This is our final weekly email news bulletin of 2013. We wish our ANN readers a joyful Christmas and blessed New Year. Look for the next ANN bulletin in January.

As snow snarls traffic, Adventists mark year of New York City evangelism

A winter storm that dumped three to five inches of snow and slush on the sidewalks of New York, not to mention its roadways, didn’t dampen the enthusiasm of hundreds of Seventh-day Adventists who braved the elements to attend three events marking a year of evangelism in America’s largest metropolis.

Temperatures fell Friday evening as members gathered at the Linden Seventh-day Adventist Church in Laurelton, Queens; but spirits rose both there and Saturday morning at the Historic Manhattan Seventh-day Adventist Church on West 11th Street in Greenwich Village. Adventist world church President Pastor Ted N. C. Wilson, who spoke at both venues, emphasized evangelism as a priority for Adventist Christians.

“All over the world, God is moving in an unusual way to bring people to a point of decision,” he told Sabbath morning congregants. “You are part of a prophetic people, who have a prophetic message,” he continued, later asking, “Are you ready to deliver the message God has put into your hands today?”
Wilson added, “Never be afraid to share God’s word in love, but also to share it in a straightforward way.”

The Sabbath afternoon meeting, which along with the Laurelton event was billed as “Celebrating Christ at Christmas: Rejoicing in the Harvest,” drew hundreds who braved the falling snow and slippery streets to hear Wilson, veteran evangelist Mark Finley and his wife Ernestine, as well as five musical soloists and an ensemble expressing gratitude for a remarkable year of church growth in the metro region.

While the inclement weather prevented a raft of local politicians from attending—New York City mayor-elect Bill De Blasio had indicated he would participate, before the snow hit—Kenneth P. Thompson, newly elected district attorney for the borough of Brooklyn made it to the Upper East Side meeting place, Hunter College of the City of New York’s 75-year-old auditorium, and spoke warmly.

“Happy Sabbath,” Thompson began. “Thank you for your support, and for allowing me to appear before you. Whether you live in Brooklyn or are just passing through, you’ll have a friend in Ken Thompson.”

Evangelist Mark Finley shared several brief reflections on scriptural points, noting the presence of four women—each with troubled pasts—in the genealogy of Jesus as recorded in the first chapter of Matthew.

In that chronology, Finley said, “We see grace, a genealogy that embraces all of humanity.”

Speaking from the Scripture, Wilson noted the messianic promise of Numbers 24:17—“A star will come out of Jacob”—and said the Christmas star “can lead us to the One who came, who was predicted” in that verse.

“Jesus came to the most humble place possible,” Wilson said. “Jesus came to simple, believing people—the shepherds of His time.”

Today’s Christians, Wilson said, can proclaim the message to a world blinded by sin.

“God wants you to be a star like the star in Bethlehem, [one] that points to Him,” he said. Noting the season, he added, “Don’t allow commercialism and ‘Santa Claus’ to distract you from the One who came.”

Concluding the program, Atlantic Union Conference president Don King was joined by Greater New York Conference President G. Earl Knight and Northeastern Conference president Daniel Honoré, who conducted an on-stage interview with Hope Channel president Brad Thorp. The television ministry president disclosed that the Seventh-day Adventist-owned media outlet would soon begin over-the-air broadcasting on HD channels in New York, Boston, Philadelphia and Tampa/St. Petersburg, Florida.

“I thank God for the accomplishments of NY13,” King said.
Adventist Church sides with Muslim woman in workplace religious freedom case

The Seventh-day Adventist Church yesterday filed an amicus, or “friend of the court” brief in support of an American Muslim woman who claims she was denied a job because her head-covering violated company policy.

In 2008, Samantha Elauf wore a hijab when she applied for a sales position at an Abercrombie & Fitch store in Tulsa, Oklahoma, United States. After a manager confirmed that her headwear crossed store policy, she was deemed ineligible for hire without discussion of religious accommodation.

The U.S. Equal Employment Opportunity Commission, which filed a lawsuit on Elauf's behalf, said the move defies Title VII of the Civil Rights Act. The title obligates employers to take steps to “reasonably accommodate” a prospective employee’s “religious observance or practice.”

While a federal judge sided with the EEOC in 2011, a recent ruling by the 10th U.S. Circuit Court of Appeals upends that decision, claiming Elauf never told Abercrombie she needed a religious accommodation, even though she was wearing a hijab in the interview.

And that, Adventist legal counselors say, places undue responsibility on the applicant to determine whether her religious beliefs or practices conflict with company policy.

“Placing the burden to inquire [about potential conflicts] upon the employer is not only the existing law, but makes sense because the employer is in the best position to know the work rules and anticipate a conflict,” the amicus brief states.

Dwayne Leslie, director for Legislative Affairs for the Adventist world church, said the 10th Circuit’s ruling sets a troubling precedent.

"Under the 10th Circuit’s new standard, employers would be able to insulate themselves from the duty to accommodate via willful ignorance [of the religious needs of employees],” Leslie wrote in a December 12 Huffington Post op-ed.

Religious clothing and the observance of Sabbath and other holy days are the most common areas of conflict in the workplace, church legal experts said. Hijabs, turbans, yarmulkes and other head coverings frequently conflict with a company’s “look” policy, while Sabbath observance can clash with scheduling.

