



SPIRITUAL DECEPTION MATTERS LIBRARY

LEGAL GUIDELINES

Protecting the Jewish Community from Hebrew-Christians*

Introduction

Spiritual Deception Matters (SDM) staff has received calls over the years regarding problems with the use by Hebrew-Christians of symbols, rituals and institutions of the Jewish faith as tools to convert Jews to Christianity. A major area of concern is the attempt to join or partake in a wide variety of Jewish communal institutions - from synagogues to Jewish community centers as a means of converting Jews.

SDM is committed to the constitutional rights of individuals, the free exercise of religion and is opposed to discrimination of any sort. Consistent with these principles, however, Jewish synagogues and communal institutions are not without means at their disposal to expose the participation by Hebrew-Christians in these organizations as a covert platform for converting Jews to Christianity. These Guidelines are made available because of the increasing exposure to infiltration from Hebrew-Christian missionary groups and/or individuals. Although laws do change and every state and locale has different laws which make it hard to give easy and simple advice, SDM wants Jewish organizations to understand they are not powerless to combat forces which seek to undermine and destroy Judaism.

The Problem

Jewish institutions from all parts of the country have inquired about what to do with Hebrew-Christian individuals and/or groups using membership or employment status to convert Jews to Christianity. Among other reasons in 1990 the Israeli Supreme Court in the Beresford case denied the rights of aliyah to a South African couple who claimed to be Hebrew-Christians. Since that time there has been an increase in actions by Hebrew-Christians to gain credence as a legitimate part of the Jewish community.

Please Note: Former Jews who have accepted the notion that Jesus is their savior call themselves a variety of names such as: Hebrew Christians, Messianic Jews, Completed Jews, etc. In these Guidelines and in other publications by SDM we call them Hebrew-Christians to distinguish them from "regular" Christian missionaries who do not use such terms, do not go to Messianic "synagogues" and do not "celebrate" Jewish holidays.

General Considerations

The attempts to use activity in the Jewish community as a device to convert Jews should be met with different responses depending on the type of institution, the type of situation and the applicable state and local laws. The way each institution is set up, its purposes, funding, membership, etc. will determine the type of defenses and responses it can bring to bear on the Hebrew-Christian missionaries in its midst. These Guidelines will address what institutions may legally do, and in other cases raise policy issues which have to be decided upon by individual institutions. These Guidelines will review some basic situations in which Jewish institutions may encounter Hebrew-Christians trying to become involved in the community for ulterior purposes.

Please Note: Before taking any contemplated action your organization must obtain advice from a local attorney conversant with the relevant state and local laws. Also the law and policy issues raised should be reviewed, discussed and planned for before a crisis arises. There are few legal decisions in this area. JCRC-NY and the SDM program (when it was called the Task Force on Missionaries & Cults) have had direct legal involvement in one area - the use of public facilities by Hebrew-Christians. The two cases are Jews for Jesus v. Jewish Community Relations Council, 581 NYS 2d 643 (state) and 768 F. Supp 467 rev. 968 F2d 286 (federal). The issues and responses regarding the use of public facilities by Hebrew-Christians are set out separately in Section L of these guidelines.

Guidelines Analytical Focus

The Jewish institutional world is divided between religious/educational corporations and more secular nonprofit institutions. For-profit institutions (camps, nursing homes, etc.) have somewhat different issues and will also be discussed - separately.

These Guidelines will analyze activities and the responses of each type of institution in the area of: membership, employment (including volunteers) and the use of Jewish institutional facilities. There is a discussion of the educational response to this missionary threat as well as ideas regarding cemeteries, inter-faith councils, Israel, Yellow Pages listings, trespassing, and the use of public facilities associated with Judaism by Hebrew-Christians for missionary purposes.

A. Religious Organizations

Synagogues, religious schools (day and after-schools), Bichor Cholim societies and camps generally present the most straight-forward cases. The synagogues and many times the schools and some camps have been incorporated under a state's religious corporation law. These types of corporations are generally treated differently from secular nonprofits and for-profit corporations by federal, state and local governments. Again, the state and local laws must be checked.

