

Illicity loose lips law to be argued in court

By Stephanie Simon, Los Angeles Times

STANDISH, Mich.- What the &?!? Chances are, when you read that sentence, you filled in the last word with an expletive. We knew you would. Still, we didn't print the word in question because we didn't want to offend you.

That's the odd thing about swearing. You know a whole slew of curse words; you may even say some yourself. But you don't want to read them in the newspaper or listen to them on the radio or hear them broadcast on the PA system as you stroll down a supermarket aisle with your children. Although we use them all the time, these words are taboo. They're censored. In Michigan, they're also illegal.

Well, not exactly illegal. It's OK to say "&?!?" if you're alone. For the last 102 years, however, it has been illegal in Michigan to "use any indecent, immoral, obscene, vulgar or insulting language in the presence or hearing of any woman or child." It's a dusty old law, tucked in a section of the penal code that bans unmarried cohabitation and exhibition of deformed human bodies. But it's law nonetheless. Just ask Timothy Boomer.

Boomer, a 24-year-old engineering technician, has been charged with

using obscenities in front of a woman and her children. The case goes to court Monday. And it's kicked off quite a debate in this one-stoplight town of 1,400, tucked beside Lake Huron. Boomer admits he talked dirty. It happened after he capsized his canoe while paddling down the Rifle River last summer. He was ticked off at falling in the water. And he was annoyed when his buddies guffawed. So he swore. Then, he swore more. It became a game, the swearing; his friends were hooting at him, he was splashing them, and they were all cussing each other out. "It wasn't out of anger or hostility or vulgarity," Boomer explained. "It was just clean fun." For him, maybe.

But not for the woman canoeing by with two young children. She covered her toddler's ears to block the smut. Her 5-year-old son heard it all. Nor was it fun for the sheriff's deputy patrolling the river. He could hear Boomer's F-words a quarter-mile away. And he decided that Arenac County, Mich., would not put up with such profanity. So he pulled over Boomer's canoe and charged him with a misdemeanor. "Our job is to uphold the law," Sheriff's Deputy Jim Mosciski said. "It was a good ticket." Needless to say, Boomer didn't think so.

Swearing, a criminal offense? That just didn't sound right. He called the

American Civil Liberties Union and got a lawyer. In district court Monday, Boomer's attorney will ask a judge to dismiss the case and declare the law unconstitutional. It shreds our right to free speech, he will argue. If that's not bad enough, it's also way too vague.

What today defines "indecent" ... in the age of MTV, shock trash radio and the Starr report to Congress?" Lawyer William Street wrote in his brief defending Boomer: Are political attack ads so "insulting" that they should not air in front of children? Are the Linda Tripp tapes so "immoral" the state must not let women hear them? Where do we draw the line?

Prosecutor Richard Vollbach Jr. has a simple response: People are smart enough to know obscenity when they hear it. And Boomer's outburst was most definitely obscene.

Vollbach defends the law as vital to "protect families, and particularly children, from loud and disgusting language." And what of the claim that it tramples free speech? "Balderdash," he responds. Shouting obscenities when you fall from a canoe hardly counts as speech, Vollbach argues. It's more an animal reflex, like crying when you're hurt. Surely it doesn't merit constitutional protection.

Vollbach also points out that similar local and state ordinances have been upheld in Oregon, Georgia and

Illinois. Both sides claim to have public opinion behind them. In truth, however, this town is divided as folks argue about the peculiar power of swearing. This case has touched a nerve not only in Standish, but across the state, and Boomer is bewildered by the hubbub. He only wanted to avoid a penalty of a \$100 fine and up to 90 days in jail. Yet somehow he's become a poster boy for free speech, or a symbol of the woeful decline of civility, depending on whom you ask.

In Arenac County, Mosciski hopes he will continue to be able to apply the law, which he's used on everyone from smelt fishermen with overly salty speech to drunks cursing blue streaks in the hospital emergency room. "I agree with it," he said. "I don't think that sort of language should be used."

But can we really bleep out profanity? Would we want to? Although we rank the expletives Boomer shouted among our language's top five most offensive words, they're also among the top five most frequently used, according to Timothy Jay, the author of "Cursing in America" and a professor at the Massachusetts College of Liberal Arts. We use these words precisely because they're offensive, Jay says, because they express emotions that can't be conveyed with a gentle "oh, darn" or "gee whiz."

