



THE HUMANIST SOCIETY OF GAINESVILLE



THE PROMETHEAN HUMANIST

April 2002

CHURCH ZONING CONTROVERSY IN ORLANDO

Home-based synagogue violates zoning and land-use laws

A large volume of automobile traffic and visitors to Rabbi Josef Konikov's home-based "synagogue" has resulted in a conflict with the neighbors in Sand Lake Hills development in Orlando. 300 neighbors have signed a petition opposing the Rabbi's services on account of the noise and annoyance caused by the meetings. The meetings are even advertised on three different websites.

The Orange County Codes Enforcement Board handed down a decision March 20 ordering Konikov to cease the meetings within 50 days or face a \$50/day fine. Konikov's lawyer, John Stemberger of the Christian Legal Society, will file a lawsuit in federal court alleging a violation of the U.S. Constitution, the FL Constitution, and the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

RLUIPA

The RLUIPA is a complex and easy-to-abuse rule. Many people believe RLUIPA was an extremely unfortunate Act. It is VERY bad for fair-minded people -- especially those of the non-religious flavor.

The Act is commonly interpreted to mean that it requires the "least restrictive means" to mitigate problems the community experiences with a religious activity (which probably makes the Act unconstitutional on its face).

Communities that have very timid, conservative, fearful public attorneys commonly interpret the Act to mean that a community cannot regulate religious activity at all, for fear that it will be seen to be a restriction in religious "freedom." As a result, a large number of communities are now MUCH more hands off about regulating churches, even when the negative impacts to the surrounding community are large. The Act requires a community to be very careful about regulating religion.

There must be very clear findings that a religious

activity is causing threats to the public "health, safety, and welfare." Since such threats include things like noise, traffic, stormwater, etc., Communities DO have the right to regulate religious activity, but the Act requires that the harm that is coming from (or could potentially come from) a religious activity must be clearly documented. And the regulation the community uses to protect itself must be the "least restrictive," so as not to trample on religious freedom (i.e. you cannot throw the parishioners in jail for a noise problem when a fine could also deter the creation of noise).

The Act will cause a lot of communities to suffer from negative impacts of churches, for fear of taking what might be seen as unconstitutional action. In Orange County, the judge would need to find that the special exception procedure is the least onerous way the County could regulate churches in residential areas, and that such a procedure is used for all forms of religion and for similar forms of "non-religious" activity in residential areas. In sum, I would not be surprised if the County lost this one, scary as that sounds.

Religious Persecution?

This issue is being reported in religious media as another case of persecution of religious people by a hostile government and a hostile secular media. Typical of these distortions are the following from the *Florida Baptist Witness*:

-- "[Konikov] will absolutely continue to pray until a judge with proper authority tells him otherwise." No "authority" is trying to stop Konikov from praying.
-- "An Orange County, FL, ordinance does not allow for a religious gathering of any kind in a residential area."

There is no such ordinance in Orange County according to Commissioner Teresa Jacobs.

MEETING: 7:30 p.m., Monday, April 8, 2002

OPEN MEETING

◆ This month's meeting will be held in the Board Room at SFCC Downtown Campus ◆



Please note the date printed on the address label to determine when you need to renew your membership!

**Clergy - Guardians of Morality
Pat Robertson's "confession" on the 700 Club:**

We understood that 45 percent of the pastors in America are hooked on pornography. This is a serious thing. It is a type of addiction, but you can get free from it.

It's the Secular Media!

As Roman Catholic priests across the nation used Palm Sunday to address the ever-widening child molestation scandal, Santa Rosa's bishop accused the news media of maligning the church.

Bishop Daniel F. Walsh acknowledged the damage done by wayward priests, but also publicly took aim at the news media yesterday during a Mass on the first day of Holy Week at St. Eugene's Cathedral in Santa Rosa.

"The smearing of all priests and the open questioning of their fidelity to their vows and solemn commitments because of the sins and crimes of the few has caused great pain," Walsh told parishioners.

The bishop's remarks come at a time when Don Kimball, 58, a former pastor and youth minister at Santa Rosa's Resurrection Church, is standing trial in Sonoma County Superior Court on criminal charges that he raped and molested two underage girls more than 20 years ago. Santa Rosa's former bishop, the Rev.

John Steinbock, testified last week that he had waited three years after Kimball admitted to him that he had molested teenage girls before taking any action against him.

Dozens of priests out of more than 47,000 nationwide have been suspended or forced to resign based on allegations of child molestation. A Florida bishop recently became the highest-ranking clergyman brought down by the scandal.

Pope John Paul II responded to the crisis in his annual Easter message last week, breaking his silence by saying that the scandal was casting a "dark shadow of suspicion" over all priests.

Walsh, who became bishop of the Santa Rosa diocese in

May 2000, told the packed cathedral at St. Eugene's that "all of us, but especially we who are ordained priests, renew our commitments today in difficult times and circumstances for our church locally and nationally."

Then, he lashed out at news coverage about the scandal.

"The misdeeds of a few of our priests have severely injured others, and the light of the media has been focused on these," he said. "The imperfect responses of myself and other leaders in the church to these wrongs, however understandable, have been highlighted and criticized throughout the media. . . . The media charges of coverup and intimations of complicity by the bishops have created an atmosphere that erodes trust and faith." - San Francisco Chronicle

**Subscription to
THE PROMETHEAN HUMANIST
Newsletter of the
Humanist Society of Gainesville
\$15.00 / year**

HUMANIST SOCIETY OF GAINESVILLE

President: Louis Clark
klouisc@gainesvillehumanists.org
352 373-5377
Treasurer: Pierce Butler
352 377-4601

MEMBER OF:

**American Humanist Association
and
Alliance of
Secular Humanist Societies**