1. Membership

a. **Synagogues:** A synagogue can define who can or cannot be a member and have

certain requirements for membership. That proposition is basic and covered by the Free Exercise and Religion Clauses of the First Amendment. Synagogues should review their membership procedures. The initial application for membership should request more than name, address and dues. The application should include a statement affirming the synagogue's mission and tenets to be signed by the applicant. By-laws of a synagogue should be reviewed to ensure that there is a mechanism for revoking membership for actions detrimental to the synagogue and its members.

b. Schools & Camps: Do the participants have to meet the tenets of the institution's religion? Most after-school programs are run under the aegis of a synagogue and considered an auxiliary of a religious institution and should, thereby, be able to set membership/affiliation policies. Some camps are also under the aegis of religious institutions and may similarly have criteria for participation which are legal. The IRS does require that religious (and nonprofit - see section B.1b below) schools have and publish a non-discrimination policy, but its focus is almost exclusively on race.

2. Employment

a. Easy Case: Under federal law religious institutional employers are permitted wide discretion as to what they may require of their employees. Section 702 of the Civil Rights Act of 1964 (1972) exempts religious groups from the ban on religious discrimination in employment. In 1987, the Supreme Court's decision in Presiding Bishop v. Amos extended such exemption to include non-religious activities of the institution. In other words a religious employer may require even its secular employees to belong to and comply with the tenets of that institution's religion. This includes synagogues, schools and religiously run camps.

b. More Complicated Case: If a school, camp or synagogue does not require all its employees to be of a certain religion (i.e. the secular subject teachers), it may present a more complicated matter. Such institutions should consider whether their employment policies should be changed or institute employment policies regarding proselytizing of religion by teachers, i.e. no proselytizing of any religion except Judaism as defined by the institution. Religious employers can require employees (who are not of the same religion) to agree to abide by the tenets of the institution's faith and refrain from certain activities.

c. Volunteers: There are no laws on volunteers and the best practice is to treat volunteers as "employees". Their presence should be taken seriously in general. If there are Hebrew-Christians who seek to volunteer at your institution your institution needs to deal with it.

3. Use of Facilities

Basic Question: Does your institution rent to or permit other nonaffiliated groups or individuals to use rooms or facilities?

a. No: Then it is easy to say “No” to Hebrew-Christian individuals or groups. They could sue, but they wouldn’t get very far with a claim of discrimination.

b. Yes: Under federal law, there probably would not be a problem. But state and local laws on public accommodation should be reviewed to ascertain if there is an exemption for religious organizations. If there is such an exemption, the “problem” is solved. If there is not, several issues must be decided: (1) is the money from the rental critical (if no - stop it, if yes - continue the analysis); (2) what is the current policy and can it be changed within the law to keep out Hebrew-Christians and other groups destructive to Judaism; (3) can the policy be changed to curtail the type of activity allowed at the facilities (i.e. no groups only individuals or no other religious groups only secular activities)?

B. Secular Non-Profit Organizations

The secular nonprofit Jewish world runs the gamut from national or local organizations with individual members, umbrella groups of member agencies, Jewish community councils, Jewish Community Centers or Y’s, etc. Most of these organizations have been incorporated under a state’s not-for-profit law and have an official exemption letter from federal income tax from the IRS. Some of the funding of these organizations may come from governmental agencies. In such instances, the institutions may be required to be non-discriminatory in operation and policy. However, again the focus of the non-discrimination requirement seems to be from a racial standpoint and not the religious. The different treatment of religions appears to stem from the First Amendment, but some recent cases may make it almost impossible for basically secular organizations to exclude missionaries.