"The language you use when you're angry or sexual or funny is part of how you define yourself as a person," Jay contends. Or as Jeff Robinson, owner of a Standish gym, put it: "There are a lot of other criminal acts out there that should be pursued. This is a silly way for Standish to get on the map."

Call it the cuss fuss. And listen in to an earful of it: It's the afternoon lull at the Standish Bakery, just one customer smoking over coffee at the counter, the whole place smelling sticky sweet like glazed doughnuts. Chatting as they clean up, employees Jannette Deering and Polly Ann LaBean find they agree: They're glad the police are going after foul language.

Oh, they both use profanity; of course they do. "I swear right along with the best of them," Deering says. But not in front of strangers or children. It's all about respect, they decide. Hurling dirty words in public is disrespectful. And yeah, sure, darn right it should be illegal. "You have a right to say whatever you want ...," Deering begins. "... But you don't have to use bad words to say it," LaBean interrupts, finishing the thought. "I like to be treated like a lady."

In their Harley-Davidson shirts and Harley-Davidson caps, looking gruff and tough and brawny, Bill Olsen and Jack Gardner jaw with their wives in

the smoky dusk of the Granton Inn bar. Like many locals, they're fed up with the carousing that wrecks the peace of the Rifle River each summer. Families go there for picnics and run into campers drinking themselves silly. It's become a real aggravation. So Olsen and Gardner are all for busting anyone who mouths off at the river. Matter of fact, they say, emphatic now, voices rising, cursing has no place in public at all. Except maybe at a hog rally.

"It's about time they started doing something about it," Olsen growls. His wife, Audrey, agrees: "If we allow kids to hear these things, then by the time they're adults, that's all they're going to know. That's how they're going to communicate. And then what kind of society will we have?"

Scott Allen snorts at the idea of prosecuting cussers. He's sitting in the bar with his fiancée and her 7-year-old son, kicking back over a beer and some chips. If you're so offended by profanity, he says, consider his advice: "You've got feet. Let them take you elsewhere."

Olympics committee expels 6 members, vows reforms

By Alan Abrahamson and Mike Penner, Los Angeles Times

LAUSANNE, Switzerland _ Aiming to blunt the biggest corruption scandal in the 105 years of the Olympic movement, officials on Sunday expelled six members and vowed to institute radical reforms in the way sites are selected for future Games.

International Olympic Committee President Juan Antonio Samaranch also announced that Salt Lake City would keep the 2002 Winter Games and the 2000 Summer Games will stay in Sydney, Australia, despite allegations of bribery, first in Salt Lake, later in Sydney, that precipitated the spiraling scandal.

Capping an emergency two-day meeting, Samaranch also said he has not once considered resigning, despite calls from outside the IOC for him to step down. But he said he will

ask for a vote of confidence on his leadership at a special IOC assembly in March, a vote members of the ruling executive board said Sunday night he is all but sure to win. "It should not have happened," Samaranch said at a news conference, a reference to the widening scandal. "We are very sorry."

Samaranch, in comments echoed Sunday by other senior Olympics officials, said he hoped the IOC can win back the confidence of athletes, the public and, perhaps most critically in the near term, the corporate sponsors that in recent years have helped make the Olympics a billion-dollar business.

Michael Payne, the IOC's director of marketing, said he believes the complex site-selection reforms, the expulsions and a series of other developments announced Sunday will send a "very strong message" to sponsors and others of the IOC's "resolve

and commitment to the get to the bottom of the matter."

In other actions Sunday: David Sibande of Swaziland resigned, the third IOC member to do so since the scandal broke. Three others remain under investigation. One more will receive a formal warning about his actions. In all, more than 10 percent of the IOC's members, 115 at the beginning of the year, have been implicated in the scandal.

Samaranch said he intends to send two top officials to Sydney in the coming weeks to investigate the situation there. Australia's Olympics chief revealed Friday that he offered \$70,000 in inducements to two African delegates the night before Sydney won the 2000 Game, by a mere two votes.

The IOC will establish a permanent ethics commission. A majority of members would come from outside

the IOC, and Samaranch said such a commission would ensure that the IOC "conforms with the world's best practices in self-governance."

