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Supreme Court Ruling Strengthens Religious Accommodations at Work

The Supreme Court of the United States, in a 9-0 vote issued Thursday, June 20, made a decision that will strengthen legal protection for employees when their job requirements are in conflict with their religious beliefs. These are most often seen in Sabbath-keeping issues, and the ruling will help workers maintain their belief obligations on whichever day of the week they regularly observe Sabbath.

In the case at hand, Gerald Groff was a U.S. Postal Service worker who appealed for time off on Sundays. He is a believer who observes a day of Sabbath on Sunday. Initially, his appeals were accommodated, but then USPS signed a contract with Amazon for Sunday deliveries, and he was eventually fired.

The ruling in *Groff v. DeJoy* gives a more defined standard on what makes an "undue hardship." At the time of *Trans World Airlines, Inc. v. Hardison*, in 1977, a "de minimus" standard was established, which allowed employers to fire

workers who caused them even a minimal amount of hardship.

SCOTUS did not overturn *Trans World Airlines, Inc. v. Hardison*, but it did make it clear that the language within Title VII of the Civil Rights Act of 1964 requires that the impact on a business must be assessed. Employers should now show that accommodation would mean substantially increased costs to their business. Hardship from accommodation may not be claimed because of a bias against religious practice, or because other employees might be asked to work overtime. The employer would first need to look at options like voluntary shift swapping.

Adventist attorney Alan Reinach, director of public affairs and religious liberty for the Pacific Union Conference (and author of quote at left), was a longstanding member of the legal team for Groff, and Todd McFarland, Deputy General Counsel, wrote the amicus brief filed by the Adventist Church.

**"Make no mistake:
This is a huge win
for Adventists with
Sabbath scheduling
conflicts, as well as
for persons of many
faiths."**

NEWS OF THE WORLD

Executions in Iran as U.S. Rates Religious Freedom in 199 Nations

Iran has hanged two men convicted of blasphemy, as executions increase across the nation. Yousef Mehrad and Sadrollah Fazeli Zare were arrested in May 2020, accused of involvement in "Critique of Superstition and Religion," on the Telegram message app, according to the U.S. Commission on International Religious Freedom. The men also suffered solitary confinement, and were not allowed to be in

touch with their families.

"These latest executions are a grave reminder of the Iranian regime's penchant for abusing and violating the human rights of the Iranian people," said a spokesman of the U.S. State Department.

The U.S. State Dpt. has issued its 2022 list of religious freedom offenders, naming 199 nations, including China, Russia, Afghanistan, Burma, Saudi Arabia, India, and Iran.

More than 25,465 refugees

were resettled permanently in the U.S. in fiscal 2022, with priority given to those suffering religious persecution in the worst areas.

"Religion can be such a powerful force for good in the world," says Rashad Hussain, U.S. ambassador-at-large for international religious freedom. "We vow to redouble our efforts to ensure greater respect for freedom of religion or belief for everyone, everywhere."

Two States Move Away From Separation of Church, State

Oklahoma and Texas have both made educational choices that blur separation between church and state.

Oklahoma recently approved what could be the nation's first publicly funded religious school, an online charter school run by the Catholic Archdiocese of Oklahoma City and the Diocese of Tulsa. Currently in the state, any funding that may go to religious schools is related to subsidies, grants, or tuition vouchers. "The proposed school would be completely funded by the taxpayers, and that part is totally unprecedented," notes Robby Korth, KOSU news director.

Opponents include the state's attorney general, a

moderate Republican arguing to maintain separation. The ACLU and others are expected to sue.

Meanwhile, the Texas state Senate approved a bill that would require the Ten Commandments to be prominently displayed in every public school classroom. Similarly, a second bill allows school districts to require that their schools provide a "period of prayer and reading of the Bible or other religious text on each school day."

The legislation is in response to the Supreme Court decision in *Kennedy v. Bremerton Sch. Dist.*, when they sided with a high school football coach conducting prayers with students, says State

Sen. Phil King (R), author of the Ten Commandments bill.

"The proposed [religious] school would be completely funded by the taxpayers..."

- *A Native American student at Broken Arrow High School in Oklahoma, Lena Black, is suing the district and two staff members for violating her religious freedom and freedom of speech. She says at the May graduation school officials grabbed at her eagle plume, which she holds sacred, as she walked across the stage. She had asked a teacher, but had not been told that the school did not allow regalia. State law allows for wearing regalia, but schools may deny it.*

- *Minneapolis is the first major American city to allow Muslim calls to prayer to be broadcast over loudspeakers at all times — generally five times day. Previous broadcast was limited to three times a day because the noise ordinance did not allow for dawn and late evening calls. The vote came during Muslim holy month Ramadan, and with no organized community resistance.*

- *The Department of the Air Force has created the DAF Accommodation Portal. It facilitates civilian reasonable accommodation, military religious accommodation, and all accommodation appeals processes. The portal will allow a standardized and transparent system for accommodations.*

U.S. Chaplain Raises Public Affairs Issue

Senate Chaplain Barry Black, also a Seventh-day Adventist, delivered a rare

personal political view in a prayer following the school shooting in Nashville, Tenn. The Senate chaplain of 20 years made a plea for lawmakers to act on gun violence, saying it was "time for us to move beyond thoughts and prayers."

