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## **US Supreme Court denies Nevada Church's appeal of virus rule**

**The Associated Press (24.07.2020) - A sharply divided U.S. Supreme Court denied a rural Nevada church's request late Friday to strike down as unconstitutional a 50-person cap on worship services as part of the state's ongoing response to the coronavirus.**

A sharply divided U.S. Supreme Court denied a rural Nevada church's request late Friday to strike down as unconstitutional a 50-person cap on worship services as part of the state's ongoing response to the coronavirus.

In a 5-4 decision, the high court refused to grant the request from the Christian church east of Reno to be subjected to the same COVID-19 restrictions in Nevada that allow casinos, restaurants and other businesses to operate at 50 percent of capacity with proper social distancing.

Calvary Chapel Dayton Valley argued that the hard cap on religious gatherings was an unconstitutional violation of its parishioners' First Amendment rights to express and exercise their beliefs.

Chief Justice John Roberts sided with the liberal majority in denying the request without explanation.

Three justices wrote strongly worded dissenting opinions on behalf of the four conservatives who said they would have granted the injunctive relief while the court fully considers the merits of the case.

"That Nevada would discriminate in favor of the powerful gaming industry and its employees may not come as a surprise, but this Court's willingness to allow such discrimination is disappointing," Justice Samuel Alito wrote in a dissent joined by Clarence Thomas and Brett Kavanaugh.

"We have a duty to defend the Constitution, and even a public health emergency does not absolve us of that responsibility," Alito said. "The Constitution guarantees the free exercise of religion. It says nothing about freedom to play craps or blackjack, to feed tokens into a slot machine or to engage in any other game of chance."

Kavanaugh also wrote his own dissent, as did Justice Neil Gorsuch.

### ***Chapel fights decision***

Calvary Chapel Dayton Valley appealed to the 9th Circuit Court of Appeals last month after a U.S. judge in Nevada upheld the state's policy that allows casinos and other businesses to operate at 50 percent of normal capacity.

The appellate court in San Francisco is still considering the appeal, but it has denied the church's request for an emergency injunction in the meantime. Its ruling July 2 pointed to the Supreme Court's refusal in May to strike down California's limit on the size of religious gatherings.

The church in Nevada's Lyon County appealed to the Supreme Court six days later, asking for an emergency injunction prohibiting the state from enforcing the cap on religious gatherings. "The governor allows hundreds to thousands to assemble in pursuit of financial fortunes but only 50 to gather in pursuit of spiritual ones. That is unconstitutional," its lawyers wrote in their most recent filing to the high court last week.

Nevada's lawyers said last week several courts nationwide have followed the Supreme Court's lead in upholding state authority to impose emergency restrictions in response to COVID-19. "Temporarily narrowing restrictions on the size of mass gatherings, including for religious services, protects the health and well-being of Nevada citizens during a global pandemic," they wrote.

Kavanaugh said Nevada's policy constitutes "overt discrimination against places of worship." "The state has not explained why a 50% occupancy cap is good enough for secular businesses where people congregate in large groups or remain in close proximity for extended periods — such as at restaurants, bars, casinos and gyms — but is not good enough for places of worship," he wrote.

Gorsuch said today's world "with a pandemic upon us, poses unusual challenges."

"But there is no world in which the Constitution permits Nevada to favor Caesars Palace over Calvary Chapel," he wrote.

### **HRWF Footnote**

Calvary Chapel was an early New Religious Movement that evolved into a major international denomination. It is also the group out of whence came the Shiloh Jesus Movement group that James T. Richardson, Ph D (University of Nevada, Reno), and colleagues studied in depth and wrote about in *Organized Miracles* back in the late 1970s. The local CC in Dayton Nevada sued to ask the courts to set aside a 50 person limitation established by the Governor in Nevada for church services. There logic was simple: if there can be open casino gambling (supposedly with masks) and other businesses operating with a 50% capacity rule then how can a 50 person limit on church services by constitutional? Justice Roberts sided with the four more liberal justices to stymie the effort by refusing to support an injunction favoring the church while the case was being decided in a lower court.

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## **America and the Worldwide Religious Freedom**

European Federation for Freedom of Belief (15.06.2020) - <https://bit.ly/3hAdvmW> - On June 2<sup>nd</sup>, President **Donald J. Trump** signed an Executive Order on Advancing International Religious Freedom, instructing the U.S. State Department to prioritize international religious freedom in its implementation of foreign policy and budget.

