

The Coalition Against Religious Discrimination

December 7, 2011

Eugene Schneeberg
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20002

Dear Mr. Schneeberg:

The Coalition Against Religious Discrimination (CARD), comprised of dozens of religious, civil rights, labor, secular, and women’s organizations, writes to seek information about how the Obama Administration determines whether religious organizations may discriminate when hiring for government-funded positions. Administration officials have repeatedly stated that the Administration makes this determination on a “case-by-case” basis, yet it has never explained the standard it applies or the process it uses for the analysis.

In 2008, then-candidate Barack Obama promised to restore anti-discrimination protections and end policies put in place by the George W. Bush Administration that permit the federal government to subsidize employment discrimination on the basis of religion.¹ Instead of reversing the Bush-era policies, however, various Administration officials have stated that hiring discrimination is now being reviewed on a “case-by-case” basis.² For example, Joshua Dubois, the head of the White House Office of Faith-based and Neighborhood Partnerships, explained that the President has decided that “[a]s issues arise out in agencies . . . we will consider them. We will work with the White House Counsel and with the Department of Justice, the Attorney General, to fully explore that individual case and make a recommendation to the President. At the end of the day, he will determine what he thinks the best path forward is.”³ Mr. Dubois

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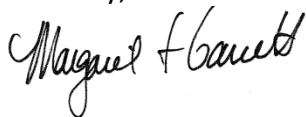
defended this process as one the Administration believes is “the best approach . . . to fully understand this issue.”⁴

More than two years since first announced, however, we know little about these case-by-case reviews. Thus, we seek transparency and information regarding the mechanism the Administration uses in these reviews.

- (1) What is the process for how your agency begins the “case-by-case” review of an organization that seeks to discriminate on the basis of religion with federal funds? Is there a process for a person who suspects federally funded religious discrimination is taking place to report a potential violation? To whom would they report? How are individuals informed of this process? Is there an appeal process? How are grants or contracts to these organizations handled during the review process?
- (2) What offices and components of your agency are involved in the “case-by-case” analysis and what are their roles in the review?
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We look forward to receiving answers to our questions and learning more about the case-by-case review process. We would be pleased to meet with you to discuss this issue further.

Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Director
Office of Faith-based and Neighborhood Partnerships
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, DC 20525

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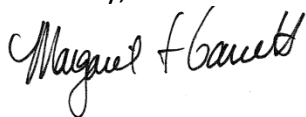
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Maggie Garrett
Chair of CARD
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⁴ DuBois Pew Remarks.

The Coalition Against Religious Discrimination

December 7, 2011

Cedric Grant
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Grant:

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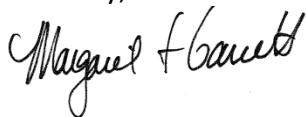
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Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Rev. Brenda Girton-Mitchell
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Rev. Girton-Mitchell:

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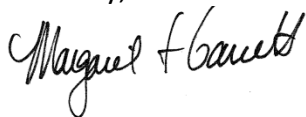
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Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

David L. Myers
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Homeland Security
500 C Street, SW, Suite 716
Washington, DC 20472

Dear Mr. Myers:

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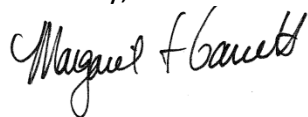
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The Coalition Against Religious Discrimination

December 7, 2011

Rev. Phil Tom
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Rev. Tom:

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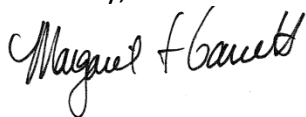
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The Coalition Against Religious Discrimination

December 7, 2011

Director
Faith-based and Neighborhood Partnership Initiative
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Director:

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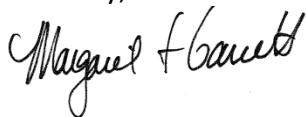
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We look forward to receiving answers to our questions and learning more about the case-by-case review process. We would be pleased to meet with you to discuss this issue further.

Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

⁴ DuBois Pew Remarks.

The Coalition Against Religious Discrimination

December 7, 2011

Mara Vanderslice
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Ms. Vanderslice:

The Coalition Against Religious Discrimination (CARD), comprised of dozens of religious, civil rights, labor, secular, and women’s organizations, writes to seek information about how the Obama Administration determines whether religious organizations may discriminate when hiring for government-funded positions. Administration officials have repeatedly stated that the Administration makes this determination on a “case-by-case” basis, yet it has never explained the standard it applies or the process it uses for the analysis.

