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**“I am overwhelmed with gratitude for Judge Robinson’s sound, fair, and just ruling,” said Kaji Dousa, pastor.**



## Pastor’s Free Exercise Rights Violated by U.S. Immigration Officials

A California federal district court has determined, March 2023, that a New York pastor’s free exercise rights were violated by U.S. immigration officials when they restricted her ministry to migrants in Mexico.

Kaji Douša is a pastor at Park Avenue Christian Church in New York City. She also works along the southern border with Mexican immigrants. In Mexico she has performed numerous marriage ceremonies for common-law immigrant couples with children. This lessens the chance that the families will be separated in the United States.

In January 2019, Douša was stopped and questioned for 1 1/2 hours by federal agents when she was crossing into Tijuana, Mexico. She was participating in a 40-day “Sanctuary Caravan” aiding migrants. She was surveilled and investigated in an attempt to tie her to Antifa.

Earlier, in 2018, a U.S. Customs and Border Patrol official emailed the Mexican government, asking

them to deny her entry to their country and to send her back to the U.S.

*Dousa v. U.S. Department of Homeland Security* was the resulting case settled in March 2023. The court recognized that the U.S. has a “compelling state interest” in protecting the border. However, an immigration official admitted that the email was “creative writing ... without any basis,” and the California court said that indicated that there was no actual state interest nor an achievement of border security in requesting that Mexico deny Douša entrance. Therefore, restricting her ministry to Mexican immigrants was a violation of her Free Exercise rights.

“I am overwhelmed with gratitude for Judge Robinson’s sound, fair, and just ruling,” Douša said. “The government’s approach — stalling, gaslighting, even lying — was entirely unconvincing to the court, and I am thrilled for the vindication. Judge Robinson cleared my name, and I thank God for it.”

# Christian School Sues Over “Poison Pill” Tuition Provision

There is a “poison pill” in recent educational tuition law, but it may be affecting more areas than many schools realize or are prepared to admit.

The Supreme Court of the United States, in summer 2022, ruled in favor of parents in Maine who had filed suit against the state. These parents basically wanted vouchers to use at the schools of their choice, if their district had no public school. At the time of the decision, no actual schools were involved in the lawsuit.

Now, in 2023, a Christian school has challenged the state over the new tuition reimbursement program. Along with its distribution of tax dollars, the state has required that schools which accept funds must comply with the sexual orientation and gender identity

non-discrimination provisions. The private school involved in the lawsuit states that this violates its religious beliefs.

It is worth noting that religious schools which do not receive public funding are exempt from said provisions. Is the poison pill the demand to follow state rules — or is the poison pill accepting state money in the first place?

“The religious liberty department continues to issue a warning that ‘there are no shekels without shackles,’” says Amireh Al-Haddad, director of public affairs and religious liberty for the Southern Union Conference. “This holds as true now as it did 60 years ago. These church/state entanglements are predictable dilemmas and the reason why churches should

“There are no shekels without shackles.”

remain independent of government funding. The idea that private religious schools can accept government monies and refuse to yield to the rules that all others must comply with is unrealistic. If our schools really are our largest evangelist efforts, should the government be responsible for funding them? Churches and church schools holding their hand out for government funding cannot fulfill their prophetic purpose.”

## PARL Conference Scheduled

*If you haven't seen it yet, turn to the ad on the back page!* “Reconstructing Religious Liberty in a time of Religious and Secular Extremes,” a conference sponsored by the North American Division Public Affairs and Religious Liberty ministry, will be held October 20-21 at the Collegedale, Tennessee, Seventh-day Adventist Church on the campus of Southern Adventist University.

“Unfortunately, hyper partisanship and division are

no longer relegated to our nation's capital. Polarization has seeped into almost every aspect of our culture, nowhere more so than in the conversation surrounding religious freedom,” notes Melissa Reid, associate director at NAD PARL, who advocates for religious freedom interests of the Church on Capitol Hill.

The event will seek to answer two questions: 1) How can we effectively engage with those who believe re-

ligious freedom is merely a cover for bigotry? and 2) How do we engage with people of faith who increasingly fear cultural marginalization, and who've become vulnerable to the appeal of religious nationalism?

