

Case Study: Tamils and the Township

Joshua Whitson

The World's Religions in Multicultural America: Case Studies in Religious Pluralism

Professor Eck

TF: Brendan Randall

May 2, 2011

Tamils and the Township (A)

A Joyous Occasion

For Muthu Chinnadurai, August 27, 2000, was a day for celebration. Coming to the U.S. from India in 1989 with a bachelor's in mechanical engineering and a master's in management, he received another master's in management from the University of Wisconsin, at Madison,¹ after which his family joined him in 1991.² A former Price Waterhouse employee,³ currently a self-employed management consultant that works with companies like Nokia,⁴ he signs emails with an Aristotle quote: "We are what we repeatedly do. Excellence, therefore is not an act, but a habit."⁵ On this day, the facet of Muthu's identity that came to the fore was his role as a board member of the Adhiparasakthi Charitable, Medical, Educational and Cultural Trust (ACMEC) of North America, an offshoot of ACMEC India. The day was unique because Amma, ACMEC's guru, had left India for the first time and arrived in West Pikeland Township, Pennsylvania. Importantly, "many years ago Amma told the devotees in America ... the first trip to the [U.S. would be made] when they bought a piece of land."⁶ Sriram Adhimoolam, another board member, purchased 25 acres on Conestoga Road, making the visit possible. As the paper reported, "devotees of this ... guru are most numerous in southern India ... but as ever more immigrants from that region migrate to the United States, his followers here have grown

¹ Muthu Chinnadurai, West Pikeland Township Zoning Board Hearing Transcript, September 25, 2001, http://chestersprings-temple.com/Documents/2001.09.25_Hearing%20_Transcript_%28Muthu%29.pdf (accessed March 5, 2011), 23.

² Muthu Chinnadurai, e-mail message to author, April 15, 2011.

³ Muthu Chinnadurai, Hearing Transcript, September 25, 2001, 23.

⁴ *Ibid.*, 19-20.

⁵ Muthu Chinnadurai, e-mail.

⁶ Om Sakthi Spiritual Movement, "Amma's USA 2000 Tour," Om Sakthi Spiritual Movement website, <http://www.omsakthi.org/gallery/usa2000/usa2000.html>, (accessed March 5, 2011).

numerous enough to warrant their own temple."⁷ Muthu watched Amma lay the temple's foundation stone with pride knowing his community would build ACMEC's first U.S. temple.

Chester Springs

Set in Pennsylvania's rolling hills, West Pikeland Township is a community of 3,551 residents,⁸ primarily white and Christian except for a few Jewish residents.⁹ Chester Springs is a geographical area spanning several townships, known for wetlands, natural springs, and historic architecture. Visitors describe the area as beautiful – a great place to ride a bike¹⁰ with a quaint downtown, a rural suburb of Philadelphia where the wealthy come to get away from the city.¹¹

ACMEC

ACMEC has an estimated Indian following of 20 million.¹² Although existing in a Hindu context, the organization sees itself as open to all. Amma "says he is not Hindu. He encourages his Hindu, Christian, Muslim and other devotees to remain in their faiths and to 'perform service' for the good of others.... [He] allows women and people of even the lowest castes ... to enter the holy parts of his temples."¹³ Although according to ACMEC Amma (meaning "mother") "never proclaims to be anything more than a devotee of ... Adhiparasakthi,"¹⁴ his followers see him as an incarnation of the goddess, using "he" and "she" when speaking of him, "s/he" when writing.

⁷ David O'Reilly, "20 million devotees believe he is the incarnation of a Hindu deity. The guru's first U.S. visit brings him to Chester County Sunday," *The Philadelphia Inquirer Magazine*, August 31, 2000, C1.

⁸ Thomas Comitta Associates, Inc. Town Planners & Landscape Architects, and Sarcinello Planning and GIS Services, *Honoring Our Past Planning Our Future*, West Pikeland Township Comprehensive Plan, http://www.westpikeland.com/pdf_files/Comprehensive%20Plan/West%20Pikeland%20Comprehensive%20Plan%20Adopted%20Dec%206%202010.pdf (accessed March 5, 2011), 8.

⁹ Richard N. Lipow, telephone interview with author, April 13, 2011.

¹⁰ *Ibid.*

¹¹ Daniel P. Dalton, telephone interview with author, April 19, 2011.

¹² Susan Weidener, "West Pikeland farm barred as site for Hindu festival," *The Philadelphia Inquirer*, August 17, 2011, B3.

¹³ *Ibid.*, C3.

¹⁴ Om Sakthi Spiritual Movement, "History of the Om Sakthi Movement," Om Sakthi Spiritual Movement website, <http://www.omsakthi.org/history.html>, accessed April 11, 2011.

The acronym ACMEC outlines all aspects of the organization. Adhiparasakthi is the main deity. Charity includes helping the poor, victims of disasters, lepers, farmers, and widows, in addition to renovating temples and providing free marriages. The medical aspect involves free care through an Indian hospital, while ACMEC also runs schools to provide education to the poor. Finally, the cultural aspect promotes egalitarianism between men and women and a focus on helping teens avoid crime.¹⁵

Amma chose North America's 8 board members. The task is seen as fulfilling a religious obligation, and will be held by the same members until Amma decides otherwise. Likewise, Amma picked the temple location. As Muthu explained, "before buying ... we were looking at 51 pieces of property.... Every property that we looked at we took pictures and sent it all to him, asking for [his] blessing.... He said, no, keep looking."¹⁶ One day Muthu went to Conestoga Road and felt that something was different.¹⁷ He sent the listing with a fellow devotee travelling to India and, immediately upon seeing it, Amma "put his hand on it and blessed it and said, this is the property I want them to buy."¹⁸

Trouble With the Neighbors

The congregation began meeting weekly in the property's farmhouse as they raised funds. On August 16, 2001, a Chester County judge ruled that ACMEC would not be allowed to hold their annual Aadipooram Festival, scheduled for the next day. The reason was that "the township requires that a special exception be issued by the Zoning Hearing Board before a property can be used as a church or place of worship,"¹⁹ an exception ACMEC had not applied for. Sriram was

¹⁵ Ibid., "The Adhiparasakthi Trust," http://www.omsakthi.org/trust/adhiparasakthi_trust.html, accessed April 11, 2011.

¹⁶ Muthu Chinnadurai, Hearing Transcript, September 25, 2001, 15.

¹⁷ Ibid., 16.

¹⁸ Ibid.

¹⁹ Weidener, C3.

upset, "This is my private residence, and the government has no business regulating the religious practice of private citizens.... I am asking the court to protect me from harassment."²⁰ The township's supervisors replied by denying any wrongdoing. "We have people in our township of all stripes and colors and religious beliefs and all socioeconomic backgrounds."²¹

Muthu appeared before the Zoning Board on September 25, 2001. He assured the Board that ACMEC had no major construction plans. "We thought we had to establish a big center ... so we had a big plan of 33,000 square [feet] ... we sent it [to Amma] and he ... said, pull it out, you're not going to do it.... Build a small place of worship and do some farming."²² Muthu's understanding was that ACMEC was to impact the natural environment as little as possible.