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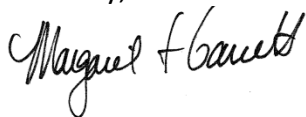
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Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Paula Lincoln
Acting Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 10184
Washington, DC 20410

Dear Ms. Lincoln:

The Coalition Against Religious Discrimination (CARD), comprised of dozens of religious, civil rights, labor, secular, and women’s organizations, writes to seek information about how the Obama Administration determines whether religious organizations may discriminate when hiring for government-funded positions. Administration officials have repeatedly stated that the Administration makes this determination on a “case-by-case” basis, yet it has never explained the standard it applies or the process it uses for the analysis.

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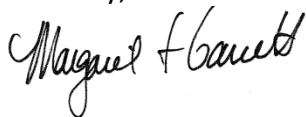
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Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Gerard C. Flavin
Assistant Administrator
Office of Faith-based and Neighborhood Partnerships
U.S. Small Business Administration
409 3rd Street, SW, Suite 7000
Washington, DC 20024

Dear Mr. Flavin:

The Coalition Against Religious Discrimination (CARD), comprised of dozens of religious, civil rights, labor, secular, and women’s organizations, writes to seek information about how the Obama Administration determines whether religious organizations may discriminate when hiring for government-funded positions. Administration officials have repeatedly stated that the Administration makes this determination on a “case-by-case” basis, yet it has never explained the standard it applies or the process it uses for the analysis.

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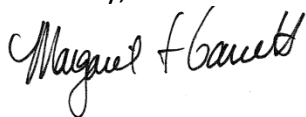
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Sincerely,



Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Zeenat Rahman
Director
Office of Faith-based and Community Initiatives
U.S. Agency for International Development (USAID)
1300 Pennsylvania Avenue, NW, Room 6.07-021
Washington, DC 20523

Dear Ms. Rahman:

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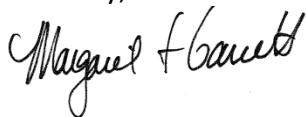
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Maggie Garrett
Chair of CARD
garrett@au.org

The Coalition Against Religious Discrimination

December 7, 2011

Max Finberg
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Agriculture
1400 Independence Avenue, SW
Office of the Secretary, Room 544a
Washington, DC 20250

Dear Mr. Finberg:

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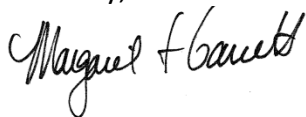
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The Coalition Against Religious Discrimination

December 7, 2011

Rev. E. Terri LaVelle
Director
Office of Faith-based and Neighborhood Partnerships
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW, Room 1140
Washington, DC 20420

Dear Rev. LaVelle:

The Coalition Against Religious Discrimination (CARD), comprised of dozens of religious, civil rights, labor, secular, and women's organizations, writes to seek information about how the Obama Administration determines whether religious organizations may discriminate when hiring for government-funded positions. Administration officials have repeatedly stated that the Administration makes this determination on a "case-by-case" basis, yet it has never explained the standard it applies or the process it uses for the analysis.

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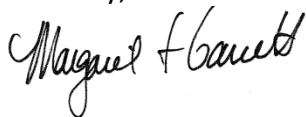
defended this process as one the Administration believes is “the best approach . . . to fully understand this issue.”⁴

More than two years since first announced, however, we know little about these case-by-case reviews. Thus, we seek transparency and information regarding the mechanism the Administration uses in these reviews.

- (1) What is the process for how your agency begins the “case-by-case” review of an organization that seeks to discriminate on the basis of religion with federal funds? Is there a process for a person who suspects federally funded religious discrimination is taking place to report a potential violation? To whom would they report? How are individuals informed of this process? Is there an appeal process? How are grants or contracts to these organizations handled during the review process?
- (2) What offices and components of your agency are involved in the “case-by-case” analysis and what are their roles in the review?
- (3) Utilizing a “case-by-case” analysis requires that the Administration have a set standard that applies to each case. What principles and criteria does your agency apply when developing a case for the White House Counsel, Department of Justice, and President to review?
- (4) If there have, in fact, been cases forwarded from your agency for review under this mechanism, (a) how many have there been; (b) what were the facts of those cases; and (c) what was the decision reached in each case? Have there been any cases reported to or reviewed by your agency that were not forwarded on under this mechanism?

We look forward to receiving answers to our questions and learning more about the case-by-case review process. We would be pleased to meet with you to discuss this issue further.

Sincerely,



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