FW: The Liberty Bell

Jim Ford [fordjim@andrews.edu]

To: Adventist Heritage

Subject: The Liberty Bell

From: Church State Council [mailto:info@churchstate.org]  On Behalf Of Church State Council
Sent: Wednesday, February 16, 2011 6:40 PM
To: Jim Ford

FW: The Liberty Bell

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Celebration of Religious Freedom
Government Relations Day
Evangelism

Introductory Paragraph...

Edgar Almgren (a name)
has developed a three-part presentation series, “The
Constitutional Framework’s Biblical Perspectives,” designed to introduce pastors and other church leaders to the Constitution and religious liberty issues that have emerged over the past several years. The first session, “The Constitution: The Framework for Religious Liberty,” will be held at the Church of the Brethren’s annual convention in June.

Featured Article: Festival of Religious Freedom

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Commentary: 10th Anniversary of 9/11

September 11th was a somber day filled with sadness and worry. The events of that day have become forever etched in our memories and in the history of our nation. It is a day that we will never forget.

In the wake of the attacks, the nation came together to remember the victims and to honor the heroes who lost their lives in the line of duty. The day was marked by a moment of silence and a tribute to those who lost their lives.

Prayer for Peace: Let us pray for the strength to overcome our fears and to live our lives with love and compassion.

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IN THE NEWS

Church Taps Leede as Adventist Point Person in Washington, D.C.

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Advocate Religious Liberty Act Recognized with First Freedom Award

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Friday, February 18, 2011

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Coalition Files Second Lawsuit Against California Prison System
April 7, 2011
The Sikh Coalition has filed a lawsuit against the California Department of Corrections and Rehabilitation (CDCR) on behalf of Sukhjinder Singh Basra, a Sikh detainee, who suffered repeated disciplinary sanctions for keeping his religiously-mandated beard uncut. The lawsuit was filed in partnership with the American Civil Liberties Union. READ MORE

Rights group slams Vietnam on religious freedom
April 7, 2011
HANOI, Vietnam —A human rights group is urging Washington to put Vietnam back on a list of the world's worst abusers of religious freedoms for allegedly clamping down on minority Christian groups and forcing them to renounce their faith. READ MORE

European Court OKs display of crucifixes in Italian classrooms
April 1, 2011
A March 18 decision by the European Court of Human Rights in Strasbourg has affirmed the right of Italy's public schools to display crucifixes in classrooms, overturning a 2009 ruling calling for their removal. Sole Lautsi, an Italian atheist, first brought the case in a local Italian court in 2005. Dora Bognandi Pellegrini, religious liberty director for the Seventh-day Adventist Church in Italy, said the ruling was an unfortunate "end to the story of an icon that for years caused much opposition." READ MORE

Prospects Dim for Religious Freedom in Nepal
April 1, 2011
KATHMANDU, Nepal, March 29 (CDN) — A new constitution that Nepal’s parliament is scheduled to put into effect before May 28 may not include the right to propagate one’s faith. The draft constitution, aimed at completing the .... READ MORE

Lift High the Cross? Religion In Public Spaces
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The European Court of Human Rights has just upheld Italy's policy of displaying crucifixes in its public school classrooms. In Lautsi v. Italy, an atheistic mother of two public school children challenged this policy, in place since 1924. After losing in the Italian courts, she appealed to the European Court of Human Rights, arguing that the presence of these crucifixes in public schools violated her and her children's rights to religious freedom and to a secular education guaranteed by the European Convention on Human Rights. On Nov. 3, 2009, an unanimous seven-judge chamber of the European Court held for Ms. Lautsi. On March 18, the Grand Chamber READ MORE

Supreme Court Grants Review In "Ministerial Exception" Case
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The U.S. Supreme Court today granted certiorari in a case involving the scope of the "ministerial exception" to federal anti-discrimination laws. The case is Hosanna-Tabor Church v. EEOC, (Docket No. 10-553, cert. granted 3/28/2011). (Order List.) In the case, the 6th Circuit held that parochial school teachers who teach primarily secular subjects are covered by the Americans With Disabilities Act and are not "ministerial employees" who are excepted from coverage. READ MORE

Court: Eagle feathers only for American Indians
March 30, 2011
SALT LAKE CITY (AP) — Restricting use of eagle parts and feathers to members of federally recognized American Indian tribes for religious purposes does not violate the religious freedoms of non-Indians seeking the same right, a federal appeals court ruled.
Coalition Files Second Lawsuit Against California Prison System

Punjab Newsline Network
Saturday, 02 April 2011

WASHINGTON DC: The Sikh Coalition has filed a lawsuit against the California Department of Corrections and Rehabilitation (CDCR) on behalf of Sukhjinder Singh Basra, a Sikh detainee, who suffered repeated disciplinary sanctions for keeping his religiously-mandated beard uncut.

The lawsuit was filed in partnership with the American Civil Liberties Union (ACLU) Foundation of Southern California, the ACLU's Program on Freedom of Religion and Belief, and the law firm Alston & Bird LLP. The ultimate aim of this litigation is to ensure that Sikh detainees - and indeed all others who are required to maintain beards for religious reasons - are able to do so without penalty. This is the second Sikh Coalition lawsuit against the CDCR.

In December 2009, the Coalition filed a lawsuit against California's prison system for failing to hire a Sikh correctional officer job applicant who refused to cut his beard. That lawsuit remains open and is actively being litigated.