1. Membership

a. Certain Secular Organizations: Some organizations do have requirements as to membership - either groups or individuals which should be protected under a combination of the First Amendment’s Freedom of Association and Religion clauses. Certain membership requirements reflect an organization’s mission and not enforcing them would defeat the purpose of the organization. However, organizations should review how people are admitted (sponsored or not) and whether affiliations are checked to tighten enforcement. These organizations should also review their organizing documents with respect to not only entry requirements, but also the mechanism for expulsion of a member.

b. Schools or Camps: If they are not an auxiliary of a synagogue and do not have strict admissions criteria there may be problems. These institutions should review their mission and determine which nondiscriminatory screening criteria could be instituted (i.e. application questions, an agreement to abide by the institution’s mission, interviews, etc.). All schools and camps should have non-discriminatory criteria and mechanisms for expelling disruptive children.

c. Jewish Community Centers/Ys: The membership of many Y's is open to people of any religion and their facilities are available for use by individuals and groups. Much of the programming may have little to do with religion and the Y's may be the only place that non-affiliated Jews go. There are no easy answers in these cases. Each organization must examine its mission, funding and programs in order to determine the appropriate route to take. Some institutions may want to change in a drastic way how they operate - i.e. become more religious and impose certain requirements. Other places will want to maintain the open membership and will elect to do Anti-Missionary Educational Programs and policies (see Section D below for ideas). These are hard choices because, if an organization chooses to be open to all, it will be able to maintain its government funding, but possibly risks losing Jewish support and funding. There will be problems from each end of the spectrum of the Jewish community. There will be complaints the organization is doing either too much or not enough. It is important for the organization to keep an eye on its mission and whether it is being fulfilled or subverted by Hebrew-Christian missionaries.

2. Employment

a. Small: Certain very small organizations may not be covered by the Federal Employment Discrimination Law, but state and local discrimination laws must also be checked. There is also the BFEQ (Bona Fide Employment Qualification) which might be useful for some organizations.

b. Other Organizations: Obviously, if an organization hires staff it is open to Hebrew-Christians. The options left to you are changing your organization (affiliating with a synagogue) or at the very least instituting certain employment policies - preferably before a Hebrew-Christian applies for a job as a base from which to pursue missionary activity. A labor lawyer should be consulted before instituting such policies as: (1) no proselytizing of clients or members; and (2) employees must agree with the organization's mission. What if someone is hired and becomes a Hebrew-Christian or successfully hid such affiliation during the hiring process? Check with your attorney to ascertain whether your state is a "right to work" or "at will" state. Firing anyone in a "right to work" state is very difficult, but not in a "at will" state. The organization may still have to contend with possible discrimination charges, but if the individual lied about his/her affiliation when applying for the position, there may be a good defense available.

c. Volunteers: See Section A2c. above.

3. Use of Facilities

The issues and policy decisions a secular institution must address in regard to Hebrew-Christians' use of the organization's facilities is basically the same as under the religious institutions set forth in Section A.3. above. However, the chances are a secular institution will be the first target in a community and it is, therefore, imperative that preparation and planning be done before an approach is made by Hebrew-Christians

with ulterior aims. Institutions should review their policies regarding rental of space to outside groups and individuals. Set up policies regarding the programs or activities the organization can legitimately not allow in (defined in non-discriminatory language). Set up policies such as: no use by outside organizations of the organization's mailing lists, no use of bulletin boards by outside groups, etc. The other step is to work on educational programming — see Section D below.

C. For-Profit Corporations

For-profit Jewish camps and institutions such as nursing homes must comply with non-discrimination in selection of clients, employment and advertising. These organizations may be a prime target of Hebrew-Christians because it is clear they are not religious institutions. Such institutions should put into place non-discriminatory screening criteria and a statement of purpose. They should have non-discriminatory mechanisms and criteria for expelling disruptive “clients” and employees. The information in Section B above regarding employment and use of facilities is equally applicable for these institutions.

D. Anti-Missionary Educational Programs

In situations where an organization cannot exclude Hebrew-Christian missionaries (from membership, employment, volunteering, facilities or programs), the organization should develop appropriate educational programs and policies to alert, educate and counteract any formal or informal missionary activity. In other words, use the situation as an opportunity to draw attention to the problem in your community. Such programs or policies might include: (1) talks for different age groups on the history of Hebrew-Christians and how to answer them; (2) instituting policies such as — no outside groups using the bulletin boards, all notices (by individuals or outside groups) must be approved by the Executive Director, no proselytizing on the premises; (3) posting warnings regarding Hebrew-Christians, naming the local Messianic organizations, their events and missionaries to alert people and prevent confusion with Jewish institutions and events; (4) coordinating with local synagogues to have Anti-Missionary Shabbat sermons; (5) joining with the other Jewish organizations in the community to develop a variety of methods for dealing with the problem.

