

June 11, 2012

The Honorable Secretary Kathleen Sebelius  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius:

As leaders and supporters of faith-based service organizations, we write to express our grave concern about the two-class concept of religious organizations that has been created by your department and other federal agencies in connection with the contraceptives mandate of the health insurance regulations for preventive services for women.

Our organizations, and we ourselves, do not all share the same view of the moral acceptability of the contraceptive drugs and services that comprise the contraceptives mandate. We have varied views on the adequacy of the “accommodation” that the administration has promised for religious organizations with deep objections to the contraceptives mandate but that are not eligible for the narrow religious employer exemption. Our organizations are involved in different areas of service. We belong to different faiths.

But we are united in opposition to the creation in federal law of two classes of religious organizations: churches—considered sufficiently focused inwardly to merit an exemption and thus full protection from the mandate; and faith-based service organizations—outwardly oriented and given a lesser degree of protection. It is this two-class system that the administration has embedded in federal law via the February 15, 2012, publication of the final rules providing for an exemption from the mandate for a narrowly defined set of “religious employers” and the related administration publications and statements about a different “accommodation” for non-exempt religious organizations.

And yet both worship-oriented and service-oriented religious organizations are authentically and equally religious organizations. To use Christian terms, we owe God wholehearted and pure worship, to be sure, and yet we know also that “pure religion” is “to look after orphans and widows in their distress” (James 1:27). We deny that it is within the jurisdiction of the federal government to define, in place of religious communities, what constitutes true religion and authentic ministry.

This two-class scheme protects those religious organizations focused on activities directed inward to a worship community while offering little religious freedom protection to the many religious organizations that engage in service directed outward. The scheme honors acts of worship while burdening those whose faith leads them to service in our common life. Among its

many troublesome aspects, the scheme moves us further toward an unconstitutional, unhistorical, and unhealthy naked public square.

The administration has said that the narrow definition of “religious employer” is not intended to be a precedent in federal law and that the two-class system is not meant to disparage the mission or motivation of non-exempt religious organizations. Yet these are only intentions, whereas the narrow definition of religious employer and the narrow scope of the exemption have been inserted, despite widespread protest, into actual federal law. We note, as well, that the administration itself has justified the narrow exemption by its use in the insurance rules of several states. The presence of the narrow exemption in federal regulations can only make it more likely to be used in additional federal policies, notwithstanding any current promises.

Secretary Sebelius, we believe that there is one adequate remedy: eliminate the two-class scheme of religious organization in the preventive services regulations. Extend to faith-based service organizations the same exemption that the regulations currently limit to churches. This would bring the preventive services regulations into line with the long-standing, respected, and court-tested provisions of Title VII of the 1964 Civil Rights Act [§§702, 703(e)] which provide a specific employment exemption for every kind of religious organization, whether they be defined as “a religious corporation, association, educational institution, or society.”

Secretary Sebelius, please restore the federal government’s full respect for faith-based educational, social-service, and health organizations as authentic vehicles for religious service.

Sincerely,

Stanley Carlson-Thies, President, Institutional Religious Freedom Alliance

Keith Wiebe, President, American Association of Christian Schools

Maureen Vandenberg, Legislative Director, American Association of Christian Schools

Dr. R. Lamar Vest, President and CEO, American Bible Society

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

Pamela Palumbo, CEO, Annapolis, Bowie, Crofton & Severna Park Pregnancy Clinic

Jeffrey Rivera, Apostle, Anointed Community of Restoration

Sister Mary Sarah, O.P., President, Aquinas College

Sandra C. Gray, President, Asbury University

Ralph E. Enlow, Jr., President, Association for Biblical Higher Education

Michael Galligan-Stierle, President, Association of Catholic Colleges and Universities

Thomas J. Cathey, Chief of Staff and Director for Legal/Legislative Issues, Association of Christian Schools International

Mark Morley, Director of Human Resources, Association of Christian Schools International

Hal G. Cross, Vice President of Business & Finance, Baptist Bible College & Seminary

Dr. Byron Johnson, Distinguished Professor of the Social Sciences and Director, Institute for Studies of Religion, Baylor University

