

Justice Department OKs Christian-only hiring by World Vision: Nondiscrimination would "substantially burden" religious practice

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The U.S. Justice Department recently disclosed a 2007 ruling by its Office of Legal Counsel that permitted the relief agency World Vision to keep a \$1.5 million grant despite its policy of hiring only Christians.

World Vision successfully sought an exemption from a statute that requires grant recipients to refrain from hiring discrimination on the basis of religion. The grant was for a program aimed at reducing youth involvement in gangs.

World Vision's Web site notes under its employment qualifications that U.S. applicants will be "screened for Christian commitment."

In the government opinion issued June 29, 2007, Deputy Assistant Attorney General John P. Elwood wrote: "We determine that it is reasonable to conclude that requiring World Vision to comply with the nondiscrimination provision as a condition of receiving the grant would 'substantially burden' its religious exercise."

Justice Department spokesperson Erik Ablin said the delay between the signing of the opinion and its October 14 publication online followed an "ordinary course" of review. "The department stands strongly behind the opinion, which is narrowly drawn and carefully reasoned," he said.

Robert Tuttle, a law professor at George Washington University Law School, said the opinion is an "unusual and broad" reading of the concept of "substantial burden" in the Religious Freedom Restoration Act.

He said the ruling comes after unsuccessful attempts by the Bush administration and congressional Republicans to remove provisions in some statutes that restrict religious employers' hiring practices.

"It certainly would open the door for a group to get a grant, then claim that they are entitled . . . to prefer people of their own faith," he said of the opinion, which could be overridden by a legal decision made in the next administration.

The decision was criticized by the Washington watchdog group Americans United for Separation of Church and State.

"Nobody expects a Baptist church to hire a Buddhist as its pastor," wrote Joseph Conn, communications director for Americans United, on the organization's blog. "But it is not OK for the United States government to fund public-service jobs and then force applicants to submit to an inquisition to see if they're eligible."

In a statement, Richard E. Stearns, president of World Vision, U.S., said, "A faith-based organization can retain its identity through its hiring freedoms and still receive government funding." He said World Vision has a policy against proselytizing and does not discriminate in its delivery of services. *-Religion News Service*