The largest attendance ever expected was to be at the annual Aadipooram Festival. 500 people across the U.S. were typically invited with attendance between 200 and 250.²³ 10 families were close enough to visit the site on a weekly basis, about 40 people,²⁴ although most weekends only saw 4 or 5. Muthu was asked if it was possible that ACMEC might build something as large as 10,000 square feet. He replied, "No.... I'm talking about somewhere around like 5,000."²⁵ He made sure not to finish before expressing a willingness to work with the community. "We are not some strangers. We don't look alike, but we are good people, and we are going to definitely be good neighbors. We have lived in this country for many years now. We call it our homeland. We are going to talk to our neighbors and ... address [their] concerns."²⁶

The questions began to shift from zoning to ACMEC itself. Patrick O'Donnell, hired to represent relatives Lawrence and Susan O'Donnell, longtime residents whose property borders

²⁰ Ibid.

²¹ Ibid.

²² Muthu Chinnadurai, Hearing Transcript, September 25, 2001, 17.

²³ Ibid., 25.

²⁴ Ibid., 41.

²⁵ Ibid., 46.

²⁶ Ibid., 47.

ACMEC's, asked if ACMEC was from "the Tamil area of India." Muthu explained, "it's the southern part of India. It's a ... state called Tamilnad.... The language spoken in this state is Tamil."²⁷ O'Donnell continued, "Q. I don't mean to imply anything by this, but we read a lot about the Tamil [T]igers. A. That is not in India. That's in Sri Lanka. That's a different country. Q. I understand that. Do they come from the Tamil region?" Richard Lipow, ACMEC's attorney, objected and the line of questioning ended.²⁸

The Board issued their decision on January 22, 2002. The religious activities could continue, but when ACMEC wanted to build they would need to return.²⁹ Muthu was happy with the decision and excited to move forward, if concerned at the mention of Tamil Tigers.

The Hearings Begin

In early 2007 ACMEC submitted plans to the Zoning Board. Word spread, and concerns were raised at a Township Planning Commission meeting.³⁰ One resident said he didn't mind a house of worship, but expressed concern about the impact on the neighborhood.³¹ Similar concerns were brought up by an increasing number of residents at further meetings,³² 28 neighbors eventually meeting independently to discuss the situation.³³ One of the results of these concerns was the creation of a website maintained by Mr. O'Donnell that listed every legal document, newspaper article, and hearing transcript related to the case.³⁴

²⁷ Ibid., 58.

²⁸ Ibid., 59.

²⁹ The Zoning Hearing Board of West Pikeland Township, Chester County, Pennsylvania, *IN RE: APPLICATION OF ACMEC*, June 22, 2002, <http://chestersprings-temple.com/Documents/2002.01.22%20Decision%20Zoning%20Hearing%20Board.pdf> (accessed March 5, 2011).

³⁰ on July 9, 2007

³¹ West Pikeland Township Planning Commission, Minutes of Regular Meeting of July 9, 2007, <http://chestersprings-temple.com/Documents/2007.07.09%20Township%20Planning%20Commission%20-%20Minutes.pdf> (accessed March 5, 2011).

³² August 13 and September 10, 2007.

³³ WWW.CHESTERSPRINGS-TEMPLE.COM, www.chestersprings-temple.com (accessed March 5, 2011).

³⁴ Ibid.

Noting neighbors' concern and anticipating resistance since "these people are small, dark, and have accents" and were entering a fairly heterogeneous community, Lipow expected resistance from day one.³⁵ He prepared a memorandum prior to the hearing outlining his case.

ACMEC requires a new structure as the Applicant has determined that it cannot fully and adequately practice its religious beliefs in its current location because the facilities are too small for the needs of the congregation and staff as ACMEC's current facilities does not allow its members to live out their lives in full accordance with the truths of Hinduism. The size of the proposed building is the minimum required for the type of religious observance ACMEC desires to pursue.... Any governmental prohibition on expanding ... will constitute a substantial burden.³⁶

Lipow based his argument on the provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) meant to uphold the 1st and 14th Amendments. First, zoning law cannot substantially burden religious exercise unless it is the least restrictive way of maintaining government interests. Second, discrimination cannot be based on religion. Third, religious organizations cannot be treated unequally with other institutions. And fourth, municipalities cannot unreasonably limit "religious assemblies, institutions, or structures."³⁷ It was Lipow's conclusion that "any limitation, even ... short of full denial, would ... violate the law."³⁸

The hearing before the Board on August 19, 2008, started peculiarly. The Board's lawyer, Guy Donatelli, explained that several neighbors, including the O'Donnells, had requested party status.³⁹ This meant they would have the right to appeal. Donatelli passed out 20 forms to the crowd, and it became apparent more copies would be needed.

Muthu sat among the residents and listened to Sriram explain ACMEC's need.

³⁵ Lipow, telephone interview.

³⁶ Richard N. Lipow, Memorandum, <http://chestersprings-temple.com/Documents/20080820%20ACMEC%20Memorandum-cup%20%28Lipow%29.pdf> (accessed March 5, 2011), 1.

³⁷ *Ibid.*, 5-6.

³⁸ *Ibid.*, 11.

³⁹ West Pikeland Township Board of Supervisors public hearing transcript, August 19, 2008, http://chestersprings-temple.com/Documents/20080819_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 5.

Just as you can look around and see the different churches presenting various practices of Christianity ... the same thing can be observed among Hindus. America is a cosmopolitan society where a variety of religions and cultures intermingle. My fellow worshipers and I ... all lived in India during our youth. We have grown up with the traditions of our culture. But our children are raised halfway across the world and.... we don't want our knowledge to be lost in this huge country where the rivers of many religions converge.⁴⁰

Sriram went on to explain the size of the temple and auxiliary building, totaling 35,000 square feet.

In our form of worship.... our temple structure encompasses a main deity ... in its own structure called the karuvarai and surrounded by ... supporting multiple smaller deities.... our religious practices dictate that if you have a main temple of a certain size, you have auxiliary temples that have to be of a certain size. And it cannot be closer than a certain distance from the main deity.⁴¹

In India, the deities would have small individual structures, but due to local weather, all would have to be under one roof. Sriram concluded, "If the new structure is not allowed, the congregation's religious practice will be substantially burdened.... [we] will not be able to fully, freely and adequately worship because the current set-up doesn't allow us to place deities."⁴²

Sriram later explained that the temple's exterior would be white, like Indian temples, and that ACMEC would not be willing to change the outward appearance. One resident stated, "In all other cases, if I may add, okay, the people that have brought their culture here to the [U.S.] have accommodated, there have been changes, many changes, okay. And to exhibit this kind of rigidity that you have to have a certain type of look ... is, you know, a little bit excessive."⁴³ Another questioned the role of Amma: "Few years earlier the guru told us nothing would be built on that property. Obviously that promise wasn't worth anything. What I'm hearing here, you'll

⁴⁰ Ibid., 15.

