Dec. 21, 2011

The President
The White House
Washington, DC 20500

Dear Mr. President:

We write to express our deep concern about the contraceptives mandate in the health insurance regulations, and about the "religious employer" exemption that is so narrow that it does not protect most faith-based organizations.

We write to you specifically as organizations and leaders that are not part of the Catholic community. We write not in opposition to Catholic leaders and organizations; rather, we write in solidarity, but separately—to stress that religious organizations and leaders of other faiths are also deeply troubled by and opposed to the mandate and the narrow exemption.

Most press reports on the controversy concerning the contraceptives mandate portray the opposition as coming only from the Catholic Church and Catholic organizations. But this is wrong. It is emphatically not only Catholics who deeply object to the requirement that health plans they purchase must provide coverage of contraceptives that include some that are abortifacients. It is not only Catholics who object to the narrow exemption that protects only seminaries and a few churches, but not churches with a social outreach and other faith-based organizations that serve the poor and needy broadly providing help that goes beyond worship and prayer.

The faith-based organizations and religious traditions represented by the undersigned leaders do not all share the same convictions about the moral acceptability of the mandated services. But we are all deeply concerned about the narrow exemption, including proposals made to expand it while still leaving unprotected many faith-based organizations. Many of us previously signed a letter, dated August 26, 2011, to Joshua DuBois, head of the White House Office of Faith-Based and Neighborhood Partnerships, asking his help in persuading your administration, if it maintains the contraceptives mandate, to replace the current "inaccurately narrow and practically inadequate definition of 'religious employer'." An organization does not cease to be a religious organization just because it serves the poor and needy in material ways and does not confine its help to prayer and religious teaching.

We reiterate our opposition to the narrow exemption. *We wish to stress that we strongly object to a revised exemption that is only broadened enough to include faith-based organizations that are affiliated with a specific denomination.* We understand that such a compromise has been proposed to your administration. The suggested compromise discriminates against the many religions that organize themselves in ways other than by being centered on a denomination.

For further information: Stanley Carlson-Thies, Institutional Religious Freedom Alliance. stanley@irfalliance.org

Some faith-based organizations have an interdenominational or ecumenical affiliation. Yet others are linked with houses of worship that are not denominational at all. And a significant number of faith-based organizations are not affiliated formally with any house of worship or denomination. Rather, they are, and are considered in Federal law to be, religious organizations because of their religious mission, their faith-shaped internal operations, and their presentation of themselves to the community as religious organizations.[1]

Mr. President, religious organizations beyond the Catholic community have deep moral objections to a requirement that their health insurance plans must cover abortifacients. Religious organizations beyond the Catholic community object to the current narrow exemption which puts them outside the definition of "religious employers." And religious organizations beyond the Catholic community object to any revision of the exemption that would limit it to churches and denominationally affiliated organizations.

We believe that the Federal government is obligated by the First Amendment to accommodate the religious convictions of faith-based organizations of all kinds, Catholic and non-Catholic. We respectfully ask that your administration, should it maintain the current contraceptives mandate, devise an exemption for religious employers that accurately defines such employers and exempts them from being required to offer to their employees (and students, if they are among America's many religious colleges and universities) health services to which they have deep religious objections.

Thank you.

Sincerely,

Leith Anderson, President, National Association of Evangelicals

Wayne L Gordon, President, Christian Community Development Association

John Ashmen, President, Association of Gospel Rescue Missions

Jim Liske, CEO, Prison Fellowship Ministries

Fred L. Potter, Esq., Executive Director and CEO, Christian Legal Society

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[1] See, e.g., *LeBoon* v. *Lancaster Jewish Community Center*, 503 F.3d 217 (3rd Cir. 2007), addressing what is a "religious organization" for purposes of the religious employer exemption in sec. 702(a) of Title VII of the Civil Rights Act of 1964. Mindful of the First Amendment implications, the Court In Leboon sets down a nine-factor test for determining if an organization is religious. *Ibid.* at 226. The non-profit religious association in LeBoon is found by the Court to be a religious organization even though it is not formally linked to synagogues in the same community. *Ibid.* 227.

Colby M. May, Esq., Director & Senior Counsel, Washington Office, American Center for Law & Justice

Dr. Richard Land, President, The Ethics & Religious Liberty Commission, Southern Baptist Convention

Tom Minnery, Senior Vice President, Focus on the Family

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Nathan Diament, Executive Director for Public Policy, Union of Orthodox Jewish Congregations of America

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

Dr. Gary M. Bénedict, President, The Christian and Missionary Alliance

Dr. George O. Wood, General Superintendent, The General Council of the Assemblies of God

Stephanie Summers, Chief Executive Officer, Center for Public Justice

Ron Sider, President, Evangelicals for Social Action

Rev. Samuel Rodriguez, President, National Hispanic Christian Leadership Conference/ Hispanic Evangelical Association

John Holmes, Ed.D., Director of Government Affairs, Association of Christian Schools International

Dr. Keith Wiebe, President, American Association of Christian Schools

Dr. Jo Anne Lyon, Chair, Board of General Superintendents, The Wesleyan Church

Everett Piper, PhD, President, Oklahoma Wesleyan University

Shirley A. Mullen, President, Houghton College

Henry Smith, President, Indiana Wesleyan University

Dr. Todd S. Voss, President, Southern Wesleyan University

Tom Armiger, CEO, World Hope International

Andrew Sears, Executive Director, TechMission

Jay Van Groningen, Executive Director, Communities First Association

Karen Woods, Cornerstone Community Resources

Bruce Miller, CEO, Lawndale Christian Health Center

Rev. Steven E. Boes, President and National Executive Director, Boys Town

Paul R. Corts, President, Council for Christian Colleges & Universities

Robert C. Andringa, Ph.D., President Emeritus, Council for Christian Colleges & Universities

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Dr. Todd J. Williams, President, Philadelphia Biblical University

Charles H. Webb, PhD, President, Spring Arbor University

Dr. Lee G. Royce, President, Mississippi College

Jerry B. Cain, President, Judson University

Rick Mann, PhD, President, Crown College

William L. Armstrong, President, Colorado Christian University

Samuel W. "Dub" Oliver, Ph.D., President, East Texas Baptist University

Dr. John C. Bowling, President, Olivet Nazarene University

Joseph Castleberry, Ed.D., President, Northwest University

Dr. Charles W. Pollard, President, John Brown University

Dr. Barbara Bellefeuille, Provost, Toccoa Falls College

Dr. Roger Parrott, President, Belhaven University

Dr John Jackson, President, William Jessup University

Dan Boone, President, Trevecca Nazarene University

Mike E. O'Neal, President, Oklahoma Christian University

Paul J. Maurer, President, Sterling College

James H Barnes III, President, Bethel University

Bob Brower, President, Point Loma Nazarene University

David W. Olive, President, Bluefield College

Jules Glanzer, President, Tabor College

Dr. Loren E. Swartzendruber, President, Eastern Mennonite University

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Gail Kraft, Executive Director, Love INC of Muskegon

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Stephen V. Monsma, Senior Research Fellow, The Henry Institute, Calvin College

cc Joshua DuBois, Executive Director, White House Office of Faith-Based and Neighborhood Enterprises
Secretary Kathleen Sebelius, Department of Health and Human Services