

GURDWARAS IN THE US GOVERNANCE, AUTHORITY, AND LEGAL ISSUES

Prof N. Gerald Barrier,
Middlebush Chair in the Social Sciences
History Department, University of Missouri, Columbia, MO. 65211

ABSTRACT

This paper reviews the struggles over control of central Sikh institutions, Gurdwaras, in North America, and the implications for contemporary public Sikh life in the Diaspora. Contests generally revolve around political issues and factions, although claims about tradition, Sikh Maryada (boundaries of custom, tradition), and external authority such as that of the Akal Takht often become involved in disputes and subsequent court cases. Following a review of recent developments, the paper examines two important cases, in Fairfax, Virginia, and in Michigan, which highlight the meshing of religion and politics and raise broader issues than immediate control. A concluding section suggests patterns of contemporary Gurdwara governance and implications for change and possible new directions in Sikh public life.

INTRODUCTION

Gurdwaras play a central role in the lives of Sikhs throughout the world. However, struggles over control of those institutions and their resources also tend to dominate much of the public life of Sikhs in the Diaspora. The battles involve leadership and competition, with positions buttressed by claims about tradition, “authentic” Sikh procedures of governance, and reference to external sources of authority such as *Rehit Maryada* and involvement of the Akal Takht. This paper reviews the American Sikh experience prior to the 1980s and then focuses on specific patterns and incidents that have become more widespread in the last two decades.

EARLY SIKH INSTITUTIONS IN THE US AND EMERGING SOURCES OF CONFLICT

Sikhs migrated throughout the world from the 1880s onward, serving in military capacities, commerce, education, industrial settings, and farming. Although arriving relatively late in North America, Sikh immigrants mobilized quickly, developed a broad set of institutions, and paid more attention to publicity and communications than some of the compatriots in England and Asia. In British Columbia, the center of primary Sikh migration in Canada, public life revolved around the Khalsa Diwan of Vancouver and affiliated schools and Gurdwaras. Similarly, in California, the Pacific Coast Khalsa Diwan (San Francisco area) sponsored activities both political and religious. The Stockton Gurdwara and the Diwan addressed local issues and also became actively involved in the projects of individual Singh Sabhas and the Chief Khalsa Diwan

back in the Punjab. Besides donating funds, the Sikh farmers and students were linked to the Singh Sabha movement by newspapers, post, and networks of *jathas* and visiting religious leaders such as Teja Singh, MA. With the virtual curtailment of legal Sikh migration in the 1920s, and a concomitant decline of contacts with the increasingly marginalized Chief Khalsa Diwan, American Sikhs continued some religious practices in local centers but on the whole, paid less attention to ritual, maintenance of Sikh symbols, and social networks rooted in Punjab life. Daily life tended to be more parochial, and there was minimal concern over doctrine and tradition [1, 4, 5, 6, 8]

Changes in the US immigration law in the 1960s led to a sharp increase of Sikh migration not only to the West Coast, but to Chicago, New York, and Washington, DC, with pockets of Sikhs in Missouri and Ohio. This new generation tended to be professional, with relatively high degrees of education and growing sophistication. Working out the relationship between their own experiences as Sikh and Punjabis and the cultural and social expectations of their new homeland led to experimentation, more concern with tradition and affairs in the Punjab, and a surge of institution-building. This was accompanied in some cases by Gurdwara politics, that is, the attempts of specific individuals and groups to compete with others in controlling resources, to be seen as legitimate, and to accrue the honor and respect associated with public leadership.

The resulting Gurdwaras and cultural associations that

addressed community concerns were created within the context of local, state, and national laws regulating nonprofit organizations. Each had constitutions and bylaw, mirroring those finds in similar American institutions, and also probably reflecting advice from legal specialists. The framework for such activities tended to be very loose and did not define in detail issues relating to doctrine, the cultural and religious boundaries of membership, and the role of external sources of authority such as the *Rehit Maryada* promulgated by the Shiromani Gurdwara Parbandhak Committee (SGPC), Amritsar in the 1940s and decisions emitting from the Akal Takht in Amritsar. Election procedures were built into the governance system, but an equally important element involved a perennial respect and leadership role for those who contributed most heavily to the budget of the specific enterprises.

The constitutions of several earlier Gurdwaras and societies suggest patterns and also the independence of those who constructed their institutions and legal parameters to address immediate concerns. A spectrum of such legal documents were collected and preserved during the Fairfax Gurdwara Case, to be discussed subsequently. The Constitution of the Guru Nanak Foundation, Inc. of Greater Cleveland Ohio and the Richfield Gurdwara, for example, had aims and objectives associated with most of the other societies: creating a Sikh religious center, maintaining a library, teaching Punjabi, holding congregational meetings and celebrating *Gurpurbs*, work with other communal organizations, protect the ethnic interests of Sikhs, and facilitate other institutions such as social halls. Members had to be more than 18, believe in the Sikh Religion and thought and the aims of the Foundation, agree to abide by its constitution, and fill out a membership application. Members had to renew annual memberships and pay their annual dues (a couple \$21.00, singles, \$11.00, low for students and retired members) before the last Sunday in March, after which elections would be held for an Executive Committee. Much of the fiscal power and guidance for the Foundation, however, was in the hands of a virtually self-perpetuating Board of Trustees, each of which had contributed \$5,000 for five years, and then \$1500 for subsequent years. Similarly, the Sri Guru Nanak Sikh Gurdwara in Yuba City had provisions for three classes of membership (General members, donating \$225 annually), Board of Directors (initially donating \$2000 and contributing \$500 thereafter), and a Trustee (guarantors of loans, donating \$3,000 and \$1,000 thereafter). Any Sikh (defined as those who believed in the teachings of the Gurus and the Guru Granth Sahib) could participate in public activities, but voting and participation in governance was tied

