

June 18, 2014

The Honorable Barack H. Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500



Dear Mr. President,

As President and CEO of the National Religious Broadcasters (NRB), I write regarding your stated intention to issue an Executive Order applying to federal contractors certain employment provisions similar to pending legislation, the *Employment Non-Discrimination Act (ENDA)*. NRB has long warned against the ramifications of this bill on the First Amendment rights of faith-based organizations, and I am concerned similar constitutional challenges may arise for some federal contractors with such an order from the White House.

In June 2012, the Senate Health, Education, Labor, and Pensions (HELP) Committee invited Craig Parshall, NRB Senior Vice President and General Counsel, to testify in its hearing about *ENDA*. In his testimony, Mr. Parshall outlined NRB's religious freedom concerns with this bill:

We oppose [*ENDA*] because... (1) it generally illustrates the kind of unaccommodating approach to religious organizations that was recently rejected by a unanimous decision of the Supreme Court; (2) the insufficient "religious exemption" provisions of this bill would permit a substantial and unconstitutional burden to be placed on religious organizations; and (3) court decisions dealing with "gender identity" type employment discrimination claims indicate that a legal remedy is already available for such claims under existing Title VII law, also subsuming within them numerous "sexual orientation" claims as well.

Unfortunately, even as amended by some well-meaning Senators, the Senate-passed *ENDA* remains convoluted for employers committed to honoring the tenets of their faith in the workplace. Indeed, I am concerned that ambiguity regarding the rights of religious organizations is likely to stir litigation and to compromise one of our nation's First Amendment liberties. Given this concern, we respectfully ask that you reconsider this *ENDA*-like Executive Order.

Thank you for your consideration in this matter and for your leadership of the United States.

Respectfully,


Jerry A. Johnson, Ph.D.
President & CEO

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