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**The Adventist
Church supports
initiatives that
protect from LGBT
discrimination
while preserving
religious freedoms.**



Adventist Church Speaks on U.S. Congress Respect for Marriage Act

The U.S. Senate voted to advance the Respect for Marriage Act (H.R. 8404), legislation that addresses federal and state recognition of same-sex marriages on November 16. The act passed in the Senate with amendments on November 29. The Respect for Marriage Act repeals and replaces previous federal provisions that defined marriage as between a man and a woman with provisions that recognize marriages valid under state law. The legislation additionally requires states to recognize marriages from other states, including same-sex and interracial marriages.

The Seventh-day Adventist Church respects the right of others to believe differently; however, its view on marriage is not based upon a secular rationale and it will continue to teach and promote its understanding of marriage, sexuality, and family. The Adventist Church has not endorsed or advocated for the passage of the Respect for Marriage Act. However, due to con-

cerns expressed by the Adventist Church and other religious freedom advocates, the amended legislation now contains provisions that address the core religious freedom concerns raised by the bill. These include Congress acknowledging that "both traditional marriage supporters and their beliefs are decent and honorable," protecting churches from being forced to facilitate same-sex marriages, and preventing retaliation against religious organizations for their views on marriage.

The Adventist Church greatly appreciates the congressional offices that responded to its concerns by including these religious liberty provisions. It does not seek to hinder anyone else's rights — such as LGBT nondiscrimination protections in areas such as secular employment, housing, and public accommodations — but seeks to preserve religious freedom safeguards for people of faith and the institutions they maintain.

Texas Prisons Must Adopt Formal Policy on Religious Rights in Execution Chamber Following Suit by Inmate Scheduled to Die

A Texas federal district court has asked the Texas Department of Criminal Justice (TDCJ) to publish a clear and approved policy which does two things: 1) protects the religious rights of any inmate in the execution chamber, and 2) clearly states and specifically describes any exceptions to the policy.

In early November 2022, inmate Stephen Barbee sought a court order which would require the state to allow his spiritual advisor to be with him in the execution chamber, to pray audibly with him, to have physical contact and hold his hand, and to offer a blessing on him.

The TDCJ told the court

the requests would be granted, and moved to dismiss the lawsuit. However, the court could not be sure they actually would grant the requests because, previously, TDCJ officials prohibited any physical touch or audible prayer in the execution chamber. The court reminded the TDCJ that the U.S. Supreme Court encourages all states to adopt rules and procedures to protect the religious rights of an inmate in the death chamber, and requested the completed policy before proceeding with the execution of Stephen Barbee.

Earlier, in September 2021, the U.S. Supreme Court halted the planned execution of

John Henry Ramirez. Texas had refused Ramirez' request to allow a pastor of lay hands on him or pray audibly during the execution. The court reviewed his claim that his First Amendment right to the free exercise of religion had been violated.

Additionally, Federal law — the Religious Land Use and Institutionalized Persons Act — provides heightened protections for incarcerated individuals' religious exercise.

TDCJ officials have since allowed physical contact and audible prayer for any inmate, as long as the requests are timely and permit security checks. However, they still need to formalize a written policy.

Texas has since allowed physical contact and audible prayer for inmates at execution.

Buddhist Pilot Wins Religious Discrimination Case Against United Airlines

United Airlines must pay \$305,000 to a Buddhist pilot who refused to attend Christian-based Alcoholics Anonymous meetings on religious grounds. Because of his refusal, he could not regain his medical certificate and was not permitted to fly.

The man, a pilot for 30 years, was diagnosed with alcohol dependency. United's substance abuse treatment program requires at-

tendance at AA meetings. The pilot requested attending Refuge Recovery, a Buddhism-based support group, as an alternative, but United refused.

The EEOC said United had discriminated against him, violating Title VII of the Civil Rights Act of 1964 which prohibits religious discrimination.

As well as paying his back pay and damages, and al-

lowing him to return and attend his Buddhist support group, United has agreed to

accommodate non-Christian staff in its recovery program in the future.

"Employers have the affirmative obligation to modify their policies to accommodate employees' religious beliefs." ~ EEOC Attorney

Some Election Results Affect Religious Liberty

A few states had bills in the recent midterm elections which involved some aspect of or related to religious liberty. Some passed and others failed. Results are detailed below.

