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EDITOR: Sheila Elwin
religiousliberty@southernunion.com

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Seventh-day Adventist Church Takes Stance on Fairness for All Act

The North American Division (NAD) recently issued a statement on the Fairness for All (FFA) Act. Questions about FFA and the Church's stance has led Waymarks to summarize some of the salient points of the NAD statement. We hope this will bring clarity as you prayerfully consider what the FFA Act means for the Church.

What is the FFA Act?

The Fairness for All Act was presented in Congress by Congressman Chris Stewart (Utah-R), Friday, December 6, 2019, and had the support of numerous groups — both faith-based and civic.

Two core philosophies comprise FFA:

- No American should lose their home or job because of being lesbian, gay, bisexual, or transgender.
- No religious person should be forced to live, work, or serve their community in ways that violate their faith.

Look for a sidebar of specific protections on page 2.

The Past 20 Years

American opinion on religious freedom has changed rapidly since around the year 2000. Religious freedom is now being considered an enemy of secular rights, with the two appearing to be in a culture war. The current debate is primarily between religious liberty protections and LGBTQ civil rights, with people of faith being seen as intolerant and bigoted. This is especially worrisome to religious minorities, and raises issues for denominations and religious groups which operate churches, schools, and more within their own belief system.

A Wake-up Call

Let's step back one year. The Equality Act was passed in the U.S. House of Representatives in March 2019, providing a wake-up call to religious freedom advocates. For the first time, fed-

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Fairness for All Act, *Continued from cover*

eral legislation was voted to expand civil protections for LGBTQ individuals, but which did **not** include protections for organizations and people of faith, and, further, cut off appeals to other federal laws protecting religious freedom.

The Equality Act is correct in preventing harassment and discrimination for people who face hostility in civic life. However, its failure to recognize and protect rights of religious conscience and free exercise is alarming. If passed in the Senate as well, it could greatly impact the Adventist Church and many others, and would leave very little protection for those whose religious beliefs are out of step with current social attitudes. Schools could lose accreditation, community services and disaster response organizations could be at risk.

Though it is considered unlikely to move forward in the Senate during this Congress, the Equality Act should not be taken lightly.

The Adventist Church's Commitment

A choice does not need to be made between religious freedom protection and equal civil rights protection for everyone in the public space. Adventist beliefs and values suggest these two goals are not at odds, but complementary.

The Church's commitment to religious freedom means that it will continue to champion the right to express faith and administrate local churches and institutions

according to Adventist-defined biblical values and beliefs. Likewise, the Church will continue to defend the rights of individual church members to honor their conscience as employees and business owners.

Also true to Adventist belief, the Church affirms the right of every person, regardless of belief, to be treated with dignity and to have legal protection in secular employment, housing, credit, and many other areas of life. Adventists know that every human being is created in the image of God, and deserves to be treated with compassion, dignity, and respect.

Adventist Involvement and FFA Outcomes

Adventist advocates from the General Conference and NAD worked with other groups to draft wording for Fairness for All. The proposed law rejects political polarization in an effort to create a dual message of upholding both religious freedom and human dignity.

FFA strongly protects religious groups and individuals of faith. Religious organizations would continue to create policies and make hiring decisions that reflect their beliefs. They would not lose tax-exempt status or accreditation or other protections, or be charged with discrimination for their stance on sexual orientation and gender identity.

The Act offers more significant protections for Sabbath accommodation than currently exist at the federal

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level. In the secular workforce, FFA calls for religious beliefs of employees to be accommodated by employers unless these create "significant difficulty or expense" for the employer.

At the same time, FFA legislation extends much-needed civil rights protections to LGBTQ individuals, and acknowledges that they should never be subject to discrimination or harassment in secular employment, housing, or many other commonly protected areas — protections currently lacking in 29 states.

The Fairness for All Act Protects...

- *Religious Education — no loss of accreditation nor government penalization for beliefs; housing based on religious principles allowed*
- *Religious Employers — institutions can maintain employment standards and ask employees to adhere to them*
- *Religious Employees — Sabbath accommodation is stronger; expressing religious beliefs is safe*
- *Houses of Worship/Religious Spaces — not required to rent facilities for uses against their beliefs*
- *Small Businesses Owned by People of Faith — need not provide services that violate their beliefs*
- *Healthcare Institutions — need not provide/perform procedures against their beliefs (must still treat all patients regardless of belief, sexual orientation, gender identity, etc.)*
- *Social Service/Humanitarian Agencies — i.e. ADRA and Adventist Community Services keep free hiring choices*
- *Churches' Tax-exempt Status — IRS cannot revoke tax-exempt status of churches, schools, or organizations due to religious beliefs and practices*

President Releases School Prayer Guidelines

President Donald Trump announced guidelines to protect prayer in public schools on January 16. "In public schools around the country, authorities are stopping students and teachers from praying, sharing their faith, or following their religious beliefs. It is totally unacceptable," Trump said.

