

IN THIS ISSUE

PAGE 1 Separation of
Church/State Narrows

PAGE 2 Abortion Limits
Challenged by Jews,
Muslims

PAGE 2 Church/State, cont.

PAGE 3 Conscience Rights
of Health Care Workers
Protected

PAGE 3 Teachers Made to
Violate Religious Beliefs

PAGE 3 Bullet Points

PAGE 4 State Rep Says She's
"Tired" of Church, State
Separation

EDITOR: Sheila Elwin
religiousliberty@southernunion.com

2022 | Volume 4

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Separation of Church/ State Narrows Via SCOTUS Rulings

In recent months the Supreme Court of the United States (SCOTUS) has made rulings that appear to be closing the distance between the separation of church and state. Sometimes a ruling that may even seem justified does, in fact, move us closer to blurring the line of the divide.

The following cases have either damaged church/state separation, or are worth following to see what is decided in the future.

SCOTUS rejects Maine's ban on aid to religious schools: Maine has had a tuition program which doesn't allow public funds to go to religious schools. The justices voted 6 to 3 to reject this ban, stating a concern about discrimination against religion because Maine will pay tuition for students in rural areas where there are no public schools, if the private schools are nonsectarian.

However, constitutional concerns about the separation of church and state may be more important. The president and CEO of Americans United for Separation of Church and State (AUSCS), Rachel Laser, notes that SCOTUS "continues to redefine the constitutional promise of religious freedom for all as religious privilege for a select few." She continues, "The court is forcing taxpayers to fund religious education," as if it were "government-enforced tithing."

"I am terribly disappointed and disheartened by today's decision," said Attorney General Aaron Frey. "Public education should expose children to a variety of viewpoints, promote tolerance and understanding, and prepare children for life in a diverse society. The education provided by the schools at issue here ... promote a single religion to the exclusion of all others, refuse to admit gay and transgender children, and openly discriminate in hiring teachers and staff."

SCOTUS to look at anti-discrimination vs. religious liberty: The court recently accepted the case of a woman who wishes to create wedding websites, but not for

Please turn to page 2...

Abortion Laws Challenged by Jews, Muslims

Even as Catholics and some evangelicals consider the reversal of *Roe v. Wade* to be a win for religion, some Jews and Muslims have brought lawsuits, saying that abortion prohibitions violate their religious beliefs.

Interpretations in Judaism and Islam vary, but include one or more of the following beliefs: that a fetus is part of the mother's body and is only considered a person after its first breath, that the fetus becomes a soul once it is born, that tradition prioritizes the safety of the mother, that abortion be prohibit-

ed unless the mother is in danger, and that abortion is allowed up until 120 days before birth.

At least one Jewish group, Congregation L'Dor Va-Dor of Boynton Beach, has sued the State of Florida over its 15-week ban, arguing that it imposes "the laws of other religions upon Jews." Rabbi Barry Silver said in an interview that when separation of religion and government crumbles, religious minorities often suffer: "Every time that wall starts to crack, bad things start to happen."

Sumayyah Waheed, se-

nior policy counsel at US civil rights group Muslim Advocates, told Al Jazeera that, "This ruling empowers the religious right to continue to pursue policies that basically establish their religious positions into law. That is a complete violation of anyone who doesn't feel that way, particularly religious minorities."

"Every time that wall [between religion and government] starts to crack, bad things start to happen."

Church/State Issues, continued...

same-sex couples because of her religious objections. This will be a case to keep an eye on, because it differs from an earlier Colorado cake baker case which was decided in the baker's favor particularly because of how his religious freedom claims were handled in a hostile manner by the state. That case did not have the national repercussions which may be seen in the website case, as it pits anti-discrimination against religious liberty.

SCOTUS decides in favor of praying high school coach:

Coach Joe Kennedy was suspended from his job for praying at the 50-yard line after school games in Washington state. The school district claims it never restricted him, in seven years, from offering silent, private prayer. They also offered to accommodate him with an alternate place to

pray after games, but Kennedy refused. Instead, Kennedy "insisted on audible prayers at the 50-yard line with students," Richard B. Katskee, AUSCS lawyer, told the jus-

tices. However, the court decided his prayers were private speech and were protected by the First Amendment. One person's religious exercise was placed ahead of protect-

ing the societal call for separation of church and state. This may result in "eroding the protections for religious liberty for all," said dissenting Justice Sonya Sotomayor.