The IOC will review every bid for the Summer Games of 1996, won in 1990 by Atlanta, through the 2006 Winter Games, to be awarded in June, for evidence of misconduct.

Finally, the IOC will try a new system for picking the 2006 Games: No more visits by IOC members to the six bidding cities or by city boosters to where IOC members live. And no vote by the entire membership of the IOC, as has been the case. Instead, a special committee, made up of eight IOC members, three athletes and others, will make the choice. No member of the executive board, the single most powerful panel in the IOC, will be part of the selection group, IOC director-general Francois Carrard said.

Samaranch, who will be a nonvoting member of the committee, said the process will be used as a trial for future votes.

The crisis in the Olympic movement was sparked last month with allegations that IOC members or their families got cash, college scholarships, medical care and other enticements from Salt Lake City boosters. But Dick Pound, an IOC vice president from Canada, said Sunday the seeds for the scandal were really sown in Los Angeles in 1984, when, for the first time, it became apparent that the Games could be put on for profit.

The 1984 Games netted a \$225 million profit; games in prior years had typically been a break-even proposition or a big loser. The 1976 Montreal Summer Games, for example, produced a deficit of more than \$1 billion. After the 1984 Games, increasing numbers of cities wanted

in on the action, hoping to capitalize on a revenue stream linked to the Games that Pound estimated Sunday is now worth "north of \$2 billion" to a winning city.

That kind of money produced a gift-giving, hospitality-showering, wining and dining fest, a culture of luxury and opportunity that many IOC members came to expect. "Out there at the edges; you know, the opportunities for temptation increase," said Pound, who led a special six-member IOC internal inquiry panel into events in Salt Lake City. Three other investigations are also ongoing, including one by the U.S. Department of Justice looking into the possibility of criminal wrongdoing.

After months of tribulations, church leader's trial set to begin

By Michael A. Fletcher, The Washington Post

The embarrassing revelations have tumbled out one after another for a year and a half, engulfing the Rev. Henry J. Lyons in a seemingly bottomless scandal and plunging the nation's largest black religious organization into disarray.

It began when Lyons' wife set fire to a \$700,000 waterfront home that the minister owned with another woman. Soon, the head of the National Baptist Convention USA Inc. was connected to a dazzling array of luxuries, including a 5.5-carat diamond ring, a mink coat and expensive cars _ many of which he is alleged to have purchased for his multiple mistresses. It was even alleged that the reverend enjoyed puffing an occasional joint in the comfort of the bathtub.

The nature of the charges may be salacious, but Florida prosecutors say Lyons is more than just a man of the cloth who fell victim to weaknesses of the flesh. Instead, they call Lyons, 56, a criminal who fleeced millions of dollars from corporations eager to do business with his denomination and used that money to finance his extravagant lifestyle.

A Florida jury is scheduled to begin hearing evidence Monday in Lyons' trial on grand theft and racketeering charges. If convicted, Lyons, the elected leader of an organization that includes at least 1 million black Baptists around the country, could face 30 years in prison. A federal trial

on charges of tax evasion, extortion, money laundering and fraud awaits him in the spring. Lyons' lawyers, however, contend the alleged theft is really no more than business deals gone bad. If anything, they argue, the entire matter is one for the civil, not the criminal, courts.

"This case is not about Dr. Lyons stealing from the church. It is about his dealings with corporate America who saw an opportunity to sell their wares to black America," said Denis M. deVlaming, a Clearwater, Fla., attorney who is leading Lyons' defense team. "It is like Michael Jordan. The corporations wanted his endorsement and they got it. Without Dr. Lyons' endorsement, they were not going to get their foot in the door." As president of the National Baptist Convention, deVlaming said, Lyons merely followed a long tradition in his denomination of personally controlling the group's considerable finances while observing no discernible accounting practices.

Indeed, in interviews with prosecutors summarized in court papers, former Lyons aides have said checks from denomination members across the country would frequently be sent to Lyons at his church in St. Petersburg. Frequently, Lyons would cash them personally and then deposit the money into church accounts, one of which prosecutors allege he set aside for his personal use. The aides said there were no records documenting those transactions other than bank statements and canceled checks, which Lyons kept locked in his office.

