Religion/Eric Mankin

CHANTING FOR DOLLARS

". . . While airports and angry travelers complain of harassment and fraud, Krishna devotees are winning legal battles to solicit funds . . ."

Everywhere are His hands and legs, His eyes and faces . . .
—BHAGAVAD-GITA, 13:14

IT IS A SMOOTHLY functioning drill here at Los Angeles International Airport, familiar in some variation to almost any American who has traveled on a commercial airline in the last five years. There, in the flight lobby, stands a bewigged greeter, grinning at you like a long-lost friend, holding out a hand in welcome.

Shake the hand, traveler, and be asked, where do you come from? Even as you answer, your welcomer has removed his hand from yours. Suddenly, you are holding a brightly colored volume; the greeter's hands are folded or otherwise unavailable for the book's return. There follows an earnest request for a contribution, to defray the cost of the "gift."

The arm extended belongs to the International Society for Krishna Consciousness, Inc. (ISKCON), the American umbrella group for the sect familiar to most of us as the Hare Krishnas. It is an arm that the best efforts of the powerful airline industry have been completely unable to stop, and barely able to regulate. It is an arm that brings in millions of untaxed dollars despite the protests of travelers and airport officials and in the face of endless litigation in courts across the country. The practice, which Krishna devotees call *sankirtan*, is carried out not only in the major airports, but in smaller ones, in at least 35 cities, from Anchorage to San Juan. It is now as much a part of flying as metal detectors. And it is all, according to the devotees, for our own good, though many of us may be too mired in *maya*—the illusions of this world—to appreciate it.

FINANCIALLY, the practice is also good for the Hare Krishnas. A big chunk of ISKCON's income is reaped from airport soliciting. Officials at Chicago's O'Hare International estimated, after observing devotees there in 1978, that ISKCON grossed an average of $40 per eight-hour day for each devotee, and proportionally more for longer stints. ISKCON public affairs director Michael Grant (Sanskrit name Mukunda) of the Los Angeles temple thought this was a fair estimate, though he noted that "some guys'll come back with more than a hundred bucks" consistently.

According to former L.A. temple devotee Till Liepmann, the higher figures are not unusual. Liepmann, now a graduate student at the University of Arizona, re-

members a blackboard, in the room that was sankirtan headquarters, where names of particularly adept devotees were listed alongside their day's takes. About 25 names were on the board, and figures of over $100 were the rule, with some going as high as $225.

On an average day, Liepmann told me, there are about twenty devotees working LAX, which would add up to an ISKCON take of over $5,000 a week even at the $40-per-day figure, and without accounting for the weekend- and holiday-time increase in the number of solicitors. Internal documents which I saw posted on a bulletin board at the office of ISKCON's book-publishing arm, the Bhaktivedanta Book Trust (BBT), indicated that the Berkeley temple did a volume about two thirds the amount of the sect's larger, 400-member L.A. chapter.

According to figures cited in relation to a recent suit filed by the L.A. temple, devotees brought in some $762,208 from sankirtan in 1976, the last year for which figures were available. In the same year, BBT netted $1,377,247 income on book sales of $4,027,539.

The official Krishna declaration is that sankirtan does not involve a "sale" of books. What goes on, devotees say, is the "gift" of a book or *Back to Godhead* magazine, followed by a contribution to cover costs of printing. Actually, even *Back to Godhead* at one point referred to book "sales" at the airport, and by numerous accounts a person who tries to walk away with a "gift" book without making a return "gift" is pursued and often has the book snatched back by a devotee. The difference between selling and gift-giving is important for ISKCON to maintain, however, since there is a thick legal line drawn between the use of a public place, such as an airport, to carry on a commercial activity, and the use of the same place to exercise First Amendment freedoms.