- Arkansas: The Arkansas Religious Freedom Amendment was narrowly defeated, possibly due to how it was written. Issue 3 read it would "provide that government may never burden a person's freedom of religion except in the rare circumstance that the government demonstrates that application of the burden to the person is in furtherance of a compelling government interest." Even though the bill was considered a "Republican favorite" in a red state, the most conservative feared government infringement, while the liberal feared "weaponizing" religion.

- Tennessee: One of 27 right-to-work states, Tennessee "enshrined" protections against mandatory union membership in its constitution. This does not ban unions from the state, but does protect workers from being required to join.

- Tennessee: Amendment 4 repealed a previous ban on clergy serving as elected members of the state legislature.

- West Virginia: Despite being supported by religious institutions and the ACLU, the state failed to remove a provision from its state constitution that bars churches and religious organizations from incorporating. That result may be unconstitutional since the current status violates the Free Exercise clause.

West Virginia failed to remove a provision from its constitution barring churches from incorporating.

- *Yeshiva University, since banning an LGBTQ student club, has created an undergraduate LGBTQ club "that presents an approved traditional Orthodox alternative to YU Pride Alliance." In response, LGBTQ students called it a "desperate stunt," saying, "The YU sham is not a club as it was not formed by students, is not led by students, and does not have members."*

- *Following a lawsuit filed by the EEOC, Kroger will pay \$180,000 to settle religious discrimination claims after firing two workers who objected to wearing aprons with a multi-colored heart logo which they saw as support for the LGBTQ community. Kroger denies religious discrimination, and says the marketing symbol is "not a rainbow and only encompasses four colors."*

- *The City of Boston will pay \$2 million to a Christian group for their refusal to fly the group's Latin cross flag at City Hall. The U.S. Supreme Court found the city to be in violation of First Amendment rights, because they had allowed numerous other groups and clubs to fly flags, and only refused Camp Constitution's flag because it was Christian.*

NEWS OF THE WORLD

Religious Clothing Ban Approved

A private company may prohibit employees from wearing any sign of religious, political, or philosophical belief in the workplace ruled the Court of Justice of the European Communities following a request from Belgium.

The case was prompted after SCRL, a company that manages social housing, refused to hire a Muslim wom-

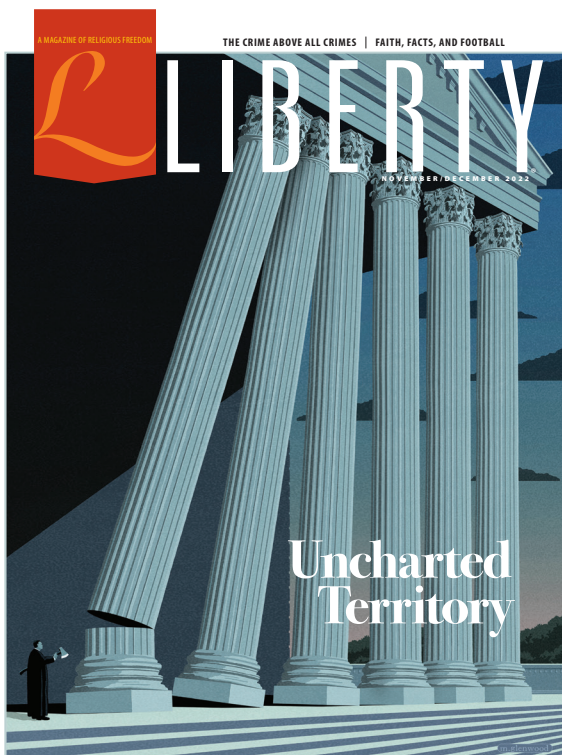
an as an intern because of her insistence on wearing her hijab. She later renewed her request and offered to wear a different type of head covering, but SCRL refused because they do not allow any caps, hats, or headscarves on their premises.

The court decided that this would not be direct discrimination as long as all areas — religion, politics, and

philosophy — are prohibited without distinction, and all employees are required to dress neutrally. They did recognize, however, that this could put individuals who adhere to a particular belief or religion at a disadvantage. The ruling suggested that employers pursue neutrality only if there is a genuine need for it which can be shown by the employer.

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Religious Liberty Offering: JANUARY 14, 2023

Religious Liberty Speaking Engagements Available

The Religious Liberty Department is taking speaking appointments for 2023. Speakers may be via Zoom or in person, depending on COVID-19 or other circumstances.

If your church wishes to request a sermon and/or religious liberty seminar, please call 770-408-1800, ext. 176.

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