Remember: Jewish institutions do not have to give a forum or “equal time” to Hebrew-Christian missionary groups. It is not illegal to deny such requests. An organization cannot be compelled to hold a program which is not consistent with its purpose or mission and which it finds detrimental to such mission.

E. Cemeteries

In some states, Jewish cemeteries have been incorporated in different forms, e.g., religious, nonprofit, for-profit, etc. The form of incorporation and laws of the state should be analyzed to determine how to prevent Hebrew-Christians from being interred in Jewish cemeteries. At this time there are two known instances of families attempting

to bury well known Hebrew-Christians in Jewish cemeteries. In both instances they were denied and there was no challenge by the Hebrew-Christians.

F. Interfaith Councils

Some Hebrew-Christian missionaries or missionary groups have sought to join local inter-faith councils. We are aware of attempts to gain entry to such councils usually with the sponsorship of a local evangelical group. The response has ranged from not wanting to rock the boat, resigning in protest, to talking to the other members of the council to get them to understand the affront to the Jewish community. In order to deal with this problem, Jewish organizations should take the following actions: (1) carefully examine the organizing documents of the council — who or what groups can be admitted, how (sponsorship, by consensus, by unanimity) and what is the mission and goals of the organization; (2) discuss this concern before an actual situation arises with your congregation, other Jewish congregations and with the council; (3) ascertain what should be changed to ensure there are mechanisms in place to block the entry of Hebrew-Christian missionary groups; (4) if a Hebrew-Christian group is admitted over Jewish dissent, at the very least a written statement of protest should be sent and broadly circulated and, the Jewish congregations should consider resigning from the council.

G. Israel and Hebrew-Christians

Most Hebrew-Christian missionary groups are very pro-Israel. This puts many Jewish individuals or institutions in an awkward position. Some Jewish organizations feel it is important to cultivate all friends of Israel while others have refused to have anything to do with such missionary individuals or groups. The one point to keep in mind in dealing with such matters is the fact that Hebrew-Christians, as do all missionaries, want Jews to become Christians. They will work on any approach which will bring them closer to this goal.

H. Yellow Pages Listings

Many Hebrew-Christian institutions have Hebrew names. Getting their “congregation” listed in the local Yellow Pages under the heading of “Jewish synagogues” is one technique Hebrew-Christians have used to become part of the Jewish community. In some communities, the Jewish synagogues have been quite successful in getting the publisher of the Yellow Pages to not list such Hebrew-Christian institutions under the Jewish heading (they have been put under such headings as Messianic Congregations, etc.) Whether this type of communal effort is productive depends on many variables. Any action in this area should be only done after consulting with a lawyer.

I. Trespassing

By now it should be obvious there are a variety of methods for defending against infiltration by Hebrew-Christian missionaries. In addition, if a Jewish institution does not want a particular group or disruptive individual on its property, it can use the local police to enforce its rights. There have been a few instances of Hebrew-Christian

missionaries proselytizing children playing in and around a synagogue building while adults were praying. Most Hebrew-Christian missionaries will go away quietly if asked, but for the few who will not, there is always the enforcement of the organization's property rights.

J. Use of Public Facilities by Hebrew-Christians

There is a temptation to try and stop the use of "public facilities" by Hebrew-Christian groups. Beware! Even if the facility is sort of Jewish i.e. catering halls (independent of a synagogue) avoid interfering in such situations. There are federal, state and local laws dealing with discrimination and public facilities. Interference with any contractual or prospective contractual relationship for use of public or other facilities is inappropriate. There are other ways to deal with the covert and deceptive missionary activity by Hebrew-Christians such as advertisements in newspapers, press releases, articles, etc. Also information "picket" lines should be considered. The property is not a Jewish communal institution's (as Jewish as you may think the place is) which makes the facts and laws different from the situations set forth above. More to the point, driving some local business person out of business should really not be the aim of the Jewish community. The education route is very effective and useful because it highlights a graphic point: "Yes, Hebrew Christians are in our community—so wake up!"