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Top US court rules for Muslim woman denied Abercrombie job over hijab

The Guardian (01.06.2015) - Supreme court votes 8-1 in favor of Samantha Lauf, but company tells the Guardian the ruling 'did not determine that A&F discriminated against Ms Lauf'

The [US supreme court](#) on Monday ruled in favor of Samantha Lauf, a Muslim woman who was denied a job at an Abercrombie & Fitch clothing store in Oklahoma because she wore a headscarf for religious reasons.

The justices decided the case, which united Christian, Muslim and Jewish and other religious organizations, with an 8-1 vote, ruling in favor of the federal Equal Employment Opportunity Commission (EEOC), which sued the company on behalf of Lauf.

"The EEOC applauds the Supreme Court's decision affirming that employers may not make an applicant's religious practice a factor in employment decisions," said EEOC chair Jenny Yang, in a statement.

"This ruling protects the rights of workers to equal treatment in the workplace without having to sacrifice their religious beliefs or practices."

In a statement to the Guardian, an Abercrombie & Fitch spokesperson said: "While the supreme court reversed the tenth circuit decision, it did not determine that A&F discriminated against Ms Lauf.

"We will determine our next steps in the litigation, which the supreme court remanded for further consideration."

In 2008, when she was 17, Lauf was denied a sales job at an Abercrombie Kids store in Tulsa. The legal question before the court was whether Lauf was required to inform the potential employer of a need for a religious accommodation in order for the company to be sued under the 1964 Civil Rights Act, which bans employment discrimination based on religious beliefs and practices.

When attending her job interview, Lauf was wearing a headscarf, or hijab, but did not specifically say that as a Muslim she wanted the company to give her a religious accommodation that would allow her to wear it. She was denied the job because [her](#) hijab violated the company's 'look policy' in [two ways](#): it was black, and it was considered to be headwear.

During the 25 February hearing of the case, Justice Elena Kagan compared the situation to an employer deciding it did not want to hire Jewish people and then looking out for names that appeared Jewish as a way to screen applicants.

"That's gotta be against the law, right?" she said.

Justice Antonin Scalia, who had appeared sympathetic to the store's argument, wrote the majority opinion.

"An employer may not make an applicant's religious practice, confirmed or otherwise, a factor in employment decisions," [he wrote](#). "For example, suppose that an employer thinks (though he does not know for certain) that a job applicant may be an orthodox Jew who will observe the Sabbath, and thus be unable to work on Saturdays.

"If the applicant actually requires an accommodation of that religious practice, and the employer's desire to avoid the prospective accommodation is a motivating factor in his decision, the employer violates Title VII."

In his dissenting opinion, Justice Clarence Thomas argued that Abercrombie did not intentionally discriminate. The store remained neutral with regard to religious practices, he wrote, adding: "Elauf received the same treatment from Abercrombie as any other applicant who appeared unable to comply with the company's look policy."

He did concede that those who wore headscarves could feel more harshly treated under the look policy.

Muslim groups said in a friend-of-the-court brief that employment discrimination against Muslims was widespread in the US and that the act of a woman wearing a headscarf was often what triggered such discrimination. The EEOC has reported that Muslims file more employment claims about discrimination and the failure to provide religious accommodations than any other religious group.

Abercrombie & Fitch's statement to the Guardian continued: "A&F remains focused on ensuring the company has an open-minded and tolerant workplace environment for all current and future store associates.

"We have made significant enhancements to our store associate policies, including the replacement of the 'look policy' with a new dress code that allows associates to be more individualistic; changed our hiring practices to not consider attractiveness; and changed store associates' titles from 'model' to 'brand representative' to align with their new customer focus.

"This case relates to events occurring in 2008. A&F has a longstanding commitment to diversity and inclusion, and consistent with the law, has granted numerous religious accommodations when requested, including hijabs."

