



## City moves to condemn SBC church using eminent domain

By Erin Roach

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LONG BEACH, Calif. (BP)--City leaders in Long Beach, Calif., have classified the Filipino Baptist Fellowship's building as a blighted area and are forcing the congregation out in order to make way for condominiums.

The path for the case was laid when the Supreme Court ruled 5-4 last summer in *Kelo v. New London, Connecticut* that a city's use of eminent domain to transfer property from one private party to another may qualify as a "public use" protected by the Constitution.

John Eastman, director of The Claremont Institute's Center for Constitutional Jurisprudence who is defending the church, said the case -- the first involving a Baptist church -- may play a key role in reversing the high court's eminent domain decision.

"In my view, the Supreme Court made a terrible mistake in *Kelo*, and I think they know that and they're going to be looking for a way to extricate [themselves] from that case," Eastman told Baptist Press. "It seems to me that the best challenge to the principle of that case is a church case, where there is no economic output, so any economic development could then be utilized to take out the church under the *Kelo* theory.

"That's preposterous, so I think getting a church case up there in very short order may get them to rethink *Kelo*," Eastman said.

Currently, there are eight other active cases of eminent domain abuse against churches across the country, according to the Institute for Justice, a civil liberties law firm in Arlington, Va.

The city of Long Beach will hold a "hearing of necessity" March 13, when they are slated to vote on a resolution authorizing the city attorney to begin proceedings to condemn the property, said Eastman, who is working to stop the move.

During a segment on Fox News' "Hannity & Colmes" March 3, church member Sally Derro said when the church building was given to the congregation, it was an answer to many years of prayer.

"Every day, the young kids pray that this church would not fall," church member Jovine Augustine added.

Roem Augustine, pastor of the Filipino Baptist Fellowship, said the city has made proposals for an alternative site, but none of them have been acceptable.

“Either they are small in area or they are in the redevelopment area of the city, and we don’t want to move to a place where later on we’ll be told to move out again,” the pastor said.

One of the proposed relocation sites was a bar.

Eastman, on Fox, said the church building is not in any shape to be condemned.

“It’s not blighted. We’re not talking about a rundown slum that’s boarded up with bars on the windows,” he said. “The church is a vibrant church. So we’ll challenge whether they’re allowed to take it at all.”

The congregation has adequate legal grounds to argue the case, Eastman, a former law clerk for Supreme Court Justice Clarence Thomas, said.

“This is a church, and the Supreme Court’s decision ... didn’t involve a church,” he said. “I think the fact that it’s a church means we’re going to have to force the court to [re-examine] whether you can just take people’s private property for economic development when you’ve got an institution that doesn’t have an economic base -- it has a spiritual base for its contribution to the community.”

Part of the problem, Eastman said on Fox, is that the government has lost its way regarding its purpose.

“It’s supposed to protect our inalienable rights to things like our own property. They think their job is to collect as much tax revenue as they can to make things prettier in other parts of the city,” he said.

Meanwhile, Augustine, the pastor, said the church has united over the issue and is trusting God to work it out.

“We’re just resting on the promise of the Lord that He will not leave us nor forsake us,” he said.

Eastman told BP it’s ridiculous for a church building to be condemned in favor of a shopping center or something that would bring in more revenue for a city, and church members across the nation should be aggressive in fighting any attempts to take their land. In addition to the legal arguments, church members can have a political impact as well, he

said.

“A lot of eminent domain is done by a redevelopment agency that is actually the city council people wearing redevelopment hats,” he said. “That means they all face elections, and in many places in the country they can face recalls.

“What I would propose is people be ready with recall efforts or election efforts the day after any condemnation vote is taken, that councilmen who vote for these things ought to be held accountable,” Eastman said.

He also recommended ensuring that churchgoers show up at hearings on the issue in large numbers in order to get the attention of councilmen.

“In most jurisdictions, the board is required to have a public comment session, and they get one minute each. Well, one minute each by three people is not a big headache for them, but one minute each by 100 people or 300 people starts putting these things down until midnight or 1 a.m. and makes condemnation decisions very uncomfortable for them,” Eastman said. “We’ve got to start pushing it that way.”

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