⁴¹ Ibid., 22-4.

⁴² Ibid., 26.

⁴³ Ibid., 71.

eventually agree on conditional use or something. Few years from now you'll change your mind. We want to double it. We're a religious organization, try and stop us."⁴⁴

By the end of the night, 32 residents had been added as parties and, unusually, the hearing had not concluded. There had been so many questions it was necessary to meet again.

The next meeting took place on October 21, 2008. An engineer and land surveyor from Yerkes Associates, hired by ACMEC to develop plans for the site, explained that all zoning requirements were met.⁴⁵ This was confirmed by Gilmore & Associates,⁴⁶ a firm hired by the township to double-check applicants' plans. When the engineers were done speaking, several residents had questions. Jacob Yasgur, whose property borders ACMEC's, brought up the newly constructed St. Elizabeth's in neighboring Upper Uwchlan Township, "a mammoth," and said such a comparably large building would have an enormous impact on the neighborhood.⁴⁷

Questions kept coming – How big will the parking lot be? Are you sure this is up to code? How much traffic will this create? – all related to zoning and construction. However, one woman stood up (without identifying herself) and said:

When my dad was a teenager attending college, because he was a first generation immigrant and Catholic, he was housed with others of his kind. And so he lived with and became friends with a young Jewish man.... That young man felt compelled to volunteer for service as soon as the [U.S.] entered [WWII]. And he wrote to my father that he had come to understand ... the essence of living a good and righteous life. And he phrased it as forthright over expedience.... My father then entered the service shortly thereafter.... when he got out he told his seven children that story over and over again. But as we were growing up ... he phrased it as do what is right, not what is easy.... I know that all of you are familiar with the First Amendment to the U.S. Constitution ... whose purpose is to protect the rights of individuals and the minority.... Although we may not like the way this temple looks because it's so foreign to us in our western eyes, or although we may not be able to pronounce the name of the people who go there to pray, and even though we may not like the height of the steeple, or the huge size of the proposed building[,] or

⁴⁴ Ibid., 89.

⁴⁵ West Pikeland Township Board of Supervisors public hearing transcript, October 21, 2008, http://chestersprings-temple.com/Documents/20081021_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 17.

⁴⁶ Ibid., 37.

⁴⁷ Ibid., 101.

even though we may find the gods and goddesses and rituals strange or even for some, frightening ... as long as the township regulations and rules are enforced and followed in the same way that they would be enforced on my church or on your church ... we have no right to dictate to them how big their temple is, or what it looks like, or how many members they have, or when or how they will worship.... These are the freedoms that my father and your fathers fought to preserve."⁴⁸

Nobody commented on the statement, and the questions continued until Thomas Kummer and Erin Smith, two licensed landscape architects, explained how evergreens would be planted to make the visual impact on the community as small as possible.⁴⁹ To end the evening, an engineer from F. Tavani and Associates explained that a traffic study had been done during the Aadipooram Festival, expected peak attendance, and that the current permit for the driveway went above and beyond all requirements.⁵⁰ It was late and not everyone had been heard. Yet another meeting had to be arranged.

The third meeting took place on November 5, 2008. Fronfield Crawford, Jr., now representing the O'Donnells, questioned Sriram, presenting a printout of a website asking if it depicted ACMEC. When Lipow objected, Crawford explained, "there was a very cryptic description of the need for this size temple.... And I think this ... sets a foundation for trying to determine whether there is such a relationship."⁵¹ Exasperated by the line of questioning, Sriram finally answered, "If you don't have money ... you are willing to live in an apartment. If you have more money, you want to live in a house. If you have more money, you want to build a mansion. It's just the way it is. All we are saying is we spent all the money, we bought the land and we are following all the regulations. We ... want to express our religious faith the way we want to."⁵²

⁴⁸ Ibid., 106-9.

⁴⁹ Ibid., 119.

⁵⁰ Ibid., 153.

⁵¹ West Pikeland Township Board of Supervisors public hearing transcript, November 5, 2008, http://chestersprings-temple.com/Documents/20081105_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 12.

⁵² Ibid., 20.

Crawford went on, "What is the relationship between the size of the statue and the karuvarai?"⁵³ Sriram replied, "I wouldn't be able to say because we have temple architects in India who studied this and they do this for a living."⁵⁴ Sriram felt increasingly uncomfortable. "How you pray, who is your God, this type of questioning I [find] offensive."⁵⁵ When asked if ACMEC talked with the architects about reducing the size, Sriram said, "We were looking at things and [said] hey, can we get all these things? We want it the right way, but.... Then they said you want the temple the way it has to be or do you want to just build it?.... You asked what is the right way to do it and we are giving the expert opinion.... [Amma] has told you to follow this and this is what it is."⁵⁶ When it was the Board's turn to ask questions one member, noting ACMEC's inclusivity, asked, "if on one particular day 1,000 Christians ... show up, how would you deal with that?"⁵⁷ Sriram replied that the temple would never violate any laws: "If ... we see we won't be able to handle it at any time ... the fire marshal says this is the capacity, we will agree and abide by that."⁵⁸ When it was the residents' turn to speak, one said, "There's a current ratio of 2,887 Hindus per temple in Pennsylvania and New Jersey.... do you expect a lot of trust from the neighbors' side that we believe that only a limited number of people will show up to this temple?"⁵⁹ Lipow objected, "This is just so out of line.... bordering on racist."⁶⁰

The hearings continued, taking 5 additional sessions. At the beginning of each, more residents became parties. Crawford produced an engineer from McCarthy Engineering that examined the plans and visited the site testifying that several features, such as the parking lot and

⁵³ Ibid., 28.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid., 34-5.

⁵⁷ Ibid., 57.

⁵⁸ Ibid., 57-8.

⁵⁹ Ibid., 70.

⁶⁰ Ibid.

driveway, would be built outside the area of development outlined in deed restrictions,⁶¹ furthermore, construction would encroach on nearby wetlands.⁶² A land planner from the Grafton Association testified that the temple would not fit the neighborhood,⁶³ would hurt the historic nature of the site (by removing an old barn and spring house), and cause environmental damage,⁶⁴ ultimately damaging property values.⁶⁵ Lipow referred to these witnesses' testimonies as "junk science"⁶⁶ as they didn't survey the land and weren't qualified to state whether or not property values would fall. When it came to determining the number of people that would use the site, one resident felt it important to note that a lack of chairs did not mean a lack of people. "If you've ever been to a mosque, you see two chairs basically, that's it, and there's a prayer rug." Lipow pointed out, "These are Hindus, not Muslims." The resident replied, "there are no seating arrangements, and in that, they're the same."⁶⁷

Eventually, the O'Donnells testified. Mr. O'Donnell made sure to point out that religion was not a factor of his opposition. "We don't care what religion or what other use is up there, as long as it doesn't create health and safety and welfare issues to the rest of the community."⁶⁸ Mrs. O'Donnell called Muthu and ACMEC's sincerity into question.