«Religious freedom, America's first freedom, is a moral and national security imperative» the executive order reads. «Religious freedom for all people worldwide is a foreign policy priority of the United States, and the United States will respect and vigorously promote this freedom».

The new order contains a number of instructions for the State Department and federal agency heads when it comes to promoting religious freedom abroad. It involves civil society by saying «Religious communities and organizations, and other institutions of civil society, are vital partners in United States Government efforts to advance religious freedom around the world».

An invitation that FOB has already repeatedly accepted by participating through its President in the first two "Ministerial to Advance Religious Freedom" meetings organized by Secretary of State **Mike Pompeo** and held in Washington DC in [2018](#) and [2019](#).

Therefore, we cannot but rejoice at this clear stance taken by the Trump administration. We fully agree when the US President says that religious freedom «is fundamental for the flourishing of our society.» NGOs such as FOB have been preaching this for years, urging the authorities of various countries by all means.

Unfortunately, the heads of governments in this part of the Atlantic apparently support the cause of religious freedom, but their statements have never resulted in anything practical to demonstrate that Religious freedom is Europe's first freedom.

On the contrary, many European states have worked to limit religious freedom in the old world. Representatives of public and political institutions at various levels have given support to the activities of small anti-religious groups, and in some cases the same state is directly engaged in activities to combat religious minorities disagreeable to some.

For example, the Republique Française, which proudly shows off the famous motto Liberté, Égalité, Fraternité, instead of urging its civil servants to protect freedom of belief, more than 2 years ago established the "Interministerial Mission in the Fight Against Cults" (**MIVILUDES**), through which it financed with public funds a series of private anti-religious associations and a European federation of anti-cult associations spread all over the continent called **FECRIS** (European Federation of Centers of Research and Information on Cults) producing a climate of intolerance and discrimination that has negatively influenced many EU countries and even non-European countries, such as Russia and China.

Germany has set up and financed a task force within the domestic intelligence service **BfV** (Bundesamt für Verfassungsschutz) for twenty years aimed at spying on and prosecuting religious minorities, placing a well-known anti-cults exponent at the head of it. Even the German example has produced disasters in various European countries.

Italy instead established fifteen years ago a special police body under the Ministry of the Interior called **S.A.S.** (Anti Cults Team), which collaborates throughout the country with various anti-religious groups carrying out farcical investigations that have developed mainly in the media.

Instead of protecting religious freedom, the European Union itself has granted **FECRIS** the participatory status with the **Council of Europe** since 2005. In recent times they have refused to withdraw this status although abundant evidence has been provided that the activity of this group disqualifies it for that status.

Thanks to the support of some European states, anti-religious groups have negatively influenced the politics of many nations. To mention a couple of cases, MILS "consultants" exported the "French method" to China twenty years ago, contributing to the beginning of the persecution against **Falun Gong**, and there is evidence that they are still at work today. While in Russia **Alexander Dvorkin**, vice president of **FECRIS**, advised the Minister of Justice on "religious cults" by spreading a climate of intolerance in that great country.

It is well known that in Russia, China and other eastern countries religious freedom is a utopian dream and religious persecution reaches levels that in the West would seem horror stories. But the same abyss that exists between these countries and Europe is comparable to the abyss that divides the latter from the United States, at least in terms of religious freedom.

Unlike the U.S., Europe does not deal with violations that occur in the rest of the world, indeed it sometimes favors them. It does nothing effective to defend the religious freedom of its citizens, indeed, knowingly or not, it works to limit it.

The difference in approach is abyssal, the United States work to support religious freedom in the whole world, while the old world states travel in the opposite direction: spontaneously or suborned, they establish and finance bodies that, evidently, work to conceal that freedom. All this in disdain of the rights guaranteed by the various national constitutions and by the Charter of Fundamental Rights of the European Union.

In his recent Executive Order, however, in Section 2 "Prioritization of International Religious Freedom", Trump states that «Within 180 days of the date of this order, the Secretary of State (Secretary) shall, in consultation with the Administrator of the United States Agency for International Development (USAID), develop a plan to prioritize international religious freedom in the planning and implementation of United States foreign policy and in the foreign assistance programs of the Department of State and USAID».

