

Religious leaders urge Congress to keep religious hiring rights intact

WASHINGTON - The general counsel of the U.S. bishops was one of more than 100 leaders from varying religious organizations asking Congress to turn back legislation that would deny religious charities the right to hire only people of the same faith if those charities receive federal grants.

Anthony Picarello added his name to the Aug. 25 letter, sent to each member of the House and Senate, asking lawmakers to reject any legislation that would “dilute the right of faith-based social service organizations to stay faith-based through their hiring.”

The religious leaders say the religious hiring rights can be traced to the Religious Freedom Restoration Act of 1993, the 1964 Civil Rights Act, and even to the First Amendment of the Constitution. A unanimous 1987 Supreme Court decision also upheld the right of religious organizations to hire people of the same faith, ruling that the practice does not violate the constitutional principle of separation of church and state.

“The law has long protected the religious freedom of both the people who receive government-funded services, and the groups that provide the services - long before President (Barack) Obama, and long before President (George W.) Bush,” said an Aug. 25 statement from Picarello that accompanied the release of the letter by World Vision, which also had signatories.

“Stripping away the religious hiring rights of religious service providers violates the principle of religious freedom, and represents bad practice in the delivery of social services,” Picarello said.

The U.S. Conference of Catholic Bishops was the only explicitly Catholic organization to have a leader sign the letter. Most of the other signers came from Christian aid organizations or colleges.

The Aug. 25 letter took note of a Justice Department opinion that said the Religious

Freedom Restoration Act can “sometimes” provide an exemption to a faith-based recipient of federal grant money, permitting it to consider religion when hiring.

The letter acknowledged that the exemption was not a “blanket” exemption, and that grant recipients cannot discriminate against the people who could be served by the grant.

“These groups adhere strictly to the law, forbid the use of public funds to proselytize or for any religious activities, and serve all people in need, regardless of faith,” the letter said.

“We want to continue to serve the poor and victims of injustice – those suffering from famine, the homeless, people trapped in gang-infested communities, chemically dependent citizens, victims of malaria, earthquake victims in Haiti, those widowed and orphaned by AIDS, among many others,” it added.

The bill, the SAMHSA Modernization Act of 2010, was introduced by Rep. Patrick Kennedy, D-R.I.; SAMSHA is an acronym for the Substance Abuse and Mental Health Services Administration. Tucked into the bill is a provision that would eliminate the exemption granted in the Religious Freedom Restoration Act, said Rhett Butler, government liaison for the Association of Gospel Rescue Missions.

“With respect to any activity to be funded – in whole or in part – through an award of a grant, cooperative agreement, or contract under this title or any other statutory authority of the administration, the administrator, or the director of the center involved, as the case may be, may not make such an award unless the applicant agrees to refrain from considering religion or any profession of faith when making any employment decision regarding an individual who is or will be assigned to carry out any portion of the activity,” the bill says.

The bill was referred to the House Energy and Commerce Committee, when it was introduced May 28.

The religious groups’ letter said, “We intend to continue working effectively with government in a constitutionally sound and proven manner, but only if we can stay faith-based in mission, which means remaining faith-based in those we hire. The law

has upheld this balance for nearly half a century.”

The organizations, at the same time, sent a letter to Attorney General Eric Holder outlining the justification for maintaining religious preferences in hiring for faith-based organizations receiving federal grants.

Among the organizations whose officials signed the letters were World Vision, Sojourners, Focus on the Family, the Salvation Army, the Union of Orthodox Jewish Congregations of America, the National Association of Evangelicals, Evangelicals for Social Action, the American Alliance of Christian Schools, the Lutheran Church-Missouri Synod and the Southern Baptist Convention.