I feel passionately about what we were told back in 2001.... It definitely was part of the whole scenario back in our decision not to appeal the Zoning Hearing Board decision, because we believed ...everything that was said under oath.... Larry is a lawyer and we feel being under oath is sacrosanct. We believed it when they said they would renovate the house. We believed when they said they would maintain the barn. We believed they

⁶¹ West Pikeland Township Board of Supervisors public hearing transcript, November 25, 2008, http://chestersprings-temple.com/Documents/20081125_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 9.

⁶² *Ibid.*, 46.

⁶³ West Pikeland Township Board of Supervisors public hearing transcript, December 4, 2008, http://chestersprings-temple.com/Documents/20081205_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 76.

⁶⁴ *Ibid.*, 77-80.

⁶⁵ *Ibid.*, 92.

⁶⁶ Lipow, telephone interview.

⁶⁷ Hearing transcript, December 4, 2008, 106.

⁶⁸ West Pikeland Township Board of Supervisors public hearing transcript, December 18, 2008, http://chestersprings-temple.com/Documents/20081218_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 10.

would ... farm the land. We believed it when they said the Guru said it should stay as nature and be serene. We believed it when they said the 34,000 ... square foot temple was forever out of their mind.... We believed it when they said they wouldn't disturb trees.... So I guess in retrospect we were pretty naive."⁶⁹

Important to Mrs. O'Donnell was the location of similar buildings. "St. Elizabeth's.... [is] on an absolutely flat area on a major highway. It's across the street from Beth Israel Synagogue next to a huge Lexus dealer."⁷⁰ In relation to Hindu Temples, she said,

we went to the one in Toronto.... It's in an.... absolutely flat industrial park.... It's on two enormous highways, bigger than the Pennsylvania Turnpike.... The one in Bridgewater Township is on two major highways. It has car dealerships, it has a three story healthcare building near it.... The one in Hockessin, Delaware is built in a commercial area right beside a highway.... They didn't plop it in the middle of old historic farmhouses and other houses and it's an appropriate setting for it.... They bought the property, which was deed restricted, and clearly the intention was for four home sites on it using the old historic farmhouse and structures.... To have to destroy our heritage, to me, seems wrong.... Our zoning ordinances were put in place to protect the taxpaying township residents.... And the zoning ordinance talks about ... appropriate use consistent with the character and type of development in the area. It doesn't say appropriate use ... unless you're a Hindu temple ... or ... Catholic church wanting to be built there.⁷¹

Like Mr. O'Donnell, she emphasized that religion had nothing to do with her opposition.

"Despite what that woman who talked on October 21st said, we are not bigots. We think Muthu and Sriram are very nice people. We have met with them. We have nothing against them at all.

They've been cordial to us. Even from the outset in 2001 they said we were welcome to still walk on the property and walk the dogs."⁷²

Even with her kind words, Muthu couldn't believe what he was hearing.

I felt my ground shaking ... that my personal integrity was shattered.... I realized ... my faith in the goodness of people was breaking.... My earlier statements were misconstrued purposely just to corner me.... I was convinced that [it was no longer] about zoning, but about their aversion for our religion ... [b]ecause [trustworthiness] has nothing to do with zoning.... At the same time, I maintained the course convincing myself that it is the 'fear of unknown' for the residents that could be making them behave that way. In 2001 ... I

⁶⁹ Ibid., 17.

⁷⁰ Ibid., 20.

⁷¹ Ibid., 22-3.

⁷² Ibid., 23.

was forced by the township residents, their lawyers and Board of Supervisors to commit to a number on the size of the temple, in spite of me repeatedly saying that I wouldn't know.... Only when the township legal representative said that they won't hold me to the numbers, and they just wanted to get an idea of the size, I gave my estimate of 5,000 [square feet], which had no basis, and was just my impromptu thought at the time.... But then [they] used this ... and framed me as falsely testifying.⁷³

At the last meeting, residents had a final chance to voice opinions. One made a comparison: "The combined footprint of ACMEC's two proposed buildings is slightly larger than the main temple of the Taj Mahal. I'm not kidding. The Taj Mahal receives approximately 20 million visitors a year. Seems to me and others I've spoken to that the intent here is to build a spectacular temple to attract thousands of people."⁷⁴ Another resident stressed that RLUIPA did not exist at the time of purchase, and therefore they "accepted those deeds and subdivision terms and considerations, knowing the constraints it would place."⁷⁵ Ultimately, the general consensus was that "the Applicant is attempting to use [RLUIPA] as a sledge hammer to gain conditional use of the property that unquestionably would have been denied long ago if it were for any comparably scaled secular project.... Religious use is not a trump card."⁷⁶ Other residents discussed religious aspects and said ACMEC's claim of a size requirement did not hold merit since "there are no witnesses as to the requirement of the faith."⁷⁷ Yasgur suggested conditional use could not be granted until Amma returned and testified before the Board.⁷⁸ Others felt it important to point out that ACMEC, as Amma stated, is not Hindu but open to all, making it a philosophy not a religion, therefore not protected under RLUIPA.⁷⁹ Some wondered why, if ACMEC was Hindu, it didn't mirror other temples. "The temple in Hockessin, Delaware has

⁷³ Muthu Chinnadurai, e-mail.

⁷⁴ West Pikeland Township Board of Supervisors public hearing transcript, January 15, 2009, http://chestersprings-temple.com/Documents/20090115_ACMEC_Hearing_transcript.pdf (accessed March 5, 2011), 11.

⁷⁵ *Ibid.*, 75.

⁷⁶ *Ibid.*, 87.

⁷⁷ *Ibid.*, 80.

⁷⁸ *Ibid.*, 27.

⁷⁹ *Ibid.*, 93.

approximately 3,300 square feet. Why would the size of the temple in Chester Springs ... eight times bigger ... be necessary? Do the Hindus in Hockessin ... have other standards?"⁸⁰ Some argued that maintaining property value is a compelling state interest.⁸¹ The statements went on and on...

On March 16, 2009, the township supervisors presented their decision.

This site is simply not suited for the size and scale of development proposed by the Applicant. Despite the manifest deficiencies of the ... plan and the proposed project's clear adverse impacts upon the Property and the surrounding community, the Board recognizes the right of the Applicant to worship and its desire to construct a Hindu temple at the site. Accordingly, the Board of Supervisors ... grants the Application only for the limited purpose of allowing the Applicant to continue its use of the Property.⁸²

The conditions of the decision stated that ACMEC would be allowed to build a temple as long as it remained under 5,000 square feet.⁸³ None of the residents appealed the decision.

Muthu and the other ACMEC board members had to decide how to go forward. Cut losses, sell the land, and try to have Amma bless a different property? Build a 5,000 square foot temple and ignore the Indian architects' plans? Appeal the supervisors' decision? Sue the township in a higher court?

⁸⁰ Ibid., 101.

⁸¹ Ibid., 89.