closely to the level of contributions. Since some disturbances over personal and institutional issues already had occurred, the constitution also declared that “no organization, section, class of membership or member shall seek to foster sectionalism from within the membership of the Gurdwara Sahib or attempt to form a splinter group from within the membership.” Another representative constitution, for the Sikh Cultural Society, Richmond, New York, had similar goals and definitions of members (all those age 18 and older believing in the Sikh religion and thought and agreeing with the aims of the Society). Annual memberships were \$5.00 each, with requirements of minimal annual contributions for Trustees \$250, and a system of the general body of members electing all officers and Trustees.

In summary, Sikh institutions in the US had evolved in response to local conditions and the influence of those within the community who committed time and finances to the various enterprises. All nonprofit Sikh associations had constitutions and bylaw that met the demands of state laws. Public activities generally focused on worship, education, and ecumenical work in the new cultural environment in which Punjabis found themselves. Competition and conflict existed, but it tended to be local and reflected competition of groups and personality differences.

The nature of conflict between Sikhs and the struggle over governance took a strikingly different turn from the late 1970s onward. The spread of militancy and radical organizations, often with influence in North America, set the stage for a series of conflicts, and Operation Bluestar and the Delhi anti-Sikh riots accelerated this process. Sikhism appeared to be in danger, in many ways reflecting the kinds of concerns and responses found in the Singh Sabha activism almost a century earlier. Although factions and personalities continued as sources of unrest, these became fused with two interconnected developments—concern over Sikh identity and tradition, and efforts to find sources of authority outside the local arenas that would support claims of legitimacy and in some cases, are used within the courts to press the demands of specific groups. Politics and religion soon became a way of life for many Sikh *sangats* (congregation), not only in America, but also throughout the world.

SIKH IDENTITY, POLITICAL ISSUES, GOVERNANCE, AND CONFLICT IN GURDWARAS

The spreading demand for Khalistan, the varied responses of Sikhs to real or perceived threats to their religion and way of life, and fresh attention to ideology and tradition became major determinants of discourse and action during the last two decades of the 20th Century. In the Punjab, an explosive fusion of religious zeal and political

maneuvering led to the multiplication of activists and a reexamination of the role of the Shiromani Gurdwara Parbandhak Committee (SGPC) and the Akal Takht in legitimizing particular strategies and ideological strategies. The struggle within the SGPC and the three-cornered fight involving that premier institution, the Akal Takht and other key Sikh political/religious centers, and the Akali Dal fostered public maneuvers and helped undermine respect for many Sikh leaders. Excommunications became common place, arguments over the print media, calendars, and the Dasam Granth reached almost epic proportions, and threats and claims about non-Sikh practices, legitimacy, and the underlying question of “who is a good Sikh” and who speaks for Sikhs filled the airways and journalistic channels [3].

These developments soon colored Sikh public life in the Diaspora, and especially in England, Canada, and America. The Babbar Akali movement linked to Sant Bhindranwale spread quickly, as did the new World Sikh Organization and a National Council of Khalistan founded in Washington, DC under the leadership of Gurmeet Singh Aulakh. New journals and papers, such as *The World Sikh News* trumpeted militancy and highlighted the demand that all true Sikhs be involved in the Sikh freedom struggle and resist tyranny. Energized supporters of militancy and the creation of Khalistan systematically began to take over local or regional institutions. Often violent encounters within Gurdwaras became common, with contested elections and an overall attempt to discredit leaders who either were moderate or took the position that Gurdwaras should be places of worship and not take part in political activities. Politicizing Gurdwara programs would disturb the *sangat* and perhaps call into question specific constitutions and the limits on politics inherent in nonprofit status [8, 9].

New concerns over orthodoxy, tradition, and religious matters also became fused with politics. Increasing scholarly attention to Sikh history and tradition, for example, became scrutinized and was seen as government-sponsored propaganda or a tool in the hands of individuals and groups who wanted to destroy Sikhism. Sikh chairs came under attack, and rhetoric reached a shrill level that often resembled the tract warfare generated by Sikh/Arya Samaj conflict in the Singh Sabha era. For Gurdwaras, this meant that earlier group competition now was joined by conflict between moderates and militants, and in many instances, religion and claims about legitimacy became central in local struggles. These in turn led to take over, armed confrontation, and the persistent intervention of the police and courts in Sikh affairs.

The problem for Sikhs is that specific issues relating to

Sikh identity, authority, and some ideological controversies have never been fully resolved. Earlier, the Singh Sabhas and the Chief Khalsa Diwan successfully demonstrated to Sikhs, Hindus, and the British that Sikhism was a separate religion with unique or distinguishable beliefs and rituals. However, the organizations avoided drawing lines too closely and establishing firm delineations that might have divided the minority Sikh community. The leaders firmly believed that Sikhs upholding the 5 Ks and joining the Khalsa through initiation should provide leadership, but great care was taken to insure inclusive policies that would keep non-*Amritdhari* or non-*kesadhari* Sikhs within the fold. Similarly, the SGPC adopted the generalist policy. The 1925 Gurdwara Act, itself a compromise, defined Sikhs as anyone “who professes the Sikh religion,” and if challenged, would declare that “I solemnly affirm that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion.”