THE EXPERT on this legal issue is Barry A. Fisher: intense, bespectacled, still in his early thirties. He has represented ISKCON in scores of court cases—against county fairgrounds, shopping centers and airports across the country—from his Beverly Hills law suite, which is lined with the complete works of A. C. Bhaktivedanta Swami Prabhupāda, the sect's late spiritual leader, as well as the more traditional law texts. Fisher, whose cable address is ARJUNA, after the warrior hero of the Bhagavad-Gītā, the sect's "bible," estimates he has handled about 30 cases against different airports, not counting the suits against various other entities. But he is not a devotee and allows himself only the most minimal of shrugs when a reporter suggests that a case load like this—scores of suits involving continuous transcontinental travel—must involve six- or seven-figure billings, saying only that he has "never added it up." He does acknowledge, however, recent court victories that brought awards of attorney fees in Krishna cases: $26,000 in Seattle, $18,000 in Chicago.

Prompted, Fisher runs smoothly through the constitutional argument: Sankirtan, he explains, "is the Sanskrit term for the activity, required for the

Illustrated by Douglas Bevans

"... At LAX, signs warn that solicitation is unlawful. At SFO, signs announce that Krishnas have First Amendment rights to ask for money ..."

exercise of ISKCON's form of Hinduism, of ritual going out and preaching." Included in the activity are the distribution of literature and the request for contributions. Such contributions, he says, are "the lifeblood and mainstay of the Krishna Consciousness movement."

Since solicitation has been found to be a protected First Amendment activity, "the concomitant reply of giving money is also recognized constitutionally," and he cites the case law. Airports, he says, are particularly attractive for sankirtan, "if one's purpose is to contact as many people as possible."

Airport officials around the country can testify to the potency of these arguments in federal district court. I was unable to find, calling around to numerous airports and to the Airport Operators Council International, any that had succeeded in barring Krishna solicitation, though many had tried and were still trying to do so.

LAX IS A RICHER airport than most for Krishnas. Not only is it bustling, but it is also wide open to Krishna solicitation—paradoxically, because of the zeal which has characterized L.A. efforts to get rid of the devotees. Most, if not all, other airports in the country have admitted that the Krishnas have a First Amendment right to be on the scene. Once this right is admitted, courts generally allow airports to put "time, place and manner" restrictions on solicitations, which can include limiting numbers of solicitors and places where their work can occur. San Francisco Airport, for example, has large plaques which announce that, pursuant to the First Amendment, solicitation is going on, though the airport does not endorse it.

There are signs at the Los Angeles airport, too, but they say nothing about First Amendment rights. Instead, they warn passersby that all solicitation is strictly forbidden by law, and in such menacing language that the easily impressed may be afraid to ask for a light. The signs are ignored by the Krishnas with cheerful and absolute impunity.

How can the two airports' signs differ so much? The paradox has the following legal history behind it, according to Lawrence M. Nagin, the senior assistant city attorney who handles LAX's legal affairs. When Krishnas first appeared at LAX in 1975, they quickly won a court injunction giving them the right to distribute their religious material and ask for donations *outside the terminal*, free from police interference.

Krishnas were subsequently busted for soliciting funds *inside* the terminal and convicted of violation of a city ordinance against asking for donations on city property, only to have the conviction tossed out when the State Supreme Court ruled that the ordinance was unconstitutional. Since then the airport has been completely open—although last spring the city attorney did manage to have a court order put into effect which, while not limiting the number of solicitors, warned in stern judicial tones against specific areas of potential Krishna misconduct. But the LAX signs remain, despite their apparent irrelevance.

One charge made by the city was physical violence and intimidation. A Western Airlines mechanic named Paul Marks was attacked on December 23, 1978, with what he believes were brass knuckles, after an altercation with Krishna solicitors. Marks received more than 50

"... Disguised as a French traveler, I was short-changed $1.60 by one woman devotee . . ."

stitches; there was never an arrest. Robert Grant, head of the L.A. temple, issued a statement following widespread publicity about the attack in which he called the brass knuckles story "hogwash."