Rather than finance anti-religious organizations more or less directly as happens here, the **White House** tenant, calls for the State Department to work with the Department of the Treasury to develop «recommendations to prioritize the appropriate use of economic tools» to advance religious freedom in countries of particular concern or on the special watch list. Under Section 3, Trump's order stipulates that the State Department and USAID need to budget at least \$50 million per fiscal year for «programs that advance international religious freedom, to the extent feasible and permitted by law and subject to the availability of appropriations.»

It is not new that the United States of America wants religious freedom to be respected worldwide. The institution of the United States Commission on International Religious Freedom (**USCIRF**) dates back to 1999, under the Clinton Administration, today chaired by commissioner **Tony Perkins**, former president of the **Family Research Council (FRC)**, a public policy organization that provides research and advocacy on issues related to religious freedom.

USCIRF is an independent, bipartisan U.S. federal government commission, the first of its kind in the world, dedicated to defending the universal right to freedom of religion or belief abroad. USCIRF reviews the facts and circumstances of religious freedom violations and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and the Congressional leadership of both political parties.

USCIRF Vice Chair **Gayle Manchin**, said in a statement that the commission has long called on the U.S. government to develop an "overall strategy for promoting religious freedom abroad" and "country-specific action plans."

"We welcome the fact that this Executive Order requires the State Department and USAID to do exactly that," Manchin said. "We also appreciate the express reference to U.S. officials working for the release of religious prisoners of conscience, which is a high priority for USCIRF."

Trump's order, appreciated at home, does not just set priorities, solicit interventions and finance initiatives, it goes far beyond and establishes that «programs that advance international religious freedom» should include those that «anticipate, prevent, and respond to attacks against individuals and groups on the basis of their religion,» as well as programs that «help ensure that such groups can persevere as distinct communities.» The programs should «ensure equal rights and legal protections for individuals and groups regardless of belief, improve the safety and security of houses of worship and public spaces for all faiths and preserve the cultural heritages of religious communities.»

Outside the United States, the executive order also states that Pompeo will direct chiefs of missions in countries that are included on the State Department's list of «countries of particular concern for international religious freedom violations and the religious freedom special watch list, to develop comprehensive action plans to inform and support the efforts» of the U.S. government «to encourage the host governments to make progress in eliminating violations of religious freedom.»

The economic tools mentioned in section 6 of the order can include «increasing religious freedom programming, realigning foreign assistance to better reflect country circumstances, or restricting the issuance of visas.» The tools can also include sanctions under the Global Magnitsky Act, which allows the U.S. to target perpetrators of human rights abuses through the seizure of U.S. assets or travel bans.

Meanwhile, Congress has passed a law that provides for sanctions against officials who violate religious freedom in China, where Christians, Uighurs, Falun Gong and other religious communities not recognized by the government are persecuted. The new rule did not please the Chinese ambassador in Washington who immediately protested on behalf of his government: «We urge the United States to remedy their mistake immediately, to stop using Xinjiang-related issues (editor's note: the Region where the persecution is more ferocious) to intervene in China's internal affairs».

"The executive order stresses that religious freedom is not just a human right," said **Tom Farr**, president of the **Religious Freedom Institute**, but "a moral and national security imperative." Farr clarified that the act offers "certainty" that the government will take attacks on believers seriously, given the adoption of "important measures".

**Nina Shea**, director of the **Center for Religious Freedom** at the **Hudson Institute**, said the order would encourage greater "activity in the countries that appear on the State Department's Special Watch List."

For our part, we hope that the US example inspires European governments, possibly before their countries are included in the US State Department's "Special Watch List". Not for fear of the super power with stars and stripes, but for a jolt of dignity and pride, if not civilization and common sense.

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## Executive Order on advancing International Religious Freedom

The White House (02.06.2020) - <https://bit.ly/30OyZqk> - By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Policy.** (a) Religious freedom, America's first freedom, is a moral and national security imperative. Religious freedom for all people worldwide is a foreign policy priority of the United States, and the United States will respect and vigorously promote this freedom. As stated in the 2017 National Security Strategy, our Founders understood religious freedom not as a creation of the state, but as a gift of God to every person and a right that is fundamental for the flourishing of our society.

(b) Religious communities and organizations, and other institutions of civil society, are vital partners in United States Government efforts to advance religious freedom around the world. It is the policy of the United States to engage robustly and continually with civil society organizations — including those in foreign countries — to inform

United States Government policies, programs, and activities related to international religious freedom.

Sec. 2. Prioritization of International Religious Freedom. Within 180 days of the date of this order, the Secretary of State (Secretary) shall, in consultation with the Administrator of the United States Agency for International Development (USAID), develop a plan to prioritize international religious freedom in the planning and implementation of United States foreign policy and in the foreign assistance programs of the Department of State and USAID.