In addition to enlisting the help of the ACLU and Alston & Bird, the Sikh Coalition expressed that it was also able to persuade the U.S. Department of Justice to file a separate lawsuit in order to protect Basra’s religious rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA). This federal law extends basic religious freedoms to detainees and is based on the principle that religious freedom is a fundamental human right.

The Sikh Coalition said that it is grateful to its partners at the ACLU and Alston & Bird for their support, and also to the U.S. Department of Justice for defending Sikh civil rights. The Sikh Coalition has urged Sikhs everywhere to fearlessly maintain their articles of faith.
Rights group slams Vietnam on religious freedom

By The Associated Press

Friday, April 1, 2011

HANOI, Vietnam — A human rights group is urging Washington to put Vietnam back on a list of the world's worst abusers of religious freedoms for allegedly clamping down on minority Christian groups and forcing them to renounce their faith.

In a report released Thursday, Human Rights Watch said more than 350 hill tribe members, known collectively as Montagnards, have been sentenced to long jail terms since 2001 after being accused of violating vague national security laws for protesting or worshipping in unauthorized churches.

The New York-based group urged the U.S. State Department to reinstate Vietnam's designation as a country of particular concern for violating religious freedoms, a decision it said is expected to be made soon.

The Communist country was removed in 2006 from the list, which currently includes Myanmar, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.

Vietnamese authorities did not immediately respond to a request for comment, but have repeatedly denied previous accusations of violations of religious rights.

The 46-page report, based on Vietnamese media reports and interviews with Montagnards who fled the country's Central Highlands, said at least 250 Montagnards remain in prison or are awaiting trial.

"By making peaceful dissent and unsanctioned religious activities criminal acts, the Vietnamese government disregards fundamental rights and Vietnam's own commitments under international human rights treaties it has signed," the report said.

The group also accused the government of conducting police sweeps to locate Montagnards who are hiding, breaking up religious gatherings, and forcing followers to publicly renounce their religion.

It said both Catholics and Protestants have been persecuted.

"Officials have employed coercion to pressure Montagnards to renounce their religion and pledge their loyalty to the government and the Communist Party of Vietnam," it said.
European Court OKs display of crucifixes in Italian classrooms

Minority religions fear lack of protection

29 Mar 2011, Silver Spring, Maryland, United States

Mark A. Kelner, Adventist Review

A March 18 decision by the European Court of Human Rights in Strasbourg has affirmed the right of Italy's public schools to display crucifixes in classrooms, overturning a 2009 ruling calling for their removal. Sole Lautsi, an Italian atheist, first brought the case in a local Italian court in 2005.

Dora Bognandi Pellegrini, religious liberty director for the Seventh-day Adventist Church in Italy, said the ruling was an unfortunate "end to the story of an icon that for years caused much opposition."

"It makes no sense" to display a symbol of only one branch of Christianity in schools to the exclusion of all other faiths in what is "an increasingly pluralistic society," Pellegrini said. "Jesus never forced his presence [on] someone."

Italy dropped Christianity as its state religion in 1984.

There are more than 9,000 baptized members of the Adventist Church in Italy, worshipping in about 110 congregations.

Other groups celebrated the move as a step away from secularism. Grégor Puppinck, director of the European Centre for Law and Justice, said he welcomed the European Court's renouncing of the "promotion of a radical conception of secularism."

"This decision is a victory for Europe, as Europe cannot be faithful to itself by marginalizing Christianity," Puppinck said. "This decision is more of a victory for Europe than for the 'crucifix'; Europe refuses to deny its own identity by rejecting the suppression of Christianity in the name of Human Rights."

--additional reporting by Holger Teubert, Adventist Press Service
Nepal Christians Begin Legal Battle for Burial Ground

Hindu group declares country a Hindu state; upper castes seek halt to conversions.

KATHMANDU, Nepal, April 19 (CDN) — With the government refusing to listen to their three-year plea for an official cemetery and ignoring a protracted hunger strike, Nepal’s Christians are now seeking redress from the Supreme Court.

“Every day there are two to three deaths in the community, and with each death we face a hard time with the burial,” said Chani Bahadur Gahatraj, a pastor who filed a petition in the high court on March 13 asking it to intervene as authorities of Nepal’s oldest Hindu temple had begun demolishing the graves of Christians there.

Gahatraj and Man Bahadur Khatri are both members of the newly formed Christian Burial Ground Prayer and National Struggle Committee that since last month began leading a relay hunger strike in a public area of the capital, asking for a graveyard. They said they were forced to go to court after the Pashupati Area Development Trust (PADT), which runs Nepal’s oldest Hindu shrine, the Pashupatinath temple, said it would no longer allow non-Hindus to use the temple’s forested land.

“We don’t want to hurt the sentiments of any community,” Gahatraj told Compass. “Nor are we trying to grab the land owned by a temple. We are ready to accept any plot given to us. All we are asking for is that the burials be allowed till we get an alternate site.”

Judge Awadhesh Kumar Yadav has since ordered the government and PADT not to prevent Christians from using the forest for burials until the dispute is resolved. The legal battle, however, now involves a counter-suit. Hindu activist Bharat Jangam filed a second writ on March 20, saying that since the forest was the property of a Hindu temple, non-Hindus should not be allowed to bury their dead there just as churches do not allow Hindu burials.