Many of those changes have been implemented following the departure of Michael Jeffries, who has been the company's chief executive since 1992. Jeffries left in December after shares fell about 39% over 12 months.

In April, the company announced that "by the end of July, there will no longer be sexualized marketing used in marketing materials, including in-store photos, gift cards and shopping bags".

Foundation contributes to Bi-Partisan Religious Freedom Amendment in Senate trade pact

Religious Freedom and Business Foundation (30.05.2015) - <http://religiousfreedomandbusiness.org/2/post/2015/05/foundation-contributes-to-bi-partisan-religious-freedom-amendment-in-senate-trade-pact.html> Senator James Lankford's (R-OK) Trade Promotion Authority (TPA) amendment (#1237) that promotes international religious freedom passed the Senate **unanimously** by a vote of 92 to 0 on May 18, 2015.

In the lead-up to the vote, [Sen. Lankford drew upon](#) the research of Religious Freedom & Business Foundation president, [Brian Grim](#), for the rationale supporting the connection between religious freedom and socio-economic development. [Deseret News](#) also made note of the contribution of the Religious Freedom & Business Foundation's research to the bi-partisan bill.

Grim, commenting on the outcome, said, "We are very pleased that the work of the Religious Freedom & Business Foundation has contributed to something that is not easy to achieve – the unanimous support of all parties on legislation." Grim added that "because we do not take positions on political issues, this may be one reason that we can contribute to consensus on issues that are of common concern to all."

Grim and Brian Walsh recently elaborated the business case for religious freedom in an op-ed aptly titled, [Religious Freedom is Good for Business](#).

The Trade Promotion Authority amendment adds a provision to the overall negotiating objectives outlined in TPA, requiring the Administration to take religious freedom into account whenever negotiating trade agreements. If signed into law, this would be the first time in history that religious freedom considerations would be a requisite for international trade discussions with other countries. The original co-sponsors of the amendment are Senator Ben Cardin (D-MD), who is also Ranking Member of the Senate Foreign Relations Committee, Senator Bill Cassidy (R-LA) and Senator David Vitter (R-LA).

During a [floor speech on the amendment](#), Lankford said, "Our greatest export is our American value. The dignity of each person, hard work, innovation, and liberty. That's what we send around the world. It has the greatest impact."

"We believe every person should have protection of the government to live their faith, not the compulsion of government to practice any one faith or to be forced to reject all faith altogether. It's one of the reasons that Americans are disturbed by the trend in our courts and military and public conversation. It's not the task of government to purge religious conversation from public life. It is the task of government to protect the rights of every person to live their faith and to guard those who choose not to have any faith at all."

In its [2015 annual report](#), the U.S. Commission on International Religious Freedom recommended that the State Department redesignate China as a Country of Particular Concern, and urged the same designation for Vietnam, because these are countries where severe violations of religious freedom are perpetuated or tolerated by their respective communist regimes.

[China](#), relative to itself, has had an increase in religious freedom when compared to the days of the Cultural Revolution when all religion was strictly forbidden. This relative opening has been part of the secret of China's economic miracle. However, recent laws and government restrictions are taking a sharper turn toward more restrictions. As Brian Grim argues in his latest Weekly Number blog, this could threaten the secret behind China's sustainable economic growth: religious freedom and diversity. For the details, see the [blog and new research article](#).

Chapel Hill Muslim student shootings spark 'Islamophobic' outcry over lack of media coverage

Huffington Post (11.02.2015) - A bitter row has erupted [after the murders of three Muslim students](#) over what has been labelled '[Islamophobic](#)' media coverage of the tragedy.

Deah Shaddy Barakat, 23, his wife Yusor Mohammad, 21, and her sister Razan Mohammad Abu-Salha, 19 were shot dead in a suburban neighbourhood of North Carolina, USA. Unconfirmed reports say they were killed "execution-style".

Chapel Hill police told local news outlets that Craig Stephen Hicks, 46, has been charged with three counts of first-degree murder.

