

July 14, 2011



The Honorable Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

I am the Senior Vice-President and General Counsel for the National Religious Broadcasters (NRB), a non-profit organization whose mission is to keep the doors of electronic, digital and broadcast communication open for the transmission of the Christian Gospel. As such, we support and defend the work of a wide variety of Christian ministry organizations, including a number of non-profit relief and charity groups that are members of our organization.

I am aware that certain groups have repeatedly called on you and the Department of Justice to review, withdraw, and disavow a 2007 legal memorandum issued by DOJ's Office of Legal Counsel that reasoned that World Vision, Inc., a non-profit Christian relief organization, and other non-profit religious groups similarly situated, could receive federal grant money while also maintaining faith-based hiring and employment practices for their staff. This memo asserted that such a result was not only consistent with, but mandated by the Religious Freedom Restoration Act (RFRA), 42 U.S.C. §§ 2000bb to 2000bb-4 (2000) ("OLC Memo").¹

In my thirty years of trial law practice, and in my present position as General Counsel for NRB, a bulk of my work has related to religious liberty issues. Indeed, in recent years I have testified on a number of occasions before House and the Senate committees on religious freedom issues. In my opinion the reasoning in the OLC Memo is compelled by an accurate reading of existing law. RFRA requires that non-profit religious grantees of federal monies be accommodated with regard to their internal religious policies and employment practices, including their implementation and enforcement of religious standards for hiring employees. Specifically, I would contend that to force compliance by religious groups with those non-discrimination regulations that would deprive them of autonomy in hiring their staff based on religious criteria would "substantially burden" those groups and would not represent "the least restrictive means of furthering a governmental interest," under the terms of RFRA.

¹ See: Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act, June 29, 2007, Memorandum Opinion for the General Counsel, Office of Justice Programs, by John P. Elwood, Deputy Assistant Attorney General.

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It should be noted that the OLC Memo specifically relates only to the narrow issue of the religious policies of faith-based organizations that receive federal “grants.” Some of those groups that have counseled you to abandon the OLC Memo have erroneously contended that it somehow created a “blanket exemption” from all statutory non-discrimination legal provisions for all religious groups, including those bidding for “contracts” with the government. Clearly it did not.

I respectfully urge you to affirm this 2007 OLC Memo in its entirety. At issue here is nothing less than the fundamental principal that a religious organization should never be forced by government to abandon its most basic faith-based tenets in order to participate in American civic life.

Yours truly,

A handwritten signature in black ink, appearing to read "Craig L. Parshall". The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

Craig L. Parshall
Senior Vice-President & General Counsel