⁸² Board of Supervisors of West Pikeland Township, *IN RE: APPLICATION OF THE ADHIPARASAKTHI CHARITABLE MEDICAL EDUCATION SOCIETY OF NORTH AMERICA FOR CONDITIONAL USE APPROVAL TO EXPAND ITS RELIGIOUS USE TO CONSTRUCT A TEMPLE AND AUXILIARY BUILDING*, http://chestersprings-temple.com/Documents/20090316_ACMEC_township_decision_order.pdf (accessed March 5, 2011), 31.

⁸³ Ibid., 33.

Tamils and the Township (B)

For Muthu and ACMEC, how to respond to the Board of Supervisors was an easy decision – Amma had told them to purchase the property and build the temple.

The decision ... left us with no choice. So as a group, [we] decided to appeal to [a] higher court as we felt that we were unfairly treated, denied our lawfully and constitutionally allowed rights.... Having migrated from the largest living democratic country - India, we still firmly believe in ... American Democracy, its world-class [j]udicial [s]ystem, and its [e]xcellence in constitutional rights.... We are law abiding, compassionate people, who respect diversity and inclusion, which is the reason ... we are still calmly going through the process for [over] 11 years, still awaiting [township approval].⁸⁴

Lipow contacted Daniel Dalton, a lawyer from Michigan that helps religious organizations fight local governments when they are denied permission to build. In consultation with Lipow and Dalton, ACMEC sued the township for violation of their 1st Amendment, 14th Amendment, and RLUIPA rights.⁸⁵

The township quickly moved to settle outside the courts, as Dalton expected.⁸⁶ However, the township backed out at the last minute and allowed summary judgment to be passed. The court ruled that ACMEC's 1st Amendment rights were indeed violated. However, claims based on the 14th Amendment and RLUIPA were dismissed or ruled in favor of the township.⁸⁷ The township then decided to settle before going to court. As part of the deal, "the Pennsylvania Intergovernmental Risk Management Association [(PIRMA)] [made] a payment of \$150,000 to ACMEC ... and the Township confirm[ed] that it waive[d] any right to object."⁸⁸ The judge ruled that "a few issues of alleged discrimination by the township against ACMEC had to go to trial

⁸⁴ Muthu Chinnadurai, e-mail.

⁸⁵ ACMEC v. Township of West Pikeland, Complaint, http://chestersprings-temple.com/Documents/20090417_ACMEC_lawsuit_against_West_Pikeland.pdf (accessed March 5, 2011), 17-25.

⁸⁶ Dalton, e-mail.

⁸⁷ ACMEC v. Township of West Pikeland, Memorandum and Order, http://chestersprings-temple.com/Documents/20100623_Court_Ruling_on_ACMEC.pdf (accessed March 5, 2011), 46-7.

⁸⁸ Motion to Settle ACMEC Litigation, http://chestersprings-temple.com/Documents/20110203_Motion_to_Settle_ACMEC_Litigation.pdf (accessed March 5, 2011).

for a jury to determine facts. Those issues [were] dropped as a part of the settlement."⁸⁹ Because the other accounts were dismissed, Donatelli claimed that "the judge confirmed what this board had already decided."⁹⁰ Mr. O'Donnell maintained that "This matter relates only to zoning and has nothing to do with religion and the courts have treated it so."⁹¹ As part of the settlement, ACMEC would be submitting new plans for conditional use, starting from scratch by maintaining the temple size but addressing concerns the judge said were legitimate, primarily septic system construction that would take place outside the buildable area as outlined in the property's deed restrictions.⁹² Furthermore, the judge maintained that while residents' speech often focused on religious issues, there was no hard evidence that these views influenced the Board, whose decision letter cited nothing but practical concerns such as traffic and environmental impact.⁹³ Lipow does not think that ACMEC will have it any easier this time around. "The initial phase that just ended when the township settled with the organization was simply round one.... we are moving on to round two, and probably eventually three, four..."⁹⁴

⁸⁹ Eric S. Smith, "West Pikeland settles with Hindu sect over temple plans," *Daily Local*, February 4, 2011, http://chestersprings-temple.com/Documents/20110204_West_Pikeland_settles_with_Hindu_sect_over_temple_plans.pdf (accessed March 5, 2011).

⁹⁰ *Ibid.*

⁹¹ Lawrence M. O'Donnell, e-mail message to author, April 16, 2011.

⁹² ACMEC v. Township of West Pikeland, Memorandum and Order, 35.

⁹³ *Ibid.*, 28.

⁹⁴ Lipow, e-mail.

Bibliography

- ACMEC v. Township of West Pikeland. Complaint. http://chestersprings-temple.com/Documents/20090417_ACMEC_lawsuit_against_West_Pikeland.pdf. Accessed March 5, 2011.
- . Memorandum and Order. http://chestersprings-temple.com/Documents/20100623_Court_Ruling_on_ACMEC.pdf. Accessed March 5, 2011.
- Board of Supervisors of West Pikeland Township. *IN RE: APPLICATION OF THE ADHIPARASAKTHI CHARITABLE MEDICAL EDUCATION SOCIETY OF NORTH AMERICA FOR CONDITIONAL USE APPROVAL TO EXPAND ITS RELIGIOUS USE TO CONSTRUCT A TEMPLE AND AUXILIARY BUILDING*. http://chestersprings-temple.com/Documents/20090316_ACMEC_township_decision_order.pdf. Accessed March 5, 2011.
- Lipow, Richard N. Memorandum. <http://chestersprings-temple.com/Documents/20080820%20ACMEC%20Memorandum-cup%20%28Lipow%29.pdf>. Accessed March 5, 2011.
- Om Sakthi Spiritual Movement website. <http://www.omsakthi.org/gallery/usa2000/usa2000.html>. Accessed March 5, 2011.
- O'Reilly, David. "20 million devotees believe he is the incarnation of a Hindu deity. The guru's first U.S. visit brings him to Chester County Sunday." *The Philadelphia Inquirer Magazine*. August 31, 2000, C1.

Motion to Settle ACMEC Litigation. http://chestersprings-temple.com/Documents/20110203_Motion_to_Settle_ACMEC_Litigation.pdf. Accessed March 5, 2011.

Smith, Eric S. "West Pikeland settles with Hindu sect over temple plans." *Daily Local*. February 4, 2011. http://chestersprings-temple.com/Documents/20110204_West_Pikeland_settles_with_Hindu_sect_over_temple_plans.pdf. Accessed March 5, 2011.

Thomas Comitta Associates, Inc. - Town Planners & Landscape Architects, and Sarcinello Planning and GIS Services. *Honoring Our Past Planning Our Future*. West Pikeland Township Comprehensive Plan. http://www.westpikeland.com/pdf_files/Comprehensive%20Plan/West%20Pikeland%20Comprehensive%20Plan%20Adopted%20Dec%206%202010.pdf. Accessed March 5, 2011.

Weidener, Susan. "West Pikeland farm barred as site for Hindu festival." *The Philadelphia Inquirer*. August 17, 2011, B3.

