

JUSTICE

Hare Krishnas in the Dock

They are as familiar—and sometimes as annoying—to airline travelers as stacked-up runways: teams of Hare Krishna devotees spread through terminals, chanting their mantras, seeking converts and coins. Krishnas consider this exotic rite to be a religious obligation, called *Sankirtan*, which they must perform in places where nonbelievers, or *karmi*, gather. For a decade the courts have usually upheld the right of Krishnas to solicit at depots, shopping malls, office buildings and fairgrounds, wrapping First Amendment protection around their flowing saffron robes. But in a recent controversial deci-

whole approach was fraudulent and deceptive," says Thomas J. Maroney, an assistant New York attorney general.

The Krishnas confidently predict that Judge Munson will be reversed on appeal. "It's a significant decision only because it took the Krishnas apart," says Los Angeles attorney Barry Fisher, the group's general counsel. Leaders of the sect flatly deny encouraging fraud. They say that police and the criminal courts can deal with any incidents and contend that Munson can't use isolated—and in some instances questionable—examples to restrict the entire group. They also suggest that the judge relied

too heavily on the testimony of a de-programmed Krishna member who had never been to the New York fair.

Gaining Access: Fisher can afford to take the Syracuse setback in stride because of his impressive record of victories elsewhere. In the last decade the International Society for Krishna Consciousness (ISKCON) has started about 100 court cases to gain access to airports, fairgrounds, zoos and Federal buildings, and has won or favorably settled most of them. In August a U.S. appeals court ordered the Krishnas admitted to the Maryland state fair; next month they will attend the Texas state fair, the largest in the nation, under an edict that requires them to wear identification badges and no disguises.

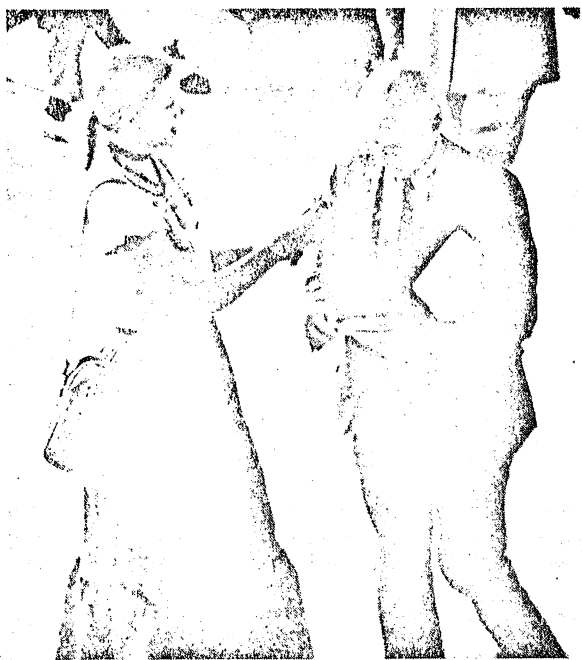
ISKCON has been particularly successful challenging airports, many of which tried to bar them completely. Although airport managements frequently post notices telling travelers that they do not condone solicitations, they have agreed to a variety of arrangements, ranging from nearly total run of the international arrivals building at New York's John F. Kennedy airport to confinement in special booths in Atlanta. Next month new regulations will take effect at National and Dulles airports near Washington, run by the Federal Aviation Administration. Those rules will limit the number of solicitors and keep them away from ticket counters and baggage areas.

The Krishnas are the legal heirs to the battles won by the Jehovah's Witnesses 40 years ago. In that era many communities regarded the Witnesses' evangelists as tendentious nuisances and often had them arrested. The U.S. Supreme Court halted that harassment by ruling that states could not interfere with such

constitutionally protected expression unless officials could show a "compelling" reason. The Krishna cases tend to turn on just that issue: judges have refused to consider increased litter, impeded traffic or harm to neighboring businesses as sufficient causes to ban solicitation. And the Krishna victories have often allowed other religious sects to gain similar solicitation rights. "Whether people like it or not, ISKCON's cases have made a great contribution to keeping the public marketplaces a forum of ideas," insists lawyer Fisher.

Some official reasons prove to be better than others. Last month, for instance, a Federal judge in New York City upheld a rule barring the Krishnas from working in front of the United Nations building. "That rule applies to hot-dog vendors and everybody else," says deputy police commissioner Kenneth Conboy. "It is based on a legitimate security factor." Now it is up to a U.S. appeals court to decide if there was sufficient evidence to support the sweeping Syracuse decision and, if so, what would be the best remedy for such a scam. If the Krishnas win the New York fair case, their decade of litigation may soon be over; if they lose, their lawyers will soon be as busy as air-traffic controllers.

ARIC PRESS with JANET HUCK in Los Angeles and
HELENA JOSHEE in New York



Harry Goodman—Washington Star

Seeking donations: A pattern of fraud and abuse?

sion, a Federal judge in Syracuse, N.Y., declared that "the Krishnas are engaged in a widespread and systematic scheme of accosting, deceit, misrepresentation and fraud on the public," and confined their fund-raising efforts at last month's New York state fair to a clearly labeled booth.

While the Krishnas have occasionally lost court tests, the 43-page decision by U.S. District Judge Howard G. Munson was uncommonly stinging. He found that the roving solicitors had engaged in a pattern of abuse which included: not identifying themselves, claiming to collect money for needy children, targeting teenagers and retarded adults for pitches, short-changing donors, and using "experienced 'thieves'" to teach new members. After the trial, Munson concluded that the Krishnas were free to roam the fairgrounds only to talk about their religious beliefs. "We made a factual record in this case that their