



FPLG: CIVIL LITIGATION

Charities in the Courtroom, Part 3: Religious Conflicts

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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 few twists. The fired pastor of Sixth Mount Zion Missionary Baptist Church of Pittsburgh sued not only the church-employer, but also eleven individual deacons. He also somehow managed to have the case heard in federal court when – ordinarily – employment-contract disputes are heard in state courts.

The second case hearkens back to America's colonial days, but not to one of the many Christian congregations of that long-ago era. Instead, it's a story relating back to the historic Touro Synagogue of Newport, Rhode Island, and a pair of priceless silver Torah bell holders made by one of the Revolutionary Era's greatest silversmiths. It also concerns a congregation in modern-day Manhattan that claims it's the rightful successor to the original Touro congregation and to 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. The congregation has been in existence since 1915.

While there was a written employment contract, it was a decidedly weak document with unusual provisions that created – at most – an illusory agreement.



The “initial term” was for twenty years – from December 2, 2012 to December 31, 2023. The document was not signed until March 20, 2013 – a few months after the contract purportedly began. Reverend Lee signed it on his own behalf as employee. The Chairman of the Deacon Board signed on behalf of the Church.

Not only was the term of the contract – 20 years – unusually long for an employment agreement, but it could be terminated by the Church with or without cause. Alternatively, the congregation, by a two-thirds 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 for unknown reasons. Subsequently, Reverend Lee filed a lawsuit for wrongful termination seeking over \$2.6 million in damages. He named as defendants not only the Church but also all of the individual deacons.

Another oddity of this lawsuit is that Reverend Lee was somehow able to turn an unremarkable employment dispute into a federal case. Ordinarily, employment cases are heard in state court.

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.

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 litigation cost everyone involved substantial 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.

“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 lawsuit is that the pre-Colonial settlers in the New World 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.”

“In 1763, the Jews of Newport consecrated what became known as the Touro Synagogue [named] 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.’”

The Jewish community of Newport over time became smaller.. “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 – a newer group of 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 contemporary 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.” There is a complicating twist, however. In modern days, 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. He also ruled that Shearith Israel’s subsequent role was also as trustee, not as an owner. Judge McConnell chastised the New York congregation, Shearith Israel, for claiming ownership, and removed it as trustee. He then awarded that role and power to Jesuat Israel of Newport.

He also decided that the valuable rimonim – that had been on display at the Museum of Fine Arts in Boston – could be transferred to Jeshuat Israel to sell to raise funds to keep the 130-member synagogue operating and 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.

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