Subsequently, the court decided to hear the two petitions together, and yesterday (April 18), the hearings began. While two lawyers argued on behalf of Gahatraj and Khatri, a cohort of 15 lawyers spoke against their petition. The next hearing is scheduled for May 3.

Along with the legal battle, Christians have kept up their relay hunger strike. To step up pressure on the government, the protestors also announced they would lead a funeral march to the offices of the prime minister and the culture minister and hand over coffins to them as a symbolic protest. If that too failed, they warned they would have no option but to go on hunger strike in front of the prime minister’s office and parliament, this time carrying dead bodies with them.

Alarmed at the rate the issue was snowballing, the government finally responded. Yesterday Culture Minister Gangalal Tuladhar opened talks with the protestors, agreeing to continue the negotiations after three days. The government also formed a four-member committee to look into the demand. Currently, Christians are asking for cemetery land in all 75 districts of Nepal.

Protestors were wary of the government’s intent in the overture.

“This could be a ploy to buy time and bury the issue,” said a member of the Christian committee formed to advise parliament on drafting the new constitution, who requested anonymity.

Though the committee formed to look into the Christians’ demand for burial land has been asked to present a report within two weeks, Christians suspect the panel is dragging its feet.

“The new constitution has to be promulgated by May 28, but it does not seem likely that the main political parties will be able to accomplish the task,” the Christian committee member said. “And if the constitution doesn’t materialize in time, there will be a crisis and our problem will be shelved.”

Hindu Nation

Adding to their unease, Christians are now facing a redoubled campaign by Hindu groups for the restoration of Hinduism as the state religion, five years after parliament declared Nepal, the world’s only Hindu kingdom, secular.

If the new constitution had been promulgated last year, it would have consolidated secularism in Nepal. But with the country missing the deadline due to protracted power-sharing rows among the major political parties, Christians still feel under threat.

On Thursday (April 14), when the country celebrated the start of the indigenous new year 2068 with a public holiday, the Rastriya Prajatantra Party-Nepal, which seeks the reinstatement of Hinduism as the state religion, kicked off a campaign at the Bhadrakali temple in Kathmandu. As curious onlookers and soldiers patrolling the nearby army headquarters looked on, party members...
fervently blew into conch shells and rang bells to draw people’s attention to their demand.

The party, which is also seeking the restoration of monarchy, took some oblique shots at the Christian community as well.

“There is a deliberate and systematic attempt by organizations to convert Hindus,” said Kamal Thapa, party chief and a former minister. “These organizations are guided by foreign powers and foreign funds. If the widespread conversion of Hindus is not stopped immediately, we will have to take stern measures.”

Three days later, an umbrella of Hindu groups – the Rastriya Dharma Jagaran Mahasabha (the National Religion Resurrection Conference) held a massive gathering in the capital, declaring Nepal a “Hindu state” and meeting with no official objection. The proclamation came as the climax to a three-day public program calling for the restoration of “the traditional Hindu state.” Several Hindu preachers and scholars from neighboring India attended the program, held on the grounds of the Pashupatinath temple, which is also a UNESCO-declared World Heritage Site.

The “Hindu state” proclamation was the brainchild of Shankar Prasad Pandey, a former member of parliament from Nepali Congress, the second largest party in Nepal, now in opposition. Though Pandey was a sitting Member of Parliament in 2006, when the body unanimously declared Nepal secular, he began opposing the move soon afterwards, leading four campaigns against it nationwide.

“I consider the nation and the Hindu religion to be more important than the party,” said Pandey, known as the MP who began to go barefoot 32 years ago to show solidarity with Nepalese, who are among the poorest in the world. “Over 90 percent of the Nepalese want Nepal to be a Hindu state. However, the government is led by people whose only concern is power and money.”

Pandey’s campaign is supported by Hindu groups from India and the West: Narendranath Saraswati, who is the Shankaracharya or religious head of a prominent Hindu shrine in India’s Varanasi city; Dr. Tilak Chaitanya, chief of a group in the United Kingdom that propagates the Gita, the holy book of the Hindus; and Tahal Kishore, head of a Hindu organization, Radha Krishna Sevashram, in the United States.

Two weeks before the May 28 deadline for the new constitution, Pandey and his followers plan to step up the campaign for a “Hindu state” in the capital. Though Pandey denies it could stir up animosity between the majority-Hindus and Christians – whose minority population is said to have crossed 2 million but is actually only 850,801, according to Operation World – there are fears of religious tension if not outright violence.

The Hindu rallies continue to grow as a pressure tactic. Yesterday (April 18), members of Nepal Brahman Samaj, an organization of “upper castes” from whose echelons temple priests are appointed, fought with security forces in front of parliament house, demanding their rights be respected and an end to conversions.

More Hindutva (Hindu nationalist) campaigning is scheduled on April 29, when the Rastriya Prajatantra Party-Nepal’s Thapa has called for a mass gathering in the capital.

END
The European Court of Human Rights has just upheld Italy's policy of displaying crucifixes in its public school classrooms. In *Lautsi v. Italy*, an atheistic mother of two public school children challenged this policy, in place since 1924. After losing in the Italian courts, she appealed to the European Court of Human Rights, arguing that the presence of these crucifixes in public schools violated her and her children's rights to religious freedom and to a secular education guaranteed by the European Convention on Human Rights. On Nov. 3, 2009, an unanimous seven-judge chamber of the European Court held for Ms. Lautsi. On March 18, the Grand Chamber reversed and held 15-2 in favor of Italy.