Conscience Rights of Health Care Personnel Protected in S. Carolina

South Carolina Governor Henry McMaster has signed H4776, the Medical Ethics and Diversity Act. It establishes that health care practitioners, institutions, and payers have the right to refrain from participating in or paying for services which violate the individual's or entity's conscience.

This applies to practitioners and institutions that promote themselves to the public as religious, and also claim a religious mission in their governance. As such, they are assured the right to

hire and fire and to practice policies and procedures consistent with their beliefs.

Per the new act, "No physician, nurse, technician, medical student, or other employee of a hospital, clinic, or physician shall be required to recommend, perform, or assist in the performance of an abortion if he advises the hospital, clinic, or employing physician in writing that he objects to performing, assisting, or otherwise participating in such procedures."

**Act H4776
gives right
to refrain
according to
conscience.**

Teachers Made to Violate Beliefs, Virginia School Board Sued

The Harrisonburg, Virginia, City Public School Board is being accused of usurping the rights of a parent while also forcing school staff to violate their religious beliefs by affirming the board's view on gender identity. The board is being sued in Rockingham County Circuit Court by both parents and teachers.

The Board had instituted policy that, if a child makes a request regarding change of gender identity, staff must immediately begin using opposite-sex pronouns. It also forbid staff from sharing information with parents about their child's request. Further, the lawsuit states that the district implement-

ed "Gender Transition Action Plans," which states that students' families only be involved where deemed "appropriate."

Senior counsel Ryan Bangert notes that, "Parents — not public schools or government officials — have the fundamental right to direct the upbringing, care, and education of their children. Teachers and staff cannot willfully hide kids' mental health information from their parents, especially as some of the decisions children are making at school have potentially life-altering ramifications. As the clients we represent believe, a teacher's role is to support, not supplant, the role of the

parent."

In response to a request by CBS News, the district superintendent emailed, "In specific student situations, the focus is always to foster a team approach that includes and supports the unique needs of the student and family on a case-by-case basis. HCPS also has systems in place to listen to and respond to employee concerns. We are dismayed that this complaint is coming to us in the form of a lawsuit in lieu of the collaborative approach we invite and take to address specific needs or concerns, an approach that we believe best serves the interests of our students, staff, and families."

- *The EEOC is suing Aurora Pro Services, based in North Carolina, for requiring employees to attend daily Christian prayer meetings, which included devotionals, Bible readings, and solicitation of prayer requests. The company took roll and reprimanded employees who didn't attend. They cut the pay and eventually fired an atheist employee, and fired another who was agnostic.*

- *A judge has ruled against the Wisconsin state prison system for its restrictive COVID-19 policy that barred all clergy from meeting with inmates. The Archdiocese of Milwaukee filed the lawsuit in 2021. While clergy were banned, attorneys, psychologists, and social workers were allowed to see inmates as long as they followed health protocols. "This is a good day for religious liberty in Wisconsin," said attorney Anthony LoCoco.*

- *In Dallas, Texas, a religious freedom suit is now in federal court. Two apartment complexes primarily occupied by refugees are using a laundry room for Muslim services, and another area for Christian gathering. The owner and manager accuse the city of "harassing inspections" because of religious discrimination. The city says they are addressing "ongoing life-safety issues."*

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

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Colorado's House Representative Says She's "Tired" of Church/ State Separation

Rep. Lauren Boebert (R-Colo.) stated she is "tired" of the historical separation of church and state in the U.S. In her speech at Cornerstone Christian Center, she also added that she believes "the church is supposed to direct the government" and that removing religion from government was not the purpose of the founding fathers.

"I'm tired of this separation of church and state junk — that's not in the Constitution.

It was in a stinking letter and it means nothing like they say it does," Boebert said. Audience applause signaled their agreement.

Rhode Island founder Roger Williams was the first to champion "a wall or hedge of separation" between church and state. In 1802 Thomas Jefferson wrote a letter referring to the American public building "a wall of separation between Church and State." And, the establishment clause in the

Bill of Rights says, "Congress shall make no law respecting an establishment of religion."

Following recent Supreme Court rulings, Justice Sonia Sotomayor said SCOTUS "continues to dismantle the wall of separation between church and state that the Framers fought to build."

Boebert disagreed: "The reason we had so many overreaching regulations is because the church complied," she said.

**"SCOTUS
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