

Legal Ramifications of Religious Freedom Discussed

By LESLIE WINES

New York Correspondent

Ever since the First Amendment was adopted, the United States has defined itself as a land prizing religious freedom and debate. The U.S. Constitution, with its exceptional emphasis on unrestrained spiritual expression, provides important freedoms to SGI-USA members as they now contend with the Nichiren Shoshu priesthood, a religion masquerading as Nichiren Daishonin's Buddhism.

Recently at the New York Culture Center, Culture Department legal division members presented "Religious Freedom in America," a panel discussion exploring how U.S. law aids SGI members as they speak out against the priesthood's injustices. The discussion was made poignant by the fact that it took place against the backdrop of Nichiren Shoshu's demolition of the Grand Main Temple. The SGI is investigating various legal options to preserve the Main Temple, an architectural masterpiece in Japan that housed the Dai-Gohonzon and was built primarily with funds from SGI members. During a Q-and-A period, members asked panelists about the possible legal remedies. Audience members also noted that the priesthood now controls Myosetsu-ji temple in Queens, completed in 1984 with funding from SGI-USA members.

Although the session produced no immediate legal plan of action for retaking either of these structures, the questioners' sense of outrage vividly illustrated why the SGI has taken a stand, as well as why the U.S. Constitution guarantees the broadest forms of religious expression.

The first panelist, Manhattan attorney Roger Algase, noted that the United States' first settlers were fugitives from religious persecution. Mr. Algase also explained why U.S. courts traditionally have not examined religious doctrines in deciding property disputes involving churches and temples.

He noted that in the England the settlers left, church property disputes were generally settled by the courts, with judges analyzing both real estate property claims and doctrinal differences. The U.S. Constitution's framers, however, crafted the First Amendment to prevent judges from acting as authorities on matters of faith. This forced the courts to consider only points of real property law when two or more conflicting religious factions laid claims to the same church or temple.

"At first, it might sound great for the SGI-USA members," Mr. Algase said. "If the temple dispute had happened under old English law, we might have used it to reclaim the Queens temple."

But the First Amendment specifically restricts judges from reviewing doctrinal differences so as to protect citizens from the abuses of authority that might have occurred if judges acted as religious experts. Mr. Algase emphasized that the courts were restrained from acting as religious experts to protect the freedom of all to speak out on spiritual matters.

"So let's speak out about what the temple has done," he said.

Another panelist, SGI public information officer Andrew Gebert, said that the Daishonin's Buddhism also places heavy emphasis on religious freedom from state interference. "After his exile to Sado Island, Nichiren Daishonin was offered a deal: The government offered him a temple — if he would stop refuting erroneous religions," Mr. Gebert said.

"The Daishonin said no, because if he had stopped criticizing other religions it would amount to a denial of religious freedom," Mr. Gebert said. "The Daishonin wanted to

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ensure that religion is debated in religious terms, and that religious debate cannot be controlled by the manipulations of authorities.”

He added that the Daishonin and the successive SGI presidents have always called for vigorous yet respectful and nonviolent debates on religion. While legal avenues will be pursued, religious discussion will continue to play a stronger role — stronger than judicial decisions or authoritative mandates — in guaranteeing the future of the Daishonin’s Buddhism, he said.

As befits a free religious discussion, audience members left holding a variety of views. Some noted that U.S. law and its application are somewhat elastic. They suggested that both U.S. and Japanese law could be altered to allow claims against the priesthood. Such claims might lead to the preservation of the Main Temple, as well as the return of Myosetsu-ji to the members who in large part paid for it, they said.

Other members took a different perspective, mentioning that although the priesthood’s control of the Main Temple and other temples built with lay believers’ funds is profoundly unethical, their struggle against the priesthood has loosened their attachment to a specific location or structure.

These members said that they have experienced a deep form of religious revolution, which has left them confident that the principles the Daishonin expressed in the Dai-Gohonzon exist in their hearts and can be tapped from any location where they chant sincerely. Such a realization constitutes the ultimate freedom from religious authorities and is the great benefit of their struggles in this decade, they said.

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