plunged in recent months as a parasite has made it harder for the creatures to breathe, according to state wildlife officials in Georgia and South Carolina. **NEWS PG 4**

### WORLD

**KERRY IN EGYPT:** Secretary of State John Kerry paid a visit to Egypt that was meant to smooth over recent rifts but laid bare the two countries' differences. **NEWS PG 6**

### TODAY'S WEATHER

SUNNY AND CHILLY

48  
HIGH

35  
LOW



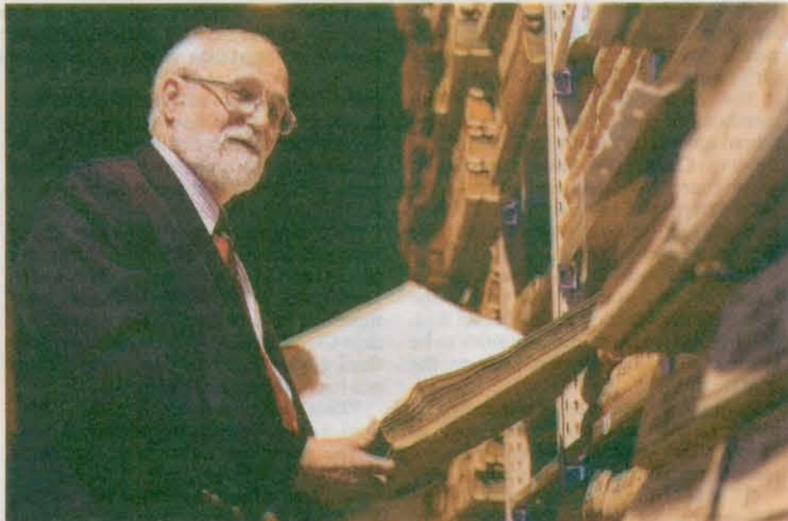
Warmer on Tuesday **SPORTS PG 14**

*"It's been a joyful experience working with some very good people to make the collective memory of the state a reality."*

Edward C. Papenfuse, Maryland archivist for 38 years

## Papenfuse puts archivist job in past

BY MICHAEL DRESSER  
The Baltimore Sun



BARBARA HADDOCK TAYLOR/BALTIMORE SUN PHOTO

Edward C. Papenfuse served as state archivist under seven governors and turned down a job to be chief archivist at the Smithsonian Institution. One of his landmark achievements was the digitization of Maryland public records, dating as far back as the 1600s.

For the first time in almost 40 years, someone other than Edward C. Papenfuse is the keeper of Maryland's memories.

Papenfuse, 70, retired last week as state archivist after a career spanning seven governors. Over that time he brought Maryland's public records from the era of the index card to the digital age, making hundreds of millions of state documents as close as the nearest computer.

And he had a lot of fun doing it. "It's been a joyful experience working with some very good people to make the collective memory of the state a reality," he said before turning over control Friday to deputy archivist Timothy D. Baker.

It's been a career of notable moments for the Ohio native, who came in with the 200th anniversary of the Revolutionary War and is leaving during the bicentennial of the three-year War of 1812.

Papenfuse has served as the State House tour guide for Michelle Obama and showed her the state's prized handwritten copy of See **PAPENFUSE**, page 13

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Edward C. Papenfuse explains a 1984 exhibit on the State House, which dates to 1772.

ELLIS J. MALASHUK/BALTIMORE SUN PHOTO 1984

## Papenfuse ends 38-year run as Maryland's memory keeper

**PAPENFUSE, From page 1**

George Washington's 1783 speech resigning his commission in Annapolis — an artifact Papenfuse took the lead in acquiring.

The Maryland State Archives building on the gateway to Annapolis was named in Papenfuse's honor. And it was Papenfuse who had the job of kicking a new governor and his staff out of the State House for restoration of the iconic structure in 2008.

"It wasn't easy for Ed to ask us to move out of the State House when our administration was just getting started," Gov. Martin O'Malley recalled. "The conversation went along the lines of 'I know you worked real hard to get here, and now you need to get out.'"

Papenfuse chuckled when asked about his role as bearer of bad news.

"Governor O'Malley has a very wry Irish sense of humor," he said, adding that some he worked for seemed to have none at all.

Papenfuse was named state archivist and commissioner of land patents — his formal title — under the administration of Gov. Marvin Mandel in 1975 after serving two years as deputy. Since then Papenfuse has served under six other governors, including acting Gov. Blair Lee III.

His tenure with the state nearly ended in 1986 under Gov. Harry R. Hughes. At the time, the archives were a sub-agency of the Department of General Services, with a crowded and obsolete building on the St. John's College campus. When the Smithsonian Institution came calling with an offer to make Papenfuse its chief archivist, he came close to accepting the position.

But Hughes came through with an offer to make the archives an independent agency and to put money for a new building in the capital budget. Papenfuse decided to stay put.