The Court stated clearly that the crucifix is a religious symbol, that atheism is a protected religious belief and that public schools must be religiously neutral. But the Court held that a "passive display" of a crucifix in a public school classroom was no violation of religious freedom -- particularly when students of all faiths were welcome in public schools and free to wear their own religious symbols. The Court held further that Italy's policy of displaying only the crucifix was no violation of religious neutrality, but an acceptable reflection of its majoritarian Catholic culture. With European nations widely divided on whether and where to display various religious symbols, the Court concluded that Italy must be granted a "margin of appreciation" to decide for itself how and where to maintain its Christian traditions in school.

The *Lautsi* case echoes many familiar arguments that the United States Supreme Court has used over the past three decades to maintain traditional displays of creches, crosses and Decalogues on government property. While not entirely convergent in their religious symbolism cases, the American and European high
courts now hold six teachings in common.

First, tradition counts in these cases. In American courts, older religious displays tend to fare better than newer displays. The longstanding customery presence of a religious symbol in public life eventually renders it not only acceptable but indispensable to defining who we are as a people. In Lautsi, Judge Bonello put this argument strongly in his concurrence: "A court of human rights cannot allow itself to suffer from historical Alzheimer's. It has no right to disregard the cultural continuum of a nation's flow through time, nor to ignore what, over the centuries, has served to mould and define the profile of a people."

Second, religious symbols often have redeeming cultural value. American courts have long recognized that a Decalogue is not only a religious commandment but also a common moral code, that a cross is not only a Christian symbol, but also a poignant memorial to military sacrifice. When passively and properly displayed, the meaning of a symbol can be left in the eye of the beholder -- a sort of free market hermeneutic. The Lautsi court echoed this logic. While recognizing the crucifix as religious in origin, the Court accepted Italy's argument that "the crucifix also symbolized the principles and values" of liberty, equality and fraternity that "formed the foundation of democracy" and human rights in Italy and well beyond.

Third, local values deserve some deference. In America, the doctrine of federalism requires federal courts to defer to the practices and policies of individual states, unless there are clear violations of federal constitutional rights to free exercise and no establishment of religion. The Supreme Court has used this doctrine to uphold the passive display of crosses and Decalogues on state capitols. The Lautsi Court uses the European "margin of appreciation" doctrine in much the same way. Lacking European consensus on public displays of religion and finding no coerced religious practice or indoctrination in this case, the Court left Italy to decide for itself how to balance the religious symbolism of its Catholic majority and the religious freedom and education rights of its atheistic minorities.

Fourth, religious freedom does not require the secularization of society. The United States Supreme Court became famous for its image of a "high and impregnable wall of separation between church and state," that left religion hermetically sealed from political life and public institutions. But the reality today is that the Court has abandoned much of its strict separatism and now allows religious and non-religious parties alike to engage in peaceable public activities, even in public schools. The European Court of Human Rights likewise became famous for promoting French-style laïcité in public schools and public life, striking down Muslim headscarves and other religious symbols as contrary to the democratic "message of tolerance, respect for others, and equality and non-discrimination." Lautsi suggests a new policy that respects the rights of private religious and secular groups alike to express their views, but allows government to reflect democratically the traditional religious views of its majority.

Fifth, religious freedom does not give a minority a heckler's veto over majoritarian policies. Until recently, American courts allowed taxpayers to challenge any law touching religion even if it caused them no real personal injury. This effectively gave secularists a "veto" over sundry laws and policies on religion -- however old, common or popular those laws might be. The Supreme Court has now tightened its standing rules considerably, forcing parties to make their cases for legal reform in the legislatures and to seek individual exemptions from policies that violate their beliefs. Lautsi holds similarly. It recognizes that while the crucifix may cause offense to Ms. Lautsi, it represents the cherished cultural values of millions of others, who in turn are offended by her views. But personal offense cannot be a ground for censorship. Freedom of religion and expression requires that all views be heard in public life.

Finally, religious symbolism cases are serious business. It's easy to be cynical about these cases -- treating them as much ado about nothing, or as expensive hobbyhorses for cultural killjoys or public interest litigants to ride. But that view underestimates the extraordinary luxury we now enjoy in the West to be able to fight our cultural contests over religious symbols in our courts and academies, rather than on our streets and battlefields. In centuries past in the West -- and in many regions of the world still today -- disputes over religious symbols often lead to violence, sometimes to all-out warfare. Far more is at stake in these cases than the fate of a couple of pieces of wood nailed together. These cases are essential forums to work through our deep cultural differences and to sort out peaceably which traditions and practices should continue and which should change.

*John Witte Jr. is Director of the Center for the Study of Law and Religion at Emory University in Atlanta, Ga.*

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Monday, March 28, 2011

Supreme Court Grants Review In "Ministerial Exception" Case

The U.S. Supreme Court today granted certiorari in a case involving the scope of the 'ministerial exception' to federal anti-discrimination laws. The case is Hosanna-Tabor Church v. EEOC, (Docket No. 10-553, cert. granted 3/28/2011). In the case, the 6th Circuit held that parochial school teachers who teach primarily secular subjects are covered by the Americans With Disabilities Act and are not "ministerial employees" who are excepted from coverage. (See prior posting.) Scotas blog has links to various documents in the case.