In the *Rehit Maryada* promulgated by the SGPC in the 1940s, a similarly vague description of “who is a Sikh” virtually duplicates the earlier definition, adding “faith in the Amrit of the Tenth King.” The use of the phrase “*nisacha rakhda*” (“to believe in”) can be interpreted as requiring baptism or affirming its value without actually experiencing *Amrit*. Other examples of ambiguity can be found in the *Maryada*, although clearly only initiated Sikhs constitute the Panth (Note # 1). The *Maryada* does not go into details on governance of institutions, and except for a single line indicating that *sangats* can refer religious matters to the Akal Takht, does not address the role that institution and leaders of the other Takhts and the SGPC can or should play in governance. In fact, the authority of the Akal Takht and the SGPC, and the relationship between the two, only surfaced sporadically in the 1925-1980 period [4, 10].

Under normal circumstances, most Sikhs in the Punjab and abroad had a strong sense of their faith, appropriate rituals, and the nature of worship and community life centering around the Gurdwara. In the United States, for example, variations in practice and belief could exist without challenge and threatening Sikh tranquility [11]. When controversies over the exact definition of “who is a Sikh” and attempts to delimit boundaries separating Sikhism from other religions and especially Hindus became essential elements of Gurdwara politics in America, however, the resulting battles disrupted relationships and led both to the creation of rival Gurdwaras and a series of court cases.

A brief survey of the patterns of conflict within Sikh Gurdwaras, from late 1970s to the present, highlights some of the causes and results of political and ideological competition. In New York, the older

Richmond Gurdwara (The Sikh Cultural Society) became a battlefield that involved questions about the role of *Sehjdharis* in governance and also the degree to which resources and the Gurdwara's public support could be extended to the Khalistan and extremist agenda. Court-supervised elections occurred frequently, with particular groups leaving and setting up or joining other Gurdwaras. In the vicinity is the Makhan Shah Lubhana Gurdwara, along with two in Flushing, and one in Bellerose. Followers of Yogi Bhajan hold services in Manhattan. In nearby New Jersey, there are four or five Gurdwaras.

In Washington, DC, politics and fights over politics and the role of "Gursikhs" (defined either as *Keasadhari* or *Amritdhari* sometime disrupted the Guru Nanak Foundation of America, leading to some prominent militants being ejected from the organization. These in turn worked closely with Dr Aulakh and the Khalistan organization and tried to disrupt a Washington conference emphasizing interfaith cooperation and moderation. Attempts also were made to control the nearby Fairfax, Virginia Gurdwara, to be discussed in more detail subsequently.

In Yuba City, violence, police intervention and court cases were perennial features of Sikh public life, with various takeover attempts involving political programs and occasionally religious issues. The extreme factionalism resulted in several schisms and the creation of new Gurdwaras, which then became arenas of conflict. Similarly, in the Los Angeles area, violence occurred at the Vermont and Lankershim Gurdwaras (1988 and 1996), with groups splitting off and forming other institutions. Khalistan and militancy contributed to the controversies, as did ideology and links to organizations outside the area. Finally, in Kansas City, an attractive Gurdwara with a very prosperous *sangat* witnessed a power struggle involving politics and also the practice of having *Sehjdhari* Sikhs play an important role in governance. The resulting court case left a legacy of legal debt and some bad feeling (Note # 2).

All these cases involved procedure, bylaws, constitutions, and legal issues. Even after one group won or lost in a Gurdwara takeover, the courts reached the final decision about elections and who had legitimate rights. Generally judges did not get involved in trying to untangle the claims about whether Sikh tradition and ideology were paramount in dictating specific actions. For example, an argument often heard was that despite a bylaw, the Sikh *sangat* could reach any decision in an open meeting without regard for procedures. The courts rejected the argument consistently. Constitutional matters and procedures were judged essential, but controversy over the Sikh way of life was not. With

regard to *Sehjdhari/Amritdhari/Kesadhari* relations, decisions were based solely upon the constitutions and bylaw, not by reference to arguments about Sikh religion. One interesting variation occurred during a Yuba City hearing in which the argument was made that the courts had no jurisdiction because Gurdwaras were part of a hierarchal system, like the Catholic Church, and therefore, could make their own decisions without regard to legal restraints. Although not central to the case, the judge summarily rejected that claim.

Groups and their lawyers clearly were willing to use any argument to buttress a case. Authority beyond specified procedures, including references to *Rehit Maryada*, the Akal Takht, the SGPC, and supposedly accepted methods of non-legal conflict resolution such as relying on an independent group of Sikhs to decide issues (*Panj Piarae*) very infrequently came into play. However, there have been three major exceptions that suggest how Sikhs try to balance legal requirements with appeal to "higher" or more relevant, outside sources on which to base governance decisions.

The most dramatic for Sikhs throughout the world, the *langar* (eating together without any discrimination of status) at the case in British Columbia, is well known. There militants tried to control several key Gurdwaras, and when court proceedings seemed to be going against them on legal grounds, they involved the *Jathedar* of the Akal Takht, Ranjit Singh, who excommunicated several prominent leaders including a controversial journalist, who subsequently was assassinated. The militants hoped that public pressure would force the moderates to withdraw from election contests. To the surprise of many Sikhs, the moderates then challenged the intervention, and finally under court supervision, they won control of the institutions. Interestingly, at one point, the militants tried to use the argument that since several leaders in key positions were excommunicated, they were no longer Sikhs and automatically, their positions fell vacant. The courts rejected the argument and eventually supervised new elections (Note # 3).