"We made every effort to keep him here," said Hughes. "I'm glad he stayed."

Asked whether he regretted passing up a nationally prominent role, Papenfuse said, "Not in the slightest."

Staying in Maryland gave him rare opportunities.

"One of the things I'm really proud of is we brought Washington's original resignation speech back to Maryland," he said. Papenfuse, who had been hoping to acquire the one-of-a-kind document since



BALTIMORE EXAMINER PHOTO

Papenfuse led the effort to obtain this handwritten copy of George Washington's 1783 speech resigning his commission in Annapolis.

1980, finally landed it in 2006 — raising money from philanthropists to pay the bulk of the cost.

Finding ways to stretch taxpayers' funds by tapping other sources has been a hallmark of his tenure.

"He's been the most entrepreneurial person I've ever encountered," said Matthew Crenson, professor emeritus of political science at the Johns Hopkins University.

Papenfuse's work to salvage the Baltimore City archives — his major project in recent years — has made it possible for Crenson to research a book on the city's political history. A few years ago, the city's records were stored in a vermin-ridden building in Druid Hill Park where they were in danger of being lost. Papenfuse arranged to move them to better quarters.

"I can't imagine how I'd be able to write this book without the archives assembled under his oversight," Crenson said.

One of the most practical applications of Papenfuse's work has been in real estate.

James Cosgrove, past president of the Maryland Land Title Association, said that as recently as the early 1990s, Maryland land records were almost entirely on paper and spread through the courthouses of 24 jurisdictions.

"It would take weeks to get copies of documents that were necessary to create a title and go to settlement," Cosgrove said.

With money from a document recording fee Papenfuse helped get through the legislature, the archives began the massive task of indexing records going back to the 1600s and putting them online. Now a title researcher can work from a computer.

"It's practically instantaneous now," Cosgrove said. "You don't have to go to the courthouse." The streamlined process, he said, saves buyers and sellers money when they go to the settlement table.

Baker, Papenfuse's deputy for 11 years, said his boss was a national pioneer in making government records available online even before the rise of the World Wide Web in the early 1990s.

"Ed saw the power of the Internet long before it was popular to see that," Baker said.

One of the few officials who can match Papenfuse's endurance is Senate President Thomas V. Mike Miller, who entered the Senate the same year Papenfuse was named archivist. Miller, who shares a passion for Maryland's past, said Papenfuse has played a vital role in the restoration of a State House that dates to 1772.

"He's a stickler for accuracy and he's also a great advocate for the preservation of our records — including the records of the counties — so future historians can have access," Miller said.

Baker will serve in an acting capacity until Papenfuse is replaced. The next archivist will be appointed by the governor after a recommendation from the Hall of Records Commission.

Papenfuse said he plans an active retirement that will include work on two books about Maryland history.

"I just want to stress that I'm grateful to serve," he said. "Hopefully I've given as much back as I could in kind, which means to me making accessible the public memory."

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## High court to consider prayer at meetings

**PRAYER, From page 1**

In Greece, a suburb of Rochester, the board for more than seven years had begun its monthly meetings with a prayer led by one of the town's Christian pastors. Sometimes, the dozen or so attendees were asked to stand and bow their heads.

Galloway and Stephens filed a lawsuit backed by Americans United for Separation of Church and State. Last year, they won a ruling from the U.S. court of appeals based in Manhattan. The New York-based judges said a town crosses the line when the large majority of its government-sponsored prayers favors one religion. "We conclude, on the record before us, that the town's prayer practice must be viewed as an endorsement of a particular religious viewpoint," wrote Judge Guido Calabresi.

But when the Supreme Court agreed to hear the case of Town of Greece vs. Galloway, several conservative groups urged the justices to make a far-reaching change in the law. They said the court should pull back from the idea of church-state separation and throw out the "endorsement" test championed by now-retired Justice Sandra Day O'Connor. She had said the government must be neutral toward religion and that officials violate the Constitution if their actions would appear to a "reasonable observer" as if they were endorsing a religion.

Instead, the conservatives urged the court to rule that cities, counties and public schools may favor or promote religion, so long as no one is forced to participate in a religious exercise. This would clear away the legal challenges to religious symbols at government buildings, such as the Ten Commandments or a Nativity scene during the Christmas season. It could also permit prayers and invocations at public school events.

Notre Dame Law professor Gerard Bradley thinks justices may be ready to "reject or seriously modify the 'endorsement' test. There's been a growing dissatisfaction with it on the court."

Since Justice Samuel A. Alito Jr. replaced O'Connor in 2006, the court has had a majority of justices who support more accommodation for religion in public life, rather than strict separation. But they have yet to agree on a broad ruling that changes the law.

Lawyers for the town said the court should adopt a hands-off approach and free cities and counties from second-guessing by judges. Courts have no business acting as "theological censors, deciding whether particular prayers are too religious or too 'sectarian,'" they said. The Obama administration's lawyers largely agreed and filed a brief on the town's side.