Dr. Roger Parrott, President, Belhaven University

Dr. William K. Thierfelder, President, Belmont Abbey College

William J. Blacquiere, President/CEO, Bethany Christian Services

Marc Andreas, Vice-President, Client Marketing, Bethany Christian Services

Steve Cramer, President, Bethel College

James H Barnes III, President, Bethel University

Kenneth D. Hunn, Executive Director, The Brethren Church

Robert O'Neal, Pastor, Brookwood Community Church

Dr. Stephen D. Livesay, President, Bryan College

John F. Martin, Program & Research Officer, Butterfield Memorial Foundation

Patrick J. Reilly, President, The Cardinal Newman Society

Dr. Marianne Evans Mount, President, Catholic Distance University

Stephanie Summers, CEO, Center for Public Justice

Mike Brown, Administrative Pastor, Central Bible Church

Donna F. Bethell, Chairman of the Board of Directors, Christendom College

Jim Grennell, Executive Director, Christian Hope Association

Peter Rathbun, President, Christian Legal Society

Kimberlee Wood Colby, Senior Counsel, Christian Legal Society

Carl H. Esbeck, Board, Christian Legal Society

Peter Vander Meulen, Coordinator, Office of Social Justice, Christian Reformed Church

David Neff, Editor in chief, Christianity Today

David Wilson, General Secretary, Church of the Nazarene

Phil Whipple, Bishop, Church of the United Brethren in Christ

Dr. George A. Harne, President, The College of Saint Mary Magdalen

William L. Armstrong, President, Colorado Christian University

Raymond B. Marcin, Professor of Law Emeritus, Columbus School of Law, Catholic University of America

Jay Van Groningen, Executive Director, Communities First Association

Catherine Washburn, Corporate Secretary, Community Christian Center

Justin Frank, Pastor, Community Church of East Gloucester

Rev. Clifford Christensen, Conservative Congregational Christian Conference

Karen Woods, co-principal, Cornerstone Community Resources, L3C

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

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

Bernard F. O'Connor, OSFS, President, DeSales University

Dr. Erik Hoekstra, President, Dordt College

David A. Lundberg, Director of Clinical Services, Evangelical Child and Family Agency

Bruce Hill, Bishop, Evangelical Congregational Church

William Hamel, President, Evangelical Free Church of America

Ronald J. Sider, President, Evangelicals for Social Action

Kevin York, Executive Director, Every Nation Churches

Rocky Rocholl, President, Fellowship of Evangelical Churches

Roberta Green Ahmanson, Trustee, Fieldstead and Company

Dave Evans, US President, Food for the Hungry

David Roller, Bishop, Free Methodist Church – USA

David Kendall, Bishop, Free Methodist Church – USA

Matthew Thomas, Bishop, Free Methodist Church – USA

Richard J. Mouw, President, Fuller Theological Seminary

Dr. Kenneth A. Smith, President, Geneva College

David W. Beam, Senior Chaplain, Good News Jail & Prison Ministry

Dr. Ronald E. Manahan, President, Grace College and Seminary

Jeffrey J. Barrows, Founder, Gracehaven

David Meldrum-Green, Director of Organizational Affairs & Treasurer, Great Commission Ministries

Janet Ross, President/CEO, Heart of God International Ministries, Inc.

Kenneth Belch, Senior Pastor, Hilltop Community Church

Paul Lanier, Bishop, Hope Community Church

Debbie Lanier, Pastor, Hope Community Church

Heather Martin, Administrative Assistant, Hope Community Church

Shirley A. Mullen, President, Houghton College

Dr. Clyde Hughest, International Pentecostal Church of Christ

Derry Connolly, PhD, President, John Paul the Great Catholic University

Dr. Gary E. Weedman, President, Johnson University

James Kirland, Pastor, The King's Praise Ministry

Dr. Nicholas V. Kroeze, President, Kuyper College

Duane Bras, Vice President for Business and Finance, Kuyper College

Alissa Holverson, Director of Pharmacy, Lawndale Christian Health Center (Chicago)