West Pikeland Township Planning Commission. Minutes of Regular Meeting of July 9, 2007. <http://chestersprings-temple.com/Documents/2007.07.09%20Township%20Planning%20Commission%20-%20Minutes.pdf>. Accessed March 5, 2011.

West Pikeland Township Board of Supervisors public hearing transcript. August 19, 2008. http://chestersprings-temple.com/Documents/20080819_ACMEC_Hearing_transcript.pdf. Accessed March 5, 2011.

---. October 21, 2008. http://chestersprings-temple.com/Documents/20081021_ACMEC_Hearing_transcript.pdf. Accessed March 5, 2011.

---. November 5, 2008. http://chestersprings-temple.com/Documents/20081105_ACMEC_Hearing_transcript.pdf. Accessed March 5, 2011.

---. November 25, 2008. http://chestersprings-temple.com/Documents/20081125_ACMEC_Hearing_transcript.pdf Accessed March 5, 2011.

---. December 4, 2008. http://chestersprings-temple.com/Documents/20081205_ACMEC_Hearing_transcript.pdf. Accessed March 5, 2011.

---. December 18, 2008. http://chestersprings-temple.com/Documents/20081218_ACMEC_Hearing_transcript.pdf. Accessed March 5, 2011.

---. January 15, 2009. http://chestersprings-temple.com/Documents/20090115_ACMEC_Hearing_transcript.pdf Accessed March 5, 2011.

West Pikeland Township Zoning Board Hearing Transcript. September 25, 2001.

http://chestersprings-temple.com/Documents/2001.09.25_Hearing%20_Transcript_%28Muthu%29.pdf.
Accessed March 5, 2011.

WWW.CHESTERSPRINGS-TEMPLE.COM. www.chestersprings-temple.com. Accessed March 5, 2011.

The Zoning Hearing Board of West Pikeland Township, Chester County, Pennsylvania. *IN RE: APPLICATION OF ACMEC*. June 22, 2002. <http://chestersprings-temple.com/Documents/2002.01.22%20Decision%20Zoning%20Hearing%20Board.pdf>. Accessed March 5, 2011.

Appendix (A) - Websites

ACMEC's website: <http://www.omsakthi.org/>

"The Om Sakthi Movement" is the general term used to refer to the practices of Amma and his devotees. ACMEC is the legally existing organization of the movement that accepts donations, runs the hospital and schools, deals with issues of law, etc. The website is fairly comprehensive and contains information on Amma and ACMEC's history, temple locations, pictures, and much more.

Daniel P. Dalton's website: <http://www.dtplawfirm.com/>

Dalton's contact information can be obtained from this website. The firm also lists several case studies showing how they have successfully helped religious organizations get through the zoning process.

Richard N. Lipow's website: <http://www.lipowlaw.com/>

Lipow's contact information can be obtained from this website. From the website it appears that Lipow primarily deals with bankruptcy law.

Residents' website: <http://chestersprings-temple.com/>

Although this site is maintained by West Pikeland Township residents opposed to the temple, both Lipow and Dalton have said that it is accurate in that virtually every document related to the case can be found on the site. Every document used for this case study not in this appendix is located on the site.

Appendix (B) - Discussion Questions

What constitutes a government interest that allows interfering with a religious organization? Was such an interest present in this case?

In what way did prior representations of the temple complicate the case? Were the residents justified in calling Muthu/ACMEC's sincerity into question?

To what degree should religious organizations be asked to change buildings' outward appearance to blend in with a community? Why?

How do you think this particular case would change if a different religion or sect was involved? Is the real issue zoning or religious affiliation? Both? Neither?

Do the residents exhibit prejudice, as Muthu and Lipow claim, or are their concerns justified? Are some concerns more justifiable than others? What criteria should be used in determining the validity of concerns?

Appendix (C) - Interviews

Richard N. Lipow, telephone interview with author, April 13, 2011

Unfortunately, the recorder malfunctioned during this interview. However, I typed answers to the questions from memory, and sent them to Lipow to be reviewed and edited which were then returned to me.

Did you have any relationship with the client prior to the first hearing in 2001? No. The applicants approached me.

What is the difference between West Pikeland Township, Chester County, and Chester Springs? West Pikeland Township is a township within Chester County, Chester

Springs is a geographical (very pretty) area within the county. I often rides my bike through the area.

Is it normal for a township zoning hearing to go on for so long, and for an opposition to emerge that presents its own engineers and specialists that contradict the applicant's? Not at all. A single hearing followed by a decision is typical (like the first hearing in 2001).

Furthermore, most of the specialists produced by the opposition corroborated the Applicant's experts' data and then came to conclusions not supported by the data, essentially used "junk science" and either did not calculate all the data necessary for their opinions (for example not calculating the percentage of slopes they claimed to be steep slopes) or formed their opinions with incomplete information (did not bother to obtain previous reports).

Did you expect push back from the residents? Yes, due to the nature of a minority religious community entering a fairly heterogeneous and insular white Protestant community, push back was expected from day one.

At what point, if any, did you feel that the main issue was the religious identity of the applicants rather than the zoning? From the beginning. I knew, going in, that the religious identity/ethnic identity would cause problems. These people are small, dark, and have accents. Although the rhetoric used throughout the hearings generally stayed away from religious language, at an unrecorded Planning Commission meeting there was a lot of talk about "the mosque" and how these people coming into the area were a problem. During the recorded and transcribed hearings there was much talk about "traffic" and problems associated with traffic. The Temple property abuts Route 401, which a major traffic artery. This road is jammed every morning. There was much talk and testimony about traffic, however, because the majority of the use of the Temple would be on Sunday mornings, when the road is empty, this concern was nonsense. In my opinion, the "traffic issue" was nothing more than a cover for concerns for an influx of "Hindu Hoards."

How did the process work for deciding to appeal to a higher court. Did you suggest it, did the applicant suggest it, was there any discussion of cutting losses and finding a new place to build? The guru specified that this was the place to build so there was no other option but to continue to fight the battle. Because there was jurisdiction in both state and federal court, we selected the federal forum as it presented the most neutral forum.

Do you expect the upcoming plan to be approved by the township? The initial phase that just ended when the township settled with the organization was simply round one. The township has created a new parking law that will come into play and now we are moving on to round two, and probably eventually three, four... The community has portrayed its concerns as pertaining to pollution, development density, noise, traffic and other environmental issues as opposed to religion or culture. Bearing that in mind, their opposition clearly demonstrates that their objections have nothing to do with the environment and everything to do with racism.

When compared to suburban housing, a Temple building would present a very low environmental impact. Unlike a housing subdivision, the Temple would generate few if any traffic - there are about 60 member families within 100 miles who would visit perhaps once a week, it would be unoccupied 6 days a week, little or no water would be consumed, there would be only a small sewage discharge (the sewers are on site here) and the rain runoff would be resolved on site. With little use there would be little noise. The development density as planned is less than 1% of the site.