Sec. 3. Foreign Assistance Funding for International Religious Freedom. (a) The Secretary shall, in consultation with the Administrator of USAID, budget at least \$50 million per fiscal year for programs that advance international religious freedom, to the extent feasible and permitted by law and subject to the availability of appropriations. Such programs shall include those intended to anticipate, prevent, and respond to attacks against individuals and groups on the basis of their religion, including programs designed to help ensure that such groups can persevere as distinct communities; to promote accountability for the perpetrators of such attacks; to ensure equal rights and legal protections for individuals and groups regardless of belief; to improve the safety and security of houses of worship and public spaces for all faiths; and to protect and preserve the cultural heritages of religious communities.

(b) Executive departments and agencies (agencies) that fund foreign assistance programs shall ensure that faith-based and religious entities, including eligible entities in foreign countries, are not discriminated against on the basis of religious identity or religious belief when competing for Federal funding, to the extent permitted by law.

Sec. 4. Integrating International Religious Freedom into United States Diplomacy. (a) The Secretary shall direct Chiefs of Mission in countries of particular concern, countries on the Special Watch List, countries in which there are entities of particular concern, and any other countries that have engaged in or tolerated violations of religious freedom as noted in the Annual Report on International Religious Freedom required by section 102(b) of the International Religious Freedom Act of 1998 (Public Law 105-292), as amended (the "Act"), to develop comprehensive action plans to inform and support the efforts of the United States to advance international religious freedom and to encourage the host governments to make progress in eliminating violations of religious freedom.

(b) In meetings with their counterparts in foreign governments, the heads of agencies shall, when appropriate and in coordination with the Secretary, raise concerns about international religious freedom and cases that involve individuals imprisoned because of their religion.

(c) The Secretary shall advocate for United States international religious freedom policy in both bilateral and multilateral fora, when appropriate, and shall direct the Administrator of USAID to do the same.

Sec. 5. Training for Federal Officials. (a) The Secretary shall require all Department of State civil service employees in the Foreign Affairs Series to undertake training modeled on the international religious freedom training described in section 708(a) of the Foreign Service Act of 1980 (Public Law 96-465), as amended by section 103(a)(1) of the Frank R. Wolf International Religious Freedom Act (Public Law 114-281).

(b) Within 90 days of the date of this order, the heads of all agencies that assign personnel to positions overseas shall submit plans to the President, through the Assistant to the President for National Security Affairs, detailing how their agencies will incorporate the type of training described in subsection (a) of this section into the training required

before the start of overseas assignments for all personnel who are to be stationed abroad, or who will deploy and remain abroad, in one location for 30 days or more.

(c) All Federal employees subject to these requirements shall be required to complete international religious freedom training not less frequently than once every 3 years.

Sec. 6. Economic Tools. (a) The Secretary and the Secretary of the Treasury shall, in consultation with the Assistant to the President for National Security Affairs, and through the process described in National Security Presidential Memorandum-4 of April 4, 2017 (Organization of the National Security Council, the Homeland Security Council, and Subcommittees), develop recommendations to prioritize the appropriate use of economic tools to advance international religious freedom in countries of particular concern, countries on the Special Watch List, countries in which there are entities of particular concern, and any other countries that have engaged in or tolerated violations of religious freedom as noted in the report required by section 102(b) of the Act. These economic tools may include, as appropriate and to the extent permitted by law, increasing religious freedom programming, realigning foreign assistance to better reflect country circumstances, or restricting the issuance of visas under section 604(a) of the Act.

(b) The Secretary of the Treasury, in consultation with the Secretary of State, may consider imposing sanctions under Executive Order 13818 of December 20, 2017 (Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption), which, among other things, implements the Global Magnitsky Human Rights Accountability Act (Public Law 114-328).

Sec. 7. Definitions. For purposes of this order:

- (a) "Country of particular concern" is defined as provided in section 402(b)(1)(A) of the Act;
- (b) "Entity of particular concern" is defined as provided in section 301 of the Frank R. Wolf International Religious Freedom Act (Public Law 114-281);
- (c) "Special Watch List" is defined as provided in sections 3(15) and 402(b)(1)(A)(iii) of the Act; and
- (d) "Violations of religious freedom" is defined as provided in section 3(16) of the Act.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

June 2, 2020.