Advocates for church-state separation call this view alarming. They say this "anything-goes" approach would permit local officials — whether they are evangelical Christians in Alabama or devout Muslims in Dearborn, Mich. — to use local government meetings as a platform for delivering their own religious message.

University of Virginia Law professor Douglas Laycock, an expert on the Constitution's religion clauses, will argue for Galloway. He says a town's residents sometimes must go to a board meeting because they need a permit or have other business. If the court rules for the town of Greece, government officials would be free to "press prayers on a captive audience," he said, "even those that promise eternal hellfire to religious minorities."

Another option for the justices is to insist on prayers that reflect the religious diversity of the town. Greece's lawyers noted that after Galloway and Stephens complained, several non-Christians were invited to offer the opening prayers. "The opportunity is open to all residents," they told the court. david.savage@latimes.com

## Disruptive defendants claim Moorish heritage immunity

**MOORISH, From page 1**

fractious history, is becoming known only for inmates who claim to be followers and act up in court.

"Lots of people try to take their own interpretation of it," Asaf-El said. "It's causing a lot of conflict."

Moorish-Americans follow a blend of Islam shaped by the movement's founder, Noble Drew Ali. They often append El or Bey to their last names. Some followers also claim to have roots in America that predate the United States, and argue that a 1787 treaty with Morocco exempts them from American laws.

At his sentencing, Rollins-Bey drew on language often associated with so-called "sovereign citizens," who rely on arcane readings of the law to claim courts are powerless over them. He repeatedly objected to the legal proceedings and rolled out a blend of religious and quasi-legal phrases.

"I am a natural living soul," he said at one point. Later, he asked, "Is there a claim against me?"

Despite the growing popularity of the strategy, objections have continued over the objections of defendants such as Rollins-Bey — even if it means ejecting them from the room.

The case against Moore, 45, is proceeding in his absence because he refuses to

cooperate with security officers and be brought to court from a jail cell. Brown and the lawyers in the case visited Moore in the lockup, and the judge said in court the defendant was "very polite" but declined to talk to them beyond repeating: "I object to any silent contracts."

Jean Williams, Moore's mother, said he has been seeking legal advice from other inmates, but the main reason for his strategy is a belief that he will not get a fair trial.

"It's almost a no-win battle," Williams said.

Moore is accused of leading a drug-dealing group that waged a campaign of vengeance over the death of one of his relatives.

Prosecutors have said they held back some information from the defense team in order to protect their witnesses.

Rollins-Bey, who represented himself, was held in contempt for his outbursts and removed from the courtroom for portions of his trial. He and co-defendant Don Pulley were convicted of killing a man in an execution-style shooting, then torching his car.

His disruptive behavior also got him a stiffer sentence than Pulley, who was convicted on the same charges.

"It's kind of hard for me to sit back and just watch them do their little antics in the

courtroom," Reginald Goodman, the victim's stepfather, said in court as he urged the tough punishment for Rollins-Bey.

Rod J. Rosenstein, the U.S. attorney for Maryland, said his office has seen a number of "crazy stories" in which defendants try some variation on the idea that courts are powerless over them. Some claim to be representatives of the pope. Others quibble with their names being spelled in capital letters in court records.

The arguments can be frustrating to prosecutors, Rosenstein said, but rarely do more than slow proceedings down.

"It's sort of a desperation move," he said, and it's most often employed by defendants who have no chance of putting up a legitimate defense.

The notion that claims of Moorish-American heritage can help defendants evade prosecution circulates in the Baltimore City Detention Center, according to Romeo Joyner-El, who worked for the corrections department from 1985 until 2006. People are drawn to the temple because it offers a support network, he said, but some go astray.

Joyner-El, himself a founder of a Moorish-American temple in Rosedale, said inmates would sometimes ask him about the organization's doctrines as their trials approached. He said he tried to steer them away from arguing against the legitimacy of

the courts.

"We don't teach that," Joyner-El said. "This is something that some people who are in the [judicial] system use to keep from being responsible."

There are examples in Maryland dating back more than a decade.

In the late 1990s, Clinton Frazier-El tried to fire a federal defender who declined to file motions arguing that Frazier-El was an officer of a temple and could not be prosecuted. Frazier-El was sent for a psychological evaluation and eventually found competent to stand trial.

"We do not view his belief system to be delusional in nature, as it is loosely based on the doctrine of the Moorish Science Temple of America, a recognized organization in the United States," a report from his doctors said. "Mr. Frazier-El appeared to have exaggerated, added to, and distorted the doctrine to benefit himself."

Asaf-El, the Montgomery Village temple leader, said his group does not preach ideas about resisting the courts and urges his members to abide by the law. He is confident the judicial system will win out over supposed followers' claims that they are exempt from laws.

"Justice will get them," Asaf-El said. "We look at justice as karma and it will get you." iduncan@baltsun.com twitter.com/iduncan