

Appeals Court Favors Homosexuality Over Chaplain's Rights

By: Staff, Baptist Press
May 3, 2006

CINCINNATI, Ohio (BP)--Homosexual rights have trumped free speech and religious exercise rights in a federal appeals court decision involving a Baptist chaplain.

The Sixth Circuit Court of Appeals, based in Cincinnati, ruled officials of an Ohio prison had the authority to punish chaplain William Akridge for refusing to permit an open homosexual to lead an inmates' praise band in a Protestant worship service. The three-judge panel upheld a federal judge's decision rejecting Akridge's contention that his First Amendment rights were violated.

The ruling would appear to be a victory for workplace, anti-discrimination policies that include "sexual orientation" as a category when in conflict with religious exercise rights. Homosexuality is among behaviors covered by "sexual orientation."

Akridge, a 1968 graduate of Southern Baptist Theological Seminary in Louisville, Ky., prevented the self-confessed homosexual prisoner from leading the band in October 2002 at the Madison Correctional Institution. The inmate filed a complaint with MCI's deputy warden of special services, Bobby Bogan, who ordered Akridge to permit the homosexual prisoner "an opportunity to be one of the choir directors."

After Akridge declined to obey the order, he was charged with insubordination. Warden Alan Lazaroff fined Akridge two days' salary. Akridge was transferred to another correctional institution and filed suit against his superiors, alleging their retaliation against him was unconstitutional.

In papers filed with the court, Akridge said he believes "homosexual behavior is immoral, sinful, perverse and contrary to the teachings of the Bible and the Christian faith," The Cleveland (Ohio) Plain Dealer reported.

"The leaders that the chaplain selects implicitly implies an endorsement and approval of the lifestyle of the selected leaders," Akridge said, according to The Plain Dealer. He said a homosexual music leader "would violate my conscience and make me guilty in the sight of God."

In appealing the federal court's ruling, Akridge said the Ohio Department of Rehabilitation and Correction "has no interest whatsoever in whether there

even exists an inmate choir leader." He also argued his decision does not undermine an ODRC goal, since the chaplain carries the main responsibility for such determinations.

"Although it may be that Akridge could have disbanded the choir and/or praise band entirely, the facts appear to be that he did not do so; rather, he openly and intentionally excluded an inmate from such groups," the Sixth Circuit panel said in its April 26 opinion. "Even if the ODRC had no interest in the existence of the band, this would not vitiate its interest in preventing discrimination and its consequences."

Akridge is an ordained minister of the American Baptist Churches USA, according to the Sixth Circuit opinion.