The community concerns for the environment were not raised for a private Christian school that was recently expanded and within a half mile of the Temple Property.

<http://www.montgomeryschool.org/> The Montgomery School bills itself as independent but, my wife and I investigated it for our children a while ago and, at that time it had a clear Christian bias – we are Jewish.

Daniel P. Dalton, telephone interview with author, April 19, 2011

Notes were taken during this telephone interview, typed, and sent to Dalton who reviewed and approved the transcript.

How did you come to be involved in this case?

I was contacted by Mr. Lipow for assistance after the Zoning Board denied ACMEC's application. I did not have a relationship to the organization or Mr. Lipow prior to that point.

In your experience, is it typical for religious organizations to have a tough time with zoning laws? Does it make it a difference if the organization is non-Christian?

It is definitely a common occurrence, and occurs for three primary reasons. The first and most common is that religious organizations are exempt from the tax revenue that other uses of the land would generate. Towns have an economic incentive to prevent religious organizations from developing land, especially when the economy is not doing well. Second, religious organizations may find it harder to work with zoning boards when the particular location of the proposed building is undesirable in some way (at the main entrance of a town, for instance). Third, there is the issue of religious discrimination, but this is an issue with all religions, not just non-Christian religions (people may have a problem with Methodists coming in just as much as with Hindus). These three factors are ranked from most common to least common respectively.

Looking back, is there anything you would've done differently? What did you learn from this case?

I was not involved until after the Zoning Board denied the application. However, from reviewing the materials on the case, it appears that it was set-up to fail. If I was involved from the beginning I would have advised that extensions to the hearing not be granted by Mr. Lipow and ACMEC. These extensions allowed the meetings to continue and ultimately led to the lawsuit,

something religious organizations do not want to do until they feel that their backs are against a wall and there is no other option.

During the controversy, did anything surprise you?

As expected, West Pikeland Township moved to settle with ACMEC immediately after the lawsuit was filed. These talks lasted for six months, and then were suddenly canceled by the township. I had never seen a move like this before. Typically towns settle with organizations before going to court because of the large monetary investment in going to trial. In this case wealthy neighbors hired lawyers from Philadelphia to represent the town, so the town did not have to spend its own money. Second, although it was not necessarily surprising, it did seem fairly hard for neighbors to accept that ACMEC believes in a living deity.

At the time, did you feel as if there was a simple resolution to this controversy? Why or why not?

The simple solution would have been to settle after the lawsuit was filed and before the case went to court. Usually this is the case with most cases. Usually the town will ask for a summary judgment. This allows the politicians to say that they didn't go to trial because they would have been defeated, while also then allowing the religious organization to build. This makes everyone happy, showing concerned residents that the politicians did everything they could while also allowing the religious organization to build. I hope that everything will go smoothly from this point on but don't know for sure how things will turn out.

How would you describe West Pikeland Township/that general area of PA to one who had never visited? How does religion contribute to the character of the area?

The area is extremely beautiful, and the residents are fairly wealthy. It is located in Pennsylvania's rolling hills, and has a quaint downtown. Religions doesn't necessarily make a sizeable contribution to the area as ACMEC would be building the first religiously affiliated building in the township, aside from a Catholic cemetery. Essentially, it is a rural suburb of Philadelphia that wealthy businesspeople move to.

What advice would you have for a minority religious group preparing to go through the same process ACMEC did/is still going through?

First, make sure zoning/deed restrictions allow building before anything is purchased. Do not assume a community will allow building to occur just because a religious organization purchased the property. Second, the minute things seem like they are taking a turn for the worse, they are. Start recording everything, with the mindset that you will eventually have to sue. The problem with this case is that ACMEC did not do this, and there were many letters/emails and other communications that were not documented and are hard to recall. This makes the entire process harder. Finally, it is important to recognize that the process will be expensive, time consuming, and unpredictable.

Muthu Chinnadurai - e-mail, April 15, 2011

Muthu declined a telephone interview but was kind enough to answer some of my questions through an e-mail.

Joshua,

I ran these questions with our lawyer Richard Lipow and he was okay with me answering them. Looks like you had conversations with him regarding this. The only reason, I am taking this route is to make sure that my personal opinions stated here don't impact negatively.

Here are my answers to your questions:

1. When did you and/or your family come to the United States from India? Why?

I came to United States in 1989 for my higher education. I went to school at University Of Wisconsin, Madison and graduated with M.S. in Industrial Engineering. My family joined me in 1991.

2. What was it like the day the guru visited the site (if you were there)?

I lead the effort with a group of devotees to search and procure land for establishing Shakti Peetam (Temple) and bring my Guru to United States, which was His very first and till now the only time that He visited this part of the world. I was with him throughout his approximately 23 days of tour in the U.S. At the site, we had close to 2000 people assembled to get dharshan of our Guru. In my opinion, it was a magnificent event, which I can never forget. I believe that His presence just brought the divine aura, which is what we have witnessed anywhere He goes. I felt , it was the happiest moments in gathered people's heart. When I was with my Guru, I personally gained the experience of an apostle being with Lord Jesus Christ. There was peace and bliss in everyone. However, there were certain unpleasant events like the neighbor blocking the shared driveway sitting in a chair with shot gun and stick. All otherwise, the planned events went very

well and successfully. The local township police, and fire department officials that we had hired for safety, security, and regulating traffic, were cooperative and their presence helped. I personally felt, that we had achieved the purpose of this life after our Guru's visit. As per His ordain, we had arranged for a cornerstone laying ceremony with much celebrated Hindu ritual of fire sacrifice - Yagna with Sri Chakra and many other configurations. It was an awesome sight to watch my Guru walk around and select people from the gathering to participate in some of the spots in the Yagna. After the fire ritual and cornerstone laying ceremony was over, almost all of the gathered devotees performed Paadha Pooja (Washing the Feet of Guru and anointing with sacred materials like turmeric powder, sandalwood powder, etc.). Paadha Pooja = Paadha (Lotus Feet) + Pooja (Worship) means offering worship to the Lotus Feet of Guru. Throughout the event, the entire neighborhood and surrounding area was pouring with rain, except on the site. Immediately after the ceremony and He left the site, rain poured into the site, which is a phenomenon that we have experienced and witnessed everywhere He visits. He commands control over nature.

3. Did you anticipate that the proposal would generate so much push back from the township residents?

Least did I expect such a push back from the township residents. However, I did know that there will be a process to go through township hearings to get approval and expected questions from curious public, who would be interested in knowing about our proposal, its impact on environment, about our culture and religious practice, etc. From what I knew about America, I was of the thought that these questions would be based on a positive approach to evaluate our proposal before approving. But what we experienced was different. In my opinion, the questioning by the residents and board of supervisors was based on a negative approach, i.e. they

questioned us to prevent us from moving forward with our proposal. So, my faith in the goodness of American society, its diversity, freedom, and its openness started losing grounds.

