

July 15, 2014

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

Dear Mr. President:

We understand you intend to sign an executive order that would bar discrimination by federal contractors on the basis of sexual orientation and gender identity. We write today to urge you to reject calls to weaken the executive order by providing a special exemption for religiously affiliated contractors. Furthermore, we ask that you take this opportunity to rescind Executive Order 13279's amendment of Executive Order 11246, which exempted religious organizations that contract with the government from the prohibition against employment discrimination on the basis of religion.

Many of the undersigned organizations have long supported workplace nondiscrimination protections for LGBT people, including advocating for this executive order. All of our organizations have worked to preserve traditional safeguards that protect civil rights and religious liberty when government partners with religiously affiliated organizations—safeguards we defend for the good of both religion *and* government.

Religious freedom is one of our most cherished values, a fundamental and defining feature of our national character. It guarantees us the freedom to hold any belief we choose and the right to act on our religious beliefs within certain limits. It does not, however, provide organizations the right to discriminate using taxpayer dollars. When a religiously affiliated organization makes the decision to request a taxpayer-funded contract with the federal government, it must play by the same rules as every other federal contractor.

Indeed, taxpayer-funded discrimination, in any guise, is antithetical to basic American values. Polls¹ consistently show that Americans overwhelmingly understand and agree that when tax dollars are in play, discrimination is wrong. If an organization requests and receives government funding, it should not be allowed to discriminate against qualified job applicants based on who they are or what their religious beliefs may be. Yet, exempting religiously affiliated organizations that contract with the federal government from prohibitions on discrimination by federal contractors would do just that.

¹ E.g., *The State of the First Amendment: 2014*, FIRST AMEND. CTR. <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2014/06/State-of-the-First-Amendment-2014-report-06-24-14.pdf> (finding that 54% of respondents agree that the government *should require* religiously affiliated groups that receive government funding to provide healthcare benefits to same-sex partners of employees, even when the religious group opposes marriage for same-sex couples); *PRRI/RNS Religion News Survey: March 7-11, 2012*, PUB. RELIGION RES. INST. <http://publicreligion.org/site/wp-content/uploads/2012/03/PRRI-RNS-March-2012-Topline.pdf> (finding, among other results, that 63% of those surveyed believed that religiously-affiliated social service agencies receiving federal funding should not be able to use religion to refuse adoption services).

Furthermore, an exemption in this context would give a stamp of legitimacy to some types of discrimination that prior executive orders have never given to discrimination based on an individual's race, color, sex, or national origin.

For more than seventy years, both Democratic and Republican presidents have, through executive orders, made an enduring commitment to eradicating taxpayer-funded discrimination in the workplace. In 1941, President Franklin D. Roosevelt ordered federal agencies to condition defense contracts on an agreement not to discriminate based on race, creed, color, or national origin. This was the first action taken by the government to promote equal opportunity in the workplace for all Americans, and the start of our longstanding, national commitment to barring private organizations from discriminating in hiring using federal funds.

In subsequent executive orders, Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson expanded these protections. Indeed, Executive Order 11246, signed by President Lyndon B. Johnson in 1965, prohibits discrimination in virtually all government contracts. Today, this executive order prohibits almost all businesses that contract with the federal government – covering workers that collectively represent approximately one-fifth of the entire labor force – from engaging in discrimination on the basis of race, color, religion, sex, or national origin. These executive orders also paved the way for the enactment of scores of federal and state civil rights statutes that prohibit discrimination, especially by recipients of government funds. Notably, when signed, these orders did not include provisions exempting any government contractors from their non-discrimination mandates, including religiously affiliated contractors.

An existing exemption to Executive Order 11246, created by President George W. Bush in Executive Order 13279, permits religiously affiliated organizations that receive government contracts to discriminate in hiring based on religion. Many of our organizations wrote to you in June 2011 to urge you to rescind this harmful amendment and we reiterate our request that you restore this key civil rights protection.

Time and again, you have demonstrated through both word and action your strong commitment to the principle that all Americans deserve to be treated with basic fairness and equality under the law. Signing an executive order prohibiting workplace discrimination against LGBT Americans by all federal contractors and restoring the prohibition against religious discrimination by all federal contractors will be key parts of your legacy of upholding this principle.

We urge you to act to prohibit *any* discrimination based on sexual orientation, gender identity, or religion with taxpayer funds by *all* federal contractors, including religiously affiliated organizations.

Respectfully,

African American Ministers In Action
American Civil Liberties Union

American Humanist Association
American Jewish Committee (AJC)
Americans for Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Asian Americans Advancing Justice (AAJC)
Association of Reproductive Health Professionals
Baptist Joint Committee for Religious Liberty
Bend the Arc: A Jewish Partnership for Justice
B'nai B'rith International
Catholics for Choice
Center for Inquiry
Central Conference of American Rabbis
CORPUS
Council for Secular Humanism
DignityUSA
Disciples Justice Action Network
Equal Partners in Faith
Family Equality Council
The Fellowship of Affirming Ministries
Friends Committee on National Legislation
Gay & Lesbian Advocates & Defenders
GetEQUAL Action
Global Justice Institute
Hindu American Foundation
Human Rights Campaign
Interfaith Alliance
Lambda Legal
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil and Human Rights
Methodist Federation for Social Action
Metropolitan Community Churches
Muslim Advocates
Muslims for Progressive Values
NAACP
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition of American Nuns
National Council of Jewish Women
National Education Association
National Gay and Lesbian Task Force
National Latina Institute for Reproductive Health (NLIRH)
National Organization for Women
Nehirim
New Ways Ministry
People For the American Way

PFLAG National
Religious Action Center of Reform Judaism
Religious Coalition for Reproductive Choice
Religious Institute
Secular Coalition for America
Sexuality Information and Education Council of the U.S. (SIECUS)
Sikh American Legal Defense and Education Fund (SALDEF)
The Sikh Coalition
Society for Humanistic Judaism
The Solomon Project
South Asian Americans Leading Together (SAALT)
Texas Faith Network
Texas Freedom Network
Transgender Law Center
Union for Reform Judaism
Unitarian Universalist Association
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
UNITED SIKHS
Women of Reform Judaism
Women's Alliance for Theology, Ethics, and Ritual (WATER)