This issue turns attention to the Adventist Church 1990 statement on guns: "Automatic or semi-automatic military-style weapons are becoming increasingly available to civilians. In some areas of the world it is relatively easy to acquire such guns. They show up not only in the street, but in the hands of youngsters at school. Many crimes are committed through the use of these kinds of weapons. They are made to kill people. They have no legitimate recreational use."

Though the Church's weapons stance has no bearing on membership, it has helped greatly to define members as a peace-oriented group. One example is during the Waco and David Koresh crisis. That group was originally tied with Adventism in the media. However, after the Church produced its previously written statement on weapons, attention was moved from the denomination.

This issue and others which may affect Adventist members and their decisions regarding military and other accommodations will be pursued in future Waymarks.

- *Mississippi must allow religious exemption for childhood vaccines, ordered U.S. District Judge Sul Ozerden. The lawsuit was filed in 2022 by parents whose religious beliefs keep them from vaccinating; homeschoolers; and families who live in states which allow exemptions, but whose children are in Mississippi with family. A previous exemption in the state was overturned in 1979, when a state judge ruled that vaccinated children have a constitutional right to be free from associating with unvaccinated peers. Other states with no exemptions are California, Connecticut, Maine, New York, and West Virginia.*

- *A public school district in Arizona has settled with Arizona Christian University, and will again allow student teachers from that school. District board members had ended the 11-year program after declaring the student teachers were not able to be respectful to LGBTQ students and employees. There was no evidence, however, and ACU filed suit alleging religious discrimination and saying the district acted "solely because of [their] religious status and beliefs."*

BULLETIN BOARD

Are you having a work accommodation issue?

Remember, help is always available for religious accommodation issues. The earlier you reach out for help, the higher your success rate will be. We also assist with noncombatant letters, Sabbath testing, vaccinations, and more.

Call Monday-Thursday, closed Friday: 770-408-1800.
Ask for Religious Liberty Department.
Or, email religiousliberty@southernunion.com.
We are here to serve you.

September 8-10, 2023

Southern Society of Adventist Attorneys Annual Retreat

FREE CLE!

Sept 8-10, 2023
Savannah, Georgia

For a more info, email:
ReligiousLiberty@southernunion.com



September 28- October 1, 2023

SAVE THE DATE

CONSCIENCE & JUSTICE COUNCIL ANNUAL CONVENTION

When the Church Comes to Town:
PROMOTING LIBERTY, PURSUING JUSTICE

SEPTEMBER 28- OCTOBER 01, 2023

NORTH AMERICAN DIVISION OF SEVENTH-DAY ADVENTISTS
9785 PATUXENT WOODS DRIVE, COLUMBIA, MD 21048

REGISTRATION OPENS APRIL 1.

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October 20-21, 2023

RECONSTRUCTING RELIGIOUS LIBERTY

IN A TIME OF RELIGIOUS AND SECULAR EXTREMES
OCTOBER 20-21, 2023
SOUTHERN ADVENTIST UNIVERSITY

Explore new ways to talk about religious freedom within a culturally and politically polarized America.



^ Use Above Code ^

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FBI Surveillance of Catholics Probed, Clergy Confidentiality Weighed in Abuse Cases

In April the U.S. House Judiciary Committee subpoenaed the director of the FBI for documents about their monitoring of radical-traditionalist Catholics. While there was concern about potential violent extremism, the Committee is still seeking to protect First Amendment rights.

The FBI was using local religious organizations and religious institutions, warning them about radicalization, and attempting to get

their assistance in reporting suspicious activity. Their plan included reaching out to mainstream Catholic parishes and diocesan leadership.

FBI Director Christopher Wray told the Senate Intelligence Committee, "We do not conduct investigations based on religious affiliation or practices, full stop."

In a related, ongoing issue, Washington state is considering adding clergy to the list of "mandatory re-

porters" of sexual abuse in children, including information taken from private confession. Several other states are also debating this.

About half of U.S. states already consider clergy mandatory reporters, but most make exceptions for information received during religious rites or prayers.

Supporters say child safety trumps religious doctrine. Opposed faith leaders fear a violation of separation of church and state.

Where does church/state separation stand in cases of possible terrorism or child abuse?