Posted by Howard Friedman --PermaLink: 10:51 AM

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Court: Eagle feathers only for American Indians

(AP) – Mar 29, 2011

SALT LAKE CITY (AP) — Restricting use of eagle parts and feathers to members of federally recognized American Indian tribes for religious purposes does not violate the religious freedoms of non-Indians seeking the same right, a federal appeals court ruled Tuesday.

The Denver-based U.S. 10th Circuit Court of Appeals found that such a prohibition, under the Bald and Golden Eagle Protection Act, does not violate the federal Religious Freedom Restoration Act.

Tuesday’s ruling comes after several cases in which non-Indians, and one man from a tribe that is no longer recognized by the federal government, sought the right to use feathers in their religious practices.

Eagle feathers are believed to be sacred among many Native Americans.

Federal law requires that eagle carcasses be sent to the National Eagle Repository in Denver, Colo., and that any tribe member wishing to use eagle feathers or parts in ceremonies apply for a permit to do so. The court noted that the repository “receives significantly more requests than it has available eagle carcasses” so there is already a long waiting period to fulfill permits.

All the cases noted in Tuesday’s ruling weighed freedom of religion against the government’s ability to protect the eagles and help maintain the centuries-old religious practices of Native Americans.

Federally recognized tribe members agree the law should restrict access to eagle parts to those whose ancestors have been practicing such ceremonies for centuries.

“As native people, we appreciate that others want to understand our philosophies, understand the sacredness of things. And I understand that many non-natives are looking for spirituality and looking for something sacred to hold onto,” said Lacee A. Harris, a Northern Ute medicine man and mental health therapist in Salt Lake City.

However, Harris likened non-Indians’ wanting to possess indigenous sacred objects to an outsider entering a Christian church and trying to perform that religion’s ceremonies.

“To us, this is a very sacred thing,” he said.

The cases cited in Tuesday’s ruling include that of Samuel Ray Wilgus Jr., who claims to be an adopted member of Utah’s Paiute Indian Peak Band.

During a traffic stop in 1998 near the town of Fillmore, about 150 miles south of Salt Lake City, authorities seized more than 100 eagle feathers from him. He was later charged with possessing the feathers without a permit, and pleaded guilty with the provision that he could appeal.

Wilgus was sentenced to 100 hours of community service, but maintained that it was a violation of his religious freedoms.

A district court disagreed, but the 10th Circuit Court of Appeals at the time reversed the decision and ordered a hearing on whether the Bald and Golden Eagle Protection Act was “the least restrictive means of serving the government’s interests.”

The district court then found that the act did indeed violate Wilgus’s rights to religious freedom.

The appeals court now overturns that ruling.

“We are sensitive to the sincerity of Wilgus’ religious beliefs, and we do not question either the authenticity or the weight of his religious experience among Native Americans,” the court wrote.

However, it noted, that “in light of the options before the federal government, the regulations at issue are the least restrictive means available.”

Wilgus says he is, in essence, now being banned from practicing his religion.

“It’s totally discriminatory to say I don’t have the right to practice my religion the way I have been taught, and by the rights I have been given by Native American spiritual leaders because I can’t prove that I am Indian under the law, because I am white,” Wilgus said Tuesday. “I thought we all had the right to religious freedom in this country.”

Wilgus’ lawyer, Joseph Orifici, said he will appeal to the U.S. Supreme Court.

“It not only discriminates against my client, but it discriminates against any Native American who lives in this country who is not a member of a federally recognized tribe,” Orifici said.

The U.S. Justice Department had no immediate comment on the ruling.

However, department lawyers previously argued that demand for eagle feathers far exceeds the federal government’s supply, and that exemptions to the law should only be provided if it doesn’t undermine the intent of the statute.

Other similar cases in the last decade included a New Mexico man who is a descendant of Chiricahua Apaches, a tribe no longer recognized by the federal government, and another Utah man who claimed he was given an eagle feather by a Hopi religious leader. Both men had their feathers seized and were prosecuted.

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New U.N. Resolution on Religious Freedom Drops 'Defamation' Concept

Open Doors' U.N. Lobbying, International Campaign Helped Turn Tide

Contact: Jerry Dykstra, Open Doors USA, 616-915-4117, jerryd@odusa.org


The new resolution refers to the Charter of the United Nations, reiterating the right to freedom of religion or belief. The resolution also reaffirms the positive role that the exercise of the right to freedom of opinion and expression has, while expressing concern about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world.

Additionally, the resolution strongly deplores all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centers or places of worship. It recognizes that open public debate of ideas can be the best protection against religious intolerance.

The defamation of religions resolutions, although not legally binding, provided international legitimacy for national laws that punish blasphemy or ban criticism of a religion. A prime example is the blasphemy law in Pakistan, which has resulted in the imprisonment of hundreds, including Christians such as Asia Noreen (Bibi) who has been condemned to death by hanging. The resolutions were introduced annually for 12 years by the Organization of Islamic Conference (OIC).

“I am pleased the Organization of Islamic Conference countries have finally decided to not re-introduce a defamation of religions resolution this year and instead has introduced a compromise text that was drafted with input from the United States government,” said Dr. Carl Moeller, president/CEO of Open Doors USA, adding, “The most disturbing issues with the defamation resolutions at the U.N. have been addressed in this new resolution. Open Doors recognizes and appreciates the critical role that U.S. legislators, the U.S. State Department under both the previous and current administration and fellow religious freedom groups have played in campaigning and lobbying against the defamation of religions resolutions and producing a compromise text. I warmly welcome this effort of the Human Rights Council to address both freedom of expression and freedom of religion or belief in a more balanced and constructive way.”

