

Preferential hiring? Religious agencies; government funds: Religious agencies; government funds

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Iraqi immigrant Saad Mohammad Ali worked for six months as a volunteer with World Relief, helping the nonprofit Christian-based agency resettle Iraqi refugees in the Seattle area. Apparently he was good at his work, for his superiors at World Relief encouraged him to apply for a job as a caseworker. But then, according to the *Seattle Times*, the agency called to say it could not hire him after all because he is not a Christian.

Is that a clear case of religious discrimination? Or is World Relief entitled as a Christian organization to hire employees based on religious beliefs?

Before you answer that question, consider this part of the story: over 65 percent of World Relief's budget comes from federal funds.

That fact should clinch the question. World Relief is perfectly free as a religious organization to hire only Christians. But if it receives government money, it should abide by U.S. laws against discrimination in hiring. Taxpayer money—including Mohammad Ali's tax money—is supporting World Relief. The government has chosen to give WR funds not because WR is a Christian organization (that would be a clear violation of the First Amendment) but because it provides a social service. It is discriminatory for Mohammad Ali to be denied on religious grounds a job that the government funds and his own tax money helps support.

Unfortunately, the rules on hiring practices are murky since George W. Bush in 2007 declared that religious organizations that receive federal funds can hire on the basis of faith. Barack Obama promised to reverse that directive, but he has not made good on the promise, and his Office of Faith-Based and Neighborhood Partnerships

has carefully sidestepped the issue.

Overturing Bush's directive need not mean overturning the tradition of government partnerships with religious-based nonprofits like Catholic Charities or Lutheran Social Services. Those agencies have long operated out of a sense of religious mission, and they pick their top leaders and board members on the basis of commitment to that mission. But in running their everyday operations that rely on government funds—in hiring social workers or translators, for example—those agencies abide by government rules against discrimination. That basis for partnership both protects religious freedom and respects religious identity—and helps religious organizations be clear about why they are getting government dollars.

For over a decade the question of discrimination in hiring has vexed debates over the faith-based initiative, which aims to encourage religious organizations to be partners with the government. Ultimately it may take a court challenge and a Supreme Court case to clarify the terms of the partnership. Saad Mohammad Ali's case would be a good one to start with.