

October 17, 2011

The Hon. Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

Recently the Coalition Against Religious Discrimination (CARD) wrote to you yet again, demanding that your administration make radical changes to federal law and practice concerning religious hiring by religious organizations that receive federal funds.

We write briefly for the opposite purpose: to thank you for preserving those federal policies and to thank you for defending them with your comments at the University of Maryland town hall on July 22, where you said that the current rules reflect “the right balance.”

We understand that some wish to make the longstanding practice of religious hiring by religious recipients of federal funds needlessly controversial. CARD, yet again in its most recent letter to you (Sept. 19<sup>th</sup>), invidiously terms the practice “federally funded employment discrimination.” Yet this is a religious freedom and a management practice that is protected under federal law even when a religious organization is supported with federal funds.

It is protected in Title VII of the Civil Rights Act of 1964: religious hiring by religious organizations is not illegal discrimination. It is protected under Executive Order 13279, sec. 4, left intact by your EO 13559: religious organizations that consider religion in hiring are eligible to be federal contractors. It is protected by the Religious Freedom Restoration Act of 1993: if a funding program does restrict religious hiring, the religious organization may make a case that the restriction represents a substantial burden on its religious exercise, and the government must lift that burden unless it has a compelling interest to maintain it and there is no less burdensome way to vindicate that interest (detailed in the Justice Department’s Office of Legal Counsel memo of June 29, 2007).

It is a calumny on religious organizations to say that their exercise of this protected freedom represents invidious religious job discrimination. Because of their religious beliefs, these organizations are willing to assist the government to serve the poor and needy of any faith or no faith. In considering religious conviction and conduct when selecting staff they seek only to maintain their religious identity and to constitute a workforce that will wholeheartedly advance the mission of the organization.

Mr. President, the undersigned represent organizations that directly serve the needy. We are not simply a grouping of advocacy organizations. To us the freedom to consider religion in hiring,

notwithstanding federal funds, is not a matter of ideology but rather of religious autonomy and essential management practice. It is critical to maintaining our missions and integrity, and thus an essential freedom if our organizations are to maintain their partnerships with government programs.

We thank you for maintaining current policy and urge you to withstand the criticism of CARD and other advocates.

Sincerely,

Leith Anderson, President, National Association of Evangelicals

Richard Stearns, President, World Vision (US)

Rev. Larry Snyder, President, Catholic Charities USA

Anthony R. Picarello, Jr., General Counsel, U.S. Conference of Catholic Bishops

Rabbi Abba Cohen, Vice President for Federal Affairs, Washington Director and Counsel,  
Agudath Israel of America

Nathan J. Diamant, National Director of Public Policy, Union of Orthodox Jewish Congregations  
of America

Stanley Carlson-Thies, President, Institutional Religious Freedom Alliance

cc Joshua DuBois, Executive Director, Office of Faith-Based and Neighborhood Partnerships  
Eric H. Holder, Jr., Attorney General