This is especially a concern as the number of online job applications increase, said Todd McFarland, an associate general counsel for the Adventist world church’s Office of General Counsel.
Such applications typically require a job seeker to indicate scheduling limitations, but don’t offer an opportunity to explain why. When applicants submit limitations, they are automatically shut out of the job.

“This [ruling] could have a significant impact not just on Muslims in similar ‘groom and garb’ cases, but on all people of faith,” McFarland said.

“Any attack on religious rights in the workplace on any faith group is also an attack on the Adventist Church, its members and their ability to keep both their jobs and their faith,” he says.

The Adventist Church is joined by the National Association of Evangelicals, the Christian Legal Society, the American Civil Liberties Union Foundation, the Baptist Joint Committee for Religious Liberty, the American Jewish Committee and the Sikh Coalition. The joint amicus brief supports the EEOC and Elauf’s petition for rehearing en banc, or before the entire bench of judges, rather than a select panel.

“There is tremendous concern well beyond the Muslim community about the weakening of Title VII that will take place if this ruling is to stand,” Leslie said.

Abercrombie & Fitch changed its policy on headwear three years ago. The Ohio-based company recently settled similar lawsuits in California, the Associated Press reported in October.

An Abercrombie spokesperson did not respond to a request for comment.
Our Brother's Keeper

Dwayne Leslie

Americans are given extremely wide latitude in terms of how they are able to worship and express their beliefs (or whether to worship at all). While not exclusively an American phenomenon, it is fair to say that the United States does better than most other countries around the world in the area of religious freedom.

That's why cases like *Equal Employment Opportunity Commission v. Abercrombie & Fitch*, filed after a young Muslim woman was denied a sales position in 2008 because her head covering did not comply with the retailer's "look" policy -- despite having scored high enough during her interview to have been hired both overall and on "look" -- are extraordinarily disturbing.

After a federal district court provided a summary judgment in favor of the EEOC and Samantha Elauf in 2011, the United States Court of Appeals for the Tenth Circuit recently reversed that decision, placing an unfairly high burden on applicants who need religious accommodation from a prospective employer in the process.

Because one of the tenets of our church is to actively protect religious liberty not only for our members, but also for other Christians and non-Christians alike, the General Conference of Seventh-day Adventists today filed an amicus, or "friend of the court," brief in support of the EEOC's petition for rehearing. The brief has been joined by several other religious and public policy organizations committed to the protection of religious freedom, including some that are rarely on the same side of an issue, such as the American Civil Liberties Union and the National Association of Evangelicals.

Key facts of this case are not in dispute:

1. In 2008, Ms. Elauf interviewed for a sales position at an Abercrombie & Fitch store in Tulsa, Oklahoma, and wore a hijab during the interview.

2. The store manager with whom she interviewed (and had hiring authority) scored Ms. Elauf high enough both "overall" and on "look" to meet the store's hiring criteria.

3. While the store manager never asked Ms. Elauf about her head covering, she later testified that she assumed the young woman was Muslim and dressed as she did for religious reasons.

4. Because the store manager was unfamiliar with Abercrombie & Fitch's policy on head coverings, she consulted with her manager. This person also was unfamiliar with the policy and elevated the query to her own manager.

5. This manager's manager responded that headwear did indeed violate store policy and that Ms. Elauf's score should be changed so that she was ineligible to be hired.

At the trial court level, the EEOC and Ms. Elauf's argument that Abercrombie & Fitch had engaged in religious discrimination in violation of Title VII of the Civil Rights Act of 1964 prevailed, and Ms. Elauf was awarded $20,000 in the damages-only jury trial. The Tenth Circuit's recent decision has now overturned this verdict.

For a variety of reasons, the Adventist Church et al., takes strong exception to the Tenth Circuit's ruling.

First, despite a number of relevant precedents, the court has placed the burden on an applicant to proactively ask for accommodation for her or his religious beliefs. Yet, in this and virtually any other potentially similar future case, how could the applicant possibly know of the employer's specific dress code? Our position (and one we believe is fully supported by Title VII) is that for applicants who meet a company's hiring standards but for whom the company has any reason to believe that a religious accommodation may be needed, it is incumbent upon the employer to raise this issue, not the individual. Under the Tenth Circuit's new standard, employers would be able to insulate themselves from the duty to accommodate via willful ignorance.
Second, this standard has a negative impact not just in "groom & garb" cases, but also on scheduling. Many national employers have implemented an online application process that inquires about availability. These employers often make adverse decisions regarding applicants based upon their unavailability, for example, on a Saturday (during which Jews, Adventists and Seventh Day Baptists would decline to work for religious reasons) yet provide no means by which to apprise the employer of the religious nature of a limited schedule, or to ask for a religious accommodation in the online application.

Finally, we believe that the Tenth Circuit failed to consider the wide-ranging impact of their decision. As the large number of organizations supporting this amicus brief demonstrates, there is tremendous concern well beyond the Muslim community about the weakening of Title VII that will take place if this ruling is to stand.

History shows that extreme vigilance is required where matters of religious liberty are concerned. When one established right is weakened or worse, it's that much easier to erode additional rights. That is why cases like EEOC v. Abercrombie & Fitch -- despite the fact that no members of our own faith are involved -- motivate the Adventist Church to action... and why we are proud to stand shoulder to shoulder with so many other people of faith and public policy organizations to advocate for a just outcome in this important case.

After all, are we not, as the Scriptures admonish, our brother's (and sister's) keeper?

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