But the denial from Mukunda, ISKCON's public affairs man, was much softer. When the subject of the Western Airlines attack came up, it was the only time he seemed upset during our interview. "It is quite possible," he said, "that someone who sympathized may have done something, but no one *now here and in good standing* would do such a thing [my italics]." He went on to say, somewhat contradictorily, "Who knows what could have provoked it," and then, that ISKCON had "investigated thoroughly and found there was nothing to it."

Far more widespread than accusations of force are complaints of Krishna fraud. The LAX experience of Mr. Cary L. Griffen of Forney, Texas, embodies both complaints—and these complaints have arisen more than once, against more than one Krishna airport solicitor.

Griffen said in an affidavit that, on July 9, 1978, he was entering the Delta Airlines lobby when he was pulled aside by a young man who "placed in [his] hands" a book, then said he was seeking donations for "muscular dystrophy." Griffen said he only had a $10 bill and a $20 bill, "but if he would change the ten . . . I could spare a dollar." After a long, rambling spiel, the young man offered to break the $20 bill in exchange for a $5 or $10 donation. Griffen renewed his offer to donate $1, but, he claims, the solicitor became "overbearing and demanding, finally making a lunge as if he were going to grab my wallet." Finally, after a threat to call airport security, the devotee thrust back the money and grabbed the book.

The shortchange aspect of Griffen's complaint is not isolated. San Francisco, Denver, Seattle/Tacoma, Chicago, Philadelphia, Minneapolis, Dallas and Atlanta airport authorities described the same tactic: When a Krishna devotee spots a large bill, say $20, while asking a traveler for a contribution, he asks to change it for smaller bills or singles.

Out-of-state travelers like Griffen are favorite targets, but foreign travelers unfamiliar with American customs and currency are even more vulnerable to shortchanging, Krishna observers say, since they are the least likely to be around later for a trial. Pierre Denard, Air France station manager at LAX, remembers an occasion when two mayors from French Polynesia, who spoke only French, handed over some 500-franc notes, worth $120 each, and got back $48 change. "Many of the foreign travelers I have seen solicited by Hare Krishna members appear to be very confused by their actions, and further, appear to feel obligated to give money," says Denard. "This is especially true when the traveler is presented with a small American flag in a large, obviously government-owned airport."

NONE OF THESE allegations was contradicted when, in July, I wandered around LAX looking transient, with a $20 bill in my wallet and a vulnerable expression on my face. In the four times I was solicited by Krishna devotees (I found groups of several solicitors in four different terminals on one day), techniques supposedly outlawed by a restraining order were used twice.

For example, a person wearing a student-teacher badge identifying herself as Margaret Zubinsky hailed me ("Where are you from, handsome?"). When I expressed interest in being called handsome, she told me she was "from a student-teacher group here in L.A." and asked me to donate to this group's drive "to help underprivileged children."

"What kind of underprivileged children?" I asked, at which time she abruptly shifted the proposed use of the funds to "[purchasing] a lot of philosophy books [for] different colleges and universities."

There was even more confusion about making change for my $20 bill. The Los Angeles injunction specifically forbids "making or providing change only after being repeatedly requested to do so, when the [ISKCON] solicitor has previously indicated that he or she will readily make change or return a specified amount of money to an individual solicited. . . ."

When I asked Zubinsky to make change for a $2 contribution out of my $20, she said she could gave me back $10, and then presented me with a complicated conundrum: If I could answer it, she said, I would get a book. There I was, half my money in my hand, half in hers, a riddle in the air.

After the riddle, there was an invitation to a Hare Krishna dinner. When I became impatient, more change appeared: first an additional $5, with a request that I donate the remaining $5, then a sudden change of subject; next, $2 more appeared, followed by another change of subject—"Where are you headed to right now?"

"Are you going to give me another dollar?" I asked, and, after more hesitations, she finally surrendered an additional dollar in change.

For all this, I did better here than I did

across the airport at the international arrivals' terminal. Here I spoke only French, mixed with a few words of English, to get an idea of the welcome a traveler from abroad might receive. I was greeted by Renate Clark, with what was apparently a prememorized pitch in French, asking for "une contribution." She told me in English that French money would be gratefully accepted, and in fact, when she opened her wallet, a plump wad of foreign currency was visible. I held out a $20 bill, and asked for $19 back in French, and then the number, nineteen, in English.

