

Charities in the Courtroom, Part 3: Religious Conflict

02.21.17 | Linda J. Rosenthal, JD



There is no shortage of lawsuits involving religious organizations: congregations fighting among themselves, with other religious groups, or with outsiders.

Here are two recent – and quite different – examples.

The first is a [garden-variety employment termination case](#), but with a twist: the fired pastor of Sixth Mount Zion Missionary Baptist Church of Pittsburgh sued not just the church-employer, but also eleven individual deacons.

The second case hearkens back to America's colonial days, but does not involve a Christian church. Instead, it's a story about the historic Touro Synagogue of Newport, Rhode Island, a pair of priceless silver Torah bell holders made by one of the Revolutionary Era's greatest silversmiths, and a congregation in Manhattan that now claims it's the rightful successor to the original Touro congregation and its famous bell holders.

Pastor vs. Deacons: Who Wins the Conflict?

The Reverend Dr. William David Lee, was hired as pastor of the Sixth Mount Zion Missionary Baptist Church in Pittsburgh, which has been in existence since 1915.

There was a written employment contract. It was, however, a strange and rather illusory document. The "initial term" was from December 2, 2012, and would not expire until December 31, 2032 – a term of over 20 years. But the contract was apparently signed on March 20, 2013 by Dr. Lee and by the Chairman of the Deacon Board, clearly signing as agent for the Church.

The details of how the contract might end were, likewise, odd. This 20-year-term could be terminated with or without cause; additionally, the congregation, by a 2/3 vote, could end the pastor's tenure.

At some point – unclear exactly when just from reading the judge’s ruling – the pastor was let go. It was also unclear why this happened. But some time after that, Dr. Lee filed a lawsuit for wrongful termination, naming the Church along with all of the individual deacons, and asking for over \$2.6 million in damages.

The long and short of this is that Dr. Lee turned an unremarkable employment dispute into a federal case – and it’s unclear exactly why the matter ended up in federal court at all instead of state court where employment cases normally are heard. The judge told the parties to mediate the dispute, but no settlement was reached – although it was clear from the facts and evidence that there were no grounds at all for suing the deacons as individuals.

In May 2016, the federal judge dismissed the claims against all of the individual deacons, including the chairman who clearly – according to the judge and the documents – signed the contract as an agent on behalf of the Church and not in his individual capacity. Dr. Lee came up with a number of arguments, each of which was swatted away rather summarily by the judge.

Since this court ruling dealt only with the Motion for Judgment on the Pleadings by the individual deacons, presumably the wrongful termination case by Dr. Lee against the Church will go forward. But the loopholes in the written employment contract, which contain any number of ways to toss Dr. Lee from his pastorship, are so abundant that the case looks like a sure loser for him. Nevertheless, this has cost everyone involved money, time, and – undoubtedly – hard feelings.

Who Wins the Silver Artifacts Conflict?

After four long years of dispute, “American Jewish history [went] on trial in ... in a courtroom battle that could decide the future of the nation’s oldest synagogue.” Most narrowly, what was at stake in federal court in Rhode Island was a set of “rimonim,” exquisite silver bells that are placed atop the holy Torah scroll. Worth an estimated \$7 million, they were crafted in the colonial era by Myer Myers, a famous silversmith.

Two congregations – Touro Synagogue of Newport, Rhode Island and Shearith Israel in Manhattan – claimed ownership of these extraordinary antiques, which have not only significant artistic worth but strong religious meaning.

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The Touro Synagogue in Newport, built before the Revolutionary War ..., is a landmark ..., but its congregation, Jeshuat Israel, suffers from dwindling membership and resources. Pitted against it in District Court in Providence was the oldest Jewish congregation in the United States, Shearith Israel of New York, which predates the [Touro] synagogue by a century.

A key factor in the case is that the settlers were “primarily Sephardic, descended from Jews who fled the Inquisition in Spain and Portugal; in the 1650s, one group settled in New York, becoming Shearith Israel, and another in Newport.”

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In 1763, the Jews of Newport consecrated what became known as the Touro Synagogue for the community’s leader at the time, Isaac Touro. In 1790, Washington wrote a letter to the Newport congregation in praise of religious freedom, referring to ‘the government of the United States, which gives to bigotry no sanction, to persecution no assistance.’

However, the Jewish community of Newport was dwindling. “Touro fell mostly dormant for generations. Some congregants moved to New York and joined Shearith Israel, taking with them the keys to Touro and its valuables, including the Torahs and rimonim.”

When, later, newer Jewish immigrants came to Newport, the Touro Synagogue reopened in the late 19th century. The Torah, rimonim, and other artifacts were returned to the Touro location, and new congregation Jeshuat Israel was created.

In the lawsuit, “Shearith Israel, with a synagogue on West 70th Street in Manhattan, argued that it was the rightful owner of the Newport synagogue and its contents.” In modern days, however, Shearith Israel is mostly Ashkenazi; that is, its congregants are descended primarily from Eastern European Jews. There are significant differences between Sephardic and Ashkenazic Jews in terms of religious customs, food, and language traditions.

In May 2016, a federal judge ruled decisively in favor of the Rhode Island group, the Touro Synagogue which was consecrated in 1763 in Newport. “The central issue here,” wrote federal Judge John McConnell in a 106-page decision, “is the legacy of some of the earliest Jewish settlers in North America, who desired to make Newport a permanent haven for public Jewish worship.”

The judge decided that the “historical record showed that the people named on Touro’s original property deed were trustees for the community, not owners of the land or the structure. In turn, ... Shearith Israel became the trustee, not the owner. The judge chastised the New York congregation for claiming ownership and removed it as Touro’s trustee, awarding that power to Jeshuat Israel.”

The rimonim were on display in 2015 at the Museum of Fine Arts in Boston; now Jeshuat Israel can sell the ornaments to raise funds to keep the 130-member synagogue operating. Because of limited funds, they had been unable to do necessary maintenance on the old building.

Conclusion

As these two lawsuits demonstrate, religious disputes can be much more colorful and interesting than run-of-the-mill secular controversies.