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**Southern Union religious liberty has "been actively working to get RFRA passed for more than 20 years."**



## Montana Governor Signs Religious Freedom Bill: What is RFRA?

Montana's governor signed a bill in April that summarizes the rights of residents to challenge government regulations which may interfere with their religious beliefs. In doing so, Gov. Greg Gianforte added Montana to 21 states with their own religious freedom restoration acts (RFRA).

Opponents fear the new law could allow businesses to discriminate in housing, services, or employment based on sexual orientation and gender identity, but supporters welcome restrictions put on government's ability to violate a person's constitutional right to freedom of religion.

"This law provides a sensible balancing test for courts to use when reviewing government policies that infringe upon the religious freedom rights of Montanans," the Alliance Defending Freedom said in a statement. And, Lt. Gov. Kristen Juras told the House Judiciary Committee in March that Gov. Gianforte "emphasizes this is not a license to discriminate against the LGBT."

What exactly is RFRA, and why has the Southern Union Public Affairs and Religious Liberty Department "been actively working to get RFRA passed for more than 20 years"? Amireh AL-Haddad, director, re-emphasizes, "We are in support of these type of bills."

State RFRA's were created to protect religious minorities, and began in the early 1990s when the state of Oregon denied unemployment benefits to Native American counselors who were fired for using peyote in their religious ceremonies. The federal Religious Freedom Restoration Act passed almost unanimously by the U.S. Congress in 1993, and was signed into law by President Bill Clinton.

For a RFRA case to succeed, three circumstances must be met. First, the person must have a sincere belief that is being substantially burdened. Second, it must be found that the government does not have a very good

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# Judge Dismisses Teacher's Claim He Was Fired Over Gay Marriage

An Indiana judge threw out a lawsuit filed by a former Cathedral High School teacher against the Archdiocese of Indianapolis, which claimed he'd been fired for entering a same-sex marriage.

Joshua Payne-Elliott, a 13-year employee at the Catholic high school, was terminated in June 2019, and says the archdiocese ordered it after he entered a same-sex marriage in 2017. The church countered — and long maintains — that the freedom of religion protected in the First Amendment prohibits the courts from reviewing their decisions.

The Indiana Supreme Court denied a request to hear the case and sent it back to a special judge for Marion Superior Court in Indianapolis. Lance Hamner, Johnson Superior Court 3 judge in Franklin, was appointed to rule on

the teacher's lawsuit against the archdiocese, and denied the case.

Afterwards, Becket law firm, which represented the archdiocese, issued a news release that called the decision "an important ruling" that ensures "students and families receive an authentic Catholic education."

"If the First Amendment means anything, it means the government can't punish the Catholic Church for asking Catholic educators to support Catholic teaching," said Luke Goodrich, vice president and senior counsel at Becket. "This has always been a very simple case, because the Supreme Court has repeatedly affirmed the freedom of religious schools to choose teachers who support their religious faith."

**The church maintains that First Amendment freedom of religion prohibits the courts from reviewing their decisions.**

## RFRA, *Cont. from cover*

reason (e.g. health or safety) to interfere. Third, there must be a reasonable alternative to serve the public interest. RFRA says that someone's religious liberty can only be limited by the "least restrictive means of furthering a compelling government interest."

"No side gets an automatic win, and the interests of all sides get weighed," states the Becket Fund for Religious Liberty. "All RFRA does

is level the playing field in court for people of deeply held religious convictions. Sometimes they win and sometimes they lose."

Legislatures of 23 states have enacted versions of the Religious Freedom Restoration Act, though Arizona and Colorado have since reversed theirs: Alabama, Arizona, Arkansas, Connecticut, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mis-

issippi, Missouri, Montana, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Virginia. Additionally, nine more states — Alaska, Hawaii, Ohio, Maine, Massachusetts, Michigan, Minnesota, Washington, and Wisconsin — have RFRA-like provisions via state court decisions rather than via legislation.