Dave Hillis, President, Leadership Foundations

Dr. Dale A. Lunsford, President, LeTourneau University

Mandi Campbell, Legal Director, Liberty Center for Law and Policy

Mathew Staver, Founder and Chairman, Liberty Counsel

Deryl Edwards, President, Liberty Counsel Action

James Ayers, Pastor, Life Church

Brooks Linde, Linebrook Church

Dr. Joe W. Aguillard, President, Louisiana College

Barbara Deemer, Member and Office Secretary, Main Street Baptist Church

Dr. Lee G. Royce, President, Mississippi College

Dr. Dan Struble, President, Montreat College

Sam Theilman, Ph.D., M.D., Trustee, Montreat College

Chip Milner, Trustee, Montreat College

Thomas H. Powell, President, Mount St. Mary's University

Dr. Daniel R. Lockwood, President, Multnomah University

Suzanne Nelson, International Director, Music For Life, home of the African Childrens Choir

Thomas Gregory Bandy, Associate Representative, The Navigators

Leith Anderson, President, National Association of Evangelicals

Galen Carey, Vice President, Government Relations, National Association of Evangelicals

Dr. Donald Struble, Senior Pastor, National Conservative Christian Church

Samuel Rodriguez, President, National Hispanic Christian Leadership Conference

The Rev. Stephen Charles Mott, Ph.D., Retired Clergy, New England Annual Conference,  
United Methodist Church

Jason Polling, Pastor, New Hope Community Church

Robert McClelland, CEO, North American Baptist Conference

Ivan Timm, Pastor, North Central Conference of Free Methodist Church

David Alexander, President, Northwest Nazarene University

Alan Cureton, President, Northwestern College (MN)

Dr. Richard L. Gathro, Dean & Special Assistant to the President, Nyack College, New York &  
Washington, DC

Everett Piper, President, Oklahoma Wesleyan University

Walker Tzeng, Chief Operating Officer, Olivet University

William M. B. Fleming, Jr., President, Palm Beach Atlantic University

Dr. James R. Hart, President, The Robert E. Webber Institute for Worship Studies

Commissioner William A. Roberts, National Commander, The Salvation Army – USA

Michael A. Sommerfeld, Pastor, Sonrise Fellowship of Christian and Missionary Alliance (Enid,  
Oklahoma)

Isidro Salcedo, Pastor, Souls Ministries

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

Dr. Loren Gresham, President, Southern Nazarene University

C. Pat Taylor, President, Southwest Baptist University

D. Gregory Main, President, St. Gregory's University

Gregory Johnson, Reverend/President/Founder, Standing Together

Jules Glanzer, President, Tabor College

Dr. Eugene B. Habecker, President, Taylor University

Andrew Sears, Executive Director, TechMission

Dr. Robert Myers, President, Toccoa Falls College

Carl Nelson, President, Transform Minnesota: The Evangelical Network

Dr. Dan Boone, President, Trevecca Nazarene University

Rodolpho Carrasco, Managing Director, Two Forty Group

Ed Boschman, Executive Director, U.S. Conference of M.B. Churches

David S. Dockery, President, Union University

Rev. Deborah Reyes, B.Th., MM, Ph.D., General Secretary, UBCF Mission to Nicaragua, United Brethren Community Fellowship

Rev. Lois Kaynich, B.Th., MM., Ph.D., Executive Director, UBCF Disaster Relief Outreach Program, United Brethren Community Fellowship

Rev. Phyllis Pottorff-Albrecht, B.Th., MM, Ph.D., Executive Director, UBCF Outreach Program to Families in Crisis, United Brethren Community Fellowship

Dr. Mark Foley, President, University of Mobile

Patricia H. Dorsett, Board of Trustees, University of Mobile

Jo Anne Lyon, General Superintendent, The Wesleyan Church

Dr. Kerry D. Kind, Director of Education and Clergy Development, The Wesleyan Church, World Headquarters

Dr. Philip G. Ryken, President, Wheaton College

Dr. Robert Osburn, Executive Director, Wilberforce Academy

Dr. John Jackson, President, William Jessup University

Ken Schmoyer, Pastor, Winnebago Evangelical Fellowship

Sandra Schmoyer, Pastor' wife, Winnebago Evangelical Congregational Church

Mike Reinders, Member, Winnebago Evangelical Fellowship

Stephan J. Bauman, President/CEO, World Relief



Richard Stearns, President, World Vision, Inc. (US)

Maria Dorsett, Deacon

Vivian Gains

Renee McBrayer, North Muskegon, Michigan

Terry Shiley

Joe Whalen, West Michigan Youth Worker