Before and after the Vancouver case, however, two proceedings involving American Sikh Gurdwaras highlighted even more dramatically the process whereby religion, law, authority, and governance became intermeshed in a legal case. The first, in Fairfax, reflected a prolonged struggle not only over control of an institution, but several burning issues that are at the heart of contemporary Sikh debate. The more recent, in Michigan, demonstrates how politics, local rivalries, and claims to leadership affect a local Gurdwara and then produce a costly legal procedure with depositions focusing on the nature of Sikh religion and institutions.

THE FAIRFAX, VIRGINIA CASE: REHIT MARYADA AND THE AKAL TAKHT IN GURDWARA GOVERNANCE

The Fairfax Gurdwara case initially grew out of internal disputes involving opposing groups concerned with finance and the degree to which resources should be committed to the cause of Punjab militancy. The Sikh Foundation of Virginia (SFV) was established in 1979 with a constitution and bylaw (note # 4). The documents resemble those governing numerous other organizations in terms of objectives, elections, and procedural manners. The primary purpose was to establish and run a Gurdwara, hold congregational meetings, and address religious, educational and cultural issues. Anyone 18 years of age and above, who subscribed to the objectives of the SFV could be a member after submitting an application. Members paying dues constituted a General Body that met before Vaisakhi and conducted annual elections. The Board of Trustees consisted of 15 members, 12 contributing members (with initial contributions of \$1100 and \$551 or more afterward), and three elected trustees. Contributing members had terms of at least 10 years, with annual rotation. Elected Trustees served for a year. The Board appointed a Management Committee including seven Trustees (four contributing and three elected), which included the office-bearers.

For a decade the SFV and the Gurdwara prospered as more Sikhs moved into Northern Virginia. Serious differences began to appear around 1990 over control of the Foundation, and policies toward membership, use of resources, and "Khalistan." From the Trustees' perspective, a small group of members supported by nonmember and militant Sikhs from DC tried to use the SFV to champion Khalistan, a position challenged by moderates who saw the SFV mission as religious and not political. In an increasingly tense environment, physical threats circulated, and in one notable event, the militants attacked a former Jathedar of the Akal Takht, Darshan Singh, who had been invited to present a program in the Gurdwara. Associating Darshan Singh with "cowardly" and "un-panthic" actions in the Punjab, the militants knocked off his turban in the presence of the Aad Guru Granth Sahib. Adding to the differences were budget concerns and the refusal to fund a publicity project supported by one of the militants. The Board and Executive Committee attempted to calm the situation, but the dissident groups insisted on broad reform of the constitution. Specifically, in December 1992, a letter circulated that called for SFV membership to include all Sikhs without a fee and a new management structure created by the congregation without formal elections procedures. Trustees also had to commit the SFV to support Sikh struggles against tyranny and a call for independence. The matter was discussed by the

governing body and then transferred to a subcommittee to discuss the implications.

On March 28, 1993, a General Body meeting discussed finances and other announced agenda items. Attending were some nonmember and a large group of new members associated with the militants following a flurry of membership applications in late 1992. Immediately the militants called "point of order" and then demanded an end to procedures and an end to what was seen as dictatorship by former leaders. After two hours of rhetoric, the chairman closed the meeting and many of the long-standing members withdrew. The remaining dissidents and their newly recruited group of allies then set up a new Ad Hoc Committee to administer the Gurdwara. A day later, the Board filed a legal suit to retain control. In court on April 1, 1993, a judge asked the two sides to meet and work out a compromise. A week later, a supposedly nonpartisan interim secretary attempted to conduct the regular Sunday Diwan, but during *kirtan*, the dissidents disrupted the meeting, seized the hall and physically attacked some SFV leaders. After police intervention, a criminal court found several dissidents guilty of assault and gave them suspended jail sentences.

As frequently happens in Virginia, the court appointed a commissioner to gather facts and to evaluate the legitimacy of the procedures and the legality of dissident actions. It is very likely that since the SFV officials used appropriate procedures and the take-over unconstitutional, the commissioner probably would have found in favor of the Board. However, at that juncture, the dissidents raised a series of objections that broadened the hearings into a thorough review of what constituted legitimate Sikh governance. Initially, it was claimed that the bylaw violated Sikh tenets because of requirements for dues and also privilege given to substantial contributors. In addition, the dissidents argued that an outside referee group, *Panj Piarae*, already had issued a binding decision, thus negating any role for the legal system. The SFV countered that the issues did not relate to religion but rather like any voluntary association, the SFV had procedures for holding meetings and changing bylaw. Only a majority of the membership could decide if bylaws were "un Sikh" and should be changed. The Commissioner then set up another hearing on the underlying issue of Sikh governance. Were Gurdwaras "congregational," that is, independent bodies that could reach decisions based on local interests and bylaw, or were Gurdwaras somehow linked together in a "hierarchal/connectional" relationship with overbidding concerns and boundaries that went beyond local control? If the latter, following Virginia law relating to hierarchal religious institutions such as the Catholic Church, the courts would have no jurisdiction.

Four interrelated issues became important in the subsequent hearings: the nature of the *sangat* within Sikhism, the authority of an external investigative body (in this case, the *Panj Piarae*), the centrality of the Sikh *Rehit Maryada* (as promulgated by the SGPC) and its applicability in local governance affairs, and finally, whether the subsequent intervention of the *jathedar* of the Akal Takht meant that all Sikhs and issues were tied together with a single source of authority similar to the Pope in Catholicism.

