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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 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.”

The cross was built by the American Legion with private donations, but it stands on public land and is maintained with government funds due to the property being obtained in 1961 by the Maryland-National Capital Park and Planning Commission. The names of 49 soldiers who died in WWI are inscribed on the cross.

The Court looked at instances where the government might be perceived to be involved in the establishment of religion, but they determined that “where cat-

egories of monuments, symbols, and practices with a longstanding history follow in that tradition, they are likewise constitutional.” Going further, Alito said that “destroying or defacing the cross that has stood undisturbed for nearly a century would not be neutral and would not further the ideals of respect and tolerance embodied in the First Amendment.”

Justice Kavanaugh agreed, but reminded that the state of Maryland still has the right to remove the cross if it wishes, since the Supreme Court’s decision only permits it to stand.

Justices Ginsburg and Sotomayor dissented from the decision, saying that the cross on public land is an impermissible religious symbol not secularized by its age.

Future concerns may involve whether this decision on a religious symbol could reach to current protected areas such as government funding or religion in public schools.

SCOTUS Will Hear Challenge of Montana's No-aid-to-religion Law

The Montana state constitution 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. Regarding this program, the U.S. Supreme Court recently agreed to hear a case, *Espinoza v. Montana Dept. of Revenue*.

Under Montana's constitution, the state is prohibited from giving public funds to religious institutions in any way. Nearly 70 percent of the state's private schools are religious based, though. After the tax credit

program was put in place, Montana limited it to public schools. Three mothers filed a lawsuit, saying their children would have benefited from the program in religious schools, and that the funds in question were private via tax deductions. They also argued "excess of authority," and said it was discriminatory against religious groups.

The Montana Supreme Court threw out the tax deduction benefit completely, saying that it violated the state's constitution. The petitioners then appealed to the U.S. Supreme Court, through which they hope to attack the state constitution's prohibition of "no aid" as discriminatory.

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NEWS OF THE WORLD

Quebec Public Workers Banned from Wearing Religious Symbols

The Quebec government recently passed a ban on wearing religious symbols by certain public servants. The June 2019 decision, Bill 21, bans teachers, police, government lawyers, and others in positions of authority from wearing religious symbols such as Muslim head coverings and Sikh turbans.

Most of the positions will not be affected greatly, but

the state has dozens of female Muslim teachers. Those already on the job may still wear religious garb, but they cannot transfer, be promoted, or take a new job.

The new law has been objected to by human-rights observers, minority groups, and opposition parties who say it is "an affront to personal liberty." A debate about the place of religious minorities in Quebec has

marked the last 10 years. The new law is popular, though, among the province's French-speaking majority.

"There are collective rights, and Quebecers have a right to tell the rest of Canada, 'This is how we live in Quebec,'" Premier François Legault told reporters.

• *Pakistani Christian Asia Bibi has relocated to Canada following years on death row in Pakistan, but Islamic extremists have vowed to pursue and kill her. She was accused of blasphemy after an argument with two Muslim women in her village, and sentenced in 2010. Pakistan's supreme court overturned her conviction. Pakistani blasphemy laws are said to particularly target Christians.*

• *Two Philadelphia foster mothers have asked the U.S. Supreme Court to hear their case. In *Fulton v. Philadelphia* the city is threatening to close a successful Catholic Social Services foster care agency — serving since 1917 — because it disagrees with their religious views on marriage. The mothers say foster kids are paying the price.*

• *Healing the Nations, a religious liberty and social justice podcast series addressing current issues "through the lens of the historical religious liberty view of the...Adventist Church," is produced by Peter Chung, a history teacher at San Gabriel Academy in California. The podcast features Adventist pastors and speakers who strive to avoid partisan politics and the legislation of religious morality. It is available on Podbean, Spotify, and iTunes.*

Adventist U.S. Chaplain Barry Black Honored for Defending Religious Liberty

Barry C. Black, the 62nd chaplain of the U.S. Senate, was presented with Becket's 2019 Canterbury Medal in May 2019. He was recognized for his history of defending religious liberty for people of all faiths, both previous to and during the Senate chaplaincy where he has served since 2003.

"Few spiritual leaders are as gifted as Chaplain Black in providing caring, courageous ministry in a pluralistic religious environment," said Mark Rienzi, president of Becket. "For almost two decades, our nation has benefited from

his chaplaincy, and this year we humbly thank him for his work to safeguard religious liberty."

Black is the first Seventh-day Adventist and African-American Senate chaplain. In that capacity, he is a spiritual advisor to America's lawmakers, their staff, and their families; he opens each Senate day with prayer; and he is influential in setting a spiritual tone.

Prior to serving the country in this fashion, he was a rear admiral and chief of Navy chaplains for the U.S. Navy, where he served for 27 years. He is also the au-

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thor of several books about faith and unity — *The Blessing of Adversity*, *Nothing to Fear*, and *Make Your Voice Heard in Heaven* — and as well as his autobiography, *From the Hood to the Hill*.

The Canterbury Medal honors Thomas à Becket, Archbishop of Canterbury and the Becket law firm's namesake, who entered a struggle for religious liberty with King Henry II of England. It is given to individuals who demonstrate courage and commitment in their defense of religious liberty.

Update: No Appeal to be Filed on 7th Circuit Decision Upholding Parsonage Allowance

There will be no appeal on the 7th Circuit decision to uphold parsonage allowance. The Freedom from Religion Foundation decided not to pursue the decision made in *Gaylor v. Mnuchin* with the U.S. Supreme court. That decision, made in March 2019, upheld the clergy-specific, tax-free housing allowance in the IRS Code.

The 7th Circuit had applied historical significance and the *Lemon* test in their

decision, and decided that the primary purpose of the exclusion was secular. They also stated that the parsonage allowance in the tax code falls somewhere between the Free Exercise Clause and the Establishment Clause — neither required nor forbidden.

The Freedom from Religion Foundation is a secular organization which has historically argued that the IRS allowance violates the Establishment Clause. How-

ever, they decided against pursuing it at this time, saying, "We did not feel the same confidence, however, in how the current Supreme Court would rule in our case, had we appealed. After 'counting heads,' we concluded that any decision from the current court would put the kibosh on challenging the housing allowance for several generations."

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