The murders have sparked anger, specifically by those who believe the tragedy has not been given due attention. Within hours the hashtag #ChapelHillShooting was the top trend worldwide on Twitter.

Noreen Khan from the BBC Asian Network tweeted: "No media outcry? No angry protests? No demands for apologies? No major coverage? But Twitter on it. No surprise there. #ChapelHillShooting."

She later added: "Please don't tell me oh US sees shootings everyday hence no coverage. If a Muslim had shot down 3 people it would be everywhere."

Nejer wrote: "This is horrific and the fact that big media and news outlets are not paying attention makes it even worse."

AJ+ asked: "Why do you think the Chapel Hill shooting is resonating more on social media than in traditional news media?"

Some twitter users pointed to the public outcry after the Charlie Hebdo murders and asked why the shootings had not attracted similar attention.

Others accused news channels of downright Islamophobia, singling out the BBC and [Fox News](#).

Ahmed Al Qasim tweeted: "Don't expect much from the media as long as the killer is not Muslim."

Amid unconfirmed reports Hicks is an atheist, [author Richard Dawkins tweeted: "How could any decent person NOT condemn the vile murder of three young US Muslims in Chapel Hill?"](#)

Some twitter users could not resist making wry digs at the prominent atheist, who is a strident critic of [religions](#), including [Islam](#).

The hashtag #MuslimLivesMatter also trended worldwide off the back of the tragedy, questioning the lack of coverage in the media of the shooting.

Many highlighted the subjects the media were covering in favour of the incident.

Muslims expressed strong feelings of alienation and victimisation.

Faith on the hill

Pew Forum (05.01.2014) - When the new, 114th Congress is sworn in on Jan. 6, 2015, Republicans will control both chambers of the legislative body for the first time since the 109th Congress (2005-2006). Yet, despite the sea change in party control, there is relatively little change in the overall religious makeup of Congress, according to a new study by the Pew Research Center. More than nine-in-ten members of the House and Senate (92%) are Christian, and about 57% are Protestant, roughly the same as in the 113th Congress (90% and 56%, respectively).¹ About three-in-ten members (31%) are Catholic, the same as in the previous Congress.

Protestants and Catholics continue to make up a greater percentage of the members of Congress than of all U.S. adults. Pew Research surveys find that, as of 2013, 49% of American adults are Protestant, and 22% are Catholic.

As was the case in the 113th Congress, the biggest difference between Congress and the general public is in the share of those who say they are religiously unaffiliated. This group makes up 20% of the general public but just 0.2% of Congress. The only member of Congress who describes herself as religiously unaffiliated is Rep. Kyrsten Sinema, D-Ariz.

Many of the nation's smaller religious groups are represented in roughly equal proportion to their numbers in the U.S. adult population. Buddhists, Muslims and Hindus combined represent roughly 2% of American adults and 1% of Congress. Jews continue to have greater representation in Congress (5%) than in the population as a whole (2%), but there are five fewer Jewish members in the 114th Congress than there were in the 113th, and 11 fewer than there were in the 112th Congress.

The new Congress includes a number of people who have had some form of religious occupation, including at least seven members who are ordained ministers. The number of ordained clergy in Congress has not fluctuated greatly in recent years.

Of the 301 Republicans in the new Congress, only one – freshman Rep. Lee Zeldin of New York's 1st District – is not a Christian. Zeldin, who is Jewish, will have far less seniority than the one Jewish Republican to serve in the 113th Congress, former House Majority Leader Eric Cantor, R-Va., who was defeated in his district's GOP primary.

Fully two-thirds of the Republicans in the 114th Congress (202 members, or 67%) are Protestant, about a quarter are Catholic (81, or 27%), and 5% are Mormon (14).