“I am especially pleased to note that a number of the countries I lobbied -- along with a small group of non-governmental organizations (NGOs) in New York City -- expressed an interest in changing their votes. Several of those countries our group lobbied were ones to change their votes in the U.N. General Assembly last year. This is truly encouraging that our efforts to bring awareness about the dangers of the defamation of religions concept resulted in diminishing support for the resolution.”

Through Open Doors’ international campaign called “Free to Believe,” more than 428,000 people from over 70 countries signed a petition urging countries to vote against the defamation resolution last fall. The defamation resolution received the least support ever in 2010, narrowly passing the U.N. Human Rights Council and General Assembly by four and 13 votes, respectively.

Dr. Carl Moeller, president/CEO of Open Doors USA, added: “The most disturbing issues with the defamation resolutions at the U.N. have been addressed in this new resolution. Open Doors recognizes and appreciates the critical role that U.S. legislators, the U.S. State Department under both the previous and current administration and fellow religious freedom groups have played in campaigning and lobbying against the defamation of religions resolutions and producing a compromise text. I warmly welcome this effort of the Human Rights Council to address both freedom of expression and freedom of religion or belief in a more balanced and constructive way.”

Vessey noted that although the new resolution is significantly improved over the defamation resolution, Open Doors USA is still wary of how OIC member countries treat religious minorities. Open Doors will be monitoring whether or not the countries implement the stated ideals of the new draft.

Currently OIC member countries such as Iran, Saudi Arabia, Egypt and Pakistan continue to actively persecute religious minorities or allow extremists inside their countries to persecute non-Islamic faith groups with little or no consequences. For example, Compass Direct News reported Monday that two Indian Christians arrested after attending a prayer meeting in Saudi Arabia in January have languished in prison. The government has not brought formal charges against the two Christians.

An estimated 100 million Christians worldwide suffer interrogation, arrest and even death for their faith in Christ, with millions more facing discrimination and alienation. Open Doors supports and strengthens believers in the world’s most difficult areas through Bible and Christian literature distribution, leadership training and assistance, Christian community development, prayer and presence ministry and advocacy on behalf of suffering believers. To partner with Open Doors USA, call toll free at 888-5-BIBLE-5 (888-524-2535) or go to our website at www.OpenDoorsUSA.org.

(To set up an interview, contact Jerry Dykstra at 616-915-4117 or email jerryd@odusa.org.)

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Detainees at a county courthouse holding facility are covered by a federal law prohibiting the government from imposing a substantial burden on the religious exercise of such individuals, the 9th Circuit has ruled.

The case involved a Muslim woman who was ordered to remove her "hijab," or headscarf, while she was detained. After she was so ordered while being held in an Orange County courthouse facility in Santa Ana, Calif., Souhair Khatib filed suit claiming her religious rights had been violated.

The District Court dismissed her suit, finding that the federal Religious Land Use and Institutionalized Persons Act did not apply to courthouse holding facilities, and that staff at such facilities did not have the resources to accommodate detainees' religious freedoms.

A three-judge panel of the 9th U.S. Circuit Court of Appeals initially upheld the decision, but the appeals court later decided to rehear the case en banc, framing the issue as whether a courthouse holding facility detainee is "residing in or confined to" a covered "institution" to invoke the protections of the federal statute.

The law prohibits the government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution. An "institution," for purposes of the federal statute, includes any facility or institution that is a jail, prison, or other correctional facility or a pretrial detention facility.

In an opinion written by Judge M. Margaret McKeown, the appeals court found that the "ordinary meaning of a 'pretrial detention facility' is precisely what that phrase suggests: a facility where individuals who are not yet convicted are held pending court proceedings."

The main purpose of the facility in which Khatib was held was to temporarily hold individuals who were awaiting court proceedings, including individuals awaiting trial.

The court of appeals concluded that Santa Ana holding facility was a "pretrial detention facility" covered under the federal statute.

The 9th Circuit reversed the lower court's decision, finding that it erroneously focused on the obstacles the Santa Ana courthouse facility would face in accommodating religious exercise by Khatib or any other detainee.

Although Congress did not intend to minimize the serious security and other management interests of institutions, the appeals court said, it chose to deal with accommodation issues as a second step in the analysis, not by categorically excluding facilities like the Santa Ana holding facility from the federal statute.

Writing separately, Judge Ronald M. Gould said the feelings of shame and distress that might be felt by a Muslim woman who must appear before strange men she does not know, with her hair and neck uncovered in a violation of her religious beliefs, is precisely the kind of "mischief" the federal statute was intended to remedy.

Khatib v. Orange County, No. 08-56423 (9th Cir. March 15, 2011).

(Reporting by Ronald Owens, Principal Attorney Editor, San Francisco)
Adventist religious liberty advocate recognized with First Freedom Award
Church's public affairs director Graz is first Adventist recipient
10 Jan 2011, Richmond, Virginia, United States
ANN staff

A Seventh-day Adventist religious liberty advocate is among this year’s recipients of the First Freedom Award for contributions in advancing freedom of belief in the United States and worldwide.

John Graz, who directs the Adventist world church’s department of Public Affairs and Religious Liberty (PARL), will receive the National First Freedom Award at a January 13 gala sponsored by the Virginia-based First Freedom Center.

