



ADVANCING FAITH, FAMILY AND FREEDOM

June 27, 2014

The Honorable Barack H. Obama
President of the United States of America
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Family Research Council (FRC) and the hundreds of thousands of families we represent, I write to express my serious concerns with any plans to issue an Executive Order applying employment provisions similar to the Employment Non-Discrimination Act (ENDA) to federal contractors and subcontractors.

Such an Executive Order would privilege the self-disclosure of behaviors and characteristics related to an individual's actual or perceived sexual orientation or gender identity at the expense of employers' and employees' constitutional freedoms of religion, speech, and association. An Executive Order requiring federal contractors to provide special consideration to an employee's sexuality would create new burdens on employers' hiring and firing practices and expose employers to a broad range of adverse legal actions.

As proponents of a potential Executive Order frequently state, most large employers contracting with the federal government already have policies in place discouraging what ENDA purports to prohibit. The fact is free-market competition incentivizes merit based hiring. Employers, such as non-profit or faith informed entities or businesses, should be free to decide how they address these matters, and they generally do so based on legitimate religious or morally motivated reasons within their missions and rights as citizens.

Unfortunately, an ENDA-like Executive Order would remove the ability of faith based organizations or faith informed business owners to operate their entities according to their moral or religious convictions. An ENDA-like Executive Order holds broad potential to silence or intimidate employers who disagree on moral or religious grounds to certain sexual behaviors simply because of the threat of costly litigation arising under such a policy. No acceptable religious exemption can be formulated that would be conceivably broad enough to protect all vulnerable business owners and organizations burdened by the nature of such an Executive Order.

Because of these concerns, I urge you to refrain from issuing an Executive Order implementing the principles of ENDA for federal contractors and subcontractors.

Respectfully,

Tony Perkins
President, Family Research Council

CC: Rev. Phil Tom
Director of the Center for Faith-Based and Neighborhood Partnerships
U.S. Department of Labor