Democrats in the new Congress are somewhat more religiously diverse than Republicans, though not as diverse as the population as a whole. Of the 234 Democrats in the 114th Congress, 104 (44%) are Protestant, 83 (35%) are Catholic, 27 (12%) are Jewish, two

(1%) are Mormon, two are Buddhist, two are Muslim, one is Hindu and one does not identify with a particular religion. (Sen. Angus King, I-Maine, and Sen. Bernard Sanders, I-Vt., both of whom caucus with the Democrats, are counted as Democrats for the purposes of this analysis.)

(The analysis was completed before Rep. Michael G. Grimm, R-N.Y., announced his intention to resign effective Jan. 5. Grimm is a Catholic; his absence has a minimal impact on the overall percentages and trends presented in this report.)

These are some of the findings from an analysis by the Pew Research Center of congressional data compiled primarily by CQ Roll Call. CQ Roll Call gathered information on the religious affiliations of members of Congress through questionnaires and follow-up phone calls to members' and candidates' offices, and the Pew Research Center supplemented this information with additional research. The analysis compares the religious affiliations of members of the new Congress with Pew Research Center survey data on the U.S. public.

Pew Research surveys find that, as of 2013, about half of American adults (49%) identify as Protestant, but Congress remains majority Protestant. The percentage of Protestants in the new Congress (57%) is roughly the same as the percentage in the previous Congress (56%).

While the overall proportion of Protestants in Congress remains about the same, there are some modest changes within Protestant denominational families. For example, the number of Baptists in the new Congress increased by six, from 73 to 79, while the number of Lutherans rose by four, from 23 to 27. The number of Presbyterian members dropped by seven, from 43 to 36. This was the biggest drop, in numerical terms, among all the religious groups.

There is one more Catholic in the 114th Congress (164) than there was in the 113th. There are 16 Mormon members, one more than in the previous Congress. The number of Orthodox Christians (five) is unchanged.

Among non-Christian religious groups, Jews saw the largest losses, going from 33 members in the 113th Congress (6%) to 28 members (5%) in the 114th. The number of Jews in Congress is now nearly 40% lower than it was in the 111th Congress (2009-10), when there were 45 Jewish members.

The number of Buddhists in Congress fell from three to two, as Rep. Colleen Hanabusa, D-Hawaii, lost her bid for a Senate seat. Rep. Hank Johnson, D-Ga., who was re-elected, is now the lone Buddhist in the House of Representatives. In 2012, Mazie Hirono, D-Hawaii, became the first Buddhist elected to the Senate.

There were no changes in the number of Muslims (two), Hindus (one), Unitarian Universalists (one) or religiously unaffiliated people (one) serving in Congress. As noted above, Rep. Sinema of Arizona is the only member of Congress who identifies publicly as religiously unaffiliated. Rep. Ami Bera, D-Calif., is the only Unitarian Universalist, and Rep. Tulsi Gabbard, D-Hawaii, is the only Hindu. Both Muslim members of Congress – Rep. Keith Ellison, D-Minn., and Rep. Andre Carson, D-Ind. – were re-elected in 2014. Nine members (all Democrats) refused to specify their religious affiliation, one fewer than in the 113th Congress.

Differences by chamber

Protestants as a whole make up roughly equal percentages of the House (58%) and Senate (55%). Most Protestant denominational families are represented in roughly equal

proportions in both chambers, but there are a few exceptions. For example, Baptists, Episcopalians and Protestants who do not specify a denomination have higher representation in the House than in the Senate, while Presbyterians, Lutherans and Methodists are more heavily represented in the Senate than in the House.

Several other religious groups also have uneven representation in the two chambers. As was the case in the 113th Congress, Catholics make up a somewhat higher percentage of the House (32%) than the Senate (26%), while Mormons make up a larger share of the Senate (7%) than the House (2%). There are five Orthodox Christians in the House (1%), but none in the Senate.