4. Was there a point at which you felt the case shifted from focusing on zoning to religious issues?

Yes I felt that the focus shifted to religious issue. As I mentioned elsewhere in these Q&A, I went into this process with firm belief that it is part of normal course, and that it will all be over in two to three hearing sessions. But as the number of sessions got extended beyond five and went upto 7 or 8 (I don't remember the exact count), it was very clear in my opinion that the township residents and its board of supervisors were on the course to wear & tear us. The questions moved away from fact finding to questioning our religious practices, the way we pray, the number of statues of Gods that we would consecrate in the Temple, the spatial requirements between these individual statues, etc were totally unwarranted. Because how we pray, and what we use for worshipping should not have been their concern, in my opinion. Questions related to purpose of each statue, architecture of the Temple, interior details of the Temple, Size of the Statutes, etc, were irrelevant and I felt that it was intrusion of our privacy and our freedom. Especially when someone (I don't remember the person who said this) made a statement, "They will come", was very hurtful and showed their inclination was not zoning, but religious aversion, in my opinion. Placing conditions such as that we had to plant matured trees around our Temple so it is not visible from surrounding area / neighborhood was completely contrary to our constitutional rights. In my opinion, these conditions basically demonstrated without doubt, that township residents were close minded, provincial group of people, who were not ready for diversity & inclusion, and not tolerate changes around their neighborhood. For me, to know that even building our structure has to comply with local people's taste and not to comply with our

own religious code was challenging our rights and freedom. In spite of all this, we were polite and compassionate to comply with many of their conditions, except that we couldn't take it any more when the condition, that "we must waive our rights to apply for any future land development in our 24.5 acre property forever" was put on us. I couldn't understand how a family of 4 can be allowed to build 12,000 sq ft independent house a mile or two away, but a Temple will be allowed only for 5,000 sq ft on a 24.5 acre land along with so many conditions

5. How did it feel to be a witness on the stand?

For me to take the witness stand to answer people's questions, provide clarifications and clear ambiguities, especially to fulfill my Guru's ordain, it was an honor and pleasure. I took the stand with pride to exercise my right to establish a spiritual center and our freedom to practice our religion, that this great nation United States of America provides to its inhabitants. But as the process continued, which started with factual questions, and proceeded to emotional and subjective questions, made me little uncomfortable. But, the Grace of my Guru filled me with courage, honesty, and integrity and I was poised only to provide as much truthful clarification as possible. I realized that here is a group of people who were trying to understand our proposal by relating the eastern religious practice founded on true spirituality to their historically accustomed western institutionalized religious practices. In my opinion, the township people were trying to relate their 'congregation' concept to our 'free flow' gathering where there are no preachers, sermons, and preachings. We offer our prayings, recite/chant sacred verses called mantras, and meditate. So, my challenge was to make them understand. But then a point of time came during the process, that my assumption was wrong. It dawned on me then, that they were not even interested in knowing about the proposal, but were only concerned about how to keep us off their backyard.

6. Were you present at the hearings at which you did not testify?

Yes I was, when my fellow devotee Sriram testified. But not in all of them.

7. Were there voices of support from the local community besides the one woman who stood up during a hearing and said the process was violating your religious rights (she is only identified as "a voice" in the transcripts)?

I can't recollect.

8. How did you feel when residents claimed you had testified falsely?

I felt my ground shaking and that my personal integrity was shattered to the ground. I realized that my faith in the goodness of people was breaking. In my opinion, my earlier statements were misconstrued purposely just to corner me and prove me to have falsely testified so that it can be proved that we are not trustworthy. This behavior made me feel like I was 2000 years back in time, when Lord Jesus Christ was standing in front of Pilate, while Jewish priests falsely accused Him, and that He had to defend. I am not comparing myself to Lord Jesus, but only alluding to the situation how even an Avataar like Jesus was put to task by the ignorance and selfishness of people around Him. At that point of time, I was convinced that now it is not about zoning, but about their aversion for our religion. Because, 'Trustworthiness' has nothing to do with zoning regulations, which was all focused only on technical and functional aspects of the proposal. At the same time, I maintained the course convincing myself that it is the 'fear of unknown' for the residents that could be making them behave that way. In 2001, if I remember, I was forced by the township residents, their lawyers and Board of Supervisors to commit to a number on the size of the temple, in spite of me repeatedly saying that I wouldn't know at that time. Only when the township legal representative said that they won't hold me to the numbers, and they just wanted to get an idea of the size, I gave my estimate of 5,000 sq ft, which had no basis, and was just my

impromptu thought at the time of questioning session. But then township and Board of Supervisors used this and conveniently evaded their statement 'that they wouldn't hold me to the numbers', and framed me as falsely testifying.

9. Was there any talk among the community of leaving West Pikeland Township and trying to find a new property with less controversy?

As far as I know, Never. Because, the process that this site selection went through was completely spiritual, and it was Blessed & Ordained to purchase, by my Guru sitting in India, Who has not stepped on the American soil until after we bought the property. Our faith in our Guru and His Divinity never swayed our thoughts and belief in the divinity of this property even a couple of rich neighbors offered multiple times to buy-back the property from us and promised to even funding purchase of another property elsewhere. Even the region's largest builder made a lucrative offer to buy the property from us, which we declined. We the devotees and followers of our Guru didn't and don't see this as a piece of land, but as an abode of divinity since it was selected by our Guru, He stepped on this soil and initiated it with rituals. So we don't even think about leaving the West Pikeland Township and finding another property elsewhere, unless otherwise ordained by our Guru.

10. Who decided to appeal to a higher court when the application was denied?

The application was not completely denied. But allowed to build only 5000 sq ft, where as our proposal was to build around 26,500 sq ft of Temple building and around 9,000 sq ft of auxiliary building along with several unconstitutional (in my opinion) conditions, including that we must give in writing that we will never approach the township for any other further land development requests in the future. Allowing only 5,000 sq ft build up area in a total of 24.5 acre land and give up all our rights?. The decision issued by township left us with no choice. So as a group, the

organizers (ACMEC Board Of Directors) decided to appeal to higher court as we felt that we were unfairly treated, denied our lawfully and constitutionally allowed rights, discriminated and our freedom to practice our religion was being challenged. We consulted with our Guru who stated, "Be law abiding citizens and go with what law mandates". We consulted with our legal counsel and appealing to higher court was the right thing and only thing to do. Having migrated from the largest living democratic country - India, we still firmly believe in the American Democracy, its world-class Judicial System, and its Excellence in constitutional rights for people of America. Our Guru wants us to do what the law allows us to do. We are law abiding, compassionate people, who respect diversity and inclusion, which is the reason, why we are still calmly going through the process for past 11 years, still awaiting for approval from Township for our proposal.

Please note that the above stated answers are 'my opinion and feelings' and should not be misconstrued to be that of ACMEC of NA or my Guru's or our devotee group's stand. These are my personal opinions and feelings.

Kind Regards,

Muthu P. Chinnadurai

"We are what we repeatedly do. Excellence, therefore is not an act, but a habit" - Aristotle