With regard to the ultimate power of the *sangat* or community, those contesting the SFV argued that since Sikhism is egalitarian and democratic, all-important issues should be resolved by resolutions, *gurmattas*, even if those went beyond the legal boundaries of bylaws. All Sikhs should have equal rights in deciding fundamental issues, not just those with long-standing or financial power. Since the Trustees went to the courts and rejected the will of the congregation, they were sacrilegious, insulted Sikhism, and created division among Sikhs.

Secondly, five *Amritdhari* Sikhs from outside the Gurdwara formed *Panj Piarae* to resolve issues. Apparently the SFV reluctantly agreed to the naming of the group although stated clearly from the outset that no commitment was made to accept its final judgment. The *Panj Piarae* met with all concerned in May 1993 and submitted a report two weeks later. The committee said that the bylaws were inconsistent with Sikh beliefs, that the dues and higher levels of contribution did not conform with tradition, that selection of trustees was against *Rehit Maryada*, and that membership rules meant that non-Sikhs or initiated Sikhs could play too dominant a role in the Gurdwara. Accordingly, the case should be withdrawn from the courts, and new bylaws be prepared that set up membership and leadership arrangements according to *Rehit Maryada*. The SFV rejected the decision as partisan and referred to an earlier communication prior to the creation of the *Panj Piarae* that indicated, “the findings of this group and its recommendations are in no way binding to either party.”

In essence, the Ad Hoc Committee asserted that Sikhs throughout the world were bound together because they followed a common code of behavior. The nature of *Rehit*, the power of the *sangat*, and the role of *Panj Piarae* in Sikh governance thus became the basis for the Commissioner’s call for fresh hearings on Gurdwara governance and hierarchy within Sikhism. Although the court clearly wished to deal with facts and not get into doctrinal or controversial matters that is exactly what happened. The final element in the claim that the courts had no jurisdiction appeared just before the hearings in the summer of 1994. The Ad Hoc Committee suddenly argued that the Akal Takht had exerted its authority over

the internal affairs of the SFV and thus proved that Sikhism was hierarchal. The stage now was set for proceedings that evoked strong reactions from Sikhs throughout the world and focused central issues relating to Sikh tradition and doctrine.

The involvement of the *Jathedar* went through several stages. In 1993, the *Giani* of the Gurdwara, Kuldeep Singh, asked Manjit Singh for advice, to which the Akal Takht Chief replied with a request for more information and renewed efforts to resolve the conflict. He stated clearly that local matters should be handled locally and in accordance with legal requirements. When the *Giani* attempted to work out a compromise, the Ad Hoc Committee rejected his proposals. The opposing sides then corresponded with Manjit Singh, and representatives from the dissidents went to Amritsar and presented their case. The SFV officials did not meet directly with the *Jathedar* because of fear for personal safety. To the surprise of the Trustees, Manjit Singh then issued an extraordinary document, offering counsel and strong advice on the matter. He said that both sides were at fault because of ego, avoided suggestions from the Akal Takht, and relied on secular courts in a matter distinctly Sikh. Court proceedings should be suspended. Instead “as far as the laws of the United States are concerned, they should be respected. But issues pertaining to offices or finances of Gurdwaras should be permanently withdrawn from the courts and settled accordingly to *Panthic* mores.” He went on to say that only *Amritdharis* should manage Gurdwaras, and that any new constitution or modifications in the management board should be sent to the Akal Takht for approval (Note # 5).

Why the *Jathedar* chose to be involved in a local matter, especially at a time when he was under severe attack for not providing aggressive political leadership, remains unclear. Certainly Manjit Singh was frustrated by the ineffectiveness of his earlier efforts, and in a more general sense, by recent indictments of “priestly *fatwas*” and misuse of authority such as appeared in *The World Sikh News*, March 18, 1994. If Manjit Singh believed his *Adesh* (“petition, offering”) would resolve matters, he must have been startled by the quick response from the SFV. In open letters to Sikh leaders and *Jathedar*, published in *The World Sikh News*, April 22, 1994, the SFV expressed respect for the Akal Takht and then expressed grave concern that Manjit Singh had moved from trying to be helpful to active intervention, a matter that raised “a number of issues, particularly those related to the management of Sikh organizations around the world, including India.” After reviewing the legal issues, the letter said that all procedures must be in accordance with local law. With regard to membership, the SFV argued that promoting Sikhism broadly should be a

major goal, and thus leadership and membership should be inclusive and not reserved for one group. All religious issues were and would continue to reflect *Rehit Maryada*. In a closing salvo, the SFV noted that the Akal Takht did not mention the sacrilege in physical attacks in the presence of the Aad Guru Granth Sahib or the need for disciplinary action against violent take overs. *Jathedar* had sent mixed messages that would upset the *Panth* and threatened local constitutions and democracy so cherished by Sikhs throughout the world.