Graz, who since 1995 has helmed the International Religious Liberty Association, was noted for his non-sectarian work, extensive writings and a series of world festivals of religious freedom. In 2005, more than 40,000 Peruvians gathered to celebrate burgeoning freedom of belief in their country. A year later, Peru’s congress voted to guarantee protection of religious liberties.

"I'm very honored by this recognition," Graz said, citing the center’s "long history" of "defending the heritage of Jefferson, Madison" and other early American champions of freedom of conscience.

Graz also said it was a privilege to be recognized alongside Asma Jahangir, United Nations Special Rapporteur on Freedom of Religion or Belief, and J. Brent Walker, director of the Baptist Joint Committee for Religious Liberty. Jahangir and Walker will receive the International First Freedom Award and Virginia First Freedom Award, respectively.

The awards help bolster a commitment to religious liberty that "is at the core of our shared aspirations for stability, peace and the protection of human dignity," said First Freedom Center President Randolph M. Bell.

Graz is the first Adventist to receive a First Freedom Award.

Graz said the award is a testament to the work of the IRLA and the support of the Adventist Church. "I share this honor with the PARL team, and with the worldwide church," Graz said.

Religiously and politically neutral, the First Freedom Center has since 1984 championed the fundamental human rights of freedom of religion and conscience.

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**Appeal to Indonesia to protect religious freedom**

Christian Solidarity Worldwide has called upon Indonesia to take action to protect religious minorities in the wake of attacks on churches and minority Islamic communities.

by Karen Peake  
Posted: Monday, February 14, 2011, 1:33 (EST)

On Tuesday, three churches in Temanggung, Central Java, were attacked by a mob of extremist Islamists after a court judge sentenced a Christian man, Antonius Bawengan, to five years in prison for blaspheming against Islam.

The extremists were angry that the sentence was too lenient and went on the rampage, burning two churches and damaging a third, attacking the police outside the courthouse, vandalising cars, and demanding the death penalty for blasphemy charges.

The violence follows the release of a report by the Jakarta-based Setara Institute for Democracy and Peace documenting 91 violations of religious freedom in 2010. CSW said that the number of incidents affecting Christians had jumped from 12 in 2009 to 75 last year.

CSW also expressed its concern for Ahmadiyya Muslims, a religious group that considers itself to be Islamic but is shunned by many other Muslims.

The group has also experienced an upsurge in violent attacks in recent weeks. Two days before the church attacks in Central Java, a crowd of around 1,000 people attacked 20 Ahmadiyya Muslims in Cikeusik, Banten province with machetes and other weapons, killing five and seriously injuring five others.

A source warned CSW that the "inaction" and "blatant negligence" of the Indonesian government was encouraging fundamentalists to resort increasingly to extreme violence. CSW’s Advocacy Director Andrew Johnston said there had been a "dramatic" increase in the number of violent attacks against religious minorities in Indonesia in the last two years.

"Indonesia has a long tradition of pluralism, enshrined in its state philosophy, the ‘Pancasila’, and we urge the Indonesian authorities to defend those values,” he said.

Mr Johnston urged the Indonesian government to repeal the blasphemy law and a joint decree which bars the Ahmadiyyas from promoting their beliefs.

He called for an independent investigation into the recent attacks and appealed to the Indonesian government to take action to ensure that the perpetrators are brought to justice.

"If extremists are allowed to continue to terrorise religious minorities with impunity, Indonesia’s proud tradition of pluralism and religious freedom will be under threat,” he said.

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Discrimination charges soar in down economy

Monday, February 07, 2011

Discrimination charges against employers reached record heights in 2010, according to a recent report by the Equal Employment Opportunity Commission.

The EEOC announced it received an all-time high of 99,922 job-bias claims in the fiscal year 2010, a 7 percent increase from 93,277 in 2009, which also surpassed the record of 95,402 claims filed in 2008

One of the major contributing factors to this surge in overall statistics is the prolonged recession. The economic downturn has put pressure on employers forced to scale back workforces and on their employees, who feel their jobs are on the line.

Though widespread layoffs are a major factor in the increase in claims with the EEOC, stress and tension among those still working is also driving discrimination charges. Among the complaints filed with the EEOC, workers listed being overlooked for promotions, being shifted to a job that doesn't match their abilities and not having access to required accommodations they need to perform a job function.

The EEOC has not yet determined how many claims were based on race, disability, or any of the other categories of discrimination.

It's not uncommon for discrimination charges to rise in a recession, but employers must continue to abide by the federal laws that prohibit making any employment decisions based on race, gender, religion, national origin, disability and age. Many state and local laws also cover additional factors, such as sexual orientation. With the added emotional stress of tough economic times, business owners should take extra steps to train all managers and supervisors on how to approach employment decisions.

-- Jane Lewis Volk, Meyer, Unkovic & Scott LLP, jlv@muslaw.com

Business workshop is a weekly feature from local experts offering tidbits on matters affecting business. To contribute, contact Business Editor Brian Hyslop at bhyslop@post-gazette.com.
This past Monday evening, I gave a lecture on the topic of: “Religious Intolerance in America.” It was part of a local effort to develop a Jewish Adventist congregation, Beth Shalom Seventh-day Adventist. Such congregations are growing around the world, both in number and size.

