

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Times
(Cl. D. 1,043,028)
(Cl. S. 1,289,314)

JUN 23 1981

Allen P. E. B. Inc. 1981

NY Times Jun. 23, 1981
Wall St. Journal Jun. 25, 1981
LA + Jun. 23, 1981

Court Upholds Krishna Fund Solicitation Curbs

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By JIM MANN, Times Staff Writer

WASHINGTON—The Supreme Court Monday upheld restrictions on the ability of members of the Hare Krishna sect to solicit for money throughout crowded public places like state fairgrounds.

By a unanimous vote, the justices decided that a Minnesota regulation confining the selling of literature or other money-raising activities of Krishna adherents and other groups to booths or other fixed locations at the state's annual fair did not violate the Krishnas' First Amendment rights.

The justices approved also, by a 5-4 vote, the right of state officials to restrict the Krishnas to booths even when they merely want to give out literature, such as the Bhagavad-Gita, a sacred Hindu text, to fairgoers.

Minnesota's "booth rule" and the decision upholding it left Hare Krishna members free to wander through a fairgrounds talking to individuals and proselytizing for their religious beliefs. But, any time they wish to ask for money or distribute written materials, they must go to their booth.

The ruling was handed down in one of a series of cases filed around the United States in which the International Society for Krishna Consciousness, the formal name for the Krishna sect, has challenged local restrictions on its right to solicit funds at state fairs, airports, arts

centers and other public places.

Monday's decision (Heffron vs. ISKCON, 80-795) applies directly only to state fairs. But the court set down guidelines for limitations on soliciting that might be used by local authorities to impose curbs on religious fund-raising in other busy places.

In the past, the Supreme Court has ruled that, although the First Amendment prohibits government officials from banning speech, it does not prevent them from regulating the time, place or manner in which speech is exercised. For example, the court has held that local authorities may ban the use of sound trucks and regulate parades.

Restrictions Held Legitimate

On Monday, following the lines of these earlier rulings, the justices decided that confining Hare Krishnas and members of other religious groups to booths at a state fair is a legitimate restriction on the time, place and manner of their First Amendment rights.

Minnesota's annual fair, held on a 125-acre site in St. Paul, attracts an average of 115,000 persons each weekday and 160,000 on Saturdays and Sundays over a 12-day period each summer.

In 1977, the Krishna movement filed suit to challenge the state's "booth rule." It contended that all adherents of the Krishna sect are

required to engage in a religious ritual called "sankirtan," in which individuals demonstrate their faith by going out into public places to sell literature and solicit contributions. The fair's booth rule infringed on their rights to free speech and free exercise of their religion, the Krishnas argued.

A trial judge upheld the constitutionality of the fair regulations, but last year the Minnesota Supreme Court overturned this decision, finding that the fair rules violated the Krishnas' First Amendment rights. On Monday, in a decision written by Justice Byron R. White, the high court upheld Minnesota's appeal of the state court ruling.

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The court pointed out that Minnesota's regulations were applied even-handedly to all religious and political groups seeking to raise money or solicit funds. If fair officials let the Krishnas solicit throughout the fairgrounds, White said, they would have to let all other

organizations that rented booth space—such as Baptist and Lutheran groups or organizations involved in the abortion controversy—do likewise.

White said he believed the booth rule was justified as a crowd-control measure. "It is apparent that the state's interest in the orderly movement and control of such an assembly of persons is a substantial consideration," he wrote.

In a dissenting opinion, Justice William J. Brennan Jr. said he thought the court should have struck down that part of the fair regulation that barred the Hare Krishnas from merely distributing literature throughout the fairgrounds. That part of the rule, Brennan said, "constitutes a significant restriction on First Amendment rights."

Justices John Paul Stevens and Thurgood Marshall signed Brennan's dissent. These three justices said also that they believed the Minnesota regulation should be justified not as a crowd-control measure but as a means of preventing fraud.

A fourth dissenter, Justice Harry A. Blackmun Jr., wrote separately that he also thought the curb on distributing literature was unconstitutional. However, Blackmun said that he agreed with the majority that crowd control was the best rationale for the booth rule.