The subsequent proceedings in May and August 1994 brought together a mass of documents, depositions, and testimony on events, interpretation of doctrine, and the nature of authority within Sikhism. The SFV basically argued that the existence of *Rehit*, *Panj Piarae* and the Akal Takht did not mean Sikhs were connected in a broad and at least quasi-legal fashion. They also argued that such arguments had never been used before, or even in this case until the evidence seemed to go against the dissidents. The defendants in turn argued that Sikhs were linked together and could not act independently. Resulting arguments were heated. An attempt was made to prevent a deposition by a former *Jathedar*, Darshan Singh, who clearly questioned the wisdom and the basis for Akal Takht intervention in local matters, suggesting instead a pattern of manipulation of religious leaders by militants. The Akal Takht as an institution required respect and honor, but its leaders often were ill informed and basically served at the will of the SGPC. On the other side, an expert witness for the dissidents argued that all Gurdwaras are homes of the Aad Guru Granth Sahib and thus belong to the *Panth*. The SGPC allegedly had authority of Gurdwaras across the world, and all Sikhs should submit to its decision. In an open letter, he asserted that only *Amritdharis* should lead Gurdwaras, and an internal system of *Panj Piarae* should monitor elections (Note # 6).

Both sides also argued their case before the bar of Sikh public opinion. The Ad Hoc Committee sent a letter of May 13 that argued all Sikhs must obey an *Adesh* (which they translated as "order") from the Akal Takht. Part of their argument included reference to Sikh tradition. Supposedly the Gurus used the Akal Takht, *Panj Pyarae*, *Sabha sangat* to resolve disputes, and these decisions were never challenged. Hence Sikhs should avoid courts and accept older methods of conflict resolution. In reply, the SFV presented its own version of the historical account and charged that the Akal Takht had been manipulated for political and factional purposes (Note #7).

Ultimately the Commissioner decided that the SFV was an autonomous organization, independent and self-governing. "No super congregational body" controlled

its actions, and it was not "subject to hierarchal control." The Circuit Judge agreed with the decision, and subsequently ordered that the Trustees and the earlier bylaws would remain in place. A subsequent attempt to prolong the proceedings, again on the basis of Virginia laws relating to divisions in religious institutions, was rejected, and for all practical purposes, the Fairfax Gurdwara continues in the hands of the original leaders (Note # 7).

Although *Jathedar* Manjit Singh withdrew from the Fairfax discussions after the Spring of 1994 and did not comment publicly on the court decisions, the Akal Takht surfaced one more time in Virginia. Dissatisfied members of the Fairfax Gurdwara decided to form a Singh Sabha Gurdwara, Virginia, and in the summer of 1998 sent the new *Jathedar* of the Akal Takht, Ranjit Singh, a copy of the constitution. Built into the management plans were control by *Amritdharis*, respect for the *Maryada* "laid down by the Akal Takht Sahib," and a reference to conflict resolution by *Panj Piarae*. Ranjit Singh used the opportunity to congratulate the new Gurdwara, but warned that dispute resolution by naming "Five Beloved Ones" might not work because groups might not agree on the composition of the body. He also stated that soon he planned to write to Sikh organizations in order to settle the governance issue forever.

"In my view every Sikh organization, Singh Sabha, and societies should, in their constitutions, accept the supremacy of Sri Akal Takht Sahib and run their respective organizations according to the Maryada of Sri Akal Takht Sahib. In case of dispute of any kind, the matter should not go to the worldly courts but to a tribunal constituted by Sri Akal Takht Sahib. The tribunal should consist of retired Sikh judges and Sikh scholars, five in number. If any party in any organization questions the decisions arrived at by them, an appeal can be made to Sri Akal Takht Sahib. According to this device, they can unite the entire Sikh nation on one platform and one purpose...." (Note # 9).

Such an activist view of the Akal Takht, compounded by decisions that alienated moderates and linked the *Jathedar* to the losing side in the struggle for control of the SGPC, led eventually to his dismissal. The claim for the supremacy of the Akal Takht and *Maryada* in governance controversies nevertheless remained a theme in Sikh public life, and was entered into evidence in the recent struggle between the Sikh Society of Michigan and the Sikh Center of Michigan.

THE STRUGGLE FOR CONTROL OF SIKH INSTITUTIONS IN MICHIGAN, 1996-1999

The conflict among Sikhs in Michigan grew out of a

simmering conflict over finances and personal leadership. A Michigan non-profit corporation, the Sikh Society of Michigan, had been the center of Sikh activities in the Ann Arbor, western-Detroit area since the 1970s. The Society owns the Madison Heights Gurdwara, a light industrial building converted for purposes of religious worship, instruction, and Sikh public activities. In the 1980's, one of the key elders in the community, Arjan Singh, won the cooperation of a leading entrepreneurial family, headed by Gurmale S. Grewal, in purchasing approximately 40 acres of land in the City of Novi for the purpose of a new Gurdwara project. With extensive background in real estate and construction, Grewal, Singh and associates prepared development and site plans for the structure (Note # 10).

Competition between groups in the Sikh Society surfaced in the period between 1980 and 1994. The Grewal family usually did not hold formal positions in the Society but contributed significantly to operation of camps, educational enterprises and similar activities. Regular operations of the temple had been in the hands of others, some of who were active in Khalistani activities and were critical of the Grewals for not boycotting visiting Indian officials. Conflict also had arisen over repairs to the Gurdwara and other financial matters including suggestions for more aggressive fund-raising and enhanced contributions from Gurdwara officers.

Following the death of Arjan Singh in December 1995, his family promised a substantial pledge to the new building project if Gurmale Singh provided leadership for the campaign. Consequently, Gurmale Singh moved ahead, getting a construction loan and raising over \$300,000. His continued work on the project was premised on the creation of a new organization, the Sikh Center of Michigan, which would have bylaws with an enhanced role of major contributors who would constitute a Board of Directors and Executive Committee. Levels of participation in governance involved initial contributions of \$50,000 or more for patrons, and 10% of annual income or \$5,000 a year plus initial contributions of \$25,000 or more for individuals serving as Directors. The constitution obviously was designed to insure an affluent, committed, and a very involved core of leaders. Also noteworthy in the new bylaws were provisions for memorials, plaques, or other honors for significant contributions, and a specific section that said that no funds could be used for political purposes. Membership was open to any Sikh who believed in God, the ten Gurus, the Guru Granth Sahib, and for voting privileges, a contribution of \$500.00 a year or 2% of one's income, whichever was less.

