

## Minority Religions and Criminal Justice

### **Key Words:**

Rituals, Sikhs, Perception, Non-Christian, 9/11, First Amendment, discrimination

**Description:** This brief will illuminate the challenges that minority religions face in exercising their rights

### **Key Points:**

- The Christian faith dominates the social understanding and perception of all other religions in America and therefore dictates the legislative actions governing minority religious practices
- Minority religions are able to defend their practices and assist in widening the scope of comprehension of the Free Exercise Clause of the First Amendment
- Members of minority faiths still face discrimination from local government bodies and at work and are constantly challenged to defend their right to practice their faith in tandem with living their lives

In America, where freedom of religion and the exercise thereof is protected by the Constitution's First Amendment, the dominant perception of the religious landscape is that it is mostly Christian with a small number of non-Christian religions practiced on society's fringes. While this picture of America's religious make-up may have been accurate generations ago, today's religious vista is considerably different from the more homogenous terrain that America was for most of its existence.

A number of recent surveys have shown that certain religious perspectives are increasing in numbers via new followers who can be traced back to the majority religions of Christianity or Catholicism. Moreover, other religions are also increasing in numbers and/or notoriety in America due to immigration or natural population growth within certain communities.

Looking back at religious tolerance in early colonial America, it is clear that the intention of the protection of religious freedom was meant mainly for Protestant Christianity. While Catholicism and Judaism were tolerated, these religions were seen more as cults than as valid religious perspectives. This sentiment was widely held until the mid-twentieth century when the make-up of the American demographic began to change dramatically. The intermingling of religion with politics became more

pronounced, starting perhaps with the election of John F. Kennedy as America's first Catholic president. More recently, the issues surrounding the state of Israel are weighed in on by the American Jewish community and the evangelical branch of Christianity has strong connections to communities worldwide as seen in the recent outlawing of homosexuality in Uganda.

Three religions in particular, Santeria, Sikhism and Native American faiths, have been influenced by the American justice system and have received unfavorable treatment from society at large as well.

**Images:**

**Top Twenty Religions in the United States, 2001**  
(self-identification, ARIS)

<b>Religion</b>	<b>1990 Est. Adult Pop.</b>	<b>2001 Est. ADULT Pop.</b>	<b>2004 Est. Total Pop.</b>	<b>% of U.S. Pop., 2000</b>	<b>% Change 1990 - 2000</b>
Christianity	151,225,000	159,030,000	224,437,959	76.5%	+5%
Nonreligious/Secular	13,116,000	27,539,000	38,865,604	13.2%	+110%
Judaism	3,137,000	2,831,000	3,995,371	1.3%	-10%
Islam	527,000	1,104,000	1,558,068	0.5%	+109%
Buddhism	401,000	1,082,000	1,527,019	0.5%	+170%
Agnostic	1,186,000	991,000	1,398,592	0.5%	-16%
Atheist		902,000	1,272,986	0.4%	
Hinduism	227,000	766,000	1,081,051	0.4%	+237%
Unitarian Universalist	502,000	629,000	887,703	0.3%	+25%
Wiccan/Pagan/Druid		307,000	433,267	0.1%	
Spiritualist		116,000	163,710	0.05%	
Native American Religion	47,000	103,000	145,363	0.05%	+119%
Baha'i	28,000	84,000	118,549	0.04%	+200%
New Age	20,000	68,000	95,968	0.03%	+240%
Sikhism	13,000	57,000	80,444	0.03%	+338%
Scientology	45,000	55,000	77,621	0.02%	+22%
Humanist	29,000	49,000	69,153	0.02%	+69%
Deity (Deist)	6,000	49,000	69,153	0.02%	+717%
Taoist	23,000	40,000	56,452	0.02%	+74%
Eckankar	18,000	26,000	36,694	0.01%	+44%

## **Animal Sacrifice**

One has been that of Santeria in regards to the sacrifice of animals as a religious ritual. In the case of Church of Lukumi Babalu vs. the City of Hialeah (508 US 520-1993), the US Supreme Court ruled in favor of the Church's right to practice animal sacrifice as an expression of their faith and struck down the resolutions passed by the city of Hialeah prohibiting the Church's practice of animal sacrifice. However, cases are still brought against Santeria practitioners mainly by animal rights activists and a close eye is kept on the way in which these animal sacrifices are carried out to ensure that no laws are being broken regarding animal cruelty. In society at large, practitioners of Santeria may be viewed as strange and suspect which is why they are constantly the subject of policing and litigation.