All of Congress' Muslim, Hindu, Unitarian Universalist and unaffiliated members serve in the House. (See section above for details.) One Buddhist serves in the House (Johnson of Georgia) and one in the Senate (Hirono of Hawaii).

Differences by party affiliation

Overall, 56% of the members of the new, 114th Congress are Republicans and 44% are (or caucus with) Democrats.

The study finds that two-thirds of congressional Republicans (67%) are Protestant, compared with 44% of Democrats. By comparison, Catholics make up a higher share of Democrats than Republicans (35% vs. 27%). Roughly 5% of all congressional Republicans are Mormons, compared with 1% of Democrats. Jews, on the other hand, account for nearly 12% of congressional Democrats but less than 1% of congressional Republicans.

First-time members

The new, 114th Congress has a relatively small freshman class of 71 – 16 fewer than in the 113th Congress and 41 fewer than in the 112th.² Of the 114th's first-time members, 55 are Republicans (77%).

More than six-in-ten freshmen members are Protestant; in the 113th Congress, 48% of freshmen were Protestant. A few Protestant denominations – including Lutherans, Presbyterians and Protestants who do not specify a denomination – have a higher percentage of freshmen than incumbents. The same is true for Catholics, who represent 35% of freshmen and 30% of incumbents. Mormons are represented in about the same proportion among both freshmen and incumbents.

The only non-Christian freshman is Jewish Republican Rep. Zeldin of New York. In the 113th Congress, 13% of freshmen were non-Christians, including the first Hindu in the House or Senate, Democratic Rep. Gabbard of Hawaii, and four members who did not specify their religious affiliation.

Clergy in congress

There are at least seven ordained ministers in the 114th Congress, all serving in the House of Representatives. Four are Republicans, and three are Democrats. (Some information on ordained ministers comes from the Congressional Research Service, which contacts members of Congress whose educational or occupational background suggests they might have been ordained.)

Four of the ordained ministers are Baptist (Doug Collins, R-Ga.; Jody Hice, R-Ga.; John Lewis, D-Ga.; and Mark Walker, R-N.C.); one is a Methodist (Emanuel Cleaver, D-Mo.);

one is a Pentecostal (Bobby L. Rush, D-Ill.); and one is a Protestant who does not specify a denomination (Tim Walberg, R-Mich.). Walberg was ordained as a Baptist, but he now prefers to be identified as a Christian. Among all Protestant denominational families, Baptists have the largest representation in Congress (15%).

Two of the ordained ministers in the 114th Congress, Hice of Georgia and Walker of North Carolina, are freshmen. The rest were re-elected.

In addition to the ordained ministers in Congress, several members of the incoming Congress told CQ Roll Call that they have held religion-related occupations, including one senator, Oklahoma Republican James Lankford, who was director of a Baptist youth camp. In the House, Robert Pittenger, R-N.C., was a youth ministry organization manager, and Juan C. Vargas, D-Calif., was a Jesuit novice.

The overall number of ordained ministers in Congress has remained fairly steady over the last seven Congresses, ranging from a high of seven in the 114th Congress to a low of four in the 111th Congress. However, the tradition of clergy serving in Congress dates back to the early years of the Republic, as explored in [a sidebar to this report](#).

Looking back

Although Congress remains predominantly Christian and majority Protestant, it is more religiously diverse than it was in the 1960s and '70s.

Comparing the 114th Congress with the 87th (1961-1962), for example, the share of Protestants is down by 18 percentage points, while the share of Catholics is up by 12 points. The percentage of Jewish members in Congress is up 3 points.

One thing has not changed, however: Even though the [percentage of U.S. adults identifying as religious "nones" has grown](#) in recent decades, the congressional representation of the unaffiliated continues to lag behind. As noted earlier, only one member of the new Congress identifies as religiously unaffiliated. And over the past five decades, only one member has publicly declared that he does not believe in God or a Supreme Being: Rep. Pete Stark, D-Calif., who served in Congress from 1973-2012.