• *Bettina Krause, LLB, was elected as the new editor of Liberty magazine, the North American Division's publication on religious liberty. She replaces retiring editor Lincoln Steed. Krause was previously associate director of the General Conference PARL department, representing the denomination to the U.S. Congress. Krause, who holds a law degree from Australia, has also served as director of Adventist News Network; director of media relations for the General Conference; and special assistant to former GC President Jan Paulsen, for protocol, media, and communication.*

• *Officials from the Correctional Institutions Division of Texas' prison system announced in April that prisons have resumed allowing clergy and spiritual advisers in the death chamber. Previously, the U.S. Supreme Court had halted the execution of an inmate who had argued his religious freedom was being violated because Texas prison officials would not allow his Buddhist spiritual adviser to accompany him, even though Christian and Muslim clerics were allowed. After that, Texas denied all clergy and spiritual advisers from the death chamber. This announcement reverses the two-year ban.*

# SCOTUS Case on Disclosure of Nonprofit Donors Raises First Amendment Questions

The U.S. Supreme Court ruled, in 1958, that the state of Alabama could not require the NAACP to disclose its membership list, because that organization had shown that revealing its members could expose them to retaliation in the South. SCOTUS recognized the relationship between the freedom to associate with others and the privacy of those associations.

In April 2021, the court heard arguments in *Americans for Prosperity Foundation v. Rodriguez*. A decision is pending in this case which

readdresses the general subject of the 1958 case. In the current case, the issue revolves around the state of California requiring that nonprofit organizations submit a list of their top donors each year. Two nonprofit groups, Thomas More Law Center and Americans for Prosperity Foundation, have challenged California, saying the requirement violates rights to free speech and freedom of association.

Opposing concerns have been raised. Some are worried the case may affect campaign-disclosure laws

and transparency issues. Others want to make sure First Amendment associational rights are protected.

California has previously failed to keep information private. "California leaks confidential information like a sieve," Thomas More Law Center says in its brief.

ChinaAid Association is a nonprofit promoting religious freedom and rule of law in China. They warned that their U.S. donors and family members in China would become victims of Chinese government reprisals, because the govern-

ment would easily be able to hack California's charity registry.

On the other hand, Ellen April, a professor of tax law at Loyola Marymount University's Loyola Law School in Los Angeles who joined an amicus brief in support of the state, says donor disclosure requirements help deter wrongdoing in the nonprofit sector: "We don't want bad apples in the sector because that hurts the good apples."

A decision by SCOTUS will likely be reached in June 2021.

## NEWS OF THE WORLD

# 2020 International Religious Freedom Report Published

The 2020 International Religious Freedom Report was presented by Secretary of State Antony Blinken at the U.S. State Department in May 2021.

"In far too many countries," says Dan Nadel, the senior official for the Office of International Religious Freedom, "2020 witnessed significant government restrictions on religious practice ... with four out of every five people in the world living in environments with high or very high restrictions on religious freedom."

China continues to suppress Christians, Uyghur Mus-

lims, and Tibetan Buddhists.

Deep concern continues about North Korea's wide-ranging human rights abuses, including hard restrictions on religious freedom and thousands in prison camps for religious activities.

Continued reports about the government of Azerbaijan reveal physical abuse, arrests, and imprisonment for religious activists. About 40-50 "political" prisoners are actually detained for religious beliefs.

Since 2017, \$500 million in assistance has been provided to assist religious and

ethnic minorities in northern Iraq. The U.S. still seeks accountability for those responsible for the ISIS genocide against Yazidis, Christians, and others.

Others mentioned include Indonesia with its blasphemy laws, and Turkey's limited access to medieval church-turned-mosque Hagia Sophia, and their refusal to recognize non-Muslim religious minorities other than the Armenian Apostolic Orthodox Church, the Jewish community, and Greek Orthodox Christians.

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## Alabama Voters May Opt Out of “So Help Me God” Oath on Voter Registration Form

Alabama will now allow residents registering to vote to opt out of signing an oath that has previously been included on the form: “So Help Me God.”

The Freedom From Religion Foundation, a secular group advocating for the strict separation of church and state, filed a lawsuit in September 2020 which challenged the constitutionality of Alabama’s mail-in voter registration form because of the phrase. They

argued that it violated the 1st and 14th Amendments.

Plaintiff Randall Crugan, an atheist, tried to register to vote in Alabama in November 2019, but didn’t want to sign the declaration. He was told that “there is no legal mechanism to register to vote in [Alabama] without signing the oath as it is stated” and “If you cross out a portion, the board of registrars in your county will reject the application and ask you to resubmit.” He refused

to sign, and was unable to vote in the 2020 election.

Alabama Secretary of State John Merrill has since issued a statement saying, “...we remain willing to accommodate all voters of Alabama. All registration applications, online or on paper, were updated on March 8, 2021, to include the option to opt out, if interested.”

The lawsuit by the Freedom From Religion Foundation has been dropped.

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