The guidelines also clarify that teachers, administrators, and coaches are not permitted to lead school prayers or devotional readings of the Bible, "nor may school officials use their authority to attempt to persuade or compel students to participate in prayer or other religious activities."

However, some, among

them the Baptist Joint Committee (BJC) for Religious Liberty, fear that the language of this declaration duplicates existing protections, and the reasons given for its need echo Christian nationalism.

Previously, there were already constitutional protections for students — they are free to pray, wear religious clothes and accessories, and discuss their beliefs on school property. Teachers may teach religion as academics. Religious groups may meet on school property.

Additionally, two Supreme Court cases from the 1960s have led Christian nationalists to say the government "banned school prayer" and

"took God out of the schools." In actuality, they didn't ban free exercise of worship, but instead banned mandatory Bible readings and government-written prayers.

In light of existing rights, official comments made as part of the announcement appear to overemphasize a supposed problem and voice the claims of Christian nationalism. "Using any incident to institute state-sanctioned prayer, written and delivered by school officials, should be deeply concerning for all Christians," notes Amanda Tyler, BJC executive director.

Waymarks will be monitoring any future developments in school prayer area.

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Top Five Religious Liberty Issues, *Continued from page 4*

late. UPDATE: Later that year, and with heavy criticism by religious watch groups, SCOTUS granted Patrick Murphy a stay of execution in Texas. His religious discrimination claim argued that as a converted Buddhist, he needed a spiritual adviser to get to the "Pure Land" after death. Sharp contrasts were noted in the decision on Murphy, a white man who converted to Buddhism, vs. Ray, a black Muslim who was executed.

3) Catholic Sisters Appeal to Supreme Court Regarding Birth Control: The Little Sisters of the Poor, a Catholic order dedicated to caring for the elderly and

poor, received a religious exemption in 2017 from the HHS Contraceptive Mandate of the Affordable Care Act. Several states have since sued them, arguing that the religious exemption issued by the federal government violates law, and in October 2019 the Sisters filed another petition with the U.S. Supreme Court. They await the final decision of the Supreme Court.

4) Supreme Court Rules WWI Cross May Remain Due to Age: The U.S. Supreme Court ruled 7-2 in June 2019 that a WWI cross on public land maintained with government funds is not prohibited by

the Establishment Clause. The 94-year-old symbol in Maryland was deemed to have "historical significance," despite whether or not it was originally a religious monument. Justice Alito's drafted decision on *American Legion v. American Humanist Assn.* notes that "the passage of time gives rise to a strong presumption of constitutionality." Concerns about this decision on a religious symbol reaching to current protected areas, i.e. government funding or religion in public schools, have been raised.

5) SCOTUS Will Hear Challenge of Montana's No-aid-to-religion Law: The Montana state con-

stitution prohibits direct or indirect funding of religion. However, a state legislative program allows up to a \$150 tax credit for money donated to several K-12 scholarship funds. Those funds may then go to needy families for private schooling — at either religious or secular private schools. After the tax credit program was put in place, Montana limited it to public schools. Three mothers filed a lawsuit, arguing "excess of authority" and said it was discriminatory against religious groups. UPDATE: The U.S. Supreme Court heard *Espinoza v. Montana Dept. of Revenue*, and a decision is pending.

Southern Union Conference of Seventh-day Adventists
Public Affairs and Religious Liberty
P.O. Box 923868
Peachtree Corners, GA 30010

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Waymarks Looks at Top Five Religious Liberty Issues of 2019

Religious liberty was addressed in numerous cases during 2019. Waymarks readers are invited to review this "Top Five" list from last year's issues.

1) Federal Court Rules Conscience Act Procedurally Invalidated: New York Federal Judge Paul Engelmayer ruled in November 2019 that the Trump administration had not violated the Establishment Clause with their conscience act, "Protecting Statutory Conscience Rights in Health Care, Delegations of Authority," but they had ex-

ceeded the President's authority by stepping beyond the "separation of powers" assigned to each branch of government. "While conservatives may be very disappointed with this ruling, they may want to consider what would happen if a left-leaning administration engaged in similar lawmaking activity," noted ReligiousLiberty.TV.

2) Alabama Executes Muslim Inmate Who Requested Imam's Presence: Muslim inmate Dominique Ray, 42, sentenced to death for a 1995 rape and murder,

was executed February 8, 2019, in Atmore, Alabama. Ray had filed a legal challenge because Alabama only allowed Christian chaplains to be present in the execution chamber. The 11th U.S. Circuit Court of Appeals stayed the execution over the religious arguments, but the U.S. Supreme Court allowed it to proceed in a 5-4 decision. The Supreme Court's order did not deal with the religious issue, but said that Ray's request on January 28 was made too

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