I observed that underlying all forms of intolerance, especially religious intolerance, is an “us and them” attitude. We tend to identify ourselves according to our ethnic, national and religious backgrounds, and to separate ourselves from others who are different. Such separation is a necessary predicate to intolerance. The only way to overcome intolerance is to begin to build bridges across those barriers, with those of other ethnic, national and religious backgrounds, so that we can develop a better understanding and respect.

During the question and answer time, I was asked a pointed question: “how does this fostering of respect for others who are different, square with the Great Commission?” In other words, how can we convert people if we are to respect their right to believe differently?

I would turn the question around: how can we make Jesus attractive to those whom we do not show kindness and respect? If our basic attitude is “holier than thou” or superiority, how effective can we be in witnessing to the love of Christ?

This led to another discussion about the difference between our interfaith religious freedom ministry, and the ecumenical movement. Ecumenism is built on the idea that we come together and leave our deepest differences at the door. Those engaged in the ecumenical endeavor seek to find common ground by minimizing differences that are quite real.

Interfaith religious liberty work is quite different. We come together to defend religious liberty precisely because those differences are so important. We come together, united by little more than the golden rule idea that we should treat others as we would want to be treated. We come together knowing that we disagree profoundly on important points of belief and doctrine, but recognizing that these disagreements are not for government to resolve. The state must remain neutral toward these profound religious differences, and protect each group’s basic right to believe and practice in accordance with their faith.

There is a very popular view of religious liberty, as my associate Ed Farguson is fond of expressing it: “I believe that everyone ought to have the religious liberty to believe as I do.” If you think about it, the “mark of the beast” prophecy of Revelation 13 describes just such a view of religious liberty. “God and country” will unite to promote a common form of belief - the worship of the beast and its image, and to punish dissenters. This prophecy may well reflect a sort of ecumenical “lowest common denominator” agreement about religion, but one that does not respect the rights of individual conscience.

European Christianity, both Protestant and Catholic, was largely developed on the foundational idea of “Christendom.” The state was regarded as Christian, and so were the people, and they were expected to conform to basic religious beliefs, practices and morals. America has developed a different model, based on respect for individual conscience. It has inevitably led to a more pluralistic society, where religious bodies have multiplied, and there is increasingly little consensus on either religious beliefs, practices or morals. This makes for a much messier public policy debate, but also better respects individual freedom.

There are those with a conservative mindset who would prefer a more unified and authoritarian approach: America as a Christian nation with a monolithic approach to religion and morals, upheld by law. Seventh-day Adventists, despite our grasp of the prophetic dangers associated with such an approach, are equally susceptible to the easy attractions of this philosophy.

Meanwhile, NARLA will continue to champion the rights of conscience for all to worship God, or not, according to the dictates of their own conscience. We believe that this models both the character and the gospel of Jesus, and lifts Him up before men, so that He can draw all to Him.
Is Islam an “enemy” of Christianity?

By Alan J. Reinach

A lunchtime conversation after church set my mind in gear. Our discussion of the construction of what has become in the popular imagination “the Ground Zero Mosque” led to the question: “Isn’t Islam the enemy of Christianity? “

My first instinct was to place this in historic context. If it were not for the Sultan, I pointed out, there would be no Protestants today. The Holy Roman Empire would have wiped out the Protestant world. Whenever the armies of the Emperor threatened the Protestant Princes, the Sultan would launch a new assault on the gates of Vienna, or some other European incursion, and the Empire would have to delay punishing the heretical upstart in the midst of Europe to deal with a more important foe - the Turkish Sultan.

In addition, students of the Bible must remember that prophecy predicts that an apparent benevolent power will go through a metamorphosis to a belligerent, oppressive power described as a dragon. Dragon-like behavior is not limited merely to religious oppression, as in the enforcement of the mark of the beast. It is reflected in the abandonment of the entire spectrum of values and freedoms at the foundation of our national greatness.

Adventists cannot take pride in equating an entire religious community with those few who are violent terrorists. After all, there have been terrorists who claimed to be Christians. Consider the Protestant militias in Northern Ireland.

But there’s more. The foundation of the Adventist message is not just prophecy but the gospel of Jesus Christ. Jesus died for the sins of the whole world. And Jesus taught us to love our enemies. While applying these principles in time of war may be complex - the death of anyone created in the image of God can only be seen as tragic.

So even if there are Muslims who persecute Christians, we are not to return evil for evil. We are not to retaliate or alienate our enemies, but to show them the love of Christ! Whatever one’s view of American foreign policy is, it is important to distinguish between national identity and spiritual allegiance. Our primary loyalty and allegiance, as Christians, belongs to Christ not to the state. If we don’t know this, we’ve learned nothing from German history.

We believe the gospel must be preached to all the world for a witness before the return of Christ. What sort of gospel can we preach to those we regard as enemies: “Christ loves you, but I don’t. I’m afraid of you?” More likely, we treat our enemies as Jonah did Ninevah - we run away, and avoid giving them the gospel.

In the final analysis, the entire gospel enterprise depends on our faithfulness in loving our enemies. In fact, we have no enemies, only alienated brothers and sisters for whom Christ died. Moreover, our national commitment to religious liberty hangs in the balance. If we can deprive Muslims of their freedom, of the right to build places of worship, etc., who will be next? The golden rule has always been basic to religious freedom: what they do to “you” they can and will do to me, its only a matter of time.

Today, Islam is the proverbial canary in the coal mine of religious freedom. How America resolves the question of religious freedom for Muslims will likely determine the shape of our freedom for some time to come.