The new constitution, which passed the Sikh Society's Working Committee and was adopted without serious dissent by the annual meeting of the Society on April 14, 1996, transferred power for the new Center to influential Sikhs who were committed to building a new Gurdwara and insuring its programs and financial stability. Just before the transition of authority from the Society to its successor, the Sikh Center, a group of dissidents voiced concerns over some of the details including the lack of reference to the Akal Takht. A compromise was reached that would permit reference to the Akal Takht for religious but not temporal matters. In a subsequent executive meeting, the opposition disrupted discussion, and tried to stop all proceedings. Constitutionally, the group controlling the new Center held the high ground, but from that point onward, had to answer numerous charges and manipulation of the facts by the dissidents. In a general congregational session at the Gurdwara in July, opponents of the Sikh Center leadership broke up the meeting and in effect took over. The congregation split decisively into two factions.

When the leaders of the new Sikh Center transferred all development funds and the deed for the Novis property to its control in the summer of 1996, the inevitable legal and rhetorical battles began in earnest. Those now in control of the Gurdwara premises issued a series of letters and communiques that charged the Grewals and associates with theft and a variety of "unpanthic" activities. The levels of membership came under attack as elitist and against the egalitarian principles of Sikhism, as did the proposal to honor large donors with plaques. Grewal was labeled a "permanent dictator" who was trying to wrest control of Sikh institutions from the *sangat* and wanted only to be a *Mahants*. He responded to the increasingly abusive language by launching a libel suit that ran parallel to the major case over control of resources.

During the next year of legal wrangling, the Sikh Center developed a case built upon documents that tended to support the legality of its constitutional moves and financial decisions. The litigants from the Sikh Society moved toward using religious doctrine, tradition, and sources of authority overriding bylaws as the basis for its legal claims. Depositions and accumulating evidence contain frequent discussion of the role of the Akal Takht and *Rehit Maryada* in Gurdwara governance, and had the proceedings gone to trial, the public hearings would have re-fought many of the same issues publicized in the Fairfax case. Fortunately for all concerned, the judge kept pressing for a pre-trial settlement, responding positively to efforts by the Sikh Center leaders to compromise and avoid more expense (almost half a million dollars

already had been spent on the case). In light of his apparent willingness to make a summary judgment over the division of resources, the lawyers and their clients entered into an agreement that involved an end to personal attacks and a virtually even split of development funds and proceeds from the subsequent sale of the land. The Sikh Center proceeded to set up a separate Gurdwara in Livonia, and once all the assets are finally divided, a more elaborate structure is planned (Note # 11).

CONTEMPORARY GURDWARA GOVERNANCE: SOME REFLECTIONS

Several trends or patterns have emerged in recent Gurdwara discussions and politics in America. First, militancy is less pronounced although demands for Khalistan and concern with injustice towards Sikh persists. One reason involves the declining militant influence in the print culture tying Sikhs together. There are a variety of groups, journals, and perspectives, along with a flood of information (accurate and rumor) within the Internet culture. The online presence of *The Tribune*, *The Indian Express*, and other papers provides ready access to events and interpretations. Punjabi journals in Canada and the U. K. reflect different opinions. A more balanced approach to politics and tradition also reflects the growing dismay at secular and religious politics in the Punjab and disgust at the open manipulation of claims about Sikh traditions.

In such a reflective atmosphere, several societies and Gurdwaras have stepped back and looked at the implications of their earlier struggles and the role of bylaws and election procedures. Some constitutions have been rewritten to eliminate loopholes, and there is a trend toward setting geographical limits on membership and clear guidelines to prevent a sudden influx of supporters in takeover attempts. Reference to *Rehit Maryada* can be found in some of the revisions, and occasionally mention the Akal Takht. Virtually no congregation, however, wants to place the future of their local resources and institutions in the hands of outsiders. A few Gurdwaras either have moved away from elections and developed another means of selection of leaders, or are exploring the possibilities

Sikhs also are discussing and building into their bylaws an understanding of "who is a Sikh" and what should be the criteria for leadership. Since many influential Sikhs are not *Kesadhari*, specific requirements of eligibility are being worked out at the local level. Certainly most Sikhs do not want to divide resources or alienate important supporters, a process also evident in the ongoing debate over "who is a Sikh" with regards to SGPC elections in the Punjab.

The gradual trend undoubtedly is toward *Amritdhari* or *Kesadhari* Sikhs becoming more prominent in Gurdwara affairs, but that fault line appears to be less visible currently than the older patterns of competition based on factions and personality. The two major cases, Michigan and Fairfax, for example, really did not involve conflict over identity.

A more general and persistent problem involves finding a better and less expensive approach to conflict resolution within Sikh institutions. In the past, and under discussion today, are suggestions about setting up regional or national organizations, but there the persistent issue remains the degree to which local *sangats* wish to control their own resources, and the troublesome issues of what faction or ideology will dominate the new associations. The experience of the World Sikh Council has not been particularly helpful in that regard, with the organization becoming a frequent battleground for groups, politicians, and agendas. Similarly, as even the activist Jathedar Ranjit Singh warned, creating binding arbitration groups may exacerbate conflict. Who appoints the *Panj Piarae* and can they reach a decision that will be accepted by all parties?

