

February 5, 2015

The United States House of Representatives
Washington, D.C. 20515

Dear Representative,

We, the undersigned, represent national and local religious institutions and organizations and pro-life advocacy organizations, all of which have offices in the District of Columbia, that serve and speak on behalf of millions of people across the United States.

Most of us do not engage in the city's legislative affairs, but we must do so now with one voice against two recently enacted laws that are unprecedented assaults upon our organizations. Both laws violate the freedom of religion, freedom of speech, and freedom of association protected by the First Amendment and other federal law.

The Reproductive Health Non-Discrimination Amendment Act of 2014 prevents religious institutions, other faith-based employers, and pro-life advocacy organizations from making employment decisions consistent with their sincerely held religious beliefs or their moral and ethical views about the sanctity of human life. For example, the law requires our organizations to hire or retain individuals whose speech or public conduct contradicts the organizations' missions, and could be read to require our organizations to subsidize elective abortions through their employee health plans. The law plainly violates the First Amendment, the federal Religious Freedom Restoration Act of 1993 (RFRA), and possibly other federal laws and clearly contradicts the Supreme Court's recent, unanimous ruling in *Hosanna-Tabor Evangelical Church and School v. EEOC*.¹ The law would also infringe the right of expressive association for both religious and non-religious pro-life nonprofit organizations. New emergency and temporary legislation proposed by the Council of the District of Columbia may address constitutional deficiencies with regard to insurance coverage if the measures are enacted, but the measures fail to resolve the "serious concerns under the Constitution and under the Religious Freedom Restoration Act" that the outgoing Mayor and D.C. Office of the Attorney General have acknowledged.² Defending this law would be a waste of federal and local taxpayer funds.

The Human Rights Amendment Act of 2014 requires religiously affiliated educational institutions to endorse, sponsor, and provide school resources to persons or groups that oppose the institutions' religious teachings regarding human sexuality. In doing so, the law violates the First Amendment and RFRA on similar grounds.³

¹ See *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. ____ (2012) (government may not interfere in religious organizations' employment decisions regarding employees in ministerial positions); see also, e.g., *Boy Scouts of America et al v. Dale*, 530 U.S. 661 (2000) (right of expressive association permits private organizations to limit membership in a manner designed to uphold the organizations' beliefs).

² Letter from Mayor Vincent C. Gray to the D.C. Council, dated December 17, 2014; see also Letter from Mayor Vincent C. Gray to the D.C. Council, dated December 2, 2014.

³ See, e.g., *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995) (government mandate to include gay and lesbian individuals in private parade violated organization's right of free speech);

Justices Alito and Kagan wrote in their concurrence in *Hosanna-Tabor* that “it is easy to forget that the autonomy of religious groups... has often served as a shield against oppressive civil laws.” While we will continue to serve the city and the nation, we cannot surrender the constitutional freedoms that the Framers of the U.S. Constitution rightly reserved to all of us.

Therefore we respectfully request that you disapprove both the Reproductive Health Non-Discrimination Amendment Act of 2014 and Human Rights Amendment Act of 2014 during the congressional review period. Please take this opportunity to stand for religious freedom and freedom of conscience.

We thank you for your help in this important and urgent matter.

Sincerely,

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