*Goat sacrifice for Santeria rites*

## **Peyote (Hallucinogen) Use**

Native Americans have been targeted by America's anti-drug legislation regarding the use of peyote (*a wholly cactus that's either eaten or imbibed as a tea*) as an expression of their faith. In 1990, the US Supreme Court ruled that individual states would legislate the use of peyote for non-Native Americans because the First Amendment doesn't protect the use of any controlled substance as a religious rite. As a result, a number of states allow religious peyote usage in varying degrees. However, the Drug Enforcement Agency does authorize particular distributors to provide peyote to Native Americans for the purpose of religious sacrament. This is considerable progress from the late nineteenth century to the 1970s when the US government passed numerous laws specifically banning the use of peyote for religious practices by Native Americans. Additionally, exceptions are now made within those states for non-Native American members of Native-American churches to use peyote

without fear of prosecution.

**If the state does not appear below, there were no explicit legislative exemptions found concerning peyote.**

	Sincere religious intent	With a bonafide religious organization	Within NAC ceremony	NAC membership required	Native American descent required	On reservation only	Incarcerated persons not exempt
<b>AZ</b>	<b>X</b>	-	-	-	-	-	-
<b>CO</b>	-	<b>X</b>	-	-	-	-	-
<b>ID</b>	-	-	<b>X</b>	-	<b>X</b>	<b>X</b>	-
<b>IA</b>	-	-	<b>X</b>	-	-	-	-
<b>KS</b>	-	-	<b>X</b>	<b>X</b>	-	-	<b>X</b>
<b>MN</b>	-	<b>X</b>	-	-	-	-	-
<b>NV</b>	-	<b>X</b>	-	-	-	-	-
<b>NM</b>	-	<b>X</b>	-	-	-	-	-
<b>OK</b>	-	-	<b>X</b>	-	-	-	-
<b>OR</b>	<b>X</b>	-	-	-	-	-	-
<b>SD</b>	-	-	<b>X</b>	-	-	-	-
<b>TX</b>	-	-	-	<b>X</b>	<b>X</b>	-	-
<b>WI</b>	-	-	<b>X</b>	-	-	-	-
<b>WY</b>	-	-	-	<b>X</b>	-	-	-

**Sikhs: Discrimination, Regulation**

Sikhism is a religion originating in India with practitioners worldwide that are distinguished by the wearing of turbans (*dastaar*), complete facial hair and metal bracelets (*kara*) that symbolize particular tenets of their faith. All male Sikhs share the surname *Singh* and the women, *Kaur*. In America, Sikhism has developed a non-Indian component related to the practice of Kundalini Yoga as

preached by Harbajhan Singh Yogi in the form of *3HO (Happy, Healthy, Holy)*. In the late 1990s, this group of (mostly) white Sikhs was located in Espanola, New Mexico and Los Angeles, CA. However, Sikhs of Indian descent can be found in communities across the country.

Soon after the events of 9/11, that afternoon, three Indian Sikhs were attacked in Queens, NY, the target either of ignorance regarding the Muslim faith and the garb of their adherents or as obvious descendents of non-Eurocentric, ethnic and religious cultures. In response to these attacks, Sikh organizations banded together to deal with the (then) potential escalation of violence against their community members. Sikhs experienced the most overt discriminatory sentiments following 9/11. On Sept. 14, 2001, a Sikh cab driver was attacked and beaten by a passenger who called him a Middle Eastern terrorist. A Sikh gas station owner in Mesa, Arizona was shot three times by a group of four men driving pick-up trucks who mistook the Sikh for an Arab. Before 9/11, hate crimes against Sikhs numbered in the single digits per number of years. Immediately following 9/11, hate crimes against Sikhs spiked into double digits per day. These stories show the lack of information held by the American public about both Muslims and Sikhs.

Sikhs were formally targeted as well mainly for expressing their faith by wearing turbans. In New York, the Metro Transit Authority (MTA) decided that Sata Hari Singh, a twenty year MTA employee, could not wear his turban while providing customer service. When Mr. Singh refused, the MTA relented slightly by then requiring him to attach an MTA logo to his turban. The Sikh Coalition in defending Mr. Singh, found that the MTA had previously allowed numerous non-Sikhs to wear all kinds of head coverings that either had no MTA logo or had other commercial emblems, symbols or logos on them. It was clear that Mr. Singh was being targeted as a result of a fear born out of 9/11. While the US Dept. of Justice ended up siding with Mr. Singh, local government in Oregon continues to discriminate against Sikhs by banning turban use by government officials and teachers.

While America protects the freedom of religious expression in principle, in reality, members of minority religions continue to find themselves the targets of the practitioners of other religions in

addition to government and workplace restrictions. However, the struggles of minority religions for freedom of expression help America continually define this sacred freedom for members of all faiths.



Sikhs Wrapped Up In Branding Battle With MTA



Pictures of MTA Employee not wearing the MTA Logo

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