Perhaps my English was hard to understand, because the money came back extremely slowly. It was, basically, the same song and dance as before, except that I was ultimately shortchanged $1.60.

To be fair, during my first encounter that day with a Krishna solicitor, a man named Harepada, I was given my change back swiftly, right on the dollar with minimal delay and only a mild pitch. To be equally fair, I fumbled my dumb tourist act so severely with Harepada that on the way out he asked me if I was a cop.

THE TWO recurring allegations, of shortchanging and of misleading identification, were the basis of a civil lawsuit filed against ISKCON in October, 1977, by the Alameda County D.A.'s office, which has jurisdiction over the Oakland airport. And this particular complaint was in some ways the most successful action ever taken against the sect's airport practices. It was the inspiration of Ed Weishaar, of the Oakland Police Department, who had been frustrated while observing Krishna activities which seemed to him questionable but which were not standard misdemeanors. Instead of going to the main criminal division of the Oakland D.A.'s office, the savvy Weishaar took his report to the consumer fraud section.

This action of Weishaar's finessed the issue of the First Amendment. Then–deputy D.A. Jeff Davis (now in private practice in San Francisco) points out that the California commercial code is specific about what a business can and cannot do. Religious businesses have no special First Amendment privileges to misrepresent or shortchange. Moreover, the code holds businesses responsible for the actions of their agents, averting the prospect of endless, minor actions against individual solicitors.

Davis, who prosecuted the case, sent out investigators, disguised as travelers and carrying tape recorders, to the airport. But the action never went to trial: Soon after the filing, ISKCON left Oakland airport.

(Weishaar is, incidentally, one of a number of airport police who have observed the following intriguing sequence

of events: A woman unloads a wheelchair from a van, sits down, and wheels herself into the terminal, where she solicits on behalf of the Krishnas. At the end of the day, the same woman gets out of the chair to go home. Similar scenes have been reported at other airports.)

BERT E. DOUGHERTY III (Sanskrit name Gopavrindapala; Gopa for short) is the head of sankirtan operations at the Los Angeles temple, and frequently travels from temple to temple around the country as a sankirtan expert. He admits that because devotees are "very enthused to give out the books, they are sometimes a little bit of a problem, which we're trying to quell." Currently the Los Angeles temple has a "quality control committee," which is overseeing difficulties. He adds, "We've had certain people . . . we've told them not to go out."

He says that devotees wishing to do sankirtan are given an orientation before they go out, but he described the orientation as "pretty basic." "I've heard about accusations of shortchanging," he says, and he admits that "there may be some validity" to some complaints. But how could a similar pattern for shortchanging arise in at least eight different cities, separated by thousands of miles?

"The tendency is there," he says, sounding a little sad about it. "They want to pass out the books. The mind is a devious thing. There's no plan to do this [shortchanging], either over the table or in the ISKCON underground. . . . It's maybe just something that one develops in Chicago, another in L.A."

Gopa vehemently denied that any pressure is ever brought to bear on distributors to bring back money or book quotas, although he did say that devotees were expected to bring back a certain minimum amount of money per book.

But more significant than numerical quotas may be the philosophy taught to devotees. Liepmann recalls that people who are not Krishna members were referred to semidisdainfully as "karmies." He says he was told that karmies "exist in illusion" and are unable to determine what is good for them. Therefore, "it didn't matter if you lied to them." And any contribution, given for whatever reason, would help to make them less evil, he remembers being told several times.

According to publicist Mukunda, the philosophy does have this curious aspect: Even unintended consequences of actions rebound to the spiritual credit of the karmie. So, for example, if I accidentally drop some money, and this money is used for Krishna, I will receive benefits—if not in this life, then in a future one when I am reborn. Mukunda was careful to add, however, that the lost money should be returned. ■