Use the information in the back-page ad to make reservations and secure the early bird rate of \$49. The event is open to academics, theologians, religious freedom experts, and all others interested in these issues.

- *Orthodox Jewish day schools (yeshivas) in New York have won a partial victory in their challenge of “substantial equivalency” regulations which required students in non-public schools to receive instruction in subjects substantially equivalent to public school students. They determined the yeshivas do not have to meet every standard, and that parents may make up the difference via homeschooling.*

- *The U.S. House of Representatives recently passed legislation on public school curriculum and parental rights, but House Freedom Caucus members were unsuccessful in their bid to add a provision which would approve vouchers sending public funds to private schools.*

- *While the U.S. House has rejected private school vouchers on a national level, Florida has recently expanded eligibility for the same when Governor Ron DeSantis signed HB1 into law. Previous eligibility was limited to low-income families. HB1 expands these government scholarships to any K-12 resident of Florida, with priority to lower income. These are primarily intended to provide educational opportunities for students with disabilities or particular needs.*

# City Settles Discrimination Suit Over Sabbath Accommodation

The city of Lansing, Michigan, has settled with the Department of Justice on claims of religious discrimination contrary to the protection of Title VII of the Civil Rights Act of 1964, and also and retaliation.

A Seventh-day Adventist city detention officer in the police department had requested not to work from sunset Friday through sunset Saturday, and was subsequently terminated. She

had let the city know her religious needs during both application process and on her first day of work.

The DOJ claimed that not only did the city fail to accommodate her and then terminate her, but it also retaliated by filing a counterclaim. As part of the settlement agreement, the city will complete its religious accommodation and retaliation policies, as well as a plan for training on those

policies, and will submit them to the DOJ for approval. Additionally, the former officer will be paid \$50,000 in back pay and damages.

"With this consent decree, the city of Lansing will undertake actions necessary to protect the religious rights of employees in the workplace," Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division said in a news release.

# West Virginia Passes State Version of RFRA

The West Virginia House of Delegates has advanced House Bill 3042, the Religious Freedom Restoration Act, designed to provide religious protections from excessive government limitations. The bill prohibits state and local governments from treating religious conduct differently than they would non-religious conduct, assuming similar risks or economic need or benefit.

Opponents fear HB3042 could be used to discriminate. The Democrat House caucus is concerned the bill could be used by religious majorities to force the government to elevate one religion over another.

While some of the concern over discrimination is aimed at the LGBTQ community, Cindy Briggs-Biondi,

pastor at St. Mark's United Methodist Church in Charleston, fears HB3042 could be used by people and business owners to deny services to others based on their religious beliefs. "Religious freedom is enshrined in our Constitution, and I am very thankful for that," she said. However, "when I look at the history of the church, I look at times where Christians have used their faith in order to justify all kinds of terrible practices. I'm concerned that this bill would give a platform to our worst impulses."

On the other hand, "I would argue this bill is a shield and not a sword," said Bo Burgess, a pastor representing West Virginia Baptists for Biblical Values. "It simply provides a shield

for anyone who has a deeply held religious belief from government intrusion. That is the point. This protects us from the government intruding on our deeply held religious beliefs."

**Since 1993,  
20 states  
have enacted  
RFRA laws,  
and 16 more  
introduced  
bills or  
amended laws  
this year.**

• *A Jewish inmate in Houston County, Georgia, was denied kosher meals when incarcerated in 2019. (Whether related or not, he subsequently had a severe allergic reaction due in part to a neurological condition, broke out in ulcers over his body, and claimed he received sub-par medical care.) He filed under the Religious Land Use and Institutionalized Persons Act (RLUIPA), but was denied in his state. In February 2023, the U.S. 11th Circuit Court of Appeals ruled, in Ravan v. Talton, and in regard to his kosher requests, that he should have been allowed to move ahead with his RLUIPA claims against a food service company because it receives federal funding. They affirmed the dismissal of his claims against two food service workers though.*

• *The Supreme Court of the U.S. has declined to hear a Florida prayer vigil dispute. A 2014 vigil by uniformed police officers in Ocala, which included Christian prayers, resulted in a lawsuit by two atheist couples claiming violation of the Establishment Clause. Ocala appealed to dismiss the case, but SCOTUS declined to hear the case — which could have made it harder to sue in this manner.*

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