SOLUTION

Pressure is growing to find some way to end the Gurdwara battles that tarnish the public image of Sikhs, who pride themselves as important participants in American public life and wish to maintain a positive view of the community. Similarly, discussions at Sikh Youth Conferences and scholarly analysis of perceptions of Sikhism among younger generations of Sikhs point to the negative results of turmoil in Gurdwaras (Note # 12).

What can be done at this juncture? From my experience as an outsider but interested student of recent Sikh development in North America, the starting point for discussion involves two principles. First, there is little if any real confusion among Sikhs as to their identity. Yes, there have been threats in the past, from the Arya Samaj, or more recently, from specific groups on the fringes of the community or organizations representing a particular Hindu perspective. These, however, do not really place Sikhism in danger. Manipulation of particular elements of tradition by interested parties should be seen as that, and not a serious challenge to the Sikh religion and way of life. The Aad Guru Granth Sahib, the traditions of worship and related rituals, and insistence upon service and brotherhood among Sikhs—all provide a firm basis for daily public life and worship. This has important implications for discussion of the nature of Gurdwaras and their governance. Sikhs abroad do not

need to see sources of temporal, outside authority, such as the SGPC and the Akal Takht, as vital in understanding their traditions. To the contrary, many of the interventions and the ongoing politicalization of these institutions create unnecessary confusion and often-dangerous distractions.

The maturity of Sikhism and Sikh institutions, as represented in the daily life of the Diaspora, points to a second principle. Sikhs can solve their own problems without continual reference to outside authority and structures. Sikhs in local communities and Gurdwaras have the knowledge and the commitment to resolve their own conflicts with minimal reliance on the courts. They can and should deal with claims, factions, and sometime inflammatory rhetoric themselves, not obscuring what really matters with references to broader institutions that potentially could exacerbate problems because of ideology or a particular perspective.

At the heart of Gurdwara governance is the ongoing competition and at times pride that has colored much of Sikh public life in the last century. Actually many institutions in a range of religions have been arenas for efforts to control resources and legitimacy but perhaps Punjab culture and the persistence of Sikh minority status helps perpetuate an especially persistent pattern of infighting. The Chief Khalsa Diwan and its journals (the *Khalsa Advocate*, *Khalsa Samachar*) seemed to think so, frequently pointing to the dangers of competition based on region, caste, ideology, and personality. From the Singh Sabha perspective, one of the most real dangers to Sikhs was Sikhs themselves.

Changed attitudes and approaches have to be worked out at the local level through negotiation and a renewal of a commitment to service rather than prideful leadership. Again, the Singh Sabha pioneers argued that only by rekindling a sincere sense of community centering on *benati* (appeal), and *sewa* (service), or selfless service, would Sikhism survive and prosper. Careful bylaws and procedures will help eliminate misunderstandings and redress to the courts, but ultimately, the fate of the *sangat* and Gurdwara is in the hands of Sikhs who understand local problems and gather together regularly to worship and share a common culture. These experiments and discussions may in time provide leadership for Sikhs in the Diaspora, and also point to new directions for politicians and religious leaders in the homeland, the Punjab.

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NOTES

1. Excellent discussions of the *Rehit Maryada* can be found in several numbers of *Understanding Sikhism Res. J.* and *The Sikh Review*. Professor W. H. McLeod's forthcoming book on *Rahitnamas* will be published by Oxford in early 2002.
2. I.J. Singh provided information on the New York area, while information on Yuba City and Washington are in the evidence files from the Fairfax case. I attended the Washington, DC conference. Other materials came from Karen Leonard (California) and from associates in the Kansas City Gurdwara.
3. Based on documents provided by legal counsel, and newspaper reports in the *Vancouver Sun* and *India Today*. I served as expert witness concerning whether all Sikhs accept all Akal Takht edicts as binding.
4. Account based on evidence at the court hearing, Commissioner John J. Karcha, Chancery 129640, and the extensive set of documents collected during the five year dispute. I served as expert witness in the hearings. Background, Barrier, Ref. # 2.
5. Letter and response in *The World Sikh News*, April 29, 1994, and court record. Originally in Punjabi, the English translation was accepted by both sides.
6. Depositions, and letters in *The World Sikh News*, May 6, 1994.

(Continued on page 12)

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7. Correspondence, *The World Sikh News*, May 13, 27, 1994. Virtually every witness portrayed *adesh* as "advice" or "request" and not an order.
 8. Fourth Report of the Commissioner, July 16, 1996; February 19, 1998 ruling, Judge Marcus D. Williams.
 9. Ranjit Singh to Surinder Singh Hansra, August 20, 1998, deposition exhibit in the Michigan Gurdwara Case.
 10. Based on documents, other material in Oakland County Circuit Court Caste 96-535016CZ. I am indebted to the Harnisch and Hohausser Law Firm for making the materials available.
 11. Settlement in the Court of Judge Fred M. Mester, Case 1996 535016CZ, August 20, 1998.
 12. For example, the numerous references in various Sikh chatrooms and the survey of L.A. Sikh attitudes by Karen Leonard, Ref # 9. Also recent discussion on the website "Sikh-Diaspora" on Sikh responses to persistent attacks after September 11th terrorist attacks, and references to issues of unity and internal disputes.
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