

# MORE THAN HINDU RIGHTS AT STAKE

A New York State judge is being accused by the Hindu Temple Society of North America of violating the separation of church and state by injecting himself into the internal affairs of the religious body. The group has filed a motion in federal district court asking for injunctive relief.

The Catholic League is supporting the Hindus in their effort. At issue is whether the courts have a right to insist that the temple hold elections for its board of trustees. We think it is none of the government's business. That is why we signed a letter as *amici curiae*, along with several Hindu groups, to Judge Raymond J. Dearie of the Eastern District Court of New York in support of the Hindu Temple Society of North America.

*Below is an excerpt from a letter which the Catholic League signed supporting the Hindus in this case:*

In this letter supporting the Hindu Temple's request for injunctive relief, we seek to highlight two issues of grave concern to the religious liberty of not only Hindu Americans, but all Americans. The first issue implicates the right to free exercise as guaranteed by the First Amendment of the U.S. Constitution. If the order of the Supreme Court of the State of New York (the "Supreme Court") is not overturned, an unprecedented state-sponsored intrusion into the religious autonomy of the Hindu Temple as well as the religious practice of the Hindu community will be allowed in patent violation of the U.S. Constitution.

It is rather difficult to fathom the rationale, if any, the Supreme Court has exercised in its willful interference into the internal, sacred affairs of the Hindu Temple. The order mandating a state-sponsored referee to determine the method by

which the Hindu Temple structures and governs itself; who qualifies as a member, an inquiry which potentially includes determining who qualifies as a "Hindu"; and imposing rule by a majority of state-approved members, absent any legal basis, appears punitive and represents a potentially hostile interference into the sanctity of the Hindu Temple.

It also clearly interferes with the Hindu Temple's ability to function, let alone exercise its religion, as the Board of Trustees, which as an entity has governed the Hindu Temple for the past thirty years, is no longer able to conduct its business including appointing, hiring and dismissing priests; exercising authority over the design and expansion of the temple grounds according to Hindu religious principles; managing the scheduling of religious services at the temple; deciding which divinities will be honored as well as the forms of devotion that will occur at the temple; controlling the finances of the temple; and all other aspects of religious and temporal activities associated with the temple.

Further, though the determination of the qualification of a "member" by the state-sponsored referee may appear benign, in the context of the faith at issue, it can and will be problematic. Traditionally, Hindu temples do not have a membership as understood by majority faiths. Indeed, a Hindu may frequent a particular temple, but he is not considered to "belong" to that particular temple. A temple is a sacred place of worship open to all seekers. And because Hindu temples, both in India and abroad, have not traditionally had "memberships," several communities in the U.S. govern their temples similarly to those in India and abroad, entrusting management of the temple affairs to a Board of Trustees. However, regardless of the construct of self-governance used by any temple in the United States, this is a function that must be left strictly in the control of adherents of the particular faith and not in the hands of the government.

Today, more than 1,500 different religious bodies and sects

co-exist and flourish in the United States. It is the secular ideals of our forefathers, including the separation of church and state and the right to free religious exercise, that have allowed religion to thrive in the United States while enabling peaceful coexistence among a plurality of faiths. The Supreme Court's order threatens these very ideals, as well as every law and precedent pertaining to fundamental, constitutional rights.

The second issue of concern invokes the Fourteenth Amendment of the U.S. Constitution. Clearly in violation of the constitutionally guaranteed right to equal protection under the law, the New York Religious Corporations Law distinguishes between different faiths, providing legal benefits and custom-tailored laws to majority religious organizations, such as Baptist, Methodist, Presbyterian, and Roman Catholic churches, while minority religious organizations, such as Hindu, Muslim and Buddhist, are pigeon-holed into two ambiguous subsections referred to as "Free Churches" and "Other Denominations" where laws are not individualized to best fit their needs and in some cases, may impose legal disadvantages.

For the foregoing reasons, we strongly urge this Court to grant the Plaintiff injunctive relief.

*The Catholic League's support has been gratefully acknowledged by the Hindu Temple Society of North America, Flushing, New York, and by the Hindu American Foundation in Tampa, Florida.*