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Amish cases highlight beliefs

By Katharine Lackey

Andy Swartzentruber and Sam Yoder, of tiny Ebensburg, Pa., face sentencing Thursday for violating state sewage laws. The two Amish men were found guilty in April of building outhouses without sewage permits and of discharging untreated sewage into the ground.

The men, who chose not to have legal representation, sent a handwritten letter to the Sewage Enforcement Agency in January explaining their reasons:

"We feel this sewage plan enforcement along with its standards is against our religion (beliefs). Our forefathers and the church are conscientiously opposed to install the sewage method accordingly to the world's standards."

The two could pay a fine, be sentenced to community service, or, as a last resort, go to jail, said Cambria County District Judge Michael Zungali, who is presiding over the case that began in 2006.

This case, and others like it in New York and Wisconsin, are part of an increasing trend of clashes between religious

traditions and municipal codes.

Charles Haynes, senior scholar at the First Amendment Center, a non-partisan center at Vanderbilt University that studies free-expression issues, says as the USA's religious diversity grows, an increasing number of religious groups are speaking out and asking for accommodation.

"(The Amish) are an example of a group that does not bend to the times and groups like that are always going to have particular tension with laws and regulations," Haynes said.

In the past two years, there have been 14 cases involving the Amish in upstate New York, mostly dealing with building code violations, compared with only a few in the previous years, said Lori Windham, legal counsel for the Becket Fund for Religious Liberty, a non-profit, interfaith public interest law firm that handles cases defending the expression of religious traditions.

In Morristown, N.Y., 10 Amish men are charged with failure to obtain building permits and are awaiting a judge's decision on a motion

to dismiss, said Steven Ballan, the St. Lawrence County assistant public defender who is representing the 10 men.

State law requires that residences have smoke detectors, windows of a certain size, as well as inspections, all of which go against Amish tradition, Ballan said.

"The basic tenet of the Amish faith is this: 'Be not conformed to the world' and the Amish do things the way they've been done for hundreds of years," he said.

Elsewhere:

- In Black River Falls, Wis., four men are charged for failure to obtain a building or driveway permit, also in violation of state law.

- In western Michigan last year, three Amish men were charged with violating state building permits, but the township dropped the charges before going to trial, said the Rev. William Lindholm, chairman of the National Committee for Amish Religious Freedom. Haynes said to expect more such cases.

"Religious groups that have been quiet, or have not spoken out, have not had the

numbers to really have an impact, are now beginning to raise their voice and ask for accommodation," Haynes said.

In California, for example, a group of Hindus has filed a lawsuit against the state for the way their religion is represented in school textbooks, Haynes said.

Because of their emphasis on maintaining their religious traditions, the Amish try to adhere and honor the practices of their ancestors, said Donald Kraybill, an Amish expert at Elizabethtown College.

"Their understanding of religious faith is that religious faith is something you practice in daily life," he said. "For them, the architecture of their house, the use of modern plumbing, relates to their religious way of life."

Kraybill said not all Amish claims are justified.

"Sometimes, you get a cantankerous individual who doesn't want to comply with a regulation and then simply says it's related to their religious belief, " he said.

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