When it was time for Lyons to make financial reports to the denomination, he would draft them without the help of bookkeepers or accountants.

Moreover, the aides have told prosecutors that it was not unusual for Lyons as well as former convention presidents to divide large offerings, sometimes as much as \$70,000, with members of the group's governing board. And through the years, top convention officials have been the recipients of "love offerings" and other gifts, including automobiles, from convention members.

"Historically, it was shown that there was little concern for what the president did with money as long as he paid the convention's bills," deVlaming said. "Dr. Lyons was not the first individual to have the reins that he did on church business. There are specifics that we are going to go into to establish that what he did is not out of the ordinary."

Attorneys on both sides plan to rely on testimony from a wide range of denomination board members, former Lyons secretaries, past and present convention employees and executives of corporations that did business with the convention to make their respective cases. That testimony could shine a harsh light on the long history of lax financial management at the 104-year-old denomination, according to observers of the group.

"The National Baptist Convention is one of the more-relaxed denominations, in terms of what happens to the money after it is raised," said Robert M. Franklin, president of Atlanta's

Interdenominational Theological Center and a scholar on the black church. "The Lyons scandal is pulling the veil up on these informal financial-management practices. Everybody is appalled at what they see, and now there is a cry for reform, greater integrity and greater transparency in the organization."

Details of Lyons' financial dealings began emerging in July 1997 after his wife, Deborah Lyons, 50, set fire to a waterfront home near St. Petersburg. Authorities said the deed was an act of retaliation after she discovered her husband owned the property with another woman. The woman, Bernice Edwards, a convicted embezzler from Milwaukee and a former denomination employee, is being tried along with Lyons.

As the scandal has unfolded, Lyons, who had met with President Clinton and traveled widely as a Baptist leader, has been the subject of a series of embarrassing allegations. A former wife told a newspaper that Lyons had beaten her; he was found to have fathered two children out of wedlock. In court papers, prosecutors alleged that Lyons invoked Clinton's name and the Congressional Black Caucus in an effort to extort money from corporations.

Prosecutors have lined up a list of corporate officials who say their firms were defrauded by Lyons to testify against him. In interviews with prosecutors, the executives have said Lyons used his post as convention president to solicit contributions for charitable causes, only to pocket the

money. Lyons also stands accused of forging documents and collecting large sums of money as payment from corporations for signing deals giving them exclusive marketing rights to members of his denomination.

Not only did Lyons allegedly pocket those payments rather than share them with the church, but prosecutors say he did not deliver what he promised to the companies: the millions of Baptists that he has touted as willing customers. They say the denomination has for years wildly exaggerated its membership, claiming 8.5 million members while its actual membership could be as small as 1 million. In addition, they say, Lyons sold companies access to denomination membership lists that did not exist. When pressed to produce the documents, prosecutors allege, he simply concocted them by having an aide pull random names from telephone number databases and other sources.

Lyons also is accused of pocketing more than \$200,000 raised by the Anti-Defamation League to help rebuild the black churches burned in a suspicious series of fires several years ago. Florida prosecutors allege that Lyons pocketed most of the money, which was subsequently returned to the ADL once questions were raised about its use. Prosecutors also allege that Lyons stole hundreds of thousands of dollars solicited in the name of church schools, scholarship funds and drug-rehabilitation programs. The allegations have caused some in the Baptist convention to call

for Lyons' ouster. Some churches have cut off their financial support for the group and members say attendance at Lyons' own St. Petersburg congregation, Bethel Metropolitan Baptist Church, has dipped substantially.

Still, the bulk of the denomination's members have chosen to stand behind Lyons, ponying up large collections to pay for his legal defense and publicly declaring him redeemed for whatever sins he may have committed. For his part, Lyons has acknowledged making unspecified "mistakes" as convention president while casting himself as a victim of an overzealous white press and prosecutors who do not understand how his church operates. And despite his legal troubles, Lyons has said that he plans to run for a second five-year term as convention president next year.

DeVlaming said his biggest challenge in defending Lyons will be conveying to the all-white jury picked earlier this month that, to understand the case, they must realize the almost-unilateral control that Lyons enjoyed as his denomination's president. "It is going to be a real obligation and challenge to be able to educate them," he said.